

**General Assembly**

Distr.
GENERAL

A/39/784
7 December 1984

ORIGINAL: ENGLISH

Thirty-ninth session
Agenda item 136

**DRAFT BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER
ANY FORM OF DETENTION OR IMPRISONMENT**

Report of the Sixth Committee

Rapporteur: Mr. Mehmet GÜNEY (Turkey)

1. The item "Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment" was included in the provisional agenda of the thirty-ninth session of the General Assembly pursuant to Assembly decision 38/426 of 19 December 1983.
2. By that decision the General Assembly decided to establish at its thirty-ninth session an open-ended working group to conclude the consideration of the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (A/34/146, annex) with a view to its adoption by the General Assembly.
3. At its 3rd plenary meeting, on 21 September 1984, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
4. In connection with the item, the Sixth Committee had before it the following documents:

(a) Note by the Secretary-General (A/34/146), to which was annexed the draft Body of Principles adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

(b) Report of the Secretary-General (A/35/401 and Add.1 and 2), which reproduced the comments received from Governments in reply to a note verbale addressed to them in accordance with Economic and Social Council resolution 1979/34 of 10 May 1979;

(c) Report of the Secretary-General (A/38/388 and Add.1 and 2) submitted pursuant to paragraph (c) of decision 37/427 containing comments submitted by Member State under the same paragraph;

(d) Report of the open-ended Working Group established by the Third Committee at the thirty-fifth session of the General Assembly (A/C.3/35/14 and Corr.1);

(e) Reports of the open-ended Working Group established by the Sixth Committee at the thirty-sixth, thirty-seventh and thirty-eighth sessions of the General Assembly (A/C.6/36/L.16, A/C.6/37/L.16 and A/C.6/38/L.8).

5. At its 3rd meeting, on 25 September, the Sixth Committee established an open-ended Working Group, to which it entrusted the task of concluding consideration of the draft Body of Principles, and appointed Mr. Tullio Treves (Italy) as Chairman-Rapporteur of the Working Group.

6. At the 61st meeting, on 3 December, the Chairman-Rapporteur of the Working Group on the Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment introduced the report of the Working Group (A/C.6/39/L.10).

7. The Sixth Committee considered the item, as well as the report of the Working Group, at its 62nd meeting, on 4 December.

8. At the same meeting, the representative of Sweden introduced a draft decision (A/C.6/39/L.15) which the Sixth Committee adopted without a vote (see para. 9).

RECOMMENDATION OF THE SIXTH COMMITTEE

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

The General Assembly

(a) Takes note with appreciation of the report of the Working Group on the Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 1/ established in accordance with General Assembly decision 37/427 of 16 December 1982 to elaborate a final version of the draft Body of Principles, a task which it has not been able to conclude;

(b) Decides that an open-ended working group of the Sixth Committee will be established at its fortieth session with a view to expediting the finalization of

1/ A/C.6/39/L.10.

the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;

(c) Requests the Secretary-General to circulate to Member States the report of the open-ended Working Group established at the thirty-ninth session; 1/

(d) Decides to include in the provisional agenda of its fortieth session the item entitled "Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment".
