

# £GUATEMALA

## @Lack of investigations into past human rights abuses: clandestine cemeteries

Tens of thousands of people have been victims of human rights violations in Guatemala over the past 30 years. Trade unionists, academics and students, priests and catechists have been abducted, tortured and killed. Indian villagers have been seized, mutilated and shot dead. Bodies have been found in the bottom of ravines, dumped at roadsides or buried in secret graves. Some could be identified as people who had been abducted by the security forces. Others were too badly mutilated for identification. Several thousands were clandestinely buried in secret graves in the countryside, after they had been abducted or killed in the early 1980s, in the course of counterinsurgency operations led by the military government of the day, during which the army penetrated deep into the countryside ostensibly to eliminate any logistic support the armed opposition might find among the rural indigenous peasantry. In fact, the army was clearing these areas of their non-combatant civilian population in a concentrated wave of massacres.

Knowledge of the location of the clandestine burial sites seems to be widespread, and efforts to locate missing relatives by checking "body dumps" so common that during an Amnesty International mission in 1988, when Amnesty International's delegates asked a peasant in a remote area for directions to a secret burial site, he simply replied: "Oh. Are you looking for relatives?", and gave directions to the nearest site known to him (which was in fact a different one to the site the delegation had been looking for). Yet, despite the widespread knowledge as to where the clandestine cemeteries are located, to AI's knowledge there have been no efforts initiated by the authorities to examine the alleged sites, exhume any bodies found and initiate inquiries into how any persons buried there have died.

In most cases known to Amnesty International where exhumations have been reported, the few exhumations that have taken place only occurred after repeated requests from relatives and local human rights groups forced local authorities to initiate exhumations but even then they have been improperly carried out and have but resulted in any official inquiry into how those exhumed had died, even in cases where eyewitness testimonies have cited named individuals, many of them government agents, as responsible for the extrajudicial execution of the victim. In the majority of cases family members are not necessarily even seeking information on how their relatives died or seeking the perpetrators' prosecution. They are simply asking for the bodies of their loved ones to be removed from mass anonymous graves, identified and returned to them for proper burials.

However, those requesting exhumations have frequently faced harassment, threats and on some occasions have also been the victims of abduction attempts. (See, for example, the case of Juana Calachij in the case studies below). Threats have reportedly started the moment

a petition is filed, with the object of intimidating the petitioner into not pursuing it. Many such petitions have in this way not progressed any further, as petitioners have decided not to pursue the exhumation request in fear for their or their families' lives.

In some of the few instances where bodies have been legally exhumed, the civilian officials involved in the legal proceedings have also received threats. The judge in El Quiché department who after prolonged petitioning finally allowed one exhumation to go ahead in 1988 later withdrew from the case after receiving death threats. In the same department, a forensic doctor present at another exhumation resigned from her post in the same year, reportedly after receiving similar threats.

Little if any official action has been taken to determine the cause of death of those exhumed. Most exhumations have been carried out without forensic examination of the bodies. The remains have then been only identified by relatives, based for example on clothing remnants, and taken away in plastic bags. AI knows of very few cases in which a judge has ordered a forensic examination to determine the cause of death. Relatives may, if they wish, commission a private forensic examination at their own expense. However, by law, autopsies can only be performed by the official forensic specialist, and therefore the results of private forensic examinations have no legal validity.

Amnesty International remains seriously concerned at the failure of the authorities to initiate serious investigations into the deaths of those found buried in secret burials and to establish responsibility for them, despite the Minister of the Interior, General Carlos Morales Villatoro, statement to the press in March 1990 about the government's committee to investigate the denunciations of clandestine cemeteries. General Morales said: "...it is important to find the truth in these cases, and this is why we are asking the victims' relatives to provide the necessary data to find the truth. These events happened eight years ago [...] and at the same time they concern us and oblige us to investigate them, so that there is a possibility that many families may know of the fate of their relatives who disappeared in the past". An account of one such so-called "investigation" was given by a foreign lawyer carrying out a study of the independence of the judiciary in Guatemala and the ability of the criminal justice system to respond to human rights violations. He was present at an exhumation and accompanied the police in their subsequent investigation of the killing. He later stated:

"Everyone admitted that this was an army killing from 1981 - everyone, that is, but two National Police agents investigating the case. [...] For example, the original police report claimed that the family had been killed because a son in the family got a village girl pregnant. I pointed out to the chief of homicide that this was, at best, inconsistent with the method of kidnap. After all, 25 armed men had taken the family away, according to the police report [...] The homicide chief was embarrassed. He suggested matters would be clarified if I and the two investigating officers went and talked to the woman who had gotten pregnant in 1981. [...] [One of the agents] said 'You have to take a tough line with all those village subversives'. [...] Not too surprisingly, his final report said that the kidnappers had been the 'subversives' who wanted to force the family to join the guerrillas. If that was not enough, the report also stated that the guerrilla leader had been the village girl's boyfriend, so that when she got pregnant by another, he had brought his band of guerrillas to settle the score. I myself was curious as to

how the police agent had arrived at all these new conclusions. After all, we had never managed to interview the girl..."<sup>1</sup>

Many of those who did file petitions for an exhumation, have had their efforts obstructed by official bodies, and have faced delays of up to five months in processing the few successful requests for exhumations. Such was the case with the exhumations that took place in Pacoc, El Quiché department (see page 6).

By April 1990 the *Grupo de Apoyo Mutuo por el Aparecimiento con Vida de Nuestros Familiares* (GAM), Mutual Support Group for the Appearance of Our Relatives Alive, stated that it had been informed of more than one hundred clandestine cemeteries, and that it had filed requests for exhumations with the *Juzgado Segundo de Paz Penal* (Second Justice of the Peace for Penal matters) in Santa Cruz del Quiché, where they were waiting for the corresponding exhumation order. GAM also claimed that the court was obstructing the proceedings, and that in many cases it had refused to initiate them.

Moreover, the few exhumations carried out have reportedly not been properly conducted. GAM has alleged that during the exhumation three bodies in Pachoj, El Quiché, the officials who should have been supervising showed little interest, standing some distance away. The firemen who actually exhumed the bodies were said to have laughed and made jokes, and to have used one of the recovered skulls as a football. (See case studies, below).

If there has been little support for exhumations from civilian officials, the opposition of the military has been overt. In August 1988 the then Minister of Defence, General Héctor A. Gramajo, was summoned before three congressional commissions (Human Rights, Defence and Indigenous Communities) to answer questions about the discovery of 4 clandestine cemeteries in May and June that year. The 32 bodies exhumed were those of individuals allegedly abducted by civil defence patrols<sup>2</sup> in 1983 and 1984. However, Amnesty International is unaware of the result of the summons. Earlier that year, in March 1988, General Gramajo had denied allegations of army or civil patrol culpability for the clandestine assassinations and burials, blaming the killings on confrontations that took place from 1981-1983 between civil patrol units and the armed opposition, and implied that those buried in the cemeteries were guerrillas: "[Civil Patrol] members always buried their dead legally, while insurgents did just the opposite... subversives buried their dead companions clandestinely without telling villagers the location of these burial sites". In addition, Amnesty

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<sup>1</sup> See Anderson, Ken, "Independence of the Police and Judiciary in Guatemala", in *Docket*, International Human Rights Law Group, Fall 1987.

<sup>2</sup> The Civil Defence Patrols, *Patrullas de Autodefensa Civil*, are civilian auxiliaries to the army. They were compulsory under previous military governments but are now ostensibly voluntary. However, those who have withdrawn from patrol service or who are trying to withdraw from it have been the victims of a wide range of human rights abuses, including death threats, "disappearance" and extrajudicial execution.

International has received several accounts of military commanders, military commissioners<sup>3</sup> and members of the civil patrols having attacked local clergy and human rights workers who have supported the peasants' requests for exhumations, and have also organized demonstrations against visits by local human rights groups who had travelled to rural villages to support exhumation petitions. In such one instance, 25 local members of GAM were reportedly seized and held for short periods by the military in order to dissuade them from cooperating with GAM exhumation requests.

Amnesty International is concerned that, in a further effort to prevent exhumations and any ensuing investigation, the military and the civil patrollers under their command may be removing all evidence of secret burials. For example, in late 1988 GAM claimed that the chief of the military base of Joyabaj, Quiché, threatened and intimidated a group of widows who had been pressing for the exhumation of a clandestine cemetery in Tunajá, Joyabaj, El Quiché, accusing them of being "*guerrilleras*" (members of a guerrilla group) and ordered the civil patrollers to destroy the proof of remainders of a clandestine cemetery located in that place. In June 1989, when an exhumation team arrived at the site of a clandestine cemetery in Santa Rosa Chujuyub, El Quiché department, they found that the earth had been dug up and that beans had been recently planted there (see page 8).

Finally, Amnesty International is concerned that official forces are continuing to bury bodies without adhering to proper legal procedures. For example, it was reported to Amnesty International that in July 1990 a body was buried by the army without informing the relevant judicial authorities after it had been found by villagers after a group of soldiers from the *Cantón* (hamlet) Chupol military detachment, had allegedly been pursuing some members of a guerrilla group.

## CASE STUDIES

### 1. Chilil

In December 1987 José Chijal filed a petition for the exhumation of a clandestine cemetery in the hamlet of Chilil I, San Andrés Sajcabajá, El Quiché, where members of his family reportedly extrajudicially executed in the early 1980s were believed to have been buried. However, the *Juzgado de Primera Instancia* (Court of the First Instance) in Santa Cruz del Quiché reportedly stalled the proceedings and, after a month's wait, José Chijal and other relatives of those believed to be buried there filed a second petition with the local Auxiliary

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<sup>3</sup> Military commissioners, *Comisionados militares*, are civilian agents of the army, serving under army discipline, and technically part of the army reserve. In practice, they act as intelligence agents for the army and provide information on local youths who are then often subjected to forced recruitment.

Human Rights Procurator. According to the information received by Amnesty International, José Chijal began receiving death threats shortly after he requested the exhumation. To Amnesty International's knowledge, no further information about the case has emerged.

## *2. Chijtinimit*

One of the first lawful exhumations since the civilian government of Vinicio Cerezo Arévalo came to power in 1987 took place in Chijtinimit, El Quiché department, in February 1988. Twenty-nine bodies of people reportedly killed by a civil patrol in 1983 were exhumed from a mass grave, following a petition from Pedro Chirún, the father of two of the victims. According to a former civil patroller from the village, "Everyone in the village knew who was dead, where they were buried and who had carried out the killings. But nobody dared to denounced it to the authorities because all of the villagers were threatened by the civil patrol commanders". After the 29 bodies were exhumed, the commander and the deputy commander of the local civil patrol were arrested for the murders. The military in the area then reportedly forced all the other civil patrollers in the village to contribute towards the cost of the fine that had been fixed on the two arrested men and also to participate in a demonstration demanding that they be freed. In addition, Pedro Chirún and his family were reportedly threatened by the local civil patrol. In April 1988 the Guatemalan press reported that the two arrested men had been amnestied. Since then there appears to have been no further official effort to establish how the 29 people buried at Chijtinimit died.

## *3. San Pedro Jocopilas*

In May 1988 an order was issued for the exhumation of 16 bodies believed to be buried in a deep well in the property of El Carmen, in San Pedro Jocopilas, El Quiché. GAM leaders accompanied families of the victims to the site where the exhumation was to take place. However, the exhumations did not proceed allegedly due to the firemen's lack of adequate equipment for such a deep well. Witnesses later alleged that the Treasury Police (*Guardia de Hacienda*) already knew that the equipment the firemen carried with them would not be adequate to reach the bodies. An exhumation was finally performed a few days later. Five bodies were found, but Amnesty International does not have any information as to any inquiries subsequently initiated to determine the circumstances of their deaths, nor to determine those responsible.

## *4. Pacoc*

At Pacoc, Zacualpa, El Quiché, five bodies were exhumed on 6 June 1988. Local villagers said the victims had been killed by the local civil patrol in May 1984. According to press reports, the coroner who examined the remains stated that the victims had been hacked to death with machetes, and that at least one appeared to show signs of torture. After the exhumation, witnesses stated that the remains were simply left there for families to take away;

some collected their relatives' bones in plastic bags. Juana Calachij, a villager and member of the *Coordinadora Nacional de Viudas de Guatemala* (CONAVIGUA), National Coordinating Committee of Guatemalan Widows, whose husband was among those whose bodies were recovered, said in July 1988 that the civil patrol responsible for the killings had tried to kidnap her, and had repeatedly threatened her. She had therefore decided to publicize the whereabouts of the secret burial ground before it was too late. The government announced investigations into these killings but it was not clear who was actually conducting such inquiries, and Amnesty International knows of no findings made. Juana Calachij's house was reportedly under constant surveillance by civil patrollers and a second attempt to kidnap her was made on 29 August 1988. She was the victim of a third abduction attempt in June 1990. No investigations appear to have been carried out into these incidents.

### *5. Pchoj*

In June 1988 The exhumation site at Pchoj.  
exhumation of three  
villagers from Pchoj, El  
Quiché, was carried out  
after a vigorous public  
campaign by GAM. The  
three had been abducted  
in June 1983. At the  
exhumation eyewitnesses  
reported that those  
officials who should have  
been

A woman points to her husband's remains during the exhumation at Pachoj, El Quiché, 29 June 1988.

supervising the exhumation showed little interest and that the firemen who actually exhumed the bodies showed no respect for them, making jokes, taking photographs of themselves with the bones in irreverent positions and even used one of the skulls as a football. The victims had been reportedly hacked to death with machetes, and their throats cut. At a village meeting on 26 August 1988 the local civil patrol commander reportedly referred to GAM as a "group of subversives", warning the villagers not to belong to the group or participate in their activities. He said that the group would "not exist much longer", and issued specific death threats against Juan Ajanel and Sebastiana Ramos. It was also reported that the military commissioner allegedly responsible for having ordered the killings was present at the meeting.

## *6. Tunajá*

In April 1989 two clandestine cemeteries were discovered in Tunajá, Zacualpa, El Quiché. Of the eight people who were exhumed, one was identified as a villager who had "disappeared" in 1982. The rest were said to have gone missing in February 1983. The

Widow with the newly casketed remains of her husband, exhumed from the secret grave in Pachoj in June 1988.

bodies presented signs of violence, including torture and a "coup de grace". According to the information received by Amnesty International, the court in El Quiché where the petition for exhumation had originally been filed, refused to admit it, and the relatives were obliged to

make a new petition, this time at the Office of the Auxiliary Human Rights Procurator for El Quiché department. After the exhumation, which took place on 27 April 1989, the chief of the civil patrol at the time, who was allegedly responsible for the killings, publicly announced that he would "finish off" whoever was responsible for the exhumation. Amnesty International knows of no arrest made in connection with the killings.

### *7. Santa Rosa Chujuyub*

In May 1989 Nicolasa Itzep claimed that her husband was buried with many others in a secret grave in Santa Rosa Chujuyub, El Quiché department. A petition for exhumation was filed that month, and the exhumation took place in June. The day of the exhumation, the exhumation team found that the earth had been dug up and that recently planted beans were growing on the site where the bodies were supposed to be buried. However, an excavation was carried out and a human toe bone was found. Amnesty International knows of no further efforts to investigate the fate of those supposedly buried on the site.

### *8. San Miguel Uspantán*

In May 1990 the *Consejo de Comunidades Etnicas "Runujel Junam"* (CERJ), Council of Ethnic Communities "We are all Equal", denounced the finding of a further secret grave near the Roman Catholic church in San Miguel Uspantán, El Quiché. According to the information received by Amnesty International, although an exhumation order was obtained, on 4 May when CERJ members and relatives were approaching the site, they were prevented from reaching the clandestine cemetery by a group of villagers<sup>4</sup> who had gathered with the aim of attacking anyone trying to reach the place.

### *9. Chixoy*

In June 1990 bones believed to be those of four people buried in a clandestine cemetery near the Chixoy dam in Alta Verapaz department were found in the nearby locality of Pueblo Nuevo, municipality of San Cristóbal. Once again, Amnesty International knows of no inquiries opened into the incident.

### *10. Tierra Blanca*

In March 1990 fifteen bodies were exhumed from a secret grave located in an area known as Tierra Blanca in the hamlet of El Pericón in Uspantán, El Quiché department. According to

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<sup>4</sup> On a number of occasions in the past the army has instructed local civil patrol members to attack human rights groups who were trying to reach sites where they wished to carry out inquiries into reported human rights violations and/or the existence of clandestine cemeteries.



a forensic report, the victims had died of blows and "other forms of violence", and added that the assassinations could have taken place in 1982. Three bodies were identified as Juan Soch Us, Diego Hernández Us and Máximo Alvarado. All three had lived in the area. According to the Guatemalan press, the district judge of Cunén ordered the burial of the remaining 12 unidentified bodies in a common grave in Uspantán cemetery.

This map, which appeared in the Guatemalan Press, locates Tierra Blanca, where an exhumation took place in March 1990.

In April 1990 local human rights groups denounced the existence of a further 85 clandestine cemeteries in different departments in Guatemala, the majority of which, they say, are located in areas where government repression was particularly heavy between 1979 and 1982. (See, for example, the map prepared by GAM which indicates the site where

clandestine cemeteries are believed to exist in Tecpán, Chimaltenango, overleaf. In none of these instances does Amnesty International know of any efforts to investigate the events which led to these deaths.

Work on the issue of clandestine cemeteries is continuing in Guatemala, and local and international human rights groups are pursuing the issue and continue the pressure for further exhumations.

# GUATEMALA

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## Lack of investigations into past human rights abuses: clandestine cemeteries

Tens of thousands of people have been victims of human rights violations in Guatemala over the past 30 years. Trade unionists, academics and students, priests and catechists have been abducted, tortured and killed. Indian villagers have been seized, mutilated and shot dead. Bodies have been found in the bottom of ravines, dumped at roadsides or buried in secret graves. Some could be identified as people who had been abducted by the security forces. Others were too badly mutilated for identification. Several thousands were clandestinely buried in secret graves in the countryside, after they had been abducted or killed in the early 1980s, in the course of counterinsurgency operations led by the military government of the day, during which the army penetrated deep into the countryside ostensibly to eliminate any logistic support the armed opposition might find among the rural indigenous peasantry. In fact, the army was clearing these areas of their non-combatant civilian population in a concentrated wave of massacres.

Knowledge of the location of the clandestine burial sites seems to be widespread, and efforts to locate missing relatives by checking "body dumps" so common that during an Amnesty International mission in 1988, when Amnesty International's delegates asked a peasant in a remote area for directions to a secret burial site, he simply replied: "Oh. Are you looking for relatives?", and gave directions to the nearest site known to him (which was in fact a different one to the site the delegation had been looking for). Yet, despite the widespread knowledge as to where the clandestine cemeteries are located, to AI's knowledge there have been no efforts initiated by the authorities to examine the alleged sites, exhume any bodies found and initiate inquiries into how any persons buried there have died.

In most cases known to Amnesty International where exhumations have been reported, the few exhumations that have taken place only occurred after repeated requests from relatives and local human rights groups forced local authorities to initiate exhumations but even then they have been improperly carried out and have but resulted in any official inquiry into how those exhumed had died, even in cases where eyewitness testimonies have cited named individuals, many of them government agents, as responsible for the extrajudicial execution of the victim. In the majority of cases family members are not necessarily even seeking information on how their relatives died or seeking the perpetrators' prosecution. They are simply asking for the bodies of their loved ones to be removed from mass anonymous graves, identified and returned to them for proper burials.

However, those requesting exhumations have frequently faced harassment, threats and on some occasions have also been the victims of abduction attempts. (See, for example, the case of Juana Calachij in the case studies below). Threats have reportedly started the moment a petition is filed, with the object of intimidating the petitioner into not pursuing it. Many such petitions have in this way not progressed any further, as petitioners have decided not to pursue the exhumation request in fear for their or their families' lives.

In some of the few instances where bodies have been legally exhumed, the civilian officials involved in the legal proceedings have also received threats. The judge in El Quiché department who after prolonged petitioning finally allowed one exhumation to go ahead in 1988 later withdrew from the case after receiving death threats. In the same department, a forensic doctor present at another exhumation resigned from her post in the same year, reportedly after receiving similar threats.

Little if any official action has been taken to determine the cause of death of those exhumed. Most exhumations have been carried out without forensic examination of the bodies. The remains have then been only identified by relatives, based for example on clothing remnants, and taken away in plastic bags. AI knows of very few cases in which a judge has ordered a forensic examination to determine the cause of death. Relatives may, if they wish, commission a private forensic examination at their own expense. However, by law, autopsies can only be performed by the official forensic specialist, and therefore the results of private forensic examinations have no legal validity.

Amnesty International remains seriously concerned at the failure of the authorities to initiate serious investigations into the deaths of those found buried in secret burials and to establish responsibility for them, despite the Minister of the Interior, General Carlos Morales Villatoro, statement to the press in March 1990 about the government's committee to investigate the denunciations of clandestine cemeteries. General Morales said: "...it is important to find the truth in these cases, and this is why we are asking the victims' relatives to provide the necessary data to find the truth. These events happened eight years ago [...] and at the same time they concern us and oblige us to investigate them, so that there is a possibility that many families may know of the fate of their relatives who disappeared in the past". An account of one such so-called "investigation" was given by a foreign lawyer carrying out a study of the independence of the judiciary in Guatemala and the ability of the criminal justice system to respond to human rights violations. He was present at an exhumation and accompanied the police in their subsequent investigation of the killing. He later stated:

"Everyone admitted that this was an army killing from 1981 - everyone, that is, but two National Police agents investigating the case. [...] For example, the original police report claimed that the family had been killed because a son in the family got a village girl pregnant. I pointed out to the chief of homicide that this was, at best, inconsistent with the method of kidnap. After all, 25 armed men had taken the family away, according to the police report [...] The homicide chief was embarrassed. He suggested matters would be clarified if I and the two investigating officers went and talked to the woman who had gotten pregnant in 1981. [...] [One of the agents] said 'You have to take a tough line with all those village subversives'. [...] Not too surprisingly, his final report said that the kidnappers had been the 'subversives' who wanted to force the family to join the guerrillas. If that was not enough, the report also stated that

the guerrilla leader had been the village girl's boyfriend, so that when she got pregnant by another, he had brought his band of guerrillas to settle the score. I myself was curious as to how the police agent had arrived at all these new conclusions. After all, we had never managed to interview the girl..."<sup>5</sup>

Many of those who did file petitions for an exhumation, have had their efforts obstructed by official bodies, and have faced delays of up to five months in processing the few successful requests for exhumations. Such was the case with the exhumations that took place in Pacoc, El Quiché department (see page 7).

By April 1990 the *Grupo de Apoyo Mutuo por el Aparecimiento con Vida de Nuestros Familiares* (GAM), Mutual Support Group for the Appearance of Our Relatives Alive, stated that it had been informed of more than one hundred clandestine cemeteries, and that it had filed requests for exhumations with the *Juzgado Segundo de Paz Penal* (Second Justice of the Peace for Penal matters) in Santa Cruz del Quiché, where they were waiting for the corresponding exhumation order. GAM also claimed that the court was obstructing the proceedings, and that in many cases it had refused to initiate them.

Moreover, the few exhumations carried out have reportedly not been properly conducted. GAM has alleged that during the exhumation three bodies in Pachoj, El Quiché, the officials who should have been supervising showed little interest, standing some distance away. The firemen who actually exhumed the bodies were said to have laughed and made jokes, and to have used one of the recovered skulls as a football. (See case studies, below).

If there has been little support for exhumations from civilian officials, the opposition of the military has been overt. In August 1988 the then Minister of Defence, General Héctor A. Gramajo, was summoned before three congressional commissions (Human Rights, Defence and Indigenous Communities) to answer questions about the discovery of 4 clandestine cemeteries in May and June that year. The 32 bodies exhumed were those of individuals allegedly abducted by civil defence patrols<sup>6</sup> in 1983 and 1984. However, Amnesty International is unaware of the result of the summons. Earlier that year, in March 1988, General Gramajo had denied allegations of army or civil patrol culpability for the clandestine assassinations and burials, blaming the killings on confrontations that took place from 1981-1983 between civil patrol units and the armed opposition, and implied that those buried in the cemeteries were guerrillas: "[Civil Patrol] members always buried their dead legally, while insurgents did just the opposite... subversives buried their dead companions clandestinely without telling villagers the location of these burial sites". In addition, Amnesty

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International has received several accounts of military commanders, military commissioners<sup>7</sup> and members of the civil patrols having attacked local clergy and human rights workers who have supported the peasants' requests for exhumations, and have also organized demonstrations against visits by local human rights groups who had travelled to rural villages to support exhumation petitions. In such one instance, 25 local members of GAM were reportedly seized and held for short periods by the military in order to dissuade them from cooperating with GAM exhumation requests.

Amnesty International is concerned that, in a further effort to prevent exhumations and any ensuing investigation, the military and the civil patrollers under their command may be removing all evidence of secret burials. For example, in late 1988 GAM claimed that the chief of the military base of Joyabaj, Quiché, threatened and intimidated a group of widows who had been pressing for the exhumation of a clandestine cemetery in Tunajá, Joyabaj, El Quiché, accusing them of being "*guerrilleras*" (members of a guerrilla group) and ordered the civil patrollers to destroy the proof of remainders of a clandestine cemetery located in that place. In June 1989, when an exhumation team arrived at the site of a clandestine cemetery in Santa Rosa Chujuyub, El Quiché department, they found that the earth had been dug up and that beans had been recently planted there (see page 9).

Finally, Amnesty International is concerned that official forces are continuing to bury bodies without adhering to proper legal procedures. For example, it was reported to Amnesty International that in July 1990 a body was buried by the army without informing the relevant judicial authorities after it had been found by villagers after a group of soldiers from the *Cantón* (hamlet) Chupol military detachment, had allegedly been pursuing some members of a guerrilla group.

## CASE STUDIES

### *1. Chilil*

In December 1987 José Chijal filed a petition for the exhumation of a clandestine cemetery in the hamlet of Chilil I, San Andrés Sajcabajá, El Quiché, where members of his family reportedly extrajudicially executed in the early 1980s were believed to have been buried. However, the *Juzgado de Primera Instancia* (Court of the First Instance) in Santa Cruz del

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Quiché reportedly stalled the proceedings and, after a month's wait, José Chijal and other relatives of those believed to be buried there filed a second petition with the local Auxiliary Human Rights Procurator. According to the information received by Amnesty International, José Chijal began receiving death threats shortly after he requested the exhumation. To Amnesty International's knowledge, no further information about the case has emerged.

## *2. Chijtinimit*

One of the first lawful exhumations since the civilian government of Vinicio Cerezo Arévalo came to power in 1987 took place in Chijtinimit, El Quiché department, in February 1988. Twenty-nine bodies of people reportedly killed by a civil patrol in 1983 were exhumed from a mass grave, following a petition from Pedro Chirún, the father of two of the victims. According to a former civil patroller from the village, "Everyone in the village knew who was dead, where they were buried and who had carried out the killings. But nobody dared to denounced it to the authorities because all of the villagers were threatened by the civil patrol commanders". After the 29 bodies were exhumed, the commander and the deputy commander of the local civil patrol were arrested for the murders. The military in the area then reportedly forced all the other civil patrollers in the village to contribute towards the cost of the fine that had been fixed on the two arrested men and also to participate in a demonstration demanding that they be freed. In addition, Pedro Chirún and his family were reportedly threatened by the local civil patrol. In April 1988 the Guatemalan press reported that the two arrested men had been amnestied. Since then there appears to have been no further official effort to establish how the 29 people buried at Chijtinimit died.

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In May 1988 an order was issued for the exhumation of 16 bodies believed to be buried in a deep well in the property of El Carmen, in San Pedro Jocopilas, El Quiché. GAM leaders accompanied families of the victims to the site where the exhumation was to take place. However, the exhumations did not proceed allegedly due to the firemen's lack of adequate equipment for such a deep well. Witnesses later alleged that the Treasury Police (*Guardia de Hacienda*) already knew that the equipment the firemen carried with them would not be adequate to reach the bodies. An exhumation was finally performed a few days later. Five bodies were found, but Amnesty International does not have any information as to any inquiries subsequently initiated to determine the circumstances of their deaths, nor to determine those responsible.

## *4. Pacoc*

At Pacoc, Zacualpa, El Quiché, five bodies were exhumed on 6 June 1988. Local villagers said the victims had been killed by the local civil patrol in May 1984. According to press reports, the coroner who examined the remains stated that the victims had been hacked to



death with machetes, and that at least one appeared to show signs of torture. After the exhumation, witnesses stated that the remains were simply left there for families to take away; some collected their relatives' bones in plastic bags. Juana Calachij, a villager and member of the *Coordinadora Nacional de Viudas de Guatemala* (CONAVIGUA), National Coordinating Committee of Guatemalan Widows, whose husband was among those whose bodies were recovered, said in July 1988 that the civil patrol responsible for the killings had tried to kidnap her, and had repeatedly threatened her. She had therefore decided to publicize the whereabouts of the secret burial ground before it was too late. The government announced investigations into these killings but it was not clear who was actually conducting such inquiries, and Amnesty International knows of no findings made. Juana Calachij's house was reportedly under constant surveillance by civil patrollers and a second attempt to kidnap her was made on 29 August 1988. She was the victim of a third abduction attempt in June 1990. No investigations appear to have been carried out into these incidents.

### *5. Pachoj*

In June 1988 The exhumation site at Pachoj.  
exhumation of three  
villagers from Pachoj, El  
Quiché, was carried out  
after a vigorous public  
campaign by GAM. The  
three had been abducted  
in June 1983. At the  
exhumation eyewitnesses  
reported that those  
officials who should have  
been

A woman points to her husband's remains during the exhumation at Pachoj, El Quiché, 29 June 1988.

supervising the exhumation showed little interest and that the firemen who actually exhumed the bodies showed no respect for them, making jokes, taking photographs of themselves with the bones in irreverent positions and even used one of the skulls as a football. The victims had been reportedly hacked to death with machetes, and their throats cut. At a village meeting on 26 August 1988 the local civil patrol commander reportedly referred to GAM as a "group of subversives", warning the villagers not to belong to the group or participate in their activities. He said that the group would "not exist much longer", and issued specific death threats against Juan Ajanel and Sebastiana Ramos. It was also reported that the military commissioner allegedly responsible for having ordered the killings was present at the meeting.

## 6. Tunajá

In April 1989 two clandestine cemeteries were discovered in Tunajá, Zacualpa, El Quiché. Of the eight people who were exhumed, one was identified as a villager who had "disappeared" in 1982. The rest were said to have gone missing in February 1983. The bodies presented signs of violence, including torture and a "coup de grace". According to the information received by Amnesty International, the court in El Quiché where the petition for exhumation had originally been filed, refused to admit it, and the relatives were obliged to make a new petition, this time at the Office of the Auxiliary Human Rights Procurator for El Quiché department. After the exhumation, which took place on 27 April 1989, the chief of the civil patrol at the time, who was allegedly responsible for the killings, publicly announced that he would "finish off" whoever was

responsible for the exhumation. Amnesty International knows of no arrest made in connection with the killings.

### *7. Santa Rosa Chujuyub*

In May 1989 Nicolasa Itzep claimed that her husband was buried with many others in a secret grave in Santa Rosa Chujuyub, El Quiché department. A petition for exhumation was filed that month, and the exhumation took place in June. The day of the exhumation, the exhumation team found that the earth had been dug up and that recently planted beans were growing on the site where the bodies were supposed to be buried. However, an excavation was carried out and a human toe bone was found. Amnesty International knows of no further efforts to investigate the fate of those supposedly buried on the site.

### *8. San Miguel Uspantán*

In May 1990 the *Consejo de Comunidades Etnicas "Runujel Junam"* (CERJ), Council of Ethnic Communities "We are all Equal", denounced the finding of a further secret grave near the Roman Catholic church in San Miguel Uspantán, El Quiché. According to the information received by Amnesty International, although an exhumation order was obtained, on 4 May when CERJ members and relatives were approaching the site, they were prevented from reaching the clandestine cemetery by a group of villagers<sup>8</sup> who had gathered with the aim of attacking anyone trying to reach the place.

### *9. Chixoy*

In June 1990 bones believed to be those of four people buried in a clandestine cemetery near the Chixoy dam in Alta Verapaz department were found in the nearby locality of Pueblo Nuevo, municipality of San Cristóbal. Once again, Amnesty International knows of no inquiries opened into the incident.

### *10. Tierra Blanca*

In March 1990 fifteen bodies were exhumed from a secret grave located in an area known as Tierra Blanca in the hamlet of El Pericón in Uspantán, El Quiché department. According to

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<sup>8</sup> On a number of occasions in the past the army has instructed local civil patrol members to attack human rights groups who were trying to reach sites where they wished to carry out inquiries into reported human rights violations and/or the existence of clandestine cemeteries.

a forensic report, the victims had died of blows and "other forms of violence", and added that the assassinations could have taken place in 1982. Three bodies were identified as Juan Soch Us, Diego Hernández Us and Máximo Alvarado. All three had lived in the area. According to the Guatemalan press, the district judge of Cunén ordered the burial of the remaining 12 unidentified bodies in a common grave in Uspantán cemetery.

This map, which appeared in the Guatemalan Press, locates Tierra Blanca, where an exhumation took place in March 1990.

In April 1990 local human rights groups denounced the existence of a further 85 clandestine cemeteries in different departments in Guatemala, the majority of which, they say, are located in areas where government repression was particularly heavy between 1979 and 1982. (See, for example, the map prepared by GAM which indicates the site where

clandestine cemeteries are believed to exist in Tecpán, Chimaltenango, overleaf. In none of these instances does Amnesty International know of any efforts to investigate the events which led to these deaths.

Work on the issue of clandestine cemeteries is continuing in Guatemala, and local and international human rights groups are pursuing the issue and continue the pressure for further exhumations.

Map indicating the locations of clandestine cemeteries in the Tecpán area,  
Chimaltenango department (prepared by GAM)

**APPENDIX I**

**LIST OF ALLEGED CLANDESTINE CEMETERIES WHERE EXHUMATIONS  
ARE KNOWN TO HAVE TAKEN PLACE SINCE 1988**

LOCATION	DATE OF KILLING/ DISAPPEARANCE	DATE OF EXHUMATION	NUMBER OF BODIES FOUND
Chijtnimit, El Quiché	1983	February 1988	29
Pachoj, El Quiché	June 1983	June 1988	3
Pacoc, El Quiché	May 1984	June 1988	
San Pedro Jocopilas, El Quiché		May 1988	5
Tierra Blanca, El Quiché	1982	March 1990	15
Tunajá, El Quiché	1982 and 1983	April 1989	8
Monte Bello, Chimaltenango	Not known	October 1989	Not known
Santa Rosa Chujuyub	Not known	May 1989	One toebone

**OTHER LOCATIONS, BELIEVED TO BE CLANDESTINE CEMETERIES  
WHERE EXHUMATIONS HAVE BEEN REQUESTED**

LOCATION	DATE OF PETITION
Pasajoc, Zacualpa, El Quiché	March 1988
Chilil I, San Andrés Sajcabajá, El Quiché	January 1988
Chupol, Chichicastenango, El Quiché	April 1990
Uspantán, El Quiché	April 1990
Zacualpa, El Quiché	April 1990
Tecpán, Chimaltenango	April 1990
Pueblo Nuevo, San Cristóbal, Alta Verapaz	June 1990
Tercer Centro, Chusanyap, El Quiché	March 1988
San Andrés Semetabaj, El Quiché	March 1988



## APPENDIX III

NAMES OF THOSE WHOSE BODIES WERE IDENTIFIED  
AFTER EXHUMATION

NAME	AGE	PLACE WHERE FOUND	DATE OF 'DISAPPEARANCE/ KILLING	DATE OF EXHUMATION
ALVARADO VICENTE, Máximo		Tierra Blanca	1982?	March 1990
CALACHI DE LA CRUZ, Félix	20	Tunajá	February 1983	April 1989
DE LA CRUZ, Miguel	35	Pacoc	May 1984	May 1988
DE LA CRUZ, Pedro	45	Pacoc	May 1984	May 1988
GRAVE LUIS, Rosalío	22	Tunajá	February 1983	April 1989
HERNANDEZ US, Diego		Tierra Blanca	1982?	March 1990
LINDO AJQUIC, Tomás	64	Pachoj	June 1983	June 1988
LUIS, Guadalupe		Pacoc	May 1984	May 1988
MORETE, Manuel	35	Tunajá	February 1983	April 1989
MORETE, Silverio	50	Tunajá	January 1982	April 1989
RIZ RUIZ, Vicente	39	Tunajá	February 1983	April 1989
RUIZ CHINGO, Juan	23	Tunajá	February 1983	April 1989
RUIZ COJ, Antonio	21	Tunajá	February 1983	April 1989
SAC DE LA CRUZ, Ramón	20	Pacoc	May 1984	May 1988
SEN CAX, Lucas	45	Pachoj	June 1983	June 1988
SET TOL, Tomás	35	Pachoj	June 1983	June 1988
SIMAJ RUIZ, Juan	19	Tunajá	February 1983	April 1989
SOCH US, Juan		Tierra Blanca	1982?	March 1990

Map indicating the locations of clandestine cemeteries in the Tecpán area,

Chimaltenango department (prepared by GAM)

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Tecpán, Chimaltenango	April 1990
Pueblo Nuevo, San Cristóbal, Alta Verapaz	June 1990
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