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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns

Addendum

**Observations on communications transmitted to Governments and
replies received***

* The present document is being circulated in the languages of submission only.

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I. Introduction

1. The present report contains observations by the Special Rapporteur on extrajudicial, summary or arbitrary executions on communications sent between 16 March 2011 and 15 March 2012 and responses received from States between 1 May 2011 and 30 April 2012. During the period under review, the Special Rapporteur sent a total of 113 communications to 52 States. This includes 64 urgent appeals and 49 allegation letters. The main issues covered in the communications were attacks or killings (44), the death penalty (21), excessive use of force (19), death threats (14), deaths in custody (5), impunity (5), armed conflict (3), and expulsion (2).

2. The Special Rapporteur received 40 responses to communications sent within the reporting period. He thanks all Governments who have replied to his communications for their cooperation. 73 of the communications are yet to be responded to. In this period, the Special Rapporteur also received five replies to previous communications, *i.e.* sent prior to the reporting period. This amounts approximately to a 35,5 % response rate which represents a significant decrease compared to the 53 % response rate observed for the previous reporting period 2010-2011 (see A/HRC/17/28/Add.1, para. 2).

3. The Special Rapporteur is seriously concerned about the limited number of, and the decrease in, responses received from Governments to communications sent during the reporting period. In its resolution 17/5, the Human Rights Council urged States “[t]o cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to supply all necessary information requested by him or her and to react appropriately and expeditiously to his or her urgent appeals, and those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to do so without further delay;”. Therefore, the Special Rapporteur reiterates his appeal to all Governments to respond to communications in a timely manner so as to assist and cooperate with his mandate efficiently in accordance with Human Rights Council Resolution 17/5.

II. Classification of communications and replies

4. For ease of reference, this report summarizes the correspondence regarding each communication. Communications have been grouped by country, with countries listed alphabetically according to their names in English. Each communication is referenced as urgent appeal (UA), allegation letter (AL), joint urgent appeal (JUA) and joint allegation letter (JAL). This is followed by the date the communication was issued, as well as the case number and the State reply. The electronic version of the present document has both of these items hyperlinked, and clicking on them will open the communication sent and the reply from the concerned State, respectively, as uploaded on the OHCHR website. Finally, in bold, is a summary of the allegations contained in the communication in the language of submission. All communications are available in the Special Procedures communication reports.

A. Violations alleged

5. In the table on communications and replies contained in section III, the violations are classified into the following categories:

(a) Non-respect of international standards on safeguards and restrictions relating to the imposition of capital punishment (“Death penalty safeguards”);

(b) Death threats and fear of imminent extrajudicial executions by State officials, paramilitary groups, or groups cooperating with or tolerated by the Government, as well as unidentified persons who may be linked to the categories mentioned above, when the Government is failing to take appropriate protection measures (“Death threats”);

(c) Deaths in custody owing to torture, neglect, or the use of force, or fear of death in custody due to life-threatening conditions of detention (“Deaths in custody”);

(d) Deaths due to the use of force by law enforcement officials or persons acting in direct or indirect compliance with the State, when the use of force is inconsistent with the criteria of absolute necessity and proportionality (“Excessive force”);

(e) Deaths due to attacks or killings by security forces of the State, or by paramilitary groups, death squads, or other private forces cooperating with or tolerated by the State (“Attacks or killings”);

(f) Violations of the right to life during armed conflict, especially of the civilian population and other non-combatants, contrary to international humanitarian law (“Violations of right to life in armed conflict”);

(g) Expulsion, *refoulement*, or return of persons to a country or a place where their lives are in danger (“Expulsion”);

(h) Impunity, compensation and the rights of victims (“Impunity”).

The short versions contained in parentheses are used in the tabulation of communications.

B. Character of replies received

6. The replies received have been classified according to the following six categories designed to assist the Human Rights Council in its task of evaluating the responses received to the communications sent within the reporting period and the effectiveness of the mandate:

(a) “No response” denotes the absence of a response to a communication sent within the reporting period;

(b) “Recent communication” denotes the absence of a response to a communication sent within the past 60 days;

(c) “Procedural response” refers to a reply acknowledging receipt that the communication was received and/or that it has been transmitted to the relevant State authorities;

(d) “Addresses some substantial issues” characterizes a reply that provided information on certain substantial issues raised in the communication;

(e) “Substantive response” denotes a reply that is responsive to the allegations and that substantially clarifies the facts. It does not, however, imply that the action taken necessarily complies with international human rights law.

(f) “Translation awaited” indicates that a response has been received, but has not yet been translated by the relevant services of the United Nations.

C. Observations of the Special Rapporteur

7. In order to underscore the importance of the dialogue between the Special Rapporteur and States, this report contains brief comments by the Special Rapporteur on

the extent to which he considers each reply to have responded adequately to the concerns arising under the mandate. An indication is also provided in instances in which additional information is required to respond effectively to the information received.

III. Tabulation of communications and replies

<i>Country / other</i>	<i>Type of communication*</i>	<i>Date</i>	<i>Subject(s) concerned</i>	<i>Character of Reply</i>	<i>Violation(s) alleged</i>
Afghanistan	JAL	18.03.11	Group of individuals	No response	Killings
Albania	JAL	28.10.11	Group of individuals	Response dated 22.12.11	Killings
Algeria	JAL	28.04.12	1 male	Responses dated 25.05.11 and 21.06.11	Killing
Azerbaijan	JAL	09.12.11	1 male (journalist)	No response	Killing
Bahrain	JUA	18.03.11	Group of individuals	Response dated 20.04.11	Excessive use of force
	JUA	04.05.11	Group of individuals	Response dated 08.06.11	Death penalty safeguards
Belarus	JUA	09.12.11	2 males	Response dated 29.12.11	Death penalty safeguards
Bolivia (Plurinational State of)	AL	19.08.11	1 male	No response	Killing
Brazil	JUA	23.03.11	1 male (human rights defender) and his family	No response	Killing and death threats
	JAL	06.07.11	4 individuals, including 3 males and 1 female (human rights defenders)	No response	Killings
	JUA	11.07.11	1 female (judge)	No response	Death threats
	JUA	19.08.11	1 female (judge)	No response	Killing
Burundi	JAL	04.08.11	1 male (human rights defender)	Response dated 07.10.11	Killing

* Type of Communication: UA: Urgent Appeal; JUA: Joint Urgent Appeal; AL: Letter of Allegation; JAL: Joint Letter of Allegation.

<i>Country / other</i>	<i>Type of communication *</i>	<i>Date</i>	<i>Subject(s) concerned</i>	<i>Character of Reply</i>	<i>Violation(s) alleged</i>
Cameroon	JUA	05.08.11	Group of individuals (human rights defenders, including 1 male and 1 female)	No response	Killing
China	JAL	28.04.11	3 males	Response dated 13.06.11	Deaths in custody
	UA	16.09.11	1 male	No response	Death penalty safeguards
	JUA	25.11.11	1 male	No response	Death penalty safeguards
	JUA	10.02.12	67 individuals (7 killed, 60 injured)	Response dated 12.04.12	Excessive use of force
	JUA	24.02.12	31 individuals	Response dated 29.03.12	Expulsion
Colombia	JUA	05.04.11	1 male (human rights defender)	No response	Killing
Ecuador	JAL	30.11.11	Group of individuals (human rights defenders, including 1 male)	No response	Killing
Egypt	JUA	11.10.11	Group of individuals	Response dated 19.10.11	Excessive use of force
El Salvador	JAL	19.07.11	1 male (human rights defender)	No response	Killing
Guatemala	UA	31.05.11	27 individuals	Response dated 18.08.11	Killings
	JUA	14.06.11	1 male (deputy prosecutor)	Response dated 12.12.11	Killing
	JAL	22.06.11	2 males (human rights defenders)	No response	Killing
	JAL	19.08.11	1 male	No response	Impunity
	JAL	05.10.11	1 male (human rights defender)	No response	Killing
	JAL	31.01.12	1 male (human rights defender)	Response dated 23.04.12	Killing
	JUA	23.02.12	1 male (human rights defender)	Response 11.04.12	Attack and death threats

<i>Country / other</i>	<i>Type of communication *</i>	<i>Date</i>	<i>Subject(s) concerned</i>	<i>Character of Reply</i>	<i>Violation(s) alleged</i>
Honduras	JAL	19.05.11	1 male (journalist and human rights defender)	No response	Killing
	JUA	09.06.11	8 individuals (7 juveniles and 1 male prosecutor)	No response	Excessive use of force
	JUA	25.10.11	3 males (human rights defenders)	No response	Killing and death threats
	JUA	24.02.12	2 females (human rights defenders and journalist)	No response	Death threats
India	JUA	04.04.11	2 males (human rights defenders)	Responses dated 21.05.11 and 27.07.11	Killing and death threats
	JUA	10.06.11	2 males	No response	Death penalty safeguards
	JAL	02.09.11	3 males	Response dated 16.09.11	Deaths in custody
	JUA	09.09.11	Group of individuals (4 female human rights defenders)	Response dated 21.09.11	Attacks and killings
	JAL	15.02.12	1 male (human rights defender)	No response	Killing
Indonesia	JAL	19.01.12	Group of individuals	No response	Attacks and killings
Iran (Islamic Republic of)	UA	26.05.11	2 males (Kurdish minority)	No response	Death penalty safeguards
	JUA	26.07.11	1 male	No response	Death penalty safeguards
	JUA	20.09.11	3 individuals	No response	Death penalty safeguards
	JUA	15.11.11	2 males	No response	Death penalty safeguards
	JUA	16.02.12	1 male	No response	Death penalty safeguards
	JAL	28.02.12	2 males	No response	Deaths in custody
	JUA	29.02.12	2 males	No response	Death penalty safeguards

<i>Country / other</i>	<i>Type of communication *</i>	<i>Date</i>	<i>Subject(s) concerned</i>	<i>Character of Reply</i>	<i>Violation(s) alleged</i>
Iraq	JUA	15.04.11	Group of individuals	No response	Excessive use of force
	JUA	09.05.11	Group of individuals	No response	Excessive use of force
	JUA	17.11.11	Group of individuals (including 11 males)	No response	Death penalty safeguards
Israel	AL	28.06.11	Group of individuals	Response dated 04.08.11	Attacks or killings (widespread violence in the country)
Kazakhstan	JUA	13.01.12	Group of individuals	No response	Excessive use of force
Kyrgyzstan	JUA	16.03.11	Group of individuals	Response dated 31.05.11	Killings
Libyan Arab Jamahiriya	JUA	31.03.11	14 males (journalists)	No response	Attacks
	AL	29.11.11	Group of individuals (including 2 males)	No response	Violations of right to life in armed conflict
Madagascar	UA	15.07.11	Group of individuals (6)	No response	Attacks and killings
	JAL	26.12.11	Group of individuals (including 2 males: 1 deputy prosecutor and 1 journalist)	No response	Excessive use of force
Malaysia	JAL	02.03.12	1 male (journalist)	No response	Expulsion
Malawi	JUA	05.08.11	Group of individuals (human rights defenders and journalists)	Response dated 09.08.11	Excessive use of force
	JUA	11.10.11	Group of individuals	Response dated 17.10.11	Attacks
	AL	19.10.11	1 male	Response dated 25.10.11	Killing
Mauritania	UA	30.06.11	4 males (below 18 at the time of the commission of the offence)	No response	Death penalty

<i>Country / other</i>	<i>Type of communication *</i>	<i>Date</i>	<i>Subject(s) concerned</i>	<i>Character of Reply</i>	<i>Violation(s) alleged</i>
Mexico	JAL	25.05.11	1 male (human rights defender)	No response	Killing (unidentified perpetrator)
	JUA	18.07.11	2 females and 2 males	No response	Killings and death threats
	JAL	19.08.11	Group of individuals (4 males including 3 journalists)	No response	Killings
	JUA	08.12.11	Group of individuals (including 2 males, 1 female and 1 minor)	No response	Killing and death threats
	JUA	06.01.12	3 males, 1 female	Response dated 22.02.12	Attacks and killings
	JAL	13.01.12	Group of individuals	No response	Excessive use of force
	JUA	20.02.12	1 female (human rights defender)	No response	Attack
Mozambique	AL	18.07.11	4 individuals, including at least 1 male	No response	Excessive use of force
Namibia	UA	25.08.11	1 male	No response	Death threats
Nepal	JUA	30.08.11	1 male (journalist and human rights lawyer)	No response	Death threats
Nigeria	JAL	09.08.11	Group of individuals	No response	Excessive use of force
	JAL	09.03.12	Group of individuals	No response	Killings
Oman	JUA	28.04.11	Group of individuals	Response dated 06.06.11	Excessive use of force
Other (Kosovo/UNMIK)	JAL	19.10.11	Group of individuals	No response	Killings

<i>Country / other</i>	<i>Type of communication *</i>	<i>Date</i>	<i>Subject(s) concerned</i>	<i>Character of Reply</i>	<i>Violation(s) alleged</i>
Pakistan	JUA	24.03.11	Group of individuals	Response dated 28.03.11	Attacks and killings
	JUA	24.05.11	2 males (including 1 human rights defender)	No response	Impunity
	JAL	05.07.11	1 male (journalist)	Responses dated 06.07.11 and 11.07.11	Killing
	UA	16.09.11	1 male	Responses dated 18.09.11 and 22.09.11	Death penalty safeguards
	JAL	30.12.11	1 male (human rights defender)	No response	Killing
	JAL	02.03.12	Group of individuals (Shia religious minority)	No response	Attacks or killings
Papua New Guinea	AL	05.07.11	Group of individuals (5 males and 2 females)	No response	Killings
	JAL	05.10.11	1 male (human rights defender)	No response	Impunity
Philippines	JAL	20.04.11	1 male (human rights defender)	No response	Killing
	JAL	24.10.11	1 male (human rights defender)	Response dated 15.12.11	Killing
	JUA	10.11.11	Group of individuals (2 males including 1 human rights defender, and 2 minors)	No response	Killings and attack
Russian Federation	JAL	25.03.11	1 male	Response dated 20.05.11	Deaths in custody
	JAL	24.08.11	1 female (human rights defender)	Response dated 17.12.11	Impunity

<i>Country / other</i>	<i>Type of communication *</i>	<i>Date</i>	<i>Subject(s) concerned</i>	<i>Character of Reply</i>	<i>Violation(s) alleged</i>
Saudi Arabia	JAL	26.12.11	1 female	No response	Death penalty safeguards
	JUA	09.02.12	1 male	No response	Death penalty safeguards
	JUA	15.02.12	3 males	No response	Death penalty safeguards
	JUA	21.02.12	1 male (blogger)	No response	Death penalty safeguards
Singapore	UA	06.09.11	1 male	Response dated 03.01.12	Death penalty safeguards
Sri Lanka	UA	26.04.11	Group of individuals	Responses dated 29.04.11, 03.05.11; 10.05.11 and 11.05.11	Violations of right to life in armed conflict
	JUA	23.08.11	Group of individuals (including 1 male human rights defender)	No response	Killing and death threats
	AL	01.12.11	4 males	Response dated 07.12.11	Impunity
	JUA	01.03.12	Group of individuals	No response	Excessive use of force
Syrian Arab Republic	JUA	30.03.11	Group of individuals	Response dated 06.07.11	Excessive use of force
	JUA	17.06.11	Group of individuals	No response	Excessive use of force
	JUA	04.08.11	Group of individuals (including human rights defenders and 4 children)	No response	Excessive use of force
	UA	15.03.12	Group of individuals	Response dated 05.04.12	Attacks or killings (widespread violence in the country)
Turkey	JAL	22.02.12	35 individuals, including 17 children	Response dated 20.04.12	Violations of right to life in armed conflict
Uganda	JUA	09.05.11	Group of individuals	Responses dated 11.05.11 and 17.05.11	Excessive use of force

<i>Country / other</i>	<i>Type of communication *</i>	<i>Date</i>	<i>Subject(s) concerned</i>	<i>Character of Reply</i>	<i>Violation(s) alleged</i>
United States of America	JAL	18.03.11	Group of individuals	No response	Killings
	JAL	12.05.11	1 male	Response dated 24.06.11	Killing
	UA	27.06.11	1 male	Response dated 21.07.11	Death penalty safeguards
	UA	05.08.11	1 male	No response	Death penalty safeguards
	JAL	02.11.11	Group of individuals (3 males, including 1 minor)	No response	Killings
Uzbekistan	JAL	30.08.11	1 male	Response dated 15.11.11	Death in custody
Venezuela (Bolivarian Republic of)	JUA	20.07.11	Group of individuals	No response	Excessive use of force
Yemen	JAL	04.11.11	Group of individuals (3 males, including 1 minor)	No response	Killings
Zimbabwe	AL	15.04.11	Group of individuals	No response	Killings

IV. Tabulation of communications requesting stay of executions

8. In its resolution 17/5, the Human Rights Council requested the Special Rapporteur in carrying out his mandate “[t]o continue to monitor 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;”. In this respect, the Special Rapporteur has included the following table on the status of individuals who were the subject of concern with regard to the application of the death penalty in the present report. He urges all concerned States to provide updated information on the status of the subjects of these urgent appeals

<i>Responses To Urgent Appeals Sent Requesting Stay of Execution (16 March 2011 - 15 March 2012) and replies received (1 May 2011 - 30 April 2012)</i>					
<i>Country</i>	<i>Date appeal sent</i>	<i>Date response received</i>	<i>Name of individual</i>	<i>Charge and violation alleged</i>	<i>Status as far as could be established</i>
Bahrain	4.5.11	Response received 8.6.11	Mr. Ali Abdullah Hassan al-Sankis	Murder during protest – death penalty safeguards not observed	Death sentence quashed by Court of Cassation 9.1.12, matter referred to Civilian Court of Appeal
			Mr. Qassim Hassan Matar	Murder during protest – death penalty safeguards not observed	Commutated to life imprisonment (Government reply)
			Mr. Saeed Abduljalil Saeed	Murder during protest – death penalty safeguards not observed	Commutated to life imprisonment (Government reply)
			Mr. Abdulaziz Abdulridha Ibrahim Hussain	Murder during protest – death penalty safeguards not observed	Death sentence quashed by Court of Cassation 9.1.12, matter referred to Civilian Court of Appeal
Belarus	9.12.11	Responses received 2.1.12 and 29.12.11	Mr. Dzmitry Kanavalau	Participation in bomb attacks – death penalty safeguards not observed	Executed between 14-16 March 2012
			Mr. Uladzslau Kavalyou	Participation in bomb attacks – death penalty safeguards not observed	Executed between 14-16 March 2012
China	16.9.11	Response received 26.9.11	Mr. Syed Zahid Hussain Shah (also sent to Pakistan)	Drug trafficking – death penalty safeguards not observed and not most serious offence	Executed 21.9.2011
	25.11.11	No response to date	Mr. Chiou Ho-shun	Drug trafficking – death penalty safeguards not observed and not most serious offence	At risk of execution

<i>Responses To Urgent Appeals Sent Requesting Stay of Execution (16 March 2011 - 15 March 2012) and replies received (1 May 2011 - 30 April 2012)</i>					
<i>Country</i>	<i>Date appeal sent</i>	<i>Date response received</i>	<i>Name of individual</i>	<i>Charge and violation alleged</i>	<i>Status as far as could be established</i>
India	10.6.11	No response to date	Mr. Devender Pal Singh	Terrorist activities – death penalty safeguards not observed	At risk of execution
			Mr. Mahendra Nath Das	Murder – death penalty safeguards not observed	At risk of execution
Iran (Islamic Republic of)	26.5.11	No response to date	Mr. Habibola Latifi	Mohareb – death penalty safeguards not observed	At risk of execution
			Mr. Sherko Moarefi	Mohareb – Death penalty safeguards not observed	At risk of execution
	26.7.11	No response to date	Mr. Yousef Nadarkhani	Apostasy – death penalty safeguards not observed and not most serious offence	At risk of execution
	20.9.11	No response to date	Mr. Alizera Molla-Soltani	Spreading corruption on earth and mohareb – death penalty for minor	Executed 21.9.11
	15.11.11 and 29.2.12	No response to date	Mr. Zaniar (or Zanyar) Moradi	Spreading corruption on earth and mohareb – death penalty safeguards not observed	At risk of execution
			Mr. Loghman (or Loqman) Moradi	Corruption on earth and mohareb – death penalty safeguards not observed	At risk of execution
	16.2.12	No response to date	Mr. Saeed Malekpour	Insulting the sanctity of Islam – death penalty safeguards not observed and not most serious offence	At risk of execution
			Mr. Ahmadreza Hashempour	Spreading corruption on earth and mohareb – death penalty safeguards not observed and not most serious offence	At risk of execution

<i>Responses To Urgent Appeals Sent Requesting Stay of Execution (16 March 2011 - 15 March 2012) and replies received (1 May 2011 - 30 April 2012)</i>					
<i>Country</i>	<i>Date appeal sent</i>	<i>Date response received</i>	<i>Name of individual</i>	<i>Charge and violation alleged</i>	<i>Status as far as could be established</i>
			Mr. Vahid Ashghari	Spreading corruption on earth and mohareb – death penalty safeguards not observed and not most serious offence	At risk of execution
			Mr. Mehdi Alizadeh Fakhrrabad	Spreading corruption on earth and mohareb – death penalty safeguards not observed and not most serious offence	At risk of execution
Iraq	17.11.11	No response to date	53 individuals including: Mr. Mohamed Fraj Fraj Allah Mr. Adel Omar Mohamed Ali Mr. Nasser Mubarak Mojib	Charges unclear – Death penalty safeguards not observed	34 individuals (names unknown)executed 19 January 2012 including 2 women the others may remain at risk of execution

<i>Responses To Urgent Appeals Sent Requesting Stay of Execution (16 March 2011 - 15 March 2012) and replies received (1 May 2011 - 30 April 2012)</i>					
<i>Country</i>	<i>Date appeal sent</i>	<i>Date response received</i>	<i>Name of individual</i>	<i>Charge and violation alleged</i>	<i>Status as far as could be established</i>
			15 individuals including: Mr. Ibrahim Najm ‘Abboud Mr. Firas Hassan Fleih al-Juburi Mr. Fadhel Ibrahim al-Juburi Mr. Haydar Mut’eb ‘Abdel-Qader Mr. Hikmat Fadhel Ibrahim Mr. Sayyid Hamadi Ahmed Mr. Sofian Jassem Mohammad	Murder – Death penalty safeguards not observed	
Mauritania	30.6.11	No response to date	Mr. Mohamed Yahya Ould Salem	Murder – death penalty of minor	At risk of execution
			Mr. Seydina Aly Ould Ahmed	Murder – death penalty of minor	At risk of execution
			Mr. Abedine Zeine Ould Ould Ahmed	Murder – death penalty of minor	At risk of execution
Saudi Arabia	09.2.12	No response to date	Mr. Mohamed Fahd Al Wajaan Al Shamari	Drug related offence – death penalty safeguards not observed	At risk of execution
	15.2.12	No response to date	Mr. Qassem bin Rida bin Salman al-Mahdi	Drug related offence – death penalty safeguards not observed	At risk of execution
			Mr. Khaled bin Muhammad bin Issa al-Qudaihi	Drug related offence – death penalty safeguards not observed	At risk of execution

<i>Responses To Urgent Appeals Sent Requesting Stay of Execution (16 March 2011 - 15 March 2012) and replies received (1 May 2011 - 30 April 2012)</i>					
<i>Country</i>	<i>Date appeal sent</i>	<i>Date response received</i>	<i>Name of individual</i>	<i>Charge and violation alleged</i>	<i>Status as far as could be established</i>
			Mr. Ali Hassan Issa al-Buri	Drug related offence – death penalty safeguards not observed	At risk of execution
	21.2.12	No response to date	Mr. Hamza Kashgari (also sent to Malaysia)	Apostasy – not most serious offence	At risk of execution
Singapore	06.9.11	Response received 03.1.12	Mr. Roslan Bin Bakar	Drug related offence – death penalty safeguards not observed	At risk of execution
United States of America	27.6.11	Response received 20.7.11	Mr. Humberto Leal Garcia	Murder – death penalty safeguards not observed	Executed 7.6.11 (Government reply)
	05.8.11	No response to date	Mr. Manuel Valle	Murder – death penalty safeguards not observed	Executed 28.9.11

V. Summary of cases transmitted and replies received to communication sent within the reporting period

Afghanistan

JAL 18/03/2011 Case No. AFG 2/2011 **Follow-up to a communication dated 17 July 2009**, which requested information on reports of a shooting incident on 29 June 2009 involving armed Afghan Special Guards (see A/HRC/14/24/Add.1, page 13 and A/HRC/15/25/Add.1, paras. 5 and 6).

9. The Special Rapporteur regrets that the Government of Afghanistan has as of yet not provided a response and looks forward to receiving a response in this respect.

Character of reply: no response

Albania

JAL 28/10/2011 Case No. ALB 1/2011 State reply: 22/12/2011 **Alleged trafficking of Kosovo Albanians and Serbs for the purpose of removal of organs and sexual exploitation.**

Character of reply: addresses some substantial issues

10. The Special Rapporteur thanks the Government of Albania for its timely response to this communication. He welcomes the information provided regarding previous investigations carried out by non-State authorities on this matter. The Special Rapporteur further welcomes the Government's willingness to seriously and professionally investigate these allegations, including its vote in favor of the Parliamentary Assembly of Council of Europe Resolution 1782 (2011) as well as the subsequent commitment to cooperate with the Special Investigative Task Force of the European Union Rule of Law Mission in Kosovo (EULEX) in carrying out its investigation into the abovementioned allegations. The Government of Albania invited the Special Rapporteur to submit proof of the allegations in the communication dated 28 October 2011. In this regard, the Special Rapporteur wishes to recall that the confidentiality of sources is protected in accordance with article 8(b) of the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council. The Special Rapporteur encourages the Government of Albania to continue its cooperation with EULEX as recommended in the report on his predecessor's mission to Albania carried out from 15 to 23 February 2010 (A/HRC/17/28/Add.3, para. 75) and would be grateful to receive information on the outcome of investigations.

Algeria

JAL 28/04/11 Cas No. DZA 1/2011 Réponse: 21/06/11 **Allégation de meurtre d'un militant politique.**

Caractère de la réponse: informations reçues sur des questions substantielles

11. Le Rapporteur Spécial remercie le Gouvernement pour les informations transmises en réponse à chacune des questions soulevées dans sa communication. Dans sa réponse, le Gouvernement confirme le meurtre de M. Ahmed Kerroumi à Oran et fournit des éléments d'information concernant les circonstances de sa mort. Le Rapporteur Spécial note que l'auteur présumé du crime a été identifié à la suite d'une enquête menée par la police

judiciaire et a été inculpé d'homicide volontaire avec préméditation et vol. Le Gouvernement indique également qu'au stade actuel de la procédure, aucun élément ne permet d'établir un lien entre le décès de M. Kerroumi et ses activités professionnelles, son engagement politique ou associatif. En réponse à la dernière question soulevée dans la communication, il est en outre précisé que la famille de la victime s'est constituée partie civile auprès du juge d'instruction en charge de l'affaire. Le Rapporteur Spécial salue les mesures prises par les autorités compétentes du Gouvernement afin d'enquêter sur les allégations et invite le Gouvernement à lui transmettre ultérieurement des informations supplémentaires, s'il s'avère qu'à l'issue de l'enquête et des procédures judiciaires, le meurtre de M. Kerroumi fut lié à ses activités de militant politique, et/ou à l'exercice de son droit à la liberté d'opinion et d'expression.

Azerbaijan

JAL 09/12/2011 Case No. AZE 4/2011 **Alleged killing of a journalist.**

Character of reply: no response

12. The Special Rapporteur regrets that the Government of Azerbaijan has as of yet not provided a response and looks forward to receiving a response in this respect.

Bahrain

(a) JUA 18/03/2011 Case No. BHR 3/2011 State reply: 20/04/2011 **Alleged excessive use of force by security forces against protestors.**

Character of reply: addresses some substantial issues

13. The Special Rapporteur thanks the Government of Bahrain for its response to this communication. In its reply, the Government indicated that the Ministry of the Interior denied that the incidents described in the urgent appeal took place, and that contrary to the summary of facts, demonstrators were the ones using knives to attack security personnel, citizens and foreign residents. Likewise, the Government denied the allegations that security forces attacked paramedics and ambulances, but claims that protestors were the authors of such attacks. Yet, the Government indicated that allegations into the deaths and injuries of protestors were being conducted. The Special Rapporteur appreciates the information that investigations are being carried out. In its response, the Government further provided information on the legislation governing the use of force by public security forces, including in the context of demonstrations. However, the Government failed to clarify whether the instructions given to security forces in this regard were in compliance with international standards on the use of force. The Special Rapporteur regrets that the Government did not address the issue of the unknown whereabouts of individuals mentioned in the communication and urges the Government to provide information in this regard. He calls on the Government of Bahrain to undertake a prompt, impartial and effective investigation into the alleged deaths and attacks on protestors and medical personnel, leading to prosecution and punishment of the perpetrators, and to provide redress to the victims and their families, as stated in the observations report of by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in his observations report (A/HRC/19/61, para. 15).

(b) JUA 04/05/2011 Case No. BHR 7/2011 State reply: 08/06/2011 **Alleged imposition of the death penalty for violation of due process safeguards.**

Character of reply: addresses some substantial issues

14. The Special Rapporteur would like to thank the Government of Bahrain for its response. In its reply, the Government provided information on the circumstances according to which the alleged crimes were committed, on the status of judicial proceedings, applicable domestic legislation and on the establishment of the National Safety Court. With regard to the court proceedings the Government indicated that the Kingdom of Bahrain was under a state of national safety according to the Royal Decree No. 18 of 2011 and as provided under its Constitution, and that article 4 of the International Covenant on Civil and Political Rights permitted States to take appropriate measures in this context. While the Special Rapporteur notes that the state of national safety has been lifted since then, he underlines that Governments shall ensure that fair trial safeguards are strictly observed at all times in particular in death penalty cases, and refers in this regard to article 6(2), article 14(1) of the International Covenant on Civil and Political Rights as well as the Human Committee General Comment No. 32 (CCPR/C/GC/32, para. 6).

15. The Special Rapporteur regrets that the Government of Bahrain did not respond to the accuracy of the allegations in respect of the violation of fair trial safeguards. Although the Government indicated that the rules of the National Safety Court require hearings to be held in public, it did not address whether this in fact occurred and if not, what the reasons were. Furthermore, the Government indicated that the death sentences imposed on Ali Abdullah al-Sankis and Abdullaziz Abdulridha Ibrahim were confirmed by the Court of Appeal on 18 May 2011, and that the death sentences of the two other defendants sentenced to death in the first instance, namely Qassim Matar and Saeed Abduljalil Saeed, were commuted to life imprisonment. The Special Rapporteur welcomes that the death penalty was not retained by the Courts of Appeal in respect of the cases of the two aforementioned individuals, given the allegations received indicating that due process safeguards were violated. According to unconfirmed reports, the Court of Cassation cancelled the death penalty of Mssrs. Ali Abdullah Hassan al-Sankis and Adbulaziz Abdulridha Ibrahim Hussain. As stated in section IV of the present report, the Special Rapporteur urges the Government to confirm such information and provide updated information on the status of the individuals sentenced to death.

Belarus

JUA 09/12/2011 Case No. BLR 11/2011 State reply: 29/12/2011 **Alleged imminent execution following a trial that did not comply with international fair trial safeguards.**

Character of reply: addresses some substantial issues

16. The Special Rapporteur would like to thank the Government of Belarus for its response. The Special Rapporteur regrets that the Government has not provided full clarity in respect of its claim that the allegations of coerced confessions were groundless and that the evidence used was sufficient to find the persons guilty. While the Special Rapporteur welcomes the statistics provided by the Government on the number of persons sentenced to death since 2008, he notes that the Government did not provide further details on the individuals who were the subjects of the communication, notably on the offences they were found guilty of and the remedies they sought. The Special Rapporteur regrets that the execution of Mssrs. Dzmitry Kanavalau and Uladzslau Kavalyou was carried out between 14 and 16 March 2012 according to an unofficial source. The Special Rapporteur calls on the Government to confirm such information.

Bolivia (Plurinational State of)

AL 19/08/11 Case No. BOL 2/2011 **Muerte presuntamente causada por disparos durante un operativo policial.**

Carácter de la respuesta: sin respuesta

17. El Relator Especial lamenta la falta de respuesta del Gobierno del Estado Plurinacional de Bolivia su, y alienta al Gobierno a responder a su carta.

Brazil

(a) JUA 23/03/2011 Case No. BRA 1/2011 **Alleged killing of human rights defender and death threats against his family.**

Character of reply: no response

(b) JAL 06/07/2011 Case No. BRA 3/2011 **Alleged killing of human rights defenders.**

Character of reply: no response

(c) JUA 11/07/2011 Case No. BRA 4/2011 **Alleged death threats against a judge.**

Character of reply: no response

(d) JUA 19/08/2011 Case No. BRA 6/2011 **Alleged killing of a judge.**

Character of reply: no response

General observations:

18. The Special Rapporteur is concerned about the number of situations involving killings of, and threats against, human rights defenders and judges as well as the lack of response from the Brazilian Government. He urges the Government to take all necessary measures to ensure that a prompt, impartial thorough investigation is carried out to shed light on the circumstances on each killing, to identify the perpetrators and bring them to justice. He would appreciate receiving replies to the communications sent during the reporting period.

Burundi

JAL 04/08/11 Cas No. BDI 1/2011 Réponse: 07/10/11 **Allégations d'assassinat d'un défenseur des droits de l'homme, d'insuffisances de la procédure judiciaire dans le cadre de cet assassinat et de menaces contre les membres de la société civile qui ont dénoncé cet assassinat.**

Caractère de la réponse: informations reçues sur des questions substantielles

19. Le Rapporteur Spécial remercie le Gouvernement de sa réponse sur les mesures supplémentaires prises afin d'identifier les auteurs de l'assassinat de M. Ernest Manirumva et de les traduire en justice. Le Rapporteur Spécial note également la création d'une commission d'enquête sur des cas d'exécutions extrajudiciaires, sommaires, ou arbitraires. Il regrette toutefois de ne pas avoir reçu d'éléments de réponse de la part du Gouvernement au sujet des allégations de menaces à l'encontre des membres de la société civile au Burundi qui auraient dénoncé l'assassinat de M. Manirumva et les insuffisances alléguées de la procédure judiciaire tel que requis dans sa deuxième question. Il serait reconnaissant au Gouvernement de lui transmettre une réponse à cette question, ainsi que sur les éventuelles mesures prises pour assurer la protection des représentants de la société civile. .

Cameroon

JUA 05/08/11 Cas No. CMR 1/2011 **Allégations d'assassinat, intimidation et harcèlement de défenseurs de droits de l'homme.**

Caractère de la réponse: pas de réponse

20. Le Rapporteur Spécial regrette l'absence de réponse à la communication envoyée au cours de la période couverte par le présent rapport et invite le Gouvernement à répondre au plus vite aux allégations exprimées.

China

(a) JAL 28/04/2011 Case No. CHN 10/2011 State reply: 13/06/2011 **Alleged torture and deaths in custody of three Falun Gong practitioners.**

Character of reply: addresses some substantive issues

21. The Special Rapporteur would like to thank the Government of the People's Republic of China for its response. However, he regrets that the Government did not provide information on whether investigations were conducted to refute the presumption that the subjects of the appeal died in custody due to their ill-treatment. With reference to the comments made by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/HRC/19/61, para. 40), the Special Rapporteur would respectfully request that the Government provide information in this regard. Furthermore, the Special Rapporteur underlines the importance of carrying out impartial and thorough investigations into the allegations. Finally, should the investigations corroborate the accuracy of the allegations, the Special Rapporteur calls on the Government to ensure that the victims' families obtain compensation and redress.

(b) UA 16/09/2011 Case No. CHN 19/2011 **Alleged imminent execution for drug trafficking.**

Character of reply: no response

(c) JUA 25/11/2011 Case No. CHN 23/2011 **Alleged imminent execution, torture and ill-treatment.**

Character of reply: no response

(d) JUA 10/02/2012 Case No. CHN 2/2012 State reply: 12/04/2012 **Alleged excessive use of force against protestors.**

Character of reply: translation awaited

(e) JUA 24/02/2012 Case No. CHN 3/2012 State Reply: 29/03/2012 **Allegations of forced imminent repatriation of a group of citizens to the Democratic People's Republic of Korea.**

Character of reply: translation awaited

General observations:

22. The Special Rapporteur would like to thank the Government of the People's Republic of China for the responses to communications sent during the reporting period. He looks forward to reading the translation of the responses dated 12 April 2012 and 29 March 2011. Nevertheless, the Special Rapporteur regrets that the Government has to date not provided a response to the communications dated 16 September 2011 and 25 November 2011 and encourages the Government to provide a response. The Special Rapporteur calls

on the Government to carry out a prompt, impartial, and thorough investigation into the alleged violations, to ensure that those responsible are brought to justice and punished, and to provide the results of any investigation and inquiries in this regard. Should the investigations suggest the allegations mentioned in the communication to be correct, the Special Rapporteur requests the Government to undertake effective measures to prevent the recurrence of these acts. He further urges the Government to ensure that death penalty safeguards are fully respected in all capital punishment cases.

Colombia

JUA 05/04/11 Case No. COL 2/2011 **Supuesto asesinato de defensor de derechos humanos.**

Carácter de la respuesta: sin respuesta

23. El Relator Especial lamenta que el Gobierno no haya respondido a la comunicación enviada durante el periodo del presente informe. Sin embargo, el Relator Especial está muy preocupado por el asesinato de defensores de derechos humanos en Colombia, y se refiere al respecto a su informe sobre los progresos realizados por Colombia en la aplicación de recomendaciones formuladas por el anterior Relator Especial tras la visita que efectuó al país del 8 al 18 de junio de 2009 (A/HRC/14/24/Add.2). En particular, quisiera llamar la atención del Gobierno a los párrafos 52, 55, 62 de dicho informe (A/HRC/20/22/Add.2), así como sobre la recomendación reiterada en el párrafo 103 del informe, según la cual “El Gobierno debería velar por que se realicen con carácter prioritario investigaciones penales completas e imparciales de los homicidios de defensores de los derechos humanos, incluidos los sindicalistas y los integrantes de grupos minoritarios, así como de las amenazas de muerte en su contra.”

Ecuador

JAL 30/11/11 Case No. ECU 3/2011 **Supuesto asesinato de defensor de derechos humanos.**

Carácter de la respuesta: sin respuesta

24. El Relator Especial lamenta que el Gobierno no haya respondido a la comunicación enviada durante el periodo del presente informe. Respecto al asesinato de defensores de derechos humanos en Ecuador y amenazas recibidas en su contra. El Relator Especial se refiere a los párrafos 48, 50, 60-64 del informe del anterior Relator Especial, sobre su misión a Ecuador llevada a cabo del 5 al 15 de julio de 2010. Asimismo, el Relator Especial reitera la recomendación emitida en dicho informe, según la cual, el Gobierno de Ecuador “[d]ebería examinarse la posibilidad de crear un programa especializado o directrices para proteger a los defensores de los derechos humanos” (A/HRC/17/28/Add.2, para. 98).

Egypt

JUA 11/10/2011 Case No. EGY 9/2011 State reply: 19/10/2011 **Alleged excessive use of force against the Coptic Christian community.**

Character of reply: addresses some substantial issues

25. The Special Rapporteur thanks the Government of Egypt for its response. The Special Rapporteur is pleased to be informed that a fact-finding commission has been established that will conduct investigations into the violence, including ascertaining the

identity of those responsible for inciting the violence as well as recommending measures to ensure the non-recurrence of such events and that *in situ* inspections and autopsies are being conducted. The response to the communication further indicated that the investigation led by the military judicial authority was to take place over a few days and included the conduct of its personnel and that 28 people had been arrested in this regard. While this step is commended, the Special Rapporteur is concerned by the fact that the military judicial authority is investigating its own personnel and may not be sufficiently impartial. The Special Rapporteur regrets that the Government of Egypt did not address steps that were taken to ensure compliance with the principles of proportionality and necessity when quelling the disturbances. The Special Rapporteur further calls on the Government to ensure that any use of force by its security forces strictly complies with the principle of proportionality and necessity as set forth in principles 4 and 5 of the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

El Salvador

JAL 19/07/11 Case No. SLV 3/2011 **Supuesto asesinato de defensor de derechos humanos.**

Carácter de la respuesta: sin respuesta

26. El Relator Especial lamenta que el Gobierno no haya respondido a la comunicación enviada durante el periodo del presente informe, y estaría muy agradecido de recibir una respuesta a su comunicación.

Guatemala

a) UA 31/05/11 Case No. GTM 5/2011 Respuesta: 18.08.11 **Supuesta masacre de trabajadores agrícolas.**

Carácter de la respuesta: respuesta sustantiva

27. El Relator Especial agradece al Gobierno de Guatemala la respuesta detallada proporcionada a la comunicación con fecha 31 de mayo de 2011. El Relator Especial toma nota de las medidas adoptadas para la identificación de las personas fallecidas, así como del desarrollo de las investigaciones llevadas a cabo por parte de las autoridades competentes para identificar los perpetradores de la masacre. El Relator Especial nota también que el Ministerio Público se encontraba, a la fecha de la carta, en la fase preparatoria del proceso penal en primera instancia. Respecto a las derechos de los víctimas y/o de su familia, el Relator Especial agradece las informaciones según las cuales varias medidas de apoyo a las víctimas sobrevivientes han sido adoptadas, en particular la posibilidad ofrecida a las víctimas de someterse al Programa de Protección al Testigo, la protección las 24 horas brindada por la Policía Nacional Civil a una de las víctimas sobrevivientes, así como la donación de cajas mortuorias. Asimismo, el Relator Especial se refiere a la página 12 de las respuestas del Gobierno y recuerda a la familia de las víctimas fallecidas que se puede presentar peticiones al pago de prestaciones post mortem de conformidad con el decreto legislativo 23-79.

b) JUA 14/06/11 Case No. GTM 6/2011 Respuesta: 12/12/11 **Supuesto secuestro y asesinato de un fiscal auxiliar.**

Carácter de la respuesta: respuesta sustantiva

28. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada. En su respuesta, el Gobierno proporciona informaciones sobre las

investigaciones llevadas a cabo, la legislación aplicable a la protección de operadores de justicia, y sobre medidas de protección brindadas para garantizar su seguridad. El Relator Especial nota que dos personas han sido llevadas a proceso por los delitos de asociaciones ilícitas y conspiración para el asesinato del Sr. Vidaurre. Sin embargo, el Relator Especial lamenta que ningún individuo haya sido acusado y llevado ante la justicia por el asesinato en sí. Al respecto, el Relator Especial subraya la importancia de llevar ante la justicia todos los individuos responsables de ejecuciones extrajudiciales, sumarias o arbitrarias de acuerdo con el principio 18 de los Principios relativos a una eficaz prevención e investigación de las ejecuciones extralegales, arbitrarias o sumarias.

c) JAL 22/06/11 Case No. GTM 7/2011 **Presuntos asesinatos.**

Carácter de la respuesta: sin respuesta

d) JAL 19/08/11 Case No. GTM 12/2011 **Presunta participación de un general en actos de tortura cometidos durante el conflicto armado interno.**

Carácter de la respuesta: sin respuesta

e) JAL 05/10/11 Case No. GTM 15/2011 **Presunto asesinato de sindicalista.**

Carácter de la respuesta: sin respuesta

f) JAL 31/01/12 Case No. GTM 1/2012 Respuesta: 23/04/2012 **Presunto asesinato de defensor de derechos humanos.**

Carácter de la respuesta: informaciones recibidas sobre cuestiones sustantivas

29. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada. En su respuesta, el Gobierno proporciona informaciones sobre las circunstancias del asesinato del Sr. Cabrecha Tuch. Sin embargo, el Gobierno no ha proporcionado informaciones detalladas sobre las investigaciones y medidas adoptadas para identificar los perpetradores del asesinato y llevarlos ante la justicia. El Relator Especial estaría muy agradecido de recibir una respuesta detallada y actualizada sobre el resultado de la investigación y la identificación de las personas responsables del asesinato.

g) JUA 23/02/12 Case No. GTM 2/2012 Respuesta: 03/04/2012 **Presunto asesinato de defensor de derechos humanos.**

Carácter de la respuesta: sustantiva

30. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada. En su respuesta, el Gobierno confirma que tras el ataque, el señor Marlón Ac presentó una denuncia ante el Ministerio Público y la Policía Nacional Civil del municipio de Santa Catalina La Tinta, departamento de Alta Verapaz. El Relator Especial nota de la averiguación iniciada para la investigación, y agrade al Gobierno las medidas de seguridad y de asistencia que se han adoptado para garantizar el auxilio necesario al Señor Marlón Ac.

Observaciones generales:

31. El Relator Especial agradece las respuestas a cuatro de las siete comunicaciones enviadas durante el periodo del informe. Al mismo tiempo, el Relator Especial lamenta que al finalizar este informe, no había recibido respuesta a las tres otras comunicaciones. En este sentido, el Relator alienta al Gobierno a responder a sus cartas de manera oportuna. Por último, el Relator Especial comparte la preocupación, expresada por la Relatora Especial sobre la situación de defensores de derechos humanos, sobre el contexto de creciente violencia contra defensores y por el gran número de asesinatos (A/HRC/19/55/Add.2, paras. 149-150). A este respecto, insta al Gobierno a adoptar medidas eficaces para luchar contra la impunidad por los asesinatos de individuos en cualquier territorio bajo su

jurisdicción, y en particular de defensores de derechos humanos. Para tal fin, el Gobierno debería llevar a cabo una investigación exhaustiva, inmediata e imparcial en todos los casos en que haya sospecha de ejecuciones extrajudiciales, así como llevar ante la justicia cualquier persona responsable de los presuntos asesinatos.

Honduras

a) JAL 19/05/11 Case No. HND 5/2011 **Supuesto asesinato de defensor de derechos humanos y periodista.**

Carácter de la respuesta: sin respuesta

b) JUA 09/06/11 Case No. HND 5/2011 **Fallecimiento de siete jóvenes en el contexto de hechos ocurridos alrededor de un operativo policial y el presunto asesinato de un Fiscal.**

Carácter de la respuesta: sin respuesta

c) JUA 25/10/11 Case No. HND 9/2011 **Presunto asesinato, atentado contra la vida, detención arbitraria y amenaza de muerte.**

Carácter de la respuesta: sin respuesta

d) JUA HND 1/2012 Case No. HND 1/2012 **Presuntas amenazas de muerte contra defensora de derechos humanos y periodista.**

Carácter de la respuesta: sin respuesta

Observaciones generales:

32. El Relator Especial lamenta que el Gobierno no haya respondido a las comunicaciones enviadas durante el periodo del presente informe, y alienta al Gobierno a responder a sus comunicaciones. Sin embargo, el Relator Especial agradece la invitación abierta del Gobierno de Honduras a los procedimientos especiales. Respecto a los ataques en contra defensores de derechos humanos, el Relator Especial quisiera instar al Gobierno de Honduras a que adopte medidas eficaces para proteger a los defensores de derechos humanos, periodistas y todo individuo amenazado de muerte sin discriminación alguna, así como a llevar a cabo investigaciones independientes sobre presuntas ejecuciones extrajudiciales y amenazas de muerte, de acuerdo con su obligación de proteger el derecho a la vida de todo individuo (artículo 6 del Pacto Internacional de Derechos Civiles y Políticos), y los principios 4, 9 y 18 de los Principios relativos a una eficaz prevención e investigación de las ejecuciones extralegales, arbitrarias o sumarias (resolución del Consejo Económico y Social en su resolución 1989/65, de 24 de mayo de 1989).

India

(a) JUA 04/04/2011 Case No. IND 6/2011 State replies: 21/04/2011 and 27/07/2011 **Alleged killing and death threats against human rights defenders.**

Character of reply: addresses some substantive issues

33. The Special Rapporteur thanks the Government of India for its response. The Special Rapporteur welcomes the steps the Government has undertaken, insofar as a police case has been registered and one of the alleged killers has been arrested. The Special Rapporteur looks forward to receiving further information on progress of the investigations and judicial proceedings.

(b) JUA 10/06/2011 Case No. IND 9/2011 **Alleged imminent execution in violation of fair trial safeguards.**

Character of reply: no response

(c) JAL 02/09/2011 Case No. IND 18/2011 State reply: 16/09/2011 **Alleged deaths in police custody.**

Character of reply: procedural response

34. The Special Rapporteur thanks the Government of India for having acknowledged receipt of the aforementioned communication, for which he looks forward to receiving a substantive response. He would like to underline that in order to rebut the presumption of State responsibility for a death resulting from injuries sustained in custody, there must be a “thorough, prompt and impartial investigation” in accordance with Principle 9 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

(d) JUA 09/09/2011 Case No. IND 19/2011 State reply: 21/09/2011 **Alleged death threats, attacks and killings of human rights defenders.**

Character of reply: procedural response

(e) JAL 15/02/2012 Case No. IND 3/2012 **Alleged killing of a human rights defender.**

Character of reply: no response

General observations:

35. The Special Rapporteur invites the Government to provide a response to the two outstanding communications dated 10 June 2011 and 15 February 2012. He thanks the Government for acknowledging receipt of the communications dated 2 and 9 September 2011, and looks forward to receiving a substantive response. He is however concerned about the number of situations involving killings of, and threats against, human rights defenders. He calls on the Government to take all necessary measures to ensure that human rights defenders can carry out their legitimate activities without the fear of being killed or threatened in line with article 6(1) of the International Covenant on Civil and Political Rights, principle 4 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions and the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (also known as Declaration on Human Rights Defenders).

36. The Special Rapporteur appreciates that a standing invitation has been extended to all Special Procedures mandate-holders. He would like to thank the Government for having invited him to undertake an official visit to the country from 19 to 30 March 2012. The mission report itself will be presented at a forthcoming session of the Human Rights Council in 2013.

Indonesia

JAL 19/01/2012 Case No. IDN 2/2012 **Alleged killings of farmers and villagers in relation to land disputes.**

Character of reply: no response

37. The Special Rapporteur regrets that the Government of Indonesia has to date not provided a response to this communication and calls on the Government to cooperate with his mandate.

Iran (Islamic Republic of)

(a) UA 26/05/2011 Case No. IRN 7/2011 Follow-up communication on **alleged risk of execution of members of the Kurdish community. Mr. Latifi was the subject of earlier communications** (A/HRC/14/24/Add.1, page 131 and A/HRC/18/51, page 27).

Character of reply: no response

(b) JUA 26/07/2011 Case No. IRN 10/2011 **Alleged death sentence on charges of apostasy.**

Character of reply: no response

(c) JUA 20/09/2011 Case No. IRN 12/2011 **Alleged imminent execution by public hanging and sentenced to public lashing of three individuals including two minors.**

Character of reply: no response

(d) JUA 15/11/2011 Case No. IRN 18/2011 **Alleged imminent execution of members of the Kurdish community in violation of procedural safeguards.**

Character of reply: no response

(e) JUA 16/02/2012 Case No. IRN 2/2012 **Alleged torture, prolonged solitary confinement and imminent execution of individuals for offences not regarded as ‘most serious’ and in violation of procedural safeguards.**

Character of reply: no response

(f) JAL 28/02/2012 Case No. IRN 3/2012 **Alleged torture and subsequent deaths in custody of ethnic Arab activists.**

Character of reply: no response

(g) JUA 29/02/2012 Case No. IRN 4/2012 **Alleged imminent executions of two individuals following a trial in violation of procedural safeguards.**

Character of reply: no response

General observations:

38. The Special Rapporteur deeply regrets that the Government of the Islamic Republic of Iran has not responded to any of the seven communications sent during the reporting period. In the absence of a response and clarification on the cases addressed therein and given the irreversible nature of capital punishment, the Special Rapporteur urges the Government to take all necessary measures to prevent the execution of the subjects of these communications.

39. The Special Rapporteur is particularly concerned about the alarmingly high number of death sentences handed down and the number of executions carried out, including of

juveniles, on the basis of charges which do not amount to the “most serious crimes”- in particular on drug related charges and moharebeh (enmity against God) - and following trials in violation of individuals’ procedural guarantees, many of which reach the final instance without proper legal assistance and representation throughout the proceedings or in violation of the rights to defense, according to information received. In his report to the 19th session of the Human Rights Council, the United Nations Secretary-General also expressed similar concern in respect of increased numbers of executions including in public and executions of juvenile offenders (A/HRC/19/82, para. 45). Furthermore, the Special Rapporteur wishes to draw attention to the report of the country mandate-holder to the 19th Session of the Human Rights Council, which states that, according to a number of sources, 81 per cent of the over 600 cases of executions recorded in 2011 were related to drug trafficking, while 4.3 per cent and 4.1 per cent were related to Moharebeh and rape, respectively. He concurs with the interpretation of the Human Rights Committee and the view of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran that these criminal offences do not fall within the category of the “most serious crimes” (A/HRC/19/66, para. 21).

40. However, the Special Rapporteur notes with appreciation that the Iranian Government has revoked stoning as a method of execution. Concerning the restriction of the imposition of the death penalty on juvenile offenders, the Special Rapporteur deems such a measure insufficient. As a State party to the Convention on the Rights of the Child (CRC) and to the International Covenant on Civil and Political Rights (ICCPR), the Islamic Republic of Iran has endorsed the recommendation not to impose capital punishment on persons below the age of eighteen under articles 37(a) of the CRC and 6(5) of the ICCPR.

41. In a press release issued on 22 September 2011, the Special Rapporteur, jointly with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, issued a press statement in which they condemned the public execution of the juvenile Alizera Molla-Soltani, expressed concern at the high frequency of drug related executions (see above JUA 20/09/2011 Case No. IRN 12/2011) and reiterated their call for an immediate moratorium on the death penalty particularly in drug related and juvenile cases.

Iraq

(a) JUA 15/04/2011 Case No. IRQ 1/2011 **Alleged disproportionate use of force by Iraqi security forces during an operation in Camp Ashraf, resulting in a number of deaths and injuries.**

Character of reply: no response

(b) JUA 09/05/2011 Case No. IRQ 3/2011 **Alleged injuries and deaths caused by disproportionate force by Iraqi security forces during an operation in Camp Ashraf.**

Character of reply: no response

(c) JUA 17/11/2011 Case No. IRQ 7/2011 **Alleged imminent executions of several individuals in violation of their fair trial safeguards.**

Character of reply: no response

General observations:

42. The Special Rapporteur regrets the Government’s lack of response to communications sent during the reporting period. He calls on the Government of Iraq to ensure a prompt and impartial investigation, leading to prosecution and punishment of the

perpetrators, and the provision of redress to all victims, including measures of rehabilitation and non-repetition. The Special Rapporteur further calls on the Government to ensure that any use of force by its security forces strictly complies with the principle of proportionality and necessity as set forth in principles 4 and 5 of the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. With regards to the communication sent on 17 November 2011, as reflected in the executions chart, the Special Rapporteur expresses grave concern about the information indicating that 34 individuals including 2 women were executed on 19 January 2012. He urges the Government of Iraq to provide information on the individuals on death row, their names, and respond to allegations regarding the violation of due process safeguards in their cases. He further urges the Government to take efficient measures to prevent the occurrence of such acts and to ensure that said trial guarantees are strictly complied with in particular in death penalty cases given the irreversible nature of capital punishment.

Israel

AL 28/06/2011 Case No. ISR 5/2011 State reply: 04/08/2011 **Alleged excessive use of force resulting in killings when Israeli security forces opened fire against protestors**

Character of reply: addresses some substantial issues

43. The Special Rapporteur thanks the Government of Israel for its response to this communication which addressed incidents that occurred on 15 May and 5 June 2011. In its response, the Government provided information on the number of persons killed and injured in the context of the first incident, but did not provide such information in respect of the second incident. The Special Rapporteur welcomes the information provided which indicates that measures were taken to warn against the use of lethal force through verbal warnings including with loudspeakers and warning shots in the air in the context of the May incident, and information provided regarding applicable law and policies governing the use of force. However, the Government did not clarify to what extent the protestors represented a threat for the life of other individuals, and to what extent the use of lethal force was justified in accordance with the principles of proportionality and necessity neither. Furthermore, the Government did not provide information on any investigation or prosecutions initiated to identify and bring to justice the perpetrators of the alleged killings and injuries. In accordance with principles 9 and 18 of the Principles on the Effective Prevention of Extra-legal, Summary or Arbitrary Executions there shall be a prompt, impartial and thorough investigation into the allegations with the view to identify those responsible, to bring them to justice and to provide reparation to victims or their families. Such investigation shall clarify to what extent the allowable degree of force was exceeded or not, in light of the principles of proportionality and necessity.

Kazakhstan

JUA 13/01/2012 Case No. KAZ 5/2011 **Alleged acts of violence and excessive use of force by law enforcement officers during protests.**

Character of reply: no response

44. The Special Rapporteur regrets that the Government of Kazakhstan has to date not provided a response and invites the Government to provide a substantive response.

Kyrgyzstan

JUA 16/03/2011 Case No. KGZ 1/2011 State reply: 31/05/2011 **Alleged violation of due process rights in the conduct of criminal proceedings in relation to the June 2010 violence.**

Character of reply: addresses some substantial issues

45. The Special Rapporteur thanks the Government of the Kyrgyz Republic for its response. In the response, the Ministry of Internal Affairs first indicated that it did not receive any “official complaints” regarding the allegations. The Government noted that the Ministry Internal Security Service found no proof of the alleged death resulting from torture of Mr. Khairullo Amanbaev. It also indicated that the authorities decided “not to bring criminal cases in respect of all the information submitted” due to lack of evidence, following the results of four out of five official investigations. Second, the State National Security Committee provided responses to the questions raised in the communication. The latter Committee indicated that it does not have the required data and information to be able to confirm or reject the allegations described in the communication. However, the Special Rapporteur welcomes that the National Commission of Inquiry was established to investigate the June events, as well as a Parliamentary Commission. He regrets that no detailed information was provided concerning their respective mandate and composition. The Special Rapporteur welcomes the information that the State National Security Committee is implementing preventive measures to address risks and causes of inter-ethnic discord.

Libyan Arab Jamahiriya

(a) JUA 31/03/2011 Case No. LBY 4/2011 **Alleged killings and disappearances of journalists.**

Character of reply: no response

(b) AL 29/11/2011 Case No. LBY 7/2011 **Alleged killing of several individuals contrary to international humanitarian law.**

Character of reply: no response

General observations:

46. The Special Rapporteur regrets that the Government of the Libyan Arab Jamahiriya has to date not provided a response to the communications sent during the reporting period and the Special Rapporteur looks forward to receiving a substantive response from the Government. He stresses that in all suspected cases of extrajudicial, summary or arbitrary executions, including those which occurred in the context of an armed conflict, there shall be a prompt, impartial and thorough investigation into the allegations and the accountability of those responsible should be ensured in accordance with principles 9 and 18 of the Principles on the Effective Prevention of Extra-legal, Summary or Arbitrary Executions.

Madagascar

(a) UA 15/07/11 Cas No. MDG 1/2011 **Exécution alléguée de six villageois par des membres d’un groupe armé.**

Caractère de la réponse: pas de réponse

(b) JAL 26/12/11 Cas No. MDG 2/2011 **Emploi illicite de la force par les forces de l'ordre et meurtre allégués d'un substitut du procureur.**

Caractère de la réponse: pas de réponse

Observations générales :

47. Le Rapporteur Spécial regrette l'absence de réponse aux communications envoyées au Gouvernement de Madagascar au cours de la période couverte par le présent rapport. Il souligne la nécessité de diligenter des enquêtes dans les deux cas soulevés. Concernant les allégations d'emploi illicite de la force par les forces de l'ordre, il souhaite attirer l'attention du Gouvernement sur deux rapports relatifs à l'emploi de la force par les forces de l'ordre dans le contexte de manifestations et dans le contexte d'arrestations, qu'il a présentés en 2011 au Conseil des droits de l'homme (A/HRC/17/28) et à l'Assemblée générale (A/66/330), et en particulier sur les recommandations contenues dans ces rapports.

Malawi

(a) JUA 05/08/2011 Case No. MWI 3/2011 State reply: 09/08/2011 **Alleged deaths due to excessive use of force in the context of peaceful protests.**

Character of reply: procedural response

48. The Special Rapporteur thanks the Government of Malawi for its response wherein it mentioned that the Government has already taken measures and that a response would be provided in due course. The Special Rapporteur looks forward to receiving a substantive response.

(b) JUA 11/10/2011 Case No. MWI 4/2011 State reply: 17/10/2011 **Alleged arson attacks and arrest.**

Character of reply: addresses some substantial issues

49. The Special Rapporteur thanks the Government of Malawi for its response. In its response, the Government denied the allegations as summarized in the communication. Nevertheless, the Special Rapporteur welcomes the information that a commission of inquiry has been established in accordance with international standards and will thoroughly investigate the alleged campaign against opponents of the Government.

(c) AL 19/10/2011 Case No. MWI 5/2011 State reply: 25/10/2011 **Alleged killing of an student activist.**

Character of reply: addresses some substantial issues

50. The Special Rapporteur thanks the Government of Malawi for its response to this communication. The Government denied the accuracy of the allegations contained in the communication, but stated that the communication had been transmitted to the Government and that a response would be provided. The Special Rapporteur looks forward to receiving such a response.

Malaysia

JAL 02/03/2012 Case No. MYS 2/2012 **Alleged deportation of Iranian facing execution upon return to Iran.**

Character of reply: no response

51. The Special Rapporteur regrets that the Government of Malaysia has to date not provided a response to this communication and invites the Government to reply to his communication.

Mauritania

UA 30/06/11 Cas No. MRT 1/2011 **Allégation de condamnation à mort de quatre personnes âgées de moins de dix-huit ans au moment de la commission des faits.**

Caractère de la réponse: pas de réponse

52. Le Rapporteur Spécial regrette l'absence de réponse à la communication envoyée au cours de la période couverte par le présent rapport et invite le Gouvernement à répondre au plus vite aux allégations exprimées.

Mexico

a) JAL 25/05/11 Case No. MEX 10/2011 **Supuesto asesinato de activista.**

Carácter de la respuesta: sin respuesta

b) JUA 18/07/11 Case No. MEX 15/2011 **Supuestos asesinatos y amenazas de muerte.**

Carácter de la respuesta: sin respuesta

c) JAL 19/08/11 Case No. MEX 16/2011 **Supuesto asesinato de periodistas y del hijo de uno de ellos.**

Carácter de la respuesta: sin respuesta

d) JUA 08/12/11 Case No. MEX 27/2011 **Presunto asesinato y amenazas de muerte.**

Carácter de la respuesta: sin respuesta

e) JUA 06/01/12 Case No. MEX 30/2011 Respuesta: 22/02/2012 **Presunto atentado y amenazas contra integrantes de la organización Nuestras Hijas de Regreso a Casa (NHRC).**

53. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada. En su respuesta, el Gobierno confirma la exactitud de las alegaciones a las que se refiera la comunicación. La Sra. Norma Andrade fue agredida el 2 diciembre de 2011 frente a su domicilio, en Ciudad Juárez, Chihuahua. Tras el ataque, la Sra. Andrade presentó una denuncia oficiante el Ministerio Público de la Fiscalía General del Estado de Chihuahua. El Relator Especial nota de la averiguación iniciada para la investigación y el esclarecimiento de las alegaciones, y agradece al Gobierno las medidas de protección que se han adoptado por parte de la Procuraduría Social de Atención a las Víctimas de Delitos para garantizar la seguridad de la Sra. Norma Andrade así como la de su hija. Por último, el Relator Especial estaría muy agradecido de recibir información actualizada sobre el resultado final de las investigaciones y de los procedimientos judiciales.

f) JAL 13/01/12 Case No. MEX 31/2011 **Alegaciones de ejecuciones extrajudiciales, así como de uso excesivo de la fuerza y de detención arbitraria contra manifestantes estudiantiles en Chilpancingo.**

Carácter de la respuesta: sin respuesta

g) JUA 20/02/12 Case No. MEX 6/2012 **Presunto atentado contra la vida de una defensora de derechos humanos.**

Carácter de la respuesta: sin respuesta

Observaciones generales:

54. El Relator Especial lamenta que el Gobierno no haya respondido a seis de las siete comunicaciones enviadas durante el periodo del presente informe, y alienta al Gobierno a responder a sus cartas de manera oportuna. Está muy preocupado por el número de comunicaciones enviadas al Gobierno de México y por informaciones recibidas indicando la creciente violencia en contra de defensores de derechos humanos y periodistas. Sin embargo, el Relator Especial saluda la reciente aprobación de la Ley de Protección para Personas Defensoras de Derechos Humanos y Periodistas, la cual crea un mecanismo de protección a quienes sufran agresiones graves por su ejercicio en la defensa de los derechos humanos o por su labor periodística. El Relator Especial llama al Gobierno a avanzar en la promulgación rápida y aplicación efectiva de dicha ley. Por último, se complace también por la decisión favorable del Gobierno de permitir una visita a México.

Mozambique

AL 18/07/2011 Case No. MOZ 1/2011 **Alleged killings by law enforcement officers.**

Character of reply: no response

55. The Special Rapporteur regrets that the Government of Mozambique has to date not provided a response to this communication and the invites the Government to reply to his communication.

Namibia

UA 25/08/2011 Case No. NAM 1/2011 **Alleged death threats against accused in trial whose testimony may incriminate others.**

Character of reply: no response

56. The Special Rapporteur regrets that the Government of Namibia has to date not provided a response and invites the Government to provide a substantive response.

Nepal

JUA 30/08/2011 Case No. NPL 1/2011 **Alleged death threats against a journalist and human rights lawyer.**

Character of reply: no response

57. The Special Rapporteur regrets that the Government of Nepal has to date not provided a response and invites the Government to reply to his communication.

Nigeria

(a) JAL 09/08/2011 Case No. NGA 4/2011 **Alleged forced evictions and demolitions involving lethal use of force by State authorities.**

Character of reply: no response

(b) JAL 09/03/2012 Case No. NGA 1/2012 **Alleged deaths due to ethnicity based violence by Boko Haram.**

Character of reply: no response

General observations:

58. The Special Rapporteur is concerned with the lack of response by the Government to communications sent during the reporting period. He calls on the Government to cooperate with his mandate and reply to the communications sent during the reporting period.

Oman

JUA 28/04/2011 Case No. OMN 1/2011 State reply: 06/06/2011 **Alleged killings and detention of protestors in the context of peaceful demonstrations.**

Character of reply: addresses some substantial issues

59. The Special Rapporteur thanks the Government of Oman for its response to this communication. While he appreciates the information provided on domestic legislation applicable to the use of force, he notes that the Government did not address how the use of force, in the circumstances described in the communication, complied with international standards, in particular the principles of necessity and proportionality. The Special Rapporteur welcomes the information that two committees have been established to conduct investigations into the deaths of two protestors, and looks forward to receiving information on the outcome of these investigations.

Other (UNMIK/Kosovo)

JAL 19/10/2011 Case No. KSV 1/2011 **Alleged trafficking in persons and organs.**

Character of reply: no response

60. The Special Rapporteur regrets that the United Nations Interim Administration in Kosovo (UNMIK) has to date not provided a response and invites the UNMIK to provide a substantive response.

Pakistan

(a) JUA 24/03/2011 Case No. PAK 2/2011 State reply: 28/03/2011 **Alleged increased and continued killings in Balochistan.**

Character of reply: procedural response

61. The Special Rapporteur thanks the Government of Pakistan for its acknowledgment of receipt and looks forward to receiving a substantive response from the Government.

(b) JUA 24/05/2011 Case No. PAK 4/2011 State reply: none to date **Alleged abduction and subsequent killing of two individuals in relation to their human rights work.**

Character of reply: no response

(c) JAL 05/07/2011 Case No. PAK 6/2011 State replies: 06/07/2011 and 11/07/2011 **Alleged killing of an investigative journalist.**

Character of reply: addresses some substantial issues

62. The Special Rapporteur thanks the Government of Pakistan for its responses. The Special Rapporteur welcomes the appointment of a Commission of Inquiry to conduct investigations into the death of the journalist. The Special Rapporteur notes that the Commission's findings were released on 10 January 2012. The Special Rapporteur would be grateful to receive information on the measures taken by the Government to implement the Commission's findings and recommendations.

(d) UA 15/09/2011 Case No. PAK 8/2011 State replies: 18/09/2011 and 22/09/2011 **Alleged imminent execution for drug-related offences.**

Character of reply: addresses some substantial issues

63. The Special Rapporteur thanks the Government of Pakistan for its. The Government indicated that it had in fact provided consular assistance as well as assistance in attempting to have the execution stayed. The Special Rapporteur takes note of the fact that consular assistance was provided. Furthermore, the Special Rapporteur notes that the Government alleges it did not advise Mr. Shah to plead guilty, nevertheless, the Special Rapporteur urges the Government to provide further information as to what legal advice was in fact given to Mr. Shah and to provide updated information on the case of Mr. Shah.

(e) JAL 30/12/2011 Case No. PAK 11/2011 **Alleged killing of a human rights defender.**

Character of reply: no response

(f) JAL 02/03/2012 Case No. PAK 2/2012 **Alleged killing of members of the Shia religious minority.**

Character of reply: no response**General observations:**

64. The Special Rapporteur thanks the Government for the responses provided, but regrets that it has not replied to three of the six communications sent during the reporting period. He is further concerned with the number and varying nature of the communications sent, particularly those that address threats against journalists and human rights defenders. The Special Rapporteur calls on the Government to take all necessary measures to create a safe and enabling environment for human rights defenders and journalists to carry out their legitimate activities without the fear of being killed.

Papua New Guinea

(a) AL 05/07/2011 Case No. PNG 1/2011 **Alleged pattern of killings on allegations of sorcery.**

Character of reply: no response

(b) JAL 05/10/2011 Case No. PNG 4/2011 **Alleged attempted assassination of Chief Ombudsman allegedly due to his human rights work.**

Character of reply: no response**General observations:**

65. The Special Rapporteur regrets the lack of response to the communications sent during the reporting period, and calls on the Government to cooperate with his mandate.

Philippines

- (a) JAL 20/04/2011 Case No. PHL 2/2011 **Alleged killing of human rights defender.**

Character of reply: no response

- (b) JAL 24/10/2011 Case No. PHL 4/2011 State reply: 15/12/2011 **Alleged killing of a human rights defender.**

66. Character of reply: substantive response. The Special Rapporteur thanks the Government of the Philippines for its response. The Special Rapporteur welcomes the establishment of the Special Investigation Task Group “FAUSTO” and is pleased to hear about the positive steps taken to identify the perpetrator of the murder, including the creation of a computerized criminal composite illustration.

- (c) JUA 10/11/2011 Case No. PHL 6/2011 **Alleged killing of human rights defenders from the organization Linundigan as well as the situation of members of this organization that have gone into hiding.**

Character of reply: no response

General observations:

67. The Special Rapporteur regrets that the Government has not provided a response to two of the communications sent during the reporting period. He notes that all communications sent concerned killings of human rights defenders. He calls on the Government to implement measures to ensure accountability for the alleged killings and to ensure a safe and enabling environment for human rights defenders to carry out their legitimate activities.

Russian Federation

- (a) JAL 25/03/2011 Case No. RUS 3/2011 State reply: 20/05/2011 **Alleged death in custody.**

Character of reply: substantive response

68. The Special Rapporteur thanks the Government of the Russian Federation for its response. The response indicated that Mr. Samujlenkov had a history of suicidal tendencies and had regularly attempted suicide and committed self-harm. In this respect, the Special Rapporteur is concerned that he was thus not placed on suicide watch especially after being notified in July 2010 that his appeal against his conviction had been rejected as alleged in the response. The Special Rapporteur welcomes the conducting of investigations and an autopsy. However, the Special Rapporteur is concerned that some of the officials charged with criminal offences in respect of deaths of convicts were merely reprimanded, or severely reprimanded. Nevertheless, the Special Rapporteur welcomes the steps taken to hold officials involved in the deaths of convicts to account, including the fact that they were made to stand trial on criminal charges. He recalls that the Government’s duty is to ensure that a prompt, impartial thorough investigation is carried out to shed light on the circumstances on each killing, to identify the perpetrators and bring them to justice.

- (b) JAL 24/08/2011 Case No. RUS 9/2011 State reply: 17/12/2011 **Alleged killing of a journalist.**

Character of reply: addresses substantial issues

69. The Special Rapporteur thanks the Government of the Russian Federation for its response. He notes that the Government considers the alleged involvement of State agents

in the murder of Ms. Estemirova to be unfounded. The Special Rapporteur welcomes the fact that the Investigative Committee has allegedly identified a suspect and is attempting to have him arrested. In this regard, the Special Rapporteur would appreciate receiving information as to whether the investigative body considered the possible involvement of State agents in the death of Ms. Estemirova. The Special Rapporteur regrets that the Government did not provide information on the measures taken to ensure the physical and psychological integrity of human rights defenders and encourages the Government to provide information on this outstanding issue.

Saudi Arabia

(a) JAL 26/12/2011 Case No. SAU 8/2011 **Alleged beheading on charges of “witchcraft and sorcery”.**

Character of reply: no response

(b) JUA 09/02/2012 Case No. SAU 3/2012 State reply: none to date **Alleged imminent execution on drug-related charges.**

Character of reply: no response

(c) JUA 15/02/2012 Case No. SAU 5/2012 State reply: none to date **Alleged imminent execution in violation of fair trial safeguards.**

Character of reply: no response

(d) JUA 21/02/2012 Case No. SAU 4/2012 **Alleged imminent execution for apostasy.**

Character of reply: no response

General observations:

70. The Special Rapporteur is concerned by the number of communications dealing with imminent executions taking place contrary to international standards as well as the lack of response from the Government. In the absence of a response and clarification on the cases addressed therein and given the irreversible nature of capital punishment, the Special Rapporteur urges the Government to take all necessary measures to prevent the execution of the subjects of the three urgent appeals. He is extremely concerned at the reported and increasing number of executions. The Special Rapporteur calls on the Government to take steps to ensure that the death penalty is not imposed on the basis of charges which do not meet the “most serious crimes” standard within the meaning of article 6(2) of the International Covenant on Civil and Political Rights and the Human Rights Committee General Comment No. 6 (1982) on the right to life, and following a trial which does not comply with the individual’s right to a fair trial and all guarantees thereof as enshrined in article 14 of the aforementioned Covenant.

Singapore

UA 06/09/2011 Case No. SGP 3/2011 State reply: 03/01/2012 **Alleged imminent execution for drug-related offences.**

Character of reply: substantive response

71. The Special Rapporteur thanks the Government of Singapore for its response. The response indicated that the trial was carried out with due process and safeguards and that the accused was found guilty. The Government again shared its view on the imposition of the death penalty and that it regards drug-trafficking as a serious criminal offence. While

the Special Rapporteur takes note of the Government's interpretation, he wishes to reiterate that "most serious" crimes have been consistently interpreted as those which result in intentional loss of life.

Sri Lanka

(a) UA 26/04/2011 Case No. LKA 3/2011 State reply: 29/04/2011,¹ 03/05/2011, 10/05/2011 and 11/05/2011 **Alleged extrajudicial killings by members of the Sri Lankan army during armed conflict.**

Character of reply: addresses some substantial issues

72. The investigations into the video footage which allegedly documents members of the Sri Lankan Army committing extrajudicial executions and the Government's replies thereto were included in the report on communications presented to the Human Rights Council's 17th session (A/HRC/17/28/Add.1, appendix pp. 423-482). The Special Rapporteur thanks the Government for its responses. The Government stated that it would inform the Special Rapporteur of progress achieved through domestic procedures and mechanisms upon completion of internal processes. While the Lessons Learnt and Reconciliation Commission's report has been released and duly noted, the Special Rapporteur looks forward to receiving detailed information on the steps taken to follow-up on his communication.

(b) JUA 23/08/2011 Case No. LKA 4/2011 **Alleged threats against human rights defenders.**

Character of reply: no response

(c) AL 01/12/2011 Case No. LKA 9/2011 State reply: 07/12/2011² **Alleged killings by law enforcement officials.**

Character of reply: procedural response

73. The Special Rapporteur thanks the Government of Sri Lanka for its acknowledgement of receipt and looks forward to receiving a substantive response from the Government.

(d) JUA 01/03/2012 Case No. LKA 1/2012 **Alleged repeated incidents of excessive use of force against peaceful protestors.**

Character of reply: no response

General observations:

74. The Special Rapporteur is concerned by the number and varying nature of communications sent to the Government. He regrets that the Government of Sri Lanka has to date not provided a response to the communications dated 23 August 2011 and 1 March 2012, and calls on the Government to provide a response to the latter communications.

¹ Due to technical problems, the link to the Government reply is currently unavailable.

² Due to technical problems, the link to the Government reply is currently unavailable.

Syrian Arab Republic

(a) JUA 30/03/2011 Case No. SYR 4/2011 State reply: 06/07/2011 **Alleged violence against demonstrators in the context of peaceful demonstrations**

Character of reply: addresses some substantial issues

75. The Special Rapporteur thanks the Government of the Syrian Arab Republic for its response. In its response, the Government denied the allegations and blamed terrorists for the violence. However, the Government does not provide detailed information to corroborate such statements. Furthermore, there is no indication of investigations being conducted into allegations of excessive use of force by law enforcement officials. While the response mentioned that laws were in force to harshly punish any severe beating or torture, their implementation appears to be lacking. Furthermore, the Government did not provide information on the fate and whereabouts of the detainees mentioned in the communication. The Special Rapporteur calls on the Government to provide information on these outstanding issues.

(b) JUA 17/06/2011 Case No. SYR 7/2011 **Alleged killings of protesters, excessive use of force and denial of life-saving medical treatment.**

Character of reply: no response

(c) JUA 04/08/2011 Case No. SYR 9/2011 State reply: none to date **Alleged violence against demonstrators.**

Character of reply: no response

(d) UA 15/03/2012 Case No. SYR 3/2012 State reply: 05/04/2012 **Alleged widespread violence in the country.**

Character of reply: awaiting translation

76. The Special Rapporteur thanks the Government for its response and looks forward to receiving its translation.

General observations:

77. The Special Rapporteur regrets that the Government has not responded to two communications sent during the reporting period. Given the importance and gross nature of the alleged violations, he urges the Syrian Government to cooperate with his mandate and provide a substantive response to the outstanding communications.

78. The Special Rapporteur wishes to refer to the public statements issued on 15 April 2011 and 5 August 2011, in which, jointly with other mandate holders, he urged the Government of the Syrian Arab Republic to immediately stop violence against civilians³. Furthermore, he refers to the joint statements delivered on behalf of all Special Procedure mandate-holders at the seventeenth, eighteenth and nineteenth special sessions of the Human Rights Council on the human rights situation in the Syrian Arab Republic, held respectively on 22 August 2011, 2 December 2011, and 1 June 2012⁴.

³ Available from www.ohchr.org/en/NewsEvents/Pages/NewsSearch.aspx?MID=SR_Summ_Executions

⁴ Available from <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/17/index.htm>, <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/18/index.htm>, and <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12211&LangID=E>

79. In light of the concerns and issues raised in these statements and of information received, the Special Rapporteur considers the human rights situation in Syria in respect of extrajudicial killings in particular by security forces, attacks on the civilian population, including numerous children and women, and disproportionate use of force by security forces, extremely alarming. As repeatedly called for in his statements and communications, he urges all parties to cease using force. He emphasizes that it is a State's obligation to ensure that its security forces do not commit human rights violations, including unlawful killings, and do not act in violation of international human rights law applicable to the use of force by law enforcement officials. It is also a State's duty to exercise due diligence and take all necessary measures to prevent violations of the right to life by non-State actors. A failure to do so constitutes a separate breach of the State's international human rights obligations. The Special Rapporteur further urges the Government to carry out a prompt, thorough and impartial investigation into all alleged violations, including violations of the right to life, in accordance with its international obligations. These investigations shall shed light on the circumstances of the killings, the identity of perpetrators and victims. It is also critical that accountability for these killings is ensured and that victims are adequately compensated.

Turkey

JAL 22/02/2012 Case No. TUR 3/2012 State reply: 20/04/2012⁵ **Alleged deaths caused by bombardment by Turkish Air Force.**

Character of reply: addresses some substantial issues (awaiting translation of enclosed statements)

80. The Special Rapporteur thanks the Government of Turkey for its response. The Special Rapporteur welcomes the information of the establishment of a sub-committee and investigations being conducted on this matter. The Special Rapporteur looks forward to receiving information on the outcome of these investigations. The Special Rapporteur regrets that the Government did not address which broader measures are being taken to address use of force during counterterrorism activities and would appreciate information in this respect.

Uganda

JUA 09/05/2011 Case No. UGA 4/0211 State replies: 11/05/2011 and 17/05/2011 **Alleged deaths of, and injuries to, protestors.**

Character of reply: substantive response

81. The Special Rapporteur thanks the Government of Uganda for its response. The Special welcomes the information that investigations are being carried out into the conduct of police officers who acted outside the scope of their powers and that one matter is before the court. He would appreciate receiving information on the outcome of these investigations and judicial proceedings.

⁵ Due to technical problems, the link to the Government reply is currently unavailable.

United States of America

(a) JAL 18/03/2011 Case No. USA 3/2011 **Alleged shooting incident that occurred inside the Attorney General's office in Kandahar, Afghanistan.**

Character of reply: no response

(b) JAL 12/05/2011 Case No. USA 6/2011 State reply: 24/06/2011 **Request to disclose facts in respect of the use of deadly force against Mr. Osama bin Laden.**

Character of reply: addresses some substantial issues

82. The Special Rapporteur thanks the Government of the United States of America for its response. The Special Rapporteur takes note of the Government's interpretation of the legal basis for the operation. Although the information contained in the United States President's interview provided some information surrounding the killing of Osama bin Laden, it did not provide adequate clarification of the exact circumstances insofar as issues of the use of lethal force are concerned.

(c) UA 27/06/2011 Case No. USA 9/2011 State reply: 21/07/2011 **Alleged imminent execution in violation of fair trial safeguards.**

Character of reply: substantive response

83. The Special Rapporteur thanks the Government of the United States of America for its response. While the Special Rapporteur welcomes the steps taken by the Government in appealing to the state of Texas to ensure compliance with its international obligations, he nevertheless expresses his concern at the execution of Mr. Leal Garcia which violated the United States of America's international obligations. The Special Rapporteur urges both the Federal and state Governments to take positive steps to act in a manner which enables the Federal Government to fulfill its international obligations.

(d) UA 05/08/2011 Case No. USA 14/2011 **Alleged imminent execution without allowing clemency proceedings.**

Character of reply: no response

84. The Special Rapporteur regrets that the execution of Mr. Manuel Valle was carried out on 28 September 2011 according to information received. The Special Rapporteur would appreciate a confirmation by the Government in this regard.

(e) JAL 02/11/2011 Case No. USA 20/2011 **Alleged targeted killings through drone attack by the United States of America in Yemen.**

Character of reply: no response

General observations:

85. The Special Rapporteur thanks the Government for the two responses provided, but regrets that at the time the report was finalized, three communications remained without response. The Special Rapporteur is concerned with the number of communications sent during the reporting period which focus primarily on conducting targeted killing operations and on imminent executions carried out in breach of international law. He wishes to draw the Government's attention to the findings of his report on the follow-up to country recommendations presented at the Human Rights Council 20th session, in particular those regarding due process in the imposition of the death penalty and enhancing transparency in targeted killings (A/HRC/20/22/Add.3, appendix, summary of follow-up to each recommendation, paras 1-9 and 24-25). The Special Rapporteur calls on the Government to take all necessary measures to implement the recommendations contained therein.

Uzbekistan

JAL 30/08/2011 Case No. UZB 2/2011 State reply: 15/11/2011 **Alleged death in custody.**

Character of reply: addresses some substantial issues

86. The Special Rapporteur thanks the Government of Uzbekistan for its response. The Special Rapporteur welcomes the fact that an investigation was conducted. The Special Rapporteur is concerned that the issue of alleged marks on the body appearing to have arisen from torture was not addressed. The response indicated that the medical examination results were not handed to the family of the victim as they did not apply for such results. The Special Rapporteur would be grateful for further information on the manner in which applications for results of medical examinations are handled.

Venezuela (Bolivarian Republic of)

JUA 20/07/11 Case No VEN 1/2011 **Presunta violencia en las cárceles.**

Carácter de la respuesta: sin respuesta

87. El Relator Especial lamenta que al finalizar este informe, no había recibido respuesta a la comunicación enviada durante el periodo, y estaría muy agradecido de recibir una respuesta a su comunicación.

Yemen

JAL 04/11/2011 Case No. YEM 6/2011 **Alleged targeted killings through a drone attack by the United States of America in Yemen.**

Character of reply: no response

88. The Special Rapporteur regrets that the Government of Yemen has to date not provided a response and invites the Government to reply to his letter.

Zimbabwe

AL 15/04/2011 Case No. ZWE 2/2011 **Allegation that mass grave could contain recently killed victims.**

Character of reply: no response

89. The Special Rapporteur regrets that the Government of Zimbabwe has to date not provided a response and calls on the Government to cooperate with his mandate.

VI. Observations to cases transmitted and replies received to communications sent prior to the reporting period

Argentina

AL 14/09/10 Case No.: ARG 7/2010 Respuesta: 01/07/11 **Supuesta muerte de tres individuos, incluso dos personas menor de edad.**

Carácter de la respuesta: respuesta sustantiva

90. El Relator Especial agradece al Gobierno de Argentina la respuesta a la comunicación arriba mencionada enviada durante el periodo del informe anterior. En particular, el Relator Especial agradece los esfuerzos del Gobierno para obtener informaciones sobre las circunstancias de los hechos, así como las informaciones detalladas proporcionadas en respuesta a la comunicación. Igualmente, el Gobierno de Argentina confirmó en su carta la muerte de los tres individuos, a los cuales se refería la carta de alegaciones causada por actuaciones de funcionarios de la policía. El Relator Especial saluda la creación de la “Comisión Legislativa Especial Investigadora de la responsabilidad política derivada de los hechos ocurridos en la ciudad de San Carlos de Bariloche con posterioridad al 17 de junio de 2010 por parte de funcionarios y dependientes del Ministerio de Gobierno.”

Iran (Islamic Republic of)

JUA 11/01/2011 Case No. IRAN 1/2011 State reply: 21/06/11 **Alleged pattern of unlawful executions, arrests and detentions.**

Character of reply: addresses some substantial issues

91. The Special Rapporteur thanks the Government for its response. However, he regrets the execution of Ms. Zahra Bahrami which was carried out despite his call for a commutation of the sentence (see A/HRC/17/28/Add.1, page 167) and the fact that she was convicted of crimes which, under international human rights law, do not amount to “most serious” crimes. He further regrets that the Government has not provided clarification on outstanding issues regarding the cases of the other subjects of the appeal, despite his request to the Government to do so (see A/HRC/17/28/Add.1, page 167). The Special Rapporteur urges the Government to take all necessary measures to prevent the execution of the other subjects of the communication who have been sentenced to death given the gravity of the allegations and the lack of clarification on their case.

Morocco

JAL 03/02/2011 Case No. MAR 1/2011 Réponse: 10/03/2012 **Allégation de torture et de mauvais traitements par les forces de sécurité.**

92. Cette lettre s’adressant principalement au Rapporteur Spécial sur la torture et autres peines ou traitements cruels inhumains ou dégradants, le Rapporteur Spécial n’a pas de commentaire particulier à cet égard.

Saudi Arabia

(a) JUA 25/06/2009 Case No. SAU 7/2009 State reply: 28/10/2011 **Alleged unfair trial and death sentence of mentally ill person.**

Character of reply: substantive response

93. The Special Rapporteur thanks the Government of Saudi Arabia for its reply. In its response, the Government indicated the legal grounds for the imposition of the death penalty, provided clarification on the mental abilities of the accused and provided information about the judicial proceedings. The Special Rapporteur however notes that the accused was represented by his father and would be grateful for further information on whether his rights to legal representation were made clear to him. The Special Rapporteur expresses concern that at the time the reply was sent, the detainee’s execution was to be

carried out by way of beheading and subsequent crucifixion of the body. Finally, he calls on the Government to provide updated information on this case.

(b) JUA 23/11/2009 Case No. SAU 8/2009 State reply: 19/10/2011 **Alleged imminent execution of Turkish national for a drug-related offence**

Character of reply: addresses some substantial issues

94. The Special Rapporteur thanks the Government of Saudi Arabia for its response. While the response indicates that the accused was permitted to request legal representation, it does not address whether this right was adequately explained to him. The Special Rapporteur further regrets that the Government response also failed to address the matter of how it complies with international standards of “most serious” crimes, entailing and intention to kill with the resultant loss of life.

Thailand

AL 16/04/2010 Case No. THA 3/2010 State reply: 13.05.11 **Alleged excessive use of force against protestors.**

Character of reply: substantive response

95. The Special Rapporteur thanks the Government of Thailand for its response. The Special Rapporteur notes with appreciation that investigations have been carried out by the Department of Special Investigations (DSI). He welcomes the information provided by the Truth for Reconciliation Commission of Thailand (TRCT) and calls on the Government to address its concerns and implement its recommendations. The Special Rapporteur welcomes the information that compensation has been paid to the families of victims and those injured.
