

UNCLASSIFIED

PTQ1198

RELEASED IN PART
B3, NSA50

PAGE 01 GENEVA 04808 191341Z
ACTION IO-00

INFO	LOG-00	NP-00	AF-00	AID-00	AMAD-00	<input type="text"/>	DODE-00
	DOE-00	WHA-00	SRPP-00	EAP-00	EB-00	EUR-00	FAAE-00
	UTED-00	H-01	TEDE-00	INR-00	L-00	NEA-00	NSAE-00
	NSCE-00	OIC-02	OPIC-01	PRS-00	P-00	SP-00	IRM-00
	SSO-00	SS-00	STR-00	TEST-00	TRSE-00	USIE-00	SA-00
	PRM-00	DRL-02	G-00	SAS-00	/006W		

B3

-----0B175A 191341Z /38

O 191206Z NOV 02
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 1165
INFO USMISSION USUN NEW YORK IMMEDIATE

UNCLAS GENEVA 004808

FOR IO/SHA AND L/HRR

E.O. 12958: N/A
TAGS: PHUM, UNHRC-1
SUBJECT: INQUIRY FROM SPECIAL RAPPORTEUR ON EXTRAJUDICIAL,
SUMMARY OR ARBITRARY EXECUTIONS

1. MISSION HAS RECEIVED A COMMUNICATION FROM SPECIAL
RAPPORTEUR ON EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS
ASMA JAHANGIR DATED NOVEMBER 15, 2002, ADDRESSED TO THE
SECRETARY OF STATE. THE LETTER IS IN REFERENCE TO THE "SIX
MEN ALLEGEDLY KILLED WHILE TRAVELING IN A CAR ON 3 NOVEMBER
2002 IN THE REPUBLIC OF YEMEN." THE SPECIAL RAPPORTEUR

UNCLASSIFIED

PAGE 02 GENEVA 04808 191341Z
REQUESTS A RESPONSE TO HER INQUIRY BEFORE NOVEMBER 30, 2002.

2. THE COMMUNICATION STATES:

"I HAVE THE HONOUR TO ADDRESS YOU IN MY CAPACITY AS SPECIAL
RAPPORTEUR ON EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS,
PURSUANT TO COMMISSION ON HUMAN RIGHTS RESOLUTION 2001/45.

"AS YOU KNOW, IN THE ABOVE-MENTIONED RESOLUTION THE
COMMISSION ON HUMAN RIGHTS, INTER ALIA, 'REITERATES THE
OBLIGATION OF ALL GOVERNMENTS TO CONDUCT EXHAUSTIVE AND
IMPARTIAL INVESTIGATIONS INTO ALL SUSPECTED CASES OF
EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS, TO IDENTIFY
AND BRING TO JUSTICE THOSE RESPONSIBLE, WHILE ENSURING THE

RIGHT OF EVERY PERSON TO A FAIR AND UNCLASSIFIED BY A COMPETENT INDEPENDENT AND IMPARTIAL TRIBUNAL ESTABLISHED BY LAW, TO GRANT ADEQUATE COMPENSATION TO THE VICTIMS OR THEIR FAMILIES AND TO ADOPT ALL NECESSARY MEASURES, INCLUDING LEGAL AND JUDICIAL MEASURES IN ORDER TO BRING AN END TO IMPUNITY, TO PREVENT THE RECURRENCE OF SUCH EXECUTIONS.' FURTHERMORE, THE COMMISSION 'REQUESTS THE SPECIAL RAPPORTEUR, IN CARRYING OUT HER MANDATE: (...) (B) TO RESPOND EFFECTIVELY TO INFORMATION WHICH COMES BEFORE HER, IN PARTICULAR WHEN AN EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTION IS IMMINENT OR SERIOUSLY THREATENED OR WHEN SUCH AN EXECUTION HAS OCCURRED.'

"IN THIS CONNECTION, I WOULD LIKE TO DRAW THE ATTENTION OF YOUR EXCELLENCY'S GOVERNMENT TO INFORMATION WHICH HAS COME TO MY ATTENTION RECENTLY, WHICH REPORTS THAT SIX MEN WERE ALLEGEDLY KILLED WHILE TRAVELING IN A CAR ON 3 NOVEMBER 2002 IN THE REPUBLIC OF YEMEN BY A MISSILE LAUNCHED BY A

UNCLASSIFIED

PAGE 03 GENEVA 04808 191341Z

US-CONTROLLED PREDATOR DRONE AIRCRAFT. ACCORDING TO THE INFORMATION COLLECTED, ONE OF THE PERSONS IN THE CAR WAS ALLEGEDLY SUSPECTED TO BE A SENIOR FIGURE OF THE AL-QAEDA ORGANIZATION. THE STRIKE WAS REPORTEDLY CARRIED OUT WITH THE COOPERATION AND APPROVAL OF THE GOVERNMENT OF THE REPUBLIC OF YEMEN.

"WHILE I IN NO WAY WISH TO DRAW CONCLUSIONS BASED ON THE INFORMATION SO FAR COLLECTED, I WOULD LIKE TO REFER YOUR EXCELLENCY'S GOVERNMENT TO THE FUNDAMENTAL PRINCIPLES SET FORTH IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS. ARTICLES 3 AND 6 OF THESE INSTRUMENTS, RESPECTIVELY, PROVIDE THAT EVERY INDIVIDUAL HAS THE RIGHT TO LIFE AND SECURITY OF THE PERSON, THAT THIS RIGHT SHALL BE PROTECTED BY LAW AND THAT NO ONE SHALL BE ARBITRARILY DEPRIVED OF HIS OR HER LIFE.

THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS FURTHER PROVIDES THAT THE RIGHT TO LIFE CAN IN NO CIRCUMSTANCES BE DEROGATED.

"I AM CONCERNED THAT SHOULD THE INFORMATION RECEIVED BE ACCURATE, AN ALARMING PRECEDENT MIGHT HAVE BEEN SET FOR EXTRAJUDICIAL EXECUTIONS BY CONSENT OF GOVERNMENTS. I WISH TO ACKNOWLEDGE THAT GOVERNMENTS HAVE A RESPONSIBILITY TO PROTECT THEIR CITIZENS AGAINST THE EXCESSES OF NON-STATE ACTORS OR OTHER AUTHORITIES BUT THESE ACTIONS MUST BE TAKEN IN ACCORDANCE WITH INTERNATIONAL HUMAN RIGHTS NORMS.

"I WOULD GREATLY APPRECIATE TO RECEIVE COMMENTS FROM YOUR EXCELLENCY'S GOVERNMENT WITH REGARD TO THE INFORMATION LISTED

