

# £GUATEMALA

## @Amnesty International's concerns after President Serrano's "autogolpe"\*

Amnesty International is deeply concerned about the impact which measures announced by President Jorge Serrano Elías on 25 May 1993 can be expected to have on the protection of human rights in Guatemala.

According to the information received, key provisions of the Guatemalan constitution have been suspended, Congress dissolved, Supreme Court and Constitutional Court judges dismissed, and the rule of law in the country replaced by rule by decree. Reports that entities with responsibility for human rights protection such as the Human Rights Procurator's Office and the Procurator's Office of the Public Ministry have been suspended and attempts apparently made to arrest certain government officials associated with official human rights initiatives, including Human Rights Procurator Ramiro de León Carpio, Congressional President José Lobo Dubon, Supreme Court President Juan José Rodil Peralta, and the Acting Attorney General, Edgar Tuna Valladares, give further cause for grave concern.

Amnesty International is also concerned about the temporary suspension of Article 35 of the Constitution which concerns freedom of expression. The organization has received reports that freedom of expression has been severely restricted, including the suspension of certain television channels, radio stations and newspapers, as well as the possible detention of journalists. Press information is reportedly to be dealt with by the public relations secretariat of the Presidency.

On 25 May 1993 the *Corte de Constitucionalidad*, Constitutional Court, of Guatemala, made the following statement with regard to the measures taken by the President:

*"La Corte de Constitucionalidad ... resuelve: 1) Declarar inconstitucional el Decreto ... disposiciones que quedan sin vigencia".*

"The Constitutional Court ... resolves to: 1) Declare the Decree unconstitutional ... provisions which remain invalid"

\* self-imposed coup - this term has been widely used to describe the measures taken by President Serrano, as they could be considered to amount to a coup, even if self-imposed.

Amnesty International believes it imperative to maintain principles of human rights protection established in international law, including Conventions to which Guatemala is a

party, such as the American Convention on Human Rights of the Organization of American States and the United Nations (UN) International Covenant on Civil and Political Rights (ICCPR). Both these instruments stipulate that even in time of war, public danger, or other emergency that threatens the independence or security of a State Party, governments are obliged to protect certain fundamental rights, including the rights to life, to physical security and to judicial guarantees essential to maintain these rights, such as *habeas corpus*.

## **BACKGROUND INFORMATION**

These moves have come in the wake of large-scale protests in the capital. Amnesty International is concerned that targeted groups, including trade unionists, student leaders, journalists and those working with non-governmental organizations, particularly those attempting to investigate and protect human rights, may now be even more vulnerable to human rights violations. These groups of people have been long-term targets of abuses in Guatemala, including harassment, threats, torture, "disappearances", and extrajudicial executions. Amnesty International is also concerned that government officials who had been carrying out human rights initiatives will also be at risk.

In the context of student disturbances in recent weeks students have been particularly vulnerable to human rights violations. Some have received threats and two have been killed in circumstances suggesting they may have been extrajudicially executed. Please see UA 153/93, AMR 34/26/93, 13 May 1993; UA 169/93, AMR 34/28/93, 25 May 1993; and UA 171/93, AMR 34/29/93, 26 May 1993. In the aftermath of the suspension of constitutional government it is feared that students may be at even greater risk.

Although Amnesty International has not received reports of attacks on street youths since the new measures were announced by the government on 25 May, the organization fears that the estimated 5,000 children who live on the streets of Guatemala City, the capital, may also now be in increased danger of human rights violations. For more than two years Amnesty International has been receiving reports of human rights violations against street youths, including beatings, torture, "disappearances" and extrajudicial executions.