

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,<sup>129</sup> 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,<sup>132</sup> 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,<sup>133</sup> 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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<sup>132</sup> See E/CN.4/1985/3-E/CN.4/Sub.2/1984/43, chap. XVIII, sect. A.

<sup>133</sup> A/39/635, annex.