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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Argentina, Brazil, Colombia, Mexico, Peru, Uruguay and
Venezuela: draft resolution

Situation of human rights and fundamental freedoms in El Salvador

The General Assembly,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenant on Civil and Political Rights, 2/ the International Covenant on Economic, Social and Cultural Rights, 3/ and the humanitarian rules laid down in the Geneva Conventions of 12 August 1949 3/ and Additional Protocol II thereto, of 1977, 4/

Deeply alarmed that, despite the encouraging signs offered by the meetings held by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, the aggravation of the conflict and the resurgence of violence have seriously affected the civilian population.

Reaffirming that it is the duty of the Governments of all Member States to promote and protect human rights and fundamental freedoms to fulfil the obligations which they have assumed under the relevant international instruments,

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- 1/ Resolution 217 A (III).
 - 2/ See resolution 2200 A (XXI), annex.
 - 3/ United Nations, Treaty Series, vol. 75, Nos. 970-973.
 - 4/ A/32/144, annex II.

Recalling that, since 1980, it has been expressing its deep concern at the situation of human rights in El Salvador, as indicated in its resolution 43/145 of 8 December 1988,

Bearing in mind Commission on Human Rights resolution 32 (XXXVII) of 11 March 1981, 5/ in which the Commission decided to appoint a special representative on the situation of human rights in El Salvador, and subsequent resolutions, including Commission resolution 1989/68 of 8 March 1989, 6/ in which it extended the mandate of the Special Representative for another year and requested him to report to the General Assembly at its forty-fourth session and the Commission at its forty-sixth session,

Considering that an armed conflict of a non-international character continues to exist in El Salvador in which the parties involved are under an obligation to apply the minimum standards of protection of human rights and humanitarian treatment provided for in article 3 common to the Geneva Conventions of 1949 and in Additional Protocol II thereto, of 1977,

Deeply concerned because, as the Special Representative indicates in his report, the number of politically motivated serious violations of human rights continues to increase; in particular, there has been a resurgence of torture and an increase in arrests, and summary executions, disappearances, abductions, attacks on the economic infrastructure and violations of the humanitarian rules of war have remained at disturbing levels,

Concerned also because many sources continue to attribute summary executions and other serious violations of human rights to the so-called "death squads",

Deeply disturbed by the collective assassination in cold blood, on 16 November, of the Rector, five professors and two members of the service staff of the Central American University,

Expressing its concern because, as a consequence of the current situation, acts of intimidation and harassment have been carried out against the Church hierarchy, political and trade union leaders, members of humanitarian organizations belonging to various churches and the headquarters of political parties and trade unions, as well as against relatives of members of the armed forces and civil servants and members of their families,

Considering that there has been no progress this year in the judicial case of the assassination of Monsignor Romero, which took place in 1980, and that it is a matter of urgency that those responsible for many other recent violations of human

5/ See Official Records of the Economic and Social Council, 1987, Supplement No. 5 and corrigendum (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

6/ Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

rights, including the assassination of the Minister in the office of the President and the fatal collective attack on a trade union federation, be identified and punished,

Convinced that the strict fulfilment of the commitments assumed by the Government of El Salvador under the "Procedure for the establishment of a firm and lasting peace in Central America" (Esquipulas II agreement) 7/ and the Joint Declarations of the Central American Presidents signed in Costa Rica, El Salvador and Honduras, will contribute to the promotion, respect and realization of human rights and fundamental freedoms in that country,

Recognizing the importance of the fact that, in the agreements adopted at Tela, Honduras, 8/ the five Central American Presidents express their firm belief in the necessity of an immediate and effective end to hostilities in El Salvador and therefore strongly urge the Frente Farabundo Martí para la Liberación Nacional (FMLN) to carry out a constructive dialogue for the purpose of achieving a just and lasting peace and, equally strongly, urge the Government of El Salvador to arrange, with full guarantees and in the spirit of section 2 of the Esquipulas agreement, the integration of members of the FMLN into peaceful and institutional life,

Considering it necessary and urgent to return to the agreements of 15 September and 18 October 1989 signed in Mexico and at San José, Costa Rica, respectively by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional whereby, inter alia, they undertook to maintain a process of ongoing dialogue not permitting of unilateral withdrawal, in order that they might, in an effort to arrive at a negotiated understanding, manage to end the armed conflict by political means as soon as possible, promote the democratization of the country and reunify Salvadorian society and also agreed on the need to create international verification mechanisms appropriate to the characteristics and realities of El Salvador to monitor the implementation of the agreements reached by them,

Considering that, under Additional Protocol II to the Geneva Conventions, the war-wounded and war-injured must be respected and protected, their evacuation by the International Committee of the Red Cross so that they may receive the medical care that they need must not be impeded and no one may be punished for carrying out medical activities compatible with medical ethics, regardless of the circumstances and the beneficiaries of such activities,

Aware that a negotiated political solution of the Salvadorian conflict can be cut short if external forces do not support the resumption of the dialogue but instead seek in different ways to spur the intensification or prolongation of the

7/ A/42/521-S/19085, annex. For the printed text, see Official Records of the Security Council, Forty-second Year, Supplement for July, August and September 1987, document S/19085, annex.

8/ A/44/451-S/20778.

war, with ensuing grave effects on the situation of human rights and the possibilities of economic recovery in El Salvador,

1. Commends the Special Representative for his report Q/ on the situation of human rights in El Salvador and endorses the recommendations contained therein, while requesting the Special Representative to update them in the light of the serious events which are taking place in that country;

2. Expresses its deepest dismay at the aggravation of the conflict, the resurgence of violence, the bombings and the indiscriminate use of high-power heavy weapons in densely populated areas, resulting in numerous civilian casualties and substantial material damage;

3. Expresses also its serious concern at the systematic attacks on the country's economic infrastructure, which seriously undermine the present and future enjoyment of important economic, social and cultural rights by the Salvadorian people;

4. Urgently appeals to the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to put an immediate end to the armed conflict and to work for a resumption of the currently suspended dialogue in order to reach agreements which would lead to the definitive cessation of all hostilities within an agreed timeframe;

5. Requests the parties to the conflict to guarantee respect for the international standards applicable to an armed conflict of a non-international character, in particular, the protection of the civilian population and the war-wounded, to make possible the immediate evacuation of the war-wounded and war-injured, whether civilians or combatants, in order that they may receive the medical care that they need and, furthermore, to co-operate with humanitarian organizations working to alleviate the suffering of the civilian population in any part of the country in which such organizations are operating and requests that medical and health personnel shall under no circumstances be penalized for carrying out their activities;

6. Supports fully the expressed readiness of the Secretary-General to help bring about, as a first stage in a political solution, an immediate agreement on the cessation of the armed conflict, and his decision taken last September to accept the invitation from the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional that he or his representatives should participate in their process of dialogue and negotiation, since all this forms part of the mission of good offices which he is performing to assist the Central American Governments in their efforts to achieve the objectives set forth in the Esquipulas II agreement;

7. Expresses also its firm support for the efforts of the Secretary-General of the Organization of American States to bring about a resumption of the political dialogue in El Salvador;

8. Appeals urgently to the parties to the conflict to respect and guarantee the security of the staff and official premises of international agencies;

9. Condemns the brutal assassination of the Rector and seven other members of the Central American University and hopes that the Government of El Salvador will fulfil its pledge to carry out an immediate investigation and to punish those responsible for such an abominable crime;

10. Expresses its deep concern at the persistence of and increase in politically motivated serious violations of human rights such as summary executions, disappearances, torture and abductions;

11. Expresses also its deep concern at the persistence of and increase in the alleged activities of the so-called "death squads", which are operating with impunity in El Salvador;

12. Renews its appeal to all States to refrain from intervening in the internal situation of El Salvador and, instead of seeking in different ways to spur the prolongation and intensification of the armed conflict, to stimulate dialogue until a firm and lasting peace is attained;

13. Expresses also its profound concern at the fact that the capacity of the Salvadorian judicial system continues to be extremely unsatisfactory, despite the efforts made by the Government to determine the responsibility of the instigators of some violations of human rights, and consequently urges the competent authorities to accelerate the adoption of the measures necessary for ensuring the effectiveness of the system and its compatibility with the commitments made in the field of human rights;

14. Renews its appeal to the competent organs and organizations of the United Nations system that, on the basis of Commission on Human Rights resolution 1989/68 of 8 March 1989 and its own resolution 43/145 of 8 December 1988, they provide such advice and assistance as the Government of El Salvador may request in order to enhance the promotion and protection of human rights and fundamental freedoms;

15. Requests the Commission on Human Rights at its forty-sixth session to consider the situation of human rights in El Salvador and the mandate of its Special Representative, taking into account the evolution of the situation of human rights in that country and the developments linked to the fulfilment of all the agreements signed by the Central American Presidents within the framework of the regional peace process and the agreements concluded by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional in Mexico and Costa Rica;

16. Decides to keep under consideration, during its forty-fifth session, the situation of human rights and fundamental freedoms in El Salvador in order to re-examine this situation in the light of the information provided by the Commission on Human Rights and the Economic and Social Council.
