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TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT

Note by the Secretary-General

1. The present note contains information on the action taken by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities regarding the question of torture and other cruel, inhuman or degrading treatment or punishment since the adoption by the General Assembly of resolution 31/85 on 13 December 1976.
2. On 4 March 1977, the Commission on Human Rights, at its thirty-third session, ^{1/} held at Geneva from 7 February to 11 March 1977, adopted resolution 8 (XXXIII), by which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to present to the Commission at its thirty-fourth session a comprehensive report on the elaboration of a body of principles for the protection of all persons under any form of detention or imprisonment, to be submitted to the General Assembly at its thirty-third session, in accordance with Assembly resolution 31/85, and decided to consider this item with priority at its thirty-fourth session.
3. At its thirtieth session, held at Geneva from 15 August to 2 September 1977, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had before it, in accordance with its resolution 3 (XXIX) and its decision 2 (XXIX), information from Governments, specialized agencies, regional intergovernmental organizations and INTERPOL, relating to the protection of the human rights of all persons under any form of detention and imprisonment (E/CN.4/Sub.2/393 and Add.1 and Corr.1), a synopsis, prepared by the Secretary-General, of the material on this subject received from non-governmental organizations (E/CN.4/Sub.2/394), and

^{1/} For the report of the Commission on its thirty-third session, see Official Records of the Economic and Social Council, Sixty-second Session, Supplement No. 6 (E/5927).

the first draft of a body of principles for the protection of all persons under any form of detention or imprisonment prepared by Mr. Erik Nettel, Rapporteur of the Sub-Commission (E/CN.4/Sub.2/395). On 30 August 1977, the Sub-Commission adopted resolutions 8 (XXX), 9 (XXX) and 10 (XXX), concerning the human rights of persons subjected to any form of detention or imprisonment.

4. In its resolution 8 (XXX), the Sub-Commission, inter alia, recommended that the Commission on Human Rights should request the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a working group of five of its members to meet for not more than five working days prior to the thirty-first session of the Sub-Commission to prepare a revised draft body of principles for consideration by the Sub-Commission at its thirty-first session. In paragraph 2 of the same resolution, the Secretary-General was requested to draw up an analytical survey of the material received during the first three annual reviews of developments concerning the human rights of detained and imprisoned persons, in order to prepare the Sub-Commission's next annual review of developments in this field, pursuant to its resolution 7 (XXVII). In paragraph 3, the Sub-Commission decided to give priority to this item at its thirty-first session.

5. In its resolution 9 (XXX), the Sub-Commission, gravely concerned over reports from which it appeared that in some countries, State authorities were systematically resorting to arbitrary arrest, indefinite detention without trial, torture or other cruel, inhuman or degrading treatment or punishment of detainees, disappearances and summary execution of detained persons and that such practices tended to become institutionalized, called upon all those States whose authorities resort to such practices to discontinue them forthwith and to restore full respect for basic human rights and fundamental freedoms. It decided to give urgent consideration to this question at its thirty-first session with a view to examining which means within the competence of the Sub-Commission could be used to protect basic human rights in those countries where State authorities resort to the practices referred to above.

6. In its resolution 10 (XXX), the Sub-Commission instructed two of its members, Mrs. Questiaux and Mr. Caicedo Perdomo, to prepare for its next session the outline of a preliminary study on the implications for human rights of recent developments in the situations known as state of siege or emergency, with the assistance of the Secretariat and in the light of information provided by Governments on the legislation and jurisprudence applicable to such situations.