

1. *Commends* the Special Representative of the Commission on Human Rights for his interim report on the situation of human rights in El Salvador;

2. *Expresses its deepest concern* at the fact that, as indicated in the report of the Special Representative, the gravest violations of human rights are persisting in El Salvador and that, as a result, the sufferings of the Salvadorian people are continuing, and regrets that the appeals for the cessation of the acts of violence made by the General Assembly, the Commission on Human Rights and the international community as a whole have not been heeded;

3. *Again draws the attention* of the Salvadorian parties concerned to the fact that the rules of international law, as contained in article 3 common to the Geneva Conventions of 12 August 1949<sup>121</sup> and Additional Protocols I and II thereto,<sup>122</sup> are applicable to armed conflicts not of an international character, such as that in El Salvador, and requests all parties to apply a minimum standard of protection of human rights and of humane treatment of the civilian population;

4. *Takes note* of resolution 1983/18 of 5 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,<sup>123</sup> in which the Sub-Commission suggested that the Special Representative give attention in his report to respect for or violation of humanitarian law in armed conflict;

5. *Recommends* that the reforms necessary for the solution of the economic and social problems which are at the root of the internal conflict in El Salvador should be put into effect so as to allow the effective exercise of civil and political rights in that country, and reaffirms the right of the Salvadorian people freely to determine their political, economic and social future without interference from outside and in an atmosphere free from intimidation and terror;

6. *Calls upon* the Government of El Salvador and other political forces to intensify their talks and to work towards the creation of suitable conditions in the common search for a negotiated comprehensive political solution which will put an end to the internal armed conflict and establish a lasting peace which will allow the full exercise both of civil and political rights and of economic, social and cultural rights by all Salvadorians;

7. *Once again urges* all States to abstain from intervening in the internal situation in El Salvador and to suspend all supplies of arms and any type of military assistance, so as to allow the restoration of peace and security and the establishment of a democratic system based on full respect for human rights and fundamental freedoms;

8. *Expresses its deep concern* at reports which prove that government forces regularly resort to bombarding urban areas in El Salvador that are not military objectives, and its concern for the fate of several hundred thousand displaced persons who are currently located in camps in which they are subjected to abuse and in which not even the minimum conditions of internment, in terms of either humane treatment or material needs, are observed;

9. *Also expresses its deep concern* at the resurgence of disappearances and murders of persons belonging to various sectors of the civilian population, for which the so-called "death squads" claim responsibility, and urges that these activities be investigated with a view to punishing those responsible;

10. *Expresses its concern* at the consequences of the damage done to the economy of El Salvador as a result of

the attacks on the economic infrastructure attributable for the most part, according to the report of the Special Representative, to the opposition forces;

11. *Reiterates its urgent appeal* to the Government of El Salvador to fulfil its obligations towards its citizens and to assume its international responsibilities in this regard by taking the necessary steps to ensure that all its agencies, including its security forces and other armed organizations operating under its authority, fully respect human rights and fundamental freedoms;

12. *Urges* the competent authorities of El Salvador to establish the necessary conditions to enable the judiciary to uphold the rule of law, prosecuting and punishing speedily and effectively those responsible for the grave violations of human rights which are being committed in that country;

13. *Reiterates its appeal* to all Salvadorian parties in the conflict to co-operate fully and not to interfere with the activities of humanitarian organizations dedicated to alleviating the suffering of the civilian population, wherever these organizations operate in the country;

14. *Deplores* the violent death of Marianela García Villas, President of the Commission of Human Rights of El Salvador, and, given the contradictory reports on the matter, requests the Special Representative of the Commission on Human Rights to investigate the circumstances of her death;

15. *Renews its appeal* to the Government of El Salvador, as well as all other parties concerned, to continue to co-operate with the Special Representative of the Commission on Human Rights;

16. *Decides* to keep under consideration, during its thirty-ninth 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.

100th plenary meeting  
16 December 1983

### 38/102. Situation of human rights and fundamental freedoms in Chile

*The General Assembly,*

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

*Stressing* the obligation of Governments to promote and protect human rights and to carry out the responsibilities they have undertaken by virtue of various international instruments,

*Recalling* its resolutions 3219 (XXIX) of 6 November 1974, 3448 (XXX) of 9 December 1975, 31/124 of 16 December 1976, 32/118 of 16 December 1977, 33/175 of 20 December 1978, 34/179 of 17 December 1979, 35/188 of 15 December 1980, 36/157 of 16 December 1981 and 37/183 of 17 December 1982, relating to the situation of human rights in Chile, as well as its resolution 33/173 of 20 December 1978 on disappeared persons,

*Recalling also* the resolutions of the Commission on Human Rights on the situation of human rights in Chile, in particular resolution 1983/38 of 8 March 1983,<sup>119</sup> in which the Commission decided, *inter alia*, to extend for a

<sup>121</sup> United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

<sup>122</sup> A/32/144, annexes I and II.

<sup>123</sup> See E/CN.4/1984/3-E/CN.4/Sub.2/1983/43 and Corr.1 and 2, chap. XXI, sect. A.

year the mandate of the Special Rapporteur on the situation of human rights in Chile.

*Deplores once again* the fact that the repeated appeals of the General Assembly, the Commission on Human Rights and other international organs to re-establish human rights and fundamental freedoms have been ignored by the Chilean authorities, which continue to refuse to co-operate with the Commission on Human Rights and its Special Rapporteur.

*Expressing its profound concern* that, according to the conclusions of the Special Rapporteur, the performance of the Chilean authorities with regard to the situation of human rights has been negative in general and that they have not been responsive to the concerns of the international community expressed in resolutions of the General Assembly and the Commission on Human Rights.

*Observing* that the Chilean authorities have permitted a limited number of nationals to return to the country, but noting that the measures taken to that effect have been arbitrary and restrictive,

1. *Commends* the Special Rapporteur on the situation of human rights in Chile for his report,<sup>124</sup> prepared in accordance with Commission on Human Rights resolution 1983/38;

2. *Reiterates its grave concern* at the persistence of and increase in serious and systematic violations of human rights in Chile, as described in the report of the Special Rapporteur;

3. *Expresses once again its concern* at the disruption of the traditional democratic legal order and its institutions by the maintenance of exceptional legislation, the institutionalization of various states of emergency and the existence of a Constitution in Chile which does not reflect a freely expressed popular will and the provisions of which not only fail to guarantee the enjoyment of human rights and fundamental freedoms but also suppress, suspend or restrict the exercise of those rights and freedoms;

4. *Also reiterates its grave concern* at the inefficacy of recourse to *habeas corpus* or *amparo* and of protection in view of the fact that the judiciary in Chile does not exercise its powers fully in this respect and carries out its functions under severe restrictions;

5. *Once again requests* the Chilean authorities to respect and promote human rights in compliance with the obligations they have assumed under various international instruments and, in particular, to end the régime of exception and especially the practice of declaring states of emergency, under which serious and continuing violations of human rights are committed, and to restore the principle of legality, democratic institutions and the effective enjoyment and exercise of civil and political rights and fundamental freedoms without any discrimination;

6. *Once more urges* the Chilean authorities to investigate and clarify the fate of persons who have disappeared for political reasons, to inform their families of the results of such investigation and to bring to trial and punish those responsible for these disappearances;

7. *Reiterates its appeal* to the Chilean authorities to put an end to intimidation and persecution, as well as arbitrary detentions and imprisonment in secret places and the practice of torture and other forms of cruel, inhuman or degrading treatment which have resulted in unexplained deaths, and to respect the right of persons to life and physical integrity;

8. *Expresses its concern* at the violent suppression of the ever larger and more widespread popular protests in the face of the incapacity of the authorities to restore human rights and fundamental freedoms, as reported by the Special Rapporteur, which have resulted in serious, flagrant and systematic violation of human rights, including mass detentions and numerous deaths;

9. *Once again urges* the Chilean authorities to respect the right of Chileans to live in and freely enter and leave their country, without restrictions or conditions, and to cease the practice of "relegation" (assignment of forced residence) and forced exile;

10. *Renews its appeal* to the Chilean authorities to restore the full enjoyment and exercise of trade union rights, in particular the right to organize trade unions, the right to collective bargaining and the right to strike;

11. *Once more urges* the Chilean authorities to protect and restore the economic, social and cultural rights of the population and, in particular, to respect the rights intended to preserve the cultural identity and improve the social status of the indigenous population;

12. *Concludes*, on the basis of the report of the Special Rapporteur, that it is necessary to keep under consideration the situation of human rights in Chile;

13. *Calls again upon* the Chilean authorities to co-operate with the Special Rapporteur and to submit their comments on his report to the Commission on Human Rights at its fortieth session;

14. *Invites* the Commission on Human Rights to study in depth the report of the Special Rapporteur at its fortieth session and to take the most appropriate steps for the effective restoration of human rights and fundamental freedoms in Chile, including the extension of the mandate of the Special Rapporteur for one more year, and requests the Commission to report, through the Economic and Social Council, to the General Assembly at its thirty-ninth session.

100th plenary meeting  
16 December 1983

### 38/103. Human rights and mass exoduses

*The General Assembly,*

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

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

*Conscious* that human rights violations are among the principal factors in the complex and multiple causes of mass exoduses of population,

*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 and mass exoduses and displacements of population,

*Recalling* its resolution 32/130 of 16 December 1977 and Commission on Human Rights resolution 4 (XXXIII) of 21 February 1977<sup>125</sup> on the full realization of economic, social and cultural rights,

<sup>124</sup> See A/38/385 and Add.1.

<sup>125</sup> See *Official Records of the Economic and Social Council, Sixty-second Session, Supplement 3a, E/1982/13*, chap. XXI, sect. B.