

3. *Also expresses its appreciation* to the Governments of Botswana, Lesotho, Swaziland and Zambia for the co-operation which they have extended to the High Commissioner on matters concerning the welfare of these refugees;

4. *Notes with appreciation* the financial and material support provided for the student refugees by Member States, the Office of the United Nations High Commissioner for Refugees, other bodies of the United Nations system and intergovernmental and non-governmental organizations;

5. *Requests* the High Commissioner, in co-operation with the Secretary-General, to continue to organize and implement an effective programme of educational and other appropriate assistance for student refugees from Namibia and South Africa who have been granted asylum in Botswana, Lesotho, Swaziland and Zambia;

6. *Urges* all Member States and intergovernmental and non-governmental organizations to continue contributing generously to the assistance programme for student refugees, through financial support of the regular programmes of the High Commissioner and of the projects and programmes, including unfunded projects, which were submitted to the Second International Conference on Assistance to Refugees in Africa,<sup>172</sup> held at Geneva from 9 to 11 July 1984;

7. *Also urges* all Member States and all intergovernmental and non-governmental organizations to assist the countries of asylum materially and otherwise to enable them to continue to discharge their humanitarian obligations towards refugees;

8. *Appeals* to the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme and all other competent United Nations bodies, as well as other international and non-governmental organizations, to continue providing humanitarian and development assistance so as to facilitate and expedite the settlement of student refugees from South Africa who have been granted asylum in Botswana, Lesotho, Swaziland and Zambia;

9. *Calls upon* agencies and programmes of the United Nations system to continue co-operating with the Secretary-General and the High Commissioner in the implementation of humanitarian programmes of assistance for the student refugees in southern Africa;

10. *Requests* the High Commissioner, in co-operation with the Secretary-General, to continue to keep the matter under review, to apprise the Economic and Social Council, at its second regular session of 1986, of the current status of the programmes and to report to the General Assembly at its forty-first session on the implementation of the present resolution.

*116th plenary meeting  
13 December 1985*

#### **40/139. Situation of human rights and fundamental freedoms in El Salvador**

*The General Assembly,*

*Guided* by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights,<sup>6</sup> the International Covenant on Civil and Political Rights<sup>7</sup> and the humanitarian rules set out in the Geneva Conventions of 12 August 1949<sup>180</sup> and Additional Protocols I and II thereto,<sup>184</sup>

*Aware* 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.

*Recalling* that, in its resolutions 35/192 of 15 December 1980, 36/155 of 16 December 1981, 37/185 of 17 December 1982, 38/101 of 16 December 1983 and 39/119 of 14 December 1984, it expressed deep concern at the situation of human rights in El Salvador,

*Bearing in mind* Commission on Human Rights resolutions 32 (XXXVII) of 11 March 1981,<sup>26</sup> in which the Commission decided to appoint a special representative on the situation of human rights in El Salvador, 1982/28 of 11 March 1982,<sup>27</sup> 1983/29 of 8 March 1983,<sup>28</sup> 1984/52 of 14 March 1984<sup>29</sup> and 1985/35 of 13 March 1985,<sup>30</sup> whereby the Commission extended the mandate of the Special Representative for another year and requested him to report, *inter alia*, to the General Assembly,

*Noting* that the Special Representative of the Commission on Human Rights points out in his interim report<sup>185</sup> that, in the process of the democratic normalization of the country, the question of respect for human rights is an important part of the current policy of the Republic of El Salvador, but that nevertheless a situation of generalized warlike violence continues to exist, that the number of attacks on life and the economic structure remains a cause for concern, and that the number of political prisoners and abductions has increased,

*Deeply concerned* that in El Salvador, in addition to the continuing armed conflict, the scarcely initiated dialogue between the Government and the Frente Farabundo Martí para la Liberación Nacional-Frente Democrático Revolucionario has been interrupted,

*Considering* that, while the armed conflict of a non-international character continues, the Government and the insurgent forces are obliged to apply the minimum standards of protection of human rights and of humanitarian treatment set out in article 3 common to the Geneva Conventions of 12 August 1949, as well as Additional Protocol II thereto, to which the Republic of El Salvador is party,

*Aware* that a political solution to the Salvadorian conflict may be thwarted if external forces, rather than assisting the resumption of the dialogue, contribute in any way to the intensification or prolongation of the war,

*Recognizing* the value of dialogue as the best way to achieve genuine national reconciliation and the importance of the fact that different sectors of the country favour an overall negotiated political solution which would put an end to the suffering of the Salvadorian people and stem the tide of refugees and internally displaced persons,

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. *Recognizes with interest* and emphasizes that it is important that the Special Representative should have indicated in his interim report that the Government of El Salvador is continuing its policy of attempting to improve the situation of human rights;

3. *Expresses, nevertheless, its deep concern* at the fact that serious and numerous violations of human rights continue to take place in El Salvador owing above all to non-fulfilment of the humanitarian rules of war and therefore requests the Government of El Salvador and the insurgent forces to adopt measures conducive to the humanization of the conflict by observing scrupulously the Geneva Conventions of 1949 and the Additional Protocols thereto, and also recommends that the Special Representative should, for the duration of the armed conflict, continue to

<sup>184</sup> A/32/144, annexes I and II.

<sup>185</sup> A/40/818, annex.

observe and to inform the General Assembly and the Commission on Human Rights of the extent to which the contending parties are respecting those rules, particularly as regards humanitarian treatment and respect for the civilian population, prisoners of war, those wounded in combat, health personnel and military hospitals of either party;

4. *Reaffirms once again* the right of the Salvadorian people freely to determine their political, economic and social future without interference from outside, through a genuine democratic process, in which all sectors of the population participate freely and effectively;

5. *Requests* all States to refrain from intervening in the internal situation in El Salvador and, instead of helping in any way to prolong and intensify the war, to encourage the continuation of the dialogue until a just and lasting peace is achieved;

6. *Deeply regrets* the interruption of the dialogue initiated in October 1984 between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional-Frente Democrático Revolucionario and therefore calls upon these parties to renew their talks so that by means of sincere, generous and open dialogue they may achieve a negotiated comprehensive political solution which will put an end to the armed conflict and contribute to the institutionalization and strengthening of the democratic system based on the full exercise by all Salvadorians of their civil and political rights and their economic, social and cultural rights;

7. *Calls upon* the Government and the opposition forces, as agreed at the meeting held at La Palma on 15 October 1984,<sup>186</sup> to establish as soon as possible appropriate mechanisms to study the plans and proposals submitted by both parties and to include all sectors of national life in the search for peace;

8. *Views with concern* that, as a consequence of the prolonged armed conflict, the number of refugees and internally displaced persons, who already constitute a considerable part of the Salvadorian population, continues to increase and requests all States to collaborate in the reception of the refugees and to support the autonomous organizations responsible for looking after internally displaced persons in El Salvador;

9. *Again reiterates its appeal* to the Government of El Salvador and to the opposition forces to co-operate fully with the humanitarian organizations dedicated to alleviating the suffering of the civilian population, wherever these organizations operate in the country, and to permit the International Committee of the Red Cross to continue to evacuate those wounded and maimed by war to where they can receive the medical attention they need;

10. *Deeply deplors* the fact that the capacity of the judicial system in El Salvador to investigate, prosecute and punish violations of human rights continues to be patently unsatisfactory and therefore urges the competent authorities to continue and strengthen the process of reform of the Salvadorian judicial system, in order to punish speedily and effectively those responsible for the serious human rights violations which have been committed and are still being committed in that country;

11. *Recommends* the continuation and broadening of the reforms necessary in El Salvador, including effective application of agrarian reform, for the solution of the economic and social problems which are the basic cause of the internal conflict in that country;

12. *Calls upon* the competent authorities in El Salvador to introduce changes in the laws and other measures

that are incompatible with the provisions contained in the international instruments binding on the Government of El Salvador in respect of human rights;

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

14. *Decides* to keep under consideration, during its forty-first 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, in the hope that there will be improvement.

*116th plenary meeting  
13 December 1985*

#### **40/140. Situation of human rights and fundamental freedoms in Guatemala**

*The General Assembly,*

*Reiterating* that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms,

*Recalling* its resolutions 37/184 of 17 December 1982, 38/100 of 16 December 1983 and 39/120 of 14 December 1984,

*Recalling also* Commission on Human Rights resolution 1984/53 of 14 March 1984,<sup>29</sup> and taking note of Commission resolution 1985/36 of 13 March 1985,<sup>30</sup> in which it expressed its deep concern at the continuing serious and systematic violations of human rights in Guatemala and at restrictive measures that limit the freedoms of the rural and indigenous populations,

*Mindful* of resolution 1985/28 of 30 August 1985 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,<sup>181</sup>

*Welcoming* the general elections held on 3 November 1985 for President, Vice-President and representatives to the national Congress and of municipalities, with the participation of various political parties,

*Noting with satisfaction* the set of provisions to safeguard human rights and fundamental freedoms contained in the new Constitution, which, when fully complied with by the new Government and all others concerned, could lead to a significant improvement in the situation of human rights in Guatemala,

*Alarmed* at the continuation of politically motivated violence, particularly killings and kidnappings, as well as enforced and involuntary disappearances and the lack of effective measures by the authorities in investigating such practices,

*Recognizing* that the internal armed conflict of a non-international character which continues to exist in Guatemala stems from economic, social and political factors of a structural nature,

*Expressing its concern* at the widespread suffering caused by disregard for the principles of international humanitarian law applicable to that conflict,

*Welcoming* the co-operation of the Government of Guatemala with the Special Rapporteur of the Commission on Human Rights as well as the invitation by the Government to several international human rights organizations to assess the situation of human rights and fundamental freedoms.

<sup>186</sup> See A/39/636, annex, sect. II.