

marginal settlements and university premises and acts of intimidation against journalists and religious and lay human rights bodies;

8. *Expresses its grave concern* at the ineffectiveness of the governmental authorities in preventing the ill-treatment of individuals by the military, police and security forces and expresses particular concern that the judiciary has often failed to act independently and that the competent authorities have failed to take the necessary steps to conduct full investigations and prosecute those responsible for the numerous unsolved cases of abduction, torture, disappearance and murder;

9. *Urges* the Chilean Government to respond to the requests of various social and political sectors for the early, unconditional re-establishment of a pluralist democracy;

10. *Emphasizes the need* for the Government of Chile to restore and respect human rights in conformity with the principles of the Universal Declaration of Human Rights² and to comply with the obligations it has assumed under various international instruments, so that the principle of legality, democratic institutions and the effective enjoyment and exercise of human rights and fundamental freedoms may be restored, and, in particular:

(a) To put an end immediately to the application of articles 8 and 9 of the Constitution, and supplementary legislation, under which serious and continuing violations of human rights, in particular the rights to life and freedom of thought, are being committed in the country;

(b) To put an immediate end to the state of emergency and to the arbitrary practice of declaring "constitutional states of emergency", and amend the legislation, including the laws permitting the arbitrary use of such states of emergency, so as to bring it into line with guarantees of human rights, as defined in international instruments;

(c) To end immediately all forms of physical and psychological torture and to respect effectively the right to life and to physical and moral integrity, and to desist, furthermore, from intimidation and persecution, abductions, arbitrary arrests, detention in secret locations, as well as the practices of detention incommunicado and assassination;

(d) To proceed as a matter of urgency, through judicial and administrative action, to investigate all reports of deaths, torture, abductions and other human rights violations by the military, police and security forces, as well as by bands and groups, whether private or connected with the security forces, and to punish those found guilty of such violations;

(e) To investigate and clarify without further delay the fate of persons arrested for political reasons who have subsequently disappeared;

(f) To ensure the independence of the judiciary and the maximum effectiveness of judicial remedies, particularly *amparo* or *habeas corpus*, and to prevent the intimidation of judges, defence lawyers and witnesses;

(g) To reorganize the police and security forces so as to help put an end to persistent human rights violations;

(h) To re-establish the jurisdiction of the civilian courts over matters within their competence that have been delegated to the military courts and to put an end to the appointment of *ad hoc* prosecutors by military judges, as well as to arbitrary procedural measures and death sentences imposed for political reasons;

(i) To guarantee that anti-terrorist legislation is not used against persons who have not committed terrorist acts, that persons accused of acts of violence or terrorism are accorded due process of law and respect for their rights, and that the accusation of terrorism is not adduced as justification for any abuse of authority, torture or inhumane treatment;

(j) To respect fully the right of nationals to live in and freely enter and leave their country, and to put a definite end to the practice of administrative banishment or internal exile and to forced exile;

(k) To restore the full enjoyment and exercise of economic, social and cultural rights, particularly labour and trade union rights and freedom of speech and information, and to preserve the socio-cultural identity of the indigenous population;

(l) To respect the activities of institutions, non-governmental organizations and persons related to the protection and promotion of human rights;

11. *Invites* the Commission on Human Rights to consider, as a matter of high priority, the report of the Special Rapporteur, taking account of the relevant information at its disposal; to take the most appropriate steps for the effective restoration of human rights and fundamental freedoms in Chile, including extending the mandate of the Special Rapporteur; and to report to the General Assembly at its forty-third session, through the Economic and Social Council, with a view to examining the human rights situation in Chile

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