



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1987/24
5 December 1986

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-third session
Item 12 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND
OTHER DEPENDENT COUNTRIES AND TERRITORIES

Report of the Special Representative, Viscount Colville of Culross,
on Guatemala, prepared in accordance with paragraph 8 of Commission
resolution 1986/62 of 13 March 1986

Note by the Secretary-General. The Secretary-General has the honour to transmit to the members of the Commission on Human Rights the report of the Special Representative of the Commission, Viscount Colville of Culross, on Guatemala, prepared in accordance with paragraph 8 of Commission resolution 1986/62 of 13 March 1986.

CONTENTS

| | <u>Paragraphs</u> | <u>Page</u> |
|---|-------------------|-------------|
| Introduction | 1 - 6 | 1 |
| I. Status of the points made by the Minister of Foreign Affairs at the forty-second session of the Commission on Human Rights | | 2 |
| A. Withdrawal of the reservation to the IACHR Convention, concerning the death penalty | A.1 | 2 |
| B. The Congressional "National Commission on Human Rights" | B.1 - B.3 | 2 |
| C. The Procurator for Human Rights | C.1 - C.2 | 3 |
| D. Relations with the ICRC | D.1 | 3 |
| E. Control and Reform of the Security Forces | E.1 - E.3 | 3 |
| F. Inter-institutional co-ordination | F.1 - F.3 | 4 |
| G. Civil patrols | G.1 - G.4 | 4 |
| H. "Development Poles". Rural Development Policy .. | H.1 - H.5 | 5 |
| I. Refugees | I.1 - I.2 | 8 |
| J. Disappearances | J.1 - J.12 | 9 |
| K. Co-operation with the Working Group | K.1 | 13 |
| L. Freedom of expression and freedom of association | L.1 - L.3 | 13 |
| M. Conflict between the army and guerrilla groups; and its civilian victims | M.1 - M.3 | 14 |
| N. Violence | N.1 - N.12 | 15 |

CONTENTS (continued)

| | <u>Paragraphs</u> | <u>Page</u> |
|--|-------------------|-------------|
| II. A general impression | 7 - 8 | 18 |
| III. Appreciation and acknowledgements | 9 | 19 |

Appendices

| | | |
|--|--|----|
| I. Resolution 1986/62 | | 20 |
| II. Statement made by the Minister for Foreign Affairs at the 39th meeting of the Commission on Human Rights on 3 March 1986 setting out the following eleven points . | | 22 |
| III. Examples of denunciations | | 24 |

Introduction

1. The Special Representative's mandate derives from resolution 1986/62 of the Commission on Human Rights. Operative paragraph 9 terminated the previous mandate, for a Special Rapporteur, which dated back to 1983. The text of resolution 1986/62, which was approved by the Economic and Social Council, in its resolution 1986/140, is set out at Appendix I. The Special Representative has studied paragraphs 7 and 8 which provide in specific terms his instructions. It is clear that the Commission intended a different exercise from the investigative role of the Special Rapporteur. Information has been collected from the Government and from other reliable sources, but no attempt has been made to follow up individual denunciations of abuses of human rights. An evaluation is made subject by subject, and the Special Representative has not attempted to reach any overall conclusion. He does not consider that he has been instructed to make recommendations.

This interpretation of the resolution was explained to the Press in Guatemala during the Special Representative's visit in August 1986, and similarly clarified for others who have been interested.

2. The Special Representative has also paid careful attention to the intervention of the Guatemalan Minister of Foreign Affairs to the forty-second session of the Commission. He was referring to the steps which his Government, then only some six weeks old, had already taken to protect human rights and guarantee the full enjoyment of fundamental freedoms. Many of those relate directly to recommendations made by the Special Rapporteur in his previous reports. The assumption has been made that the Commission was particularly interested in these issues, and accordingly they have been given special attention. These points, as they were expressed by the Foreign Minister, can be found as Appendix II. They form the main agenda for this report.

3. The present Government of Guatemala came to power as the result of an election in late 1985. Verdicts on the election, and on the question whether it was free and fair, were set out in E/CN.4/1986/23, paragraphs 5-27. The Government has been accepted, both internally and by the international community, as a fully democratic administration. The process which led to its installation appears to the Special Representative to accord with the right to self-determination.

4. Guatemala, however, is not accustomed to democracy. Some would say that no such thing has existed there for 32 years. One deputy of Congress who is indigenous preferred to speak of hundreds of years, since the arrival of the conquistadores. The Special Representative heard the President of the Republic say in a public speech in August that people must realize that democracy does not consist solely of a free election; it involves a continuous and increasing participation by all the people in the organization and development of their country. Yet it is all a new concept and certain tendencies appear to have emerged:

- (i) a belief that the Government would be able to solve all the problems, quickly;

- (ii) since it has failed to do so, the accusation that it is the Government itself which is responsible for all the problems;
- (iii) some excesses in the enjoyment of human rights such as freedom of expression and of association, which were for so long fraught with difficulty and even danger.

As the Archbishop put it, the country has been like a pressure cooker: when the lid was removed the contents have been flying out in all directions. The economy is in a very serious state. Figures of unemployment up to 48 per cent were given to the Special Representative. Many people have too little to eat; acute hunger does not foster patience. The three guerrilla groups continue their operations and the Army continues to harass them; in this the local population often find themselves in the middle.

5. 1986 has, accordingly, been a delicate and sensitive period for the growth and consolidation of democracy. The President and his Ministers are well aware of the importance of timing, as they introduce new measures and seek to put right past wrongs. They maintained to the Special Representative that everything could not be done immediately and simultaneously. Moreover, the laws are now signed by the President and two Secretaries of Congress, (all Deputies) before promulgation by the President of the Republic; whilst this is a refreshing novelty after a period of instantaneous enactment of Decree-Laws by the Executive, it is accompanied by the inevitable delays which attend proper debate in the parliamentary process. Nor can even the best laws be implemented if resources are lacking, as is abundantly the case in Guatemala.

6. The Special Representative now proceeds to discuss the issues in the speech of the Minister of Foreign Affairs. Reference should also be made to the speech by the President of the Republic of Guatemala to the United Nations General Assembly in October 1986.

I. Status of the points made by the Minister of Foreign Affairs at the forty-second session of the Commission on Human Rights

A. Withdrawal of the reservation to the IACHR Convention, concerning the death penalty.

A.1. This speaks for itself. In fact the Special Representative knows of no judicial execution since the days of the Special Tribunals (TSE) in 1983. The necessary law, 281-86, was passed on 20 May 1986.

B. The Congressional "National Commission on Human Rights"

B.1 This body, required by the Constitution, consists of a Deputy from every party represented in Congress. The Special Representative met them, in the presence of press and T.V., during his visit. They had been engaged in prolonged discussion about a draft law containing the terms of reference and powers of the Commission, and, more importantly still, of the Procurator for Human Rights. They gave the Special Representative the latest draft (copy deposited with the Secretariat); it was at an advanced stage in Congress at the end of September, after a major revision in the early summer.

B.2. In the absence of any formal machinery, they had themselves been dealing with complaints. Many of these had turned out to concern, not human rights as defined in the Constitution, but private disputes. They considered that they had helped in relation to some complaints about disappearances. Allegations against the Army and Police had been sent on to the President of the Republic. They had attempted to mediate in a dispute concerning the University of San Carlos, but had been rebuffed.

B.3. Despite the variety of party allegiance, the Deputies were working in manifest harmony.

C. The Procurator for Human Rights

C.1. Excellent advice on the functions and powers of this officer, and on methods of handling complaints, had been presented at symposia by those holding a similar office in other countries, such as Spain. An actual appointment depended on obtaining the necessary legislation, and on finding a person with the skill, objectivity and courage to assume the task. This had not been easy, but the Deputies had candidates in mind.

C.2. The Special Representative has, at the date of writing, not heard of an appointment being made. He also agrees with the Deputies that the entire exercise can only be judged on its results.

D. Relations with the ICRC

D.1. A delegation visited Guatemala in early 1986. Contacts have been maintained, but no formal arrangements for an ICRC presence in this country has yet been concluded.

E. Control and Reform of the Security Forces

E.1. It is well known that the Technical Investigation Department of the Police (DIT) was disbanded in February 1986. Their record of human rights violations had to be balanced against the loss of the entire criminal investigation division; and new officers have had to be trained. Of the 500 DIT members, only 175 have been retained, as uniformed police officers. Apparently the DIT had time to destroy all their files, thereby creating obvious problems for the remaining police officers.

E.2. The Head of the Police wishes to recruit many more officers. He has radically revised the previous application form so that character and literacy can be better assessed.

E.3. As for other parts of the security forces the President of the Republic outlined to the Special Representative his decisions:

- (i) BROE (police special operations) has a new commander, was largely disarmed and was being trained for crowd control operations. However the Special Representative observed that armed and uniformed members of this force were on duty at the hotel where an international engineering conference was taking place, attended by the Presidents of Guatemala, Honduras and El Salvador.

- (ii) Army Intelligence (G.2.) has a new command structure agreed with the Minister of Defence. It has a necessary role, as in any other country. The Special Representative was promised details of the cases of seven persons picked up for suspected assistance to the guerrillas, and who had been sent for trial by the criminal courts. The Special Representative considers this a new and important development, but unfortunately the details have not yet reached him. (See however, on G.2, para. N.5 below).
- (iii) Private police forces. The largest belongs to INDE, the state electricity undertaking; it is thought to have committed abuses. It is being integrated into the national police force. A similar integration is in hand for the PMA (Policía Militar Ambulante) who were previously controlled by land-owners or industrialists who hired them for private security.

The President could see no room for private police forces.

F. Inter-institutional co-ordination

F.1. This refers to the crucial power over all the organizations, both governmental, and otherwise, which constitute economic and, probably, political control of the country. At Departmental level it has been in the hands of the local comandante in the Military Zone and was seen as personifying the military Government. There are numerous national agencies, technical and financial, which require co-ordinating. The army itself possesses valuable resources of a specialist nature, such as engineering. It also, through radio contact between its detachments, provides the only method of rapid communication in remote areas where telephones do not exist and the roads, if any, are, at best, navigable with difficulty.

F.2. At the critical Departmental level this control is now as a matter of law in the hands of civilian Governors. In practice, the Special Representative obtained the impression that the army's genuine co-operation varied from Department to Department. In this respect the Governor requires to be in control not only in his capital but also in the outlying areas. It may be that the departmental government should receive the benefit of access to radio communication, where this is the only means, in so far as it is not concerned solely with the army's anti-subversive activities. (and see para. N.7. (iii), below).

F.3. The Government perceives genuine civilian control at all levels as a central issue; the operation of and amendments to Decree-Law 11-84 are of the utmost importance.

G. Civil patrols

G.1. The civilian self-defence patrols (PAC) have been renamed Voluntary Committees for Civil Defence (CDVC). Compulsory membership of such a group is illegal under the Constitution. No new legislation has been passed (or even discussed) to change the status of these bodies. The intention is that control should pass to the mayor of the municipality (the subdivision of a Department), who is democratically elected. However, in August the Army was still in charge. The original, very military, standing orders are no longer in force.

G.2. The Committees are still active. Although there are many fewer roadside posts manned during the day than used to be seen, incidents occur. For example in July and August there were two occasions on which suspicious-looking persons arrived, at the famous village of Xeatzán Alto (Patzún) and another village nearby. When chased off by the Committees, the intruders opened fire and wounded two villagers in each case. It was a Committee on patrol in Chisec who found and brought in the internal refugees (referred to para. I.2. (iii)).

G.3. Membership and conditions of service are becoming a matter for discussion. The press reported in May 1986 that one of the Deputies for El Quiché had lodged a petition requesting that service should only take place at night, except in the Ixil Triangle; the problem being time lost from earning a living. In general, however, it is thought that, given the choice, many communities would wish to retain some such form of local protection.

G.4. It is the stated policy of the URNG (the combined guerrilla movement) that these forces should be abolished.

H. "Development Poles". Rural Development Policy

H.1. The "poles" are essentially rural areas in which efforts have been concentrated to rebuild villages. The areas concerned are the Ixil Triangle in El Quiché, Chisec in northern Alta Verapaz with some other villages nearer Cobán. There is also Chacaj in Huehuetenango, specially designed for refugees returning from Mexico. They have been set up under a policy for resettling rural indigenous people whose communities were wrecked and whose houses were destroyed during the height of the fighting in the early eighties. They have been the object of much criticism from abroad.

For discussion on this please refer to A/40/865 (Nov. 1985) and the references to earlier reports there quoted.

H.2. In E/CN.4/1986/23 the Special Representative outlined the new Government's policy in relation to those projects (para. 68 (7)). This policy has now been elaborated in much greater detail by the Minister for Urban and Rural Development. He has himself worked extensively in rural areas, including the Altiplano where so many of the indigenous population live. His theme is that there should be less paternalism by the various authorities and more inducement to self-help. Paternalism derived from the time, under President Ríos Montt, when the Army started to win back the allegiance of rural populations. The various reconstruction programmes, organized under military control and combined with military protection, had led to over-dependency. People should be encouraged to stay in their own villages, with new jobs (including crafts and other pursuits for women), sufficient to prevent migration, not least the seasonal trip to agro-export estates, an economic necessity up to now which is greatly and justifiably disliked. The route to this objective involves building new centres with social facilities for use by the villagers; those would have new enterprises, probably co-operatives, with community-owned land. Local people of both sexes were already being recruited, for training (including the subjects of financial control and marketing) to return to their own villages and lead in setting up the new enterprises. Their wages would be guaranteed and paid for in that community, though they would have access to expert advice. The Special Representative attended the inauguration of this scheme by the President; the trainees were young people from villages all over the Altiplano.

H.3. Into this scheme the Development Poles will naturally fall. It is vital to appreciate that these settlements cannot be discussed in generalities. Each village within the grouping is different, and some are much more successful than others. There is no space for a current description; but the National Reconstruction Committee (CRN) have sent the Special Representative a full report on this, which is lodged with the Secretariat. It is compelling reading and the Special Representative, where he has been to the villages, confirms its accuracy. It gives the origin and numbers of the inhabitants of the "Chisec" group - Chisec itself, Acamal, Saraxoch, Chitij and Yalijux, (a great deal of detail is given for Yalijux, which has been throughout a civilian project) - with the current state of development; and the present position in 16 villages, many totally reconstructed, in the Ixil Triangle. Chacaj is also described.

H.4. It is the stated policy of the URNG that these "model villages" should be abolished. It is the policy of the present Government that they should become part of a more general development programme under the civilian ministry. The Special Representative confines himself to comment on current realities as he has seen them, with some indications for the future based upon past experience.

- (i) In August 1986 control had not been transferred from the army to civilian hands. The civilian Governor of Alta Verapaz was not in charge of the "Chisec" group. The army was in control of Tzalbal, near Nebaj (in El Quiché). The degree of control, however, varies greatly. In the villages near Cobán this has been reduced to a single official, from the army's civilian affairs branch, now wearing plain clothes, who has been concerned with the whole project from its outset. His job varies according to the stage of each community's development. Saraxoch is finished, a viable community, who now only ask the army to bring new facilities such as electricity, and training for the villagers who have volunteered to be health auxiliaries or midwives. Chituj is still in the construction stage, so it needs engineering plant for the road, building materials etc. Acamal is a reception centre for internal refugees, who are still arriving: careful but slow planning for their resettlement in their original areas, if they so wish, continues, though none have moved out since 1985. Probably in the end only those will remain who have nowhere else to go. It is, however, significant that the reuniting of the men recently arrived in Cobán with their wives and children already at Acamal had to be negotiated by the Governor through the army and clearly was taking some time.

On the other hand in Tzalbal the army still controls all exit by the population through a pass system. They say this is to avoid an excessive migration to the coastal estates for the seasonal harvest. This is doubtless the sort of thing which the Minister means by "paternalism". The problem seems to arise from the nature of that settlement. The original inhabitants fled and their village was destroyed. Some have returned and they have their land back. Others have come in from outlying villages, so cannot work their own land. Some are Ixil, others Quiché. This is not the recipe for a close-knit community. Nearby at Pulay and San Felipe Chenlá the village

"committee" had, a year or two ago, already established its own control over who went to the estates and for how long; but those are complete communities on their traditional lands. In a mixed village things are much harder to organize. At Tzalbal the tree nursery failed, the vegetables are not doing too well, the carpenter's shop has made the desks for the school but they are piled in the workshop because the school cannot pay for them.

- (ii) Self-help does work, given a little initial training. In integrated communities, new crops and animals are greeted with enthusiasm; everyone agrees that success will mean the end of the need for a seasonal migration 1/.
- (iii) A focal centre with facilities for outlying villages would probably succeed. The Special Representative remembers the views of the community then at Las Conchas near the Ixcán river - E/CN.4/1985/19, para. 216. Saraxoch is a focal village, whose people originally lived in five small hamlets nearby, and Chituj is the same.
- (iv) Co-operative ventures as favoured by the Minister, are a proven experiment. It was the very success of the co-operatives in Northern Quiché in the late 1970s which led to military intervention and the population's mass flight to Mexico (A/38/485, para. 134 (1983)). There are many other examples.
- (v) Training schemes for "promoters" are well established. There are 26 such centres in the country and the Special Representative visited one at San Juan Chamelco, near Cobán. The courses and facilities are excellent, and the students carefully chosen. The trouble has been that, on returning to their villages to set up an enterprise, they have mismanaged the money and failed in the marketing; this is no surprise as those elements were missing from their courses. The omission is now to be remedied as the Minister made clear.
- (vi) Technical assistance in the rural development programmes could with great advantage come from abroad, through NGO's and charities. The Minister would welcome this. The need is desperate, not least on the health side. There is a chronic shortage of medicines and drugs: this discredits the health posts, since people think the nurse is refusing to treat them. One health post visited even had insufficient paper to have proper records. In Nebaj the Special Representative saw a child health centre run by a foreign multi-denominational religious body. Children in advanced states of malnutrition and disease were being wonderfully cared for. It is bad enough seeing such children on T.V. The reality is in Nebaj and many other places. A letter showing that Centre's quite simple needs is in the Secretariat.

There is no shortage of opportunities for assistance in this and many other spheres. The rural development policy, including the "development poles", all directed through "inter-institutional co-ordination" provides the practical method.

H.5. In broad terms the Archbishop of Guatemala supports the Minister's rural development policy; and he had no specific criticisms to tell to the Special Representative. On a previous occasion he had told the Special Representative that he supported policies which bring improved standards of living to the rural, and especially the indigenous population, provided that they are given the choice, rather than compulsion, to participate.

I. Refugees

I.1. Guatemalan refugees in surrounding countries are, for United Nations purposes, the concern of the High Commissioner. The Special Representative, however, must report on those who have returned, and on the internal refugees of whom there are still some, wandering destitute in the mountains.

I.2. There seems to be no figures available for refugees who have returned. The Minister of the Interior mentioned "small numbers". The CRN, however, (in its report - see para, H.3.) is most informative.

- (i) Chacaj. This is a special "development pole" adjoining the Mexican frontier in the North-West, originally designed for refugees. The current population is about 1,100, of whom 10 per cent only have returned from Mexico, the rest being displaced from their original homes over a substantial part of Guatemala. They speak four main indigenous languages and 60 per cent can also speak Spanish. There are two schools, a health post (with medicines sent by a foreign charity), and agricultural activity sufficient for the community's consumption: a drought has recently led to very severe crop losses. Although there are craftsmen among the population, there is no money for raw materials. The CRN is doing what it can on a small budget.
- (ii) San Marcos. The CRN supervisors recently made a major survey of six municipalities in this South-West Department. Their conclusions are that people fled to Mexico and are still leaving. The cause continues to be fear of the situation created by the guerrilla conflict, and the favourable economic situation in Mexico. Some refugees have returned but only to sell their land and return across the frontier. In four villages only 40 people appear to have returned on a permanent basis.

This document is the first definitive report on the refugee situation which the Special Representative has ever seen. Some information is also produced about returning refugees in Huehuetenango who have gone back to their villages, and about internal refugees in the Ixil Triangle, in five villages - 2,000 in January 1986, 7,800 altogether 2/.

- (iii) Cobán. When the Special Representative visited Alta Verapaz the Governor took him to the church premises where a group of some 70 internal refugees were accommodated. Their troubles had started in 1981, when they had gone to Chisec (in Northern Alta Verapaz) to get land: INTA was issuing titles. The process was slow, they complained and the army arrived at 4 a.m. on 20 September 1981. Thirty four people were rounded up and killed. The rest fled to the mountains. They stayed there, on the move, until located by the Patrol; and on 15 July 1986 the survivors arrived in Cobán. They

refused to have the army look after them, so the Governor and the Bishop took charge. The Governor was still trying to reunite two or three men with their wives and children who were already at Acamal (see para. H.4.(i)). They were very grateful for their reception, but anxious to get land and tools so as to take care of themselves. Fortunately the President of the Republic had issued orders to INTA (the agency for land titles) urgently to provide land and titles for them in Chisec, after all. Meanwhile, taught by the nuns, they were making small artefacts for sale.

- (iv) The Lieutenant in command of the detachment at Patzún had just been posted there, and had served before in Ixcán (North El Quiché). He personally knew that about 50 refugees from Mexico, who had previously lived on a private estate in Ixcán (Finca Mónaco), had just returned and were due to be settled by INTA on land, with titles, in that immediate area.

J. Disappearances

The GAM. (Grupo de Apoyo Mutuo)

J.1. GAM is still the only private human rights organization functioning in Guatemala. The Archbishop explained his plans to set up a church organization similar to the Vicaría de la Solidaridad in Chile (he has discussed this plan with the Archbishop of Chile); but only after the human rights apparatus under the Constitution has begun to function. He does not wish to pre-empt that.

J.2. GAM has a very high profile. Its leader, Sra. Nineth Montenegro de García has been offered and has refused police protection. She and her organization are at odds with the Government and the Courts over the question of investigating disappearances under previous Governments. She, alone of those to whom the Special Representative spoke during his visit claimed that forced and involuntary disappearances (in the United Nations sense) have continued since the advent of the new Government. Evidently relationships between GAM and the authorities have since August further deteriorated. On National Independence Day, 15 September, the GAM, in a silent protest, mingled with a unit of the Guard of Honour at the official parade, with disruptive effects. The Army subsequently protested with some vehemence and their response has been seen as a personal threat to the safety of Sra. Montenegro; this the Army has specifically denied.

J.3. There are two primary issues between GAM - which is well supported by numerous organizations all over the world - and the Guatemalan Government. 1. What is to be done about Decree-Law 8-86? 2. What should be the method of trying to investigate outstanding cases?

J.4. (1) Decree-Law 8-86 was passed by the former Government of General Mejía Víctores, just before the transfer of power in January 1986. The text is in E/CN.4/1986/23, para. 40. Effectively it provides for an amnesty or immunity for anyone who committed a "political" or related crime between the

coup d'état in March 1982 and the transfer of power in 14 January 1986. Although valid under the transitional provisions of the Constitution there seems no reason why it should not be repealed by the new legislature. Any such repeal, however, would be a matter of the greatest delicacy. The Government is well aware of the problem but in August had reached no decision.

In fact the period covered by that amnesty is not the whole of the matter. Many disappearances occurred during the Presidency of General Lucas García, between 1978 and 1982; there are current claims that he and senior officials of his administration should also be investigated as to their responsibility.

(2) Machinery for investigation.

GAM have been working for the establishment of a Commission, about 15 strong, composed of representatives of Government, the judiciary, trade unions, students, press and protestant church, with three international observers. It would have wide powers of inquiry, both judicial and forensic, powers to demand evidence and to accept material from outside the country. GAM claim that such a Commission would possess advantages over the alternative (see below); their distrust of the judiciary would be overcome by the variety and scope of the Commission's membership: the larger membership would speed up the procedures, and would inspire confidence in citizens who might bring evidence, wider powers would be available than those enjoyed by the judiciary.

J.5. The President of the Republic initially agreed to GAM's proposal for a Commission. (This would, of course, have required legislation since the existing law does not encompass any such body, nor endorse it with powers). He later changed his mind.

J.6. The alternative machinery had already, in August, been set up and had been functioning. It consists of a judge, Lic. Olegario Antonio Labbé Morales, who had been granted special powers of investigation into habeas corpus cases. His appointment was by resolution of the Supreme Court on 30 May 1986. He was empowered among other things, to receive material from abroad and had done so. The Special Representative was given the relevant documentation:

- A. His terms of reference and powers: the habeas corpus application by GAM, relating to 1,342 persons, with merely their names and dates of disappearance.
- B. Applications by Commission on Human Rights of Guatemala on behalf of 110 persons disappeared in 1985, with substantial supporting details.
- C. Applications by IACHR on behalf of 30 persons, with substantial supporting details; and testimony of Alvaro René Sosa Ramos (who escaped from detention) about two persons whom he had seen similarly detained.
- D. Applications by the Minnesota Lawyers International Human Rights Committee, St. Cloud, Minnesota, U.S.A. on behalf of 40 persons, with substantial details. Some cases relate to 1986.

These are the Special Representative's figures. The total is 1,522, but that is not cumulative since the same names may occur more than once. The judge says that there are applications in relation to 2,101 persons (also not cumulative). GAM told the Special Representative that the judge had 1,767 cases on his list.

The Working Group on Enforced or Involuntary Disappearances has over the years transmitted 2,275 cases to the Guatemalan Government, of which 40 have been clarified (Autumn 1986 figures).

E. The judge lists his visits to possible places of detention:

- 15 police stations;
- 7 departmental army headquarters and 1 naval Headquarters
(including Santa Ana Berlín y Chimaltenango);
- 8 prisons;
- 4 military detachments (including Patzún);
- 7 possible places of municipal detention;
- 1 post of the Guardia Hacienda;
- The Old Polytechnic School;
- Former DIT Headquarters;
- National Palace.

Students of denunciations about several prisons in Guatemala will recognize the significance of these visits.

The results were not very fruitful, but are said to have been a matter of intensive investigation, including shouting out names in possible places of detention. Thirteen cases were cleared up, including one inmate of Pavón prison who had made a habeas corpus application in favour of himself. Three men turned out to be conscripts in the Army.

F. In the spirit of the separation of functions the Court informed the President of the Republic of its actions.

G. The Court inserted paid advertisements in the media seeking information.

H. A questionnaire was sent out to local magistrates and the results tabulated.

I. A central register of detained persons has been established containing the name, place of detention and authority for it, open to the public, at public expense, with immediate effect from 11 August 1986. (It is hoped to put this on computer).

J.7. The Special Representative asked the President of the Supreme Court about progress on investigating disappearances. He emphasized the points which emerge from the documents mentioned above: Judge Labbé had covered the entire country. The Special Representative notes however that Judge Labbé had not visited military and other establishments in El Petén, Ixcán, El Quiché, Huehuetenango or Sololá, all of which areas are the scene of guerrilla activity and where persons might reasonably be expected to be detained. The Judge had, however, suffered a severe disadvantage in that members of GAM had refused to provide any information about the details of their family members' disappearance. The Special Representative discussed this with GAM. He

reminded them that on a previous visit GAM members had given the Special Representative, at a meeting in the Congress building, large amounts of first-hand evidence about the disappearances. This is in the United Nations files in Geneva, and the Special Representative obtained Sra. Montenegros's agreement to its being supplied to the Judge. This has been done.

J.8. Inevitably, there are clandestine cemeteries. One such has been found in El Progreso, with 80 anonymous graves. Identification of the remains will be a difficult technical problem.

J.9. The President of the Supreme Court acknowledged that the fate of the disappeared represents a problem which will leave a collective trauma if not resolved.

J.10. He considered the criticisms raised by GAM about the extent of Judge Labbé's powers. Having studied GAM's terms of reference for their proposed Commission he confirmed that none of the proposed powers or functions were unavailable to the Judge. He provided "highlighted" legal references to uphold his assertion.

A full set of the documents referred to in paragraph J.6. are deposited with the Secretariat for study by Delegations.

J.11. The Guatemalan authorities are increasing the attention paid to denunciations. A number of these were made during the Commission's session in 1986 by the United Guatemalan Opposition (RUOG), these were promptly transmitted from Geneva to Guatemala. Whilst the Special Representative has not attempted to investigate such cases himself, he was offered by the Police some examples of their own inquiries into crimes where there had been some suggestion of involvement by the security forces. The examples include two cases raised by the United Opposition (RUOG) where such involvement seems to have been ruled out by the police (and the allegations have not been renewed). A study of this police material, however, demonstrates the failure in communication between the police and judiciary, (of which more in paras. N.8-N.11).

- (i) In one kidnapping case of 1986, which appears in various recent denunciations, e.g. by GAM, as having political overtones, both police and family believe it to be a personal matter. However the Special Representative was told by the police of procedural difficulties which were preventing further progress. Later the President of the Supreme Court told the Special Representative how that problem could have been overcome. This is a good example of the misunderstandings which arise between the police and the courts. (See para N.2 below).
- (ii) In the police folder there are references to people who are the subject of four of the Minnesota Lawyer's applications. The police have information which probably elucidates two of these (perhaps relating to the same person) (pp.33-36) and may throw light on the other two (pp. 32-35). Evidently Judge Labbé has not been told. The two latter are on the 1986 list given by GAM to the Special Representative.

J.12. The Special Representative recommends that the Working Group on Enforced or Involuntary Disappearances should study the material referred to in this section, all of which is lodged with the Secretariat.

K. Co-operation with the Working Group

K.1 This can do nothing but good. Details could easily be worked out between the Government and the Group. Certain other matters need to be addressed.

L. Freedom of expression and freedom of association

L.1. Over the last year or so it has been noticeable that the Guatemalan media have been increasingly adventurous in what they print or transmit. Since the new Government took office there has been an evident increase in group activity, by way of protest, demonstrations, strikes and other manifestations. Detailed reports of such activities criticizing Government policies and actions or inaction are published internally and abroad.

As the object of much press and television attention in the course of his visits, some of which has not been entirely uncritical, the Special Representative has no complaint that the media are, certainly in 1986, not free to publish what they wish. Public protest in one form or another is a more recent phenomenon. What is new to the Special Representative is criticism inside Guatemala that actual excesses are now being committed. He has been told by the police that the Press has reported sensational crimes which they can prove are fictitious; he has received criticism by Government officials that a certain strike in the public sector was not only detrimental to the population, but illegal. Details of these matters are a purely domestic affair, the international community will merely wish to know that such events now occur.

L.2. The Special Representative went again to see the President of the CUSG, (a trade union confederation), and some of his colleagues. The trade union situation has been discussed before 3/. A mere reading of those passages shows that trade union activity is now more free and extensive. The CUSG currently has new comments to make. They think that the Government party is trying to organize its own confederation of trade union. It is not competition which they fear, but any unfair competition, and any possibility of Government funds being used to support a rival organization. At the same time the Confederation was having great difficulty in obtaining registration of new unions: there were 118 applications which had not been processed by the Ministry of Labour, and delays were inordinate (if not actually illegal). The problem is practical: an unregistered union has no legally recognized existence and so cannot engage in, for example, financial transactions on behalf of its members.

L.3. In 1983 the Special Representative met, behind closed doors, trade unionists whose concern was the ability of their movement to survive. In 1986, after submitting to Press photographs in the company of the trade unionists, they discussed matters of current domestic political concern. Certainly there were echoes of past repression, but one preoccupation was that workers' expectations had been aroused, if not in receipt of satisfaction, or at least a sympathetic hearing, the reaction could get out of hand.

Another trade union has published protests about police methods in handling a demonstration in Puerto Barrios. This could well relate to comments elsewhere in the report about police training, but neither the incident nor any other information in the Special Representative's possession indicates that freedom of association in Guatemala is now a matter for international concern.

M. Conflict between the army and guerrilla groups; and its civilian victims

M.1. There are three areas in Guatemala where both sides acknowledge that armed confrontation continues to occur. They were described at a Seminar in Berne, Switzerland organized by the United Opposition (RUOG); and in publications by the United Revolutionary Group, the guerrillas, both in 1986. The "fronts" are described as:

| <u>RUOG 8.3.86</u> | <u>URNG 20.6.86</u> |
|--|---------------------|
| 1. In the North, basically in El Petén | El Petén |
| 2. In the North-West, El Quiché and Huehuetenango | La Sierra de Chaco |
| 3. In the South-West, basically in San Marcos, and parts of Quetzaltenango, Suchitepequez and Sololá | La Sierra de Mado |

An attack on the army detachment at Patzún is also mentioned by RUOG.

M.2. Conflict in these three (or four) areas is confirmed by study both of internal Guatemalan publications and of denunciations of human rights violations. As an example, Central America Report of 20 June 1986, published in Guatemala City, gives details of guerrilla attacks in all areas mentioned above; it also publishes a map prepared by the army and presented by the Minister of Defence at a press conference, which gives details of "major guerrilla actions, 11 April to 6 June 1986". All the above-mentioned are depicted, with other incidents to the East and South. The army, it was explained, plan to increase efforts against subversion, "wherever there are signs of activity".

The Special Representative has not, as stated in the introduction, sought to investigate individual incidents. However, complaints or apprehensions about the army's activities have been widely circulated. Examples only can be given.

- (i) In July and August 1986, both the Commission of Human Rights of Guatemala and CVC (Comité de Unidad Campesina) denounced army actions in Ixcán and other parts of northern El Quiché; aerial attacks, attacks on civilians and destruction of crops are particularized.

The Special Representative considers that this is likely to be true. It concerns area 2 above, where there has been constant conflict. When in that area in August 1986 he was told by another inhabitant of Parramos (see A/40/865, para. 190 (b)) that the village was still under guerrilla control. That village is certainly not alone. In those circumstances, miserable as the results may be, the civilian population does suffer from the conflict.

- (ii) In September 1986 the Commission of human rights of Guatemala published another document relating to threats to the inhabitants of Santiago Atitlán. The Special Representative has previously expressed his concern about this area - A/40/865, paras. 113-124. It is at the heart of area 3 above; the geography with the lake and the volcanoes restricting the routes of communication make it a focus of conflict.

The Special Representative suggests that it is all too likely that the local civilian population may be involved in armed actions. He did not again visit the town in August 1986 (the road is very bad); but at the South-East end of the lake, San Lucas Tolimán, he spoke to the police and members of the local population. Although, then, all had been quiet, there were rumours, even in the press, of guerrilla activity and counter-offensives. Incidents have since occurred.

M.3. When denunciations arrive, the Special Representative suggests that they should be considered in relation to the geographical areas described above, if that is relevant. So long as the conflict continues the local civilian population will remain in the middle. That means that their human rights will suffer.

N. Violence

N.1. Publications emanating from sources outside Guatemala have continued to catalogue incidents of violence since the main Government was installed. Many, if not most, of these incidents are picked up from the domestic press, which shows that killings, woundings, kidnappings, and some bombs are a familiar feature of daily life in the country.

N.2. As instructed in the resolution, the Special Representative has continued to receive and study information from "reliable sources". The purpose of studying this material, and of discussing the situation with the authorities in Guatemala, is to "evaluate the effort the Government has made to guarantee the full enjoyment of fundamental freedoms". The Government in August was ready to concede that although it has certainly made efforts, these unfortunately have not been universally successful. Accordingly it is in the field of training for the police and the judiciary (including court staff) that the Government has identified the need for advice and assistance. The President of the Supreme Court fully supports such a request. So does the Special Representative: this support requires a description of the problem.

N.3. The Commission of Human Rights of Guatemala has published its usual reports on violations of human rights. (The Special Representative commented on the terminology used by this organization, referring to "extra-judicial executions": for reasons explained in A/40/865, para. 87 he rejects the universal use of this term). Commission of Human Rights of Guatemala's figures for the first six months of 1986 are (in number of victims):

| | |
|---------------------------|-----|
| - Murders..... | 206 |
| - Woundings and assaults. | 55 |
| - Kidnappings..... | 52 |

The Commission of Human Rights of Guatemala says that in three cases the security forces were responsible, and in another two the Policía Militar Ambulante - a body ultimately controlled by the Ministry of Defence but employed by private organizations. As explained in a previous report the Commission of Human Rights of Guatemala is now careful to make its denunciations as accurate as possible. However it suffers from still operating from Mexico: the Special Representative was told that the Church was asked by the Vatican to investigate the murder by the army of an entire family, on a denunciation by Commission of Human Rights of Guatemala; the investigators found that this was untrue.

N.4. The magazine Enfoprensa, published in Belgium, regularly attributes many of these same incidents to the security forces; it gives no indication of its reasons. (Appendix III illustrates these differing methods of denunciation).

N.5. On the other hand both the Minister of the Interior and the President of the Supreme Court said that no new cases of disappearances (in the United Nations sense) had been registered since the new Government took office. The Minister said that common criminality had increased in the first part of 1986 by 60 per cent; but of 18,000 persons arrested, only 1,000 had been convicted. He was far from sure that all of the rest were innocent. One of the Deputies in Congress considered that individual members of the police and army do still commit crimes, on a personal basis. In Alta Verapaz the Special Representative obtained the impression that some military commissioners in the villages still abuse their authority and, more worryingly, that a few members of the G.2. (Army Intelligence) may be operating outside the control of the regular military command.

Training and equipment for the police

N.6. Enforcement of discipline on G.2, PMA and Military Commissions is ultimately a matter for the President of the Republic (see para, E.3.). The police, however, are the concern of the Minister of the Interior. He has started to make inroads into the unsatisfactory situation inherited by him (see E/CN.4/1986/23, para. 53). Technical assistance is coming from the Federal Republic of Germany, and a computer for police work from Venezuela (with a strict condition that it be used only for the security and protection of the population). Spain is offering training for the judiciary, particularly in their role as investigating judges. France was likely to assist an internal team from the Department of Justice to train police in crowd control during demonstrations. (As mentioned in para. L.1. above, newly enjoyed freedom of association has led to quite new levels of protests, marches and other popular demonstrations; these need handling with great skill since any mistake would certainly bring a deluge of denunciations, as occurred after the riots connected with bus-fare increases in September 1985 (see A/40/865, para. 242)). Other countries are providing cars and motorcycles.

N.7. In parenthesis, the lack of vehicles and radio communication affects the efficiency of the police, as may be illustrated by three small events in the Special Representative's visit:

- (i) In the course of four lengthy car journeys along the main roads, the Special Representative saw one motorcycle patrol of two men: they had no radio.
- (ii) The sergeant at the police station at Patzún had been in that post for five months. Having no vehicle he had visited none of the villages in the municipality (where there has been much trouble - see earlier reports), and relied for information on news from the rural bus drivers.
- (iii) The Governor of Alta Verapaz thought it very possible that there had been trouble in or around Panzós on the border of his Department with Izabal. However it is a seven-hour journey by road, he has no safe aircraft and no other form of communication such as a telephone. Only the Army has radio. In such circumstances no assessment of the situation, let alone control, is possible for the civilian authorities.

N.8. Some commentators (e.g. Enfoprensa: "It is paradoxical to think that social well-being can be reached through the modernization of police organisms") have argued against any international assistance for improving police efficiency. This is an echo of the distrust in the police force, which has been increasingly acknowledged and acted upon by Governments over the last two years or so (see earlier reports). For those who also complain about a climate of violence and lawlessness the denial of assistance would be self-defeating. Other commentators remark that violent crime is a threat to the survival of the democratic régime itself. The Special Representative prefers the view of Commission of Human Rights of Guatemala (June 1986) that "whether one is referring to human rights violations which have political motives, or common delinquency, we insist that it is the Guatemalan Government's obligation to ensure the safety of the people and to assume responsibility for those acts and their consequences by investigating them and punishing those responsible". On an earlier occasion the Special Representative has disagreed with the American anthropologist, Dr. Beatriz Manz, on one issue (A/40/865, para. 176). It is impossible to disagree with her more recent report of her shock in having witnessed, on 26 June 1986, a cold-blooded murder of a young man in the Capital's streets; and in having been unable to elicit any interest from the police in her first-hand evidence.

N.9. Both the Minister of the Interior and Head of the National Police had statistics showing that the clear-up rate for crime is gradually improving. The Head of the police made various suggestions, mainly concerning the structure and powers of the judiciary, which he thought would assist in obtaining, in proper cases, convictions for criminal cases. It has to be said, however, that the President of the Supreme Court had an answer for most of these points.

N.10. The court structure was, in fact, changed on 20 August 1986, the investigating judge will from then be entirely separate from the trial judge. A simple handbook for the police is being issued. What is needed is a greater familiarity among the police of the material which the courts require to make progress with a criminal case.

N.11. Requirements therefore, are:

- (i) improved skills among the police in investigating crime and presenting evidence to the judge;
- (ii) improved skills among investigating judges and their staff;
- (iii) a better mutual understanding between the two services of each others' abilities, requirements and legal limitations.

Implementation of such measures should begin a process of restoring public confidence in the Courts. This is at present at its nadir; and co-operation from the public, now almost wholly lacking, is essential for the suppression of crime.

N.12. As a footnote, there is universal agreement that unemployment, poverty and internal migration because of lack of land are powerful stimulants to the crime wave; so that the remedy is economic as well as legal.

II. A general impression

7. In the course of seven visits since the summer of 1983, the Special Representative has been observing the situation as it can only be perceived (however imperfectly) in the country itself. Whatever the past criticisms, which have been many and justified, there is now a democratically elected President and Congress. The President's attitude is that the country should be governed under civilian control, through himself (including his role as Commander-in-Chief of the armed forces), the Minister of Interior and other Ministers. Even the briefest visit to Congress indicates a lively, urgent parliamentary activity. The media seem now to be all persuasive, increasingly well-informed and, so far as the Special Representative is concerned, responsible in their reporting. Trade union protests and placards opposite the National Palace are new. The Special Representative is much indebted to the Army on earlier occasions for their safe-keeping and their transport, with many other kindnesses and facilities; nevertheless the 1986 visit was in civilian hands throughout and the differences were significant.

8. The Government faces huge political, practical and economic problems. The scale of crime is unacceptable to everyone, within and without the country. The poverty, especially when you see it at first hand, is hard to comprehend. Yet the dignity and friendliness of the people, in city or rural hamlet, cannot fail to impress. The Special Representative has noted the tributes paid, often in publications which are generally critical of the human rights situation in Guatemala, to the quality of the country's present leaders; he has attempted to describe the policies which they are pursuing. The Special Representative ventures to suggest that the efforts they are making to implement the new legal order for the protection of human rights and to guarantee the full enjoyment of fundamental freedoms, even if not yet perfect or complete, should receive the support of the international community.

III. Appreciation and acknowledgements

9. The Special Representative wishes yet again to place on record his gratitude to the Guatemalan Government for their willing assistance in all his activities, and the facilities provided. He has also been greatly helped in fulfilling his mandate by private persons and organizations, in Guatemala and elsewhere who have given him interviews or sent written material.

Notes

1/ Searranx A/40/865, paras. 211, 212; San Felipe Chenlá Ibid. para. 184; Pulay E/CN.4/1986/19, para. 202.

2/ There is a temporary settlement at Nebaj called "Las Violetas", the Special Representative apologises (see A/40/865, para. 193).

3/ 1983: E/CN.4/1984/30, para. 75; 1984: E/CN.4/1985/19, paras. 169-181; 1985: E/CN.4/1986/23, paras. 44-49.

APPENDIX I

1986/62. Situation of human rights in Guatemala

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling its resolutions 1983/37 of 8 March 1983, 1984/53 of 14 March 1984 and 1985/36 of 13 March 1985 relating to the human rights situation in Guatemala,

Recalling also General Assembly resolutions 38/100 of 16 December 1983, 39/120 of 14 December 1984 and 40/140 of 13 December 1985,

Welcoming the process of democratization and return to constitutionality in Guatemala, with the establishment of a popularly elected civilian Government and the entry into force of the new Constitution of the Republic as from 14 January 1986,

Taking into account the fact that the Constitution of the Republic of Guatemala includes, among other guarantees, the establishment of a National Human Rights Commission and institutionalizes the office of an Attorney for Human Rights,

Taking into account also the fact that the new Guatemalan Amparo, Habeas Corpus and Constitutionality Act establishes guarantees and means of defence of the constitutional order and of the individual human rights protected by the Constitution, and that this Act provides for means of monitoring effective compliance with the provisions of the Constitution,

Welcoming the Guatemalan Government's declared intention of promoting respect for human rights and the measures it has taken to that end,

Considering that the United Nations ought to be prepared to consider providing assistance to any nation emerging from a period during which human rights violations have been committed, if the nation in question so requests, in order to contribute to the observance of human rights and fundamental freedoms,

1. Expresses its gratitude to Viscount Colville of Culross for the manner in which he has discharged his mandate as Special Rapporteur;
2. Welcomes with satisfaction the establishment, in accordance with the provisions of the Constitution of the Republic of Guatemala, of the National Human Rights Commission and the office of the Attorney for Human Rights;
3. Takes note with satisfaction of the determination of the constitutional Government of Guatemala to adopt the necessary measures to investigate earlier violations of human rights with a view to ensuring that this situation does not recur in the future;

4. Expresses its satisfaction at the Guatemalan Government's declared intention of promoting respect for human rights and the measures it has taken to that end;

5. Expresses its confidence that the appropriate authorities will investigate human rights violations reported to them, including those which occurred before the new Government took office, and that they will, in particular, make all possible efforts to clarify the fate of the disappeared persons;

6. Encourages the new Government of Guatemala to continue to take effective measures within the framework of the Constitution to ensure that all its authorities and agencies, civilian as well as military, including law enforcement officials, fully respect human rights and fundamental freedoms;

7. Takes note with satisfaction of the willingness of the Government of Guatemala to continue co-operating with the Commission on Human Rights by providing full and detailed information on the implementation of the new legal order for the protection of human rights and its efforts to guarantee the full enjoyment of fundamental freedoms in Guatemala, and requests the Secretary-General to provide to that end such advisory services and other assistance as may be requested by the constitutional Government of Guatemala;

8. Requests the Chairman of the Commission on Human Rights at its forty-second session to appoint a special representative to receive and evaluate the information referred to in paragraph 7 above, to solicit any other relevant information from reliable sources, and to submit a report to the Commission on Human Rights at its forty-third session;

9. Decides to terminate the mandate of the Special Rapporteur and its study of the human rights situation in Guatemala, as provided for in its resolution 1983/37, and, in the light of paragraph 8 above, to continue to observe the situation of human rights in Guatemala.

56th meeting
13 March 1986

APPENDIX II

Statement made by the Minister for Foreign Affairs at the 39th meeting of the Commission on Human Rights on 3 March 1986 setting out the following eleven points

1. [The Government] has withdrawn the reservation made by a previous Government to the Inter-American Convention on Human Rights concerning the imposition of the death penalty for ordinary offences connected with political offences. The withdrawal of the reservation therefore means that the death penalty cannot be imposed for such offences.
2. It has set up the National Commission on Human Rights within the Congress of the Republic.
3. The powers of the Procurator for Human Rights have been established, and the institution is a reality.
4. The International Committee of the Red Cross has been invited to hold talks; on this occasion, I am pleased to be able to inform you that an ICRC delegation will visit Guatemala during the third week of March and will be received by President Cerezo and myself.
5. As one of its first acts, highlighting its firm determination to ensure that absolute respect for human rights effectively prevails in the country, it has proceeded with the reorganization of the security forces, beginning with the suspension of the Technical Investigation Department of the National Police, about which complaints of human rights violations had been received. The members of this Police body are being investigated, and those who are found to have a record of suspect conduct will be brought before the courts.
6. The Inter-Institutional Co-ordinating Bodies which were set up to promote infrastructure and development projects, mainly in the countryside, came in for continuing sharp criticism because they operated under the control of the Armed Forces commanders. Taking this into account, the new constitutional Government submitted a bill proposing reforms to the Act regulating the functioning of these Co-ordinating Bodies (Decree No. 11-84). On 20 February, the Congress of the Republic adopted this bill, under which "the military commanders shall cease to exercise control over the Inter-Institutional Co-ordinating Bodies in the departments of the Republic". The Congress also adopted amendments to the original bill designed to bring it as closely as possible in line with constitutional provisions, even replacing the term "Co-ordinating Bodies" by "Departmental Development Councils". The Councils will be presided over by the Departmental Governor, with the participation of the Mayors of the Municipalities and representatives of the organized private sector. They are under the supreme authority of the President of the Republic, who presides over the National Development Council.
7. The Civilian Self-Defence Patrols, which have also come in for continuing sharp criticism, will be subject to consultation of the population, whose participation in them will be absolutely voluntary.
8. The Development Poles will continue to be at the service of the rural community, there will be no military controls over the population, and no one will be compelled to be there.

9. Since the new Government took office, Guatemalan refugees who were in camps in Mexico have begun to return to the country; a few days ago, the first 114 returned, and we hope that the flow will increase. We have read attentively the recommendations of the Special Rapporteur of this Commission in his most recent report and, with a view to their implementation, the new Government will request the United Nations High Commissioner for Refugees and the Government of Mexico to extend their co-operation so that it can supply lists of all Guatemalans present in the camps concerned, which will be useful in clarifying disappearances.

10. With regard to the Mutual Support Group, one of the first independent human rights groups to operate in the country, the Group recently had a meeting with President Cerezo at which he offered to provide them with "real and objective information in the near future" and expressed "his firm conviction that in future there will be no repetition of events such as those which you have denounced".

11. The Working Group on Enforced or Involuntary Disappearances will be asked for advice so as to assist us in finding solutions to cases of disappearance which occurred in the past.

APPENDIX III

Examples of denunciations

Commission of Human Rights of Guatemala

Bulletin August 1986

- "31 July. The corpses of Catalino Sánchez Molina, aged 26, and Santos Escobar, aged 22, both campesinos, were found in the early hours of 1 August in the Tulchbel canton in Concepción Chiquirichapa, Quetzaltenango. Both corpses had bullet wounds. The two men had been made to disappear on 31 July, together with Pasqual Cortéz Cabrera and Francisco Cabrera Juárez by heavily armed, unidentified men, from their homes in San Juan Ostunalco, Quetzaltenango. The whereabouts of the latter two are still unknown".
- "8 August. The tortured corpses of Rafael Angel Beletzy, aged 26, was found with 35 knife wounds in Quetzaltenango. He had been taken from La Esperanza market in Colonia El Paraíso, Quetzaltenango, by unidentified men on 5 August".
- "9 August. Teresa García Guzmán, aged 19 and his 15 year old brother Martín were detained-disappeared by unidentified men who intercepted them nearby La Democracia market in zone 3 of Quetzaltenango. The tortured corpse of Teresa García was later found with 35 knife wounds near the 'Templo de Minerva' in Quetzaltenango".