

Welcoming the fact that most of the agreements have already been put into effect by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional,

Concerned none the less that problems persist and that there are continuing delays in the implementation of several important elements of the peace agreements, referred to in Security Council resolution 832 (1993) of 27 May 1993, and that there have also been some irregularities in the implementation of those relating to public security,

Noting with concern the recent acts of violence in El Salvador, which may indicate renewed activity by illegal armed groups and could, if left unchecked, negatively affect the peace process in El Salvador, including the elections scheduled for March 1994,

Also noting with concern the seemingly politically motivated murders of, and threats against, members of the different political parties, including the Frente Farabundo Martí para la Liberación Nacional and the Alianza Republicana Nacionalista,

Welcoming in this regard the efforts of the Secretary-General in cooperation with the Government of El Salvador towards the establishment of a mechanism to investigate illegal armed groups and their possible connection with renewed political violence,

Noting that El Salvador has entered a decisive phase in the peace process and that political parties have just begun a campaign for the elections to be held in March 1994, which should take place in a peaceful environment,

Noting also the importance of the fact that reforms of the judicial system have been adopted, as well as the need for the adoption of both the reforms in the process of being approved and those recommended by the Commission on the Truth,²¹⁴ which are designed to contribute to the elimination of the existing impunity and consequently to the full attainment of the rule of law,

Recalling the role that the Office of the National Counsel for the Defence of Human Rights is called upon to play in the promotion and protection of human rights,

Considering that the international community must follow closely and continue to support all efforts to consolidate peace, ensure full respect for human rights and undertake the reconstruction of El Salvador,

1. *Commends* the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional for having fulfilled most of their commitments and for having overcome a number of obstacles to the implementation of their agreements;

2. *Expresses its concern* that there are important elements of the peace agreements that have been only partially implemented and therefore calls upon the Government of El Salvador and the Frente Farabundo Martí to step up their efforts to complete as agreed, by the proposed dates, the programme for the transfer of land, the reintegration programme for ex-combatants, the deployment of the National Civil Police and the phasing out of the National Police, as well as the collection of weapons issued for the exclusive use of personnel of the armed forces and the adoption of the Act on Private Security Services;

3. *Condemns* the recent acts of violence that may be politically motivated, which have been repudiated by the various

sectors of Salvadorian society, and considers it inadmissible that such acts, perpetrated by a small minority, should jeopardize the progress made in implementing the agreements and hamper the holding of free elections in March 1994;

4. *Supports*, in this context, the efforts of the Secretary-General, in cooperation with the Government of El Salvador, to initiate immediately an impartial, independent and credible investigation of illegal armed groups, as recommended by the Commission on the Truth,²¹⁴ and urges all sectors of society in El Salvador to cooperate with such an investigation;

5. *Notes with satisfaction* the statement of 5 November 1993, entitled "Commitment of the presidential candidates to peace and stability in El Salvador", in which the candidates, *inter alia*, solemnly committed themselves to maintaining the constructive evolution of the peace process and to implementing all the commitments contained in the peace agreements and rejected any politically motivated violence or intimidation;

6. *Calls upon* all Governments to contribute to the consolidation of peace and the attainment of full respect for human rights in El Salvador by supporting full compliance with the peace agreements;

7. *Reiterates its gratitude* for the important work being carried out by the Secretary-General and his representative and by the United Nations Observer Mission in El Salvador, and extends to them its support so that they can continue to take all necessary steps to contribute to the successful implementation of the peace agreements;

8. *Acknowledges with satisfaction* the continuing efforts of the Governments of Colombia, Mexico, Spain and Venezuela, which make up the Group of Friends of the Secretary-General, as well as the Government of the United States of America, in support of the steps being taken by the Secretary-General to consolidate the peace process in El Salvador;

9. *Notes* that, as has been pointed out by the Secretary-General, the human rights situation in El Salvador continues to evolve in a somewhat ambivalent fashion, since, on the one hand, there continue to be signs of improvement and, on the other, violations persist, particularly as regards the right to life, and the capacity of the judicial system to clarify and punish such violations continues to be unsatisfactory;

10. *Urges* all States, as well as the international financial and development institutions, promptly and generously to provide financial contributions to support the fulfilment of all aspects of the peace agreements, including the National Reconstruction Plan;

11. *Urges* the Government of El Salvador and all other institutions involved in the electoral process to adopt the necessary measures to create an atmosphere conducive to ensuring that the elections scheduled for March 1994 are free, representative and authentic, since they are a key element in the consolidation of the peace process.

85th plenary meeting
20 December 1993

48/150. Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms

as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights,³ the International Covenants on Human Rights¹⁹ and other applicable human rights instruments,

Aware that, in accordance with the Charter, the Organization promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that "the will of the people shall be the basis of the authority of government",

Recalling its resolution 47/144 of 18 December 1992,

Recalling also Commission on Human Rights resolution 1992/58 of 3 March 1992,³² in which the Commission, *inter alia*, decided to nominate a special rapporteur to establish direct contacts with the Government and with the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian Government and the drafting of a new Constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Taking note of Commission on Human Rights resolution 1993/73 of 10 March 1993,³³ in which the Commission decided to extend for one year the mandate of the Special Rapporteur,

Gravely concerned that the Government of Myanmar still has not implemented its commitments to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Gravely concerned also at the continued violations of human rights in Myanmar, as reported by the Special Rapporteur, in particular summary and arbitrary executions, torture, forced labour, abuse of women, restrictions on fundamental freedoms, including the freedom of expression and assembly, and the imposition of oppressive measures directed in particular at ethnic and religious minorities,

Noting that the human rights situation in Myanmar has consequently resulted in flows of refugees to neighbouring countries, thus creating problems for the countries concerned,

Noting also the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 12 August 1949¹⁹⁵ for the protection of victims of war, and the release of a number of political prisoners in response to the concerns expressed by the international community, including the General Assembly and the Commission on Human Rights,

Welcoming the signing of the Memorandum of Understanding between the Government of Myanmar and the Office of the United Nations High Commissioner for Refugees on 5 November 1993 on the voluntary repatriation of refugees from Bangladesh to Myanmar,

Noting further the cease-fire that has been reached between the Government of Myanmar and several groups of ethnic and religious minorities in Myanmar,

1. *Expresses its appreciation* to the Special Rapporteur of the Commission on Human Rights for his interim report²¹⁵ and the conclusions and recommendations contained therein;

2. *Deplores* the continued violations of human rights in Myanmar;

3. *Again urges* the Government of Myanmar, in conformity with its assurances given at various times, to take all necessary steps towards the restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990, and to ensure that political parties can function freely;

4. *Notes with concern* the observation of the Special Rapporteur, with regard to the National Convention, that no evident progress has been made towards turning over power to a freely elected civilian Government;²¹⁶

5. *Also notes with concern* in this respect that most of the representatives duly elected in 1990 have been excluded from participating in the meetings of the National Convention, created to prepare basic elements for the drafting of a new Constitution, and that one of the objectives of the National Convention is to maintain the participation of the armed forces in a leading role in the future political life of the State;

6. *Strongly urges* the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process in accordance with the principles of the Universal Declaration of Human Rights and to accelerate the process of transition to democracy, in particular through the transfer of power to the democratically elected representatives;

7. *Urges* the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression and assembly, and the protection of the rights of persons belonging to ethnic and religious minorities and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women and forced labour and to enforced disappearances and summary executions;

8. *Appeals* to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights⁵⁴ and the International Covenant on Economic, Social and Cultural Rights⁵⁴ and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;⁷⁵

9. *Stresses* the importance of free and confidential access to prisoners by international humanitarian agencies;

10. *Regrets* the recent harsh sentences meted out to a number of dissidents, including persons voicing dissent in regard to the procedures of the National Convention;

11. *Regrets also* that, while a certain number of political prisoners have been released, many political leaders are still deprived of their freedom and their fundamental rights;

12. *Strongly urges* the Government of Myanmar to release unconditionally and immediately the Nobel Peace Prize Laureate Aung San Suu Kyi, who is now in her fifth year of detention without trial, and other political leaders and remaining political prisoners;

13. *Calls upon* the Government of Myanmar to respect fully the obligations of the Geneva Conventions of 12 August 1949, in particular the obligations in article 3 common to the Conven-

tions, and to make use of such services as may be offered by impartial humanitarian bodies;

14. *Encourages* the Government of Myanmar fully to implement the Memorandum of Understanding between the Government of Myanmar and the Office of the United Nations High Commissioner for Refugees of 5 November 1993 and to create the necessary conditions to ensure an end to the flows of refugees to neighbouring countries and to facilitate their speedy repatriation and their full reintegration, in conditions of safety and dignity;

15. *Requests* the Secretary-General to assist in the implementation of the present resolution and to report to the General Assembly at its forty-ninth session;

16. *Decides* to continue its consideration of this question at its forty-ninth session.

85th plenary meeting
20 December 1993

48/151. Human rights in Haiti

The General Assembly,

Recalling its resolutions 46/7 of 11 October 1991, 46/138 of 17 December 1991, 47/20 of 24 November 1992 and 47/143 of 18 December 1992,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights³ and the International Covenants on Human Rights,¹⁹

Aware of its responsibility for the promotion and encouragement of respect for human rights and fundamental freedoms for all, and resolved to keep a close watch on human rights violations wherever they may occur,

Reaffirming that all Member States are required to promote and protect human rights and to comply with the obligations laid down in the various instruments in this field,

Taking note of Commission on Human Rights resolution 1993/68 of 10 March 1993,³³ in which the Commission decided to extend the mandate of its Special Rapporteur for one year, with a view to having him submit an interim report to the General Assembly at its forty-eighth session and a final report to the Commission at its fiftieth session,

Taking note also of the report submitted in accordance with General Assembly resolution 47/20 B of 20 April 1993 by the International Civilian Mission to Haiti,²¹⁷ established by the United Nations and the Organization of American States,

Deeply concerned about the grave events occurring in Haiti since 29 September 1991, when the democratic process in that country was abruptly and violently interrupted, which have resulted in the loss of human lives and violations of human rights,

Concerned at the exodus of Haitian nationals from the country because of the deteriorating political and economic situation since 29 September 1991,

Deeply alarmed by the persistence and worsening of serious violations of human rights, in particular summary and arbitrary

executions, forced disappearances, torture and rape, arbitrary arrests and detentions and denial of freedom of expression, assembly and association,

Deeply concerned by the increase in acts of violence and intimidation against the Government of Haiti, especially the assassination of the Minister of Justice, François Guy Malary, which have contributed to the temporary withdrawal of the International Civilian Mission,

Recognizing the important role played by the International Civilian Mission, whose presence in Haiti has prevented greater violations of human rights, and encouraging its earliest possible return to Haiti,

1. *Commends* the Special Rapporteur of the Commission on Human Rights, Marco Tulio Bruni Celli, for his report on the situation of human rights in Haiti,²¹⁸ and supports the recommendations contained therein;

2. *Once again condemns* the overthrow of the constitutionally elected President, Jean-Bertrand Aristide, and the use of violence and military coercion, and the subsequent deterioration of the situation of human rights in Haiti;

3. *Expresses its conviction* that the full implementation of the Governors Island Agreement,²¹⁹ which was signed by all parties, is essential for the improvement of the situation of human rights in Haiti and that the refusal by one of the parties to implement this Agreement has led to a further deterioration of the human rights situation;

4. *Expresses its deep concern* about the continuing worsening of the human rights situation in Haiti during 1993 and the resulting increase in violations of the human rights embodied in the International Covenant on Civil and Political Rights,⁵⁴ the International Covenant on Economic, Social and Cultural Rights,⁵⁴ the American Convention on Human Rights: "Pact of San José, Costa Rica"²²⁰ and other international human rights instruments;

5. *Condemns* the recurrence of the flagrant human rights violations committed under the illegal government that took power following the coup of 29 September 1991, in particular, summary executions, political assassinations, arbitrary arrests and detentions, torture, searches without warrant, rape, restrictions on freedom of movement, expression, assembly and association and of the press and the repression of popular demonstrations calling for the return of President Jean-Bertrand Aristide;

6. *Calls* for the early return of the International Civilian Mission to Haiti as a means of preventing further violations of human rights;

7. *Calls the attention* of the international community to the fate of the Haitian nationals who are fleeing the country and requests its support for the efforts being made to assist them;

8. *Expresses its appreciation* to the Office of the United Nations High Commissioner for Refugees for the work it is doing in favour of the Haitian nationals fleeing the country, and invites Member States to continue to give financial and material support to its efforts;

9. *Calls upon* Member States to continue and to intensify their humanitarian assistance to the people of Haiti, and welcomes in this regard the decision of the Secretary-General