

# Contents

## Glossary

<b>Introduction</b> .....	1
<b>Chapter 1: Past human rights violations</b> .....	6
<b>The context</b> .....	6
<b>'Disappearances'</b> .....	8
<b>Extrajudicial executions</b> .....	10
<b>Torture</b> .....	12
<b>Impunity: a denial of the right to seek truth and justice</b> .....	14
<b>Terrorization of the judiciary</b> .....	16
<b>Clandestine cemeteries</b> .....	18
<b>Chapter 2: The victims</b> .....	22
<b>Opposition politicians</b> .....	22
<b>Trade unionists</b> .....	23
<b>Church activists</b> .....	25
<b>Land and indigenous activists</b> .....	28
<b>Destruction of rural communities in the early 1980s</b> .....	32
<b>Women activists</b> .....	38
<b>Human rights defenders</b> .....	41
<b>Chapter 3: The perpetrators and their accomplices</b> .....	47
<b>The armed forces</b> .....	47
<b>Paramilitary and auxiliary military forces</b> .....	49
<b>The National Police</b> .....	52
<b>'Death squads'</b> .....	53
<b>Government officials</b> .....	55
<b>Abuses by the armed opposition</b> .....	58
<b>Foreign governments</b> .....	59
<b>Amnesty International's recommendations to Guatemala's Historical Clarification Commission</b> .....	61
<b>Amnesty International's recommendations to the Guatemalan authorities regarding duties to the victims of past human rights violations, their relatives and the rest of society</b> .....	64



## Introduction

Over the next few years, Guatemalans are likely to ask themselves whether Guatemala is actually experiencing a period of real transition towards true reconciliation and an end to violence and human rights violations, or whether history will record this period as a moment of lost opportunities for lasting change. The answer to this question depends largely upon how the Guatemalan authorities choose to address one of the most crucial issues in any transition period: the state's debt and obligations to the victims of past human rights violations, their relatives and society as a whole, generated as a consequence of the long legacy of grave or systematic human rights violations in this country.

Thirty-six years of internal armed conflict ended in Guatemala in December 1996, when the government and the armed opposition, the *Unidad Revolucionaria Nacional Guatemalteca* (URNG), Guatemalan National Revolutionary Unity, agreed a cease-fire and signed the "Agreement on a Firm and Lasting Peace". This brought into effect six previous agreements reached during several years of United Nations-mediated peace negotiations. Some of the agreements include measures which, if implemented fully, provide a basis on which the authorities could start to fulfil obligations to the victims of past abuses and their relatives. For example, the Global Human Rights Accord (the only agreement immediately effective on signing), signed in March 1994, contains important commitments to ending impunity, promoting respect for human rights and compensating the victims of human rights violations.<sup>1</sup>

The present report examines Guatemala's Historical Clarification Commission set up as a result of the Agreement on the Establishment of the Commission for the Historical Clarification of Human Rights Violations and Acts of Violence which have Caused Suffering to the Guatemalan People<sup>2</sup>, signed on 23 June 1994. This agreement set out the mandate and terms of reference for the Commission and authorized its work to begin once negotiations had concluded. In theory, the Commission should substantially contribute to efforts by the Guatemalan authorities to address the main concern of this report: the state's obligation to provide redress to the victims of past abuses and their relatives in the form of proper judicial investigations, making those responsible for human rights crimes accountable before the law, and providing reparation.

The Guatemalan authorities have the obligation to guarantee full redress for the victims of past abuses. They have been entrusted by society and the international community to uphold domestic legislation and international human rights law in relation to judicial

---

<sup>1</sup>For a more complete overview of the peace agreements, see *Guatemala: The Guatemalan Peace Process Agreements -- Elements most relevant to Amnesty International's concerns* (AI Index: AMR 34/24/97).

<sup>2</sup>*La comisión para el esclarecimiento histórico de las violaciones a los derechos humanos y los hechos de violencia que han causado sufrimientos a la población guatemalteca.*

investigations, to bring the guilty to justice, and to provide reparation. In short, no matter how valuable the contribution made by Guatemala's Historical Clarification Commission, ultimate responsibility for meeting obligations to the victims of past human rights violations and society as a whole lies with the Guatemalan State. For this reason, the Guatemalan state will be judged according to the extent to which it complies with its obligations and how it responds to the Commission's findings.

All victims of human rights violations committed by agents of the state, or by individuals acting with the state's consent, have the right to the truth and to adequate reparation, including financial compensation and rehabilitation. Reparation should include legal measures necessary to restore the victim's dignity and reputation. The victims, their relatives and society as a whole are also entitled to seek measures which guarantee an end to impunity and prevent the repetition of such crimes in the future.<sup>3</sup>

The victims of human rights violations have the right to justice as upheld in domestic legislation and numerous international human rights standards, including the American Declaration of Human Rights and Duties of Man (Article 8), the American Convention of Human Rights (Articles 8 (1) and 25), the Universal Declaration of Human Rights (Article 8), and the International Covenant on Civil and Political Rights (Article 2 (3)). These oblige states to ensure that justice is done by making sure that effective and impartial investigations are conducted, that all the facts are fully clarified, and that the state structures and individuals responsible for human rights crimes are identified and held to account before a court of law.

*Guatemala is the latest in a succession of countries in the Americas region emerging from a period of armed conflict or military rule. The governments in these countries have tended to take steps towards establishing the truth about the past, but have failed to meet their responsibilities with regard to upholding the individual's right to justice and to restoring the rule of law.<sup>4</sup>*

---

<sup>3</sup>The right to reparation is a constitutional right in Guatemala and is upheld in numerous international human rights standards and principles. In addition, these standards were recently recalled by the UN Human Rights Committee which recommended in April 1996 that the Guatemalan state "allow the victims of human rights violations to find out the truth about those acts, to know who the perpetrators of such acts are and to obtain appropriate compensation" (UN doc. CCPR/C/79/Add.63, para.25).

<sup>4</sup>The experience of other countries in the region suggests that when ignored, or inadequately dealt with, issues concerning the accountability of perpetrators of past human rights violations will not vanish, but can resurface at a later stage. For instance, in 1995 public debate regarding the state's obligation to the victims of past human rights violations in Argentina was reignited following revelations by a naval officer, Adolfo Scilingo, about the security forces involvement in past cases of "disappearance", more than a decade after Argentina's transition from military to civilian rule.



In September 1997 Guatemala's Historical Clarification Commission started examining the period of the armed internal conflict (1960 to December 1996) during which tens of thousands of abuses were committed by members of the Guatemalan security forces, their auxiliaries or individuals acting with the state's consent. The Commission, which was mandated to operate for six months (with a possible six month extension), is expected to publish its findings and recommendations to the Guatemalan authorities during 1998. However, at this stage the scope of the Commission's work and the degree of collaboration from government authorities, especially the armed forces, remains unclear. Firstly, the extent to which the Commission may clarify the facts about past human rights violations has not been fully defined and national human rights organizations fear that this ambiguity may lead to a partial or fragmented presentation of the state's involvement in past human rights violations. Secondly, it still remains unclear how the Commission's findings and recommendations will feed into ongoing judicial investigations.<sup>5</sup> This doubt heightens fears that information collected by the Commission may be withheld or suppressed and that its findings and recommendations may be compromised in order to appease political forces unwilling to confront the long legacy of past state abuses.

The reasons for this uncertainty are based on the numerous limitations in the Historical Clarification Commission's mandate, as well as concerns about methodology, resources and time available to the Commission. *In August 1996 Amnesty International presented a memorandum to the Guatemalan Government raising concerns about the vagueness of the Commission's aims and the scope of its remit. The document also highlighted the limitations of the Commission's terms of reference, which state that the Commission's conclusions "shall not individualize responsibilities, nor have judicial purposes or effects".<sup>6</sup> In April 1997 Amnesty International presented the government with a 35-Point Program to End Impunity and Human Rights Violations in Guatemala, which reiterated these concerns and raised other issues, such as the need for the full cooperation of the Guatemalan authorities, especially the Guatemalan army, and other relevant parties including the URNG and second governments.<sup>7</sup>*

---

<sup>5</sup>In October 1997 several relatives of victims of past human rights violations told an Amnesty International delegate that they would not be submitting their case to the Historical Clarification Commission because they feared this may jeopardize future judicial proceedings.

<sup>6</sup>*Guatemala: The right to truth and justice* (AI Index: AMR 34/26/96).

<sup>7</sup>*Guatemala: State of impunity* (AI Index: AMR 34/02/97).

Nevertheless, Amnesty International believes there is still time to ensure that the Commission's contribution at this crucial moment in Guatemalan history will support a transition to a society in which human rights are upheld.

The success of the Historical Clarification Commission depends on its ability to fulfil its objectives and carry out its work. It also depends on the Commission's interpretation of the aims set out in its mandate. These are:

"I. To clarify, with complete objectivity, fairness and impartiality, the human rights violations and acts of violence related to the armed conflict which have caused suffering to the people of Guatemala.

II. To prepare a report containing the results of the investigations carried out and setting out the facts relating to the events that occurred during this period, taking all factors into consideration, both internal and external.

III. To make specific recommendations in favor of peace and national harmony in Guatemala. The Commission shall, in particular, recommend measures to preserve the memory of the victims, to promote a culture of mutual respect and observance of human rights and to strengthen the democratic process."

Amnesty International believes that one of the key ways in which the Commission can promote a culture of human rights observance is by upholding the right of victims of past human rights violations to know the truth and to obtain justice and reparation in accordance with Guatemalan legislation and international human rights standards and principles. To this end, the Commission should seek the most effective ways of ensuring that the Guatemalan authorities act upon the information it gathers, its findings and recommendations, and feed these into ongoing and new judicial investigations, in order to facilitate the process of clarifying the full facts about past human rights crimes, identifying the perpetrators and bringing them to justice. The Commission should also aim to propose effective recommendations for providing reparation which meet the needs of all the victims, their relatives and the whole of society.

To this end, the Commission should also provide legal, political and administrative recommendations regarding the prevention of human rights violations in the future, the ending of impunity for such crimes, and the process of dismantling repressive structures within the state. It should further aim to safeguard evidence it collects and seek measures to guarantee the safety of all those who assist in its vital work, especially the most vulnerable -- those testifying against the perpetrators.

*The Guatemalan authorities will be judged according to what they set out to achieve and what they accomplish, as measured against*

international human rights standards and principles. Crucial to this assessment will be the degree to which the authorities facilitate and collaborate with the work of the Historical Clarification Commission, and the extent to which they act upon the findings of the Commission and implement its recommendations.

This report examines some key human rights concerns relating to the period of the internal armed conflict that the organization considers merit special attention by both the Guatemalan authorities and the Historical Clarification Commission. By highlighting these concerns with illustrative cases, Amnesty International hopes to help set an agenda for addressing Guatemala's atrocious human rights legacy and assist the authorities in initiating a process of effective redress for the victims of past abuses and society as a whole. The report ends with a set of 20 recommendations to the Guatemalan authorities regarding its duty to ensure that effective investigations into past human rights violations are carried out, that those responsible are brought to justice and that the victims and relatives are provided with reparation. A further set of 20 recommendations are made to the Historical Clarification Commission that could, if adopted, strengthen the contribution it makes.

This report is not an exhaustive study of the overall human rights situation in Guatemala during the period of the internal armed conflict.<sup>8</sup> The cases included represent a mere fraction of thousands documented by Amnesty International over the years.<sup>9</sup> The inclusion

---

<sup>8</sup>References to past Amnesty International publications are included where appropriate.

<sup>9</sup>Upon request, Amnesty International has provided the Historical Clarification Commission with detailed information regarding thousands of cases of past human rights violations not contained in this report. For example, one of the documents presented, *Guatemala: The Human Rights Record* (AI Index: AMR 34/04/87), contains information regarding more than 50 cases of large scale



*of these cases does not signify that others should be ignored by the Historical Clarification Commission or that judicial investigations by the authorities should be limited to these cases and issues. Rather, they are intended to provide a focus for addressing what is one of the most horrific human rights legacies in the region.*

---

extrajudicial execution committed between March and June 1982 by members of the Guatemalan army and some 200 individual cases of unresolved "disappearances" from 1981 and 1984.

## Chapter 1: Past human rights violations

*If it is necessary to turn the country into a cemetery in order to pacify it, I will not hesitate to do so.*

*Guatemalan President Carlos Arana, 1971<sup>10</sup>*

### The context

Guatemala's Historical Clarification Commission is charged with studying the period from 1960, when newly formed armed opposition groups began to operate, to December 1996, when the Guatemalan Government and the armed opposition, the *Unidad Revolucionaria Nacional Guatemalteca* (URNG), signed the "Agreement on a Firm and Lasting Peace".

During this period tens of thousands of Guatemalans from all sectors of society "disappeared" or were extrajudicially executed or tortured by members of the Guatemalan security forces, their auxiliary forces or agents operating with the state's consent. Although the extent of violations fluctuated during the period under review, violations were massive, widespread and systematic. They constituted a pattern of gross human rights violations. The evidence gathered by Amnesty International and other human rights organizations suggested that the abuses were often planned at the highest levels of the state apparatus. The resulting state of terror prompted the displacement of well over a million Guatemalans: some fled to other countries, mainly neighbouring Mexico; others fled to the mountains or villages and towns elsewhere in Guatemala.

---

<sup>10</sup>*Power in the Isthmus*, James Dunkerley, 1988, p.425

The perpetrators of human rights violations operated openly and without hindrance, and were placed beyond the reach of the law. Repressive structures were set up within the state apparatus, in line with national security doctrines to carry out counter-insurgency operations, included legislative measures to incorporate agents who were not state officials into the repressive machinery, in an attempt to deflect responsibility away from the state. This bolstered a deliberate state policy of impunity. State agents responsible for grave abuses remained anonymous or shielded from courts of law by legislation granting them immunity from prosecution.

The overwhelming majority of victims were non-combatant civilians, mainly Mayan indigenous people<sup>11</sup>, who were perceived as government opponents or suspected guerrilla supporters or subversives. Land activists, trade unionists, students and academics, human rights defenders, journalists, politicians, medical staff, street children, the internally displaced and returnee refugees, judicial officials and members of the church were among those most at risk. Other targets included those who opposed having to do military service or service in *Patrullas de Autodefensa Civil (PACs)*, Civil Defense Patrols<sup>12</sup>, and widows pressing for exhumations in clandestine cemeteries.

---

<sup>11</sup>Guatemala's population, estimated at almost 10 million in 1995, is approximately two per cent white, and 40 to 50 per cent Spanish-speaking *ladino* or *mestizo*: descendants of the country's original inhabitants and of Spaniards who invaded in 1524. The remaining 48 to 58 per cent are Mayan indigenous, although poor census records make accurate figures impossible to ascertain. There are 22 indigenous groups, the largest of which are the Q'anjobal, Mam, Chuj, Jacalteco, K'iché, Q'eqchi, Pokomam and Kakchiquel.

<sup>12</sup>The Civil Defense Patrols, *Patrullas de Autodefensa Civil (PACs)*, created in 1981 under the government of General Romeo Lucas García (July 1978 - March 1982), were made up of civilians who had been forcibly recruited by the army to collaborate in counterinsurgency operations. After 1986, the name Civil Defense Patrol was changed to Voluntary Civil Defense Committees, *Comités Voluntarios de Defensa Civil (CVDC)*, in attempt to reflect the ostensibly voluntary nature of the patrols. In this document, the original name is used in cases occurring prior to 1986, and the new name

Amnesty International has systematically examined information on cases that it has collected from a wide range of sources over the years, including official documentation, press reports and testimonies provided by church sources, peasant organizations, government bodies, professional groups, trade unions and Guatemalan and foreign journalists. Testimonies have been collected from eye-witnesses and the few survivors of torture or abduction. The organization has studied declarations by serving members of and defectors from the military and security forces about human rights violations in which they were involved. Amnesty International has also evaluated the findings of many foreign delegations and has itself visited the country repeatedly to collect information and testimonies from victims and witnesses. Only after carefully cross-checking did Amnesty International publish information about specific cases. Some of these are included in this report.

This report focuses exclusively on past cases of "disappearance", extrajudicial execution and torture, and steps taken to shield the perpetrators from prosecution. It also highlights measures taken by successive government administrations to halt or obstruct investigations into past abuses and prevent the full facts from being known. The cases are intended to illustrate the broad patterns of past state atrocities in Guatemala which Amnesty International considers merit the immediate attention of the Guatemalan authorities and the Historical Clarification Commission. At a minimum, they indicate the sort of evidence already available that could serve as the basis for a thorough examination by the Commission to discover exactly who was

---

is applied in cases post 1986.

responsible for ordering, carrying out and covering up tens of thousands of similar cases recorded by Amnesty International. The report also examines the role played by the Guatemalan Government and some foreign governments in committing or facilitating serious human rights violations. Some abuses attributed to armed opposition groups are also examined.

### 'Disappearances'

*No state shall practice, permit or tolerate enforced disappearances.*

*UN Declaration on Disappearances, Article 2*

*Forced disappearance is considered to be the act of depriving a person or persons of his or their freedom, in whatever way, perpetrated by agents of the state or by persons or groups of persons acting with the authorization, support, or acquiescence of the state, followed by an absence of information or a refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees.*

*Inter-American Convention on Forced Disappearance of Persons, Article II, signed by Guatemala on 21 June 1994*

"Disappearances" constituted one of the major hallmarks of state repression and counter-insurgency operations throughout the period of the internal armed conflict in Guatemala. Although it is difficult to estimate the exact number of "disappearances", Amnesty International has documented thousands of such cases. Information compiled by

some Guatemalan human rights organizations suggests that at least 25,000 people may have "disappeared" over the period under review.<sup>13</sup>

"Disappearances" are by nature secretive. The relatives suffer untold anguish as they do not know whether their loved ones are dead or alive or whether they are being tortured in a secret detention centre.<sup>14</sup> The victim of "disappearance" is cut off from the world and placed beyond any form of protection. They fear that no one can help them and the prospect that they will be killed, a fate believed to have been met by many of Guatemala's "disappeared". Many cases of "disappearance" in Guatemala were never reported because the victim's relatives feared reprisals or, in some instances, believed the person might be released. These hopes were kept alive by rumours of people held in secret detention centres, and by the fact that occasionally some of those who had "disappeared" were reportedly sighted several weeks or even months after their abduction.<sup>15</sup>

---

<sup>13</sup>After receiving information on 3,007 cases of "disappearance", the United Nations Working Group on Enforced or Involuntary Disappearances reminded the Guatemalan authorities in December 1996 that, "the Government has a constant and ongoing duty to carry out exhaustive and impartial investigations until such time as the fate of the 'disappeared' victim has been clarified". UN doc. E/CN.4/1997/34.

<sup>14</sup>During successive administrations, Amnesty International received reports of the existence of secret detention centres in army barracks and private houses.

<sup>15</sup> Following reports in 1984 that 18 prisoners were being held in secret cells in the basement of the Pavón Prison in Guatemala City, the families of 76 "disappeared" people filed *habeas corpus* writs on behalf of their missing relatives. However, to Amnesty International's knowledge, none of the 76 was ever found, nor was any information made public regarding the results of investigations to verify the existence of the clandestine cells in the prison. See also, *Guatemala: Secret detention of hors de combat and non-combatant prisoners* (AI Index: AMR 34/11/93).

However, these hopes have been destroyed by reports that the bodies of the "disappeared" were dumped in places where they could not be found, such as the canyon of the Xalbal rapids in the Ixcán, El Quiché; Lake Atitlán in the department of Sololá; Lake Izabal in the department of Izabal; as well as the sea and countless other sites throughout the country. Some of the bodies were later found washed up on shore, but many will never be recovered. Bodies were also dumped far from the place where the victim was abducted. In some cases, the bodies were mutilated beyond recognition.

There were frequently no witnesses to the abductions. In cases where there were witnesses, they rarely saw the victim being killed, but only being hauled into a vehicle or dragged out of a house. It is also difficult to disprove assertions made by successive administrations that people who had "disappeared" had fled into hiding. Relatives of the "disappeared" petitioning the authorities were frequently accused of

lying or defamation. "They told us that the 'disappeared' were fictitious, that they didn't exist, and that we had fabricated the information in order to shame and discredit the Guatemalan government," recalled the mother of one of the "disappeared".<sup>16</sup>

To date, successive administrations have failed to conduct impartial and exhaustive investigations into past cases of "disappearance" in Guatemala, prolonging the uncertainty faced by relatives. Long after the abductions, repeated but unfulfilled government promises to investigate cases of "disappearance" only generated frustration among relatives of the missing people, or again raised expectations that, one day, they would finally know the facts about what happened to their loved ones.

### **Extrajudicial executions**

*Governments shall prohibit by law all extra-legal, arbitrary and summary executions...*

*UN Principles on Extra-Legal , Arbitrary and Summary Executions, Principle 1*

*Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.*

*International Covenant on Civil and Political Rights, Article 6*

*Extrajudicial executions are unlawful and deliberate killings, carried out by order of a government or with its complicity or acquiescence.*

---

<sup>16</sup>Interview with Amnesty International delegate, Guatemala City, October 1997.



### *Amnesty International 14-Point Program for the Prevention of Extrajudicial Executions*

Throughout the Guatemalan internal armed conflict tens of thousands of extrajudicial executions were systematically carried out by members of the security forces or their auxiliaries as a means of spreading terror. In some instances the attacks were aimed at targeted individuals, in others they were designed to eliminate residents of particular areas where insurgents were believed to operate. Counter-insurgency tactics known as "scorched earth" (*tierra arrasada*) and "removing the water from the fish" (*quitarle el agua del pez*), intensely applied between 1982 and 1983, led to the massacre of entire communities in order to ensure that any potential power base or food source for the armed opposition was removed.

In some cases, extrajudicial executions appear to have been random or indiscriminate. In others, they were carried out after other means of repression had failed to achieve a desired affect. For instance, the killing of individuals was sometimes preceded by death threats, abduction and torture.<sup>17</sup> In the case of massacres, the community had sometimes already suffered "disappearances" or abduction and torture of several of its members.<sup>18</sup>

---

<sup>17</sup>See the abduction and torture of Beatriz Eugenia Barrios Marroquín, Chapter 2: Women activists.

<sup>18</sup>In 1976, Amnesty International published information on the "disappearance" of 30 rural farmers in the region of Ixcán Grande, El Quiché, where many cooperatives had been established. Six years later, the villages in this region were the site of some of the worst massacres perpetrated by members of the Guatemalan armed forces, see Chapter 2: Destruction of rural communities in the early 1980s.

Large-scale extrajudicial executions were planned in such a way as to ensure impunity for the perpetrators. Such killings were often falsely blamed on the armed opposition or documented by the government and the media as having occurred during combat. A 1981 Amnesty International report on Guatemala contained the testimony of a former soldier who said he had been instructed to attack villages and then ordered to return in uniform to "investigate" the killings.<sup>19</sup> Creating a climate of confusion, deliberately distorting the truth and destroying crucial evidence were also important counter-insurgency tactics. In some cases, the armed forces remained at the site of the massacre for days to ensure that all witnesses, no matter how young, were captured and killed, and that all evidence was thoroughly destroyed.<sup>20</sup> Members of the armed forces or their auxiliaries frequently dug mass graves into which the corpses of the victims were

---

<sup>19</sup>*Guatemala: A government program of political murder* (AI Index: AMR 34/02/81), p. 24

<sup>20</sup>See the case of Cuarto Pueblo, Chapter 2: Destruction of rural communities in the early 1980s.

thrown. The bodies were often incinerated, making identification impossible. Even years after the event, remains exhumed from these mass graves were sometimes stolen before they could be forensically examined.<sup>21</sup>

Another way in which members of the Guatemalan security forces responsible for extrajudicial killings sought to evade responsibility was by incriminating and traumatizing relatives or witnesses by involving them in the killings. For example, in the early 1980s members of the Guatemalan army reportedly separated villagers from Chuabaj, Chichicastenango in El Quiché, into two groups -- those who were suspected subversives and those who were not. The former were then forced to kill their neighbours and relatives with a spiked wooden pole. Anyone who failed to show a bloodstained pole was declared an accomplice of the subversives and shot.

Similar steps to protect the identity of the real perpetrators were taken when people were individually targeted. In these cases, killings were often carried out by armed men wearing balaclavas or hoods to protect their identity. Amnesty International received consistent reports suggesting that the assailants were uniformed members of the security forces, or their auxiliaries or agents operating with their consent. In some instances, the assailants were members of clandestine "death squads" which frequently comprised security personnel and former security force personnel operating in plain clothes but acting under orders from military or police officials. These killings were sometimes disguised or reported as common crimes or even as crimes of passion.

---

<sup>21</sup>See *Guatemala: Lack of investigations into past human rights abuses: clandestine cemeteries* (AI Index: AMR 34/01/91)

## Torture

*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*

*International Covenant on Civil and Political Rights, Article 7*

*Torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.*

*UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 1*

In Guatemala, torture was used systematically in the context of other serious human rights violations such as extrajudicial executions and "disappearances".

Some survivors were apparently abducted, tortured and then released in order to terrorize their relatives or those they worked or lived with. Their testimonies and those of other survivors describe how they were subjected to mock executions, electric shocks, suffocation, being submerged in dark pits for long periods, severe beatings, and having parts of their body burned with cigarettes or cut with a knife.

One very widespread torture practice in Guatemala was mutilation, including dismembering of limbs and butchering of the face and sexual organs. During the period under consideration, Amnesty International received hundreds of reports of death under torture in which the victim had, prior to death, been severely disfigured and mutilated. Counter-insurgency tactics designed to generate additional psychological trauma and horror included leaving the mutilated corpse, or parts of it, in public places, sometimes strung up from trees or left on roadsides, or in rubbish dumps known as body dumps.

Another widespread practice, especially during the massacres conducted by the Guatemalan armed forces and their auxiliary forces between 1982 and 1983, involved forcing people to watch others being tortured, including being raped or sexually abused, and killed<sup>22</sup>. Eye-witnesses described how villagers were not only forced to watch these events, but were also made to participate in them. The following account was given by one survivor who fled to Mexico:

*“One of the women who is here now lost her brother on 26 May. The soldiers surrounded the village and arrested everybody in the church and locked them up there. The brother, a 14-year-old boy, had just returned from the maize field and was sorting the cobs, as they always do. He was arrested because they believed he was a guerrilla. He was hung from a tree. Then they forced the people from the village to whip him. The soldiers were standing behind those who pulled the rope and those who had the whip and they pushed them with their*

---

<sup>22</sup> The UN Special Rapporteur on Torture considered that “[s]ince it was clear that rape or other forms of sexual assault against women in detention were a particularly ignominious violation of the inherent dignity and right to physical integrity of the human being they accordingly constituted an act of torture”. UN Doc. E/CN.4/1992/SR.21 at para 35.

---

*bayonets and forced them to continue. So the women whipped him to death. And one of them was his sister.”*

The psychological and physical consequences of torture may never be healed. A social worker in the town of Rabinal, Baja Verapaz, told an Amnesty International delegate in October 1997 that many people from surrounding villages attend a medical clinic there for painkillers for an injury they have in the back or neck. The doctors have discovered that in some cases the injuries were sustained when their patients were beaten or hung from a tree during counter-insurgency operations conducted in the early 1980s.

### **Impunity: a denial of the right to seek truth and justice**

*States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law.*

*World Conference on Human Rights, 1993<sup>23</sup>*

*The Committee recommends that the authorities of Guatemala take effective measures to end the impunity of State officials who act illegally and to guarantee the availability of remedies and due process for all members of the population.*

*UN Committee for the Elimination of all Forms of Racial Discrimination, 1997<sup>24</sup>*

---

<sup>23</sup>The Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights, para 60.

<sup>24</sup>UN doc CERD/C/304/Add.21, para 28.

*Impunity is the single thread linking all past human rights violations in Guatemala, regardless of whether the violation occurred during the early or late stages of the internal armed conflict, and regardless of which unit of the security forces was allegedly responsible. Amnesty International believes that consistent state failure to guarantee exhaustive and impartial investigations into past cases of serious human rights violations and to make those responsible accountable before the courts, places the Guatemalan state in breach of its international and domestic obligations to the victims, their relatives and the rest of society.*

*Impunity prevailed throughout the period under review. No proper investigations into abuses committed under previous governments were ever opened by subsequent governments, despite repeated requests from relatives of victims. As early as 1984, leading human rights organizations began petitioning the Guatemalan authorities to set up a Commission of Inquiry into past cases of human rights violations. In November 1985 the incoming president, Vinicio Cerezo, stated, "We are not going to be able to investigate the past. We would have to put the entire army in jail... Everyone was involved in violence. But this has to be left behind. If I start investigations and trials, I am only encouraging revenge."*

*A bill for a national commission to investigate past "disappearances", proposed in 1991, again failed to be discussed in Congress or become law. The investigations that were carried out and the convictions obtained were the exception, rather than the rule, and were mainly the result of sustained efforts by relatives of the victims and human rights groups, as well as continuous pressure by the international community. In the main, such cases were either highly publicized ones or involved non-Guatemalans. In the proceedings resulting in convictions, the*

---

*courts tended to impose sentences on lower-ranking personnel while exonerating more senior officers implicated in the violations.*

*The rare investigations and criminal proceedings were generally flawed and subject to delays. This was usually owing to lack of cooperation from police or military authorities, who delayed the investigations indefinitely or attempted to pass on their investigative responsibilities to other official institutions, or a lack of will on the part of the judicial officials involved. The result of such investigations was therefore in many cases dependent on the willingness of the judge or prosecutors to actively pursue a case, or on the willingness and courage of relatives of victims and local human rights groups to continue pressing for prosecutions.*

The lack of political will, which allows impunity to continue, manifests itself primarily in the state's failure to investigate human rights violations, in its unwillingness or inability to provide the resources required to ensure that adequate investigations are carried out, and in the complicity of state agents with their colleagues accused of violating human rights. For decades, valuable evidence that might have implicated officials in such abuses was systematically destroyed, lost, stolen or tampered with. Hundreds of investigations into cases of serious human rights violations were closed on the grounds of insufficient evidence.

Consistent covering up of cases of human rights violations, including interference in the judicial and criminal investigations, required the acquiescence or complicity of numerous state organs and an ever-greater number of state officials. During the later stages of Guatemala's internal armed conflict, impunity for human rights violations acquired a more sophisticated guise whereby the authorities adopted bureaucratic mechanisms and human rights rhetoric in order to convince national and international human rights organizations that effective investigations were being conducted when in fact this was hardly ever the case. This facade implicated virtually every corner of the state apparatus and helped confer greater immunity and anonymity on the perpetrators of abuses.

The perpetrators of human rights violations were also officially placed beyond the reach of the law by legislation granting them immunity from prosecution during judicial investigations.<sup>25</sup> The first of these measures, Decree Law 16, granted amnesty for

---

<sup>25</sup>Members of armed opposition groups who committed acts of violence during the period under review benefitted from amnesty measures which allowed for their reincorporation into civilian



political crimes committed as a result of uprisings between 13 November 1960 and 25 November 1962. Thereafter, successive amnesty decrees were passed by Congress to cover transitions between constitutional and *de facto* governments. Between 23 March 1982 and 23 June 1988, no less than 12 pardons granting amnesty to state perpetrators of serious human rights violations were approved by Congress. Most of these stipulated expiry dates, although some are still in force. For example, Decree Law 08-86, passed by the outgoing military government just four days before transferring power to a newly elected civilian government in January 1986, specified that criminal proceedings could not be opened against perpetrators of and accomplices to "political crimes and related common crimes during the period between 23 March 1982 and 14 January 1986". This Decree has still not been revoked. As a result, it may continue to permit many perpetrators of serious human rights violations to escape justice by obstructing efforts to initiate proceedings against them.

Most recently, Congress passed the National Reconciliation Law on 18 December 1996 as part of the final peace settlement. Under this law, the perpetrators of numerous crimes related to and committed during the period of internal armed conflict are exempt from penal responsibility. However, the perpetrators of torture, "disappearance", genocide and crimes for which a statute of limitations does not apply according to domestic legislation and international treaties ratified by Guatemala, remain subject to penal responsibility.

Amnesty International believes that pardoning measures or amnesty laws which have the effect of preventing the emergence of the truth and subsequent accountability before the law, are not acceptable. However, the organization takes no position regarding the granting of post-conviction pardons once the truth is known and the judicial process completed. As a result of exemptions in the National Reconciliation Law, Amnesty International is concerned that some human rights violations may remain unpunished, including cases of extrajudicial execution, arbitrary detention, rape and sexual abuse, or other forms of cruel, inhuman or degrading treatment, because the law fails to specify that exemption from prosecution does not apply for these crimes. Moreover, as Guatemala is not a State party to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, Amnesty International is concerned that crimes against humanity may not be included in the category of crimes that remain subject to prosecution under the National Reconciliation Law.

### **Terrorization of the judiciary**

The factors responsible for the Guatemalan judiciary's historic failure to investigate human rights violations are complex and diverse. Ineptitude, negligence, corruption and extortion are certainly important considerations, but there has also been persecution of members of the Guatemalan judiciary. Judicial authorities have frequently been targeted

---

life.

for abuses, including extrajudicial killing, "disappearance", death threats and intimidation, particularly when they have tried to investigate cases of human rights violations or press for legal remedies to end impunity. The abuses directed at members of the judiciary reveal the lengths to which those being prosecuted for human rights crimes were prepared to go in order to shield themselves from prosecution and avoid the facts being revealed about the crimes they committed.

The fear generated by such abuses made other jurists and lawyers unwilling to adequately pursue cases assigned to their jurisdiction. For their part, successive administrations showed themselves unwilling or unable to protect the security of those trying to see that justice is carried out.

*The pattern of abuses against those involved in the Guatemalan judicial process was consistent over the years. In 1979 an Amnesty International delegation collected information on the extrajudicial killing of 10 members of the legal profession in a 10-month period. Between January 1980 and June 1981, the organization documented the extrajudicial killing of eight judges, 50 lawyers or lecturers in the Faculty of Law at the Universidad de San Carlos (USAC), University of San Carlos, and five law students.<sup>26</sup> Some of the victims were gunned down in broad daylight. For example, Judge Jaime Rafael Marroquín Garrido was shot by two men posing as policemen at 2.45pm on 9 September 1980. Others, such as Alejandro Coti López, President of the University of San Carlos Association of Law Students, were first abducted and tortured before being killed. Alejandro Coti was seized on 5 March 1980 in Guatemala City by men in three unmarked cars. Uniformed police in the vicinity reportedly did nothing to prevent the abduction. The next day his body was found badly tortured in a ravine outside Guatemala City. According to press reports, he had been bound and covered with a hood impregnated with Gamezan insecticide, a torture technique reportedly used by the National Police.*

---

<sup>26</sup>Guatemala: Killings of members of the Legal Profession January 1980 - June 1981 (AI Index: AMR 34/41/81).

The number of killings of members of the judiciary declined in the late 1980s and early 1990s, although at least three lawyers and one judge were extrajudicially executed between July 1994 and January 1995. Judge Edgar Ramiro Elías Ogáldez of the Chimaltenango district court was shot dead outside the University of San Carlos on 20 August 1994. Prior to his death, he had ordered the detention of two security force agents in connection with two separate murder cases. Local human rights organizations claimed the agents were responsible for the judge's killing: one of them, a military commissioner, was released immediately after the killing.<sup>27</sup>

---

<sup>27</sup>Other cases reported during this six-month period include the killing of the lawyer Desiderio Bacajol Aquino on 7 July 1994, and of lawyer Julio César Albúrez Valenzuela and public prosecutor Carlos Hernández Orantes in January 1995.

The President of the Constitutional Court, Eduardo Epaminondas González Dubón, was gunned down on the night of 1 April 1994 in Guatemala City, two days after the signing of the Global Human Rights Accord between the government and the URNG. The perpetrators were armed men in civilian clothing who, according to human rights organizations, were acting on behalf of the armed forces. As President of the Constitutional Court, González Dubón's intervention in reversing the attempted "auto-golpe" ("auto-coup") in May 1993 was decisive in maintaining civilian rule. The judge had also been active in criminal cases against high-ranking military officials. In June 1995 the *Supervisión General de Tribunales*, Tribunals Supervisory Body, stated that with respect to his death, "justice was neither promptly nor adequately administered". In August 1996 a MINUGUA<sup>28</sup> report stated that only one of the eight suspects was awaiting trial.<sup>29</sup>

In early 1996 Ramsés Cuestas, the then Attorney General, acknowledged that prosecuting attorneys of the Public Ministry were receiving between two and four death threats every month and were frequently being attacked. MINUGUA reported that it had received similar reports and that one of the prosecuting attorneys threatened had subsequently been killed. Another prosecuting attorney fled the country. In such conditions it is not surprising that prosecutors decline to handle cases related to past human rights violations.

---

<sup>28</sup>Misión de las Naciones Unidas de verificación de derechos humanos y del cumplimiento de los compromisos del Acuerdo Global sobre Derechos Humanos, United Nations Mission for the Verification of Human Rights and of compliance with the commitments of the Global Agreement on Human Rights in Guatemala, was invited into Guatemala as a result of an agreement signed between the parties to the peace agreements on 29 March 1994. It became fully operational in March 1995.

<sup>29</sup>Supplement to MINUGUA's Fifth Report, 19 July 1996, UN doc. A/50/1006, case #28.

### Clandestine cemeteries

*Clandestine cemeteries are a shameful testimony to the inhumanity which has prevailed for three decades of dirty war. Macabre findings that bear evidence to the suffering of the civilian population faced with contempt for their life and physical integrity, as well as levels of cruelty and sadism only possible in despotic, authoritarian and intolerant states. [...] Guatemalan society and the authorities should join together in the investigation and search for justice for these criminal acts, since it will not be possible to talk of peace or reconciliation as long as these horrific crimes, which are contrary to civilization and humanity, are not resolved; for in some cases those who have lodged complaints have suffered harassment and threats and in others exhumations have been obstructed in open defiance of law.*

*Annual Report for 1995, Human Rights Procurator, Jorge Mario García Laguardia.*

Over the past decade, Amnesty International has repeatedly raised its concerns with the Guatemalan Government about its failure to carry out exhumations at sites believed to contain the remains of people who "disappeared" or were extrajudicially executed, to initiate full judicial investigations into how they died and provide reparation to the victims and their relatives as appropriate. Following hundreds of large scale extrajudicial executions, thousands of unidentified corpses were thrown into unmarked clandestine graves. According to current estimates, there are over 500 clandestine cemeteries in the country, few of which have been exhumed.

For many years it was practically impossible to carry out exhumations in Guatemala for fear of reprisals against survivors or relatives of the victims. The first exhumations, carried out in remote mountain areas in the late 1980s and early 1990s, were characterized by inadequate procedures, allegations that evidence was being removed from secret graves and by attempted abductions and threats against those calling for or involved in the exhumations. Judges fulfilling their duties with respect to exhumations were also threatened and many were forced to abandon their investigations.<sup>30</sup>

According to Guatemalan human rights organizations, between 1988 and 1991 only eight exhumations of mass graves were carried out. Military authorities simply dismissed clandestine cemeteries as burial grounds of guerrillas killed in combat by the army or Civil Defense Patrols. Successive governments have lacked the political will to undertake exhumations or initiate serious investigations into past cases of "disappearance" or extrajudicial execution. During recent years the Public Ministry has received formal complaints concerning the existence of at least 50 clandestine burial sites in Rabinal, Baja Verapaz, alone.<sup>31</sup> However, so far only a handful of exhumations have taken place and in

---

<sup>30</sup>*Guatemala: Lack of investigations into past human rights abuses: clandestine cemeteries* (AI Index: AMR 34/10/91).

<sup>31</sup>The large number of extrajudicial executions in this area is in part attributed to the fact that, unlike areas close to the Mexican border, villagers in the Verapaces had nowhere to escape from the

no case has an exhumation led to the bringing to justice of any of those responsible for authorizing, planning or carrying out the extrajudicial executions.

Other efforts to carry out exhumations have been continually thwarted by constant death threats against relatives and those involved in the excavations. In 1994, the *Asociación de Familiares de los Detenidos-Desaparecidos de Guatemala* (FAMDEGUA), Association of Families of the Detained-Disappeared of Guatemala, and the *Oficina de Derechos Humanos del Arzobispado de Guatemala*, Guatemalan Archbishop's Human Rights Office, enlisted the help of the *Equipo Argentino de Antropología Forense*, Argentinean Team of Forensic Anthropologists, to excavate mass graves containing the remains of more than 350 civilians killed in 1982 by the Guatemalan army in Las Dos Erres, in the northern department of El Petén. In July 1995, after two excavations, the team recovered the remains of at least 162 people, among them 67 children. FAMDEGUA said that while the exhumations were taking place, the relatives of those whose remains were identified received repeated death threats by a military commissioner. At the beginning of July 1995 materials belonging to the Argentinean Team of Forensic Anthropologists were stolen. During the exhumations, members of FAMDEGUA and the forensic team had to receive police protection after stones were thrown at the roofs of their temporary accommodation and machine-guns were fired into the air.

---

army.

Judicial efforts to press for follow-up exhumations have faced a lack of cooperation by the security forces. For instance, in August 1996, in the investigations into the case of Las Dos Erres in Petén, the then Minister of Defense, General Julio Balconi, hindered judicial investigations by refusing to hand over information requested by the courts<sup>32</sup>. In August 1996 MINUGUA reported that the lack of progress in investigations into the Cuarto Pueblo massacre was due to excessive delays by the judge and poor cooperation from the National Police. The police, ignoring the judge's ruling, withdrew from the area before the exhumation had been completed, leaving those involved without protection.

Even when past cases of extrajudicial executions or "disappearances" reached the courts, legal obstacles prevented those identified as responsible from being brought to justice. For example, evidence uncovered from an exhumation and from witnesses in relation to the Agua Fría massacre, El Quiché, in which at least 100 people were killed on 14 September 1982, led to the arrest of three members of the Civil Defense Patrol from the town of Xococ, Rabinal, Baja Verapaz. The accused sought an amnesty under the provisions of Decree Law 32-88 promulgated on 23 June 1988. At the time of writing the Constitutional Court was still examining the case.

To date, Amnesty International knows of no case in which the exhumation of a mass grave has led to those responsible being brought to justice. Nor any case in which higher-ranking officials responsible for authorizing or planning the killing of people identified in exhumations have been made accountable for their crimes.

---

<sup>32</sup>Later, in a meeting with Amnesty International delegates in April 1997, General Balconi stated that the information regarding the identification of possible suspects requested by the courts in this case, was no longer available.

## Chapter 2: The victims

### Opposition politicians

For most of the 20th century Guatemalan politics has been dominated by the military. The country has lived through 13 years of dictatorship under General Jorge Ubico, a succession of governments lead by military personnel carefully selected by the Guatemalan army and powerful sectors of Guatemalan society, as well as a number of coups when the military took direct control of the country. On occasions when elections have been held, they have been characterized by fraud, pre-election violence and extremely low electorate participation.

Most analysts agree that it was the US-backed coup of 1954, which overthrew the elected government of Jacobo Arbenz, that opened the door to the military seizing direct or indirect hold of political institutions and dominating the political stage until 1986.<sup>33</sup> This control of political and national affairs, state institutions and infrastructure provided the military with an unchallenged platform from which it could determine national life and authorize or commit widespread human rights violations in order to maintain the social and political order.

Within this context, opposition politicians featured high on the list of those to be silenced. In 1966, 28 members of the outlawed *Partido Guatemalteco del Trabajo* (PGT), Guatemalan Labour Party, were abducted by various military patrols. The authorities denied knowledge of the detentions, but four months later participants in the arrests confirmed that the 28 had been tortured and killed. From then on, Guatemala's opposition politicians were systematically eliminated until the 1980s.

---

<sup>33</sup>Following General Ubico's resignation in 1944, the governments of elected presidents Juan José Arévalo (1944-51) and Colonel Jacobo Arbenz (1951-54) brought substantial reforms, including expanding suffrage, permitting the organization of political parties and trade unions, and measures to end the monopolies of foreign-owned corporations and to redistribute land.



The attacks were exceptionally prevalent in the late 1970s and early 1980s. In 1981 Amnesty International recorded the murder of at least 40 politicians, more than half of whom were municipal mayors or local government officials.<sup>34</sup> Between January 1980 and January 1982 the organization documented some 70 extrajudicial killings and "disappearances" of opposition politicians, including 20 Christian Democrats, 17 members of the *Frente Unido de la Revolución* (FUR), United Revolutionary Front, and four members of the *Partido Revolucionario* (PR), Revolutionary Party.<sup>35</sup> It was impossible to know how many others among the unreported or unidentified victims were politicians. Two of the most prominent politicians removed from the scene by execution-style killings were Alberto Fuentes Mohr and Manuel Colom Argueta.

#### ***The case of Alberto Fuentes Mohr***

Deputy Alberto Fuentes Mohr, an economist, a diplomat and a leading member of the *Partido Revolucionario Auténtico* (PRA), Authentic Revolutionary Party, survived several attempts on his life. In 1971, after one such attempt, he said, "They try to assassinate me for the crime of wishing that human rights be respected in my country, for the crime of wanting to help eradicate the insufferable misery and terror in which the great majority of Guatemalans live." On 25 January 1979 he was killed at the wheel of his car in Guatemala City. The murder occurred just hours before his party was to present its request for registration. On 29 January a witness to the killing of Fuentes Mohr was murdered.

#### ***The case of Manuel Colom Argueta***

---

<sup>34</sup>Along with efforts to suppress rural political opponents, General Ríos Montt (March 1982-August 1983) replaced locally elected mayors with those hand-picked by himself.

<sup>35</sup>See *Guatemala: Killings and "disappearances" of politicians in Guatemala* (AI Index: AMR 34/13/82).

The popular labour leader and former Mayor of Guatemala City, Manuel Colom Argueta, and two of his body guards were shot dead on 22 March 1979 by armed men traveling in three cars and two motorcycles. The attack took place just a few blocks from the National Police headquarters in the centre of Guatemala City. A few days earlier the FUR, of which Colom Argueta was the leader, had been legalized after an 18-year wait. A penal case was opened, but little progress was made. Instead, the government of General Romeo Lucas García attempted to prosecute members of the Colom Argueta family on grounds of defamation after they publicly accused the G-2 intelligence unit of the armed forces of having carried out the killing. Faced with death threats and possible prosecution, several members of the family fled into exile.

### **Trade unionists**

Trade unionists have for decades been under constant attack by successive military regimes and civilian governments in Guatemala because of their efforts to form trade unions and to promote the rights of workers. In 1954, before Guatemala's internal armed conflict had begun, General Castillo Armas' government outlawed the most prominent trade union federations, imprisoned labour leaders, and killed at least 200 prominent trade unionists within weeks of the US-backed coup which overthrew the government of Jacobo Arbenz.

In 1976 the Guatemalan trade union movement began to reorganize. For the best part of the next two decades its members were deliberately and systematically killed or "disappeared". During this period Amnesty International documented hundreds of cases in which trade unionists "disappeared", were murdered or tortured because of their legitimate activities or because they were suspected members of the armed opposition. Between May 1978 and May 1979 alone, Amnesty International documented 11 killings and 12 cases of "disappearance" of trade unionists.<sup>36</sup> In 1981 the organization reported 44 cases of "disappearances" of trade unionists in Guatemala City alone.

---

<sup>36</sup>See *Repression of Trade Unionists in Guatemala* (AI Index: AMR 34/10/79)

Such severe repression seriously weakened the Guatemalan trade union movement and deterred people from joining its ranks. In 1974 less than two per cent of the economically active population in Guatemala were unionized. By the early 1990s this figure had risen to about four per cent, far below the 10 per cent recorded in 1953.

***The case of 27 CNT trade unionists***

Twenty-seven men and women trade unionists "disappeared" on 21 June 1980. They were detained that day during a meeting at the Headquarters of the trade union federation *Central Nacional de Trabajadores* (CNT), National Workers Congress, where they were planning the funeral of a CNT leader who had recently been tortured and killed. The street was closed to traffic by uniformed National Police officers while an estimated 60 plainclothes men entered the CNT headquarters in the centre of Guatemala City. The 27 trade unionists were taken away in unmarked Toyota jeeps. The then Labour Minister later stated that the trade unionists had been released, contrary to previous government statements denying any detentions.

*One of the trade union leaders, who later fled to Mexico, escaped by climbing onto the CNT headquarter's roof, from where he recognized the man in charge of the operation as the Chief of the Guatemala City Police Narcotics Squad. Reports also indicated that several cars belonging to the kidnapped trade unionists were later recovered from National Police garages.*

*Although national and international organizations, including Amnesty International, campaigned ceaselessly to establish the fate of the 27 CNT leaders, their whereabouts remain unknown. No exhaustive investigation was ever conducted by the authorities despite the existence of extensive information concerning their "disappearance" and the likely perpetrators.*

***The case of José Rolando Pantaleón***

José Rolando Pantaleón, a Coca-Cola salesman and trade unionist, had received constant death threats. At 10am on 2 July 1989 he was abducted by alleged member of the National Police, and then tortured and killed.<sup>37</sup> The police informed his wife at 4pm the same day that she could reclaim her husband's body in the morgue. People who saw his body reported that the skin had been stripped from his back, his jaw appeared to be broken and he had been shot five times.

### **Church activists**

---

<sup>37</sup>Members of the Trade Union of the Central Bottling Plant, Ltd., *Sindicato de Trabajadores de Embotelladora Central S.A. (STECSA)*, the union at the Coca-Cola bottling plant in Guatemala City, have been a long-term target because of their union activities. Between February 1977 and July 1980, for example, Amnesty International reported that 12 STECSA trade unionists had been extrajudicial killed and three "disappeared" (AI Index: 34/24/84).

During the internal armed conflict, Guatemalan and foreign clergy, catechists and lay church workers were consistently targeted. Those involved in organizing to improve the living conditions of the poor were particularly at risk.<sup>38</sup> One of the most renowned early cases was that of Bill Woods, a US Maryknoll priest who raised money in the USA to buy land in the region of the Ixcán, and organized over 2,000 families into cooperatives to raise cattle, coffee and cardamom. In 1976 he was killed in a suspicious air crash. Workers in the area alleged that the small plane was shot down by soldiers. Prior to his death, Bill Woods had reported to US authorities that his life was in danger. His German replacement, Padre Carlos Stetter, was expelled and subsequently charged with being an “undesirable alien” and with having “engaged in acts outside his ministry”. Such expulsions were often used to get rid of those who, by defending the poor, were perceived as subversives by economic elites.

### *Father Hermógenes López Coarchita*

At the end of June 1978 Father Hermógenes López Coarchita, for 12 years parish priest of San José Pinula near Antigua, Guatemala, was murdered by unknown assailants as he left the house of a dying parishioner to whom he administered the last rites. The same day the following telegram was sent to the press by members of the army and the right-wing political party, the National Liberation Movement:

ON 30 JUNE NATIONAL ARMY DAY, PATRIOTIC AND YOUNG OFFICERS AND

---

<sup>38</sup>Since the 1970s, there has characteristically been a large number of foreign priests and foreign lay church workers in Guatemala owing to an endemic shortage of Guatemalan clergy. Scores of them have also been victims of serious human rights violations.

---

MEMBERS OF THE NATIONAL LIBERATION MOVEMENT WILL TAKE POWER AND  
WILL EXECUTE ALL GUATEMALAN COMMUNISTS, INCLUDING RELIGIOUS  
OFFICIALS.

FOR A BETTER GUATEMALA

NATIONAL ARMY  
(YOUNG OFFICERS)

NATIONAL LIBERATION MOVEMENT

HONOUR

HOMELAND

LIBERTY

Father López had helped peasant communities defend their water rights against a scheme planned by Aguas S.A., a company which proposed diverting water from 10 rivers to supply Guatemala City. Peasant organizations contended that some 40,000 families depended on the water for irrigation. In April 1978 the *Comité de Unidad Campesino* (CUC), Committee of Peasant Unity, was formed and a march into Guatemala City was organized to protest against the water company's plans. Before his death, Father López had also been investigating reports that government-sponsored vaccination programs had resulted in the sterilization of young indigenous people and that some indigenous women had been involuntarily sterilized.

Father López had been receiving threats for four years. Three weeks before his killing he had predicted his own death in a letter to the ecclesiastical authorities and had discussed the details of a plan to kill him during a village mass. Over 1,000 peasants marched to Guatemala City to protest against his killing.

The murder of Father López signalled the beginning of an intense and bloody campaign against members of the church in Guatemala. Between April 1980 and July 1981 Amnesty International recorded the cases of nine Roman Catholic priests who it believed had either "disappeared" or been killed by security force agents. Between 1981 and 1983 the organization received detailed reports of the wholesale murder of catechists. Eye-witness accounts described incidents in

which up to 50 catechists were murdered during army attacks on their villages. Some were garrotted, others were hanged from trees, chopped to pieces with machetes or locked in churches in groups and burned to death.

On 8 November 1983 Franciscan Father Augusto Ramírez Monasterio was shot dead in Guatemala City allegedly by members of a "death squad". Five months earlier he had been detained and tortured by soldiers, who questioned him about alleged links with "subversives".

Frequently, religious workers helping the displaced and the poor were stigmatized as criminals to make them appear as legitimate targets of attack. According to Guatemalan church sources, Felipe Balán Tomás, a Roman Catholic catechist and a member of the Missionaries of Charity, was seized on 9 February 1985 by armed men believed to be linked to the security forces, while attending a church service in Las Escobas in the municipality of San Martín Jilotepeque, Chimaltenango. Felipe Balán remains missing and the circumstances surrounding his "disappearance" remain unknown.

The fact that many of these crimes were often witnessed by others has still not led to the clarification of the facts surrounding the events. For example, catechist Partrocínio Gertrudis Pérez Ramírez was seized from the settlement of Buenos Aires, Tenedores, Morales, Izabal by three heavily armed men accompanied by soldiers on 18 May 1985. Catechist and social worker, Rafael Yos Muxtay, from Patzún, Chimaltenango, who assisted widows, orphans and displaced people, was abducted on 22 November 1985 by members of the armed forces who seized him in front of witnesses. Luis Ché, a catechist from El Estor, Chimaltenango, was seized in the town's market place in front

of witnesses on 23 October 1985 by two soldiers in uniform. His body was found in Lake Izabal the following day. In all, nine catechists from the San Pedro Diocese in El Estor were assassinated by alleged members of the security forces between January 1981 and October 1995.

#### *The case of Julio Quevedo Quezada*

Julio Quevedo Quezada, an agronomist, was shot dead in Santa Cruz del Quiché in July 1991 in circumstances strongly suggesting the



*involvement of the security forces. This is yet another case that remains "pending investigation". According to state officials, the killing was a crime of passion.*

Julio Quevedo Quezada worked in agricultural development projects as a member of the pastoral team of the Diocese of El Quiché. Sources in Guatemala believe that Quevedo Quezada was killed because of his work which involved programs for women who had been widowed as a result of the army counter-insurgency campaigns in the early 1980s as well as his work with the displaced. At the time of his killing, the Diocese of El Quiché was being criticized by extreme right-wing elements for its pioneering work with displaced people in very remote rural areas.

### ***The killing of Manuel Saquic Vásquez***

The body of evangelical pastor, Manuel Saquic Vásquez, was found in an unmarked grave on 7 July 1995. His throat had been slit and he had been stabbed 33 times. Manuel Saquic, coordinator of a Kaqchikel Maya Human Rights Committee in Panabajal, Chimaltenango Department, had “disappeared” following his abduction on 23 June. Witnesses said he had been seized by members of the CVDC. Residents of Panabajal are convinced that he was killed in reprisal for his human rights work and because he was the sole witness to the previous short-term abduction of another member of the Human Rights Committee in Panabajal, also by CVDC members.

In August 1995 an arrest warrant was issued for a military commissioner allegedly implicated in the killing of Manuel Saquic, but in October 1997 he was still reported to be in hiding, allegedly under the protection of the army. After investigations into the killing of Manuel Saquic began, relatives received a number of death threats, as did other church activists in Chimaltenango department who were campaigning for justice in the case.

In August 1996 human rights organizations participating in an inter-governmental commission set up to investigate the death of Manuel Saquic withdrew their support following the refusal by the military representative to hand over to the commission or to the Public Ministry an army report concerning the death of Manuel Saquic. The military representative also accused the human rights defenders of trying to discredit Guatemala before the international community. Although the Minister of Defense, General Julio Balconi, reportedly promised disciplinary action against the military representative responsible for the accusations, information available indicates that no action was ever taken.

### **Land and indigenous activists**

At different times during Guatemala’s long-term conflict, hundreds of people from the poorest sectors of Guatemalan society, the majority of them Mayan indigenous people,

were killed, tortured and made to "disappear", or suffered death threats and intimidation. Those campaigning on issues of concern to them, mainly protection, retention or return of land to which they claimed rights, or compensation for such land, were especially targeted.

Land tenure and control over natural resources are key factors to understanding the root causes of Guatemala's internal armed conflict. Guatemala's export driven economy has been dominated by agriculture, the main commodities being coffee, sugar, bananas, cotton and cardamom. According to the national census of 1980, at that time two per cent of land estates covered 65 per cent of all farmland. At the other end of the spectrum, 78 per cent of small farms totaled 10 per cent of all farmland. More than 70 per cent of the Guatemalan population is rural, living in extreme poverty.

Although Amnesty International takes no position on competing claims for land ownership or on questions relating to judicial decisions on land tenure, the organization repeatedly expressed its concern during the period under review that many Guatemalans were the victims of serious human rights violations because of their efforts to defend and campaign for their land rights.

### ***The Panzós massacre***

Among the most well known large-scale extrajudicial executions related to issues of land tenure occurred at the end of the 1970s, when scores of Q'eqchi indigenous people were killed by military gunfire on 29 May 1978 in the town of Panzós, Alta Verapaz. About 700 Q'eqchi villagers from neighbouring villages had arrived at the town to protest to the mayor at moves by large landowners to oust them from land which their families had worked and lived on for up to a century.

In the town's main square the marchers were surrounded by a group of landowners and a contingent of soldiers. According to testimonies, as the marchers were waiting for the mayor to appear, one of the officials or the landowners gave the order to open fire on the crowd. Scores of people were killed and scores more were wounded. The square was completely emptied in a matter of minutes. Hundreds fled into the mountains for safety. Some of the many who were unaccounted for were presumed to have drowned as they tried to escape across the nearby river. Members of the special army counter-insurgency unit, *Kaibiles* (God of War), were brought in by helicopter and sealed off the town. Neither the Red Cross nor journalists were allowed into the area. The bodies of the dead were loaded into trucks by the survivors and dumped into a mass grave.

At the time of the massacre, the Guatemalan Government released a press statement claiming that "guerrillas" were killed when they made a surprise attack on the Panzós military garrison. The then Minister of Defense, General Otto Spiegler, blamed peasant unrest and land conflict in the area on left-wing guerrillas and other "subversive elements", including "Catholic priests and Protestant pastors".

Some observers maintain that the massacre was deliberately public in order to terrorize the entire population into abandoning its demand for land and social justice. Others say that the massacre cannot be understood without taking into account the fact that nickel and oil had recently been discovered in the area. The subsequent dramatic rise in the price of land was paralleled by forced land evictions of peasants by new landowners, usually with the help of the army and local authorities. The then President, General Romeo Lucas García (July 1978 - March 1982), was reported to own 78,000 acres near Panzós. His Minister of Agriculture, General Rubio Coronada, and the Minister of Defense were also reported to own extensive land in Alta Verapaz.

Over 20 years later, no one has ever been held to account for the Panzós massacre, nor have the relatives of the victims been compensated. Exhumations conducted in 1997 uncovered the remains of 34 people in one mass grave and two others in another nearby grave. Before being thrown into the grave, the women had been stripped of their clothes. One of the women was allegedly Mama Maquín who had been among those leading the protest against attempts to oust them from their land. According to testimonies collected by forensic anthropologists, many other victims of the Panzós massacre are buried in their houses or in the surrounding countryside where they died from their wounds.

### ***The "disappearance" of Arnoldo Xi***

The Panzós massacre was not an isolated incident. Land and indigenous activists were systematically targeted for almost a further two decades. The "disappearance" of prominent land activist and community leader Arnoldo Xi on 23 March 1995 is another example of the type of atrocities committed against rights activists.

Arnoldo Xi was abducted by heavily armed private security guards<sup>39</sup> who opened fire on him and his companion as they were walking along a road near the community of Matucuy, Purula, department of Baja Verapaz. According to his companion, who managed to escape without injury, Arnoldo Xi was wounded, dragged into the assailants' jeep and driven away. His whereabouts remain unknown despite the filing of two *habeas corpus* petitions.

Guatemalan human rights organizations said that armed private security guards employed by the landowner and responsible to the National Police were responsible for the shooting

---

<sup>39</sup>Private security guards fall "under the jurisdiction of the Ministry of the Interior, through the National Police General Management", Article 8, Private Policing Law, Decree 73-70, October 1970. According to Article 14 of the same law, "in cases involving the application of Public Security Law, private security guards cooperate directly with the National Police General Management". In the Agreement on the Strengthening of Civilian Power and the Role of the Army in a Democratic Society, signed on 19 September 1996, the parties to the peace accords agreed to promote that Congress legislate concerning the operating methods of private security firms and the ownership and registration of arms.

and abduction of Arnoldo Xi. Hardly any progress has been made in investigations into the "disappearance" of Arnoldo Xi. One person was reportedly arrested on the basis of evidence found at the scene of the crime in connection with the "disappearance" of Arnoldo Xi, but and later released. During the period under review, human rights violations of this kind against indigenous people were seldom if ever adequately investigated by the authorities.

Arnoldo Xi had been involved in a land dispute between members of the Tixila community in Purula, Baja Verapaz, and a local landowner who wanted the peasants to leave land he claimed he owned. The peasants, who had been cultivating the land for several years, had challenged the landowner's title to the property. Arnoldo Xi was also a member of the *Coordinadora Nacional Indígena y Campesina* (CONIC), National Indigenous and Peasant Coordination, and Vice-President of the *Comité de Pro-Mejoramiento de Tixila*, Committee for the Improvement of Tixila.

### **Destruction of rural communities in the early 1980s**

The most intense and bloody military repression in Guatemala's political violence occurred in the early 1980s in remote highland regions of the country.<sup>40</sup> Some specialists refer to the killings conducted by the Guatemalan security forces during this period as genocidal, some include the term *ethnocidal* because the overwhelming majority of the victims were Mayan indigenous people.<sup>41</sup> One analyst gave the following explanation: "While the military onslaught affected all levels of Guatemalan society by the early 1980s, the nature of the persecution varied depending on ethnic background, class and region. Students, professors, lawyers, doctors, and most *ladinos* were generally hounded

---

<sup>40</sup>This is the period just preceding and during the administration of General Efraín Ríos Montt (March 1982 - August 1983), when large scale killings reached their height. However, large scale killings by the armed forces were by no means limited to this period: reports of such incidents were received in the late 1970s and although the scale and intensity decreased after 1983, other massacres were recorded up until 1995.

<sup>41</sup>According to Article II of the Convention on the Prevention and Punishment of the Crime of Genocide, approved by the UN General Assembly on 9 December 1949, genocide is defined as the following acts when intended to destroy, in whole or in part, a national, ethnical, racial or religious group: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.

as individuals. In contrast, the Indians in the highlands and northern lowlands were persecuted as communities or groups."<sup>42</sup>

At this stage in the conflict, the Guatemalan armed forces adopted more aggressive counter-insurgency policies, such as "scorched earth" and "removing the water from the fish". These aimed to crush growing guerrilla opposition and entailed the complete elimination of any support, whatever degree, the guerrillas might find among the rural non-combatant population.

During the 1970s many indigenous communities had organized themselves into cooperatives and in some cases, with the support of the church, had started education programs which included raising political and cultural awareness. Such developments, perceived as a threat by those in power, provided further justification for the atrocities committed during the early 1980s.

---

<sup>42</sup>*Refugees of Hidden War: The Aftermath of Counterinsurgency in Guatemala*, Beatriz Manz, 1988, p. 145.

From March 1982 onwards, Amnesty International received consistent reports of large-scale killings taking place around the country. Although some of these killings may have been carried out by armed opposition groups, the vast majority were extrajudicial executions committed by members of the armed forces or their civilian auxiliaries. The exact number of those killed is not known, but estimates put the toll at tens of thousands. In July 1982 Amnesty International published a list of more than 50 massacres in which over 2,000 people were reported to have been killed in incidents recorded between March and June of that year.<sup>43</sup>

The departments of Huehuetenango, El Quiché and Chimaltenango, along with the Verapaces, where armed opposition groups were most active, bore the brunt of the army's massacres. Massacres carried out in more remote areas, such as the largely inaccessible jungle region of the department of Petén in the northernmost part of the country, were probably under-reported. According to Roman Catholic church sources, an estimated 440 villages were completely destroyed and an estimated 150,000 people were killed or "disappeared".

Thousands of Guatemalans fleeing the massacres set up refugee camps in Chiapas, southern Mexico. Many hid in southern Mexican villages and towns where cultural and ethnic ties meant they could live almost unnoticed. Others fled to El Salvador, the USA and elsewhere in the world. The majority of the hundreds of thousands who abandoned their homes during this period remained in Guatemala: they hid in the mountains, in cities, in coastal regions or other areas where they thought they might conceal their identity and origin.

Many reports about the atrocities came from eye-witnesses sheltered in Mexico. There, they gave accounts of what was happening to religious and refugee workers. The diocese of San Cristóbal de las Casas in Chiapas issued a statement which declared that, according to numerous refugees, "They [Guatemalan soldiers] have cut open the stomachs of children of nursing age, and left them to die in agony in front of their mothers. They kill other people with machetes, or by hanging, or they drown them in rivers or break all their bones and leave them to die. None of this is fantasy or exaggeration. There are abundant testimonies to document this. It is dreadful to see the faces of those who survived."

Amnesty International received hundreds of reports detailing these killings and the wholesale destruction of villages and crops, which instilled terror in the countryside. The following accounts illustrate how the massacres were carefully planned and carried out by specially trained members of the Guatemalan armed forces.

### ***Cuarto Pueblo - the case of the Ixcán Grande Cooperatives***

---

<sup>43</sup>*Massive Extrajudicial Executions in Rural Areas under the government of General Efraín Ríos Montt* (AI Index: AMR 34/34/82).

Cuarto Pueblo is a small thriving market town and one of the five original centres of the Ixcán Grande Cooperative, El Quiché, set up by people who migrated to the area in search of fertile land in the 1970s. On Sunday 14 March 1982, a market day, when scores of people gather to sell their goods, Guatemalan soldiers entered the community and killed at least 300 people. Survivors of the massacre fled to Mexico where they sought refuge, or hid in nearby jungle areas of the Ixcán where they later joined other displaced people who had fled similar massacres and formed the *Comunidades de Población en Resistencia* (CPRs), Communities of Population in Resistance.

One survivor escaped being discovered by soldiers by hiding underneath buried bodies and feigning death. Another hid under a log. Other witnesses include those who managed to flee and watch from the jungle nearby, and those who had not yet arrived for the market, but were able to see what was happening from nearby hills.

According to the witnesses, approximately 400 soldiers from Military Zone No. 22 in Playa Grande, Ixcán, El Quiché, encircled the town at around 10am on 14 March. They did not leave until 16 March. By that time, men, women and children aged between two months and 82 years had been killed and the settlement completely razed to the ground.

The Cuarto Pueblo killings were conducted according to a clear operational plan which the soldiers had been trained to execute. It is a pattern confirmed by testimonies concerning other massacres. The first stage involved separating the men, women and children and locking them up in different community buildings. Cuarto Pueblo witnesses remember that the women were held in the schoolhouse and in the shed where cardamom was dried. Many of the women were raped by the soldiers, who also used them as cooks for the three days they occupied the settlement. Children were held in the old school and the health clinic, where witnesses say they were set on fire.

Shooting began almost immediately as the soldiers killed those who tried to escape. One survivor who hid near the evangelical church witnessed a soldier killing a young baby who was sitting crying beside the body of his dead mother. "There was a child and the soldier grabbed him. He said, 'We must kill him.' He grabbed his leg and smashed his head on the ground and left him lying there."<sup>44</sup>

On the Sunday afternoon the soldiers, reportedly on the orders of the lieutenant, began shooting and torturing those held in the market place, the cooperative store and the community centre. The buildings were doused with diesel fuel and set alight with the bodies inside.

On Monday the army dismantled and burned the evangelical church. According to witnesses, people inside were burned alive. One survivor recalls the lieutenant in charge ordering the soldiers to kill all the inhabitants and saying, "We have to finish them off, to put an end to the guerrillas. The women are preparing their food... and the men are

---

<sup>44</sup>Testimony quoted in *Massacres in the Jungle, Masacres de la Selva*, Ricardo Falla, 1992.



helping them. We're going to finish the lot of them, that way there's no one left to help them [the guerrillas]."<sup>45</sup>

Following a formal complaint lodged with the Public Ministry by the Cuarto Pueblo community on 24 March 1995, exhumations were carried out between June 1995 and May 1996. Evidence uncovered by the *Equipo de Antropología Forense de Guatemala* (EAFG), Guatemalan Forensic Anthropology Team, concurred with survivors' testimonies. It showed that specific locations had been used to execute the victims, and that the bodies had been incinerated for long periods with highly flammable combustible materials which reduced them to ashes, making it impossible to determine the number of those killed. Bullet cartridges were found among the ashes.

The Cuarto Pueblo massacre was one in a series of massacres allegedly carried out by the same army patrol in the Ixcán area. Members of the Cuarto Pueblo community recollect being aware at the time that the army had attacked communities on the other side of the Xalbal river. Some of them heard the gunshots and saw the smoke from the 20 February massacre in neighbouring Polígono 14. While these events had generated an atmosphere of fear and apprehension, no one had imagined the scale of the offensive taking place.

### ***Parraxtut, Sacapulas, El Quiché***

---

<sup>45</sup>Ibid.

Many massacres were committed by the Civil Defense Patrols. According to the accounts available, including that given by one of the perpetrators to a nun who recorded his testimony, these auxiliary forces were allegedly responsible for the killing of some 300 people in the village of Parraxtut, Sacapulas, El Quiché. The Guatemalan army entered the village of Chiul, Cunen, El Quiché, on Wednesday 22 December 1982 and ordered all the Civil Defense Patrollers in the town to assemble as quickly as possible. The men were then reportedly ordered by an army captain to march to the nearby village of Parraxtut. Here, the army had already rounded up most villagers by the time the Chiul Civil Defense Patrol had arrived in Parraxtut. Civil Defense Patrollers assisted in the final stages of rounding up residents from outlying houses, who were divided into groups of men, women and children. The captain then ordered members of the Chiul Civil Defense Patrol to kill all the men from Parraxtut with guns given to them by the soldiers.

According to testimonies, the older women were killed immediately. The younger ones were raped that evening by the soldiers, and killed the following day, with the exception of one woman who was taken off at the captain's orders. Her whereabouts remain unknown. Reportedly, many of the children from the village escaped during the night, but many died from wounds suffered in the attack or from exposure.

#### ***The San Francisco massacre***

According to the few survivors, some 600 army soldiers arrived on foot in San Francisco, Nentón, Huehuetenango, at 11am on Saturday 17 July 1982. A helicopter circled nearby and eventually landed. The military were accompanied by a former guerrilla in military uniform who was apparently acting as the army's informer. The people were then told to assemble for a discussion with the colonel.

It was the first day in which the village's new Civil Defense Patrol was to have begun its duties. Some of the survivors said that the patrol of 21 men was taken away shortly after the arrival of the army. They were not seen again and are presumed dead.

According to testimonies later collected from survivors by priests, the villagers were first asked to unload the soldiers' food supplies from the helicopter. The men were then shut up in the courthouse and the people were told to provide two cattle for the soldiers to eat. The women were locked in the church, many of them carrying young children tied to their backs. At 1pm, the soldiers began shooting the women.

The women who survived the initial gunfire were taken off in small groups to different houses by soldiers and were killed, many apparently with machetes. The houses were later set on fire. One child of about three was disemboweled, but kept screaming. A soldier then smashed the child's head with a pole, then swung him by his feet and threw him into a burning house. "Yes", said the witness, "I saw it. Yes, I saw how they threw him, how they beat him hard on the head. Then threw him into the house."

This witness continued: "At 3 o'clock, they began with the men. They ordered them out of the courthouse in small groups, and then blasted them with gun-fire. It went on and on.

They tied up the men's hands and then 'bang-bang'. We couldn't see, we could only hear the noise of the guns. The killing took place in the courtyard outside the courthouse, then they threw the bodies into the church. They killed the three old people with a blunt machete, the way you would kill sheep. They cut their throats."

Another witness described how the old were killed: "They dragged them out and knifed them. They stabbed and cut them as if they were animals and they were laughing when they killed them. They killed them with a machete that had no teeth. They put one old man on a table, and cut open his chest, the poor man, and he was still alive, and so they started to cut his throat. They cut his throat slowly. He was suffering a lot. They were cutting people under the ribs, and blood came rushing out and they were laughing."

"By now it was about 6.30pm. It was getting dark outside. They threw a bomb into the corner of the courthouse. It was bloody, two were killed. How the blood ran! It was all over me. Then they fired at the remaining people in the courthouse. Then they threw all the bodies in a heap. They dragged people by the feet, as if they were animals. They threw me on top of the dead bodies."

This witness fled by climbing out of the courthouse through an open window. Four people tried to escape this way, but one was shot and killed. On the road, the witness met another survivor who had also escaped through the window. Together they arrived in Mexico the following day. Other survivors who reached Mexico included people who were at work in the fields when the army arrived and stayed outside the town when they heard gun-fire. One man stated: "I was sure we were going to be killed and I decided to hide." His wife and nine children were killed.

A priest in Mexico was told by a villager from near San Francisco who later fled the area: "Many had been burned and others had their heads cut off. They had torn the intestines out of some of them. The bodies were piled up in the courthouse and in some of the houses. The dogs had begun to eat the bodies that hadn't been burned. It smelt awful... They left a 13-year-old girl alive who was without a foot. She was alone in a house, one of the few that didn't burn. She told me that members of her family had been killed."

A foreign priest, resident in the area, was told by a man from a nearby village that he had seen the smoke rising from San Francisco and had realized that the army was burning the village. In the evening, the man went to San Francisco to see what had happened. He saw "corpses everywhere, children without heads or with their arms cut off, women with their bellies cut open and the intestines torn out. They had done the same to many older children." The same priest later reported that the people from Bulej, a village in the vicinity, were ordered to go to San Francisco to bury the remains of those killed.

A list of the dead at San Francisco was compiled in Mexico on 5 September 1982 by a young man and two or three older men, who called the survivors to name their dead relatives, so that the names could be read out at a mass held at La Gloria, Chiapas. The list consisted of 302 names. Ninety-one of them were children under the age of 12.

Other refugees told of smaller massacres in nearby hamlets, both before and after the San Francisco incident, suggesting that the area had been subjected to an army "sweep" in mid-July. Testimonies indicate that on 19 July the army went to Yalambojoch and killed villagers there, passing through Yaltoyas first, where 30 people were killed. Fifteen women and 15 children were also killed by the army on the road from Yalambojoch.

### **Women activists**

For decades Amnesty International documented thousands of atrocities against Guatemalan women who were targeted because of their activities in a variety of spheres including trade unions, churches and popular organizations. Women were also singled out because of their work as journalists, nurses, academics, students, or political or community activists. Many of those targeted were seeking truth and justice for their loved ones who "disappeared" or were killed. The pretext frequently used to justify such repression was that their legitimate activities were too political or "subversive".

Guatemalan women, some of them pregnant and many of them indigenous, were subjected to a horrifying range of human rights violations by the Guatemalan police and army.

In the late 1970s women leaders in the trade union movement began to "disappear". In the 1980s and early 1990s, women leaders in human rights organizations were shot down in cold blood by unidentified men in unmarked cars with polarized windows. Women trying to educate other women or attempting to set up weaving cooperatives in highland and rural areas mysteriously "disappeared", often after they were taken away by civil patrollers from their own or nearby villages. In Guatemala City, the bodies of young women students who had been seized before witnesses, interrogated and tortured, were later dumped near the university or in other public places as a warning to other students and activists.

In the context of the counter-insurgency operations in the Guatemalan countryside during the early 1980s, many women were raped and axed to death by members of the Guatemalan army. During these operations, torture in the form of rape and sexual abuse was a common tactic. In some cases women were raped repeatedly by members of the military at the local army base. One woman who was detained for almost a month in an army base in Rabinal, Baja Verapaz, told a human rights organization how she was raped over 300 times in front of her father who had been tied up and held in the same room. She stated:

*"Night after night a group of soldiers would enter - sometimes ten, sometimes fifteen - and they would throw me down. One would strip me and they would do it over and over, and you can't say anything because they threaten to kill you. I had two nights when they*

*left me alone because the soldiers went to a party to get drunk. But there were nights when I really suffered.”<sup>46</sup>*

In other instances, Guatemalan women were targeted because they defended and protected their kin. Wives, mothers, daughters and sisters sometimes "disappeared" at the hands of Guatemalan "death squads" because their husband, father, son or brother was a suspected guerrilla or guerrilla sympathizer. In one case reported to Amnesty International, the mother and three sisters of a suspected guerrilla all "disappeared" in September 1981. The tortured bodies of "disappeared" mothers, wives, daughters and sisters were dumped in ravines and on the roadside as another way of terrorizing the population.

***The killing of Rosario Godoy  
Aldana de Cuevas***

---

<sup>46</sup>*Guatemala: A Nation of Prisoners*, an Americas Watch Report, January 1984, New York, page 111.

Among the many thousands of courageous women extrajudicially killed was human rights activist Rosario Godoy Aldana de Cuevas, who was abducted in Guatemala City on the morning of 4 April 1985. Rosario had been receiving death threats related to her activities as a founding member and vice-president of the then newly founded human rights organization, the *Grupo de Apoyo Mutuo por el Aparecimiento con Vida de Nuestros Hijos, Esposos, Padres y Hermanos* (GAM)<sup>47</sup>, Mutual Support Group for the Reappearance Alive of our Sons, Husbands, Fathers and Brothers, and her attempts to discover the truth about the abduction of her husband, student leader Carlos Ernesto Cuevas Molina, on 15 May 1984. The day before her abduction, Rosario Godoy Aldana de Cuevas had attended the funeral of another GAM leader, Héctor Gómez, and had inspected the site where his body had been found after his abduction.

On the evening of 4 April, the National Police announced that Rosario Godoy Aldana de Cuevas, her brother and her three-year-old son had been killed in a car accident. They said her body had been found in her upturned car at approximately 11.30pm in what they later described as a "ravine at the side of a narrow dangerous curve", 15 kilometres outside Guatemala City on the old road to Amatitlán.

Amnesty International found several indications that members of the security forces had collaborated in the killing of Rosario Godoy Aldana de Cuevas. In April 1985 an Amnesty International delegation visiting the country found a number of inconsistencies in the statements made by different officials about the death of Rosario Godoy Aldana de Cuevas, as well as contradictions between the statements and material evidence collected by the organization while in Guatemala. For example, when delegation members inspected the sight where the car had allegedly gone off the road, they found that the gradient was only very slight and could not realistically be described as a "ravine", nor did delegation members consider the site to be "narrow" or "dangerous". Furthermore, the car was only slightly damaged, making it difficult to substantiate the National Police claim that the three had died in a car crash. Journalists investigating the case could find no one in the area who remembered hearing the sound of an accident when the National Police said it occurred. In addition, the time of the accident given by the police was some six hours later than the time given by the Chief Medical Examiner as the probable time of death. Moreover, those familiar with her movements knew of no reason why Rosario Godoy Aldana de Cuevas should have been on the Amatitlán road that day, especially as she had plans to attend meetings in Guatemala City.

Finally, neither Amnesty International's delegation nor any of the journalists or local residents interviewed by the organization had found anyone who had seen the bodies in the car. By the time independent witnesses were on the scene, the car was on the road (pulled back up after the accident according to the police), and the bodies had been taken to the morgue, where the family identified them.

---

<sup>47</sup>GAM was founded in 1984 by relatives of those who had been killed or had "disappeared" at the hands of members of the Guatemalan security forces. For more information regarding GAM see Chapter 2: Human rights defenders.

While Amnesty International was assured in its meetings with government officials that investigations were still being conducted, the Minister of the Interior made public statements in the press claiming that Rosario Godoy Aldana de Cuevas' death had been exhaustively investigated, and that it had been found to have occurred as a result of an automobile accident. The newspaper *Diario de Centroamérica* on 17 April 1985, for example, quoted the Minister as saying: "After analysis by the respective authorities, it can be said in all certainty that her death was the result of an unfortunate traffic accident."

The killing of Rosario Godoy Aldana de Cuevas is symbolic of other cases in which women who were attempting to mobilize support to campaign for justice for their "disappeared" loved ones were systematically killed and made to "disappear". Just a few days before her killing, Rosario Godoy Aldana de Cuevas had written to a relative in Costa Rica explaining that a rumour had been circulating about a surprise from the government, and saying that she did not know if this surprise could be the elimination of the GAM leadership.

Despite repeated calls by national and international human rights organizations to bring to justice those responsible for the killing of Rosario Godoy Aldana de Cuevas, her brother and her son, no progress was ever made in the investigations into the case.

#### ***The abduction and torture of Beatriz Eugenia Barrios Marroquín***

On 10 December 1985, two days after Vinicio Cerezo (1986-1990) won the presidential elections, 26-year-old Beatriz Eugenia Barrios Marroquín, mother of two, school teacher and student of law at the University of San Carlos was abducted by heavily armed men who forced her out of a taxi. She had been previously abducted and tortured in mid-November 1985 and had been under constant surveillance, and was as a result seeking asylum abroad. Her body was found the following day, near Palín, Escuintla: it had been hacked, the face carved out and the hands severed at the wrists. No one was ever detained in connection with her death.

#### ***The killing of Dinora José Pérez Valdez***

Amnesty International continued to document extrajudicial killings of women activists throughout the early 1990s. Twenty-eight-year-old Dinora José Pérez Valdez was shot dead at 7pm on 29 April 1991 by two heavily armed men on a red and white motorcycle as she was getting into her car, parked outside her home in zone 7 Guatemala City.

Dinora Pérez was a member of the board of the *Fundación de Proyectos del Area Rural para Guatemala* (FUNDAGUA), Rural Projects Foundation for Guatemala, a non-governmental organization that carried out research into socio-economic and political issues in Guatemala and provided training for trade union and popular leaders. She was also the director of the *Institute María Chinchilla*, a women's development organization, and had been a candidate to the national assembly for the social democratic political grouping *Alianza Popular-5* in the November 1990 elections. She also helped organize the *Jornadas por la Vida y por la Paz*, a series of meetings held in 1990 by

---

Christian communities and popular movements to discuss issues of peace and human rights in Guatemala. Dinora Pérez had, as a representative of FUNDAGUA, been involved in the training of peasant and indigenous leaders. No thorough investigation was ever conducted into the killing of Dinora Pérez and her case remains unresolved.

### **Human rights defenders**

For years, attempts to form human rights organizations resulted in the elimination of their leadership. Human rights defenders struggled to survive repression and campaigns to discredit their work and demonize them as subversives, terrorists or common criminals.<sup>48</sup> Scores of human rights defenders were extrajudicially executed or "disappeared". Others fled in fear for their lives.

Among those targeted were members of organizations defending the rights of displaced people, including the *Consejo Nacional de Desplazados de Guatemala* (CONDEG), National Council for the Displaced in Guatemala, the CPRs, the *Comisiones Permanentes* (CCPPs), Permanent Commissions, which represent refugees living in Mexico, as well as members of organizations defending indigenous rights, such as the CUC. Hundreds of others were constantly threatened and intimidated.

#### ***The case of Alaíde Foppa***

One of those who lost her life defending the rights of others was Alaíde Foppa de Solórzano, a political dissident, campaigner on women's affairs, as well as a human rights activist, academic, poet and journalist. According to eye-witnesses, Alaíde Foppa and her driver, Leocadio Axtun Chiroy, were kidnapped in broad daylight by members of the G-2 intelligence unit, in Guatemala City on 19 December 1980.

A report in the daily newspaper *Prensa Libre* on 22 December 1980 stated that Alaíde Foppa was beaten and forced into her Chevrolet by several armed men. The car, which was never recovered, then sped away and she and her driver were never seen again.

At the time of her "disappearance" Alaíde Foppa was visiting relatives in Guatemala. Since 1954 she had been living in Mexico with her husband who had been exiled from Guatemala in 1954. Alaíde Foppa had been an active member of Amnesty International in Mexico and a campaigner for human rights in Central America. She was also an active feminist, being one of the founders of the Mexican feminist magazine *Fem* and the presenter of the radio program *Foro de la Mujer*, Women's Forum, broadcast by a Mexican university radio station.

Alaíde Foppa's controversial work with the radio station may have been one of the factors motivating those who ordered her "disappearance". Just before her abduction she had recorded interviews with indigenous women from the department of El Quiché,

---

<sup>48</sup>See *Central America and Mexico: Human Rights Defenders in the Front Line* (AI Index: AMR 02/01/96)



where the armed opposition was particularly strong at the time. Her "disappearance" may also have been intended as a warning to her family members, some of whom were active in the opposition.

On more than one occasion, government or army officials gave false information regarding the events surrounding Alaíde's abduction. At first the government stated that the armed opposition was responsible for her "disappearance". However, such allegations were never substantiated and relatives confirmed that no ransom was ever sought from them. In early 1981, following extensive international concern at Alaíde Foppa's "disappearance", the army's then public relations officer, Major Edgar Djalma Domínguez, denied allegations made in the Mexican press that those responsible for her abduction were members of the G-2 intelligence unit, and accused the press of orchestrating an international campaign to discredit Guatemala. In March 1981 the Guatemalan consul in Houston, Texas, told a member of Amnesty International that Alaíde Foppa was alive and

living in Managua, Nicaragua, teaching Marxism and feminism -- information refuted by the Nicaraguan authorities.

Despite repeated demands by national and international human rights organizations for a thorough investigation into the "disappearance" of Alaíde Foppa, no information was ever divulged regarding concrete steps taken by the relevant officials to clarify her whereabouts. Despite several letters from these officials alleging that investigations were being conducted, no information about progress in the case was ever received. It is likely that no thorough investigation was ever carried out.

During the 1980s new human rights defenders emerged, some of them women whose husbands or sons, sometimes both, had died at the hands of members of the security forces or their auxiliaries. Some of the women were internally displaced, having fled to Guatemala City from violence in rural areas. Others had mobilized against forced military recruitment, to protest against persecution by government forces, or to defend land, women's or indigenous people's rights. As a result of their efforts, Guatemala now has an active and dynamic human rights movements, but at the cost of the lives of many determined activists.

### ***The GAM***

In June 1984 a group of people trying to trace their relatives formed the GAM. For more than a decade GAM members were systematically persecuted and publicly discredited for trying to discover the facts about past atrocities.

In an army press conference in 1986, Nineth Montenegro, then president of GAM and now a member of Congress, was accused of impugning the honour and prestige of the army, and GAM's activities were branded as "dangerous". Two of GAM's leaders, Héctor Gómez Calito and Rosario Godoy Aldana de Cuevas, were brutally murdered by the security forces in March and April 1985. Their killings were never investigated and their portraits, which hang on the walls of the GAM offices together with those of many other victims of past human rights violations, are a powerful indictment of the climate of impunity that prevails. In December 1986 Basilio Tuiz Ramírez, another GAM member, "disappeared" after being seized on the road between Panajachel and San Andrés, Sololá. Witnesses said his abductors were Guatemalan army soldiers. In all, Amnesty International received reports indicating that at least 20 members of GAM were either extrajudicially executed or "disappeared" over the years.

### *The CERJ*

The transfer of power from the army to a civilian government in 1986 saw an increase in the number of human rights defenders beginning to organize, although intimidation and repression continued. The Council of Indigenous Communities "Runujel Junam" ("We are all equal"), known as CERJ, was created in 1988 to protect indigenous rights. It campaigned against the forced recruitment of people in rural areas to the ostensibly voluntary civil patrols. At least 17 of its members were killed and seven "disappeared" between 1988 and 1995. The fact that these killings and "disappearances" were not confined to any specific geographical area points to a deliberate policy determined at the highest echelons of the state apparatus to persecute and eliminate CERJ members. Full investigations into these killings and "disappearances" were never conducted by the authorities. Even in cases where criminal proceedings against the accused were initiated, no one was ever brought to justice.

In September 1988 Valerio Chijal, a local organizer for CERJ was shot dead in his home in the hamlet of Agostadero, municipality of San Andrés Sajcabajá, El Quiché, after receiving death threats from local civil patrol members and military officials. A few days later another CERJ organizer, Pedro Cumes Pérez, "disappeared" after being seized by uniformed soldiers on the San Julián plantation, Suchitepéquez, and taken to the military detachment in Patulul. At the time of his "disappearance" he had been attempting to set up a local CERJ group in Suchitepéquez.

CERJ member Martín Pelicó Coxic was abducted, tortured and killed in June 1995. Forensic reports indicated that his body had wounds to the head and showed signs of having been asphyxiated. Martín Pelicó was from San Pedro Jocopilas, El Quiché, and had stopped patrolling with the CVDC three years earlier. The CVDC had reportedly taken part in several killings in the municipality, among them that of the political leader

and journalist Jorge Carpio Nicolle and three companions on 3 July 1993.<sup>49</sup> Martín Pelicó was labeled a “subversive”. A military commissioner and two members of the CVDC were identified by witnesses as the killers of Martín Pelicó, and were detained and charged with murder. However, despite the testimonies identifying them, the judge hearing the case released them in July 1996 and provisionally closed the case for apparent lack of evidence. CERJ appealed and a judicial decision on the appeal was still pending in 1997.

***Since the March 1994 Global Human Rights Accord***

In Clause 7 of the Global Human Rights Accord, the Guatemalan Government reiterated its promise to protect human rights defenders and to guarantee their freedom to continue their work. However, this commitment was repeatedly broken. Information collected by Amnesty International and published in 1997 showed how even after the signing of the accord, those who were working to end impunity frequently suffered death threats, ill-treatment, short-term abduction and, in some cases, torture and killings.<sup>50</sup> Human rights defenders also continued to be publicly intimidated and criminalized. Government officials and CVDCs continued to discredit human rights defenders by accusing them of being guerrillas or describing their activities as subversive, thus suggesting they were “legitimate targets” for attack.

---

<sup>49</sup>*Guatemala: Denial of Justice: threats and intimidation of survivors, relatives and those involved in the investigation into the killing of Jorge Carpio Nicolle, Juan Vicente Villacorta, Alejandro Avila and Rigoberto Rivas* (AI Index: AMR 34/47/97).

<sup>50</sup>*Guatemala: State of Impunity* (AI Index: AMR 34/02/97).

In July 1994, for example, a Guatemalan army spokesman, Colonel Morris de León, stated publicly that the indigenous leader Rosalina Tuyuc, then president of the *Coordinadora Nacional de Viudas de Guatemala* (CONAVIGUA), National Coordination of Widows of Guatemala, and now a member of Congress, was known under the alias of "Julia" in the insurgent movement and that her brothers were guerrillas specializing in the demolition of bridges and collecting "war taxes". Such allegations were never proven in a court of law. The Tuyuc family had reported other cases of threats and intimidation against its members since the founding of CONAVIGUA at the end of the 1980s, in what can only be described as a deliberate and calculated campaign against them.

In July 1996, in its fifth report to the UN General Assembly, MINUGUA stated that the government had not adopted any special measure to provide guarantees or protection to individuals and organizations working in defense of human rights. The report added that the threats and acts of intimidation against these individuals and organizations had not been investigated and that the practice of linking human rights promotional work with subversive activities was continuing in some regions, especially by some members of the army, the CVDC and former military commissioners. "While this message persists, individuals and organizations working on human rights will continue to be a particularly vulnerable sector."<sup>51</sup>

---

<sup>51</sup>MINUGUA's Fifth Report, August 1996, Paragraph 182.

### **Chapter 3: The perpetrators and their accomplices**

***If I have to get rid of half of Guatemala so the other half can live in peace, I'll do it.***

*Mario Sandoval Alarcón, leader of the right-wing Movimiento Nacional de Liberación (MLN), National Liberation Movement, 1985<sup>52</sup>*

***Persons found guilty of having committed human rights violations should be expelled from the armed or security forces and punished accordingly.***

*United Nations Human Rights Committee, March 1996<sup>53</sup>*

Virtually every unit of Guatemala's state security forces were implicated in generating or perpetuating Guatemala's long legacy of grave human rights violations. In many cases such abuses were ordered, planned and carried out directly by the official security force agents themselves. In other instances, abuses were carried out by localized or decentralized networks, created unofficially or by the passing of special legislation, made up of auxiliary or paramilitary forces, former security force agents, security force agents operating in plain clothes or hired gunmen operating under the orders of security force personnel.

In Guatemala, the perpetrators of serious human rights violations were supported with an infrastructure and resources that extended deep into the state apparatus and far beyond national parameters. In this report Amnesty International examines some of the security force units and those who assisted them or acquiesced by encouraging, planning or covering up human rights crimes, which the organization considers merit special examination by the Guatemalan authorities and Historical Clarification Commission. Abuses committed by armed opposition groups are also covered below.

#### **The armed forces**

Until 1983 members of the regular army were most frequently responsible for grave human rights violations such as extrajudicial killings and "disappearances" in rural areas. Witness testimonies from the massacres conducted during counter-insurgency operations during the early 1980s consistently point to the direct involvement of members of the army. Although auxiliary forces were frequently used during these operations, the overwhelming majority of the massacres were planned and conducted by military soldiers in uniform, or in plain clothes or disguised as guerrillas. Witnesses consistently indicated that those who perpetrated the massacres, even if not dressed in full uniform, wore army boots or jackets, carried radios or other sophisticated equipment, and spoke using military terminology.

---

<sup>52</sup>*Guatemala: Eternal Spring - Eternal Tyranny*, Jean-Marie Simon 1987, p. 223

<sup>53</sup>Concluding observations of the UN Human Rights Committee, April 1996, CCPR/C/79/Add.63

Although the regular army's direct involvement in massive human rights violations decreased after 1983, it did not cease completely. Regular soldiers were responsible for a number of massacres during the late 1980s and 1990s, including the killing of 13 T'zutuhil indigenous people in December 1990 in Santiago Atitlán, Sololá, and the killing of 11 returnee refugees on 5 October 1995 in Xamán, Chisec, Alta Verapaz.

Plainclothes army squads were also directly responsible for selective extrajudicial executions and "disappearances" in Guatemala City in the late 1970s and early 1980s. One former conscript who served as a member of a plainclothes army unit in Guatemala City reported in 1980 on the surveillance of civilians under political suspicion, and the abduction of civilians for interrogation under torture, and then their murder, at the Guatemalan army base of the Brigada Militar Mariscal Zavala on the outskirts of Guatemala City.

Such incidents were not confined to Guatemala City. In one case, agronomist Jorge Alberto Rosal Paz was, according to witnesses, forced by heavily armed men into an army jeep from the military base near his home in Zacapa, eastern Guatemala, on 12 August 1983. He was reportedly later taken to the Justo Rufino Barrios military barracks in Guatemala City. He has not been seen since. In another case, Emil Bustamante López, a veterinary surgeon and lecturer at the University of San Carlos, was reportedly detained at a military check-point on the road to Santa Catarina Pinula, department of Guatemala, on 13 February 1982. He was reportedly sighted on 23 March that year in the Cuartel General de Matamorros in Guatemala City. He too remains missing.

The *Policía Militar Ambulante* (PMA), Mobile Military Police Unit, which operated in urban and rural areas with powers to arrest civilians, was officially disbanded in December 1997. However, during the course of its existence PMA agents were allegedly responsible for a number of serious human rights crimes. In 1981 Amnesty International reported that large landowners in the countryside and private enterprises in the cities hired individual members of the PMA as plantation or building guards -- and as bodyguards. PMA agents were frequently named as those responsible for abuses on and around large plantations in rural areas, and for the "disappearance" of trade union leaders at factories where PMA agents provided security services.

Many cases documented by Amnesty International, some of them examined in this report, point to the direct involvement in grave human rights violations, including cases of torture, "disappearance" and extrajudicial execution, of members of the special elite army counter-insurgency unit, the *kaibiles*, and members of the military intelligence unit G-2.

### **Paramilitary and auxiliary military forces**

New legislation in December 1966 allowed armed agents employed by large landowners to act as law enforcement agents. This led to the creation of numerous paramilitary groups which operated throughout the 1960s and 1970s and committed countless grave human rights violations. As well as providing the regular armed forces with extra personnel and military strength, these groups allowed the military to evade its responsibility for grave human rights violations by claiming that the crimes had been committed by groups ostensibly out of its control. Nonetheless, during the period under review, information collected by Amnesty International and national human rights organizations, including reports from former security force agents, consistently indicated that such groups operated in close collaboration with local military personnel, and that successive governments took no effective steps to dismantle them.

The Civil Defense Patrols were created in 1981 under the administration of General Romeo Lucas García (July 1978 - March 1982). The patrols became institutionalized during the *de facto* rule of General Efraín Ríos Montt (March 1982- August 1983) as a key component of the counter-insurgency campaign "guns and beans" ("*fusiles y frijoles*") and were subsequently utilized and justified by successive governments as an effective mechanism for combating subversion. The Civil Defense Patrols differed from

previous paramilitary groups because they were made up of community members, who the authorities claimed voluntarily joined the patrols to defend themselves against guerrilla attacks and promote community well-being.<sup>54</sup> However, national and international human rights organizations found that villagers were coerced into these patrols under military orders and acted under military supervision as adjuncts to the regular army. At the height of counter-insurgency operations, it is generally estimated that one million people were recruited into the patrols when the population totaled some eight million.

Control and training of Civil Defense Patrol members was exercised through *comisionados militares*, military commissioners -- civilian army agents who were stationed at every hamlet and were responsible for recruitment (forced conscription was the norm in Guatemala) and for routine intelligence reports to regional army headquarters. Military commissioners and Civil Defense Patrol members assisted the regular armed forces in carrying out many massacres perpetrated in the early 1980s. In the mid- and late 1980s and the 1990s, these auxiliary forces were responsible for hundreds of grave human rights crimes in rural areas, which they carried out under orders from the regular military. In its 1994 annual report, the Inter-American Commission on Human Rights (IACHR) "again confirmed through interviews throughout the entire country that civil patrols are an element of human rights violations and increase in social insecurity".<sup>55</sup> In December 1994 the UN Independent Expert on Guatemala<sup>56</sup>, Mónica Pinto, reported that, "Both the PACs and the institution of 'military commissioners' have in practice deviated from the purposes for which they were established, becoming agents responsible for creating social violence that takes the form of human rights violations."<sup>57</sup>

---

<sup>54</sup>Civil Defence Patrol members were obliged to participate in a number of activities ostensibly aimed at promoting community development, including building local infrastructure. Local human rights groups consistently alleged that such activities were a form of cheap labour and formed part of a wider counter-insurgency plan to penetrate and control rural communities.

<sup>55</sup>IACHR Annual Report 1994 (Washington, D.C., 1995), p.200

<sup>56</sup> Since, 1983, the United Nations' Commission on Human Rights has appointed or requested the appointment of UN officials to study the situation of human rights in Guatemala. The mandate of Mónica Pinto, the most recent of these officials, was not renewed at the March 1997 session of the UN Commission on Human Rights.

<sup>57</sup>Report by the Independent Expert, Mónica Pinto, on the situation of Human Rights in Guatemala, December 1994, para 187, Doc. E/CN.4/1995/15.





Civil Defense Patrol members were also victimized themselves if they declined to patrol or otherwise failed to carry out military orders. Throughout the 1980s and early 1990s, Amnesty International documented hundreds of killings of men who refused to participate in such patrols.

In September 1995 the government of Ramiro de León Carpio (1993-1995) ordered the decommissioning of the military commissioners by means of the *Acuerdo Gubernativo 434-95*, Governmental Agreement 434-95. Disbanding of the Civil Defense Patrols, renamed in 1986 as the *Comités Voluntarios de Defensa* (CVDC), Voluntary Civil Defense Committees (see above), began in August 1996. However, in 1996 Amnesty International observed that "However positive the disbanding of the military commissioners and the CVDCs is... it is nonetheless of concern that former military commissioners and CVDC members, under different names, continue to commit serious human rights violations with the guaranteed protection of the army." The organization also emphasized that the overwhelming majority of the human rights violations committed by military commissioners and CVDC members remained unpunished.<sup>58</sup> MINUGUA also raised similar concerns.

### **The National Police**

During the 1970s and early 1980s, Amnesty International reported the widespread involvement of members of the National Police in serious human rights violations. The National Police were particularly active in Guatemala City working closely with the PMA, while in provincial areas the National Police worked closely with the regular armed forces. In 1981 Amnesty International reported that members of the National Police were responsible for the killing of prisoners officially recognized to be in police custody. Other killings attributed to the National Police involved people convicted of non-political criminal offences, particularly repeat offenders, who were found dead after being detained in Guatemala City, and of people killed immediately after their release from prison.

---

<sup>58</sup>*Guatemala: State of Impunity* (AI Index: AMR 34/02/97), p.4

In the early 1980s, two special units of the National Police, the *Comando Seis*, Sixth Command, and the *Pelotón Modelo*, Model Platoon, were reportedly involved in a number of killings during or after political demonstrations. For instance, on 3 February 1980 Guatemalan newspapers reported the detention of Liliana Negreros during the funeral procession of 21 people who had been killed during a military assault on demonstrators occupying the Spanish Embassy on 31 January. She was reportedly held by members of the Sixth Command. The press later reported that her body had been found on 19 March with those of up to 37 others in a deep ravine near San Juan Comalapa in Chimaltenango.

The *Cuerpo de Detectives de la Policía Nacional*, National Police Detective Corps, was a semi-autonomous intelligence branch of the National Police known popularly as the *Policía Judicial*, Judicial Police, or the *Policía Secreta*, Secret Police. During the late 1970s and early 1980s, detectives from this unit were most frequently identified as the perpetrators of political arrests and subsequent "disappearances" in and around the capital. The Detective Corps were reportedly responsible for the arrest and "disappearance" of 27 members of the CNT on 21 June 1980 (see Chapter 2) and the arrest and "disappearance" of a further 17 trade unionists on 24 August 1980 at a Roman Catholic retreat in Palín, Escuintla. The authorities denied that the detentions were ever made. In 1982 the Detective Corps was replaced by the *Departamento de Investigaciones Técnicas* (DIT), Department of Technical Investigations, which was in turn replaced by the *Policía de Investigaciones Criminales*, Criminal Investigations Police. Although these changes were purportedly made to remove agents who had committed crimes or misdemeanours, Amnesty International received testimonies from former security agents indicating that those who had been dismissed were reincorporated into the new services.

Other units of the National Police reportedly responsible for numerous human rights violations include the *Brigada de Operaciones Especiales* (BROE), Special Operations Brigade, and the *Guardia de Hacienda*, Treasury Police. On 18 February 1984 a well-known student and trade union leader, Edgar Fernando García, was seized in broad daylight by uniformed members of BROE and the National Police conducting stop-and-search operations. His whereabouts remain unknown. Members of the Treasury Police, some of whom were formerly members of the Judicial Police, were alleged members of "death squads".

### 'Death squads'

*Mano Blanca*, White Hand, was one of the first and most notorious "death squads" to emerge in the period covered by this report. In an interview in 1967, leading right-wing politician Mario Sandóval Alarcón publicly acknowledged responsibility for its formation.

*"The Army was demoralized by the guerrillas last year until we organized the White Hand... In the systematic elimination of the guerrillas a series of injustices have been committed... Several hundred persons have been killed, but between January and March (1967) the guerrillas have almost been completely eliminated from the Guatemalan Oriente. The terrorism of the guerrillas... has forced the government to adopt a plan of complete illegality, but this has brought results."*<sup>59</sup>

By early 1967 Amnesty International had recorded the emergence of some 20 similar groups made up of paramilitary forces, former security force agents or security force agents acting in plain clothes. Throughout the period under review, Amnesty International received a number of reports and testimonies linking "death squads" to the government and cases of serious human rights violations. In 1981 the organization published a report in which the testimony of a former government official linked the activities of the *Ejército Secreto Anti-comunista* (ESA), Secret Anti-communist Army, and other "death squads" to the office of the Minister of the Interior in the presidential palace.

In October 1978 the ESA published a list of 38 people, including several academics and student leaders, whom it had "tried and sentenced to death". Two days later on 20 October, Oliviero Casteñada, 23-year-old President of the University Students Association, was murdered in the centre of Guatemala City. According to one report, two police cars blocked the street as the shooting took place. Although the scene of the crime was heavily patrolled by policemen, guardsmen and soldiers, no effort was made to apprehend any of the assailants, who drove away unimpeded. Other victims named by the ESA were also executed. In February 1979 Manuel Andrade Roca, adviser to the rector of the School of Trade Union Orientation, was murdered. His name had appeared on the ESA's January death threat list. In 1979 the press reported that official sources had attributed 3,252 killings to the ESA in the first 10 months of 1979.

---

<sup>59</sup>*Guatemalan Slaughter*, Norman Gall, New York Review of Books, 20 May 1971.

Under the administration of Vinicio Cerezo (1986-1990), Amnesty International documented a new surge in "death squad" activities particularly after 1988. On 9 February 1988 Ana Elizabeth Paniagua Morales, a former student activist, was abducted by heavily armed men in plain clothes who forced her into a white van with tinted windows. Her body was found two days later. It had several stab wounds and her throat had been cut to the point of decapitation. Similar cases of abductions during the following weeks bore the same characteristics and became known as the "White Van" abductions. These death squad style abductions were allegedly committed by members of the armed forces or agents of the Treasury Police. By 1989 Amnesty International had recorded the formation of five new "death squads", among them *Jaguar Justiciero*, Justice Jaguar, and *La Dolorosa*, the Painful.

Although successive governments stated that the so-called death squads were independent groups operating outside of government control, Amnesty International concluded on the basis of much evidence that in some cases the "death squads" comprised regular members of the police or military operating in plain clothes, but under the orders of their superiors. The sort of equipment available to these squads, often including sophisticated weapons and unmarked cars, and the total impunity with which they operated, sometimes in close proximity to police and military buildings or in the presence of other members of the security forces who did nothing to apprehend them, are all factors which linked the "death squads" to state institutions. Moreover, the failure of successive governments to conduct any thorough and genuine investigations into "death squad" activities or the hundreds of cases of human rights violations they perpetrated highlight the degree of official support these squads enjoyed.

### **Government officials**

Amnesty International consistently reported throughout the period of the internal armed conflict the involvement of state officials in cases of grave human rights violations, including extrajudicial execution, "disappearances" and torture. At some stages such involvement constituted a deliberate state policy which was officially and publicly acknowledged. At others, it constituted state acquiescence or complicity revealed partly by the complete failure of the authorities to address effectively the issue of human rights violations.

Amnesty International repeatedly received reports implicating agents linked to the office of the Presidential Chief of Staff, *Estado Mayor Presidencial*, in serious human rights crimes. In 1981 it described how a specialized presidential army agency coordinated the government's secret and extra-legal security operations -- selection of who was to

"disappear" or be killed, and execution of such decisions.<sup>60</sup> The agency was known by various names -- the *Agencia de Inteligencia de la Presidencia*, Presidential Intelligence Agency, *Centro Regional de Telecomunicaciones*, Regional Telecommunications Centre, *Policía Regional*, the Regional Police, the *Servicios Especiales de Comunicaciones de la Presidencia*, Presidential Special Services for Communications, and the *Comando Anti-secuestros*, Anti-kidnapping Commando. According to Amnesty International's information, the presidential agency was directed by the joint heads of the Presidential Chief of Staff and Military Intelligence.

During this period, this presidential agency operated from an annex to the National Palace, near the offices of the President and his principal ministers, and next to the Presidential Residence, the *Casa Presidencial*. When the agency was known as the Regional Telecommunications Centre, it was situated under two roof-top telecommunications masts on the block-long building. The telecommunications centre in the palace annex was a key installation in Guatemala's security network. For years informed sources in the country referred to the organization working from there as the Regional Police, although the authorities repeatedly denied the existence of such a body. In 1978 a former Mayor of Guatemala City, Manuel Colom Argueta, who was later extrajudicially executed, denounced the Regional Police as a "death squad".

It is this presidential agency, situated in the palace complex and known by various names, which Amnesty International believes coordinated a great deal of the government's extensive secret and extra-legal security operations, which included serious human rights violations such as extrajudicial execution, torture and "disappearances". Policy decisions and the selection of who was to "disappear" and be killed were said to be made after consultations between the top officials of the ministries of defense and the interior, and the Army General Staff who commanded the forces responsible for the abuses.

For many years, such information was general knowledge among informed Guatemalans. It was widely accepted that the agency operated from an annex of the National Palace which housed the headquarters for the secret operations of the security services. Entry to the centre was guarded by heavily armed soldiers, with closed-circuit television cameras mounted on the corners of the building. Unmarked cars without licence plates, or with foreign plates, were usually parked outside the centre.

---

<sup>60</sup> *Guatemala: A government program of political murder* (AI Index: AMR 34/02/81)

However, specific details regarding the agency's operations were difficult to confirm owing to the secretive nature of its activities. For instance, Amnesty International has been unable to confirm allegations by some Guatemalans that the agency held prisoners inside the annex of the National Palace. Nonetheless, in 1981 the organization concluded, "that the agency exists and that it serves as the centre of the Guatemalan Government's program of 'disappearance' and political murder seems, on the evidence, difficult to dispute".<sup>61</sup>

Years later, the available evidence on the cases of the anthropologist Myrna Mack Chang and the former opposition member Juan José Cabrera Rodas suggests that this conclusion may still hold true. *Former army Sergeant Noel de Jesús Beteta was at the time of Myrna Mack's assassination on 11 September 1990 attached to the office of the Presidential Chief of Staff, but left the army soon after and went to the USA. He was extradited from the USA in December 1991 and, after more than two years of legal proceedings dealt with by 13 judges, was sentenced on 12 February 1993 to 25 years' imprisonment for the anthropologist's killing. During investigations into the "disappearance" of Juan José Cabrera Rodas<sup>62</sup>, alias "Mincho", MINUGUA stated on 20 May 1997 that its investigations into the case and its knowledge of methods used in similar operations had led it to the conclusion that Juan José Cabrera Rodas was seized by members of the security forces. In September, subsequent investigations uncovered new evidence which convinced MINUGUA that the anti-kidnapping operation during which Juan José Cabrera Rodas "disappeared" was orchestrated by agents operating from the office of the Presidential Chief of Staff. However, the Guatemalan authorities refused to give MINUGUA information regarding the identity of those who participated in the operation and rejected its request to interview them.<sup>63</sup> Human rights observers allege that members of the *Comando Anti-secuestros*, Anti-Kidnapping Commando, formed in 1996, and which serves under the office of the Presidential Chief of Staff, were responsible for the "disappearance" of the former opposition member.*

---

<sup>61</sup>*Guatemala: A government program of political murder* (AI Index: AMR 34/02/81), p 7-9

<sup>62</sup>Juan José Cabrera Rodas, a presumed member of ORPA, one branch of the former URNG, "disappeared" at the hands of the security forces on 19 October 1996. That same day another member of ORPA, Rafael Augusto Valdizón Núñez, alias Isafas, was exchanged for Olga de Novella. Novella had been kidnapped by an ORPA commando on 25 August 1996.

<sup>63</sup>MINUGUA's Seventh Report, UN doc A/52/330, p.6. During investigations into the "disappearance" of Juan José Cabrera, the URNG initially claimed it had no knowledge of his existence.

Towards the end of the period under consideration, the degree of overt or covert involvement by state officials in serious human rights violations is unclear. This is partly because of the self-sustaining nature of the repressive structures within the state apparatus (which once set up, continue to function even though their supposed aims may have been achieved), and partly because of the decentralization or localization of these crimes to civilian auxiliary forces or "death squads". Regardless of the level of official responsibility in cases of grave human rights violations, Amnesty International believes that the government is responsible for holding to account all those who order, plan, commit, acquiesce in, encourage or cover up such crimes. Amnesty International also believes that the absence of any government human rights policy or genuine efforts to curb human rights violations is tantamount to its acquiescence in such crimes. During the period under review the organization consistently reported that the Guatemalan Government failed adequately or effectively to provide redress for the victims of human rights violations by investigating abuses, bringing those responsible to justice and providing compensation for the victims and their relatives.

The Guatemalan Government also repeatedly failed to respond to international efforts to improve the human rights situation in the country. On many occasions over the period covered by this report, Amnesty International submitted memoranda to the Guatemalan Government outlining its concerns and recommendations regarding human rights violations in the country. It repeatedly received no substantive reply, despite reiterated promises by the authorities to improve the human rights situation.

During the former years of Guatemala's conflict another indication of government complicity in human rights violations was the fact that successive governments, while denying that human rights violations were occurring under their auspices, acknowledged that such crimes had been linked to past administrations. In addition, the targets of grave human rights violations in Guatemala were consistently singled out as criminals or subversives, both before and after their death, by state officials and security force agents. This policy of incriminating critics or suspected opponents is important for several reasons. It shows that several levels of the state apparatus were involved in mobilizing public opinion to believe that the victims of human rights violations were legitimate targets and deserved their fate. Moreover, the fact that such statements were publicized and were never retracted by state officials is indicative of official complicity and knowledge of the grave human rights violations committed against so many Guatemalans.

### **Abuses by the armed opposition**

Several cases of deliberate and arbitrary killings committed by armed opposition groups have been reported during the period covered by this report. Amnesty International condemns the killing of prisoners and other deliberate and arbitrary killings committed by armed opposition groups, as well as torture and the taking of hostages. Such



condemnation is based on principles drawn from international humanitarian law, in particular Common Article 3 of the Geneva Conventions of 1949.<sup>64</sup>

In the 1960s armed opposition groups were allegedly responsible for the killing of large landowners. During the early 1980s, such groups were alleged to have been responsible for several large-scale killings. Testimonies collected in 1997 by the *Proyecto de Exhumaciones del Arzobispado de Guatemala*, Exhumation Project of the Archbishop's Human Rights Office, attributed the killing of between 150 and 180 people from the village of Chacalté, San Gaspar Chajul, El Quiché, on 13 June 1982 to members of the *Ejército Guerrillero de los Pobres* (EGP), Poor People's Guerrilla Army, one of the armed opposition groups which made up the URNG. During exhumations carried out between August and September 1997, the remains of 65 people were uncovered from six sites. Evidence showed that they had been shot in the head, the thorax and other parts of the body. The existence of scattered human remains, which at the time of writing had still not been analyzed, may increase the final toll of those killed.

---

<sup>64</sup>See "*Disappearances*" and *Political Killings. Human Rights Crisis of the 1990s* (AI Index: ACT 33/01/94).

In August 1997 press reports suggested that members of the *Organización del Pueblo en Armas* (ORPA), Organization of the People in Arms, were also responsible for a number of deliberate and arbitrary killings during the 1980s. However, these reports were at the time of writing unconfirmed. During the 1990s Amnesty International documented a number of cases of deliberate and arbitrary killings by armed opposition members and at least one case of hostage-taking.<sup>65</sup>

One of these cases was that of Ernesto Rivera, a military commissioner from La Primavera, department of El Petén, who was executed allegedly after being captured by members of the URNG in March 1992. In another case, Army sub-lieutenant, Amarildo Sanán Hernández, was killed on 3 September 1994, allegedly at the hands of members of the URNG, near Patzaj, Comalapa, department of Chimaltenango, where a URNG meeting was being held. According to witnesses, Amarildo Sanán was traveling in a car with two other people, who, like himself, were dressed in civilian clothing. Believing the men who intercepted his vehicle to be common criminals, he took out his gun and started shooting.

The guerrillas fired back shooting him in the legs. Amarildo Sanán attempted to escape, but the guerrillas had already realized that he was a soldier and allegedly captured him, disarmed him and subsequently killed him.

The killing of Ernesto Rivera and Amarildo Sanán is in breach of Common Article 3 of the Geneva Conventions of 1949, which prohibits “murder of all kinds” of “persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause.”

### Foreign governments

*(Rios Montt) is a man of great personal integrity, totally committed to restoring democracy.*

*US President Ronald Reagan, December 1982*<sup>66</sup>

During the period of the internal armed conflict Amnesty International was concerned about repeated reports of the direct or indirect involvement of foreign governments in human rights violations in Guatemala. Amnesty International believes that all allegations that officials from foreign governments committed, collaborated in or facilitated grave human rights violations in Guatemala, for example by supplying intelligence information, specialized personnel, expertise, training or equipment used to commit violations, should be fully investigated and those responsible held to account for their actions.

---

<sup>65</sup>*Guatemala: State of Impunity* (AI Index: AMR 34/02/97).

<sup>66</sup>*Garrison Guatemala*, George Black 1984, p.139

Amnesty International also believes that foreign governments should be judged by the extent to which they attempt to assist the Guatemalan Government in complying with international human rights standards and principles regarding its obligations to the victims of past human rights violations and the rest of society.

One of the foreign governments accused of encouraging serious human rights violations in Guatemala at different stages of the internal armed conflict is the USA. According to information published in *Time* magazine on 26 January 1968, Colonel John Webber, the US military attaché at the time of the Izabal-Zacapa counter-insurgency operations (October 1966 to March 1968), who was later killed by members of an armed opposition group, acknowledged that the operations had been his idea and that, thanks to his initiative, anti-terrorist methods had been implemented by the Guatemalan army in the Izabal area.<sup>67</sup>

Thirty years later, information came to light which revealed how the US Government had facilitated serious human rights violations in Guatemala by providing specialized training in counter-insurgency operations. On 20 September 1996 the US Defense Department circulated information in seven manuals, written in Spanish and used to train thousands of Latin American security force agents, which describe torture, executions and beatings as useful tools in certain circumstances. Trainers and mobile training units from the US Army's School of the Americas used these manuals between 1982 and 1991. Copies of these manuals were distributed in Colombia, Ecuador, El Salvador, Guatemala and Peru. In 1997 Amnesty International published information regarding these violations and the role of the US Army's School of the Americas in training and providing expertise in counter-insurgency operations in Guatemala.<sup>68</sup>

It is difficult to estimate how many Guatemalan security force agents received training using instructions contained in the manuals. What is known is that between 1982 and 1991 the Guatemalan security forces extrajudicially executed, made to "disappear" or tortured tens of thousands of civilians. Guatemalan security agents implicated in human rights violations, some of whom have charges pending against them, are reported to have received training at the School of the Americas. Among them is a colonel implicated in the "disappearance" of Efraín Bámaca Velásquez in 1992 and in the killing of the US citizen Michael Devine in 1990, as well as a general implicated in the killing of anthropologist Myrna Mack in 1990.

Verifying allegations that foreign government officials were implicated in serious human rights violations in Guatemala is difficult as both recipient and donor states often go to great lengths to conceal the transactions related to these crimes. However, Amnesty International believes that reports linking foreign governments to incidents of serious human rights violations should be thoroughly and impartially investigated. The results of

---

<sup>67</sup>See *Amnesty International Briefing: Guatemala*, December 1976, pages 3-4.

<sup>68</sup>See *Guatemala: State of Impunity*, pages 11-12 (AMR 34/02/97)

such investigations, and any other information that may clarify such violations, should be immediately made available to the Guatemalan authorities and the Historical Clarification Commission in accordance with international standards.

### **Amnesty International's recommendations to Guatemala's Historical Clarification Commission**

1. The Commission should investigate human rights violations, in particular cases of extrajudicial execution, "disappearance" and torture, committed by agents of the state, their auxiliaries or by individuals acting with the state's consent.
2. The Commission should investigate deliberate and arbitrary killings, attributed to the URNG and to former armed opposition groups, of military personnel or people linked to the military, government agents and other people held by these groups.
3. The Commission should investigate the fate and whereabouts of those who "disappeared" following their arrest or seizure by state agents or people linked to them. Such investigations should clarify exactly what happened to the victim and identify the location of the remains. The Commission should make recommendations regarding cases of "disappearance" in which, after a thorough and exhaustive judicial investigation by the authorities, it is still not possible to establish their fate and whereabouts.
4. The Commission should pay special attention to information and testimonies provided by human rights organizations and the relatives of victims of human rights violations who have systematically investigated and recorded cases for many years.
5. The Commission should identify not only the direct perpetrators of torture, extrajudicial executions and "disappearances", but also those who planned or ordered them, establishing chain-of-command responsibility.
6. The Commission should ensure that all information it gathers that might help clarify the facts about past human rights violations and those responsible, and that might facilitate proper judicial investigations, is taken up by the appropriate courts of law in accordance with domestic and international law. Confidentiality should only be maintained in the interest of due process and international fair trial standards, and should not be applied at the expense of the individual's right to know the full facts.
7. The process set in motion by the Commission should be based on the thorough knowledge of the whole truth about human rights violations and abuses committed during the period under consideration. All victims and their relatives have the right to register their cases officially and to have the facts clarified.
8. The Commission should examine all information regarding the collaboration of officials of other governments with Guatemalan officials in encouraging, facilitating or covering up human rights violations by the security forces or abuses by armed opposition groups. This should include information regarding the international transfer of military, security or police equipment, technology or training, the principal aim of which, in practice, was the violation of human rights.

- 
9. An account of repression carried out against members of human rights organizations and of campaigns to discredit and undermine their work should be included in the Commission's report as an essential step towards recognizing their importance as actors in civil society and promoting a climate of respect for human rights. Such an account should recognize the consistent efforts of human rights defenders to end impunity and hold state agents responsible for abuses accountable before the law.
  10. The Commission's report should examine the conduct of the judiciary, including the Supreme Court, in order to establish to what extent the judiciary failed to carry out its statutory obligations in the handling of investigations into human rights violations.
  11. The Commission's report should examine specialized intelligence units, in particular the office of the Presidential Chief of Staff and the army G-2, responsible for grave human rights violations in Guatemala. It should examine reports that these units were directly or indirectly involved in "death squad" activities. It should also examine institutional structures, policies and doctrines which provided the infrastructure and climate within which these atrocities were committed. Particular attention should be paid to counter-insurgency and national security operations designed to repress perceived government opponents or suspected subversives, so as to ensure that these are totally dismantled and cannot be replicated by existing or new state institutions and security force units.
  12. The Commission should advise the Guatemalan authorities against introducing any new legislative measures that could prevent or block investigations into past human rights violations committed by security force agents or the prosecution of those allegedly responsible.
  13. The Commission should make recommendations which contribute to the effective implementation of human rights aspects of the peace agreements and recommendations made by United Nations' and other human rights bodies, but should pay special attention to recommendations that facilitate the process of providing reparation.
  14. To this end, the Commission should make recommendations that ensure that the authorities adopt legal and practical procedures that provide prompt, effective and fair compensation and reparation.
  15. The Commission should make recommendations that correspond to individual as well as collective cases of reparation, where this is appropriate, and that meet the needs of victims and relatives.
  16. The Commission should advise the authorities on the measures needed to ensure that the victims of past human rights violations and their relatives are fully consulted on decisions regarding their reparation, and are fairly represented and involved in the body set up for handling reparation.

17. The Commission should make special recommendations regarding the incorporation of its findings into school and university textbooks and into academic courses on human rights and into social and cultural life.

18. The Commission should recommend legal, political or administrative measures to prevent the recurrence of human rights violations.

19. The Commission should draw conclusions on how the Guatemalan authorities could confront the legacy and institutionalization of more than three decades of violence, bloodshed and militarization. Such conclusions should aim to change social attitudes by fostering awareness of peace, tolerance, dialogue and basic human rights standards.

20. The Commission should draw up recommendations on how the appropriate authorities should proceed with and follow-up the work initiated by the Commission in order to ensure that the Guatemalan State complies with its obligations to provide full redress for the victims of past human rights violations, their relatives and society as a whole.

---

**Amnesty International's recommendations to the Guatemalan authorities regarding duties to the victims of past human rights violations, their relatives and the whole of society<sup>69</sup>**

1. The Guatemalan authorities should ensure that allegations of human rights violations committed during the period of the internal armed conflict, in particular cases of extrajudicial execution, torture and "disappearance", are judicially investigated without delay, impartially and effectively. Investigations must apply to cases opened prior to the commencement of the work of the Historical Clarification Commission, to cases taken up by the judicial authorities as a result of the Commission's work, and to cases that come to light after the Commission ceases to operate.

Equally, the authorities should ensure that allegations of deliberate and arbitrary killings, torture and hostage-taking committed by members of the armed opposition are fully investigated. The URNG should fully collaborate in all such inquiries.

2. The Guatemalan authorities should immediately request and act upon information gathered by the Historical Clarification Commission that may contribute to establishing the facts and determining responsibility for past human rights violations. The relevant authorities should ensure that where appropriate judicial investigations should be initiated on the basis of the allegations and information compiled.

3. Investigations into extrajudicial executions and "disappearances" should be carried out in accordance with the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions and the Declaration on the Protection of All Persons from Enforced Disappearance. Similarly the authorities should act *ex officio* in order to ensure that, in the absence of a formal complaint by the victim or his or her relatives, an investigation may be initiated and may remain open, until the fate of the victim has been officially established and the circumstances of the violation clarified. This signifies not only the identification of the body in a case of extrajudicial execution, but also the exact clarification of events from the moment of detention to the moment of death, including the precise identification of the material and intellectual perpetrators.<sup>70</sup>

4. The government should not introduce any legislative measures which could prevent the facts being clarified regarding human rights violations committed by security force

---

<sup>69</sup>These recommendations are made in addition to Amnesty International's 35-Point Program to End Impunity and Human Rights Violations in Guatemala, presented to the Guatemalan Government in April 1996. They are also drawn from aspects of the peace agreements and recommendations made by MINUGUA, the Inter-American Commission of Human Rights, the UN Commission on Human Rights, the UN Human Rights Committee, the UN Independent Expert on Guatemala and the Human Rights Procurator.

<sup>70</sup>See Amnesty International's 14-Point Program for the Prevention of Extrajudicial Execution and Amnesty International's 14-Point Program for the Prevention of "Disappearances", "Disappearances and Political Killings: Human Rights Crisis of the 1990s (AI Index: ACT 33/01/94).



agents, the prosecution of those alleged responsible, their sentencing if they are found guilty, or adequate reparation for the victims. To this end, the government should repeal the relevant provisions of earlier amnesty laws, for example Decree Law 08-86. It should also take legal measures which clarify the National Reconciliation Law in order to ensure that this law does not allow the perpetrators of certain human rights violations, including extrajudicial execution, arbitrary detention, rape and sexual abuse, or other forms of cruel, inhumane or degrading treatment, to be exonerated from penal responsibility.

The government should also ensure that Guatemala becomes a state party to the United Nations Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity

5. The appropriate authorities should adopt a comprehensive program to ensure that all allegations concerning clandestine cemeteries are investigated without delay, impartially and effectively; that the investigating body is independent to those allegedly responsible; and that the investigating body is empowered with the means and resources needed to carry out these investigations. The methods and conclusions of the investigations should be made public.

The methodology of the exhumations, autopsies and analysis of skeletal remains should conform to the model protocols proposed by the United Nations, based on the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions and on the Model Autopsy Protocol included in the UN Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

6. The authorities should take concrete steps to ensure that evidence and information collected by the Historical Clarification Commission and during the course of ongoing judicial investigations are preserved and that the concealment, destruction or falsification of such information is punished by law.

7. All necessary steps should be taken to ensure that the facts established by both the Historical Clarification Commission and during the course of judicial investigations are told to every victim and relative. Failure by the Guatemalan authorities to respond to each individual on the grounds that the victims are too numerous, or for any other reason, would constitute in Amnesty International's view state failure to comply with its obligations to ensure the individual's right to redress.

Verification of the facts and full public disclosure of the truth constitute an important test of the government's will to overcome Guatemala's legacy of past state abuses. To this end, the authorities should ensure maximum dissemination of the Historical Clarification Commission's report. The report must be made accessible to all sectors of the Guatemalan population. Dissemination of the report should be as wide as possible and should include extensive coverage in the media, both in Spanish and Mayan indigenous languages.

8. Through the appropriate chain of command, the government should ensure the cooperation of the army in judicial investigations, making clear that the destruction of evidence, the obstruction of justice or threats against those involved in the proceedings will not be tolerated but will be considered a criminal offence.

9. Amnesty International welcomes Decree Law 70-96 providing for the protection of witnesses and those linked to the administration of justice. However, the organization understands that this law is not yet fully operational. The authorities should therefore implement an effective program to guarantee the safety and protection of all those who assist with judicial investigations into past cases of human rights violations, especially witnesses or victims.

10. Security force agents responsible for extrajudicial executions, “disappearances” and torture should be brought to justice in accordance with international standards for fair trial. This principle must be upheld in all cases, independently of where the perpetrators happen to be, the place where the crime was committed and the nationality of the victims or those responsible.

11. The government should immediately carry out all pending warrants for the arrest of security force agents and private police in connection with alleged human rights violations, who should be detained according to the rule of law. Where there is evidence suggesting that an agent of the security forces has been involved in “disappearances”, extrajudicial executions or torture, the relevant authorities should ensure that he is immediately suspended from his post pending prosecution and should make this decision public.

The authorities should also ensure that superior officers are held responsible for acts committed by personnel under their command when there are sufficient grounds to suppose that they could have prevented or punished these acts.

12. The organization considers that, parallel to a demobilization process verified by bodies independent of the executive, investigations should be initiated to establish penal responsibility for former members of the security forces, including agents of the office of the Presidential Chief of Staff, military commissioners and members of the Voluntary Civil Defense Committees, responsible for grave human rights violations, such as torture, “disappearances” and extrajudicial executions.

13. The Guatemalan authorities should take steps to guarantee that those found responsible for serious human rights violations are not reincorporated into the security forces. To this end, the authorities should set up an information system to ensure that no agent of the security forces dismissed because of possible involvement in a human rights violation is employed in other official departments on similar duties.

14. Arms control should be a foremost concern of a genuine program to ensure a non-repetition of serious human rights violations. The Guatemalan authorities should take immediate steps to exercise much stricter control over the possession and use of weapons by active military and police personnel. In addition, the recall of all military weaponry in the hands of civilians, including former members of the military and security forces, agreed in the peace accords, should be carried out as a matter of urgency.

15. The authorities should order an independent inquiry into the conduct of specialized intelligence units, in particular the army G-2 and the Office of the Presidential Chief of Staff, and allegations of grave human rights violations perpetrated by agents of these units. Reports that these units were linked to "death squad" activity should receive special attention. Such an inquiry should aim to identify those responsible for such crimes so that they can be subject to criminal investigations, and to ensure that such units are totally dismantled and cannot be replicated by existing or new state institutions and security force units.

16. The Guatemalan authorities should take immediate steps to establish mechanisms to implement fully and effectively recommendations made by the Historical Clarification Commission. These mechanisms, which could include legal measures making the Commission's recommendations binding, should be established with the collaboration and participation of non-governmental human rights organizations and the Human Rights Procurator's Office. International inter-governmental organizations should also set up mechanisms to monitor the implementation of the Commission's recommendations.

17. The Guatemalan authorities and the international community must ensure that the body responsible for handling reparation for the victims and their relatives receives the necessary resources to carry out its work.

18. The authorities should ensure that reparation for the victims of past human rights violations or their relatives complies with standards and principles enshrined in international human rights instruments.

19. The authorities should ensure that reparation includes financial compensation and rehabilitation measures, as well as medical care and assistance which would help victims and their relatives overcome the consequences of physical or psychological injury.

20. The authorities should ensure that legal measures necessary to restore the victim's dignity and reputation are adopted and effectively implemented. The authorities should further seek to preserve the victim's dignity by paying tribute to them and incorporating their memory into cultural and social life.

Such measures should include official and public recognition by the Guatemalan State of its responsibility for past human rights violations as well as acknowledgment of the pain and the trauma experienced by the victims' relatives.