

to follow developments and to recommend to the parties concerned ways and means of overcoming the pending procedural difficulties of the Committee on Missing Persons in Cyprus and, in co-operation with the Committee, to facilitate the effective implementation of its investigative work on the basis of the existing relevant agreements;

2. *Calls upon* all parties concerned to facilitate such investigation in a spirit of co-operation and good will;

3. *Requests* the Secretary-General to continue to provide his good offices with a view to facilitating the work of the Committee on Missing Persons in Cyprus.

*110th plenary meeting  
17 December 1982*

### 37/182. Summary or arbitrary executions

*The General Assembly,*

*Recalling* the provisions of the Universal Declaration of Human Rights,<sup>126</sup> which states that every human being has the right to life, liberty and security of person and that everyone shall be entitled to a fair and public hearing by an independent and impartial tribunal established by law,

*Recalling also* its resolution 34/175 of 17 December 1979, in which it reaffirmed that mass and flagrant violations of human rights are of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

*Recalling further* its resolution 36/22 of 9 November 1981, in which it condemned the practice of summary or arbitrary executions,

*Deeply alarmed* at the occurrence on a large scale of summary or arbitrary executions, including extra-legal executions,

*Taking note* of resolution 1982/13 of 7 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities<sup>126</sup> in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary or arbitrary executions,

*Convinced* of the need for appropriate action to combat and eventually eliminate this practice, which represents a flagrant violation of the most fundamental human right, the right to life,

1. *Welcomes* Economic and Social Council resolution 1982/35 of 7 May 1982, in which it was decided to appoint for one year a special rapporteur to examine the questions related to summary or arbitrary executions and to submit to the Commission on Human Rights, at its thirty-ninth session, a comprehensive report on the occurrence and extent of the practice of such executions, together with his conclusions and recommendations;

2. *Requests* all Governments to co-operate with and to assist the Special Rapporteur of the Commission on Human Rights in the preparation of his report;

3. *Requests* the Commission on Human Rights at its thirty-ninth session, on the basis of the report of the Special Rapporteur to be prepared in conformity with Economic and Social Council resolution 1982/35, to make recommendations concerning appropriate action to combat and eventually eliminate the practice of summary or arbitrary executions.

*110th plenary meeting  
17 December 1982*

### 37/183. Situation of human rights and fundamental freedoms in Chile

*The General Assembly,*

*Aware* of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and determined to remain vigilant with regard to violations of human rights wherever they occur,

*Emphasizing* the obligation of Governments to protect and promote human rights and to carry out the responsibilities they have undertaken with respect to the various international instruments,

*Recalling* its resolutions 3219 (XXIX) of 6 November 1974, 3448 (XXX) of 9 December 1975, 31/124 of 16 December 1976, 32/118 of 16 December 1977, 33/175 of 20 December 1978, 34/179 of 17 December 1979, 35/188 of 15 December 1980 and 36/157 of 16 December 1981, all related to the situation of human rights in Chile, as well as its resolution 33/173 of 20 December 1978 on disappeared persons,

*Recalling also* the resolutions of the Commission on Human Rights dealing with the human rights situation in Chile, in particular resolution 1982/25 of 10 March 1982,<sup>127</sup> by which the Commission decided, *inter alia*, to extend the mandate of the Special Rapporteur on the situation of human rights in Chile,

*Deploring* the fact that the Chilean authorities have consistently refused to co-operate with the Commission on Human Rights and its Special Rapporteur,

*Expressing its deepest concern* at the total lack of improvement in the human rights situation in Chile, as shown by the Special Rapporteur in his report,<sup>127</sup>

*Noting with increasing concern* that the Chilean authorities continue to ignore the repeated appeals of the international community, made through a number of resolutions of the General Assembly, the Commission on Human Rights and various other international organs,

*Reiterating its deep concern* at the lack of information concerning the numerous persons who have disappeared in Chile for political reasons and at the fact that the Chilean authorities have not taken urgent and effective measures to investigate and clarify the fate of those persons,

*Noting with great concern* that the Constitution promulgated by the Chilean authorities on 11 March 1981 represents the institutionalization of the state of exception, with grave prejudice to the civil and political rights of the Chilean people and serious limitations to their economic, social and cultural rights,

1. *Commends* the Special Rapporteur on the human rights situation in Chile for his report, submitted in accordance with resolution 1982/25 of the Commission on Human Rights;

2. *Reiterates its grave concern* at the persistence of serious and systematic violations of human rights in Chile, as described by the Special Rapporteur, in particular at the subversion of the traditional democratic legal order and its institutions, through the maintenance and widening of emergency and exceptional legislation and the promulgation of a Constitution which does not reflect a freely expressed popular will and the provisions of which suppress, suspend or restrict the enjoyment and the exercise of human rights and fundamental freedoms;

3. *Reiterates also its deep concern* at the inefficacy of the recourse of *habeas corpus* or *amparo* in view of the fact that the judiciary in Chile does not exercise its functions fully in this respect, except with considerable restrictions;

<sup>126</sup> See E/CN.4/1983/4-E/CN.4/Sub.2/1982/43 and Corr.1, chap. XXI, sect. A.

<sup>127</sup> A/37/564.

4. *Once more urgently requests* the Chilean authorities to respect and promote human rights in conformity with the obligations undertaken under various international instruments and, in particular, to adopt the concrete measures contemplated in resolution 1982/25 of the Commission on Human Rights, especially the lifting of the state of emergency and the state of exception and the re-establishment of democratic institutions, by ensuring the full enjoyment and exercise of the civil and political rights as well as the economic, social and cultural rights and fundamental freedoms of the Chilean people, as provided in those international instruments;

5. *Urges once more* the Chilean authorities to investigate and clarify the fate of all persons who have disappeared in Chile for political reasons, to inform their families of the results of such investigation and to punish those responsible for the disappearance;

6. *Further urges again* the Chilean authorities to restore the full enjoyment of trade union rights, in particular the right to organize trade unions, the right to collective bargaining and the right to strike;

7. *Urges* the Chilean authorities to respect, in conformity with the International Covenant on Civil and Political Rights,<sup>119</sup> the right of Chilean nationals to live in and freely enter and leave Chilean territory, without restrictions or conditions of any kind, and to cease the practice of "relegation" (assignment of forced residence) and forced exile, in particular of those who participate in trade union activities, academic life or the defence of human rights;

8. *Also urges* the Chilean authorities to put an end to arbitrary detentions and imprisonment in secret places and the practice of torture and other forms of inhuman or degrading treatment which have resulted on occasion in unexplained deaths;

9. *Requests* the Chilean authorities to respect fully the economic, social and cultural rights of the Chilean population in general and of the indigenous population in particular;

10. *Concludes*, on the basis of the report of the Special Rapporteur, that it is necessary to keep under consideration the situation of human rights in Chile;

11. *Calls again* on the Chilean authorities to co-operate with the Commission on Human Rights and its Special Rapporteur and to submit commentaries on his report to the Commission on Human Rights at its thirty-ninth session;

12. *Requests* the Commission on Human Rights to study in depth the report of the Special Rapporteur at its thirty-ninth session, with a view to taking the most appropriate steps, in particular the extension of the mandate of the Special Rapporteur, and report on its consideration, through the Economic and Social Council, to the General Assembly at its thirty-eighth session.

*110th plenary meeting  
17 December 1982*

#### **37/184. Situation of human rights and fundamental freedoms in Guatemala**

*The General Assembly,*

*Reiterating* that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms,

*Recalling* Commission on Human Rights resolution 1982/31 of 11 March 1982,<sup>124</sup> in which the Commission expressed its profound concern at the continuing deterioration in the situation of human rights and fundamental freedoms in Gua-

temala under the previous régime and in which it requested its Chairman to appoint a Special Rapporteur,

*Taking into account* General Assembly decision 36/435 of 16 December 1981,

*Expressing its satisfaction* at the declared willingness of the present Government of Guatemala to co-operate with the Special Rapporteur to be appointed pursuant to Commission on Human Rights resolution 1982/31 with a mandate to make a thorough study of the human rights situation in Guatemala,

*Taking note* of resolution 1982/17 of 7 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,<sup>126</sup> in which the Sub-Commission expressed alarm at reports of massive repression against and displacement of indigenous populations,

*Disturbed* about the large number of missing persons, who, despite appeals from various international organizations to the Government of Guatemala, remain unaccounted for,

*Noting with concern* the state of siege in force in Guatemala since 1 July 1982, under which basic human rights are abrogated and serious violations of human rights are reported to occur,

1. *Expresses its deep concern* at the serious violations of human rights reported to be taking place in Guatemala, particularly those reports of widespread repression, killing and massive displacement of rural and indigenous populations;

2. *Urges* the Government of Guatemala to ensure that human rights and fundamental freedoms are fully respected by all its authorities and agencies, including its security forces;

3. *Appeals* to the Government of Guatemala to allow international humanitarian organizations to give their assistance to those displaced;

4. *Appeals also* to all parties concerned in Guatemala to seek an end to all acts of violence;

5. *Calls upon* Governments to refrain from supplying arms and other military assistance as long as serious human rights violations in Guatemala continue to be reported;

6. *Invites* the Government of Guatemala and other parties concerned to co-operate with the Special Rapporteur of the Commission on Human Rights;

7. *Requests* the Commission on Human Rights to study carefully the report of its Special Rapporteur and to consider, in the light of that report, further steps for securing human rights and fundamental freedoms for all in Guatemala.

*110th plenary meeting  
17 December 1982*

#### **37/185. Situation of human rights and fundamental freedoms in El Salvador**

*The General Assembly,*

*Guided* by the principles embodied in the Charter of the United Nations and in the Universal Declaration of Human Rights,<sup>118</sup>

*Conscious* of its responsibility in all circumstances to promote and encourage respect for human rights and fundamental freedoms for all,

*Reiterating* that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms and to carry out the responsibilities they have undertaken under various international human rights instruments,