

relations between States and to the realization of human rights and fundamental freedoms.

*Reaffirming* that the prosecution and punishment of war crimes and crimes against peace and humanity, as laid down in General Assembly resolutions 3 (I) of 13 February 1946 and 95 (I) of 11 December 1946, constitute a universal commitment for all States.

*Mindful* of the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity, set forth in General Assembly resolution 3074 (XXVIII) of 3 December 1973.

*Recalling also* its resolutions 2331 (XXII) of 18 December 1967, 2438 (XXIII) of 19 December 1968, 2545 (XXIV) of 11 December 1969, 2713 (XXV) of 15 December 1970, 2839 (XXVI) of 18 December 1971, 34/24 of 15 November 1979, 35/200 of 15 December 1980, 36/162 of 16 December 1981 and 37/179 of 17 December 1982.

*Recalling further* the Declaration on Social Progress and Development,<sup>103</sup> the United Nations Declaration on the Elimination of All Forms of Racial Discrimination,<sup>104</sup> the Declaration on the Granting of Independence to Colonial Countries and Peoples<sup>105</sup> and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,<sup>106</sup>

*Underlining* the importance of the Universal Declaration of Human Rights,<sup>107</sup> the International Covenants on Human Rights,<sup>108</sup> the International Convention on the Elimination of All Forms of Racial Discrimination<sup>109</sup> and the Convention on the Prevention and Punishment of the Crime of Genocide,<sup>110</sup>

*Acknowledging* the fact that a number of States have established legal regulations which are suited to prevent the activities of Nazi, Fascist and neo-Fascist groups and organizations,

*Noting again with deep concern* that the proponents of Fascist ideologies have, in a number of countries, intensified their activities and are increasingly co-ordinating them on an international scale.

1. *Again condemns* all totalitarian or other ideologies and practices, in particular Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror or systematic denial of human rights and fundamental freedoms, or which have such consequences;

2. *Notes* that the fortieth anniversary of the conclusion of the Second World War will occur in 1985 and should serve to mobilize the efforts of the world community in its struggle against the ideologies and practices described in paragraph 1 above;

3. *Calls upon* States to assist each other in detecting, arresting and bringing to trial persons suspected of having committed war crimes and crimes against humanity and, if they are found guilty, in punishing them;

4. *Urges* all States to draw attention to the threat to democratic institutions by the above-mentioned ideologies and practices and to consider taking measures, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights, to prohibit or otherwise deter activities by groups or organizations or whoever is practising those ideologies;

5. *Calls upon* the appropriate specialized agencies, as well as intergovernmental and international non-governmental organizations, to initiate or intensify measures against the ideologies and practices described in paragraph 1 above;

6. *Invites* Member States to adopt, in accordance with their national constitutional systems and with the provisions of the Universal Declaration of Human Rights and the International Covenants on Human Rights, as a matter of high priority, measures declaring punishable by law any dissemination of ideas based on racial superiority or hatred and of war propaganda, including Nazi, Fascist and neo-Fascist ideologies;

7. *Appeals* to all States that have not yet done so to ratify or to accede or give serious consideration to acceding to the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity<sup>111</sup> and the International Convention on the Suppression and Punishment of the Crime of Apartheid;<sup>112</sup>

8. *Calls once again upon* all States to provide the Secretary-General with their comments on this question;

9. *Requests* the Secretary-General to ensure that the Department of Public Information of the Secretariat pays attention to the dissemination of information on the forthcoming fortieth anniversary of the conclusion of the Second World War, exposing the ideologies and practices described in paragraph 1 above;

10. *Reiterates its request* to the Commission on Human Rights to consider this subject at its fortieth session;

11. *Requests* the Secretary-General to submit a report, through the Economic and Social Council, to the General Assembly at its thirty-ninth session, in the light of the discussion that will take place in the Commission on Human Rights and on the basis of comments provided by States and international organizations.

*100th plenary meeting  
16 December 1983*

### **38/100. 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 resolution 37/184 of 17 December 1982,

*Taking note* of Commission on Human Rights resolution 1983/37 of 8 March 1983,<sup>113</sup> in which the Commission reiterated its profound concern at the continuing reports of massive violations of human rights in Guatemala.

*Noting* that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1983/12 of 5 September 1983,<sup>114</sup> recognized that in Guatemala there existed an armed conflict of a non-international character, which stemmed from economic,

<sup>103</sup> Resolution 2542 (XXIV).

<sup>104</sup> Resolution 1904 (XVIII).

<sup>105</sup> Resolution 1514 (XV).

<sup>106</sup> Resolution 36/55.

<sup>107</sup> Resolution 217 A (III).

<sup>108</sup> Resolution 2200 A (XXI), annex.

<sup>109</sup> Resolution 2106 A (XX), annex.

<sup>110</sup> Resolution 260 A (III), annex.

<sup>111</sup> Resolution 2391 (XXIII), annex.

<sup>112</sup> Resolution 3068 (XXVIII), annex.

<sup>113</sup> See *Official Records of the Economic and Social Council, 1983, Supplement No. 3 (E/1983/13 and Corr.1)*, chap. XXVII, sect. A.

<sup>114</sup> See E/CN.4/1984/3-E/CN.4/Sub.2/1983/43 and Corr.1 and 2, chap. XXI, sect. A.

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,<sup>115</sup> 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,<sup>116</sup>

*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,<sup>117</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>118</sup> and 1983/29 of 8 March 1983,<sup>119</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 at its thirty-eighth session,

*Taking note with grave concern* of the interim report of the Special Representative of the Commission on Human Rights,<sup>120</sup> 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.

<sup>115</sup> See A/38/485.

<sup>116</sup> Resolution 217 A (III).

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

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

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

<sup>120</sup> See A/38-503.