

11/15/77

Reaffirming its responsibility under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms for all,

Recalling the in accordance with the Universal Declaration of Human Rights and the Covenant of Civil and Political Rights, everyone has the right to life, liberty and the security of person and the right not be subjected to arbitrary arrests, detention or exile, or torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the Declaration on the Protection of all Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, unanimously adopted in its resolution 3457 (XXX) of 9 December 1975,

Reaffirming once more its condemnation of all forms of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Considering that both the General Assembly in its resolution 31/124 of 16 December 1976 and the Commission on Human Rights in its resolution 9 (XXXIII) of 9 March, 1977, expressed its profound indignation that constant and

flagrant violations of human rights have taken place and continues to take place in Chile, in particular the institutionalized practice of torture, cruel, inhuman and degrading treatment or punishment, the disappearance of persons for political reasons, arbitrary arrests, detention, exile and cases of deprivation of Chilean nationality,

Bearing in mind resolution 8 (XXXI) of 27 February 1975, 3 (XXXII) of 19 February 1976 and 9 (XXXIII) of 9 March 1977 of the Commission on Human Rights, which established and extended the mandate of the Ad Hoc Working Group on the situation of Human Rights in Chile,

Welcoming the steps taken by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of minorities to implement the operative para. 5 of General Assembly resolution 31/124,

Having considered the reports of the Ad Hoc Working Group (A/32/227) and of the Secretary-General^(A/32/234) under this item, as well ^{as,} the documents submitted by the Chilean Authorities,

Commending the Chairman and the members of the Ad Hoc Working Group for the thorough and objective manner in which the report was prepared, in spite of the difficulties arising from the persistent refusal of the Chilean authorities to permit the Group to visit the countries in accordance with its mandate,

Gravely concerned by the fact that, in spite of the appeals by the General Assembly, the Secretary-General, private institutions and citizens of Chile, the Chilean Authorities have consistently failed to give a satisfactory account for missing persons.

Taking note of recent developments mentioned in the report of the Ad Hoc Working Group with respect to specific aspects of the human rights situation in Chile, that have occurred after continuous joint efforts by the international community.

Concluding that that constant and flagrant violations of basic human rights and fundamental freedoms of the Chilean people as well as of individuals, continue to take place in Chile, and that the system of violations of basic human rights and fundamental freedoms has now become institutionalized.

1. Reiterates its profound indignation that constant and flagrant violations of human rights and fundamental freedoms, in particular the practice of torture, cruel, inhuman and degrading treatment as an integral part of a system and intimidation, the disappearance of persons for political reasons, arbitrary arrests, detention, exile and cases of deprivation of Chilean nationality, continue to take place in Chile, and that the system of intimidation and repression is increasingly becoming institutionalized. —

2. Calls once more upon the Chilean Authorities to restore and safeguard, without delay, basic human rights and fundamental freedoms and fully to respect the provisions of the relevant international instruments to which Chile is a party, and to this end to implement paragraph 2 of General Assembly resolution 31/124.

3. Demands that the Chilean Authorities put an immediate end to the inadmissible practice of secret arrests and subsequent disappearance of persons whose detention is systematically denied or never acknowledge, and to clarify forthwith the status of individuals whose disappearance is attributable to political reasons;

4. Deplores the failure of the Chilean authorities to comply with its own repeated assurances to allow the Ad Hoc Working Group to visit the country in accordance with its mandate.

5. Invites Member States, UN Agencies, international organizations to inform the Secretary-General of steps taken to implement paragraph 4 of General Assembly resolution 31/124 as to allow him to submit further reports to the Commission on Human Rights at its 34th session (and the General Assembly at its thirty-third session).

6. Invites the Commission of Human Rights:

a) to extend the mandate of the Ad Hoc Working Group, as presently constituted, so as to enable it to report to the General Assembly at its thirty-third session and to the Commission at its thirty-fourth session, with such additional information as may be necessary.

b) to present to the thirty-third session of the General Assembly, through the ECOSOC, specific recommendations on possible humanitarian, legal and financial aid to those arbitrarily arrested or imprisoned, to those forced to leave the country and to their relatives.

c) to submit to the thirty-third session of the General Assembly, through the ECOSOC, a report of action taken in compliance with operative paragraph 5c.

7. Requests the President of the thirty-second session of the General Assembly and the Secretary-General to assist in any way they may consider appropriate in the re-establishment of basic human rights and fundamental freedoms in Chile.