

1994/17. Proposal for the development of minimum rules for the administration of criminal justice

The Economic and Social Council,

Noting that in many parts of the world there is an urgent need to modernize criminal justice to bring about greater transparency, immediacy, speed and fairness in criminal proceedings,

Recognizing that some written investigative procedures in some instances and in some countries have shown considerable judicial delays accompanied by prison overcrowding and a large number of persons detained without sentence, with frequent violations of fundamental freedoms and rights,

Recalling that the Latin American and Caribbean Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at San José, from 7 to 11 March 1994, adopted a resolution, in section IV of which it recommended that Member States of the region, if they had not yet done so, should study the introduction of the oral criminal procedure, since that would make it possible to replace the written investigative and inquisitorial system, with its attendant delays, violation of the rights and fundamental guarantees of accused and convicted persons, and negation of the rights of victims,⁴³

Recognizing the importance of ensuring a fair trial, in accordance with resolution 1993/26 of 25 August 1993 of the Subcommission on Prevention of Discrimination and Protection of Minorities,²⁴

Bearing in mind that no detainee or prisoner should be subjected to cruel, inhuman or degrading treatment,

Stressing that criminal proceedings should take place without undue delay, which will help in many countries to reduce the number of persons detained without sentence and to bring about prompt and more effective justice,

Aware of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,⁴⁴

Noting that persons in pre-trial detention should be kept separate from convicted prisoners, as provided for in the Standard Minimum Rules for the Treatment of Prisoners,⁴⁴

Recalling the body of principles on arbitrary arrest and detention,

Decides:

(a) To take note of the draft minimum rules of the United Nations for the administration of criminal justice,⁴⁵ prepared by an expert commission that held four working sessions at Palma de Mallorca, Spain, from 23 to 25 November 1990, from 3 to 5 May 1991, from 5 to 8 September 1991 and from 14 to 16 February 1992, at the invitation of the advisory board to the Presidency of the Balearic Autonomous Community and with the cooperation of the Crime Prevention and Criminal Justice Branch of the Secretariat;

(b) To request the Secretary-General to seek comments from all Member States and from other appropriate sources on the desirability of preparing and adopting United Nations minimum rules in the field covered by the draft minimum rules prepared by the expert commission, and to submit a report to the Commission on Crime Prevention and Criminal Justice at its fourth session;

(c) To request the Commission on Crime Prevention and Criminal Justice, at its fourth session, to follow up this matter.

*43rd plenary meeting
25 July 1994*