

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,¹¹⁸ 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 Minorities¹²⁶ 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 1982,¹²⁴ 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,¹²⁷

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;

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

¹²⁷ A/37/564.