

1. *Commends* the Special Rapporteur for his report on the situation of human rights in Chile, prepared in accordance with Commission on Human Rights resolution 21 (XXXVI) of 29 February 1980;¹¹³

2. *Requests* the Commission on Human Rights at its thirty-seventh session to study thoroughly the report of the Special Rapporteur;

3. *Expresses its grave concern* at the deterioration of the human rights situation in Chile as reported by the Special Rapporteur, in comparison with the same period last year, in particular concerning the alteration of the traditional democratic legal system and its institutions and the repression of the human rights activities of the Catholic Church and of academic life;

4. *Strongly urges* the Chilean authorities to respect and promote human rights in accordance with their obligations under various international instruments and, in particular, to take concrete steps as outlined in Commission on Human Rights resolution 21 (XXXVI);

5. *Concludes*, on the basis of the report of the Special Rapporteur, that continued vigilance with regard to the human rights situation in Chile is warranted;

6. *Expresses its deep concern* about the lack of information on the numerous persons who have disappeared, which continues to be a gross and flagrant violation of human rights;

7. *Urges once more* the Chilean authorities to investigate and clarify the fate of persons who have disappeared for political reasons, to inform relatives of the outcome and to institute criminal proceedings against those responsible for such disappearances;

8. *Urges* the Chilean authorities scrupulously to respect the right and duty of the Chilean judiciary to employ fully and without restriction its constitutional power under *habeas corpus* and *amparo*;

9. *Urges once more* the Chilean authorities to cooperate with the Special Rapporteur and to submit their comments on the findings of his report to the Commission on Human Rights at its thirty-seventh session;

10. *Invites* the Commission on Human Rights to extend the mandate of the Special Rapporteur for another year and requests the Commission to report on the human rights situation in Chile, through the Economic and Social Council, to the General Assembly at its thirty-sixth session.

*96th plenary meeting
15 December 1980*

35/189. Protection of human rights of certain categories of prisoners

The General Assembly,

Recalling its resolution 32/121 of 16 December 1977 regarding the protection of the human rights of persons who are detained either in respect of offences which they committed, or are suspected of having committed, by reason of their political opinions or convictions, or as a result of their struggle against colonialism, aggression and foreign occupation and for self-determination, independence, the elimination of *apartheid* and all forms of racial discrimination and racism, and the termination of all these violations of human rights,

¹¹³ See *Official Records of the Economic and Social Council, 1980, Supplement No. 3 (E/1980/13 and Corr.1)*, chap. XXVI, sect. A.

Recalling also its resolution 33/169 of 20 December 1978 regarding the protection of the human rights of persons who have been arrested or detained as a result of their trade union activities,

Noting, however, that, although certain prisoners belonging to the above-mentioned categories may have been duly convicted of common-law offences, which may justify their arrest, detention or imprisonment, or may be detained pending a trial in respect of such offences, the arrest, detention or imprisonment for common-law offences cannot be justified when it is based on laws which are of a discriminatory nature or involve other serious violations of human rights, including *apartheid*,

Realizing that persons belonging to these categories are exposed to special dangers as regards the protection of their human rights and freedoms,

Noting that violations of their human rights and fundamental freedoms may consist in the arrest or detention itself, or in the treatment to which they are subjected,

Recalling the Universal Declaration of Human Rights¹¹⁴ and the International Covenants on Human Rights,¹¹⁵

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹¹⁶ which states that any act of torture or other cruel, inhuman or degrading treatment or punishment is an offence to human dignity, that no State may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment, and that exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment,

Recalling also the Standard Minimum Rules for the Treatment of Prisoners,¹¹⁷

Emphasizing the particular importance of protecting the right of prisoners not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, and their right to receive a fair hearing by a competent, independent and impartial tribunal in the determination of any criminal charge against them,

Aware of the fact that, despite releases of prisoners in some countries, the general situation as regards the arrest and detention of persons belonging to the above-mentioned categories remains as serious as before,

1. *Recognizes* that the arrest and detention, in many parts of the world, of numerous persons on the above-mentioned grounds often give rise to serious human rights problems and that effective measures should be taken to eliminate these problems;

2. *Reiterates*, therefore, the requests to Member States in General Assembly resolutions 32/121 and 33/169 regarding the release of such persons and the assurance that their fundamental human rights are protected during their arrest or detention.

*96th plenary meeting
15 December 1980*

¹¹⁴ Resolution 217 A (III).

¹¹⁵ Resolution 2200 A (XXI), annex.

¹¹⁶ Resolution 3452 (XXX), annex.

¹¹⁷ *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A.