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Guatemala: 10 Steps to End Impunity and Human Rights Violations

Guatemala City -- It takes more than the signing of peace agreements to end human rights violations, Amnesty International said today. It takes concrete steps by a government to protect fundamental rights and bring impunity to an end.

In a press conference held in the Guatemalan capital to launch the organization's latest report on the human rights situation in the country, Derek Evans, Deputy Secretary General, commented on the results of a series of meetings held between the Guatemalan authorities and the Amnesty International delegation currently visiting the country.

The new Amnesty International report, *Guatemala: State of Impunity* -- which the delegation presented to the relevant authorities -- explores the crucial link between the system of impunity and the high level of human rights abuses still prevalent in the country, and proposes 10 steps that should be taken by the Guatemalan authorities and the international community to end the problem.

Amnesty International is alarmed that the Global Human Rights Accord seems largely to have disappeared from the agenda of the implementation of the peace agreement.

"Human rights violations are not a thing of the past in Guatemala," Amnesty International said. "Death threats, intimidation, surveillance and illegal searches are still part of daily life for many people. Even the criminal violence that has broken out in the form of kidnapping for extortion and 'social cleansing' of so-called 'undesirables', like common criminals and street children, has been known to involve members of the security forces. Few of those responsible are brought to justice."

Since March 1994 -- when the Global Human Rights Accord was signed -- Amnesty International has documented hundreds of cases of extrajudicial execution, as well as numerous cases of torture and ill-treatment and several cases of "disappearance". Some cases of human rights violations were recorded as recently as March this year. Those responsible continue to be state agents: members of the security forces or their auxiliaries.

According to the organization, the human rights violations committed since 1994 by state agents or individuals linked to them have been taking place in a more selective manner than in the past, but with the authorisation and acquiescence of state officials at certain levels.

"The authorities' lack of political will -- which allows impunity to continue -- manifests itself primarily in the state's negligence when it comes to investigating human rights violations, its inability to provide the resources to ensure adequate investigations, and the complicity or acquiescence of state agents with their colleagues accused of human rights violations," Amnesty International said. "This results in the deliberate obstruction of judicial proceedings, threats and further human rights violations."

In the period covered by the Amnesty International report -- March 1994 to October 1996 -- members of the security forces took part in "social cleansing" activities, intended not only to combat crime but to eliminate the "socially undesirable". At the end of 1995, the Forensic Medical Service of the Judiciary stated publicly that an average of 10 corpses were brought to the morgue every day, showing signs of having been shot at close range, frequently through the head, and with signs of having had their hands tied.

"Although some of these killings can be attributed to common criminality, Amnesty International has documented cases where evidence indicates the involvement of members of the security forces," the organization said.

Investigations into past cases of human rights violations are a key element in the fight against the high degree of impunity enjoyed by the perpetrators; however, efforts to exhume the many thousands of unidentified bodies thrown into clandestine graves during the 1970s and 1980s have been frustrated by constant death threats against relatives and those involved in the excavations. According to current estimates, there are more than 500 clandestine cemeteries in Guatemala, few of which have been excavated.

With regards to the use of the death penalty, Amnesty International -- which opposes this form of punishment under all circumstances -- says that by increasing the scope of its application in 1995 and 1996, Guatemala has violated its international obligations as a State Party to the *American Convention on Human Rights*. The first legal executions in more than 13 years took place in September, despite Amnesty International's appeal to President Álvaro Arzú Irigoyen to commute the death sentences.

"The extension of the use of the death penalty is even more worrying given the deficiencies of the Guatemalan judicial system, such as the lack of expertise in the documentation of evidence and the use of coercion to obtain confessions," Amnesty International said. "These deficiencies considerably increase the possibility of obtaining unfair convictions."

To ensure respect for human rights and pursue those who commit violations, the government must ensure that the relevant institutions are capable of carrying out their duty, have the necessary resources available, receive all the assistance needed from governmental agencies, and enjoy absolute protection and backing from the state -- something which is not happening in Guatemala at the moment.

Amnesty International's 10 steps to end impunity and human rights violations contain a series of recommendations to the Guatemalan authorities, including measures to prevent human rights violations, the implementation of judicial guarantees, the protection of human rights defenders and reparation for the victims.

Amnesty International has also issued a series of recommendations to the international community, which it says "should maintain its presence and influence in Guatemala, through the work of the United Nations Mission for the Verification of Human Rights in Guatemala (MINUGUA). However, the organization expressed concern at the widening of the responsibilities of that body with what appears to be the same degree of resources.

The changes in MINUGUA's role, together with the regrettable decision by the United Nations Human Rights Commission not to extend the mandate of the Independent Expert on

Guatemala, could send a signal to the government that international scrutiny on human rights will not continue at the same level as in the past.

“The international community has a duty to past and present victims of human rights violations in Guatemala,” Amnesty International said. “It has a duty to maintain its influence until there are clear and unequivocal signs that the policies and practices that gave rise to the commission of grave human rights violations have ended.”

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