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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED  
TO ANY FORM OF DETENTION OR IMPRISONMENT

Note verbale dated 23 February 1987 from the Permanent Mission  
of Guatemala to the United Nations Office at Geneva, addressed  
to the Chairman of the Working Group on Enforced or  
Involuntary Disappearances

The delegation of Guatemala welcomes the report of Working Group on Enforced or Involuntary Disappearances (E/CN.4/1987/15) and reiterates its firm resolve to continue to co-operate in the area of human rights throughout the world.

Since 14 January 1986, the Constitutional Government of Guatemala has worked to transform the country into a constitutional State in which human rights are fully respected.

In its determination to promote respect for human rights, the Constitutional Government of the Republic has taken the following steps in support of human rights:

Dissolution of the Technical Investigation Department (DIT);

Withdrawal of the reservation made to the Inter-American Convention on Human Rights regarding the death penalty for ordinary crimes involving political figures;

Reorganization of the Judiciary in order to restore its independence and autonomy;

Promotion of the application of the Constitution;

Creation of the National Commission for Human Rights, with the relevant legislation;

Appointment of a Sheriff by the Supreme Court of Justice to investigate cases of disappearances;

Creation of a Central Register of Detainees.

To a large extent it has been possible to put an end to the political murders, kidnappings and enforced disappearances carried out by armed groups unconnected with the Government, and this is obviously a significant factor in national life, particularly in view of the violence of earlier years.

The Government of Guatemala is imbued with its moral obligation to contribute to the effective safeguard of human rights, particularly in such a sensitive area. The many international and regional human rights organizations which have paid frequent visits to Guatemala can bear witness to the Government's determination in this regard.

Nevertheless, the Government continues to receive reports - in its view unsubstantiated - containing insufficient details to warrant serious investigations. Most of the cases of alleged disappearances come to its attention initially through reports sent to it by the Working Group on Enforced or Involuntary Disappearances, and usually emanating from politically motivated organizations.

Consequently, the delegation of Guatemala is of the view that an objective evaluation should be made of the co-operation between the Government of Guatemala and the Working Group and that the secretariat should exercise careful scrutiny in examining and preparing cases for submission to the Working Group, rather than accepting and reproducing them in a mechanical manner.

The part of the Working Group's seventh report concerning Guatemala shows that almost 90 per cent of the "new cases" transmitted in 1986 occurred during the 1978-1985 period.

Furthermore, in paragraph N.5 of his report (E/CN.4/1987/24), the Special Representative appointed by the Chairman of the Commission on Human Rights at its forty-second session states: "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". There are currently no political prisoners in Guatemala.

As a developing country, Guatemala lacks any sophisticated population census and has a highly mobile urban population, which makes it difficult to determine the situations clearly, particularly when the persons who have allegedly disappeared have emigrated to neighbouring countries or have moved to other areas of Guatemala.

Consequently the delegation of Guatemala reiterates once again our delegation's request at the last session for the assistance of the Working Group on Enforced or Involuntary Disappearances and sincerely hopes that the Working Group will accept the invitation to visit Guatemala extended to it at the nineteenth session.

In conclusion, the delegation of Guatemala wishes to make a clarification regarding paragraph 45 of the Working Group's report, which does not faithfully reflect what was said by the representative of Guatemala, and requests that the appropriate corrections be made to the paragraph, as follows:

- (1) The representative of Guatemala stated that DIT had been dissolved;
- (2) That group, having been dissolved, has no official status;
- (3) In referring to its lack of official status, the representative of Guatemala did not mean that the Government had difficulty in controlling official bodies, since the group in question does not form part of the forces of law and order;
- (4) At present, the forces of law and order are under full Government control;
- (5) The essence of what was said by the Permanent Representative was that no infringement of human rights has been committed by the Government, by the forces of law and order or by any other official agency;
- (6) It is reaffirmed that the present Government, its organs and institutions, are dedicated to the service and promotion of human rights.

The Permanent Mission of Guatemala would be grateful if the above observations could be duly recorded and the content of this note circulated as an official document of the forty-third session of the Commission on Human Rights.