

4. *Encourages* the Secretary-General in his efforts to enable the United Nations to anticipate and react more adequately and speedily to cases requiring humanitarian assistance, as mentioned in his report on the work of the Organization;¹¹⁹

5. *Invites* the Commission on Human Rights to keep the question of human rights and mass exoduses under review with the objective of making appropriate recommendations concerning further measures to be taken in this field;

6. *Decides* to review the question of human rights and mass exoduses at its fortieth session.

101st plenary meeting
14 December 1984

39/118. Human rights in the administration of justice

The General Assembly,

Mindful of articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights,¹²⁰ as well as the relevant provisions of the International Covenant on Civil and Political Rights,¹²¹ in particular article 6, which explicitly states that no one shall be arbitrarily deprived of his life,

Recalling its resolutions 2858 (XXVI) of 20 December 1971 and 3144 (XXVIII) of 14 December 1973 on human rights in the administration of justice,

Recalling also Economic and Social Council resolutions 1984/47 and 1984/50 of 25 May 1984, in which, *inter alia*, the Council approved the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners¹²² and the safeguards guaranteeing protection of the rights of those facing the death penalty,

Acknowledging the important work accomplished by the Committee on Crime Prevention and Control at its eighth session,¹²³

Aware that the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held from 26 August to 6 September 1985, will consider the issues related to the formulation and application of United Nations standards and norms in the administration of justice under item 7 of its provisional agenda, in accordance with Economic and Social Council resolution 1982/29 of 4 May 1982,

Convinced of the need for further co-ordinated and concerted action in promoting respect for the principles embodied in the aforementioned articles of the Universal Declaration of Human Rights,

1. *Reaffirms* the existing prohibition under international law of every form of cruel, inhuman or degrading treatment or punishment, and strongly condemns the practice of arbitrary and summary executions;

2. *Endorses* the recommendations contained in Economic and Social Council resolutions 1984/47 and 1984/50 on procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners and on safeguards guaranteeing protection of the rights of those facing the death penalty, respectively, as well as the provisions of their annexes;

3. *Calls upon* Member States to spare no effort in providing for adequate mechanisms, procedures and resources so as to ensure the implementation of these recommendations, both in law and in practice;

4. *Requests* the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, under item 7 of its provisional agenda, to give urgent attention to the matter of devising ways and means to ensure more effective application of existing standards and to report thereon to the General Assembly at its fortieth session;

5. *Requests* the Secretary-General to discharge fully his tasks in connection with the implementation of the Standard Minimum Rules for the Treatment of Prisoners, particularly with regard to procedures 7, 8, 9 and 10 contained in the annex to Economic and Social Council resolution 1984/47, and to employ his best endeavours in cases where the safeguards guaranteeing the protection of the rights of those facing the death penalty are violated;

6. *Requests* the Economic and Social Council, through the Committee on Crime Prevention and Control, to keep these matters under constant review;

7. *Invites* the specialized agencies and other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations concerned, to continue to co-operate with the Secretary-General in these endeavours by providing assistance, as may be appropriate, and by submitting proposals for relevant action to the Seventh Congress;

8. *Decides* to consider at its fortieth session the question of human rights in the administration of justice.

101st plenary meeting
14 December 1984

39/119. 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,¹²⁰ the International Covenant on Civil and Political Rights¹²¹ and by the humanitarian rules set out in the Geneva Conventions of 12 August 1949¹²⁴ and Additional Protocols I and II thereto,¹²⁵

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 and 38/101 of 16 December 1983, 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 1981,¹²⁶ in which the Commission decided to appoint a Special Representative on the situation of human rights in El Salvador, 1982/28 of 11 March 1982,¹²⁷ 1983/29 of 8 March 1983¹²⁸ and

¹¹⁹ See *Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 1 (A/39/1)*.

¹²⁰ Resolution 217 A (III).

¹²¹ See resolution 2200 A (XXI), annex.

¹²² *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A.

¹²³ See *Official Records of the Economic and Social Council, 1984, Supplement No. 6 (E/1984/16)*.

¹²⁴ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

¹²⁵ A/32/144, annexes I and II.

¹²⁶ See *Official Records of the Economic and Social Council, 1981, Supplement No. 5 (E/1981/25 and Corr.1)*, chap. XXVIII, sect. A.

¹²⁷ *Ibid.*, 1982, Supplement No. 2 (E/1982/12 and Corr.1), chap. XXVI, sect. A.

¹²⁸ *Ibid.*, 1983, Supplement No. 3 (E/1983/13 and Corr.1), chap. XXVII, sect. A.

1984/52 of 14 March 1984,¹²⁹ 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 report¹³⁰ that, owing to the adoption of a new government policy, the number of human rights violations has markedly decreased, which is a welcome development, but that nevertheless a situation of war and generalized violence continues to exist in El Salvador, that there are still serious violations of human rights, that the number of attacks on life and the economic structure remains a cause for concern and that the capacity of the judicial system to investigate and punish human rights violations committed in the country continues to be patently unsatisfactory,

Considering that there is an armed conflict not of an international character in El Salvador in which the Government of that country and the opposition forces are obligated to apply the minimum standards of protection of human rights and of humane treatment set out in article 3 common to the Geneva Conventions of 12 August 1949, as well as Additional Protocol II thereto,

Aware that a delicate process aiming at a political solution has been initiated in El Salvador, which could be hindered if arms or military contributions of any other kind, making it possible to prolong or intensify the war, are provided from outside,

Taking into account that on 8 October 1984 the President of El Salvador stated before the General Assembly that the main task of the mandate he was given by the elections of 6 May 1984 is to achieve social harmony and internal peace in El Salvador,¹³¹ and that the Special Representative notes with satisfaction the obvious desire of the new Government to establish a democracy governed by the rule of law and guaranteeing full respect for human rights,

Recognizing that dialogue is the only way, in a spirit of generosity and openness, to achieve a negotiated comprehensive political solution that will promote genuine national reconciliation, put an end to the suffering of the Salvadorian people and stem the growing tide of refugees and internally displaced persons,

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

2. *Expresses its deep concern* at the fact that, as indicated in the report of the Special Representative, although the number of human rights violations has decreased, they are still serious and numerous, resulting in suffering for the Salvadorian people;

3. *Recalls* that the right to life and liberty is paramount and therefore notes with satisfaction the measures which, according to the report of the Special Representative, the Government of El Salvador has adopted to put an end to these serious violations of human rights;

4. *Deeply regrets* that the persistence of hostilities by the armed forces of the Government has resulted in many civilian victims and material damage, and also regrets that the hostilities of the guerrilla forces have on occasion caused civilian victims and material damage to the economic infrastructure of El Salvador;

5. *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 an atmosphere free from intimidation and terror;

6. *Requests* all States to refrain from intervening in the internal situation in El Salvador and, instead of supplying arms or 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;

7. *Welcomes with satisfaction* the fact that, in accordance with the appeal made by the President of El Salvador before the General Assembly and the Assembly's own repeated appeals, talks were resumed between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional-Frente Democrático Revolucionario, which confirmed its willingness in that respect;

8. *Recognizes* that this dialogue is an important step in the process of pacification and democratization of the country and therefore calls upon the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional-Frente Democrático Revolucionario to intensify their talks until they achieve a negotiated comprehensive political solution which will put an end to the armed conflict and establish a lasting peace based on the full exercise both of civil and political rights and of economic, social and cultural rights by all Salvadorians;

9. *Welcomes* the fact that the Government of El Salvador and the insurgent forces have agreed through indirect talks to exchange prisoners of war and allow the International Committee of the Red Cross to evacuate wounded combatants of the opposition in exchange for the release of government officials captured in combat, appeals to all States to do what they can to support operations of that kind, and urges the Government of El Salvador and the insurgent forces to continue those practices, which humanize the conflict, and to agree as early as possible to respect the medical personnel and all military hospitals, as required by the Geneva Conventions;

10. *Again reiterates its appeal* to the Government of El Salvador and to the opposition forces 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;

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. *Deeply deplores* 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 penal 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;

13. *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;

14. *Renews its appeal* to the Government of El Salvador, as well as to other parties concerned, to continue to

¹²⁹ *Ibid.*, 1984, Supplement No. 4 (E/1984/14 and Corr.1), chap. II, sect. A.

¹³⁰ A/39/636, annex.

¹³¹ See *Official Records of the General Assembly, Thirty-ninth Session, Plenary Meetings*, 24th meeting, para. 55.

co-operate with the Special Representative of the Commission on Human Rights;

15. *Decides* to keep under consideration, during its fortieth 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.

101st plenary meeting
14 December 1984

39/120. 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 and 38/100 of 16 December 1983,

Taking note of Commission on Human Rights resolution 1984/53 of 14 March 1984,¹²⁹ in which the Commission expressed its profound concern at the continuing massive violations of human rights in Guatemala,

Mindful of resolution 1984/23 of 29 August 1984 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,¹³² in which the Sub-Commission recognized, *inter alia*, that in Guatemala there existed an armed conflict of a non-international character, which stemmed from economic, social and political factors of a structural nature,

Noting the elections to the Constituent Assembly held in July 1984, which fulfilled the first stage of the electoral process for the institution of a new constitutional Government according to the timetable proposed by the Government of Guatemala, and affirming the importance of creating conditions in which the electoral process can be pursued in a climate free from intimidation and terror,

Alarmed at the continuation of politically motivated violence in the form of killings and kidnappings,

Alarmed also at the large number of persons who have continued to disappear and the unclear fate of those reported to have been tried by the special tribunals, now abolished,

Welcoming the co-operation of the Government of Guatemala with the Special Rapporteur of the Commission on Human Rights in the fulfilment of his mandate and noting with satisfaction that a list of cases dealt with by the special tribunals has now been handed over to the Special Rapporteur,

1. *Takes note* of the interim report by the Special Rapporteur on the situation of human rights in Guatemala,¹³³ prepared in accordance with Commission on Human Rights resolution 1984/53;

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

3. *Once again 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. *Renews its call upon* the Government of Guatemala to refrain from the forceful displacement of people belonging to rural and indigenous populations and from the practice of coercing them into participation in civilian patrols, leading to human rights violations;

5. *Welcomes* the fact that many of the persons who were tried by the special tribunals have now been released and invites the Government of Guatemala to publish the list of cases dealt with by the special tribunals;

6. *Requests* the Government of Guatemala to investigate and clarify the fate of all persons who have been subjected to involuntary or forced disappearances and are still unaccounted for and to put an end to arbitrary detention and imprisonment in secret places;

7. *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 found responsible for violations of human rights, including members of the military and security forces;

8. *Calls upon* the Government of Guatemala to allow an independent and impartial body to function in the country to monitor and investigate alleged human rights violations;

9. *Reiterates its appeal* 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;

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

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

12. *Urges* the Government of Guatemala to ensure a climate free from intimidation and terror which would allow the free participation of all in the political process;

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. *Requests* 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;

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

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¹³² See E/CN.4/1985/3-E/CN.4/Sub.2/1984/43, chap. XVIII, sect. A.

¹³³ A/39/635, annex.