
Monitoring and Investigating Political Killings

Amnesty International and CODESRIA



Amnesty International



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I. Definitions and examples of political killings

1. When does a killing constitute a human rights violation?

1. Killings constitute a human rights violation when they are murders directly committed by the authorities or condoned by the state authorities.¹

Killings that constitute human rights violations are those prohibited by international human rights law. They are sometimes called “extralegal, summary and arbitrary executions” or “extrajudicial execution” or “unlawful killings.” (See Annex One for definitions.) There are differences between the three but, generally speaking, political killings have three main characteristics:

- They have taken place at the order, complicity or with the acquiescence of the authorities.
- They violate national laws such as those prohibiting murder, as well as international human rights and humanitarian standards forbidding arbitrary deprivation of life.
- They have not occurred by accident, in self-defence, or through ignorance.

Such killings may include:

- **Death in custody:** Deliberate killings of prisoners. Note that not all deaths in custody constitute human rights violations. Some deaths may result from natural causes, others may occur during attempted escape, etc. With regard to the latter, it is common for the authorities in some countries to claim that prisoners have died while trying to escape or in armed encounters; forensic evidence and the testimony of witnesses can be used to counter such claims. (See the booklet *Monitoring and Investigating Death in Custody*.)

¹

See: Amnesty International, *Disappearances and Political Killings*, Amsterdam, 1994.

Example: Camillo Odongi Loyuk, a former soldier working as a senior civil servant, was arrested in Khartoum on 1 August 1992. He had arrived from Southern Sudan a few days earlier, apparently to put his daughters into school. Security men took him to an unknown destination in Khartoum. On 12 September he was brought to a “ghost house” in Khartoum where he was tortured, and denied food and water. He died on 15 September.

- **Killings by security forces outside a prison or police station:** Political killings may also take place in a home, street, road, etc. Victims of such killings include political opponents, petty criminals, prostitutes, street children, etc.

Example: On 4 December 1997, the charred bodies of Samuel and Janet Dokie were found in their burned-out car on the outskirts of Gbarnga, Liberia. The bodies of two other people, believed to be Samuel Dokie’s sister and a bodyguard, were found at another location nearby. The four people had been arrested on 20 November 1997, reportedly by plain-clothes members of the Special Security Services. Efforts to trace them in the custody of the police and other security forces had failed, despite requests regarding their whereabouts by local and international human rights organisations. Samuel Dokie had stood for election in July 1997 as the parliamentary candidate for the Unity Party, the main rival to the National Patriotic Party which had won the election.

- **Killings abroad:** Killings by security forces may also take place outside the country. Victims of such killings tend to be political opponents living in exile.

Example: On 16 May 1998, Rwandese former government minister, Seth Sendashonga, was shot dead in the Kenyan capital, Nairobi, in what appears to be a blatant political assassination. Seth Sendashonga had survived an earlier assassination attempt in February 1996,

when he and his nephew were both injured after being shot in Nairobi. A diplomat from the Rwandese embassy in Nairobi was suspected by the Kenyan authorities of involvement in the attack; he was initially detained, but released without trial. Seth Sendashonga had frequently denounced human rights violations by the security forces in Rwanda.

- **Killings by excessive use of force:** This situation refers to the deliberate killings of individuals during a demonstration, a riot, an arrest, etc. by officers performing law enforcement functions when there is no legitimate justification for the use of lethal force. (See the booklet *Monitoring and Investigating Excessive Use of Force.*)
- **Killings by paramilitary or vigilante groups:** These include killings by unknown assailants that may be traced back to the government. Victims of such killings may include political opponents, entire groups or populations, defined by their religion, ethnic, cultural or racial group membership or by their location in a given area, petty criminals, street children, prostitutes, beggars, etc.

Example: In Nakuru district, Kenya, political violence began on 24 January 1998 when Kalenjin raiders attacked unarmed Kikuyus in their homes. On 25 and 26 January the Kikuyu responded to the attacks on their community in an organised manner and attacked unarmed Kalenjin in their homes at Naishi. Over 35 Kalenjin were killed. Eye-witnesses described how the attacks by the Kalenjin were well organised and included both locals and men from outside the area dressed in “uniform”. The violent response of the Kikuyu, though also well organised, does not appear to have involved outsiders. Kalenjin witnesses recognised many of their attackers, often neighbours, who were wearing normal clothes and carrying pangas and rungas.

2. Killings constitute human rights violations when they violate the laws of armed conflicts

Some of the killings occurring during armed conflicts constitute human rights violations as well as violations under international humanitarian law which governs the conduct of war. Such killings may be committed by any parties to the conflicts, including government troops and non-government troops or armed groups.

- **Killings of prisoners of war:** The deliberate killing of prisoners of war by governmental troops or members of armed groups constitutes a human rights violation and a violation of international humanitarian law.
 - **Killings of civilians during armed conflicts:** The deliberate or indiscriminate killing of civilians by any armed forces also constitutes a human rights violation as well as a violation of international humanitarian law. (Indiscriminate killings are those resulting from the failure of the armed forces to adequately distinguish between a military target and civilian population nearby.)
 - **Note that not all killings in armed conflicts are illegal:** For instance, armed forces are not prohibited from killing individuals taking a direct part in hostilities, such as soldiers, members of armed opposition groups, etc. As long as those taking part in hostilities are not prisoners or have not put down their arms, they may be lawfully killed under the laws of war.
- ☒ See the booklet *Monitoring and Investigating Violations in the Context of Armed Conflicts* .

2. What about killings by armed opposition groups? Do they also constitute human rights violations?

As highlighted above, during an armed conflict, armed opposition groups are bound by the same principles as government forces: all parties to the conflict must respect the laws of war, which means that they are all prohibited from killing prisoners of war and civilians.

What about situations which are **not** armed conflict situations, as commonly understood?

- Under such situations, killings perpetrated by armed opposition groups are increasingly considered to be human rights abuses (although there is no overall agreement over this among the human rights community).
- Some human rights lawyers and organisations, as well as human rights bodies within the United Nations system, consider that respect for human rights remains the responsibility of the states and they, therefore, limit their work to violations committed by governments.
- However, numerous international human rights organisations, such as Amnesty International and Human Rights Watch, as well as local human rights organisations such as RADDHO in Senegal and Voice of the Voiceless in the Democratic Republic of Congo, have decided to oppose killings perpetrated by armed opposition groups.
- Such a decision has often been taken on the grounds that killings committed by armed opposition groups violate:
 - the right to life and the right to security of persons,
 - national criminal laws prohibiting murders;
 - international humanitarian law, and in particular common article 3 of the Geneva Conventions.

- In order to distinguish between killings perpetrated by governments and killings perpetrated by armed opposition groups, Amnesty International refers to the killings perpetrated by armed opposition groups as **deliberate and arbitrary killings**, while killings perpetrated by governments are referred to as **extrajudicial executions**. It also uses the expression “human rights abuses” when dealing with armed groups (rather than “human rights violations”, which are reserved for acts committed by states). Furthermore, Amnesty International applies international humanitarian law to killings committed by armed political groups. The use of international humanitarian law is not meant to imply that there is an actual armed conflict, as commonly understood, but to draw a distinction between the obligations that fall upon a state and the ones that fall upon an armed group.

According to Amnesty International, killings by armed opposition groups constitute human rights abuses when they present the following characteristics:²

- They are **deliberate**: that is, they are not committed in self-defence, or by accident.
- They **flout even minimum standards of human behaviour** applicable to governments and armed opposition groups alike.
- They are committed **on the authority of a political entity** or with its acquiescence. They are part of a policy to eliminate specific individuals or groups or categories, or they occur because such abuses are allowed to be committed or tolerated.

2
Amnesty
International,
*Disappearances and
Political Killings*,
Amsterdam, 1994.

Summary

1. Not all killings are human rights violations.

- **Many are crimes** that are handled under criminal law, e.g. when a robber kills a shop-owner.
- **Some killings by the state do not violate international human rights standards:** For example, if a person is killed as a result of police using the minimum force necessary to protect life, the killing is not unlawful.

2. Killings constitute human rights violations when they are murders directly committed by or condoned by the state authorities, that is, when they present the following three characteristics:

- They take place **at the order of, or with the complicity or acquiescence of, the authorities.** In other words, killings carried out by individual policemen or soldiers in violation of enforced orders do not constitute human rights violations.
- They are **deliberate:** they have *not* occurred by accident or because of ignorance or self-defence.
- They are **unlawful:** they violate national laws, such as those prohibiting murder, as well as international human rights and humanitarian standards forbidding arbitrary deprivation of life. They did not follow proper and adequate judicial or legal proceedings.

3. Killings constitute human rights violations when parties to a conflict have violated the laws of war prohibiting the killing of unarmed individuals and prisoners of war:

- Deliberate **killing of prisoners of war**
- Deliberate or indiscriminate **killing of civilians**

4. Killings constitute human rights abuses when they have been committed by armed opposition groups in violation of international norms prohibiting the arbitrary deprivation of life.

- They are **deliberate:** that is, they are not committed in self-defence, by accident or ignorance.
- They **flout even minimum standards of human behaviour** applicable to governments and armed opposition groups alike.
- They are committed **on the authority of a political entity** or with its acquiescence. They are part of a policy to eliminate specific individuals or groups or categories, or they occur because such abuses are allowed to be committed or tolerated.

Example of an investigation: Political killings in Lesotho

The following example is from Thabo Motlamelle, a journalist from Lesotho, investigating the killings of striking construction workers by the police.³ In the course of the fact-finding, the journalist went to several places trying to find evidence and eye-witnesses, which he eventually did, but after encountering many obstacles. You will notice that his knowledge of the country and of killings was very important. He had monitored killings by the police or the army so he knew what to expect in terms of obstacles, and what to look for in terms of evidence. His persistence paid off.

It is often said that journalists are the first recorders of history: that is to mean that news reporters draft the events of history, publish them in newspapers and other media that can be accessible to historians at a later date for them to verify the facts surrounding an event.

As a working journalist involved with the British Broadcasting Corporation, some local newspapers in Lesotho and the World Vision International media, I continually have to get involved in situations in which human rights may be an issue, as was the case with the 14 September 1996 police massacre of striking Lesotho Highlands Water Project workers at Muela.

I left the capital city with a colleague two days after the event had taken place, with a view towards seeing for ourselves and recording that for local papers and the international media, which was then getting some confused reports out of officials who had never set foot in the area since the incident.

Finding eye-witnesses and evidence . . .

*Our first port of call was the trauma unit at the **government hospital**, some 20 km before we reached our final destination where the shooting had taken place. There we wanted to verify the numbers of those admitted to the hospital and their condition. We walked into a brick wall of hospital officials who shuttled us from one ward to the*

3

Thabo Motlamelle, presentation written for the Human Rights Defenders Conference, organised by Amnesty International, Harare, Zimbabwe, 26–28 March 1998.

next without ever really telling us what we were looking for.

*Eventually we were able to talk to **one worker** who had some bullet wounds in the leg and told us that he had come to the compound because he had intended to take some of his belongings so he could go home as he was on leave. He was on his way home when he unfortunately happened upon the police shooting his colleagues. He sustained injuries trying to run away from the mayhem.*

*Our next station was the **offices of the police** where we wanted to confirm the incident and the role of the police in its perpetration. We were met by a scene of heavily armed policemen and one of them laughed out loud when he heard what our mission was. His colleagues told us we would have to wait for the commander who had gone to Maseru. They did not know when he would return and his deputy was nowhere to be found.*

*We then took off to the **offices of the construction company** that employed the workers. The situation there was the same with the presence of heavily armed policemen and some security guards. We were directed to the office of a sour-looking tall and lanky Englishman who introduced himself as one of the directors of the company and said that he was willing to give us an interview. Once the interview was in progress, it became evident that this director was not willing to be interviewed as he started issuing threats that he could close down our papers if we ever reported anything negative about his company.*

*We took off to the **Catholic Mission where the workers were encamped** where we found over 600 men in fear of their lives telling us that they had to live at the church yard as they had sought protection from the sanctuary of a church and that they had nothing at all to bathe with, eat, etc.*

*We were eventually able to find the **bodies of the four people** who had been killed with the help of a friendly hospital worker who directed us straight to the **mortuary**. There, thanks to another friendly worker, we were also shown other bodies, some of them defenceless people brutally murdered by the police.*

The example highlights the various places to go to in terms of investigation of killings, including the hospital, the police station, the place where the killings took place, the mortuary, the eye-witnesses, etc. It also shows that you may just need *one* willing and brave person who will open some doors for you and will get you access to the evidence and eye-witnesses. Such a person may be called a “gate-opener” in the documentation jargon.

In the remainder of his testimony, the journalist expands some more on the obstacles and especially on the role played by his monitoring of the situation while he was conducting fact-finding.

The problems we encountered at the hospital trauma unit are commonplace in my country. People always tend to ignore the situation around them or act nonchalantly indifferent to the situation because they may get fired . . . A second attitude manifested itself in the policeman who laughed at us like we were some stupid foreigners who came on a space shuttle from Mars. This was either out of fear that the incident was being investigated so early, or just a case of “Go on, try to get the information and let’s see where you will get in the end.”

The second attitude is due to the practice and what has been the situation in the country for some time. A lot of deaths have occurred in which the armed forces may have been implicated and the results have invariably been that no one would be arrested or the investigations have always ended up as paper tigers that never bring solutions as to who did it.

A deputy prime minister had died in an incident that involved soldiers and to date his alleged killers have not been brought to book and there does not appear to be any will to do so; neither in future nor in the past has there been any intent to apprehend those involved in his killing

. . .

The other practice is that of senior officers vacating the scene so that journalists would find no one to interview or, if they are around, they may tie one in a series of long, red tape which will see one move from office to office and back to the first one where the event was first

recorded anyway but the real story would always be hidden somewhere, the reporter may not find it easily.

So what did the journalist know about political killings before he started this specific investigation?

He knew that:

- people are fearful of talking about it;
- police always deny that anything wrong happened;
- killings by the police or the army are not seriously investigated and a pattern of impunity is the norm.

How did he know all that?

- Through experience, that is, through monitoring. This was not his first investigation of such killings: he had done fact-finding before and monitored cases.

In the remainder of this book, we will identify the various steps that may be taken to monitor political killings and to conduct fact-finding.

II. How to monitor political killings?

Monitoring is the long-term observation and analysis of the human rights situation in a country or region.

- It consists of collecting **systematically and consistently** information that may be related to human rights violations, from a variety of sources.
- This information, collected over a certain period of time, should allow you to **put the cases under investigation into a political and legal context**, as well as to **identify patterns** in terms of unlawful killings. They should also allow you to develop an in-depth knowledge of the security forces and opposition groups, their methods of operations, their chains of command, etc.
- Please refer to the handbook *Monitoring and Documenting Human Rights Violations in Africa*.

Question: What kind of information can assist you in investigating political killings?

1. Monitor the legal and political system

The more detailed and complete your knowledge of the local and regional political climate and changes, the legal procedures, the structure and composition of the security forces and the opposition groups, the better qualified and empowered will you be to establish responsibilities for the killings.

Regularly collect and analyse legal information on:

- National domestic laws regarding murders and capital punishment.
- Legislation governing the use of force by the police, the military or other security bodies.
- Procedures to be followed in cases of killings.
- Role of military courts.
- Paramilitary militias.
- Laws or regulations which facilitate the carrying-out of extrajudicial executions with impunity, such as

“shoot-on-sight” orders, curtailed post-mortem or inquest procedures, or provisions for immunity from prosecution.

Regularly collect and analyse information on the political climate, including:

- Information on political parties: whether they are allowed or not; their political agenda and possible changes; etc.
- Information on electoral laws.
- Statements by government and officials of armed opposition groups regarding political opponents, activists, particular political parties or individuals, etc.
- Responses of government officials or representatives of armed opposition groups to accusations of human rights violations?
- Warnings issued by officials of government, armed opposition groups, security forces.
- Statements by government officials regarding demonstrations, in general.
- Representation of certain individuals or groups, within the media.

Main sources of information on political killings

- statements and interviews of witnesses, family members, friends, colleagues
- media, radio
- official, governmental articles and reports
- court records
- reports from other NGOs or IGOs
- members of the security forces and armed opposition groups
- retired members of the security forces, etc.

2. Develop expertise on the organisation of security and armed forces

The more detailed and complete your knowledge of the structure and composition of the security forces and the opposition groups, the better qualified and empowered will you be to establish responsibilities for the killings.

a. Collect information on the organisation of the security forces and monitor changes

- Identify the different branches within the security forces and their respective chains of command.
- Get copies of, and read, various codes of conduct, regulations or internal guidelines regarding the use of lethal force, crowd control, arrest of criminals.
- Find out about the type of training received by security forces.
- Identify precisely the security forces usually involved in repressive activities and monitoring demonstrations.
- Find out whether regular troops, police or militia have been known to carry out killings.
- Find out whether the law provides for paramilitary militias, police reserves, civilian forces.
- Find out whether supposedly independent organisations who support the government are known to be organised on a paramilitary basis, and whether they receive military training, transport or equipment.

b. Collect information on their methods of operation and means of identification

- Identify the type of arms usually used by specific security branch or organisations.
- Identify the different uniforms and colours of uniforms for each security branch and paramilitary organisation.

- Identify the ranking system.
- List the various types of means of transportation each branch tends to use.
- List any other visible signs of identification, e.g. some branches may be dominated by one linguistic group; they may use specific expressions; etc.

c. Collect information on the organisation of armed opposition group(s) and monitor changes

- Find out whether organisations or parties that oppose the government are organised on a paramilitary basis. Identify the chain of command and their methods of operation.
- Identify the various armed factions or branches, their leadership and chain of command.
- Identify their international, regional or national supporters and origins of the arms at their disposal.
- Monitor the reactions of the leadership of opposition groups to killings.

d. Collect information on their methods of operation and means of identification

- Identify the type of arms usually used by specific armed factions.
- Identify the different “uniforms” and colours worn by members of armed groups.
- Identify the ranking system.
- List the various types of means of transportation.
- List any other visible signs of identification, e.g. language, use of specific expressions; etc.
- Collect all operations known to have been carried out by the armed groups; identify methods of proceedings and common points.

3. Record and monitor individual cases

Let's return for a moment to Thabo Motlame's example: You may recall that he had already monitored a number of cases of political killings, in particular the killing of a deputy prime minister:

A deputy prime minister had died in an incident that involved soldiers and to date his alleged killers have not been brought to book and there does not appear to be any will to do so; neither in future nor in the past has there been any intent to apprehend those involved in his killing . . .

Having already investigated this case, he knew that: (i) soldiers were involved; (ii) no one had been brought to justice.

To facilitate monitoring, it is recommended that you **design a form** on which you can record individual cases of alleged political killings that are brought to your attention, either through the media, or by family members, witnesses, etc.

This format is meant to give you a quick look at a case and to identify possible common points among a number of cases. You will need to refer to the broader file to get all the details regarding the case.

Opposite you will find an example of such a form. You will need to adapt it to the specific circumstances of your country or region.

4. Identify patterns

Patterns constitute one or several typical features of human rights violations, in this case, political killings. You identify patterns in political killings by:

- reviewing and analysing a number of cases over a given period of time; and
- identifying the common elements amongst all cases, such as: location where the killings took place; date and time; causes of death; circumstances; etc.

Sample form for recording information on political killings

Date: Registration number: Information compiled by:
 Visit to the scene: No Yes by on
 Interviews of witnesses: No Yes by on

1. Victim identification information

Name (Last and first name, nickname):
 Date of Birth or Age: Gender:
 Profession/Occupation: Family Status:
 Address:
 Nationality: Religion: Ethnicity:
 Other identity-related status:
 Physical description or picture:

2. Location of the killing

Date, time and year of the alleged killing (or date of the disappearance):

 Province: District City/village (or nearest):
 Street address (if applicable):

3. Nature of the killings

Number of victims

Killings during or following:

police/security operations	<input type="checkbox"/>	military operations	<input type="checkbox"/>
riots/demonstrations	<input type="checkbox"/>	inter-communal fighting	<input type="checkbox"/>
arrest	<input type="checkbox"/>	imprisonment	<input type="checkbox"/>
abduction	<input type="checkbox"/>	other	

Disappearance

Was any property:

damaged

destroyed

stolen

confiscated

other:

4. Causes of death

Causes of death (e.g. gunshot):

Brief description of the killing:

.....

5. Circumstances

Briefly describe the events immediately preceding the killings (e.g. new legislation; military attacks, etc.)

.....

.....

6. Alleged perpetrators (e.g. police forces, armed forces, armed groups, paramilitary groups, etc.)

.....

.....

7. Evidence

Witnesses:

Forensic evidence:

Court record:

Other:

8. Government responses

Complaint lodged: when? where?

Public statements:

Investigation:

Court cases:

9. Responses of the armed group, if any

Did you contact representatives of the armed group?

How did they react to the allegation?

.....

Were any measures taken by their leadership; if so, what?

.....

.....

Let's return again to Thabo Motlamelle's example. You may recall what he said about impunity:

[This] has been the situation in the country for some time: a lot of deaths have occurred in which the armed forces may have been implicated and the results have invariably been that no one would be arrested or the investigations have always ended up as paper tigers that never bring solutions as to who did it.

In other words, he knew that in all the cases of alleged political killings, the police had never seriously investigated them; no one had ever been arrested. What he did here was to establish a pattern regarding impunity. This knowledge of the patterns allowed him to place the specific incident he was investigating within its proper context.

Question: What kinds of patterns regarding political killings can you establish?

Patterns in the identity of the victims

The victims of political killings may have a number of elements in common, such as:

- nature of political activities
- professional activities or occupations
- ethnicity
- age-group
- gender
- religion
- residents of clearly defined areas

Patterns in the circumstances

The circumstances immediately preceding or following the killings may also be quite similar and therefore present a pattern. For instance, political killings may take place especially during, after, or following:

- new legislation
- declaration of a state of emergency
- elections

- announcement of meetings or request for authorisation
- meetings
- demonstrations, riots
- troop movements in the context of armed conflicts
- specific attacks or activities by armed groups
- reprisal operations
- kidnapping
- arrests
- long-term detention
- intimidation and/or death threats

Patterns in the locations of the killings

Quite often, the locations of political killings and/or killings committed by armed groups follow a clear pattern. That is, killings may take place overwhelmingly in specific:

- regions
- cities or localities
- neighbourhoods
- prisons

Patterns in the causes of death

The causes of death may be similar in a majority of cases, hence indicating the existence of a pattern. Such causes may include:

- gunshot in the head, the heart, etc.
- strangulation
- torture

Patterns in the methods used

Quite often, the methods used by the perpetrators are consistent and similar. Such commonalities may characterise:

- the type of arms used
- the type of torture techniques (demonstrating an intention to kill)
- the use of a specific instrument or method to kill (e.g. machetes, drowning, etc.)
- the position of the body (e.g. hands tied in a certain way; location of the body; etc.)
- the use of and reliance on a motor vehicle

Patterns on the identity of alleged perpetrators

Patterns may emerge indicating that killings are most likely to be committed by:

- specific branches or agencies of the security forces
- individuals
- alleged perpetrators of similar rank
- armed groups
- state-supported vigilante groups

In the majority of cases, you will not be able to fully prove their identity, but some of the elements related to the killings may indicate that the majority of them are committed by a specific security branch, an armed group, etc.

Such elements may include: the type of arms used, the location of the killings, the identity of the victims, etc. The perpetrators' freedom of movement at a time of curfew or roadblocks will tend to indicate that they are very well informed and that they may have allies within the security or military forces.

Patterns in governmental responses to alleged cases

A pattern may also emerge over time in terms of the responses of the government to accusations of political killings. Such a pattern may be characterised by:

- public statements following the killings
- the absence of or nature of the investigations (for instance, investigations falling short of being independent and impartial)
- the absence of or nature of prosecutions
- the identity of the courts responsible for the trials
- the absence of or nature of the verdict

Patterns in the responses of armed groups to accusations of political killings

A pattern may also emerge over time in terms of the responses of the leadership of an armed group to accusations

- of political killings. Such a pattern may characterise:
- nature of public statements issued following the killings
 - denials
 - justification for the killings

III. How to conduct fact-finding

Fact-finding consists of investigating a specific incident or allegation of human rights violations, collecting or finding a set of facts that proves or disproves that the incident occurred and how it occurred, and verifying allegations or rumours.

Four main questions should guide your investigation of the alleged political killing:

- What kind of evidence do I need in order to assert that a political killing took place?
- Is it safe to go to the scene?
- Who is more likely to give me access to the evidence?
- How can I assess the reliability of my data?

1. List facts and evidence

a. List everything you know about the case and political killings

- Be knowledgeable about the law and standards related to killings. Find out exactly what is prohibited under domestic laws and international human rights standards.
- Be knowledgeable about the patterns related to political killings

b. Seek expert advice

- Get all necessary information or expert advice, e.g. consult with forensic pathologists, lawyers, etc.

c. Prepare your interview format

- Write down a check list of the data and facts necessary to assess the allegations.

- Show the check list to local contacts who have worked on the issue or have dealt with similar cases to get their input: they will often be able to add questions, delete others that are not appropriate, etc.
- Please refer to Part Four (Suggestions for Interviews) of the Booklet on “Monitoring and Documenting Human Rights Violations in Africa”

d. Identify the evidence you need to demonstrate the responsibility of the state or of armed opposition groups:

- When the presence and involvement of the security forces leaves no doubt (as in the case of demonstrations, riots, arrest, etc.), the primary issue guiding the investigation is whether the killing is unlawful and deliberate.
- In some circumstances, the involvement of security officials, and therefore their responsibility and that of the government, will be very difficult to ascertain: the government may deny any involvement, the killings may have been perpetrated by individuals in civilian clothes; etc.
- Similarly, in the case of killings possibly perpetrated by opposition groups, the leadership of these groups may deny all responsibility, and, again, the circumstances of the killings may make it difficult to establish that this group is responsible for the killing.
- It is often not possible to establish with certainty whether any particular killings were committed at the order of the state or of an armed group.
 - Your knowledge of the methods of operation of security forces and/or opposition groups and the identification of patterns are crucial in terms of directing your investigation on the scene and developing hypotheses regarding the responsibility of the government or of an opposition group.

- Furthermore, as far as government responsibilities are concerned, if no full and impartial investigations have been conducted, and if impunity is allowed to prevail, this can be taken as a strong indicator that the government condones such killings, whatever its public statements may be.

2. Before going (or not) to the scene

Carry out a thorough risk assessment

If you decide to go to the scene of an alleged political killing, you need to assess all the risks involved for you, your colleagues, and the people you will talk to.

- List all possible security concerns (e.g. your own physical security and the security of your contacts) and develop contingency plans to deal with each one of them (e.g. evacuation: how?). If access to, and your presence at, the scene of the killings carries many dangers, identify alternative means of carrying out the research (e.g. rely on a confidential local contact to bring possible witnesses outside the area).
- Possibly go on a reconnaissance mission where you can find out: the structures of authority in the area, the number of check-points you will have to go through, whether or not you need to disguise yourself, people's reactions and feelings, etc.
- Be ready: prepare responses regarding the reasons for your visit and what you are doing in case people ask you difficult questions or appear suspicious.
- If necessary, seek official written authorisation to go to the scene.

Composition of the delegation

- **Be strategic:** The investigative team should not be constituted of individuals who may be perceived as

partial by the informants because of their ethnicity, religion, known political affiliation, etc. As far as it is possible, identify team members who not only *are* impartial but who will also be *perceived* as impartial by the informants.

- **Experienced delegation:** An organisation's credibility is at stake, hence the need to send trained and credible researchers who can establish trust with informants
- **Experts:** Identify what expertise will be most needed during the investigation: you may need forensic pathologists, a ballistic expert, a lawyer, etc. If possible, you should include such an expert in your delegation. If it is not possible, you should meet with experts before going fact-finding.
- **Gender-balanced delegation:** The delegation should include a woman who will be able to interview other women.
- **Ethnicity, language, etc.** As far as possible, you should also seek to get delegates representative of different ethnic groups, language groups, etc. If you have little resources and few delegates, identify the one who will be best equipped to deal with the ethnic, language or other important factor.

3. Identify and interview sources of information

You may recall Thabo Motlamelle's visits in the course of his investigation.

He went to:

- the hospital
- the police station
- the offices of the construction company that employed the striking workers
- the sanctuary where striking workers had found refuge;
- the mortuary.

He interviewed:

- hospital workers;
- policemen to get their side of the story;
- the director of the company that employed the workers to get his side of the story;
- an eye-witness: a wounded worker in the hospital;
- eye-witnesses: striking workers in the church sanctuary;
- eye-witnesses: workers in the mortuary

In the majority of unlawful killings, these places and individuals will be crucial to your research. You will need to go to the hospital, to the police station, to the location where the killings took place, to the location where you are likely to find eye-witnesses (in the case of Motlamelle, the church where workers had found refuge), and to the mortuary. You will also need to go to the courts, in case the killings have been officially recorded or some family members have filed a complaint.

You will also need to interview hospital workers because they are likely to have seen the wounded or killed, mortuary workers because they are likely to see the corpses of the victims, eye-witnesses and survivors, as well as interview the police themselves and other officials involved, directly or indirectly, in the killings or the cover-up.

During your investigation and interviewing, you ought to be politically aware

- Rely on local knowledge; read the overall mood; be on your guard and do not hesitate to leave the scene whenever you feel that something is wrong.
- Be observant of your surroundings.
- Be prepared to respond to requests or questions regarding your presence and activities.
- Seek all necessary permissions.

**A generic list of possible sources of information
(individuals and/or groups)**

- Eye witnesses
- Relatives
- Lawyers
- Medical personnel
- Local human rights activists
- Members of religious institutions
- Members of political parties, civil rights groups, trade unions; ethnic groups, etc.
- Members and officials of the police force
- Other police/judicial representatives
- Members and officials of the army
- Members and officials of armed opposition groups
- Other witnesses
- Community leaders
- Journalists
- Prosecutors

Possible material evidence

- Hospital and/or autopsy records
- Court records
- Arms left behind, bullet shells
- Documents left behind by the deceased
- Videos, pictures, etc.
- Police reports
- Official statements

IV. How to assess information?

1. Reliability of initial source

- Are your initial sources or contacts reliable?

2. Consistency with patterns

- Is the incident reported to you consistent with what you know about the pattern in political killings in the country?

In many countries, the incidents of political killings will present strong similarities from which patterns can be extracted.

- Compare the case under investigation with what you know about patterns in political killings.

3. Consistency of medical evidence

- Whenever possible, you should get the assistance of medical experts and forward them all medical evidence.
- Some of the key questions concern the autopsy, if it has been performed (see p. 36).

4. Reliability of the testimonies

- Do the witnesses' testimonies appear reliable and consistent with each others?
- In assessing the testimonies, keep in mind the points developed in the guidelines Monitoring and Documenting and Documenting Human Rights Violations in Africa.

Pay special attention to:

- The witnesses' account of the circumstances, location, procedures, individuals involved, etc. Are they consistent with what others who witnessed similar

events at the same time and place say; or with the patterns in political killings?

- The witnesses' account of the sequence and timing of the events
- Consistency of the testimony: Whether the testimony concurs with others as well as with any previous pattern of political killings in the country/region? Do the witnesses contradict each others when asked the same or similar questions?
- Inconsistencies of the testimonies: Are they the result of the witnesses' dishonesty or of faults in memory, exaggerations, unsubstantiated rumours,

5. Assessing the responsibility of the government or of the armed group

The following questions should assist you in assessing the responsibility of the government or the armed group.

a. The context: Does it indicate increased targeting of specific individuals or groups by the government or opposition groups?

Answers to these questions may be located in:

- Statements made by governments or opposition groups officials, media reports;
- New laws or decrees or police measures suggesting that specific individuals or activities are prohibited;
- Declaration of a state of emergency;
- Previous attacks and/or killings of specific individuals;
- Targeting of members of certain social or political groups, or people in a particular geographical area, etc.

b. The victim(s): Is there anything about the victims that suggests government forces or armed groups may have killed them?

- Is there any apparent motive for the killing? Had these individuals been previously threatened or targeted? By whom?
- Had the victims been subject to regular short-term detention or questioning by police or military forces? Were they killed shortly after a visit to a police station or army camp?

c. The circumstances: Do they suggest the involvement of security forces or of members of opposition groups?

- Were security or military officials seen around the location of the killings? Where? When?
- Were “strangers” seen around the scene? What were their characteristics (motor vehicles, clothes, etc.)?
- Did the perpetrators operate with apparent impunity – for example, by travelling during curfews or driving vehicles through check-points without difficulty?
- Was the area where the bodies were located under the surveillance or control, even if informal, of security forces or armed groups?
- Had victims been detained, “disappeared” for a period and finally been found dead? Had there been any acknowledgement of detention, even if informal?

d. The method: Does it suggest the involvement of specific security forces or opposition groups?

- What was the cause of death? Had this method been used before by a particular branch of security forces or opposition groups?

- Was the victim tortured before being killed? Were the methods of torture those ordinarily used by the security services or opposition groups?
- What was the position of the body?
- Were the victims killed where the bodies were found or were the bodies transported considerable distances before being “displayed”?

e. Autopsy: did it follow international principles?

- Was an autopsy performed? Did the autopsy follow national and international protocols?
- What were the results of the autopsy? What conclusions were drawn?
- Could the family get private forensic examinations carried out? Does the private forensic evidence contradict the official account of the deaths and official forensic results?

f. Responses of the authorities: Do they suggest that they condone the killing?

- Were families able to recover bodies of victims without any obstacle?
- Did public officials try to “justify” the killings in any way, or vilify the victims after their death?
- Was an investigation conducted? Did it follow international principles? Were the findings made public?
- Were any alleged perpetrators brought to justice? How was the trial conducted? Was anyone condemned? Was anyone condemned but then released?

- Were the civilian judges or prosecutors who pursued the investigation threatened, intimidated or killed?

g. Responses of the armed opposition group: Do they suggest that it condones the killings?

- Did the leadership of the opposition group try to “justify” the killings in any way, or vilify the victims after their death?
- Did it claim responsibility for the killings? Did it deny any responsibility for the killings?
- Did it agree to carry out an internal investigation?

Annexe One: Definitions of Key Terms

The United Nations Special rapporteur on Summary or Arbitrary Executions and the United Nations High Commission on Human Rights refer to **political killings** as: “extralegal, summary and arbitrary executions”.

Summary executions are those which take place after some sort of judicial or legal proceedings which fall short of international minimum procedural or substantive standards.

Arbitrary executions consist in the arbitrary deprivation of life as the result of the killing of person carried out by order of the government or with its complicity or tolerance or acquiescence without any judicial or legal process.

Annexe Two: International and Regional Standards

Since the 1948 adoption of the Universal Declaration of Human Rights by the United Nations General Assembly, a number of international and regional standards have been adopted which have given a legal character to the specific rights enshrined in the declaration. These standards take the form of declarations, treaties, protocols and other instruments. Many of these standards are legally binding on the states which have ratified them. In other words, states which have ratified them are legally bound by their provisions.³

The following standards and articles specifically relate to political killings. They provide a very important legal framework which allows the human rights monitor to demonstrate and assert that fundamental human rights have been violated.

International human rights standards

1948 Universal Declaration of Human Rights, Art. 3 “everyone has the right to life, liberty and security of persons”

1966 International Covenant on Civil and Political Rights, Art. 6 (1) “no one shall be arbitrarily deprived of his/her life”. Art.4 states that no derogation from art.6 is possible even in an emergency.

1989 Economic and Social Council, in its Resolution 1989/65 adopted the “Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions”.

1978 UN Code of Conduct for Law Enforcement Officials, Art. 3:

- Force should be used “only when strictly necessary”. The official Commentary included in the Code says that the use of force should be exceptional, that force should be used only “as is reasonably necessary under the circumstances” and that it should be used for only two purposes: “the prevention of crime” and “effecting or assisting in the

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Amnesty International,
Handbook. London:
Amnesty International
Publications, 1992.

lawful arrest of offenders or suspected offenders”.

- The force used should be proportional to the objectives (it should be used only “to the extent required” for the performance of law enforcement officials’ duty). The Commentary acknowledges the “principle of proportionality” laid down in national laws and says that the Code should not be taken to authorize the use of force which is “disproportionate to the legitimate objective to be achieved.”

1990 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials:

The use of firearms is restricted to a series of situations involving “the imminent threat of death or serious injury” or “grave threats to life”, and “only when less extreme means are insufficient” to achieve the objectives specified. Furthermore, the “intentional lethal use of firearms” is to be made only “when strictly unavoidable in order to protect life”. The phrase “strictly unavoidable” implies that lesser means should be used first and that firearms should not be used before lesser means have proved insufficient to protect life.⁴

International humanitarian law standards

1949 Geneva Conventions, Common article 3: this is an article which is common to all four conventions, which extends to conflicts not of an international nature, and applies to all parties to such conflicts including armed opposition groups:

- “In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions: (i) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse

⁴
Amnesty International,
*Disappearances and
Political Killings*,
Amsterdam, 1994,
p. 101

distinction founded on race, colour, religion or faith, sex, birth, or wealth, or any other criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture . . .

Regional standards: African charter on human and peoples' rights

According to **Article 4**, "Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right".

According to **Article 5**, "Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained."

According to **Article 7**

1 Every individual shall have the right to have his cause heard. This comprises: a)-The right to an appeal to competent national organs against acts violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force; b)-the right to be presumed innocent until proved guilty by a competent court or tribunal; c)-the right to defence, including the right to be defended by counsel of his choice; d)-the right to be tried within a reasonable time by an impartial court or tribunal.

2 No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender.

According to **Article 8**, “freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms”.

According to **Article 10**

1 Every individual shall have the right to free association provided that he abides by the law.

2 Subject to the obligation of solidarity provided for in Article 29 no one may be compelled to join an association.

According to **Article 11**, “Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others”.

National criminal laws

National criminal laws universally prohibit murder. Both extrajudicial executions by governments and deliberate and arbitrary killings by opposition groups violate such laws.

Recommendation: Identify the national laws in your country relevant to political killings and add these to this Handbook.

Annexe Three: Suggestions for Action and Recommendations

The following are some suggestions regarding action to be taken following your investigation of political killings cases:

- Send your report to the relevant authorities within the government or the armed group and ask for their comments and action to be taken
- Push for independent and impartial investigation and prosecution
- Pursue the case until it gets to court and judgement
- Use public media: radio and newspapers
- Conduct international lobbying
- Sensitise the international community
- Lobby the government for increased and enforced discipline and training of security forces

Annexe Four: Amnesty International 14-point programme for the prevention of political killings (extrajudicial executions) by state officials

1. Official condemnation

The highest authorities of every country should demonstrate their total opposition to extrajudicial executions. They should make clear to all members of the police, military and other security forces that extrajudicial executions will not be tolerated under any circumstances.

2. Chain-of-command control

Those in charge of the security forces should maintain strict chain-of-command control to ensure that officers under their command do not commit extrajudicial executions. Officials with chain-of-command responsibility who order or tolerate extrajudicial executions by those under their command should be held criminally responsible for these acts.

3. Restraints on use of force

Governments should ensure that law enforcement officials use force only when strictly necessary and only to the minimum extent required under the circumstances. Lethal force should not be used except when strictly unavoidable in order to protect life.

4. Action against “death squads”

“Death squads”, private armies, criminal gangs and paramilitary forces operating outside the chain of command but with official support or acquiescence should be prohibited and disbanded. Members of such groups who have perpetrated extrajudicial executions should be brought to justice.

5. Protection against death threats

Governments should ensure that anyone in danger of extrajudicial execution, including those who receive death threats, is effectively protected.

6. No secret detention

Governments should ensure that prisoners are held only in publicly recognized places of detention and that accurate information about the arrest and detention of any prisoner is made available promptly to relatives, lawyers and the courts. No one should be secretly detained.

7. Access to prisoners

All prisoners should be brought before a judicial authority without delay after being taken into custody. Relatives, lawyers and doctors should have prompt and regular access to them. There should be regular, independent, unannounced and unrestricted visits of inspection to all places of detention.

8. Prohibition in law

Governments should ensure that the commission of an extrajudicial execution is a criminal offence, punishable by sanctions commensurate with the gravity of the practice. The prohibition of extrajudicial executions and the essential safeguards for their prevention must not be suspended under any circumstances, including states of war or other public emergency.

9. Individual responsibility

The prohibition of extrajudicial executions should be reflected in the training of all officials involved in the arrest and custody of prisoners and all officials authorized to use lethal force, and in the instructions issued to them. These officials should be instructed that they have the right and duty to refuse to obey any order to participate in an extrajudicial execution. An order from a superior officer or a public authority must never be invoked as a justification for taking part in an extrajudicial execution.

10. Investigation

Governments should ensure that all complaints and reports of extrajudicial executions are investigated promptly, impartially and effectively by a body which is independent of those allegedly responsible and has the necessary powers and resources to carry out the investigation. The methods and findings of the investigation should be made public. The body

of the alleged victim should not be disposed of until an adequate autopsy has been conducted by a suitably qualified doctor who is able to function impartially. Officials suspected of responsibility for extrajudicial executions should be suspended from active duty during the investigation. Relatives of the victim should have access to information relevant to the investigation, should be entitled to appoint their own doctor to carry out or be present at an autopsy, and should be entitled to present evidence. Complainants, witnesses, lawyers, judges and others involved in the investigation should be protected from intimidation and reprisals.

11. Prosecution

Governments should ensure that those responsible for extrajudicial executions are brought to justice. This principle should apply wherever such people happen to be, wherever the crime was committed, whatever the nationality of the perpetrators or victims and no matter how much time has elapsed since the commission of the crime. Trials should be in the civilian courts. The perpetrators should not be allowed to benefit from any legal measures exempting them from criminal prosecution or conviction.

12. Compensation

Dependants of victims of extrajudicial execution should be entitled to obtain fair and adequate redress from the state, including financial compensation.

13. Ratification of human rights treaties and implementation of international standards

All governments should ratify international treaties containing safeguards and remedies against extrajudicial executions, including the International Covenant on Civil and Political Rights and its first Optional Protocol which provides for individual complaints. Governments should ensure full implementation of the relevant provisions of these and other international instruments, including the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, and comply with the recommendations of intergovernmental organizations concerning these abuses.

14. International responsibility

Governments should use all available channels to intercede with the governments of countries where extrajudicial executions have been reported. They should ensure that transfers of equipment, know-how and training for military, security or police use do not facilitate extrajudicial executions. No one should be forcibly returned to a country where he or she risks becoming a victim of extrajudicial execution.

Annexe Five: United Nations principles on the effective prevention and investigation of extra-legal, summary or arbitrary executions

Recommended by Economic and Social Council resolution 1989/65 of 24 May 1989⁵

Prevention

1. Governments shall prohibit by law all extra-legal, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws, and are punishable by appropriate penalties which take into account the seriousness of such offences. Exceptional circumstances including a state of war or threat of war, internal political instability or any other public emergency may not be invoked as a justification of such executions.

Such executions shall not be carried out under any circumstances including, but not limited to, situations of internal armed conflict, excessive or illegal use of force by a public official or other person acting in an official capacity or by a person acting at the instigation, or with the consent or acquiescence of such person, and situations in which deaths occur in custody. This prohibition shall prevail over decrees issued by governmental authority.

2. In order to prevent extra-legal, arbitrary and summary executions, Governments shall ensure strict control, including a clear chain of command over all officials responsible for apprehension, arrest, detention, custody and imprisonment, as well as those officials authorized by law to use force and firearms.

3. Governments shall prohibit orders from superior officers or public authorities authorizing or inciting other persons to carry out any such extralegal, arbitrary or summary executions. All persons shall have the right and the duty to defy such orders. Training of law enforcement officials shall emphasize the above provisions.

4. Effective protection through judicial or other means shall be guaranteed to individuals and groups who are in danger

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In resolution 1989/65, paragraph 1, the Economic and Social Council recommended that the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions should be taken into account and respected by Governments within the framework of their national legislation and practices.

of extra-legal, arbitrary or summary executions, including those who receive death threats.

5. No one shall be involuntarily returned or extradited to a country where there are substantial grounds for believing that he or she may become a victim of extra-legal, arbitrary or summary execution in that country.

6. Governments shall ensure that persons deprived of their liberty are held in officially recognized places of custody, and that accurate information on their custody and whereabouts, including transfers, is made promptly available to their relatives and lawyer or other persons of confidence.

7. Qualified inspectors, including medical personnel, or an equivalent independent authority, shall conduct inspections in places of custody on a regular basis, and be empowered to undertake unannounced inspections on their own initiative, with full guarantees of independence in the exercise of this function. The inspectors shall have unrestricted access to all persons in such places of custody, as well as to all their records.

8. Governments shall make every effort to prevent extra-legal, arbitrary and summary executions through measures such as diplomatic intercession, improved access of complainants to intergovernmental and judicial bodies, and public denunciation. Intergovernmental mechanisms shall be used to investigate reports of any such executions and to take effective action against such practices.

Governments, including those of countries where extra-legal, arbitrary and summary executions are reasonably suspected to occur, shall co-operate fully in international investigations on the subject.

Investigation

9. There shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances. Governments shall maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation shall be to determine the

cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death. It shall include an adequate autopsy, collection and analysis of all physical and documentary evidence and statements from witnesses. The investigation shall distinguish between natural death, accidental death, suicide and homicide.

10. The investigative authority shall have the power to obtain all the information necessary to the inquiry. Those persons conducting the investigation shall have at their disposal all the necessary budgetary and technical resources for effective investigation. They shall also have the authority to oblige officials allegedly involved in any such executions to appear and testify. The same shall apply to any witness. To this end, they shall be entitled to issue summonses to witnesses, including the officials allegedly involved and to demand the production of evidence.

11. In cases in which the established investigative procedures are inadequate because of lack of expertise or impartiality, because of the importance of the matter or because of the apparent existence of a pattern of abuse, and in cases where there are complaints from the family of the victim about these inadequacies or other substantial reasons, Governments shall pursue investigations through an independent commission of inquiry or similar procedure. Members of such a commission shall be chosen for their recognized impartiality, competence and independence as individuals. In particular, they shall be independent of any institution, agency or person that may be the subject of the inquiry. The commission shall have the authority to obtain all information necessary to the inquiry and shall conduct the inquiry as provided for under these Principles.

12. The body of the deceased person shall not be disposed of until an adequate autopsy is conducted by a physician, who shall, if possible, be an expert in forensic pathology. Those conducting the autopsy shall have the right of access to all investigative data, to the place where the body was discovered, and to the place where the death is thought to have occurred. If the body has been buried and it later appears that an

investigation is required, the body shall be promptly and competently exhumed for an autopsy. If skeletal remains are discovered, they should be carefully exhumed and studied according to systematic anthropological techniques.

13. The body of the deceased shall be available to those conducting the autopsy for a sufficient amount of time to enable a thorough investigation to be carried out. The autopsy shall, at a minimum, attempt to establish the identity of the deceased and the cause and manner of death. The time and place of death shall also be determined to the extent possible. Detailed colour photographs of the deceased shall be included in the autopsy report in order to document and support the findings of the investigation. The autopsy report must describe any and all injuries to the deceased including any evidence of torture.

14. In order to ensure objective results, those conducting the autopsy must be able to function impartially and independently of any potentially implicated persons or organizations or entities.

15. Complainants, witnesses, those conducting the investigation and their families shall be protected from violence, threats of violence or any other form of intimidation. Those potentially implicated in extra-legal, arbitrary or summary executions shall be removed from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as over those conducting investigations.

16. Families of the deceased and their legal representatives shall be informed of, and have access to, any hearing as well as to all information relevant to the investigation, and shall be entitled to present other evidence. The family of the deceased shall have the right to insist that a medical or other qualified representative be present at the autopsy. When the identity of a deceased person has been determined, a notification of death shall be posted, and the family or relatives of the deceased shall be informed immediately. The body of the deceased shall be returned to them upon completion of the investigation.

17. A written report shall be made within a reasonable period of time on the methods and findings of such investigations. The report shall be made public immediately and shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law. The report shall also describe in detail specific events that were found to have occurred and the evidence upon which such findings were based, and list the names of witnesses who testified, with the exception of those whose identities have been withheld for their own protection. The Government shall, within a reasonable period of time, either reply to the report of the investigation, or indicate the steps to be taken in response to it.

Legal proceedings

18. Governments shall ensure that persons identified by the investigation as having participated in extra-legal, arbitrary or summary executions in any territory under their jurisdiction are brought to justice. Governments shall either bring such persons to justice or co-operate to extradite any such persons to other countries wishing to exercise jurisdiction. This principle shall apply irrespective of who and where the perpetrators or the victims are, their nationalities or where the offence was committed.

19. Without prejudice to principle 3 above, an order from a superior officer or a public authority may not be invoked as a justification for extra-legal, arbitrary or summary executions. Superiors, officers or other public officials may be held responsible for acts committed by officials under their authority if they had a reasonable opportunity to prevent such acts. In no circumstances, including a state of war, siege or other public emergency, shall blanket immunity from prosecution be granted to any person allegedly involved in extra-legal, arbitrary or summary executions.

20. The families and dependents of victims of extra-legal, arbitrary or summary executions shall be entitled to fair and adequate compensation within a reasonable period of time.

The Publishers

Amnesty International (AI) is a worldwide voluntary activist movement working towards the observance of all human rights as enshrined in the Universal Declaration of Human Rights and other international standards. It promotes respect for human rights, which it considers interdependent and indivisible, through campaigning and public awareness activities, as well as through human rights education and pushing for ratification and implementation of human rights treaties. Amnesty International takes action against violations by governments of people's civil and political rights. It is independent of any government, political persuasion or religious creed. It does not support or oppose any government or political system, nor does it support or oppose the views of the victims whose rights it seeks to protect. It is concerned solely with the impartial protection of human rights.

Amnesty International Dutch Section Special Programme on Africa (SPA) was established in 1994. Initially, SPA developed a programme to assist Amnesty Sections worldwide to improve the effectiveness of their campaigning against human rights violations in Africa. Since 1996 SPA has moved towards providing support to the broader Human Rights Movement in Africa. Rather than funding projects, SPA is developing and co-ordinating long term projects for and in cooperation with other human rights organisations and AI sections. In addition to copublishing *Ukweli*, SPA is also coordinating advocacy and training workshops in southern and West Africa, a project on policing and Human Rights, and a pilot project to raise human rights awareness in rural areas in Liberia.

CODESRIA is the Council for the Development of Social Science Research in Africa head-quartered in Dakar, Senegal. It is an independent organisation whose principal objectives are facilitating research, promoting research-based publishing and creating multiple forums geared towards the exchange of views and information among African researchers. It challenges the fragmentation of research through the creation of thematic research networks that cut across linguistic and regional boundaries.

CODESRIA publishes a quarterly journal, *Africa Development*, the longest standing Africa-based social science journal; *Afrika Zamani*, a journal of history; the *African Sociological Review*, and the *African Journal of International Affairs (AJIA)*. Research results and other activities of the institution are disseminated through 'Working Papers', 'Monograph Series', 'New Path Series', 'State-of-the-Literature Series', 'CODESRIA Book Series', the *CODESRIA Bulletin*, *KIBARU* and *CIVIC AGENDA*.