

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1983/43
4 February 1983

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Thirty-ninth session
Item 12 of the Agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND
OTHER DEPENDENT COUNTRIES AND TERRITORIES

Note by the Chairman of the Commission on Human Rights at its
thirty-eighth session

The Chairman of the Commission on Human Rights at its thirty-eighth session wishes to inform the Commission of the activities undertaken in connection with the appointment of a special rapporteur in pursuance of Commission on Human Rights resolution 1982/31 concerning Guatemala. These activities are as follows:

At its thirty-eighth session the Commission on Human Rights adopted resolution 1982/31 on 11 March 1982 by which it requested the Chairman to appoint, after consultations within the Bureau, a Special Rapporteur of the Commission whose mandate will be to make a thorough study of the human rights situation in Guatemala, based on all information which he may deem relevant, including any comments and information which the Government of Guatemala may wish to submit, to be presented to the Commission at its thirty-ninth session. At its first regular session of 1982, the Economic and Social Council by decision 1982/135 of 7 May 1982 approved the Commission's decision. Accordingly, the Chairman of the Commission undertook consultations including consultations with the members of the Bureau, with a view to appointing the Special Rapporteur. In the course of these consultations the Chairman noted the acceptance by the Government of Guatemala of this appointment as well as the statements by representatives of the Government of Guatemala expressing their willingness to give full co-operation to the Special Rapporteur appointed under Commission resolution 1982/31 as recently reaffirmed by the General Assembly in its resolution 37/184, fourth preambular paragraph, of 17 December 1982.

Due to a number of considerations beyond the control of the Chairman, it was not possible to appoint the person who had been nominated. The Chairman of the Commission then appointed Mrs. Elizabeth Odio Benito of Costa Rica as Special Rapporteur.

On 10 December 1982, the Government of Guatemala was informed of this decision taken by the Chairman of the Commission. In a letter dated 18 January 1982, from the Permanent Representative of Guatemala addressed to the Under-Secretary-General for Political and General Assembly Affairs, the Government of Guatemala expressed the desire that the Special Rapporteur should not be a person who had participated as representative of his country in debates on the subject of human rights in order to avoid any impediments to his nomination and acceptance and therefore requested that another candidate be proposed as soon as possible before the thirty-ninth session of the Commission on Human Rights.