

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

5. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran during its forty-fifth session in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

82nd plenary meeting
15 December 1989

44/164. Human rights and mass exoduses

The General Assembly,

Mindful of its general humanitarian mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons,

Conscious of the fact that human rights violations are one of the multiple and complex factors causing mass exoduses of refugees and displaced persons, as indicated in the study of the Special Rapporteur of the Commission on Human Rights on this subject²⁰⁰ and also in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees,²⁰¹

Aware of the recommendations concerning mass exoduses made by the Commission on Human Rights to its Sub-Commission on Prevention of Discrimination and Protection of Minorities and to special rapporteurs to be taken into account when violations of human rights in any part of the world are studied,

Deeply preoccupied by the increasingly heavy burden being imposed, particularly upon developing countries with limited resources of their own and upon the international community as a whole, by these sudden mass exoduses and displacements of population,

Stressing the need for international co-operation aimed at averting new massive flows of refugees while providing durable solutions to actual refugee situations,

Reaffirming its resolution 41/70 of 3 December 1986, in which it endorsed the conclusions and recommendations contained in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees,

Bearing in mind its resolution 43/154 of 8 December 1988 and Commission on Human Rights resolution 1989/63 of 8 March 1989,² as well as all previous relevant resolutions of the General Assembly and the Commission on Human Rights,

Welcoming the steps taken so far by the United Nations to examine the problem of massive outflows of refugees and displaced persons in all its aspects, including its root causes,

1. *Reaffirms* its support for the recommendation of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees that the principal organs of the United Nations should make fuller use of their respective competencies under the Charter of the United Nations for the prevention of new massive flows of refugees and displaced persons:

2. *Again invites* all Governments and intergovernmental and humanitarian organizations concerned to intensify their co-operation with and assistance to world-wide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and also the causes of such exoduses;

3. *Requests* all Governments to ensure the effective implementation of the relevant international instruments, in particular in the field of human rights, as this would contribute to averting new massive flows of refugees and displaced persons;

4. *Invites* the Commission on Human Rights to keep the question of human rights and mass exoduses under review with a view to supporting the early-warning arrangement instituted by the Secretary-General to avert new massive flows of refugees and displaced persons;

5. *Takes note* of the report of the Secretary-General on human rights and mass exoduses,²⁰² and invites him to inform the General Assembly in future reports of the modalities of early-warning activities to avert new and massive flows of refugees;

6. *Specially encourages* the Secretary-General to continue to discharge the task described in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees;

7. *Requests* the Secretary-General to continue to develop the role of the Office for Research and the Collection of Information of the Secretariat as a focal point for the operation of an effective early-warning system and the strengthening of co-ordination of information-gathering and analysis among United Nations agencies with a view to preventing new massive flows of refugees and displaced persons;

8. *Urges* the Secretary-General to use available resources to consolidate and strengthen the system for undertaking early-warning activities in the humanitarian area by, *inter alia*, early computerization of the Office for Research and the Collection of Information and strengthened co-ordination among the relevant parts of the United Nations system, especially the Office for Research and the Collection of Information, the Office of the United Nations High Commissioner for Refugees, the Centre for Human Rights of the Secretariat and the relevant specialized agencies;

9. *Requests* the Secretary-General to report to the General Assembly at its forty-fifth session on the strengthened role that he is playing with regard to early-warning activities, especially in the humanitarian area, as well as on any further developments relating to the recommendations contained in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees;

10. *Decides* to continue consideration of the question of human rights and mass exoduses at its forty-fifth session

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44/165. 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,⁴ the

²⁰⁰ E/CN.4/1503.

²⁰¹ A/41/324, annex.

²⁰² A/44/622.

International Covenant on Civil and Political Rights,⁵ the International Covenant on Economic, Social and Cultural Rights,⁵ and the humanitarian rules laid down in the Geneva Conventions of 12 August 1949¹⁸⁹ and Additional Protocol II thereto, of 1977,²⁰³

Deeply alarmed that, despite the encouraging signs offered by the meetings held by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, the aggravation of the conflict and the resurgence of violence have seriously affected the civilian population,

Reaffirming that it is the duty of the Governments of all Member States to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have assumed under the relevant international instruments,

Recalling that, since 1980, it has been expressing its deep concern about the situation of human rights in El Salvador, as indicated in its resolution 43/145 of 8 December 1988,

Bearing in mind Commission on Human Rights resolution 32 (XXXVII) of 11 March 1981,¹⁰⁰ in which the Commission decided to appoint a special representative on the situation of human rights in El Salvador, and subsequent resolutions, and taking note of Commission resolution 1989/68 of 8 March 1989,² in which it decided to extend the mandate of the Special Representative for another year and requested him to report to the General Assembly at its forty-fourth session and to the Commission at its forty-sixth session,

Considering that an armed conflict of a non-international character continues in El Salvador, in which the parties involved are under an obligation to apply the minimum standards of protection of human rights and humanitarian treatment provided for in article 3 common to the Geneva Conventions of 1949 and in Additional Protocol II thereto, of 1977,

Deeply concerned that, as the Special Representative has indicated in his report on the situation of human rights in El Salvador,²⁰⁴ the number of politically motivated serious violations of human rights continues to increase and, in particular, that there has been a resurgence of torture and an increase in arrests and that summary executions, disappearances, abductions, attacks on the economic infrastructure and violations of the humanitarian rules of war have remained at disturbing levels,

Concerned that many sources continue to attribute summary executions and other serious violations of human rights to the so-called “death squads”,

Deeply disturbed by the collective assassination in cold blood, on 16 November 1989, of the Rector, five professors and two members of the service staff of the Central American University,

Expressing its concern that as a consequence of the current situation, acts of intimidation and harassment have been carried out against the church hierarchy, political and trade union leaders, members of humanitarian organizations belonging to various churches and the headquarters of political parties and trade unions, as well as against relatives of members of the armed forces and against civil servants and members of their families,

Considering that there has been no progress during 1989 in the judicial case of the assassination of Monsignor Romero, which took place in 1980, and that it is a matter

of urgency that those responsible for many other recent violations of human rights, including the assassination of the Minister for the Presidency and the fatal collective attacks on a trade union federation, should be identified and punished.

Convinced that the strict fulfilment of the commitments assumed by the Government of El Salvador under the agreement on “Procedures for the establishment of a firm and lasting peace in Central America” concluded at the Esquipulas II summit meeting¹⁴⁹ and the joint declarations of the Central American Presidents signed in Costa Rica, El Salvador and Honduras, will contribute to the promotion, respect and realization of human rights and fundamental freedoms in El Salvador,

Recognizing the importance of the fact that, in the agreements adopted at Tela, Honduras,¹⁵⁰ the five Central American Presidents expressed their firm belief in the necessity of an immediate and effective end to hostilities in El Salvador and therefore strongly urged the Frente Farabundo Martí para la Liberación Nacional to carry out a constructive dialogue for the purpose of achieving a just and lasting peace and, equally strongly, urged the Government of El Salvador to arrange, with full guarantees and in the spirit of the agreement concluded at the Esquipulas II summit meeting, the integration of members of the Frente Farabundo Martí para la Liberación Nacional into peaceful and institutional life,

Considering it necessary and urgent to return to the agreements of 15 September and 18 October 1989 signed at Mexico City and at San José, respectively, by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional by which, *inter alia*, they undertook to maintain a process of ongoing dialogue not permitting unilateral withdrawal, in order that they might, in an effort to arrive at a negotiated understanding, manage to end the armed conflict by political means as soon as possible, promote the democratization of the country and reunify Salvadorian society and agreed on the need to create international verification mechanisms appropriate to the characteristics and realities of El Salvador to monitor the implementation of the agreements reached by them,

Considering that, under Additional Protocol II to the Geneva Conventions, the war-wounded and war-injured must be respected and protected, their evacuation by the International Committee of the Red Cross so that they may receive the medical care that they need must not be impeded and no one may be punished for carrying out medical activities compatible with medical ethics, regardless of the circumstances and the beneficiaries of such activities,

Taking note of the holding of the summit at San Isidro Coronado, Costa Rica, from 10 to 12 December 1989,

Aware that a negotiated political solution of the Salvadorian conflict can be cut short if external forces do not support the resumption of the dialogue but instead seek in different ways to spur the intensification or prolongation of the war, with ensuing grave effects on the situation of human rights and the possibilities of economic recovery in El Salvador,

1. *Commends* the Special Representative for his report on the situation of human rights in El Salvador, endorses the recommendations contained therein and requests him to update the report in the light of the serious events taking place in that country;

2. *Expresses its deepest dismay* at the aggravation of the conflict, the resurgence of violence, the bombings and the indiscriminate use of high-powered heavy weapons in

²⁰³ United Nations. *Treaty Series*, vol. 1125, No. 17513.

²⁰⁴ See A/44/671.

densely populated areas, resulting in numerous civilian casualties and substantial material damage;

3. *Expresses its deep concern* about the systematic attacks on the country's economic infrastructure, which seriously undermine the present and future enjoyment by the Salvadorian people of important economic, social and cultural rights;

4. *Urgently appeals* to the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to put an immediate end to the armed conflict and to work for a resumption of the currently suspended dialogue in order to reach agreements that would lead to the definitive cessation of all hostilities within an agreed time-frame;

5. *Requests* the parties to the conflict to guarantee respect for the international standards applicable to an armed conflict of a non-international character, in particular the protection of the civilian population and the war-wounded, to make possible the immediate evacuation of the war-wounded and war-injured, whether civilians or combatants, in order that they may receive the medical care that they need and, furthermore, to co-operate with humanitarian organizations working to alleviate the suffering of the civilian population in any part of the country in which such organizations are operating, and requests that medical and health personnel shall under no circumstances be penalized for carrying out their activities;

6. *Supports fully* the expressed readiness of the Secretary-General to help bring about, as the first stage of a political solution, an immediate agreement on the cessation of the armed conflict, and his decision taken last September to accept the invitation from the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional for him or his representatives to participate in their process of dialogue and negotiation, since all this forms part of the mission of good offices that he is performing to assist the Central American Governments in their efforts to achieve the objectives set forth in the agreement concluded at the Esquipulas II summit meeting;

7. *Expresses its firm support* for the efforts of the Secretary-General of the Organization of American States to bring about a resumption of the political dialogue in El Salvador;

8. *Urgently appeals* to the parties to the conflict to respect and guarantee the security of the staff and official premises of international agencies;

9. *Condemns* the brutal assassination of the Rector and seven other members of the Central American University and hopes that the Government of El Salvador will fulfil its pledge to carry out an immediate investigation and to punish those responsible for such an abominable crime;

10. *Expresses its deep concern* about the persistence of and increase in politically motivated serious violations of human rights, such as summary executions, enforced disappearances, torture and abductions;

11. *Also expresses its deep concern* about the persistence of and increase in the alleged activities of the so-called "death squads", which are operating with impunity in El Salvador;

12. *Renews its appeal* to all States to refrain from intervening in the internal situation of El Salvador and, instead of seeking in different ways to spur the prolongation and intensification of the armed conflict, to stimulate dialogue until a firm and lasting peace is attained;

13. *Expresses its profound concern* at the fact that the capacity of the Salvadorian judicial system continues to be

extremely unsatisfactory, despite the efforts made by the Government to determine the responsibility of the instigators of some violations of human rights, and consequently urges the competent authorities to accelerate the adoption of the measures necessary for ensuring the effectiveness of the system and its compatibility with the commitments made in the field of human rights;

14. *Renews its appeal* to the competent organs and organizations of the United Nations system that, on the basis of Commission on Human Rights resolution 1989/68 and General Assembly resolution 43/145, they provide the advice and assistance that the Government of El Salvador may request in order to enhance the promotion and protection of human rights and fundamental freedoms;

15. *Requests* the Commission on Human Rights at its forty-sixth session to consider the situation of human rights in El Salvador and the mandate of its Special Representative, taking into account the evolution of the situation of human rights in that country and the developments linked to the fulfilment of all the agreements signed by the Central American Presidents within the framework of the regional peace process and the agreements concluded by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional at Mexico City and San José;

16. *Urges*, in accordance with the recommendations of the Special Representative, the Government of El Salvador and all the country's political powers, agencies and forces, including the Frente Farabundo Martí para la Liberación Nacional, to adopt immediate measures to put an end to attacks on the life, integrity and dignity of persons outside, during and as a result of combat situations;

17. *Reiterates its call* to the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to continue co-operating with the Special Representative of the Commission on Human Rights;

18. *Decides* to keep under consideration, during its forty-fifth session, the situation of human rights and fundamental freedoms in El Salvador in order to re-examine this situation in the light of the information provided by the Commission on Human Rights and the Economic and Social Council.

*82nd plenary meeting
15 December 1989*

44/166. Situation of human rights in Chile

The General Assembly.

Guided by the purposes and principles of the Charter of the United Nations and bearing in mind the Universal Declaration of Human Rights,⁴ the International Covenant on Economic, Social and Cultural Rights,⁵ and the International Covenant on Civil and Political Rights,⁵

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms, and determined to remain vigilant with regard to violations of human rights wherever they occur,

Reiterating that the Government of Chile has the obligation to respect and protect human rights in accordance with the international instruments to which Chile is a party,

Bearing in mind that the concern of the international community about the situation of human rights in Chile has been expressed by the General Assembly in a number of resolutions, particularly resolution 33/173 of 20 December 1978, on disappeared persons, and resolution 43/158 of 8 December 1988,