

2. *Calls upon* the parties to co-operate fully with the investigatory body and, to this effect, to appoint their representatives thereto forthwith;

3. *Requests* the Secretary-General to continue to provide his good offices through his Special Representative in Cyprus, to support the establishment of the investigatory body.

90th plenary meeting
20 December 1978

33/173. Disappeared persons

The General Assembly,

Recalling the provisions of the Universal Declaration of Human Rights,⁹³ in particular articles 3, 5, 9, 10 and 11 concerning, *inter alia*, the right to life, liberty and security of person, freedom from torture, freedom from arbitrary arrest and detention, and the right to a fair and public trial, and the provisions of articles 6, 7, 9 and 10 of the International Covenant on Civil and Political Rights,⁹⁴ which define and establish safeguards for certain of these rights,

Deeply concerned by reports from various parts of the world relating to enforced or involuntary disappearances of persons as a result of excesses on the part of law enforcement or security authorities or similar organizations, often while such persons are subject to detention or imprisonment, as well as of unlawful actions or widespread violence,

Concerned also at reports of difficulties in obtaining reliable information from competent authorities as to the circumstances of such persons, including reports of the persistent refusal of such authorities or organizations to acknowledge that they hold such persons in their custody or otherwise to account for them,

Mindful of the danger to the life, liberty and physical security of such persons arising from the persistent failure of these authorities or organizations to acknowledge that such persons are held in custody or otherwise to account for them,

Deeply moved by the anguish and sorrow which such circumstances cause to the relatives of disappeared persons, especially to spouses, children and parents,

1. *Calls upon* Governments:

(a) In the event of reports of enforced or involuntary disappearances, to devote appropriate resources to searching for such persons and to undertake speedy and impartial investigations;

(b) To ensure that law enforcement and security authorities or organizations are fully accountable, especially in law, in the discharge of their duties, such accountability to include legal responsibility for unjustifiable excesses which might lead to enforced or involuntary disappearances and to other violations of human rights;

(c) To ensure that the human rights of all persons, including those subjected to any form of detention and imprisonment, are fully respected;

(d) To co-operate with other Governments, relevant United Nations organs, specialized agencies, intergovernmental organizations and humanitarian bodies in a common effort to search for, locate or account for such persons in the event of reports of enforced or involuntary disappearances;

2. *Requests* the Commission on Human Rights to consider the question of disappeared persons with a view to making appropriate recommendations;

3. *Urges* the Secretary-General to continue to use his good offices in cases of enforced or involuntary disappearances of persons, drawing, as appropriate, upon the relevant experience of the International Committee of the Red Cross and of other humanitarian organizations;

4. *Requests* the Secretary-General to draw the concerns expressed in the present resolution to the attention of all Governments, regional and interregional organizations and specialized agencies for the purpose of conveying on an urgent basis the need for disinterested humanitarian action to respond to the situation of persons who have disappeared.

90th plenary meeting
20 December 1978

33/174. Establishment of the United Nations Trust Fund for Chile

The General Assembly,

Recalling its resolutions 31/124 of 16 December 1976 and 32/118 of 16 December 1977 and taking note of Economic and Social Council resolution 1978/15 of 5 May 1978 and Commission on Human Rights resolution 13 (XXXIV) of 6 March 1978,⁹⁵

1. *Decides* to establish a voluntary fund, called the United Nations Trust Fund for Chile, administered in accordance with the Financial Regulations of the United Nations by the Secretary-General with the advice of a Board of Trustees, composed of a chairman and four members with wide experience of the situation in Chile, to be appointed by the Secretary-General with due regard to equitable geographical distribution and in consultation with their Governments, to serve for a three-year term, to receive contributions and distribute, through established channels of assistance, humanitarian, legal and financial aid to persons whose human rights have been violated by detention or imprisonment in Chile, to those forced to leave the country and to relatives of persons in the above-mentioned categories;

2. *Adopts* the arrangements for the management of the Fund set forth in the annex to the present resolution;

3. *Authorizes* the Board of Trustees to promote and solicit contributions and pledges;

4. *Requests* the Secretary-General to put into immediate effect the provisions of the present resolution and to give the Board of Trustees all the assistance it may require;

5. *Appeals* to Member States to respond favourably to requests for contributions to the Fund.

90th plenary meeting
20 December 1978

ANNEX

Arrangements for the management of the United Nations Trust Fund for Chile

1. The Secretary-General shall apply the arrangements set forth below for the management of the United Nations Trust Fund for Chile.

⁹³ Resolution 217 A (III).

⁹⁴ Resolution 2200 A (XXI), annex.

⁹⁵ See *Official Records of the Economic and Social Council, 1978, Supplement No. 4 (E/1978/34)*, chap. XXVI, sect. A.

A. SOLICITATION AND ACKNOWLEDGEMENT OF PLEDGES AND COLLECTION OF CONTRIBUTIONS

2. The Controller, in consultation with the Under-Secretary-General for Political and General Assembly Affairs and the Director of the Division of Human Rights and with the advice of the Board of Trustees of the Fund, shall determine the procedures for soliciting voluntary contributions to the Fund.

3. Any prospective donor desiring to make a voluntary contribution to the Fund shall submit a written proposal to the Secretary-General. The request for acceptance should contain all relevant information including the amount of the proposed contribution, the currency and the timing of payments.

4. The proposal, with the comments, *inter alia*, of the Under-Secretary-General for Political and General Assembly Affairs and the Director of the Division of Human Rights, shall be forwarded to the Controller, for determination that the proposal is acceptable under the Financial Regulations and Rules of the United Nations, including the determination of whether or not any proposed gift or donation might directly or indirectly involve additional financial liability for the Organization. Before acceptance of any gift or donation involving such liability, the Controller shall request and obtain the approval of the General Assembly.

5. The Controller shall acknowledge all pledges and shall determine the bank account or accounts in which contributions to the Fund should be deposited. He shall be responsible for collecting contributions and following up on payments of contributions pledged.

6. The Controller may accept contributions in such currencies as he deems usable by the Fund or readily convertible into usable currencies.

B. OPERATION AND CONTROL

7. The Controller shall ensure that the operation and control of the Fund shall be in accordance with the Financial Regulations and Rules of the United Nations. He may delegate responsibility for the operation and administration of the Fund to the heads of departments or offices designated by the Secretary-General to execute activities financed by the Fund. Only officials so designated may authorize the execution of specific activities to be financed by the Fund.

8. In respect of activities conducted by the United Nations, requests for allotments of funds shall be submitted to the Controller by the Director of the Division of Human Rights accompanied by such supporting information as the Controller may require. After review, allotments to provide for expenditures of the funds received shall be issued by the Director of the Budget Division, and certifying officers for the Fund shall be designated by the Controller in accordance with established procedures.

9. The Controller shall be responsible for the reporting of the financial transactions of the Fund and shall issue quarterly statements of assets, liabilities and unencumbered Fund balance, income and expenditure.

10. The Fund shall be audited by both the Internal Audit Service and the Board of Auditors, in accordance with the Financial Regulations and Rules of the United Nations.

C. REPORTING

11. An annual report showing funds available, pledges and payments received and the expenditures made from the Fund shall be prepared by the Controller and submitted to the General Assembly and, as appropriate, to the Commission on Human Rights.

33/175. Protection of human rights in Chile

The General Assembly,

Emphasizing its commitment to foster universal respect for, and observance of, human rights and funda-

mental freedoms for all in accordance with the principles of the Charter of the United Nations and of the Universal Declaration of Human Rights,⁹⁶

Recalling that in accordance with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights⁹⁷ everyone has the right to life, liberty and security of person and the right not to be subjected to arbitrary arrest, detention or exile, or to 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 3452 (XXX) of 9 December 1975,

Reaffirming once more its condemnation of all forms of torture and other cruel, inhuman or degrading treatment or punishment,

Recalling its resolution 32/118 of 16 December 1977, in which it reiterated its profound indignation, as well as its resolutions 3219 (XXIX) of 6 November 1974, 3448 (XXX) of 9 December 1975 and 31/124 of 16 December 1976 concerning the human rights situation in Chile,

Bearing in mind Commission on Human Rights resolution 8 (XXXI) of 27 February 1975,⁹⁸ in which it established the *Ad Hoc* Working Group on the Situation of Human Rights in Chile, and resolutions 3 (XXXII) of 19 February 1976,⁹⁹ 9 (XXXIII) of 9 March 1977¹⁰⁰ and 12 (XXXIV) of 6 March 1978¹⁰¹ of the Commission, by which it extended the mandate of the *Ad Hoc* Working Group,

Noting with appreciation the steps taken by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to implement General Assembly resolutions 31/124 and 32/118,

Having considered the study prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the consequences for human rights in Chile of the various forms of aid extended to the Chilean authorities,¹⁰²

Taking note of the important role that regional human rights organizations can play in situations of violations of human rights,

Taking note with appreciation of the fact that in July 1978, for the first time, members of the *Ad Hoc* Working Group were enabled to visit Chile in pursuance of their mandate, which represents a valuable experience for the United Nations when dealing with constant and flagrant violations of human rights,

Having considered the reports of the *Ad Hoc* Working Group¹⁰³ and of the Secretary-General¹⁰⁴ under

⁹⁶ Resolution 217 A (III).

⁹⁷ Resolution 2200 A (XXI), annex.

⁹⁸ See *Official Records of the Economic and Social Council, Fifty-eighth Session, Supplement No. 4 (E/5635)*, chap. XXIII, sect. A.

⁹⁹ *Ibid.*, *Sixtieth Session, Supplement No. 3 (E/5768)*, chap. XX, sect. A.

¹⁰⁰ *Ibid.*, *Sixty-second Session, Supplement No. 6 (E/5927)*, chap. XXI, sect. A.

¹⁰¹ See *Official Records of the Economic and Social Council, 1978, Supplement No. 4 (E/1978/34)*, chap. XXVI, sect. A.

¹⁰² E/CN.4/Sub.2/412 (vols. I to IV) and Corr.1.

¹⁰³ A/33/331.

¹⁰⁴ A/33/293.