

GUATEMALA:

"DISAPPEARANCE" OF MARÍA TIU TOJÍN AND HER ONE MONTH OLD DAUGHTER, MARÍA JOSEFA TIU TOJÍN

María Tiu Tojín and her one-month daughter María Josefa Tiu Tojín were detained by the army in the village of Santa Clara, in the Amacchel area of El Quiché department on the morning of 29 August 1990, along with a group of 85 peasants, including women and children, belonging to a *Comunidad de Población en Resistencia* (CPR), Community of People in Resistance (see below for more information about the CPRs). The group was detained by about 100 soldiers and 40 members of a local *Patrulla de Autodefensa Civil* (PAC), Civil Defence Patrol¹.

María Tiu Tojín and the others were forced to walk for nine hours, from 8.00 pm until 5.00 am, till they reached Amacchel. They were taken to the village school house and held there for nine days. The only time they left the school was to undergo interrogation at the local military garrison. María Tiu Tojín, whom the authorities had accused of belonging to an armed opposition group, was reportedly subjected to prolonged interrogations during the time the group was detained at the school, and she often would not return there until the early evening. On the morning of 8 or 9 September the group was taken to La Pista, a village near Amacchel, from where they were taken by army vehicles to the military garrison in central Nebaj. They reportedly arrived there in the early afternoon and were given lunch there.

Although there appears to be some confusion as to the exact moment when María Tiu Tojín and her daughter were separated from the group, eyewitnesses reported that as they were having lunch, a soldier came and took them away. María Tiu Tojín was reportedly crying. Neither the baby nor her mother were ever seen again. The rest of the group was eventually transferred to a refugee and displaced persons' reception centre nearby run by the *Comisión Especial de Atención de Refugiados* (CEAR), Special Commission for the Care of Refugees, a government refugee organization.

At some point the army prepared a list of all the detainees' names. This list then served as the basis for a list prepared by CEAR of those transferred to its refugee centre. The name "María Tojín García" and, immediately underneath, that of "María Josefa", listed as aged one month, appeared on both lists, representing a misrecording of María Tiu Tojín's name on the original army list, which was then automatically reproduced on the CEAR list. It is clear, however, that María Tiu

¹ The Civil Defence Patrols are civilian forces auxiliary to the Guatemalan military. They were first formed in the early 1980s as part of the counterinsurgency strategy then being pursued by the army. The authorities now maintain the patrols are voluntary. However, Amnesty International has received numerous reports that those who have tried to withdraw from civil patrol service have been subjected to harrassment, death threats and even extrajudicial execution.

Tojín never reached there. Instead, the mother and the baby were apparently taken to a military base outside Nebaj. Soldiers reportedly told her relatives that they were held there, and at the time of the two "disappearances" it is known that soldiers in the area had a baby in their possession. However, when family members and others approached the military authorities to inquire about María Josefa Tiu Tojín and her mother the army denied holding either of them, and said they knew nothing of a baby. Two writs of habeas corpus were filed on María Josefa and her mother's behalf, but they remained "disappeared".

The Comunidades de Población en Resistencia

Members of the *Comunidades de Población en Resistencia* live in the mountains, in areas where the guerrillas have been active, having fled their villages during the army counter-insurgency campaigns of the early 1980s and now not wishing to return to areas under army control. The government characterizes them as guerrilla sympathizers if not collaborators, and they, as well as those who have tried to publicize their plight, have been targeted for human rights abuses. An internationally known anthropologist, Myrna Mack, died in a particularly brutal "death-squad"-style killing in September 1990. She had been researching the *Comunidades* and their often desperate economic and health conditions. Amnesty International has also received other reports of human rights violations by the army against members of the CPR in the Amacchel area, including harassment, "disappearances" and possible extrajudicial execution. The army has also reportedly in several occasions destroyed and burned houses, crops and tools and killed animals raised by CPR members.

Amnesty International's concerns

Amnesty International is asking for information concerning the whereabouts of María Tiu Tojín and her daughter María Josefa Tiu Tojín and for guarantees for their physical security. In the case of María Josefa Tiu Tojín, Amnesty International is asking that adequate arrangements for her care be made in conformity with the wishes of her mother and other relatives. With regard to her mother, the organization is asking that she be charged with a legally recognizable offence and tried in conformity with international standards for fair trial or released.

INTERNAL (for AI members only)

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**COUNTRY: GUATEMALA
SUBJECT TITLE: "DISAPPEARANCE OF MARÍA JOSEFA TIU TOJÍN, AGED
ONE MONTH**

RECOMMENDED ACTIONS

Please ensure that all relevant people in the section have received copies for their attention, and that the document is centrally filed for future reference. In addition, please undertake as many of the following recommended actions as possible.

1. Section officers, including press officers, may use the enclosed document to interest journalists and others in human rights violations against children in Guatemala. If you need Spanish copies of the document, please contact EDAI or the Guatemala Team at the IS.

2. This document is accompanied by an INTERNAL CASA Action No.15/90, AI Index: AMR 34/71/90. Please consult your Section for copies of the INTERNAL action.

DISTRIBUTION BY THE IS

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