

implementation of the Standard Minimum Rules for the Treatment of Prisoners<sup>192</sup> and the safeguards guaranteeing protection of the rights of those facing the death penalty.

*Bearing in mind also* the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>72</sup>

*Considering* the work in progress with regard to the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,

*Recalling* its resolution 39/118 of 14 December 1984, in which, *inter alia*, it requested the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders to give urgent attention to the matter of devising ways and means to ensure more effective application of existing standards and to report thereon to the General Assembly at its fortieth session,

*Acknowledging* the important work accomplished by the Seventh Congress, in particular in relation to the formulation and application of United Nations standards and norms in the administration of justice under item 7 of its agenda,<sup>193</sup>

1. *Deplores* the continued use of cruel, inhuman or degrading treatment or punishment, prohibited under international law, and strongly condemns the practice of summary or arbitrary executions;

2. *Welcomes* the Basic Principles on the Independence of the Judiciary, adopted unanimously by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,<sup>194</sup> and invites Governments to respect them and to take them into account within the framework of their national legislation and practice;

3. *Encourages* the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights, in giving further consideration to the question of the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, which is currently on its agenda, to take into account the Basic Principles adopted by the Seventh Congress in making final recommendations at its thirtieth session;

4. *Takes note with appreciation* of the Model Agreement on the Transfer of Foreign Prisoners and recommendations on the treatment of foreign prisoners,<sup>195</sup> also adopted unanimously by the Seventh Congress, and invites Member States to take the Model Agreement into account in establishing treaty relations with other Member States or in revising existing treaty relations;

5. *Also takes note with appreciation* of the recommendations made by the Seventh Congress with a view to ensuring more effective application of existing standards, in particular the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials<sup>196</sup> and safeguards guaranteeing the rights of those facing the death penalty;

6. *Calls upon* Member States to spare no effort in providing for adequate mechanisms, procedures and resources so as to ensure the implementation of these recommendations, both in law and in practice;

7. *Requests* the Secretary-General to assist Member States, at their request, in implementing these recommendations and to report thereon to the Committee on Crime Prevention and Control;

8. *Requests* the Economic and Social Council, through the Committee on Crime Prevention and Control, to give special attention to effective ways and means of implementing existing standards, to pay due attention to new developments in this area and to keep these matters under constant review;

9. *Invites* the specialized agencies and other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations concerned, to continue to co-operate with the Secretary-General in these endeavours by providing assistance, as may be appropriate, and by submitting proposals for relevant action to the Committee on Crime Prevention and Control;

10. *Decides* to consider at its forty-first session the question of human rights in the administration of justice.

*116th plenary meeting  
13 December 1985*

#### 40/147. Question of enforced or involuntary disappearances

*The General Assembly,*

*Recalling* its resolution 33/173 of 20 December 1978 concerning disappeared persons, and its resolution 39/111 of 14 December 1984 on the question of enforced or involuntary disappearances,

*Deeply concerned* about the persistence, in certain cases, of the practice of enforced or involuntary disappearances,

*Expressing its profound emotion* at the anguish and sorrow of the families concerned, who should know the fate of their relatives,

*Convinced* of the importance of implementing the provisions of its resolution 33/173 and of the other United Nations resolutions on the question of enforced or involuntary disappearances, with a view to finding solutions for cases of disappearances and helping to eliminate such practices,

*Bearing in mind* Commission on Human Rights resolution 1985/20 of 11 March 1985,<sup>30</sup> in which the Commission decided to extend for one year the term of the mandate of the Working Group on Enforced or Involuntary Disappearances, and Economic and Social Council decision 1985/142 of 30 May 1985, in which the Council approved the Commission's decision,

1. *Expresses its appreciation* to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work and to those Governments that have co-operated with it;

2. *Welcomes* the decision of the Commission on Human Rights to extend for one year the term of the mandate of the Working Group, as well as to study at its forty-second session the possibility of extending to two years the term of the mandate of the Working Group;

3. *Also welcomes* the provisions made by the Commission on Human Rights in its resolution 1985/20 to enable the Working Group to fulfil its mandate with even greater efficiency;

4. *Appeals* to all Governments to provide the Working Group and the Commission on Human Rights with the full co-operation warranted by their strictly humanitarian objectives and their working methods based on discretion;

<sup>192</sup> First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat (United Nations publication, Sales No. 1956.IV.4), annex I.A.

<sup>193</sup> See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report pre-

pared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. IV, sect. B.

<sup>194</sup> *Ibid.*, chap. I, sect. D.2.

<sup>195</sup> *Ibid.*, sect. D.1.

<sup>196</sup> Resolution 34/169, annex

5. *Encourages* the Governments concerned to consider with special attention the wish of the Working Group, when such a wish is expressed, to visit their countries, thus enabling the Group to fulfil its mandate even more effectively;

6. *Calls upon* the Commission on Human Rights to continue to study this question as a matter of priority and to take any step it may deem necessary to the pursuit of the task of the Working Group when it considers the report to be submitted by the Group to the Commission at its forty-second session;

7. *Renews its request* to the Secretary-General to continue to provide the Working Group with all necessary assistance.

116th plenary meeting  
13 December 1985

**40/148. Measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror**

*The General Assembly,*

*Recalling* that the United Nations emerged from the struggle against nazism, fascism, aggression and foreign occupation, and that the peoples expressed their resolve in the Charter of the United Nations to save future generations from the scourge of war,

*Reaffirming* the purposes and principles laid down in the Charter, which are aimed at maintaining international peace and security, developing friendly relations among nations based on respect for the principle of equal rights and the self-determination of peoples and achieving international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all,

*Recalling* that 8 and 9 May 1985 marked the days of the fortieth anniversary of victory over nazism and fascism in the Second World War and of that struggle against them,

*Bearing in mind* the suffering, destruction and death of millions of victims of aggression, foreign occupation, nazism and fascism,

*Recalling also* the close relationship between all totalitarian ideologies and practices based on racial or ethnic exclusiveness or intolerance, hatred and terror and the systematic denial of human rights and fundamental freedoms,

*Firmly convinced* that the best bulwark against nazism and racial discrimination is the establishment and maintenance of democratic institutions, that the existence of genuine political, social and economic democracy is an effective vaccine and an equally effective antidote against the formation or development of Nazi movements and that a political system which is based on freedom and effective participation by the people in the conduct of public affairs and under which economic and social conditions are such as to ensure a decent standard of living for the population makes it impossible for fascism, nazism or other ideologies based on racism and racial discrimination, hatred and terror to succeed,

*Emphasizing* that all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist ones, based on racial or ethnic exclusiveness or intolerance, hatred, terror or systematic denial of human rights and fundamental freedoms, or which have such consequences, may jeopardize world peace and constitute obstacles to

friendly relations between States and to the realization of human rights, fundamental freedoms and social progress in the world,

*Acknowledging with satisfaction* the fact that many States have established systems based on the inherent dignity and the equal and inalienable rights of all human beings, which are the basis of a democratic society and the best bulwark against totalitarian ideologies and practices, and have set up legal regulations which are suited to prevent the activities of Nazi, Fascist and neo-Fascist groups and organizations,

*Noting* that, nevertheless, in the contemporary world there continue to exist various forms of totalitarian ideologies and practices which entail contempt for the individual or denial of the intrinsic dignity and equality of all human beings, of equality of opportunity in civil, political, economic, social and cultural spheres, and of social justice,

*Deeply alarmed* at the existence of groups and organizations which propagate totalitarian ideologies and practices, including Nazi, Fascist and neo-Fascist ones, which violate human rights and fundamental freedoms, in particular the rights to self-determination, to life, liberty and security of person and to freedom from discrimination, and which thereby constitute a threat to the purposes and principles laid down in the Charter of the United Nations,

*Conscious* of the need to counter the spread of totalitarian ideologies and practices based on the systematic denial of human rights and fundamental freedoms, racial intolerance, hatred and terror,

*Stressing* that totalitarian régimes based on racial or ethnic exclusiveness or intolerance, hatred or terror or the systematic denial of human rights and fundamental freedoms seek to ensure their domination and their economic and social privileges at the expense of other peoples or racial or ethnic groups, which they oppress and exploit,

*Reaffirming* that the prosecution and punishment of war crimes and crimes against peace and humanity, as laid down in General Assembly resolutions 3 (I) of 13 February 1946 and 95 (I) of 11 December 1946, constitute a universal commitment for all States,

*Mindful* of the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity, set forth in General Assembly resolution 3074 (XXVIII) of 3 December 1973,

*Recalling* its resolutions 2331 (XXII) of 18 December 1967, 2438 (XXIII) of 19 December 1968, 2545 (XXIV) of 11 December 1969, 2713 (XXV) of 15 December 1970, 2839 (XXVI) of 18 December 1971, 34/24 of 15 November 1979, 35/200 of 15 December 1980, 36/162 of 16 December 1981, 37/179 of 17 December 1982, 38/99 of 16 December 1983 and 39/114 of 14 December 1984,

*Recalling further* the Declaration on Social Progress and Development,<sup>197</sup> the United Nations Declaration on the Elimination of All Forms of Racial Discrimination,<sup>197</sup> the Declaration on the Granting of Independence to Colonial Countries and Peoples<sup>198</sup> and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,<sup>199</sup>

*Underlining* the importance of the Universal Declaration of Human Rights,<sup>6</sup> the International Covenants on Human Rights,<sup>24</sup> the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>11</sup> the Convention on the Prevention and Punishment of the Crime of Genocide,<sup>200</sup> the Convention on the Non-Appliability of Statutory Limitations to War Crimes and

<sup>197</sup> Resolution 1904 (XVIII).

<sup>198</sup> Resolution 1514 (XV).

<sup>199</sup> Resolution 36/55.

<sup>200</sup> Resolution 260 A (III), annex.