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Guatemala: Proposed international investigatory commission: international support and independence crucial

Establishing an international commission to investigate threats against human rights activists, the activities of illegal armed groups, and Guatemala's clandestine security apparatus, would be an important step forward in the struggle against human rights violations and impunity in the country, Amnesty International said today, welcoming the call for a new international investigatory commission from Guatemala's Human Rights Procurator, Sergio Morales.

As previous efforts to identify the individuals and structures responsible for human rights abuses in Guatemala and bring them to justice have met with only very limited success, Amnesty International suggested some factors that needed to be incorporated to ensure that the new Commission can carry out these aims.

"International backing is crucial for the Commission to succeed," Amnesty International said, supporting calls from the human rights community for the Government of Guatemala to formally request the involvement of the United Nations and the Organization of American States in the formation and operation of the Commission and in the eventual assessment of its findings and recommendations.

"At the same time, the Commission must be fully independent, both from the Guatemalan government and international actors, and be able to implement its recommendations and compel the actions implied by its findings," the organization added. "The Guatemalan authorities must agree to enforce and act upon all the recommendations of the Commission, including prosecution of those identified as human rights abusers."

Amnesty International also stressed that the Commission's work should be firmly focused on human rights and warned that the proposed new Commission should not be used by the authorities to sidetrack already existing mechanisms or instruments, including the Peace Accords and the findings of the Commission of Historical Clarification (CEH), Guatemala's 'Truth Commission.'

"It is crucial that the Commission's focus on events in the past six years only must not be interpreted as suggesting that the atrocities of the conflict years -- which the CEH considered to have constituted a genocide -- can simply be swept into the dustbin of history," the organization said.

Amnesty International also added that the operations and recommendations of such a Commission should support, rather than substitute for, the legally mandated activities of already existing democratic institutions, such as the *Ministerio Público* (MP), the Public Prosecutor's Office and the Human Rights

Procurator.

"These institutions must function effectively if Guatemala is truly to return to the rule of law," the organization said.

Amnesty International urged the international community not to abandon Guatemala to impunity and lawlessness and to contribute in whatever way possible to ensure that the proposed new Commission will be able to assist in implementing the Peace Accords and restoring the country to the rule of law.

Background

For many decades, clandestine armed groups, often directly linked to the official security services have been responsible for a wide range of human rights violations in Guatemala. Since the Guatemalan Peace Accords were signed in 1996, they have particularly targeted human rights defenders and others seeking justice for the gross violations of the conflict years when some 200,000 people -- the large majority of them indigenous peasants -- were extrajudicially executed or "disappeared" at the hands of the Guatemalan army and their civilian adjuncts, the civil patrols. In the vast majority of cases, those who ordered and carried out these gross violations have benefited from total impunity for their crimes.

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