

1. *Welcomes* the efforts of the Special Rapporteur of the Commission on Human Rights to fulfil his mandate and takes note of his interim report on the situation of human rights in Guatemala,¹⁸⁷ submitted in accordance with Commission resolution 1985/36;

2. *Expresses the hope* that the recent elections will be the first step in a process leading to complete and effective enjoyment of human rights by the people of Guatemala;

3. *Notes with satisfaction* that a new Government and Congress are to take office on 14 January 1986, following a second round in the presidential elections on 8 December 1985, and that a new Constitution, which provides, *inter alia*, for the establishment of a national commission on human rights as well as a commissioner for human rights, is to take effect on the same date in January 1986;

4. *Reiterates its deep concern* at the continuing grave and widespread violations of human rights in Guatemala, particularly the violence against non-combatants, the widespread repression, killings, including extrajudicial executions, the practice of torture, disappearances and secret detention, as well as at practices such as the displacement of rural and indigenous populations, their confinement in development centres and their forced participation in civilian patrols organized and controlled by the armed forces;

5. *Strongly urges* the Government of Guatemala to take all measures necessary to halt violations of human rights and fundamental freedoms, particularly enforced and involuntary disappearances, as well as to take effective measures, within the framework of the Constitution, to ensure that all its authorities and agencies, civilian as well as military, fully respect the human rights and fundamental freedoms of all Guatemalans, such as trade unionists, catechists and the predominantly indigenous rural and peasant population;

6. *Again requests* the Government of Guatemala to investigate and clarify the fate of those who have disappeared and whose whereabouts continue to be unknown, and to include within the framework of such an investigation the publication of the full details of the report of the Tripartite Commission;

7. *Further urges* the Government of Guatemala to establish the necessary conditions to ensure the independence of the judicial system and to enable the judiciary to uphold the rule of law, including the right of *habeas corpus*, and to prosecute and punish speedily and effectively those who are responsible for violations of human rights, including members of the military and security forces;

8. *Calls upon* the Government of Guatemala to allow independent and impartial bodies to function in the country to monitor and investigate alleged human rights violations, as well as to respect and protect human rights defenders such as the Mutual Support Group;

9. *Calls upon* the Government of Guatemala to guarantee to the rural and indigenous population the freedom to choose their place of residence and freedom from forced participation in civilian patrols;

10. *Calls upon* all parties to the conflict to apply fully the principles and rules of international humanitarian law and reiterates its appeal to the Government of Guatemala to admit the International Committee of the Red Cross to the country, and subsequently to facilitate its operations for the alleviation of the suffering of the Guatemalan people;

11. *Calls upon* all Governments to refrain from intervening in any way in the internal situation in Guatemala,

which could intensify the internal armed conflict and increase violations of human rights;

12. *Deeply deplores* the continuing gross violations of human rights arising from that conflict, which are largely due to the failure of the military and security forces to conduct their activities with the necessary respect for protecting the human rights of all Guatemalans;

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

14. *Invites* the Commission on Human Rights to study carefully the report of its Special Rapporteur, as well as other information pertaining to the human rights situation in Guatemala, and to consider further steps for securing effective respect for human rights and fundamental freedoms for all in that country including, if so requested by the Government of Guatemala, the provision of appropriate technical assistance under the programme of advisory services in the field of human rights;

15. *Decides* to continue its examination of the situation of human rights and fundamental freedoms in Guatemala at its forty-first session.

116th plenary meeting
13 December 1985

40/141. Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights⁶ and the International Covenants on Human Rights,²⁴

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling Commission on Human Rights resolutions 1982/27 of 11 March 1982²⁷ and 1983/34 of 8 March 1983,²⁸

Bearing in mind Commission on Human Rights resolution 1984/54 of 14 March 1984,²⁹ in which the Commission expressed deep concern at the continuing serious violations of human rights and fundamental freedoms in the Islamic Republic of Iran and requested its Chairman to appoint a special representative to make a thorough study of the situation of human rights in that country,

Taking note, in particular, of Commission on Human Rights resolution 1985/39 of 13 March 1985,³⁰ by which the Commission decided to extend the mandate of its Special Representative for one year and requested him to present an interim report to the General Assembly at its fortieth session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, and a final report to the Commission at its forty-second session,

Mindful of resolution 1985/17 of 29 August 1985 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,¹⁸¹ in which the Sub-Commission expressed its alarm at the continuing reports of gross violations of human rights and fundamental freedoms in the Islamic Republic of Iran,

Regretting that the Government of the Islamic Republic of Iran has still not extended its full co-operation to the Commission on Human Rights and its Special Represent-

¹⁸⁷ A/40/865, annex.

tative, in particular by not allowing the Special Representative to visit the country,

Taking into account the specific and detailed allegations of grave and extensive violations of human rights to which the Special Representative refers in his interim report on the situation of human rights in the Islamic Republic of Iran¹⁸⁸ and to which the Government of that country has not responded,

Endorsing the conclusion of the Special Representative that continued monitoring of the human rights situation in the Islamic Republic of Iran is called for,

1. *Takes note with appreciation* of the interim report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran and of the general observations contained therein;¹⁸⁹

2. *Expresses its deep concern* over the specific and detailed allegations of violations of human rights in the Islamic Republic of Iran to which the Special Representative refers in his interim report, and, in particular, those related to the right to life, such as summary and arbitrary executions, the right to freedom from torture or cruel, inhuman or degrading treatment or punishment, the right to liberty and security of person and to freedom from arbitrary arrest or detention, the right to a fair trial, the right to freedom of thought, conscience and religion and to freedom of expression, and the right of religious minorities to profess and practise their own religion;

3. *Endorses* the conclusion of the Special Representative that, on the basis of the information available to him, specific and detailed allegations concerning grave violations of human rights cannot be dismissed, and urgently appeals to the Government of the Islamic Republic of Iran to respond satisfactorily to these allegations;

4. *Urges* the Government of the Islamic Republic of Iran, as a State party to the International Covenant on Civil and Political Rights,⁷ to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in that Covenant;

5. *Requests* the Commission on Human Rights to study carefully the final report of the Special Representative, as well as other information pertaining to the situation of human rights in the Islamic Republic of Iran, and to consider further steps for securing effective respect for human rights and fundamental freedoms for all in that country;

6. *Urges* the Government of the Islamic Republic of Iran to extend its full co-operation to the Special Representative of the Commission on Human Rights, and, in particular, to permit him to visit that country;

7. *Requests* the Secretary-General to give all necessary assistance to the Special Representative;

8. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, during its forty-first session 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.

*116th plenary meeting
13 December 1985*

¹⁸⁸ A/40/874.

40/142. Status of the Convention on the Prevention and Punishment of the Crime of Genocide

The General Assembly.

Recalling its resolution 260 A (III) of 9 December 1948, by which it approved and proposed for signature and ratification or accession the Convention on the Prevention and Punishment of the Crime of Genocide,

Mindful of the fact that the year 1986 marks the thirty-fifth anniversary of the entry into force of the Convention,

Reaffirming its conviction that genocide is a crime under international law, contrary to the spirit and aims of the United Nations,

Expressing its conviction that implementation of the provisions of the Convention by all States is necessary for the prevention and punishment of the crime of genocide,

Bearing in mind that the fortieth anniversary of the victory over nazism and fascism in the Second World War is being commemorated in 1985,

1. *Once again strongly condemns* the crime of genocide;

2. *Reaffirms* the necessity of international co-operation in order to liberate mankind from such an odious scourge;

3. *Takes note with appreciation* of the fact that many States have ratified the Convention on the Prevention and Punishment of the Crime of Genocide or have acceded thereto;

4. *Urges* those States that have not yet become parties to the Convention to ratify it or accede thereto without further delay;

5. *Invites* the Secretary-General to submit to the General Assembly at its forty-first session a report on the status of the Convention;

6. *Requests* the Commission on Human Rights to consider at its forty-second session the question of promoting the full implementation of the Convention and to submit its observations and proposals thereon, through the Economic and Social Council, to the General Assembly at its forty-first session.

*116th plenary meeting
13 December 1985*

40/143. Summary or arbitrary executions

The General Assembly.

Recalling the provisions of the Universal Declaration of Human Rights,⁶ which states that every human being has the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights,⁷ which states that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his life,

Recalling also its resolution 34/175 of 17 December 1979, in which it reaffirmed that mass and flagrant violations of human rights are of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

Recalling further its resolution 36/22 of 9 November 1981, in which it condemned the practice of summary or arbitrary executions, and its resolutions 37/182 of 17 December 1982, 38/96 of 16 December 1983 and 39/110 of 14 December 1984,

¹⁸⁹ *Ibid.*, sect. II.