

right of prisoners not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, and their right to receive a fair hearing by an independent and impartial tribunal. It recognized that the arrest and detention in many parts of the world of persons because of their political opinions or convictions, as a result of their struggle against colonialism, aggression and foreign occupation and for self-determination, independence, and the elimination of apartheid racial discrimination and racism, because of their trade union activities or under discriminatory laws often gave rise to serious human rights problems. It reiterated requests to Member States it had made in 1977 and 1978⁴⁴ to take measures aimed at securing the release of such persons and to assure that their fundamental rights were protected during arrest or detention.

The Third Committee approved the resolution, as orally revised by the sponsors, on 3 December, also without vote. The text was sponsored by the Bahamas, Barbados, Costa Rica, Ecuador, Finland, Jamaica, Nigeria, Norway, Panama, Papua New Guinea, Portugal, Spain, Sweden and Venezuela.

Speaking in explanation of its position, the United States said the resolution could not be interpreted as calling for the release of all persons who, in serving their cause, committed offences the proscription of which was consistent with the Universal Declaration of Human Rights.⁴⁵ Moreover, the formula in the third preambular paragraph, which distinguished discriminatory laws from laws which justified detention for common-law offences, should not prejudice the fundamental principle that political commitment did not justify common-law offences or acts of violence.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities, on 11 September, adopted a resolution reiterating strongly its recommendation that the Commission on Human Rights request the Economic and Social Council to authorize appointment of a group of five Sub-Commission members to meet prior to each session to analyse the material received in connexion with the human rights of persons subjected to detention or imprisonment and to prepare the Sub-Commission's annual review of developments in this field. For review at its 1981 session, the Sub-Commission requested the Secretary-General to invite Governments, specialized agencies, regional intergovernmental organizations, the International Criminal Police Organization (INTERPOL) and non-governmental organizations to submit reliably attested information.

At its 1980 regular session, the General Assem-

bly also adopted other resolutions relating to the protection of human rights of certain categories of prisoners. By resolution 35/206 K of 16 December, the Assembly requested all Governments and agencies in the United Nations system to promote campaigns in solidarity with political prisoners and detainees in South Africa, and asked the Special Committee against Apartheid to continue promoting the world campaign for their release (see p. 227). By resolution 35/35 A of 14 November, the Assembly demanded the immediate and unconditional release of all persons detained or imprisoned as a result of their struggle for self-determination and independence, and full respect for their fundamental rights (see p. 838). By resolution 35/122 C of 11 December, the Assembly condemned mass arrests, administrative detention and ill-treatment of the Arab population of the Israeli-occupied territories, and ill-treatment and torture of persons under detention, and asked the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories to continue investigating Israeli policies there and to consult with the International Committee of the Red Cross to ensure the safeguarding of the welfare and human rights of the population of those territories (seep. 418).

Disappeared persons

The Commission on Human Rights on 29 February adopted a resolution whereby it decided to establish for one year a working group of five of its members to examine questions relevant to enforced or involuntary disappearances. The group was to seek information from Governments, intergovernmental and humanitarian organizations and other reliable sources and report to the Commission in 1981 with conclusions and recommendations. The Secretary-General was asked to provide the group with the necessary assistance and to appeal to all Governments to co-operate with it and furnish the information required. The group was invited to carry out its work with discretion. Also, the Sub-Commission on Prevention of Discrimination and Protection of Minorities was asked to continue studying the most effective means for eliminating enforced or involuntary disappearances, with a view to making general recommendations to the Commission at its 1981 session. The Commission's decision was approved by the Economic and Social Council by decision 1980/128 of 2 May, adopted without vote. The Council's Second (Social)

⁴⁴See Y.U.N., 1977, p. 716, resolution 32/121 of 16 December 1977; and 1978, p. 729, resolution 33/169 of 20 December 1978.

⁴⁵See Y.U.N., 1948-49, p. 535, resolution A (III) of 10 December 1948.