

<b>Forum:</b>	Special Conference
<b>Issue:</b>	The issue of extrajudicial killings
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<b>Position:</b>	Deputy President

## Introduction

The concept of due process was developed from the thirty-ninth clause of the Magna Carta Charter and is the obligation of the state to respect any individual's legal rights. Due process is crucial in creating a balance between the protection of the law and the protection of an individual's personal liberties and must be required and preserved by any civil and fair justice system. A government's neglect of due process can result in the unfair and unlawful punishment of an individual, and the most severe example of this is the issue of extrajudicial killings.

An extrajudicial killing is defined by the United States Torture Victim Protection Act as, "a deliberated killing not authorized by a previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples". More simply put, the execution of a person by a government or any state authority without due process is considered to be an extrajudicial execution.



Even in the 21st century, extrajudicial killings still take place in many countries around the world, mostly targeting political, trade union, social and religious figures. The targeting of polarising public figures is also directly in line with RCIMUN 2018's theme: *Political Polarization: Fostering accord in a world of intolerance*. Some targeted killings that have been brought into discussion are controversial, such as the killing of al-Qaeda leader Osama bin Laden, since it is debatable whether they are unlawful assassinations or acts of national defense; however, some examples of extrajudicial killings, such as the use of chemical weapons by the Syrian government, are outright state-authorized murders and that create a major humanitarian, political and social issue.

No state or state authority should be carrying out executions without the proper legal proceedings. Extrajudicial executions not only destroy the lives of so many people, but they also put the very idea of justice and democracy into question. Thus, no matter how difficult of a subject it is, the issue of extrajudicial killings must be confronted, debated and resolved.

## Definition of Key Terms

**Extrajudicial:** Not legally authorized

**Due process:** Fair treatment through the normal judicial system, especially a citizen's entitlement to notice of a charge and a hearing before an impartial judge

**Magna Carta:** A charter signed by King John in 1215, which establishes the basis of almost all judicial and democratic systems

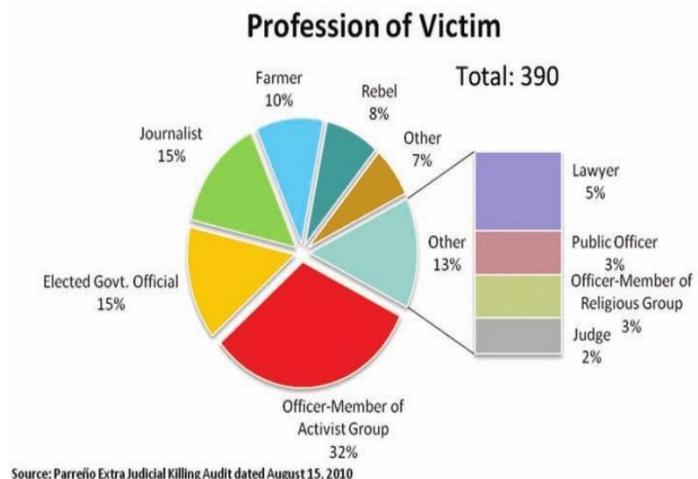
**Death-squad:** An armed paramilitary group formed to kill political opponents

**Drone strike:** An unmanned combat aerial vehicle that fires a missile at a target

## General Overview

The very principle of any civil democracy is a just legal system, which can only be achieved through a fair trial. So any extrajudicial punishment is not only unethical, but it puts the idea and the ideals of democracy into question. Extrajudicial executions are the most extreme example of these punishments and are continued to be implemented in many countries, mostly for the purpose of eliminating opponents and vocal critics.

One major controversy on this topic is the line between national defense and an extrajudicial killing. For example, does a nation have the right to assassinate someone who they believe is a terrorist and/or who poses an immediate threat to their national security? Or should this person's right to be treated equally under the law be preserved, and a fair trial carried out? The discussion between national security and individual liberties is not only crucial in this topic but is also a major question that any government and international organization faces today.



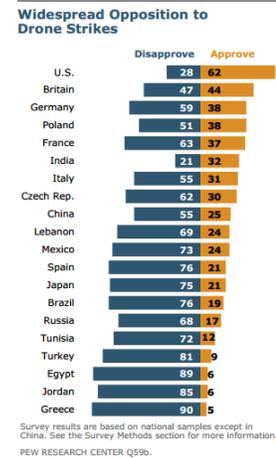
Extrajudicial killings have also been used for reasons that are indisputably unfair and undemocratic. Major countries such as the United States, the Philippines, India, Russia, Bangladesh, United Kingdom, Chile, El Salvador, Iran, Iraq, Israel, Thailand, Turkey, and Vietnam have been involved this topic. Journalists have been found to have died from suspicious causes, a President has ordered civilians to kill other certain civilians, death squads have been formed, etc.

The issue of extrajudicial executions does not only threaten the lives of innocent people but also threaten the concept of a civilized global climate. That is why this issue must be resolved urgently, and permanently.

## Major Parties Involved and Their Views

## United States of America:

The United States has carried out many assassinations, drone strikes and other forms of targeted killings without any sort of legal procedure. Each and every administration for the past decades has justified these killings, mainly on the basis of defending their national security. This has greatly increased after the September 11 attacks, as part of the War on Terror. It has been a topic of great controversy, especially in high-profile operations such as the assassination of al-Qaeda leader Osama bin Laden or the drone strike targeting suspected terrorist Anwar al-Awlaki, whether these classify under acts of defense or extrajudicial killings. Especially after the 2011 drone strikes in Yemen which killed many innocent civilians, the American Civil Liberties Union and the Center for Constitutional Rights challenged the United States for committing extrajudicial killings. The United States continues to defend and justify its previous and ongoing operations.



## Philippines:

Rodrigo Duterte, the newly seated President of the Philippines, began a massive campaign against drug use and has encouraged citizens to kill suspected drug users. He has also ordered the police to shoot to kill, has offered bounties for dead suspects, and has even admitted to personally killing suspected criminals. The President's actions have greatly increased and have legalized and normalized extrajudicial killings, as well as many cases of murder.

## India:

Kashmir has been an area of great conflict for the past years and tens of thousands of Indian security forces are deployed in the area. An Amnesty International report revealed that the Armed Forces Special Powers Act allows and orders troops to shoot to kill suspected militias.

## Russian Federation:

It has been widely speculated that the Russian Federation commits extrajudicial killings targeting polarizing and anti-government public figures, especially journalists. The Committee to Protect Journalists issued a report and concluded not only that Russia was one of the deadliest countries in the world for journalists, but also added that it is the worst at solving their murders. US intelligence agencies also tied the Russian Federation to a string of fourteen deaths on United Kingdom soil, most notably Scot Young, who was a fierce critic of Russian President Vladimir Putin and who died under mysterious circumstances. The Russian Federation continues to deny any involvement in extrajudicial killings.



## Bangladesh and United Kingdom:

The anti-terrorism division of the Bangladesh Police, Rapid Action Battalion (RAP), has been accused of extrajudicial killings and forced disappearances. Human rights groups and international organizations

have criticized Bangladesh for RAP's operations, however, the US government officials in Bangladesh describe it as an "organization best positioned to one day become a Bangladeshi version of the U.S. Federal Bureau of Investigation." In 2010, it was revealed by WikiLeaks that the United Kingdom government had been training the RAP division in investigative interview techniques, otherwise known as torture.

### **Amnesty International:**

Along with the United Nations, Amnesty International has been one of the most vocal and determined organizations in examining and opposing extrajudicial critics. It has conducted investigations and issued reports in the USA, Israel, Turkey, El Salvador, Kashmir, Brazil and the Philippines.

## **Timeline of Events**

<b>1920-1921</b>	As part of the Irish War of Independence, British forces implemented assassination squads, most significantly killing the mayors of Cork City and Limerick City.
<b>The 1950s</b>	The Iran Shah, who was installed by the CIA and the MI6, used the SAVAK death squads, again trained by CIA, to torture and/or kill dissidents.
<b>1973-1989</b>	During the Pinochet Regime, Chile security forces coordinated with other right-wing dictatorships and used extrajudicial killings.
<b>1976-1983</b>	During the "Dirty War" in Argentina, the dictatorial government systematically used extrajudicial killings.
<b>The 1980s</b>	Honduras death squad Battalion 316 assassinated hundreds of teachers, politicians and union bosses, in coordination with the CIA.
<b>December 1980</b>	Death squads were frequently used during the Salvadoran Civil War, even assassinating Oscar Romero for his social activism. In December 1980, four Americans were raped and murdered by a military officer, who was under specific instructions.

<b>2001</b>	UN Special Rapporteur Asma Jahangir presented a report that detailed the suspicious killings of prisoners in Turkey.
<b>26 March 2004</b>	Bangladesh's anti-terrorism Rapid Action Battalion (RAP) division was formed. RAP has been and still is being criticized for its use of extrajudicial killings in its operations.
<b>7 October 2006</b>	Russian journalist Anna Politkovskaya was mysteriously murdered. This greatly increased the speculation of Russia's involvement in extrajudicial killings.
<b>23 November 2009</b>	Esmael Mangudadatu, his family, supporters, and journalists were on their way to file paperwork for Mangudadatu to run for Governor of Maguindanao. All fifty-eight people were kidnapped and killed.
<b>2 May 2011</b>	US Special Forces killed al-Qaeda leader Osama bin Laden on Pakistan soil.
<b>30 September 2011</b>	US President Obama issued an order suspending suspected terrorist Anwar al-Awlaki's rights as a citizen, and he was killed by a drone strike in Yemen.
<b>30 June 2016</b>	Rodrigo Duterte was inaugurated as the President of the Philippines and began a campaign against drug usage. As part of this campaign, he encouraged citizens to kill drug users and ordered the police to shoot to kill.
<b>19 December 2016</b>	United Nations General Assembly adopted Resolution A/71/484, on the issue of extrajudicial, summary or arbitrary executions.
<b>6 June 2017</b>	OHCHR Special Rapporteur released a report on extrajudicial, summary or arbitrary executions on a gender-sensitive approach to arbitrary killings.

## UN Involvement

The United Nations General Assembly's Third Committee has passed Resolution A/RES/71/19 condemning extrajudicial executions and urging all member states to stop implementing unlawful targeted killings. The Office of the United Nations High Commissioner for Human Rights has assigned a Special Rapporteur with a mandate covering all countries, regardless of the country's position on the issue. The UN has published reports on the issue, most recently regarding the Philippines and El Salvador.

## Relevant UN Documents

- Human Rights Council. "Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on a Gender-Sensitive Approach to Arbitrary Killings." Office of the United Nations High Commissioner for Human Rights, United Nations, 6 June 2017, [www.ohchr.org/EN/HRBodies/HRC/RegularSessions/.../A\\_HRC\\_35\\_23\\_AEV.docx](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/.../A_HRC_35_23_AEV.docx).

## Treaties and Events

### **Resolution adopted by the General Assembly on 19 December 2016, on the report of the Third Committee (A/71/484/Add.2): 71/198. Extrajudicial, summary or arbitrary executions**

A resolution was passed by the United Nations General Assembly's Third Committee. In the report, the committee condemned, in the strongest terms yet, any use of extrajudicial executions. It also urged all member states to immediately terminate the usage of extrajudicial killings. Clause 7 stated; "Affirms the obligation of States, in order to prevent extrajudicial, summary or arbitrary executions, to protect the lives of all persons deprived of their liberty in all circumstances and to investigate and respond to deaths in custody".

## Evaluation of Previous Attempts to Resolve the Issue

Amnesty International created the 14-Point Program for the Prevention of Extrajudicial Executions, with the aim of putting an end to the issue. This program included measures taken against death-squads, secret detention, unnecessary use of force, death threats etc. However, despite many efforts to put this into use, the 14-Point Program is still not implemented in many countries in the world, and the issue remains. Amnesty International now calls upon all governments to implement the 14-Point Program, invites individuals or other organizations to join in its promotion, and hopes that the implementation of these measures will be a good step in ending extrajudicial executions worldwide.

Human rights activists are fighting against these killings all around the world. Their protests evoke a response in the public, as well as at the governmental level. In 2016, for instance, a group of human rights activists from Southeast Asia urged the administration of the President to reconsider their fight against the illegal drug trade in the country and to stop the extrajudicial killings caused by this. They called a press conference and signed a manifesto against these killings. The signing of the manifesto was led by the Commission on Human Rights (CHR) chairperson Chito Gascon. Although such efforts from the public are necessary, they are not enough to end this issue as a whole. Considering that these killings are done by governments, without the use of the law, bigger steps should also be taken to reach a solution.

Similarly, many civil society groups and non-governmental organizations, especially the prominent human rights NGOs, have been working to end extrajudicial killings. A good example is the uprising in the Philippines. The two parties involved in drug control in the Philippines, The United Nations Office on Drugs and Crime (UNODC) and the International Narcotics Control Board (INCB), have been unsuccessful in controlling the human rights violations committed under the name of “drug control”. After more than 700 deaths by the police in around four months, 353 non-governmental organizations sent an open letter to the UNODC Executive Director and the president of the INCB, emphasizing the need for immediate action, and asking them to take a step forward in ending these killings.

## Possible Solutions

In any society, the public does, in fact, have the most power. So the first step in solving any problem at hand is to raise public awareness. Knowledge about the issue of extrajudicial killings is strictly limited. These deaths are covered up and hidden from the public. Since the only way to fully resolve this issue is to educate people about extrajudicial killings, the United Nations and other international organization could urge all member states to release information, that is no longer classified due to a statute of limitations, about past killings.

Another essential step in solving an international issue is to receive support from the United Nations. No country can interfere in another country's sovereignty, however, it is the very purpose of the UN to create an international coalition to stand for the protection of human rights and the principles of democracy. So even though the UN, except for the Security Council, cannot force any state to take a certain action, it can create global pressure and can result in success. Thus, the condemning of extrajudicial killings by the United Nations would be a truly important step.

It is also a possible solution for an international organization to be established, perhaps within the UN, that will work to prevent, raise information about, and investigate extrajudicial killings. An international organization such as this could achieve all these things, as well as increasing the level of cooperation between member states.

## Notes from the Chair

This topic may seem limited at first, but it, in fact, questions the very idea of fairness and democracy. The right to a fair trial is imperative in any democratic justice system. That is why while researching and debating the issue of extrajudicial killings, you should focus not only on how it affects people in real life but also on how it affects the principles and values of legal and democratic processes.

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