

social and political factors of a structural nature, and that within that conflict the security forces and government institutions had not respected the norms of international humanitarian law.

Expressing its satisfaction at the appointment of a Special Rapporteur of the Commission on Human Rights and taking note of the co-operation extended to the Special Rapporteur by the Government of Guatemala.

Taking note of the interim report by the Special Rapporteur on the situation of human rights in Guatemala,¹¹⁵ submitted in accordance with Commission on Human Rights resolution 1983/37.

Welcoming the lifting of the state of siege and the abolition of the special tribunals.

Disturbed at the large number of persons who have disappeared, including those reported to have been tried by the special tribunals, and who, despite appeals from various international organizations, remain unaccounted for.

1. *Expresses its deep concern* at the continuing massive violations of human rights in Guatemala, particularly the violence against non-combatants, and the widespread repression, killing and massive displacement of rural and indigenous populations, which are reported to have increased recently;

2. *Calls upon* the Government of Guatemala to refrain both from forcefully displacing people belonging to rural and indigenous populations and from the practice of coercing people into participation in civilian patrols, leading to human rights violations;

3. *Urges* the Government of Guatemala to take effective measures to ensure that all its authorities and agencies, including its security forces, fully respect human rights and fundamental freedoms;

4. *Requests* the Government of Guatemala to investigate and clarify the fate of persons who have disappeared and are still unaccounted for, including those reported to have been tried by the special tribunals;

5. *Calls upon* the Government of Guatemala to establish a system for the revocation of convictions and sentences passed by the special tribunals, now abolished;

6. *Appeals* to the Government of Guatemala to allow international humanitarian organizations to render assistance in investigating the fate of persons who have disappeared, with a view to informing their relatives of their whereabouts, and to visit detainees or prisoners, and to allow them to bring assistance to the civilian population in areas of conflict;

7. *Appeals also* to all parties concerned in Guatemala to ensure the application of the relevant norms of international humanitarian law applicable in armed conflicts of a non-international character to protect the civilian population and to seek an end to all acts of violence;

8. *Calls upon* Governments to refrain from supplying arms and other military assistance as long as serious human rights violations in Guatemala continue to be reported;

9. *Invites* the Government of Guatemala and other parties concerned to continue co-operating with the Special Rapporteur of the Commission on Human Rights;

10. *Requests* the Commission on Human Rights to study carefully the report of its Special Rapporteur, as well as other information pertaining to the situation in Guatemala,

and to consider further steps for securing effective respect for human rights and fundamental freedoms for all in that country;

11. *Decides* to continue its examination of the situation of human rights and fundamental freedoms in Guatemala at its thirty-ninth session.

100th plenary meeting
16 December 1983

38/101. Situation of human rights and fundamental freedoms in El Salvador

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations and in the Universal Declaration of Human Rights,¹¹⁶

Conscious of its responsibility in all circumstances to promote and encourage respect for human rights and fundamental freedoms for all,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms and to carry out the responsibilities they have undertaken under various international human rights instruments,

Determined to remain vigilant with regard to violations of human rights wherever they occur and to take measures to restore respect for human rights and fundamental freedoms,

Recalling that, in its resolutions 35/192 of 15 December 1980, 36/155 of 16 December 1981 and 37/185 of 17 December 1982, it expressed deep concern at the situation of human rights in El Salvador, especially in view of the death of thousands of people and the climate of violence and insecurity prevailing in that country, as well as the impunity of paramilitary forces and other armed groups,

Bearing in mind Commission on Human Rights resolutions 32 (XXXVII) of 11 March 1981,¹¹⁷ in which the Commission decided to appoint a Special Representative on the situation of human rights in El Salvador, 1982/28 of 11 March 1982¹¹⁸ and 1983/29 of 8 March 1983,¹¹⁹ whereby the Commission extended the mandate of the Special Representative for another year and requested him to report, *inter alia*, to the General Assembly at its thirty-eighth session,

Taking note with grave concern of the interim report of the Special Representative of the Commission on Human Rights,¹²⁰ in which the continuation of a climate of violence and insecurity in El Salvador, characterized by armed clashes, acts of economic sabotage and grave and large-scale violations of human rights, as well as the failure of the Salvadorian authorities to prevent these constant violations of human rights in that country, are confirmed,

Bearing in mind that in its resolution 37/185 the General Assembly observed that the elections which were held in El Salvador in March 1982 had not led to the cessation of violence or to improvement in the situation of human rights and fundamental freedoms in that country;

Noting with satisfaction that the El Salvador Peace Commission, officials and special envoys of other Governments within and outside the region, as well as the representative political forces, have initiated talks in the search for a negotiated comprehensive political solution.

¹¹⁵ See A/38/485.

¹¹⁶ Resolution 217 A (III).

¹¹⁷ See *Official Records of the Economic and Social Council, 1981, Supplement No. 5* (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

¹¹⁸ *Ibid.*, 1982, Supplement No. 2 (E/1982/12 and Corr.1), chap. XXVI, sect. A.

¹¹⁹ *Ibid.*, 1983, Supplement No. 3 (E/1983/13 and Corr.1), chap. XXVII, sect. A.

¹²⁰ See A/38/503.

1. *Commends* the Special Representative of the Commission on Human Rights for his interim report on the situation of human rights in El Salvador;

2. *Expresses its deepest concern* at the fact that, as indicated in the report of the Special Representative, the gravest violations of human rights are persisting in El Salvador and that, as a result, the sufferings of the Salvadorian people are continuing, and regrets that the appeals for the cessation of the acts of violence made by the General Assembly, the Commission on Human Rights and the international community as a whole have not been heeded;

3. *Again draws the attention* of the Salvadorian parties concerned to the fact that the rules of international law, as contained in article 3 common to the Geneva Conventions of 12 August 1949¹²¹ and Additional Protocols I and II thereto,¹²² are applicable to armed conflicts not of an international character, such as that in El Salvador, and requests all parties to apply a minimum standard of protection of human rights and of humane treatment of the civilian population;

4. *Takes note* of resolution 1983/18 of 5 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,¹²³ in which the Sub-Commission suggested that the Special Representative give attention in his report to respect for or violation of humanitarian law in armed conflict;

5. *Recommends* that the reforms necessary for the solution of the economic and social problems which are at the root of the internal conflict in El Salvador should be put into effect so as to allow the effective exercise of civil and political rights in that country, and reaffirms the right of the Salvadorian people freely to determine their political, economic and social future without interference from outside and in an atmosphere free from intimidation and terror;

6. *Calls upon* the Government of El Salvador and other political forces to intensify their talks and to work towards the creation of suitable conditions in the common search for a negotiated comprehensive political solution which will put an end to the internal armed conflict and establish a lasting peace which will allow the full exercise both of civil and political rights and of economic, social and cultural rights by all Salvadorians;

7. *Once again urges* all States to abstain from intervening in the internal situation in El Salvador and to suspend all supplies of arms and any type of military assistance, so as to allow the restoration of peace and security and the establishment of a democratic system based on full respect for human rights and fundamental freedoms;

8. *Expresses its deep concern* at reports which prove that government forces regularly resort to bombarding urban areas in El Salvador that are not military objectives, and its concern for the fate of several hundred thousand displaced persons who are currently located in camps in which they are subjected to abuse and in which not even the minimum conditions of internment, in terms of either humane treatment or material needs, are observed;

9. *Also expresses its deep concern* at the resurgence of disappearances and murders of persons belonging to various sectors of the civilian population, for which the so-called "death squads" claim responsibility, and urges that these activities be investigated with a view to punishing those responsible;

10. *Expresses its concern* at the consequences of the damage done to the economy of El Salvador as a result of

the attacks on the economic infrastructure attributable for the most part, according to the report of the Special Representative, to the opposition forces;

11. *Reiterates its urgent appeal* to the Government of El Salvador to fulfil its obligations towards its citizens and to assume its international responsibilities in this regard by taking the necessary steps to ensure that all its agencies, including its security forces and other armed organizations operating under its authority, fully respect human rights and fundamental freedoms;

12. *Urges* the competent authorities of El Salvador to establish the necessary conditions to enable the judiciary to uphold the rule of law, prosecuting and punishing speedily and effectively those responsible for the grave violations of human rights which are being committed in that country;

13. *Reiterates its appeal* to all Salvadorian parties in the conflict to co-operate fully and not to interfere with the activities of humanitarian organizations dedicated to alleviating the suffering of the civilian population, wherever these organizations operate in the country;

14. *Deplores* the violent death of Marianela García Villas, President of the Commission of Human Rights of El Salvador, and, given the contradictory reports on the matter, requests the Special Representative of the Commission on Human Rights to investigate the circumstances of her death;

15. *Renews its appeal* to the Government of El Salvador, as well as all other parties concerned, to continue to co-operate with the Special Representative of the Commission on Human Rights;

16. *Decides* to keep under consideration, during its thirty-ninth session, the situation of human rights and fundamental freedoms in El Salvador, in order to examine this situation anew in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

*100th plenary meeting
16 December 1983*

38/102. 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,

Stressing the obligation of Governments to promote and protect human rights and to carry out the responsibilities they have undertaken by virtue of 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, 36/157 of 16 December 1981 and 37/183 of 17 December 1982, relating 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 on the situation of human rights in Chile, in particular resolution 1983/38 of 8 March 1983,¹¹⁹ in which the Commission decided, *inter alia*, to extend for a

¹²¹ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

¹²² A/32/144, annexes I and II.

¹²³ See E/CN.4/1984/3-E/CN.4/Sub.2/1983/43 and Corr.1 and 2, chap. XXI, sect. A.