

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.

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,<sup>187</sup> 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 Rights<sup>6</sup> and the International Covenants on Human Rights,<sup>24</sup>

*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 1982<sup>27</sup> and 1983/34 of 8 March 1983,<sup>28</sup>

*Bearing in mind* Commission on Human Rights resolution 1984/54 of 14 March 1984,<sup>29</sup> 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,<sup>30</sup> 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,<sup>181</sup> 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-

<sup>187</sup> A/40/865, annex.