

79/98

AI INDEX: AMR 34/19/98

**EMBARGOED UNTIL 1100 HRS MEXICO CITY (1700 HRS GMT) 13 MAY 1998**

## **Is Guatemala falling back to its tragic past?**

In the aftermath of the killing of Guatemalan Bishop Juan Gerardi, a new Amnesty International report urges the Guatemalan Government to fulfil its obligation to establish the rule of law and to fully collaborate with Guatemala's Historical Clarification Commission.

"How the Guatemalan authorities address one of the most crucial issues in any transitional period -- the state's debt to the victims of past human rights violations, their relatives and society as a whole -- will be key in determining whether history records this period as a moment of lost opportunity for real change in Guatemala," Amnesty International said.

In a new report launched in Mexico City today -- *Guatemala: All the truth, justice for all* -- Amnesty International draws the Commission's attention to key issues and cases which it believes must be urgently addressed by the Guatemalan authorities.

Guatemala's Historical Clarification Commission, which in 1997 started its work of examining tens of thousands of cases of human rights violations committed during the armed internal conflict in Guatemala (1960-1996), is due to publish its findings and recommendations to the Guatemalan authorities during 1998.

So far, the Guatemalan authorities, particularly the military, have not cooperated fully with the Historical Clarification Commission. They have for example withheld vital information requested by the Commission and restricted access to certain military installations.

This lack of collaboration, ambiguities in the Commission's mandate, and the fact that information could be suppressed to appease political forces unwilling to face one of the worst human rights legacies in the region, could combine to undermine the effectiveness of the Commission's work and lead to a partial or fragmented version of the state's involvement in past violations.

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

"It is vital that the Guatemalan authorities cooperate fully with the Historical Clarification Commission. They must then act upon the Commission's findings, and feed these into judicial inquiries. This is essential in order to help clarify the facts about past human rights crimes, identify the perpetrators, bring them to justice, restore the rule of law and help prevent future violations," the human rights organization says.

Amnesty International urges the Commission to propose concrete recommendations that guarantee reparation for the victims of human rights violations and their relatives. The Guatemalan State, for its part, should implement these recommendations, officially and publicly recognize its responsibility, and acknowledge the pain and the trauma experienced by those affected.

"The Guatemalan authorities must take immediate steps to set up mechanisms which guarantee the effective use of the Commission's findings and the speedy implementation of its recommendations", Amnesty International said. "The state will be judged according to the extent that it complies with the Commission's recommendations and meets its obligations to the victims of past human rights crimes."

Amnesty International's report also makes recommendations to Guatemala's Historical Clarification Commission and the Guatemalan Government setting out steps for re-establishing respect for the rule of law in this country.

The report also presents a series of cases of serious human rights violations representing a mere fraction of tens of the thousands documented by the organization over the period of the armed conflict (1960-1996). By presenting them in its latest report, Amnesty International aims to highlight cases and issues which the organization believes merit the attention of the Guatemalan authorities, as well as the Historical Clarification Commission, and set an agenda for confronting one of the worst human rights legacies in the region.

The human rights organization believes that one of the keys ways in which the Commission can promote a culture of human rights observance is by upholding the right to know the truth and to obtain justice and reparation.

Allegations of past human rights violations -- in particular extrajudicial killings, torture and "disappearances" -- must be judicially investigated without delay. This should apply to cases opened prior to the Commission's work, those taken up by the judicial authorities as a result of it, and those that come to light after the Commission's mandate concludes. The authorities should also ensure that all allegations of deliberate and arbitrary killings, torture and hostage taking committed by armed opposition groups are fully investigated.

"The killing of Bishop Juan Gerardi reminds the world that Guatemala's past is still with us today. By providing full redress for the victims of past human rights violations, their relatives and society as a whole the Guatemalan authorities have the opportunity to build a better future. They should make it their moral obligation to preserve the victim's dignity, to pay tribute to them and to incorporate their memory into cultural and social life," Amnesty International concluded.

ENDS.../

\*\*\*\*\*