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

Situation of human rights in Guatemala

Note by the Secretary-General

The Commission on Human Rights in resolution 33 (XXXVII) of 11 March 1981 requested the Secretary-General to provide it with, inter alia, "all information collected on the human rights situation in that country". The information thus collected is accordingly presented to the Commission in this document.

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Introduction

1. The Commission on Human Rights considered the situation of Guatemala at its thirty-fifth session when it adopted decision 12 (XXXV) by which it decided to send a telegram to the Government of Guatemala concerning the assassination of Dr. Alberto Fuentes Mohr, Deputy of the Guatemalan Congress, ex-Minister for Foreign Affairs and former member of the United Nations Secretariat. The telegram stated that the Commission would welcome information on that matter.
2. At its thirty-sixth session the Commission had before it for consideration a number of documents containing reports of other cases of assassinations which occurred in the country and the responses of the Government of Guatemala. On 11 March 1980 the Commission adopted resolution 32 (XXXVI) entitled "the situation of human rights and fundamental freedoms in Guatemala". It expressed its profound concern at the situation of human rights and urged the Government to take the necessary measures to ensure full respect for human rights of the people of Guatemala.
3. It noted with satisfaction the decision of the Government to invite the Inter-American Commission on Human Rights to visit the country and to prepare a report of the human rights situation. The Commission decided to keep the situation under review at its thirty-seventh session on the basis of the information received from all relevant sources.

The Commission had before it, at its thirty-seventh session a document E/CN.4/1439 containing information received from Governments, non-Governmental organizations in consultative status and private sources and adopted on 11 March 1981 by 29 votes to 3 with 8 abstentions resolution 33 (XXXVII). The operative paragraphs of the resolution read as follows:

- "1. Requests the Secretary-General to continue his efforts to establish direct contacts with the Government of Guatemala on the human rights situation prevailing in that country and to collect information thereon from all relevant sources;
2. Further requests the Secretary-General to provide the Commission on Human Rights at its thirty-eighth session with a report of his contacts with the Government of Guatemala together with all information collected on the human rights situation in that country;
3. Also requests the Secretary-General to present to the General Assembly at its thirty-sixth session an interim report of his contacts with the Government of Guatemala;
4. Requests the Government of Guatemala to extend its co-operation to the Secretary-General;
5. Decides to keep the situation of human rights and fundamental freedoms in Guatemala under review as a priority item at its thirty-eighth session, on the basis of the report of the Secretary-General."

4. In accordance with operative paragraph 1, the Secretary-General transmitted resolution 33 (XXXVII) to the Government of Guatemala by letter dated 17 June 1981.

5. Pursuant to paragraph 2 of resolution 33 (XXXVII), on 17 July 1981 the Secretary-General addressed himself to Governments, specialized agencies, intergovernmental organizations and to non-governmental organizations in consultative status, requesting information on the human rights situation in Guatemala.

6. With the purpose of establishing direct contacts with the Government of Guatemala the Secretary-General undertook the necessary measures to implement the mandate entrusted to him by the Commission. In his report to the General Assembly at its thirty-sixth session (A/36/705), the Secretary-General gave an account of his efforts to establish direct contacts with the Government of Guatemala on the human rights situation in that country and informed the Assembly that, at the time of the preparation and submission of that report, his representatives remained in contact with the authorities of the Government of Guatemala, in their effort to establish the direct contacts as desired by the Commission on Human Rights.

7. On 16 December 1981 the General Assembly adopted a decision on the subject by which it requested the Secretary-General to continue his efforts to establish direct contacts with the Government of Guatemala and the Government of Guatemala to co-operate further with the Secretary-General in his efforts to establish these contacts.

I. INFORMATION RECEIVED

8. A number of replies were received in response to the request sent on 17 July 1981 to Governments, specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status. The materials received have been classified for analysis purposes, as follows:

- (a) Submissions from Governments, */
- (b) Submissions from the United Nations organs and specialized agencies,
- (c) Submissions from intergovernmental organizations,
- (d) Submissions from non-governmental organizations in consultative status.
- (A) Submissions from Governments

9. Replies were received from the Governments of Austria, Burundi, Dominican Republic, the Commonwealth of the Bahamas, the Netherlands, France, Panama, Philippines, and the United States of America.

The Government of France submitted on 14 September 1981 a document containing notes of daily events taking place in Guatemala, prepared by the French Embassy in Guatemala for the period from 3 January to 30 June 1981. In the letter of transmittal, the Permanent Representative of France stated: "I must emphasize that the French Government does not guarantee the accuracy of each and every one of the items contained in these notes, but none the less regards them as consistently serious signs of a situation of violence that warrants the review by the Commission on Human Rights".

The Government of the United States of America provided on 17 August 1981 a chapter on Guatemala, excerpted from "Country Reports on Human Rights Practices", by the United States Department of State, issued in February 1981.

*/ Submission from the Government of Guatemala is reproduced in the Annex of the present report.

The Governments of Austria, Burundi, the Netherlands and Panama provided no information, but expressed their support of resolution 33 (XXXVII) of the Commission on Human Rights. The Governments of the Dominican Republic, the Commonwealth of the Bahamas and Philippines have no information on the matter.

(B) Submissions from United Nations organs and specialized agencies

10. Replies were received from the following United Nations organs and specialized agencies:

(a) United Nations High Commissioner for Refugees. Letter dated 21 August 1981, informing that the UNHCR is providing protection and assistance to a certain number of refugees from Guatemala, mainly in Costa Rica, Mexico and Nicaragua.

(b) International Labour Office. Letter dated 17 September 1981 transmitting information on the number of cases before the Committee on Freedom of Association of the Governing Body and copies of the report containing complaints of violations of trade union rights (GB 216/10/20).

(c) The World Bank. Letter dated 27 July 1981, informing that the World Bank has no information on the subject.

(C) Submissions from intergovernmental organizations

11. Replies were received from the Council of Europe and the Organization of American States:

(a) Council of Europe. Letter dated 5 August 1981 forwarding a resolution adopted by the Parliamentary Assembly on the Situation of Human Rights in Latin America in 1980, and a Report number 4477 on Latin America.

(b) Organization of American States. Note verbale dated 29 July 1981 stating that the request for information as well as the resolution 33 (XXXVII) on the situation of human rights in Guatemala has been transmitted to the Secretariat of the Inter-American Commission on Human Rights. In December, the Division of Human Rights received a report from the Inter-American Commission on Human Rights on the situation of Guatemala, dated 14 October 1981, the conclusions and recommendations of which read as follows: 1/

"A. Conclusions

1. In the light of the background information and considerations given above, the over-all conclusion of the Inter-American Commission on Human Rights is to point out the alarming violence that has prevailed in recent years in Guatemala. This violence has been either instigated or tolerated by the Government, which has not taken steps to contain it. The violence has resulted in an excessive loss of life and in a widespread deterioration of the human rights set forth in the American Convention on Human Rights.

1/ Inter-American Commission on Human Rights, 54th session. "Report of the Inter-American Commission on Human Rights on the situation of Human Rights in the Republic of Guatemala." OEA/Serv.P-AG/CP/doc.295/81, 14 October 1981.

2. While the victims of this violence are found in all sectors of society - including the Armed Forces themselves and those who are in possession of political and economic power - there is no doubt at all that those most affected have been the leaders of opposition parties, trade unionists, priests, lawyers, journalists, professors and teachers, and the thousands of peasants and Indians who have been assassinated.

3. In the large majority of cases, the deaths resulting from this violence were due to illegal executions and to the 'disappearances' engineered by the security forces or paramilitary civilian groups acting in close collaboration with the government authorities, which took no steps to conduct proper or effective investigations of the perpetrators of those crimes.

4. These illegal execution and disappearances not only violate the right to life, they have created an endemic climate of total alarm, and even terror, which has subverted the rule of law, and in practice, has compromised most of the rights upheld in the American Convention on Human Rights.

5. The generalized violence in Guatemala has meant, as shown in the various chapters of this Report, that the rights to personal freedom and safety, a fair trial and due process, freedom of conscience and religion, freedom of thought and expression, and freedom of assembly and association, as well as political rights, are seriously affected and restricted in fact, despite their formal recognition in the Guatemalan Constitution and laws.

6. The great socio-economic disparities between the various sectors of the Guatemalan people have also contributed to generalized violence in the country. These disparities are evident in, among other things, the notable lack of correspondence between Guatemala's rates of growth in recent years and the quality of life of approximately half the population, whose economic and social rights - particularly as regards basic needs in the areas of health, nutrition and education - have not been made effective.

B. Recommendations

In consideration of the conclusions set forth here, the IACIHR makes the following recommendations to the Government of Guatemala:

1. That it take the measures necessary to prevent the occurrence of serious violations of the right to life; that it end the participation and tolerance by government authorities and paramilitary groups in the violence and terrorism, and that it investigate and rigorously punish those responsible for such acts.

2. That it investigate and punish, with the full force of the law, those responsible for the illegal executions, disappearances, arbitrary detention and torture.

3. That it guarantee effectively freedom of association, the right of assembly and trade-union freedom as upheld in the Guatemalan Constitution and in the American Convention on Human Rights.

4. That it effect a thorough-going and complete reorganization of the judiciary, so that once it has the human and material resources, the judiciary can have true autonomy and sufficient powers to effectively and promptly investigate violations of human rights and punish those responsible, regardless of who they may be, without fear of reprisals.

5. That it open a broad dialogue with all sectors of Guatemalan society in an effort to end the violence and find a solution to the social and economic problems through democratic, peaceful means and processes."

(D) Submissions from non-governmental organizations

12. Replies were received from a number of non-governmental organizations:

(a) Amnesty International. Letter dated 18 September 1981, forwarding materials on torture and murder in Guatemala, repression of trade union leaders and peasants, disappearances and killings of priests and churchworkers.

(b) International Union of Students. Letter dated 3 August 1981, enclosing materials on the aggression perpetrated against the students of the University of San Carlos in Guatemala.

(c) International Federation of Human Rights. Materials submitted on 28 July 1981 informing of a mission to Guatemala by a member of "Pax Christi International" and an expert of "The International Federation of Human Rights".

(d) Women's International Democratic Federation. Letter dated 18 August 1981, expressing concern and alarm for the kidnapping of women, the killing of women and children and the existence of clandestine cemeteries.

(e) Inter-Parliamentary Union. Letter dated 21 July 1981, enclosing a report on the case of Alberto Fuentes Mohr and a resolution unanimously adopted by the Inter-Parliamentary Council in April concerning the human rights situation in a number of Latin American countries, including Guatemala.

Among the submissions from non-governmental organizations there are two reports, one prepared by the Inter-Church Committee on Human Rights in Latin America, Toronto, Canada, dated 22 January 1981, and the other by the World Council of Churches, "Human Rights violations in Guatemala", dated October 1980, that were considered in the preparation of this document. The publication of the International Commission of Jurists (CIJL Bulletins Nos. 4, 5, 6 and 7) was also taken into account.

II. SUMMARY DESCRIPTION AND EVALUATION OF THE SOURCES

13. The allegations of human rights violations contained in the materials listed in III above originate mainly from information provided by Governments, specialized agencies, intergovernmental organizations and non-governmental organizations. Some transmit information collected from sources within the country.

14. In approaching the question of evaluating the basis of the allegations of human rights violations in Guatemala and of the reliability of the information contained in the materials under review, it can be pointed out that the United Nations has not yet been able to verify on the spot the human rights situation in the country. However, the information provided by the different sources listed above appear to reveal a consistent pattern of gross violations of human rights.

15. While this information is presented under different headings corresponding to various articles of the Universal Declaration of Human Rights, a common phenomenon emerges, namely that the right to life is not safeguarded in the country. It is a matter of record that numerous persons from urban and rural sectors and having associations with different social, religious, community, labour or political organizations, are being kidnapped, assassinated or are victims of other gross violations of human rights.

III. PRESENTATION OF MATERIALS RECEIVED

16. This part gives an account of the main allegations of violations of human rights relating to Guatemala as contained in the materials received. The central and predominant feature of these materials consists of accusations concerning violations of the rights enumerated in articles 3, 5, 6-11, 19, 21 and 23 (4) of the Universal Declaration of Human Rights.

17. Since 1965, Guatemala has had a Constitution that guarantees fundamental human rights and, as far as international instruments are concerned, Guatemala has ratified the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Political Rights of Women, the Convention on the Nationality of Married Women and the Convention on the International Right of Correction. Guatemala has signed the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Practices Similar to Slavery. It has also ratified, on 25 May 1979, the American Convention on Human Rights, with a reservation to article 4. In the field of labour Guatemala has ratified the Freedom of Association and Protection of the Right to Organize Convention of 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention of 1949 (No. 98).

Article 3. Everyone has the right to life, liberty and security of persons

"In Guatemala all human beings are free and equal in dignity and rights. The State guarantees as rights inherent in the human person: life, corporeal integrity, dignity, personal security and that of his property." Article 43 of the Constitution of Guatemala.

18. The main allegations examined under this article may be summarized as follows:

- (i) Massive killings of people by elements of the security forces and armed extremists.
- (ii) Steady increase in numbers of disappearances and kidnappings.
- (iii) Regular summary executions.

19. Following are extracts from the materials illustrative of the foregoing.

(a) Extracts from information submitted by the Government of the United States of America:

"Violence has plagued Guatemalan history, and there have been many non-constitutional changes of government. In 1980, kidnapping and assassinations reached higher levels than in 1979. Deaths which appeared to be politically motivated averaged about 75 to 100 each month. Reportedly these acts were carried out by armed extremists of the left and right and by elements of the official security forces. The Government states it is engaged in a life or death struggle against armed, radical Marxist groups, especially active in 1980 in the central highlands. Marxist insurgency in the eastern part of the country had been suppressed with considerable loss of life in the early 1970s. There are reports that the Government is condoning and organizing violence against those it perceives as its enemies... Guatemalan security forces have increased efforts to eradicate the guerrillas. Innocent persons often are the victims of indiscriminate violence from both sides. It is frequently impossible to differentiate politically-inspired from privately-inspired violence. The Government has resisted pressure to impose a state of emergency which would permit the suspension of some constitutional freedoms and protections... Victims of the

violence in 1980 included military and police personnel, government officials, pro-government politicians, businessmen, opposition political leaders, peasants and large numbers of students, academics and trade union activists. Fears for their safety spurred numerous academics and opposition politicians into self-exile, and the Bishop of El Quiche withdrew all Catholic Clergy from his Diocese after the murder of two priests and other incidents in that area of rising army-guerilla conflict. A third priest was killed elsewhere; a fourth was abducted. A United States citizen working with private agricultural programmes was murdered by unknown assailants in October. Leftist terrorists kidnapped two United Nations officials, and several Guatemalan and foreign businessmen, including the top local executive of Westle, and killed the president of the principal business association. In January 1980, armed members of a radical left student organization with presumed ties to the guerrillas led a group of Indian campesinos in a take-over of the Spanish Embassy to protest government policies. Thirty-two occupiers and seven hostages burned to death when police, ignoring the request of the Spanish Ambassador, stormed the building. As police broke into the occupied room, at least one of the occupiers threw a molotov cocktail touching off the fatal fire. The Spanish Government broke relations with the Guatemalan Government as a result of the incident.

Deaths which appear to be politically motivated averaged about 75-100 each month. Armed extremists of the left and right and elements of the official security forces are all reportedly responsible. Anti-criminal death squad killings averaged about 13 a month, according to press articles. Members of the security forces are reportedly involved, although the Government denies this. In rural areas, there are frequent accusations of political and personal violence committed by local military and civil authorities, by Marxist and militant rightist terrorists, and by private parties. There is no information that the Government has charged or prosecuted those responsible. A 1979 International Commission of Jurists' report on Guatemala is critical of the Government of Guatemala's failure to investigate violence and the activities of the "death squad".

There are no reports of political prisoners. Criminal prisoners can pay for extra comforts and are treated equally. There are hospitals or clinics at all prisons. Diet is customary Guatemalan fare. Prisoners have ready access to other food to supplement a standard diet. Prisoners have considerable freedom of movement within the jails. There are liberal visiting hours for families and rooms are available for conjugal visits.

In 1980 there were increasing numbers of abductions of people who have never been heard of again. The common assumption is that most of these persons are dead. The accidental discovery in Comalapa of a secret burial pit containing some 30 bodies, and of other clandestine burial sites confirmed this assumption. In June and August unidentified gunmen seized some 44 persons during two meetings of leftwing labour activists; one identifiable body has been found. Guatemalan leftwing opposition groups accused Government security elements. Investigations of disappearances appear to be pro forma. 2/

(b) Extracts from materials submitted by Amnesty International:

"Attacks and killings of peasants continued to be reported to Amnesty International throughout 1978 and 1979, but the plight of the Guatemalan peasantry once again received world attention on 31 January 1980 when 21 Quiche Indians died

2/ Country Report on Human Rights Practices, 2 February 1981, pp.441 and 442.

after police stormed the Spanish Embassy in Guatemala City. That morning a delegation of Quiché Indian peasants had gone to the Spanish Embassy hoping to gain assistance in their attempts to obtain a hearing from the Guatemalan authorities concerning abuses such as 'disappearances' of relatives perpetrated by the Guatemalan army in Quiché. Informed of the peasants' presence, the National Police surrounded the building. Despite a request by the Spanish Ambassador Maximo Cajal y López, and the Spanish Minister of Foreign Affairs, that the police should not enter the Embassy, and despite the peasants delegation's undertaking that they would withdraw peacefully, the National Police stormed the Embassy. Thirty-eight people died, some from gunshot wounds and others in the ensuing fire. Only the Ambassador and an Indian peasant, Gregorio Uyja Xona, survived. At the Ambassador's insistence, Gregorio Yuja, who was badly injured, was taken to the same hospital as the Ambassador. Although under police guard, Gregorio Yuja was abducted from the hospital that night. The next day he was found dead, evidently the victim of torture. The police attack was condemned by the Organization of American States (OAS) on the grounds 'that violent action transgresses the norms of international law'".

"On 3 March 1980, 15 peasants died and between 50 and 60 were injured in Nebaj, Quiché, when members of the Guatemalan army fired on a crowd of villagers waiting in line to be issued with identity cards. According to the official version, the crowd had attacked the army barracks, but church sources and foreign journalists who were eye-witnesses maintain that it was the army which opened fire.

In addition to such dramatic incidents that draw the attention of the world press, Amnesty International has received continual reports that some peasant families have suffered systematic persecution. In an interview included in the Amnesty International report, Guatemala: a Government programme of Political Murder, a peasant describes how the discovery of some leaflets or circulars could be enough reason to eliminate a whole family. In one incident, on 19 April 1980, Juana Tum de MENCHU, a 55 year old Ixil Indian, was detained by an army patrol as she walked home from the parish convent of San Miguel Uspantán, Quiché. She had travelled with a delegation of villagers from the Uspantán region to appeal for the release of nine villagers detained by soldiers during the previous month. Prior to her detention, she told an interviewer that one of the nine had been her son Patrocino, who had been taken from her home in the hamlet of Chimel (see AI document AHR 34/C8/80, 8 February 1980). After three months' secret detention, seven of the nine 'disappeared' were found murdered at a roadside in El Quiché in December 1979. Her husband, Vicente Menchu, accompanied a second Indian delegation from Quiché to Guatemala City. He was one of the 33 who died at the Spanish Embassy on 31 January 1980. Juana Tum de Menchu is one of the 'disappeared' and the Menchu family has ceased to exist in the hamlet of Chimel.

Villagers in El Quiché continue to bear the brunt of army operations in the region. On 15 October 1980 soldiers killed seven members of the PU ZEPETA REYNOSO extended family, including children, in Chajbal. The sole survivor, Abelino Pu Zepeta, reached Guatemala City and was admitted to the Roosevelt Hospital. Plainclothes security officers traced him there and took him out of the hospital; he was found murdered on 20 October 1980.

Amnesty International is also seriously concerned at the 'disappearance' of at least 27 peasants from the area of Santiago Atitlán, department of Sololá (a town of about 20,000 inhabitants, the majority of them Tzutuhil Indians) since the town was occupied by the Guatemalan army on 22 October 1980. An Indian peasant from

Santiago Agitlán who was interviewed by a foreign journalist in mid-November 1980 (see AI document AMR 34/08/81) described how on 23 October 1980 "the army went into two houses and took two peasants away with them. They hit them and also hit the women and children". In the most recent incident known to Amnesty International, on 7 January 1981 16 persons were abducted by members of the security forces in Santiago Atitlán. The next day, the tortured bodies of seven coffee workers from Santiago Atitlán were found on the road that leads from Patatul, in the department of Suchitepéquez, to Nueva Concepción, in the department of Escuintla. All seven had been kidnapped. Three of the peasants were identified as Pedro SAJUEL HENDOZA, 32 years old, Julio HELGAR, 24, and Diego CHAJCOK OUIIC, 17 years old. 3/

"Amnesty International said today (Wednesday, 13 February 1981) that a long-established government programme of murder and torture in Guatemala was run from an annex of the National Palace, under the direct control of President Romeo Lucas García.

In a new report, Guatemala: A Government Programme of Political Murder, published today, the International Human Rights Organization said some 3,000 people were found murdered after being seized in the first 10 months of 1980, and hundreds of others were missing.

The Guatemalan Government attributes such killings to independent groups outside its control, but the report summarizes detailed evidence that they are carried out by the army and police, and it adds two new pieces of evidence - interviews with a survivor and a former soldier.

Many thousands of people have been murdered by the security forces in Guatemala over the past two decades after being picked out as real or suspected critics of Government policy. In 1976 Amnesty International estimated that about 20,000 people had been murdered or "disappeared" after being detained in the previous 10 years, and it estimates that nearly 5,000 Guatemalans have been seized and killed since General Lucas García became President in 1978. Bodies are found piled in ravines, at roadsides or in mass graves, often with the scars of torture. Most were killed by strangling, by being suffocated in rubber hoods or by being shot in the head.

The murder programme is run, the report said, from offices in the palace complex by a presidential agency founded in 1964, known until recently as the Regional Telecommunications Centre and before that by a series of other names.

Guatemalan authorities attribute the killings to the Escuadrón de la Muerte (Death Squad) and the Ejército Secreto Anticomunista (Secret Anti-Communist Army), described as independent groups, but Amnesty International said that no convincing evidence has been produced that such independent groups exist. It noted that there was violent guerrilla activity in Guatemala, but said this could not justify murder by a government.

The interview transcripts included in the new report contain recent eyewitness testimony corroborating other evidence of the security forces' responsibility. One of the interviews is with a man described as the only known survivor of political imprisonment in Guatemala in 1980. It tells of his detention at Huehuetenango army base where he says he witnessed the killing of three prisoners and saw the bodies of six others in the 11 days he was held. The other interview, with a conscript who was trained and sent out to take part in the detentions and killings, describes the military units' license to kill 'anyone who was a suspicious character', as well as people on target lists.

The report includes representative case histories of some of those seized by troops or police; some were later found dead and others are still missing." 4/

"Disappearances' and extrajudicial killings of peasants
by security forces

19 July 1981 Coya killings

AI has received reports that on 19 July 1981 between 150 and 300 peasants were killed when army troops carried out an air bombardment of the village of Coya in the municipality of San Miguel Acatan, department of Huehuetenango. The majority of those killed were women, children and old people. After the killings, the army reportedly piled up the bodies and hacked them into pieces using machetes.

17 June 1981 'Disappeared' persons from El Arbolito

Daniel RODAS ALVEREZ
Vidaul ROJERO RODAS
Carmen CRUZ RODAS Y RODAS
Erasmó AGUILAR
Benjamin MALDONADO

In a previous incident on 17 June 1981, armed men entered the small agricultural co-operative village of El Arbolito, Rio Usumacinta area in Peten, Guatemala's most northerly, largely jungle-covered province. The intruders destroyed homes, burnt crops, confiscated property and took a number of people into custody at gunpoint. Other villagers were summarily executed as they worked in their milpas (maize fields) or as they walked along the roads in the area, and happened to chance on the attackers with their captives. One woman stated that one man named Manuel was specifically pointed out by the leader of the group which had invaded the village, and his eyes were then put out with a large needle as his children watched. He was then shot and submerged in the water of the nearby river until he died.

The invaders announced themselves as members of the Ejército Secreto Anticomunista (ESA), Secret Anti-Communist Army, but peasants who survived torture and interrogation at their hands later testified from their place of refuge in Mexico that their attackers subsequently changed into army uniform and joined other uniformed soldiers wearing variously the distinctive arm bands of the Policía Militar Ambulante (PMA), Mobile Military Police, the combat gear of regular army units, the characteristically striped uniforms of the kaibiles, special counter-insurgency forces, at a temporary military encampment some 20 kilometers from the co-operative. The troops responsible were reportedly permanently based at Poptun.

Survivors testified to having been kept bound and tied from 17 to 24 June, during which time they were given no food or drink and were beaten and kicked, burnt with cigarettes, subjected to mock executions and near garotting, and hooded with rubber hoods impregnated with chemicals. In other cases, rubber 'gloves' were placed over the hands, testicles, throats and breasts of some of the captives, and set alight in some cases burning down to the bone before they eventually burnt themselves out.

Survivors who displayed scars on their bodies from burns and machete blows as well as marks on their thumbs, where they had been bound, told of hearing of others from their village who had been similarly tortured and was certain that some of

their friends and relatives had died as a result. They had heard trucks drive away with bodies, which they supposed were then thrown into the nearby Usumacinta River.

Other recent incidents of large-scale extrajudicial executions:

I. During the first week of February 1981, soldiers searching the hamlets of Papchalá, Patzal and Panimac in the municipality of Comalapa in Chimaltenango, reportedly killed some 168 peasants, including men, women and children.

Allegedly, among the victims was a new-born baby who was kicked to death and its mother then murdered. The bodies were allegedly taken away in trucks to secret cemeteries, where they were found some days later, attention having been attracted to the sites in question by the smell of the rotting corpses. The incident was reported in the New York Times of 7 May 1981 which stated that the killings had been reported by American missionaries and aid personnel who had been working in the area, but were later forced to leave.

II. On 4, 5 and 6 February 1981, soldiers allegedly searched the town of Las Lomas in the municipality of San Martín Jilotepeque, also in Chimaltenango and fired indiscriminately at villages from a truck, killing approximately 85 men, women and children. Some women's bodies were reportedly left hanging from trees, while the soldiers burned homes and crops and robbed the corpses of their victims. Those who fled were allegedly bombed from the air. Chimaltenango lies within the area hardest hit by the earthquake which devastated Guatemala in 1976. Consequently, it received the most disaster relief and social assistance from abroad, and strong community organizations emerged. These in turn have apparently been seen by the authorities as political foci for opposition to the present Government, and repression has been severe in this area. Many of those killed in recent months have received death threat letters from the ESA, a self-styled right wing "death squad" which AI believes to be merely a cover name for personnel of official security forces acting under official Government order but frequently carrying out killings and kidnappings whilst out of uniform. The February incidents occurred after guerrillas had allegedly passed through the town.

III. In March 1981, Chimaltenango was once again a target of repression when 171 people were killed, 43 more "disappeared" after having been kidnapped and 16 were wounded in a two week period. During the week 8 to 15 March, the army took away nine peasants from the village of Calante, in the municipality of San Miguel Uspantán, department of Quiché. On 17 March army soldiers returned to Calante and took away the men and women there. The next day the bodies of 15 women were found on the road from Calante to Uspantán. They had all been decapitated. During the last two weeks of March, similar incidents allegedly took place in hamlets in Peten located along the road to Melchor de Mencos and the border with Belize, including Macaché, La Unión, El Cruzadero and El Zapote. These villages are now reported to be virtually deserted, their inhabitants having been burnt to death in their huts or captured, and their bodies later found tortured and dismembered.

IV. On 9 April 1981, at least 23 people, including a five year old child, were reportedly killed by 60 members of the security forces who had occupied the village of Chuabajito, again in Chimaltenango (see AI documents AMR 34/22/81 and AMR 34/24/81). At 7.30 p.m. on the day of the killings, a group of men came out of the forest bringing with them 12 bound men from surrounding villages. The invaders were masked and entered homes in Chuabajito, asking for people by name. They gathered 12 male villagers together, ranging from teenagers to a man in his 50s. As the captives were herded towards a school,

the daughter of one of the men ran after them, and was killed with a machete. At 8.30 p.m. those remaining in the village heard machinegun fire. Later, they ventured down the hill and found 22 shot. One man whose throat was slit was reportedly found alive, but reportedly died shortly afterwards. The Venezuelan newspaper Diario de Caracas reported on 14 April that two others, Esteban Loves (53) and Santos Mayor Aguirre (31), were left for dead, and were taken for treatment in the departmental capital of Chimaltenango. The Diario de Caracas article said that the two could not speak, as they had received machete wounds in the neck and throat, and the doctors had performed a tracheotomy operation on them in order to save their lives. AI medical groups appealed to the Guatemalan Government on behalf of the two reported survivors (see AI document AHR 34/26/81) but there has been no further word of their whereabouts or fate. One week later, the army issued a statement expressing concern at the cruel and inhuman tragedy of the village, which it said "did not have security forces for its defence", and promised that the army was initiating an investigation to identify the authors of this massive crime. The investigation apparently did not extend to interviewing the survivors, and villagers report that they have not seen a soldier or policeman since the incident occurred.

Meanwhile, the Sunday Times (London) reported on 25 May 1981 that the United States political columnist Jack Anderson had obtained a copy of the confidential State Department telex in which officials at the United States Embassy in Guatemala City expressed deep suspicion that the murders were carried out by a right wing death squad with the complicity of the Guatemalan military. The cable reportedly said that the army's attribution of the incident to guerrillas "strains credulity". The United States Embassy cable further said that guerrillas do not carry out such mass executions, and that in any case they would not have been searching for arms in peasants' houses. If the assailants had been guerrillas trying to implicate the Government in an atrocity, they would have worn uniforms, the cable concluded.

V. On 11 April 1981, 24 peasants were killed in the isolated hamlet of Chinanbac, 65 kilometers to the west of Guatemala City. On this occasion, the Government similarly charged that the killings had been the work of subversives, but there has been no indication that there has been an official investigation into the incident.

VI. On 15 April 1981 soldiers arrived at the hamlet of Cocob in the municipality of Nebaj, department of Quiché, and killed nine peasants as they were returning from working in their fields. The following day, the soldiers returned to Cocob and killed 60 people, all those remaining in the village. The victims included old people, women and children.

VII. On 24 May 1981 an army unit dressed in plainclothes and acting under orders of a lieutenant reportedly arrived at the San Francisco estate in the municipality of San Juan Cotzal in Quiché. Reportedly, after examining the identity documents of the adult men, they lined up men, women and children and machinegunned them to death indiscriminately, killing 70 people and wounding others. San Juan Cotzal was the subject of massive summary killings earlier, in July 1980 when four officers and 40 soldiers were reportedly killed by guerrillas when they attacked an army garrison. The guerrillas then withdrew, and troops arrived from surrounding towns and gathered the population in the central plaza. Sixty were killed. The soldiers reportedly then withdrew after warning that if any more soldiers died, they would return and kill 60 women and 60 children.

In another incident which occurred in July 1980, in Quiché, army personnel in army trucks, jeeps and helicopters occupied the village of La Estancia, some 15 kilometers from the capital of the department. Four peasants were reportedly publicly tortured and then killed by the army. Reports indicate that the victims were two brothers called Chavez and two other men named Morales and Tzoy, who were burned alive in front of their families, and had stakes driven into their rectums, ears, mouths and eyes before they died (See AI document AMR 34/17/80 for further information concerning summary executions carried out during 1980 by the army in Nebaj, Quiché, and AMR 34/11/79 for information concerning killings carried out by the army in Panzós, Alta Verapaz, in May 1978).

VIII. In yet another incident close to the Mexican border, at least 36 men, women and children were reported killed and five more seriously wounded in the Huaxix district of San Mateo Ixtatan, Huehuetenango just after midnight on 1 June 1981. Victims included eight children between the ages of 5 and 10 years old. A group of armed men reported to be soldiers in the Guatemalan army entered the town in a car, broke down the doors of the brick and mud houses at the edge of the town, and machinegunned the victims to death in a space of 15 minutes. The incident occurred shortly after another armed group had passed through the town and painted anti-government slogans. Two soldiers arrived after the massacre and carried out a cursory inspection." 5/

(c) Extracts from allegations submitted by the Women's International Democratic Federation:

"Killings of women and children

Among the many women killed in the course of 1980 were such leading members of UNAMI (Union of Guatemalan Women) as Rita Navarro, arts graduate, professor; Guadalupe Navas, university professor, lawyer; Lucila Rodas de Villagra, Director of the Women's Institute of Quezaltenango. The poet, Guadalupe Navas, was killed on 30 August 1980.

In the San Luis Urriola Estate, the naked body of a 30-year old woman bearing clear signs of torture, was found in November 1980. Her hands had been cut off and her face disfigured by numerous wounds which made it impossible to identify her.

Julieta Patricia Linares, aged 7, was killed by a machine-gun fired by unknown persons at her father, José Hector Linares, aged 65. This occurred in the district of Moyuta Jutiapa, when some eight unidentified men armed with submachine-guns arrived at the home of Mr. Linares and attempted to abduct him.

Mass killings of entire families

Three peasant families were massacred in the district of San Juan de Ostuncalco in November 1980. A group of heavily armed policemen burst into their humble homes between midnight and dawn on a Sunday and, using fire arms and knives, cold-bloodedly killed Rosalfo Alonso León, aged 45; Bernabella Vázquez Romero, 40; Juana Juárez Pérez, 25; Marcos Alonzo Vicente, 45; Victor Alonzo Romero, 18; Pablo Alonzo Romero, 15; Francisco Alonzo Romero, 8; Angel Alonzo Juarez, 11; Juliana Alonzo Romero, 7; Cecilia Alonzo Juarez, aged 6; and Bernarda Alonzo Juarez, aged 10. The evil-doers set fire to two of these homes and then fled.

In December 1980, Fidelina Villatoro, aged 55, and her daughters Aura Elena Villatoro, 30, Amelia Santay Villatoro, 17, and Alicia Santay Villatoro, aged 9, were killed ruthlessly on the Palmire Estate, in the district of Cotapeque.

In the hamlet of Los Alonsos de Quezaltenango, 12 persons, including seven children, were put to death.

Numerous reports have been received of incidents in which families and groups of Indian peasants were killed in the area of Quiché, Ixil, Kekchi and Río Negro, when they tried to prevent the army from plundering their land.

Secret graves

In the course of only a few months secret graves have been discovered in various parts of Guatemala, containing mutilated corpses showing marks of brutal torture, some of them disfigured so as to avoid identification of the victims.

The incidents include the following:

In the area of Comalapa, Chimaltenango, a secret grave was found to contain 12 mutilated corpses in polythene bags;

In Jutiapa, another group of corpses was found and the bodies could not be identified;

In the Department of Quetzaltenango, more than 50 bodies were discovered in a secret grave;

In Zacapa, a secret grave containing 42 mutilated corpses was discovered." 6/

(d) Extracts from allegations submitted by the International Federation of Human Rights:

"The state of civil war is not openly recognized, as in the case of El Salvador. However, the most conservative estimates for the first half of the year, put the number of deaths at 30 a day, with some 10 'forced disappearances' or 'abductions', in other words, over 5,000 dead and 1,500 missing in six months. It must be made clear first of all, that these are to be regarded as the minimum figures, since they are simply taken from the local press, and are always less than the real amount (study carried out in particular by the services of the French Embassy); these figures relate only to the massacre of civilians and do not include the numerous clashes between the Army and the guerrilla forces.

These massacres, like the disappearances, cover all sectors of the population. The peasants and the indigenous population are the ones most affected, but the Christian communities, the priests, monks and nuns, the workers, lawyers, intellectuals and teachers have also been hit: 70 lawyers killed or missing in the last three years, and a number of priests and members of religious orders killed (seven in 1980-1981) or missing.

2/ Women's International Democratic Federation, letter dated 18 August 1981.

It is no easy matter to pinpoint who is responsible for these massacres, carried out in most cases by para-military groups, sometimes by the Army (as was the case, for example, at Panzos in May 1978, where 100 Kekchi Indians were massacred) or by the security forces (attack on the Spanish Embassy followed by the massacre of 30 peasants in January 1980).

In the majority of cases, bodies are found, either in the towns or in the countryside, without identity papers, killed by 'unknown persons', as the press puts it.

We should emphasize that the para-military groups operate with the knowledge of the authorities, and some are made up of 'members of the forces responsible for maintaining law and order'.^{7/}

(e) Extracts from allegations submitted by the World Council of Churches:

"It is worth noting that the ratio of victims seen in terms of left and right-wing is about 10 to one.

The analysis also mentions that there were 201 cases of 'witnessed kidnapping' and in most cases 'heavily armed men' sometimes in uniform are involved.

434 of the bodies recovered bore marks of torture and/or mutilation and in 483 cases the bodies were unidentified (though this could be because news of their identification had not reached the newspapers).

Official National Police figures for the first ten months of 1979 record 3,240 people assassinated with signs of torture, a figure which, if taken as the total for 1979, is nearly double the estimated rate for the period 1966-76.

'Violencia en Guatemala: 1979' using only newspaper reports shows the increase prior to 1980 as follows:

January-June 1978.	Pres. Laugerud.	62 victims a month
July-December 1978.	" Lucas.	84 " " "
January-December 1979.	" "	114 " " "

Figures for 1980 indicate that the numbers are, if anything, increasing. One source reports a total of 342 dead for the two weeks 11-25 August. The same source was reporting an average of 205 per month earlier in the year."^{8/}

(f) Extracts from allegations submitted by the Inter-Church Committee on Human Rights in Latin America:

^{7/} International Federation of Human Rights, statement on Guatemala dated 26 August 1978.

^{8/} World Council of Churches, "Human Rights violations in Guatemala", dated October 1980, p. 19.

"The Inter-Church Committee on Human Rights in Latin America (Canada) has monitored the human rights situation in Guatemala closely since 1978. The Committee sent two fact-finding missions to Guatemala during 1980 to collect firsthand evidence of the violations of human rights both in the capital city and in the countryside. Committee members have also had extensive interviews with a number of Guatemalans who visited Canada during 1980 at the invitation of church organizations. Information gathered during these interviews included testimony from a five-member delegation from the Democratic Front Against Repression during that mission's official visit to Canada in May. During meetings with officials of the Department of External Affairs, Members of Parliament representing the three major federal political parties, and with church and trade union leaders, these Guatemalans gave detailed evidence of the systematic terror which is being used by the Guatemalan authorities against the people of that country.

The evidence that the ICCHRLA has collected from a wide variety of sources leads us to the assessment that the human rights situation in Guatemala has deteriorated seriously during 1980 under the military Government led by General Romeo Lucas Garcia. With a toll of 30-40 victims per day, the current wave of repression is the worst, on a national scale, in the history of Guatemala.

Climate of Fear

The ICCHRLA members who visited Guatemala during January/February and in July 1980, reported that the climate of fear in the country was immediately apparent and all pervasive. In late January, we interviewed four of the peasants who had come to the capital from the Quiché to ask for an official investigation into the military occupation of the Quiché and the brutal repression against their people. Two of the peasants we talked to were killed the next day in the 31 January massacre at the Spanish Embassy which took 39 lives; a massacre which was carried out by the Guatemalan police despite the fact that Spanish Ambassador Maximo Cajal y Lopez had called on the Guatemalan Government to take no action because no one in the Embassy was in danger. We heard and saw and read the distorted Government version of the events of the day on radio and television broadcasts and in newspapers. We attended the funeral procession of the murdered peasants and saw for ourselves the menacing presence of the police and heavily armed men in civilian clothes (who were using vehicles with the license plates covered) on all the street corners along the route taken by the massive funeral procession in which between 5,000 to 6,000 people took part.

During a week-long visit in July, we observed that the climate of terror had grown visibly worse. Large numbers of police and military personnel were much in evidence on the city streets and in the countryside. Almost all the interviews we had with church personnel, human rights advocates, social development workers and with peasants and leaders of popular groups were arranged only with the greatest of difficulty because so many people were living under constant surveillance. It was almost impossible to meet with trade unionists, or with professors or students from San Carlos National University because of the unabated kidnappings and assassinations of people from these sectors during the first six months of 1980. Dozens of people known personally to the ICCHRLA, after long years of relationship with Canadian church bodies, were forced to leave the country during this period because of death threats, or constant surveillance, made normal living and working impossible.

One of the worst human rights violators in the Western Hemisphere

The brutal disregard for the right to life and all other fundamental human rights marks Guatemala as one of the worse human rights violators in the western hemisphere in 1980. Disappearances, assassinations, death threats, arrests, attacks against trade union activities and buildings, land-grabbing from impoverished peasants - most of whom are indigenous people, attacks on church personnel and property as well as against the universities and the mass media, all form part of the violence being inflicted on this Central American nation. The Washington-based human rights monitoring group, the Council on Hemispheric Affairs, estimates that upwards of 5,000 people were killed during 1980 - a conservative estimate, other sources put the toll at between 15-20 a day and others even higher as reports of unidentified bodies clothed in native dress floating down rivers between Guatemala and Mexico and the discovery of several mass graves, have come to light. For example, it was reported in May 1980, that the remains of at least 26 corpses were found in a deep ravine near San Juan Comalapa, Chimaltenango, by students who were searching for a local resident, Neemias Cumes, who had been kidnapped shortly before. The bodies discovered showed signs of torture. There had previously been several reports in the press of secret cemeteries discovered in several parts of the country. Moreover, around this time, the Chicoy River in the Quiché was described as another secret cemetery 'due to the daily appearance of corpses floating downstream, so far unidentified and exhibiting bullet wounds'.

Startling revelations concerning the high-level involvement of the Guatemalan Government and military in the operation of the supposedly independent para-military death squads were made by a former Guatemalan Government official in 1980. Elias Barahone y Barahona, press secretary to Interior Minister Donaldo Alvarez Ruiz from 1976 to mid-1980, told a press conference called when he sought sanctuary in Panama that he was, in fact, a member of EGP (Ejercito Guerillero de los Pobres) who had infiltrated the Government. Barahona's denunciations included the claim that the Guatemalan Government was directly responsible for the 31 January (1980) massacre at the Spanish Embassy. He said he had been present when President Lucas Garcia personally ordered the attack on the Embassy and also the following day, when government officials fabricated the official version of what had happened." 9/

Article 5: No one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment

"... nor shall physical or moral torture, cruel treatment, infamous punishment or acts, hardship or coercion be inflicted ..." Article 55 of the Constitution of Guatemala.

9/ Inter-Church Committee on Human Rights in Latin America, 22 January 1981, pages 53 to 55.

20. The materials examined contain numerous allegations of violations of article 5, particularly the cruel methods of execution, and a large number of accounts concerning torture particularly:

- (i) Methodic beating and physical abuse of prisoners,
- (ii) Mutilations,
- (iii) Summary executions by cruel and barbaric methods.

21. Following are some extracts illustrative of the foregoing:

(a) Extracts from allegations submitted by the Government of the United States of America:

"Charges of human rights violations such as degrading treatment, arbitrary arrest and summary execution are made regularly, particularly in those rural areas where Marxist guerrillas have intensified violence against the Government, its allies, and business interests. Guatemalan security forces have increased efforts to eradicate the guerrillas. Innocent persons often are the victims of indiscriminate violence from both sides. It is frequently impossible to differentiate politically-inspired from privately-inspired violence. Article 55 of the Constitution and Article 10 of the criminal procedural code prohibit torture. There are reports that Government security personnel engage in torture and other arbitrary and unjust treatment. According to Guatemalan press reports, assassination victims often show signs of torture or mutilation. There is no indication that anyone involved in its practice has been disciplined." 10/

(b) Extracts from material submitted by the International Federation of Human Rights:

"Most of the bodies found are hideously mutilated and bear clear signs of torture, which has been turned into the system for asking questions and is frequently followed by death. Eyewitness accounts are difficult to obtain; we were, however, able to find a young peasant from Quiché who had managed to escape with four of his companions after a month and a half of daily torture (blindfolded, made to stand up for prolonged periods, electricity and blowtorch burns, mental torture, etc. ...).

The 1965 Constitution provides in article 79 for a form of habeas corpus, known as 'recurso de exhibición personal', but this provision, like the 1973 Penal Code prohibiting arbitrary arrest and abduction, is not applied; the police never conduct a proper inquiry when corpses are discovered or people disappear. The judges say they are powerless because of the magnitude of the phenomenon. In 20 years, only one appeal has succeeded (in 1978) in producing the missing person.

Hence, it should be stressed that Guatemala has no political prisoners: the way to eliminate political opponents is quite simply to assassinate them". 11/

10/ Country Reports on Human Rights Practices, 2 February 1981, pp. 441-442.

11/ International Federation of Human Rights, statement on Guatemala dated 26 August 1978.

(c) Extracts from allegations submitted by Inter-Church Committee on Human Rights in Latin America:

"Peasants tortured

The municipality of San Martin Jilotepeque has been invaded by the army a number of times, in this same period. The soldiers search the houses, ransacking the interiors, asking for leaders of the CUC. Six peasants were kidnapped and tortured for a period of four days in an attempt to obtain information on the whereabouts of peasants on the army's list.

In Parramos, at 9.00 a.m. on 30 September, several detectives in civilian clothes, accompanied by 10 uniformed policemen, went to the home of a peasant and accused the family of making bombs. In another house, they accused the family of hiding arms and, not finding the head of the family at home, beat up the wife and children, stole the family's craftwork, money and a typewriter.

Of particular concern to Canadians - because he was a United States citizen who had visited and worked in Canada - is the abduction, torture and death of Kai Yutah Clouds (also known as Veit Nikolaus Stoscheck). This 32 year old man was an active participant in the Religious Society of Friends (Quakers) and had a deep-rooted commitment to non-violence. He was working with indigenous people in Guatemala, primarily in the areas of natural pest control and organic farming. It has been ascertained, from eyewitness reports, that on 10 October, at approximately 1.15 p.m., he was abducted in Chilmaltinango, 100 km from the village's central park, by five heavily armed men in civilian clothes (reported to be members of the security forces) who hit him over the head with a gun and dragged him into a red Honda Civic (the type of car commonly used by the security forces). His body, with multiple head injuries, was found, subsequently, in the city of Antigua; time of death was estimated at 4.00 a.m., 11 October." 12/

(d) Extracts from allegations submitted by Amnesty International:

"Survivors testified to having been kept bound and tied from 17 to 24 June, during which time they were given no food or drink and were beaten and kicked, burnt with cigarettes, subjected to mock executions and near garotting, and hooded with rubber hoods impregnated with chemicals. In other cases, rubber 'gloves' were placed over the hands, testicles, throats and breasts of some of the captives, and set alight in some cases burning down to the bone before they eventually burnt themselves out.

Survivors who displayed scars on their bodies from burns and machete blows as well as marks on their thumbs, where they had been bound, told of hearing of others from their village who had been similarly tortured and was certain that some of their friends and relatives had died as a result. They had heard trucks drive away with bodies, which they supposed were then thrown into the nearby Usumacinta River." 13/

12/ Inter-Church Committee on Human Rights in Latin America, 22 January 1981, p. 65.

13/ Amnesty International. 25 August 1981. AI INDEX: AMR 34/39/81.

Articles 6-11: Concerning recognition of persons before the law, entitlement to equal protection of the law, right to effective remedies, freedom from arbitrary arrest, detention or exile, right to a fair and public hearing and right to the presumption of innocence:

"Every person has free access to the courts for the purpose of exercising his rights of action in accordance with the law.

"Foreigners may have recourse to diplomatic channels only in the event of a denial of justice. The mere fact that a decision may be adverse to their interests is not to be considered as such. In any case, the legal recourses established by Guatemalan laws must have been exhausted."

...

"Any person who finds himself illegally imprisoned, detained or restrained in any other way in the enjoyment of his individual liberty, who is threatened by the loss of it, or suffers grievances even when his imprisonment or detention is based on law, has the right to request an immediate hearing before the courts of justice, whether for the purpose of obtaining the restitution of his liberty, for bringing the grievances to an end, or for terminating the constraint to which he is subject. If the court orders the release of the illegally confined person, he is free at that moment and at that place. When it is so requested or when the judge or court deems it appropriate, the hearing shall be held at the place where the detained person is situated without prior advice or notification to the parties. The personal appearance of a detained person in whose favour a writ of habeas corpus has been claimed is imperative. Authorities who order the concealment of the detained person or who refuse to present him to the proper court, or who in any other way frustrate this guarantee, as well as agents who carry out such an order, shall be considered to have committed the crime of abduction and will be subject to punishment in accordance with the law."

"Every person has the right to petition for amparo in the following cases:

1. In order that his enjoyment of the rights and guarantees established by the Constitution may be maintained or restored.

2. In specific cases, to obtain a ruling that a law, a regulation or a decision or act of an authority is not binding on the petitioner because it contravenes or restricts any of the rights guaranteed by the Constitution."

Articles 74, 79 and 80 of the Constitution of Guatemala.

22. In spite of the fact that the legal framework provides for the protection of human rights, it is alleged in the material submitted that the judicial system does not work properly because of the intimidation of judges and lawyers. People are arrested by paramilitary groups, placed in prisons and tortured as if there were no legal guarantees.

23. Extracts from the allegations submitted above are contained in the following materials:

(a) Extracts from the material submitted by the Government of the United States of America:

"Article 53 of the constitution provides for due process for accused persons before the courts. Those persons processed generally received fair public trials. Courts are independent of executive or military control. Elected by the legislature, supreme court justices in turn appoint lower court judges. Under Guatemalan law, attorneys have access to clients after formal charges are made at a preliminary hearing which must take place within 48 hours of apprehension. The court appoints a public defender if the accused lacks private counsel.

Article 259 of the constitution provides that, except in a state of emergency, military courts have jurisdiction over civilians only if the latter act as chiefs or leaders of armed action against the public powers. The organization, composition and function of these courts are governed by military laws supplemented by ordinary legislation. There have been no military trials of civilians in recent years. As in the case of civil jurisdiction, verdicts of military courts are appealable, in both cases to higher civil courts.

In spite of constitutional and legal guarantees, there is a widespread view that the judicial system does not function effectively because of intimidation of judges, lawyers, litigants and witnesses. The threat of violent retaliation results in few convictions. Three judges and at least a half dozen lawyers were murdered in 1980, apparently the victims of such acts of retaliation. The International Commission of Jurists' 1979 report found that the operations of para-military forces have resulted in the breakdown of respect for judicial institutions and the rule of law." 14/

(b) Extracts from the material submitted by the Inter-Church Committee on Human Rights in Latin America:

"Seventeen trade union leaders and a Catholic administrator were kidnapped on [24 August 1980] while attending a seminar at the 'Emaus Medio Monte' estate, a farm and retreat centre belonging to the diocese of Escuintla, on the southern coast of Guatemala. The government denies any knowledge of, or involvement in this massive kidnapping operation. However, ICCHRIA sources indicate direct government involvement in the following ways: the operation was conducted by Alfonso Ortiz, assistant chief of the Detective Branch of the National Police, with troops from the army; the unionists were forced, at gunpoint, into several vehicles belonging to government security forces (government license plates on two of the vehicles were: P-78165 and P-73077); the unionists were taken to the garages of the Detective Branch of the National Police in Guatemala City where they were beaten and tortured under the direction of Pedro Arredondo, the newly appointed chief of the Detective Branch of the National Police. In denouncing this incident, Bishop Mario Enrique Rios Mont (diocese of Escuintla) held the government responsible for the kidnapping; the Bishop subsequently received death threats, as a result of his denunciation." 15/

14/ Country Report on Human Rights Practices, 2 February 1981, p.443.

15/ Inter-Church Committee on Human Rights in Latin America, 22 January 1981, p.58.

(c) Extracts from the material submitted by the World Council of Churches:

"According to Amnesty International, however, 'appeals of habeas corpus rarely succeed in locating "disappeared" persons in political cases. While there is some indication that judicial authorities seek to apply these measures, it is clear that without the co-operation of the security forces their role is impossible to fill'.(1)

In the case quoted by Amnesty International in the same report a political activist detained in the time of President Arana Osorio made repeated appeals for habeas corpus but these were frustrated by the authorities who drove him around Guatemala City lying tied on the floor of a van for a week during the hours in which the judicial authorities would normally visit places of detention.

But the situation seems to have worsened according to a later Amnesty report(2) of a case that occurred in 1979 where the judicial authorities themselves disregarded the provisions of the Constitution.

Yolanda de la Luz Aguilar Urizar, sixteen year old daughter of labour lawyer, Yolanda Urizar de Aguilar, was arrested, imprisoned and tortured, together with a companion, for distributing leaflets protesting the assassination of trade union leader, Miguel Angel Archila. Approximately forty writs of habeas corpus were presented on her behalf during the seven hours she was held in detention but all were denied." 16/

(d) Material provided by the International Commission of Jurists concerning the violence directed against members of the legal profession in Guatemala:

"Communications to the Inter-American Commission of
Human Rights Relating to Attacks on Lawyers and
Judges in Guatemala

Since its creation in 1978 the Centre for the Independence for Judges and Lawyers has been receiving reports concerning violence directed against members of the legal profession in Guatemala. Information was received recently concerning the disappearance, or assassination of fifteen more lawyers, judges and members of law faculties during the latter part of 1980 and early 1981. This brings to thirty-five the number who have been assassinated or have disappeared in Guatemala from January 1980 to January 1981.

This marks a drastic increase over the number of such incidents reported in previous years. A campaign of such scope and intensity is almost without precedent in Latin America, and can only have the gravest consequences on the ability of judges and lawyers to fulfil their professional obligations fearlessly and independently, and on the citizen's right to effective vindication of his legal rights through the system of justice.

16/ World Council of Churches, "Human rights violations in Guatemala", dated October 1980, pp.9 and 10.

A second characteristic of this campaign of violence is the type of professional activity of the victims. The victims include lawyers of many different types, but those practicing labour law, serving in the 'Bufete Popular' of the University on representing peasant or indigenous organizations have been particularly affected. Similarly, in at least some cases, there are strong indications that judges were made the targets of attack because of their professional activities. The assassinations of judges Marroquin, Villegran and Valdez in September 1980, referred to in the attached list, is a case in point. This suggests a deliberate effort on the part of those responsible to deprive certain sectors of the society of effective access to the rights recognized by Guatemalan law and to discourage the impartial exercise of the judicial power.

It will be noted from the cases in the attached list that these assassinations and disappearances normally occur during the day, most often in busy urban or suburban setting, and that the methods employed are nearly always the same. To our knowledge, in none of the cases reported in this communication have the persons responsible been brought to justice. This tends to support the accusation frequently made of acquiescence, if not collaboration, of the security forces in this series of attacks.

Details of the recent death and disappearances are as follows:

Jaime Rafael Marroquin Garrido, judge in the Criminal Court of Guatemala City, was assassinated on 9 September 1980. He was shot by two men on a motor cycle while driving through the capital at 2.45 p.m. It has been alleged that the judge had been dealing with certain politically sensitive trials, and had received death threats. He was not known to have any political affiliation or activities.

Cristobal Arnulfo Villagran Diéguez, the legal assistant of Judge Marroquin, was killed in the same attack.

Héctor Augusto Valdez Diaz, a 54 year old member of the same court was assassinated on 16 September 1980, the very day he was to have assumed control of the cases previously assigned to Judge Marroquin. Judge Valdez was machine-gunned by men in a car and on a motorcycle as he drove to work at 7 a.m.

Fulgencio Napoleon Rivas Herrera, a prominent practitioner in the city of Huehuetenango, was also assassinated on 16 September 1980. He was machine-gunned at point blank range by two men who arrived in a car as he was closing his office for the evening.

César Augusto Santallana Hernandez, a justice of the peace of Escuintla, was kidnapped on 24 September 1980 by a group of armed men.

Ricardo Galindo Gallardo, a lawyer, was reported to have disappeared after his arrival in Guatemala City on a flight from Panama on 6 October 1980. No other details are available on this case.

Pablo Emilio Valle de la Pena, prominent labour lawyer, was assassinated on 10 October 1980. He was machine-gunned from a passing car while driving through a suburb of Guatemala City.

Rodolfo Montoya Guzman, a lawyer working in the legal aid clinic of the Escuintla branch of the University of San Carlos, was assassinated on 17 October 1980. He was machine-gunned at home in front of his wife and three children.

Rigoberto Aroche, a justice of the peace of San José, Escuintla, was found strangled on 16 November 1980.

Leonel Roldan Salguero, a 42 year old social scientist holding a professorship in the Law Faculty of San Carlos University, was kidnapped as he drove to work through the capital on 17 November 1980. His wife who accompanied him was machine-gunned and killed during the incident. Eighteen days later the corpse of Professor Roldan was found on the highway several kilometers from the capital. It bore multiple bullet wounds and signs of torture.

Miguel Angel Currichiche Gomez, a practitioner with offices in Chimaltenango and Guatemala City, was assassinated on 20 November 1980, machine-gunned while driving through the capital at 1 p.m. His fourteen year old son and another man travelling with him also died in this attack. Mr. Churrichiche was the attorney of an association of indigenous people in Comalapa.

Gilberto Jiménez Gutiérrez, Supervisor General of the Courts, was assassinated in Guatemala City on 12 December 1980. Prior to assuming this post he had engaged in private practice, had been a judge in a civil court and had served as confidential clerk to a previous president of the Supreme Court of Guatemala. At the time of his assassination he had been suspended from his functions as Supervisor General for some time, for reasons which were not made public. While driving home for lunch at 1 p.m., the judge was machine-gunned at point blank range by men in a pick-up truck. His driver also died in the attack.

Augusto Sac Necancoj, a seventy year old lawyer, was assassinated in Quetzaltenango on 16 December 1980. While returning home from his law office, his car was stopped on the highway, and he was taken out and shot. Mr. Necancoj was affiliated with the Partido Revolucionario, part of the governing coalition, but had not been politically active in recent years. He was a member of the Association of Indigenous Professionals.

Saul Najjarro Hernandez, a practising lawyer, was assassinated as he arrived at his office in the centre of the capital on the morning of 21 January 1981. Witnesses indicated that his assailants attempted to kidnap him but he resisted and was shot nine times. At the time of his assassination Mr. Najjarro, a former judge, was engaged in several important cases. He had received death threats and, according to news reports, had requested police protection.

Abel Lemus Véliz, a forty-five year old lawyer, was assassinated on 27 January 1981. While driving into the capital at midday he was shot by assailants in a passing vehicle. An active practitioner of both civil and penal law, Mr. Lemus was also Secretary for Workers and Peasants Affairs of the social democratic party FUR.

Other recent acts of violence include the attempted kidnapping of lawyer Fredy Rolando Rios Cifuentes in Mazatenango on or about 7 November 1980, the wounding of justice of the peace Oscar Armado Gomez Figueroa of Chichicastenango on or about 28 December 1980, and the attempted assassination of law graduate (Licenciado infieri) Eliézer Nehemias Cifuentes y Cifuentes in Chimaltenango in late 1980." 17/

Article 19: Concerning the right to freedom of opinion and expression, the right to seek, receive and impart information

"thoughts may be freely expressed without prior censorship ..."
Article 65 of the Constitution of Guatemala

(a) Extracts from allegations contained in the material submitted by the Government of the United States of America:

"The constitution guarantees freedom of speech, press and worship. However, the prevailing climate of political violence inhibits freedom of expression. The Inter-American Press Association registered concern about a climate of insecurity hampering press activity, and local media associations have deplored violence which in 1980 claimed more than a dozen of their members from across the political spectrum. Investigations of these deaths have proven inconclusive. Nevertheless, newspapers and broadcasting media often criticize government officials and policies without censorship or retaliation, continue to disseminate paid bulletins of militant left-wing opposition groups, and render anti-government diatribes in news accounts. The film censorship board prevented the commercial showing of the American film "Norma Rae", a film portraying union organizing in the American South." 18/

(b) Extracts from material submitted by the Women's International Democratic Federation:

"On 16 October 1980, the journalist, Irma Flaquer, was abducted in the very centre of the capital by a squad of heavily armed men from the Guatemalan régime's paramilitary forces. Her son, Fernando Valle, aged 23, was with her and was killed by machine-gun fire when he tried to protect her. Irma Flaquer is still missing.

The well-known journalist and professor, Alaide Foppa, was abducted on the morning of 19 December 1980. She had travelled to Guatemala from Mexico, where she was living, in order to visit her sick mother. Eyewitnesses say that she was taken away by a group of heavily armed men in her own car, along with her driver, Ajtún Chiroy, to an unknown destination. She is still missing.

A 13-year old schoolgirl, Zoila Orbelina Morales, and her mother, Patricia Ramos Gomez, aged 48, were abducted in January 1981. Next day, the child's father found her body a few yards from their home". 19/

(c) Extracts from the material submitted by the International Committee on Human Rights in Latin America:

"Freedom of expression and information is seriously jeopardized in Guatemala today by the most brutal means: threats against media people who criticize the government followed by assassination if they do not heed the warning. During the first eight months of 1980 alone, 13 newspaper and radio

18/ Country Report of Human Rights Practices, 2 February 1981, pp.445 and 446.

19/ Women's International Democratic Federation, 18 August 1981, p.4.

journalists were assassinated; three others who have 'disappeared' were last seen in police custody. Each one of these victims had received previous warnings to cease reporting that was critical of the Guatemalan government. Moreover, since May 1980, almost a score of media personnel - including newspaper reporters, radio directors and announcers and professors of journalism - have fled from Guatemala after receiving death threats. (See Amnesty International, AMR 34/41/80, 27 August 1980.)

This violence against the media illustrates, once again, the widening circle of repression aimed at silencing voices of criticism and sources of information about the current situation in Guatemala, and symbolizes the totalitarian orientation of the perpetrators of repression and their determination to eliminate the requisites of democracy.

From information ICCHRLA has received from reliable sources, we will pick out just four individual cases of assassinations of journalists, all of which took place in October 1980, to illustrate the form of repression being employed against the media:

On 24 October, Gaspar Culan, the director of La Voz de Atitlan radio station based in Santiago Atitlan, was kidnapped from his home, tortured and murdered. This radio station, which is supported by such international agencies as Christian Aid, the World University Service and War on Want, broadcast educational programmes in local Indian languages. The murder of Culan occurred during a military occupation of Santiago Atitlan.

Radio announcer Felipe Zapeta was kidnapped and killed in the departmental capital of Santa Cruz del Quiche. Zapeta broadcast in the Quiche native language.

Journalist Victor Hugo Pensamiento Chavez, a reporter for several newspapers and radio stations, was shot to death as he left the post office in El Progreso. He was well-known for his extensive and well-documented coverage of an attempt to invade Indian land in Santa Maria Xalapan.

Irma Flaquer, a journalist known throughout Central America for her work on La Hora and, more recently, La Nacion, was seriously wounded, and kidnapped, in downtown Guatemala City on 16 October. She was travelling in a car with her son, Fernando Valle Flaquer, aged 23, when government agents in civilian clothes opened fire with heavy calibre weapons from a passing vehicle. Her son was killed instantly; Mrs. Flaquer was abducted, has not been seen or heard of since and is presumed dead. A few months before, she had been forced to resign from her position as associated editor of La Nacion after continuing harassment which included several threats, an attempt by the National Police to kidnap her while she was carrying out her journalistic duties and serious injuries sustained when a bomb planted in her car exploded, after she had criticized Gen. Carlos Arana Osorio. Mrs. Flaquer was the founder and co-ordinator of the Guatemalan Human Rights Commission until 19 July, when she announced, in an open letter published in La Nacion, that the Commission was being dissolved because the brutal repression of the Guatemalan régime prevented Commission members from carrying out their duties, so making the Commission ineffective." 20/

20/ International Committee on Human Rights in Latin America, 22 January 1981, pp.63 and 64.

Article 21: Concerning the right to take part in the government of one's country; the provisions for periodic and genuine elections based on universal and equal suffrage and secret balloting

"The following rights and duties are inherent in citizenship:

1. To vote and to be elected to office.
2. To hold public office.
3. To safeguard the freedom and effectiveness of suffrage and the honesty of electoral procedures.

Suffrage is universal and secret, compulsory for voters who can read and write and optional for illiterate voters.

The state guarantees the free formation and functioning of political parties that have democratic standards and principles.

The formation of parties or entities is prohibited if they advocate the communist ideology or if their doctrinary tendency, methods of action, or international connections threaten the sovereignty of the state or the foundations of the democratic organization of Guatemala."

Articles 14, 19 and 27 of the Constitution of Guatemala.

(a) Extracts from material submitted by the Government of the United States of America:

"For most of the past two decades, Guatemalan politics have been dominated by the military. There is a constitutional framework providing for elections. Government functions below the top level are carried out by civilians. The 1978 elections transferred power to a new administration, with the military retaining its traditional primacy. Nominated by civilian political parties, the three candidates were military officers one of whom was retired. Although open and hard-fought, the 1978 presidential elections were marred by fraud charges on all sides. Since no candidate received the necessary majority, the Congress selected the President as the constitution provides. General Lucas, with the highest recorded popular vote (42 per cent), was declared the winner. Abstentions came to about 65 per cent of the registered electorate.

Opposition parties exist, but their ability to provide viable, effective opposition has been undermined by threats of violence and assassination. Politicians and other activists have been assassinated. The current government has authorized four additional parties. A total of seven political parties, including three of the opposition, and several local committees contested the 1980 municipal elections. However, six or seven leaders of a legally registered leftist party were assassinated in the three months prior to the election and the party did not participate. The elections themselves were widely regarded as technically correct and open. About 30 per cent of those registered voted in those elections. Registration and voting in Guatemala is theoretically obligatory for all literate adults, a minority of the population, but discretionary for illiterates.

Article 43 of the constitution prohibits sexual discrimination, but historical, cultural and social biases have relegated women to an inferior status. Illiteracy rates are higher among women, but a growing number of women are taking advantage of higher education opportunities and constitute over 25 per cent of university enrolment. Women have the option of marrying with a contract that will insure them of the retention of any property they bring into a marriage, should it be dissolved. Men still dominate most political and government positions." 21/

(b) Extracts from the material submitted by the World Council of Churches:

"When President Lucas came to power in July 1978 he said he would allow the registration of all political parties so as to introduce a pluralism on the political scene and it seemed possible this would open the way to a genuinely democratic presidential election in 1982.

As it is the Lucas government has effectively done the opposite. Though some political parties have been registered many of the leaders of these of a social democratic nature have been assassinated." 22/

(c) Resolution adopted by the Interparliamentary Council, on 15 September 1980, regarding the case of the Deputy Alberto Fuentes Mohr:

"Recalling that the communication received by the Special Committee reveals that Deputy Alberto Fuentes Mohr was murdered on 25 January 1979, towards 1 p.m., in the street, as he was leaving the National Congress building in Guatemala City, that, some days before he was murdered, he had received threats on his life if he persisted in his desire to register the Democratic Socialist Party, of which he was the founder, at the Electoral Register Office of Guatemala; that one of the witnesses of the murder, a former policeman named Alvarado, was kidnapped from his home on the afternoon of the crime and then murdered; that the information transmitted in March 1980 in reply to the Council's requests by the National Congress, the governmental authorities and the Supreme Court of Guatemala reveals that an investigation procedure (No. 109/79), initiated on 25 January 1979 and currently conducted by the 1st Judge of the 9th Criminal Court of First Instance, is still at the stage of preliminary enquiry and consequently, and in accordance with the legislation in force, the contents of the investigation report by the judicial section of the Public Prosecutor's Office cannot be revealed, and that the Public Prosecutor's Office, acting on behalf of the State, is the plaintiff in the case,

Considering that other information contained in the file reveals that the murder of Deputy Fuentes Mohr is part of a general pattern of suppression of the freedom of expression by violence and of elimination by murder, with entire impunity, of political opponents,

Noting that the parliamentary, governmental and judicial authorities of Guatemala have taken no action on the repeated communications sent to them in accordance with the resolution of the 126th session of the Council (April 1980).

21/ Country report on Human Rights Practices, 2 February 1981, p.447.

22/ World Council of Churches. "Human Rights Violations in Guatemala" October 1980, p.10.

Noting, moreover, that the two personalities appointed by the Parliament of Venezuela to visit Guatemala on a fact-finding mission concerning the murder of Deputy Fuentes Mohr, namely, Mr. C. Canache Mata, then Vice-President of the Congress and President of the Chamber of Deputies, and Mr. E. La Riva Araujo, President of the Senate Foreign Affairs Committee, have been unable to visit Guatemala since the necessary visas have not been issued to them; that the Inter-Parliamentary Council had in due time informed the Guatemalan authorities of the great interest which it attached to the accomplishment of that mission,

1. Deplores that the National Group of Guatemala and the country's governmental and judicial authorities have not taken action either on the repeated requests for information made by the Inter-Parliamentary Council as to the development and results of the investigation into the murder of Deputy Fuentes Mohr, or on the request for visas for the members of the Venezuelan parliamentary fact-finding mission;

2. Is led to the conclusion, from the facts contained in the file, the silence maintained by the authorities of Guatemala with regard to its repeated requests for information and the lack of co-operation shown to the fact-finding mission appointed by the Parliament of Venezuela, that the Government of Guatemala has a direct or indirect responsibility in the matter of Deputy Alberto Fuentes Mohr's murder."

Article 23 (4): Everyone has the right to form and to join trade unions for the protection of his own interests.

"The inhabitants of the Republic have the right to associate freely for the various objectives of human life, for the purpose of promoting, exercising and protecting their rights and interests, especially those established by the Constitution."

The labour system in the country must be organized in accordance with principles of social justice.

The laws governing relations between capital and labour are conciliatory; they shall deal with all pertinent economic and social factors involved, and they shall serve as guardians of workers.

The principles of social justice on which labour legislation is based are:

The right of workers and employers freely to organize for the exclusive purposes of economic protection and social betterment. These organizations and their directors, as such, may not take part in partisan politics.

The right to strike and lockout, exercised in accordance with the law and as a last resort when all other attempts of conciliation have failed. The rights may be exercised only for reasons of an economic or social nature. The law shall determine those cases in which a strike or lock-out shall be permitted."

Articles 64, 111, 113 and 114 of the Guatemalan Constitution.

(a) Extracts from the material submitted by the Government of the United States of America:

"Labor and trade union freedoms are severely restricted by the violent conditions in Guatemala. Strikes are permitted in the private sector, but not in the public sector. Intimidation by left and right-wing terror, particularly the latter, which is reputedly linked in some cases to management or official security forces, inhibits the development of strong, independent unions, and few exist. Labor activity also is hampered by an excess of unskilled labor and the lack of effective leadership. The latter condition was caused, in part, by the assassination or abduction of more than 80 trade union leaders and activists by unidentified assailants in 1980. This has created a climate of fear which not only prevents the growth of a free and vigorous labor movement, but weakens and inhibits those unions which exist. The procedure for registering new unions is complicated and difficult. The government proposed a new labor code, some of whose provisions, in line with ILO standards, could theoretically strengthen trade unions. Labor and management opposition has stalled legislative approval. The system of labor justice is viewed by unions as favoring business and is the source of much labor discontent. An extra-legal strike by agricultural workers in early 1980, to which the government responded with restraint, led to massive government-ordered wage increases in plantation, agriculture, industry and commerce." 23/

(b) Extracts from the material submitted by the World Council of Churches:

"The present Labour Code was enacted in 1947 but has been amended on four subsequent occasions. The Code cites as one of its 'ideological characteristics' the principle that labour law is a law safeguarding workers because it seeks to compensate for the economic inequality of such workers, granting them a preferred judicial protection. Furthermore in the preamble to the Code the Guatemalan Congress stated that the rules of the Code must be inspired by the principle of being essentially conciliatory between capital and labour. These intentions are generally speaking covered in the Code. For example, Article 61 (c) states that employers will show proper consideration for the workers abstaining from mistreatment in word or deed.

The Code provides the basis for such matters as increased labour organization, minimum wages, social security for urban workers, working hours and holidays.

Its provisions, however, have subsequently been eroded by regulations and decrees such as those which prohibit unions from engaging in political activity, increase the grounds that employers have for dismissing workers, diminish workers right to strike and discriminate against rural unions.

In addition the application of the law has been biased as labour courts have used delaying tactics which, for example, have made it more difficult, if not impossible at times, for unions to achieve legal status and have enabled employers to discharge workers without incurring a penalty.

For a strike to be legal under the Code there must first be conciliation hearings and two-thirds of all employees must vote to strike. The voting is not secret but is carried out before a judge appointed by the Minister of Labour. The ICJ Report comments that according to one Guatemalan trade union federation there has only been one legal strike under the law. This was at the INCAPECU shoe factory. The strike lasted 49 days, the court found for the workers and ordered their salaries to be paid in accordance with the law. This was done but subsequently the union members were dismissed and efforts to have them reinstated were unsuccessful. (International Commission of Jurists, 'Human Rights in Guatemala', p.51.)

The ICJ Report adds that 'the failure of the courts to enforce the letter of the labour law, much less its declared purpose to assist the working class is leading to an increased radicalization'. (*Idem*, p.52) The reality of the situation has been described by Mario López Iarrave, the most distinguished Guatemalan in the field of labour law, who was assassinated in June 1977, in various articles and books. The courts, for example, he says refuse to hold public hearings thus prejudicing the workers and preventing the general public from judging the quality of justice. Another example he points to is the procedure for challenging an unconstitutional law which is made practically impossible for workers because the regulating Article enacts that a proceeding must be started 'with the help of 10 practicing lawyers' and most people cannot afford one, let alone ten.

(*Larrave*, *Procedencia de la Vista Pública en el Proceso Laboral Guatemalteco*, 8 *Revista del Colegio de Abogados de Guatemala* 1 (1978))

Larrave also states that in labour cases it is generally of little value to appeal to the Supreme Court because the procedure is extremely technical.

(*Larrave*, *La Inconstitucionalidad de las Leyes en Materia Laboral y Como Motivo de Casación*, 8 *Revista del Colegio de Abogados* 11 (1978))

All efforts to remedy this state of affairs have failed. When in 1976 the Supreme Court was asked by Congress to investigate the allegations against the labour courts it was told not to interfere with the judiciary.

A new draft Labour Code was presented to Congress in August 1979 but it has not yet been enacted.

Though the government is claiming that the new Code is a great advance on the current one the free trade unions who have not been properly consulted about it, contend that if it is passed it will even deprive them of some of their present rights and they are therefore rejecting it out of hand.

The draft Code will, for example:

- (i) Make trade union recognition harder to attain;
- (ii) Perpetuate the prohibition whereby unions cannot organize by sectors so that there can never be industry wide unions;

- (iii) Still not allow unions to participate in politics;
- (iv) Restrict the right to strike further;
- (v) Not expand the limited rights of agricultural workers.

(Guatemala has not signed ILO Convention No. 141 (concerning Organisations of Rural Workers and their Role in Economic and Social Development))

In a press conference, given by United States Lawyers representing the National Lawyers Guild and the Hispanic Legal Alliance, held on 28 March 1979 after a two week visit to Guatemala they said their investigation had convinced them of the 'injustice of the Guatemalan legal system' as everywhere they went 'people continually told us of the partiality displayed in the laws of the country, particularly with regard to labour law which is used to defend the interests of management and in order to destroy any attempt by the workers at trade union organization'.

(Amnesty International. Lawyers Attacked, Kidnapped and Murdered, 1979 P19)

Lastly, it should be noted that Guatemala, which has ratified ILO Convention Nos. 87 and 98, is not giving her citizens the freedom of association and the protection of the right to organize and bargain collectively that those Conventions confer on them." 24/

(c) Information submitted by the International Labour Office on 17 September 1981:

"With reference to your letter (G/SO 214(34)) on the situation regarding human rights in Guatemala, I have the honour to transmit the following information:

With regard to freedom of association, the ILO Governing Body's Committee on Freedom of Association has been informed of a large number of cases relating to Guatemala, namely:

Case No. 954: Restrictive legislation in trade union matters.

A complaint dated 11 March 1980, submitted by the World Confederation of Labour. The complaint was transmitted to the Government for comments. At its May and November meetings in 1980 and its February and May meetings in 1981, the Committee postponed consideration of the case pending comments from the Government.

24/ World Council of Churches, "Human Rights Violations in Guatemala", October 1980, pp.11-14.

Case No. 957: This case was considered by the Committee in its 208th report, approved by the Governing Body at its 216th session (May-June 1981), in paragraphs 274-289. The Committee reached some interim conclusions in paragraph 289. A copy of this report in English and French is attached.

Case No. 975: Death and arrest of trade union leaders and searches of trade union premises.

Complaints submitted by the International Confederation of Free Trade Unions, the International Union of Food and Allied Industries Workers, the Permanent Congress of Trade Union Unity of Latin American Workers and the World Confederation of Labour, dated 25 June and 7 July 1980. In communications dated 24 June, 8 and 26 August and 2 September 1980, the Permanent Congress of Trade Union Unity of Latin American Workers and the International Union of Food and Allied Industries Workers submitted additional information. The complaints and the additional information were transmitted to the Government for comments. At its meetings in November 1980 and February and May 1981, the Committee postponed consideration of the case pending comments from the Government.

Case No. 978: Death of trade union leaders.

Complaint submitted by the International Federation of Commercial, Clerical, Professional and Technical Employees, dated 30 June 1980. The complaint was transmitted to the Government for comments. In a telegram dated 11 July 1980, the International Confederation of Free Trade Unions associated itself with the complaint submitted by the ICCPTE. At its meetings in November 1980 and February and May 1981, the Committee postponed consideration of the case pending comments from the Government.

Case No. 1026: Death of a trade union leader.

Complaint submitted by the Permanent Congress of Trade Union Unity of Latin American Workers, dated 3 February 1981. The complaint was transmitted to the Government for comments. At its meetings in February and May 1981, the Committee postponed consideration of the case.

At its May 1981 meeting, the Committee had noted that the Government had not yet sent any reply, despite repeated requests. It therefore decided to apply the procedure under which the Chairman of the Committee contacts the Government's representatives in order to hold an exchange of views on the cases in question during the International Labour Conference in June. These contacts took place, but replies from the Government are still awaited. These cases will be considered in substance by the Committee at its next meeting (November 1981).

The Committee of Experts on the Application of Conventions and Recommendations made observations on the implementation by Guatemala of, in particular, Conventions No. 87, concerning Freedom of Association and Protection of the Right to Organize (1948); No. 95, concerning the Protection of Wages (1949); No. 105, concerning the Abolition of Forced Labour (1957); and No. 110, concerning Plantation Workers (1958); a copy of the comments, in French and English, is attached.

At the 67th session of the International Labour Conference (June 1981), the Committee of Experts on the Application of Conventions and Recommendations considered in particular the implementation by Guatemala of Convention No. 87, concerning Freedom of Association and Protection of the Right to Organize (1948), and decided to mention this case in its report as one of continued failure to implement a ratified convention, in view of the fact that for many years, despite many appeals, there have been serious and continuing divergences, de facto and de jure, and the Government refuses to co-operate with the monitoring bodies (attached is a copy in French and English of relevant extracts from the above report)".

Recommendations of the ILO Committee on Freedom of
Association regarding Guatemala

"In these circumstances, the Committee recommends the Governing Body to approve the present interim report, in particular the following conclusions:

The Committee keenly regrets that, despite repeated requests, the Government has not replied in detail to the allegations of the complainant, and that the Committee has accordingly been obliged to examine the case without having received detailed observations from the Government.

The Committee deeply deplores the deaths and murders of trade union leaders and workers and expresses its concern at the seriousness of the allegations.

The Committee draws the attention of the Government to the fact that a free and independent trade union movement can develop only under a régime which guarantees fundamental human rights and requests the Government, in view of the deaths which have occurred and the seriousness of the allegations, to adopt a policy for the taking of special measures to fully guarantee the right to personal safety, protection against unjustified arrest and detention, the right of assembly and demonstration, and the protection of trade union premises and property.

The Committee requests the Government to send its observations on the allegations made, in particular, as to the death of trade unionists mentioned in the complaint and as to the present situation of the arrested workers and trade union leaders.

As is indicated in the introduction, the Committee empowers its Chairman to make contact with the government representatives at the next session of the International Labour Conference with a view to discussing the questions pending in the present case." 25/

(d) Extracts from allegations submitted by the Inter-Church Committee on Human Rights in Latin America:

"During the presidency of Gen. Lucas Garcia, trade unions and trade union members have been amongst the most severely repressed sectors in Guatemala.

Guatemala witnessed a resurgence of trade union organization after the 1976 earthquake as workers confronted the problem of deteriorating real wages due to increasing inflation. This resurgence was met, however, with legal measures of control - the revision of the national labour code, referred to in the ICCHRLA presentation covering the situation in Guatemala in 1979, which discourages trade union organization and prohibits strikes - and with direct assaults, assassinations, disappearances, and continuous threats against trade union leaders and members. Workers face harassment in the workplace, intimidation for assuming a leadership position, threats of assassination for attending trade union meetings, and possible kidnapping and disappearance from workplace, home or public gathering - all with minimal protection or recourse from the judiciary. The government, in the words of President Lucas Garcia at a December 1979 news conference, views trade unionism as subversive.

Although violations of trade union rights and assaults against trade unionists were perpetrated consistently throughout 1980, several specific incidents of a most grave nature, can be picked out to illustrate the current situation in this sector:

(a) Repression connected with May Day activities: On the evening of 29 April 1980, 20-25 armed men raided the offices of the National Confederation of Workers (CNT) in downtown Guatemala City while a trade union meeting was in progress. The attackers kidnapped 18 persons, beat them, warned them under the threat of death to cease trade union activity and not to speak to the press, and later released them on the streets. During demonstrations on 1 May itself, an undetermined number of people were kidnapped; the Guatemalan press later reported that 19 persons were found murdered in Guatemala City, although ICCHRLA sources indicate the kidnapping, disappearance or murder of at least 100 persons. Among those found dead were several workers and relatives' workers employed at the Ray-O-Vac factory, a subsidiary of the Toronto-based INCO Ltd. Press reports noted the murder of 31 persons throughout the country on, or shortly after, May Day. The majority of those assassinated exhibited signs of physical torture.

On 21 June, 26 trade unionists were kidnapped from the central office of the CNT in Guatemala City. The trade unionists - most were leaders or members of the CNT executive - were meeting to discuss possible action as a result of a series of tortures and deaths of fellow unionists earlier the same week. At approximately 3.00 p.m., the streets around the union offices were cordoned off and an estimated 60 armed men forcefully entered the CNT office, ransacked the building and abducted the 26 persons there, including one pregnant woman. Witnesses in the vicinity reported hearing shots during the abduction and bloodstains were found on the floor of the office. Visits by Guatemalan trade unionists to official detention centres failed to establish the whereabouts of the persons kidnapped. Although the CNT office is situated within a block-and-a-half of the headquarters of the Judiciary Police and within two blocks of the 4th Division headquarters of the National Police, the Minister of the Interior and the Chief of the Judiciary Police denied that Guatemalan security forces participated in the kidnapping and disclaimed knowledge of the whereabouts of

those missing. The National Committee for Trade Union Unity (CNUS), on the basis of the witness of unionists who escaped from the 1 June raid on the CNT office, has assigned responsibility for the kidnappings to official security forces under the command of the Chief of Narcotics, Detective Branch. During an on-site visit to Guatemala in July 1980, members of ICCHRLA learned of evidence that the unionists were being tortured at secret detention centres but were still alive. As of early 1981, the whereabouts of the following 26 persons have not been discovered, and most observers regretfully conclude that they have been murdered.

1. Orlando Garcia - TURSA (transport)
2. Bernardo Marroquin Salazar - KERNS (juice and food processing)
3. Mario Campos Valladares
4. Manuel Sanchez - INDUPLAST
5. Irma Perez - INDUPLAST
6. Florencia Xocop - ACRICASA (textiles)
7. Sara Cabrera Flores - ACRICASA: Sara is six months' pregnant
8. Hilda Carlota Perez - ACRICASA
9. Cristina Yolanda Carrera - Sistemas Electronicos
10. Rafael Antonio Aguilar - Sistemas Electronicos
11. Ismael Vasquez - EGSA Coca Cola Plant
12. Florentino Gomez - EGSA Coca Cola Plant
13. Irvin Rene Hernandez - CERMACO
14. Selvyn Arnoldo Garcia - CERMACO
15. Sonia Aledio - VICKS
16. Mario Martinez - FOREMOST
17. Cresencio Cornel Ordonez - Enlozados Nacionales
18. Jorge Luis Serrano - Enlozados Nacionales
19. Manuel Rene Polanco Salguero - Prensa Libre
20. Alvaro Estrada - CERMACO
21. Luis Rodolfo Bonilla - FOREMOST
22. Oscar Salazar
23. Bernabe de la Cruz - ADAMS
24. Jorge Zamora - APOLO Industrial (soap)
25. Sonia Furio
26. Manuel Antonio Rodriguez - KERNS." 26/

ANNEX

Submission from the Government of Guatemala

In accordance with operative paragraph 1 of resolution 33 (XXXVII), and as mentioned in paragraph 4 (E/CN.4/1501), the Secretary-General transmitted to the Government of Guatemala the letter dated 17 June 1981, which reads as follows:

"I have the honour to refer to resolution 33 (XXXVII) adopted by the Commission on Human Rights on 11 March 1981. A copy of the resolution is attached to this letter.

I wish to draw your attention to paragraph 1 of the resolution, in which the Commission 'Requests the Secretary-General to continue his efforts to establish direct contacts with the Government of Guatemala on the human rights situation prevailing in that country and to collect information thereon from all relevant sources'. You will note that the resolution also requests the Secretary-General to present to the General Assembly at its thirty-sixth session an interim report of his contacts with the Government of Guatemala and to provide the Commission on Human Rights at its thirty-eighth session with a report of his contacts.

I should be very grateful to receive any information which your Government wishes to provide in response to the request of the Commission on Human Rights.

Accept, Sir, etc."

On 15 January 1982, the Permanent Mission of Guatemala addressed the following letter and enclosures to the Chairman of the Commission on Human Rights which are submitted, in accordance with the request contained in the letter, as an annex to document E/CN.4/1501.

PERMANENT MISSION OF GUATEMALA
TO THE EUROPEAN OFFICE OF THE UNITED NATIONS
GENEVA, SWITZERLAND

Geneva, 15 January 1982

Ref. No. 024/DH/82

Sir,

I have the honour to enclose, for your information, the following documents:

- (1) Official communiqué issued by the Government of the Republic of Guatemala on 5 March 1981;
- (2) Copy of a letter dated 31 August 1981, ref. 781/81 and annex, 27/ addressed to Mr. Theo van Boven, Director of the Division of Human Rights, by the Permanent Mission of Guatemala to the European Office of the United Nations at Geneva, containing the text of the communiqué issued by the Government of Guatemala in connection with the interference by extremist international organizations and the participation of foreigners in the acts of violence affecting Guatemala;

27/ The information contained in the annex is available for consultation in the Secretariat.

- (3) Copy of a letter dated 11 September 1981, ref. ES/2.5.4/776, addressed to Mr. Kurt Waldheim, Secretary-General of the United Nations, by the Permanent Mission of Guatemala to the United Nations in New York;
- (4) Public statements made on 30 September 1981 by Luis Eduardo Pellecer Faena, a Jesuit priest, concerning his participation in the Guerilla Army of the Poor (EGP); and
- (5) Statement issued on 15 December 1981 by the Congress of the Republic of Guatemala.

I request you to circulate the text of this letter and the attached documents as official documents of the Commission on Human Rights and as an annex to document E/CN.4/1501 under the heading "Information received from the Government of Guatemala" in connection with item 12 of the provisional agenda of the thirty-eighth session.

Accept, Sir, the assurances of my highest consideration.

[Signed] Ana Maria Lucas de Rivera
Ambassador, Permanent Representative

Chairman, Commission on Human Rights
Palais des Nations
Geneva

MINISTRY OF FOREIGN AFFAIRS

OFFICIAL COMMUNIQUE

The Government of the Republic of Guatemala, complying with the obligation to keep the general public in Guatemala and the free peoples of the world informed,

REPORTS

ONE: In recent skirmishes in the El Quiché area, a rebel camp was surrounded by the Guatemalan Army. The clash resulted in the death of a subversive criminal who was using the alias of "Commander Manolo", and very important documents were found on him, including plans and instructions drawn up by subversive leaders in meetings held first in Managua, Nicaragua, and then in Havana, Cuba; at these meetings, emphasis was placed on the material assistance offered unconditionally by the Governments of those countries to the murderers and terrorists who are betraying the cause of Guatemala.

TWO: The captured EGP documents highlight the power and the influence which this clandestine organization "is seeking" to wield over the other subversive movements and intends to do this in the future through the subversive Quadripartite Union of the EGP, ORPA, PGT and FAR, announced at the end of September last year. The object of this union of subversive groups is to force a communist dictatorship on the people of Guatemala, with international support from countries in the Marxist-Leninist camp.

THREE: Commander Manolo, on his return from Cuba, brought back orders to unite the subversive organizations and was held directly responsible to the national leaders of the EGP.

FOUR: In mid-September last year, these four subversive organizations held three meetings because of serious differences that have cropped up between them and, in spite of their unity, they were unable to resolve them satisfactorily. One of the points of conflict is participation by the Democratic Front against Repression (FDCR) and the activities to be carried out in San José, Costa Rica, against Guatemala.

FIVE: The participation of the puppets of Soviet imperialism appointed by Havana, Cuba, in successive "summit" meetings was only too obvious: (1) for the EGP, Ricardo Ramírez De León (a) Commander Rolando; (2) for the ORPA, Rodrigo Asturias Amado (a) Commander Gaspar Ilon; (3) for the FAR, Jorge Ismael Soto García (a) Pablo Monsanto or Manzana; and (4) for the PGT, José Alberto Cardoza Aguilar (a) Commander Marcos, and today they are denounced as betrayers of their country and accomplices of the communist system.

SIX: They then decided to begin to work out agreements with the Cuban leaders, and with Fidel Castro himself, in other words, the plans could not be completed in Guatemala. For this reason so as to count on material, political and military solidarity, arrangements were made for the plans to be discussed and adopted in Managua, Nicaragua, by the four leaders of subversion, along with two other terrorists from the EGP and the PGT who go under the aliases of Manolo and Juan, and their duties included confirmation of agreements, setting up various units and proceeding with unification.

SEVEN: Consequently, with the protection and the patronage of the communist Security Forces in Nicaragua, meetings were held at which they planned the destruction of Guatemala; the murder of innocent men, women and children, the complete impoverishment of the country, and acts of aggression, provocation and terrorism devised by the régimes of Fidel Castro and the Sandinista Front, with open support for subversion against Guatemala, help from the traitors who hate the land in which they were born.

EIGHT: The subversives intended at first to sign the final act of surrender in Havana, Cuba, in the presence of the communist dictator of that island but for reasons beyond their control they had to do it in Managua. Hence, the "Central Americanism" that the enemies of order and freedom try to extol is nothing more than a pretext for foreign Governments to interfere in our internal affairs. The FSLN communist sympathiser Bayardo Arce and others attended the signing of the document, as representatives of Nicaragua.

NINE: The details of the signing of the document uniting the four organizations reveal that it was done especially by the leaders of the four factions, for they decided that there should be only one copy, to be handed over to the Soviet communist puppet in Cuba, Fidel Castro Ruz, in person. The signers of the document regarded it as historic, and they are right, because no other political movement has ever committed such an enormous act of treason against Guatemala. They thought that once Guatemala had fallen into the clutches of Soviet imperialism, the Cuban dictator himself would be bringing this single copy to Guatemala. This seal or pact by the communist bureau against our people's economic, political social system was supported by other leading communist figures like Benadril and the Cuban military officer Manuel Piñero, who went to Managua expressly to attend the ceremony as leaders of a delegation, along with other bureaucrats from the América department, such as Abreu, Cano and the leaders of the Unitary Revolutionary Directorate in El Salvador, Afraín Cardona and Manuel Mora, the communist party secretaries in Honduras and Costa Rica.

TEN: In Nicaragua, the Guatemalan communist delegates, after observing the capabilities and manoeuvres of a battalion of Sandinista militiamen, had an opportunity to exchange plans with the Cuban advisers and the Sandinista communists Bayardo Arce and Humberto Ortega Saavedra, who are largely in charge of promoting the communist revolution in El Salvador and Guatemala and the process of revolution in the Caribbean and channel the political and military aid from the socialist camp (Viet Nam, Korea and mainland China), which is supplying AK rifles (Bulgarian and North Korean), French weapons used previously in Algeria, FAL, G-3, M-16 and Galil rifles and grenade launchers ("Chinese stick").

ELEVEN: Nicaragua has already compromised itself by allowing the shipments of weapons and munitions which are acquired by the bands of subversive murderers and pass through Cuba to be moved on through Nicaraguan territory by land, air and sea to Guatemala. To date, they have sent on from Sandinista arsenals a total of 1,800 MAS carbines of French manufacture and 100,000 rounds for these weapons. In short, the team for co-ordinating the various logistical movements has been the Sandinistas Joaquín Cuadra, Deputy Minister of Defence and Chief of the Sandinista General Staff and the communists Julio Ramos, chief of intelligence (espionage), and the adjutant of Commander Bayardo Arce.

TWELVE: Also at Managua were other groups of traitors who are living abroad and have now been identified as Luis Cordozay Aragón, "patriarch" of the murderers and terrorist traitors, Guillermo Toriello Garrido (who looks after the political and diplomatic activities abroad); Alaide Foppa, widow of Solórzano, in charge of the women's Marxist groups, and the traitor Carlos Paz Tejada, members and founders of the "Democratic" Front against Repression in Guatemala, an organization acting for the EGP that is seeking to discredit and isolate Guatemala and its democratic Government from the rest of the world and distorting the policy of human rights to its own advantage and deceiving organizations such as Amnesty International. Again, those present included the Guatemalan communists Carlos Gallardo Flores, Guillermo Colom Argueta, Miguel Angel Albuzurez Pedroza, Israel Marquez Pivaral, the architect Gilberto Castañeda Sandoval, former Dean of the Faculty of Architecture of the San Carlos University of Guatemala, and Alfonso Bauer Paiz; they are also members of the "Democratic" Front for the Liberation of Guatemala, which has its headquarters in San José, Costa Rica.

THIRTEEN: While it was in Cuba, the delegation of the heads of the subversive organizations paid its respects to the diplomatic delegations from Russia, North Korea and Viet Nam, as lackeys of Soviet imperialism. The purpose of the visit to the Soviet Embassy in Cuba was to seek their communist masters' approval for the plans drawn up in Nicaragua and to ask them for economic, ideological and military aid to overthrow the Constitutional Government of the Republic of Guatemala.

FOURTEEN: In similar circumstances, in December last year, a delegation of the National Revolutionary Union, which is a grouping of the Guatemalan totalitarian organizations, went to take part in the Cuban Communist Party Congress and was headed by the communist Marcos, whose name is José Alberto Cardoza Aguilar.

FIFTEEN: The documents mentioned in this case indicate reliably that there are 243 camps in Cuba, where a considerable number of Guatemalans are being trained to act as political and military leaders of companies, platoons and squads. Most of these young Guatemalans, involved in an unpopular insurrection, were carried off either by treachery or against their will, and their situation is in fact a saddening, precarious and uncertain one, since their participation in the communist revolution means death for them.

SIXTEEN: In addition, the Guatemalan subversives, to make up for the fact that little or no co-operation is being displayed by young people in Guatemala, are hiring mercenaries, now in Cuba as international advisers; they are people who have vast experience already, since they helped Soviet expansionism in Ethiopia, Angola and Nicaragua and, because of their typical sadism are ready to come and fight in Guatemala for a cause that is unpopular among our people.

SEVENTEEN: The captured documents also provide information on the decision to organize and put into operation new subversive fronts for the express purpose of continuing to sow terror, destruction, death and hunger among defenceless people who have not yet been touched by the scourge of subversion. Therefore, all Guatemalans who cherish freedom and social justice are requested to notify the authorities when and where any subversive criminal groups appear in their districts and, if possible, the numbers involved, many of them being common criminals hired by the subversives because of the lack of popular support.

EIGHTEEN: Lastly, it is pointed out the communists are buying up large amounts of sophisticated weapons from the "generous" funds obtained through a series of attacks, abductions, extortions, etc. and some of the victims have been respected families in our society.

NINETEEN: The Government of the Republic appeals to the people of Guatemala so that, together, we can stand up to communist subversion and all help to maintain peace.

TWENTY: The State has an obligation to ensure that public services are not disrupted and to prevent Guatemalans from falling victims to those who are trying to spread chaos and anarchy.

TWENTY-ONE: In view of the threat of terror which the Leninist-Marxists are planning to unleash after two further meetings in countries in the area, the Government of Guatemala reiterates to all peoples of the world its respect for and observance of the principle of non-intervention in the internal and external affairs of other States and also calls for reciprocity in applying that principle so that Guatemala can maintain its freedom, sovereignty and independence.

TWENTY-TWO: Lastly, the people of Guatemala are urged to maintain a sensible and understanding attitude and not to allow themselves to be taken unawares by professional agitators who are using slogans dictated by foreign countries and trying to prevent the forward march of the programmes of the Nationalist Government of the Constitutional President of the Republic, Romeo Lucas.

Guatemala, 5 March 1981

Geneva, 31 August 1981

Ref. 781/81

Sir,

I have the honour to write to you in connection with various notes and communications concerning Guatemala sent to this Mission by your Division, and also the conversation held in your office in June 1981.

I wish hereby to reiterate the interest and concern of my Mission to collaborate and co-operate to the greatest extent possible with you and other officials of the Division.

To this end, I am enclosing with this letter, for your information, an envelope containing the text of the Press communiqué, issued by the Government of Guatemala through the Secretariat for Public Relations of the Office of the President of the Republic, concerning the actions of extremist international organizations and the participation of foreigners in acts of violence that are disturbing the peace in my country.

In addition, I have annexed some photocopies, provided by the Secretariat for Public Relations, of identity documents of the persons involved in these acts as well as a set of photographs of the persons themselves.

Accept, Sir, the assurances of my highest consideration.

[Signed] Ana Mariá Lucas de Rivera
Ambassador
Permanent Representative

Annexes: As mentioned.

Mr. Theo van Boven,
Director, Division of Human Rights,
United Nations,
Palais des Nations,
Geneva.

PRESS COMMUNIQUE

The blatant interference by extremist international organizations, along with the part played by foreign subversive criminals in the acts of violence which are disturbing the peace in Guatemala, have again been demonstrated with the complete identification of three terrorists who, together with other agitators of Guatemalan nationality, were killed in a raid by the State security forces that broke up a stronghold of subversives in district 14 of the capital.

It has also been shown that the three foreigners were operating under assumed names and two of them were Catholic priests, at least in normal daily life, but their task was in fact to spread hatred in the Guatemalan community.

It will be remembered that, on 25 July last, the State security forces uncovered an extremist hideout in 3rd Street "A" 19-96, in the district in question.

Using loudspeakers, the authorities called on the subversives in the hideout to surrender.

However, the extremists replied with gunfire, and the outcome of the armed clash that ensued was the complete destruction of the hideout and also the death of the terrorists.

One of them, fatally wounded, revealed that the subversive criminals included three foreign "commanders" and he mentioned their assumed names: "Miguel" and "Pedro" and for the third one, "Antonio" or "Juan José".

The first two were identified as Catholic priests and the third as a Cuban communist soldier. The other rebels, two men and three women, were of Guatemalan nationality but were entirely in the service of international subversion and under the command of foreign terrorists.

The information given by the dying rebel was carefully checked by the State security forces against documents found in the subversive hideout and in the records of the Directorate-General of Immigration and the national police.

Findings of the investigation

So-called "Commander Miguel" is Raoul Joseph Leger, a Canadian priest, and a motorcycle licence issued in his real name was found on him. His address was in Concepción Chiquirichapa, Department of Quezaltenango. This was verified in the fingerprint office's files.

The records of the Directorate-General of Immigration include a file on the Catholic priest, Raoul Joseph Leger, which contains the following documents:

1. An application dated 20 April 1979 from Luis Manresa Formosa Bishop of Quezaltenango, requesting the issue of a Guatemalan residence permit for the "missionary" Raoul Joseph Leger, of Canadian nationality, passport No. AF-31827. According to the application, the priest was to work in the parish of the municipality of Concepción Chiquirichapa, in the diocese of Quezaltenango;

2. An application dated 6 July 1979 from the Apostolic Administrator, Oscar Urizar, requesting an extension to allow the Canadian priest, Raoul Joseph Leger, to stay in Guatemala;
3. An application dated 6 July 1981 from the same Apostolic Administrator, Oscar García Urizar, requesting a further extension to allow the same Canadian priest, Raoul Joseph Leger, to stay in Guatemala.

So-called "Commander Pedro" was identified as Angel Martínez Rodrigo, of Spanish nationality, found with passport No. E.B.238323 dated 9 November 1977, authorized by the Ambassador of Spain and signed by the Spanish Consul accredited to Guatemala at that time, Jaime Ruíz del Arbol.

It was also learned that Angel Martínez Rodrigo served as a priest in our country, an activity confirmed by the testimony of one of the dying terrorists.

So-called "Commander Antonio" and/or "Commander Juan Josó" was the Cuban communist militiaman Sergio Ruyes, who entered Guatemalan territory illegally but was being sought by the Guatemalan security forces.

Two other subversive terrorists identified by their fingerprints were Horacio Mendizábal García, a Guatemalan, who was supposedly working as an architect and builder, and Mireya Cifuentes Pérez de Aguilar, alias "Alba".

This complete identification of five of the eight terrorists who died during the clash with the security forces is proof of foreign interference in Guatemala to foment a subversive campaign, both in the countryside and in the urban areas.

It is also proof of the armed political militancy of Catholic priests, who, sheltering behind religious dress and practices, are actively engaging in terrorism as a means of destroying the social institutions of Guatemala.

Similarly, it highlights the fact that the leaders of the Marxist subversive movements active in Guatemala are foreigners, thus demonstrating that the subversive campaign in our country is completely artificial.

Guatemala has faced powerful international aggression in the form of terrorist action, but we have reiterated our unshakable resolve to maintain the democratic institutions which have been the source of freedom, progress and well-being and to do battle with extremist fanatics.

Guatemala, 3 August 1981

Permanent Mission of Guatemala
to the United Nations

New York, 11 September 1981

ES/2.5.4/776

Sir,

I have the honour to address myself to you in reply to the note dated 24 August of this year from Mr. William B. Buffum, Under-Secretary-General for Political and General Assembly Affairs, through which he was kind enough to propose to my Government that Mr. Julio Prado Vallajo, a citizen of Ecuador and member of the Human Rights Committee, serve as contact for the purposes of resolution 33 (XXXVII), adopted by the Commission on Human Rights on 11 March 1981, wherein the Commission requests the Secretary-General to: "... continue his efforts to establish direct contacts with the Government of Guatemala on the human rights situation prevailing in that country and to collect information thereon from all relevant sources".

After consultations with the Ministry of Foreign Relations about this proposal, I beg to inform you that, despite its willingness to co-operate, my Government finds the proposal of the distinguished Ecuadorian, Mr. Julio Prado Vallejo, to be unacceptable, because it feels that the contacts to which the above-mentioned resolution refers should be established by yourself, through a suitable member of your Office, as has been the custom in all similar cases of which we are aware, and not through a member of the Commission on Human Rights, much less one of the Human Rights Committee under the International Covenant on Civil and Political Rights, to which Guatemala is not a party. In our opinion, contact by the Secretary-General should be consistent with the impartial and objective line, devoid of political bias, that you have so honourably impressed on all the work of your Office. The opposite would mean accepting the system of a special rapporteur which I explicitly rejected on my Government's behalf at the thirty-seventh session of the Commission on Human Rights, held in Geneva in February of this year.

Mr. K. Waldheim
Secretary-General
United Nations
New York

I would like to express the greatest respect for Mr. Julio Prado Vallejo, who is a man of outstanding qualities, but my Government feels that, because of the duties and position to which I have already referred, he is an unacceptable choice for the proper discharge of the mandate entrusted to you by the Commission on Human Rights, for which reason I beg you to reconsider this proposal.

The Government of Guatemala feels that the country is suffering from an international attack which has been exacerbated by the violence of clandestine groups of extremist tendencies and that, by constitutional mandate, the authorities of the country are waging a constant struggle to maintain in full force the human rights and fundamental freedoms guaranteed by the Constitution and the legislation of the Republic; for that reason, it has a special interest in making sure that no information on human rights in Guatemala is distorted by biased political attitudes, such as those popularized by certain well-known international organizations.

Accept, Sir, the assurances of my highest consideration.

(Signed) Eduardo Castillo Arriola
Ambassador
Permanent Representative

Public statement by Jesuit priest Luis Eduardo Pellecer Faena
at the Trade Union Centre

Introduction by the Presidential Secretary for Public Relations, journalist Carlos Toledo Vielman:

Distinguished members of the diplomatic and consular corps, ministers of State, vice-ministers, presidential secretaries and under-secretaries, senior civil servants, representatives of the international and Guatemalan Press, ladies and gentlemen:

We would like particularly to thank you for having taken the trouble to come out in the rain to this press conference, to which you have been invited by the secretariat for Public Relations of the Office of the President at my request and - this deserves to be repeated - at the request of the President of the Republic, General Romeo Lucas.

The purpose is to acquaint you with a very important event in the political and social life of our country, that is, to introduce to you a Guatemalan Jesuit priest who was thought to have disappeared or been abducted, but who, by his own decision, sought out and trusted in the country's security forces for his own protection and in order to make some important revelations about the obligation he had contracted as a member of the "Guerilla Army of the Poor" (EGP), in which he was active in various capacities for some time and details of which he will tell you in his own words.

The Government of the Republic would like to make it very clear that, in introducing you to Jesuit Father Luis Eduardo Pellecer Faena, it is not seeking any quarrel or source of friction with the Catholic Church as an institution; on the contrary, it would like the words, revelations, repentance, conversion and pardon of this Jesuit priest to serve as a model or a spiritual light for all Guatemalans and the world in general, with regard to the dangers lying in wait for our people, especially our youth. I have been talking to Father Pellecer about the serenity he maintains and the happiness he is currently feeling at being able to tell Guatemala and the world about his conversion and repentance for the reasons which you are about to learn.

That is to say that Father Pellecer, who went voluntarily to the security forces for this purpose, has received the best, most humane treatment, and we would like to state officially that, according to his personal wishes, he may either remain in the country as a practising priest or go to the country of his choice.

In the second case, the Guatemalan press, foreign correspondents and Guatemalans in general who so desire are hereby invited to accompany him to the airport on the day of his departure if he so wishes.

I now have the pleasure of introducing you to Jesuit Priest Luis Eduardo Pellecer Faena, because I feel that what he will tell you, his experiences, his involvement with the "EGP", his conversion, repentance and ultimate pardon will be the best experience you may have this evening.

Father, if you please ...

Statement by Father Pellecer Faena:

Good evening to you all and thank you in advance for the hearing you have granted me.

As Mr. Carlos Toledo Vielman was telling you, my name is Luis Eduardo Pellecer Faena, I am a Jesuit priest 35 years of age, Guatemalan and a member of the "EGP" until 8 June last year, the day on which I freely decided to seek out the security forces in order to end my subversive life, my militant life in the "EGP".

I carried out my self-abduction in collaboration with an old friend who was serving in the security forces. Once, when we were abroad, he gave me his address and telephone number so that I could turn to him in case of need; I did so, and we then planned the self-abduction.

I understand that the national press and probably also the international press publicized my disappearance as a kidnapping. Where news stories are concerned, whenever the witnesses are third persons, not involved in the events, there is naturally a wide margin of error, because the final version must be constructed on the basis of interpretations or possibilities.

I would like to mention something about my professional background, because I believe it is important for you to know what privileges, opportunities and training I was able to acquire through 14 years of study, in order that you may judge more discerningly and view more accurately and with due compassion the repentance that I am now asking of all ... the pardon that I am now asking of all of you.

I graduated from secondary school, the "Liceo Guatemala", in 1963 with a baccalaureate in sciences and letters; in 1967 I joined the Society of Jesus and there I carried out all the studies relating to the priesthood, obtaining a bachelor's degree in communication sciences and classics at the Catholic University of Quito, Ecuador; later I received a master's degree in philosophy from the Universidad Autonoma of Mexico, the "UNAM", at the same time as I completed a course in civil engineering at the Spanish-American University, also in Mexico; I did administrative work in a Jesuit order and also studied Jesuit administration and the responsibilities of a member of the Order and, in conclusion, I took a master's degree in theology from the Centre for Theological Thought in El Salvador, a course connected with the School of Social and Natural Sciences of José Simeón Cañas University.

I am not telling you this for the sake of self-aggrandizement, but simply to provide a background for the following questions:

A person who, like myself, never lacked or needed for anything while growing up;

A person who has had such opportunities for study, for choice of profession, and for academic and intellectual experience at the university level;

A person who is a Christian, a priest, a man of religion: how is it possible for such a person to stray so far as to opt for a life of violence and enrol in the clandestine revolutionary organization, the "Guerilla Army of the Poor"?

You are probably asking yourselves these three questions and more.

I will attempt to answer these questions clearly, precisely and with deep sincerity, dealing with different aspects:

The first is the following: I handled or learned to handle three basic weapons of a calibre not normally seen. They are not weapons based on gunpowder, but much more powerful weapons, more explosive and wider-acting than any of the munitions we know.

The first is all the ideas contained in the theology of liberation.

I think that all of you, including the foreign press, know something about the recent history of the Church and I will take the liberty of prevailing on your attention to refer to it:

In 1968, the Latin American Church, with maximum participation by all the bishops of the continent, met in Medellín, Colombia, to update the guidelines for the new Church that had been laid down by the second Vatican Council two years before.

Medellín: the Latin-American Episcopal Conference sought to give a religious response to the urgent, the immediate problems of the so-called "third world" countries.

The pastoral guidelines which came out of that Conference were gradually transmitted to the various hierarchies of the Latin American countries and also to the various religious orders, including my own, the Society of Jesus.

What, then, is this theology of liberation, this new religious approach which came out of Medellín, which was later consolidated at the Puebla Conference held last year and which in its own way is coming to be part of every religious order?

In the first place, the presentation to all the poor of a new Jesus, a Jesus totally different from the one we learnt about through the teachings of the gospel and of the catechism with which we were prepared for first communion: a rebellious Jesus, a Jesus opposed to the capitalist system, a revolutionary Jesus, a Jesus made into a "God-man" devoid of all human dimensions, a Jesus who was already and would always be a partial God, the God of the poor, the God who guaranteed salvation solely and exclusively for the poor man, the needy and the destitute, and left no possibility of salvation for the rich man, the powerful, the head of Government.

Naturally, this was a first seed of distortion, a faith wrongly preached; from the beginning of the Gospel, the deviation was apparent: Jesus, the God of the poor, is the God only of some.

Naturally those receiving that message wondered: What about the others? meaning, of course, the rich.

The reply of the Church - to be precise - the Church of my generation - was the following: the rich have had four or five centuries of Church history during which they were hand-in-glove with the Church, when they limited their interests and hardened their hearts, and it is time for the Church to separate itself from power, from the rich, once and for all and return for good to the service of the poor alone, by asserting that God, the God of the poor, is the God only of some.

Last year, we carried this so far as to teach that:

"Christmas should be celebrated only by the poor man, because it is his God that is born, the God of the poor alone; we don't know what the rich celebrate on 24 December".

That, then, is the first aspect I would like to point out: the theology of liberation presents a different Jesus, a revolutionary Jesus.

The second aspect is the following: this Jesus has a specific project, he comes with a specific mission. It is assumed that the Father has sent him to earth to build a kingdom, a kingdom which we, especially the Jesuits of my generation, identify as a kingdom equivalent to socialism, a kingdom obliging us to build a socialist society - for which we obviously needed power.

The question how we were to gain power is the aspect I shall discuss next.

This Jesus who obliged us to build this socialist kingdom here on earth, was, in addition, a Jesus alien to the institutional Church, who rejected all the Church's institutional and hierarchical structures, who was opposed to traditional morality, who was not interested in the customs and mores which have inspired our community and fed our hopes for several generations.

There was, indeed, a new morality based upon this idea: "The only important thing, the only absolute for us was the revolution, socialism, and all the rest would come later".

The fact that marriages were not being legally constituted, that there were divorces and so to speak all kinds of licentiousness was given only indirect attention in this new morality, where the most important thing was socialism, the taking of power.

This is the first weapon. The second is the Marxist-Leninist apparatus that all Jesuits - I repeat - nearly all Jesuits of my generation acquire in four or five years of university studies.

In my own particular case, I went to Mexico and El Salvador, where I studied Marxism for four years.

It was assumed that a priest, in order to be able to respond to the needs of today's world, needed to be skilled, expert in the science of Marxism-Leninism. We also assumed that what we were looking for was simply a set of instruments, a technique for analysing why our people were being exploited and how they were being repressed. But, appearances notwithstanding, this was one of the problems which I failed profoundly to understand. Why?

Because I believed that this analytical apparatus could remain purely in the realm of theory, of elucubration, in the study or in books. But it was like the physician's scalpel, which would have no sense if it were not used in the operating theatre, in operating on the patient in need of a cure.

This is the reality of Marxism: I couldn't reasonably have intelligently thought that all that could remain theory; it had of necessity to result in what it did: in practice.

A third extremely powerful weapon was also the choice of the Society of Jesus, or the Jesuits themselves, which we made two years ago, in the general congregation, which is fully representative of the Society.

In that congregation, it was decided that the Jesuits should work primarily on behalf of the rural and urban poor, that we should help radicalize the message which had begun to be spread in previous years.

Our lives, resources, knowledge, money and best abilities were henceforth to go into intensifying the preaching we had already begun among the peasants and urban workers.

Let us now draw some conclusions from these three basic weapons.

Through faith, through the most sacred and deepest feeling of our entire people, we deposited the first seed of distortion: a new gospel, an unfamiliar Jesus - a Jesus with blood on his hands, so to speak.

Through a Church which we admit is polarized, only for the poor, alien to the hierarchy, totally removed from all traditional moral principles and our decision to become true fighters, through faith and religious spirit.

Many more conclusions can undoubtedly be drawn, one of which is the following:

We Jesuits knew how to "reach people", to mix the right dose of theology and Marxism for people with very low levels of general and political culture, we were able to create an entire philosophy of education for the oppressed, we transmitted our knowledge with schematic catechisms, using audiovisual methods, with the authority that comes from being a priest, being an envoy, being recognized as a member of the Church.

This gave us, so to speak, a general success among our simple people.

My experience as a cleric practising the use of these three weapons was obtained first in El Salvador, second in Nicaragua and third in Guatemala.

You will appreciate that this sum of experience is part of the professional background which I mentioned earlier.

What kind of work was I called upon to do in El Salvador? In El Salvador we worked with a religious movement called Delegados de la Palabra de Dios (Delegates of the Word of God). Its work was the equivalent of that done by the old "catechizers" in the countryside, in co-operation with the rural priests, but it was a distinct movement because it had its own structural dimension: it offered the peasant a possibility of social attachment, of feeling himself a member of a whole, of a group, of having specific tasks to carry out.

For example: some were "preparers" of the message which was then to be spread to the others; others were what were called "scouts", that is, people who go to reconnoitre new territory, to discover the people's customs, to see how they can be reached, and others were what we called "consolidators", or people who visit the community, stimulate its needs and ensure the continuance of the "Delegates of the Word of God". Through this movement we had established a first foothold: we had succeeded in bringing together the rural masses, in capturing their attention through the word, and we had helped them know and relish the experience of being people capable of organizing themselves; but all of you will appreciate that no one organizes himself merely for organization's sake.

Every organizing act is undertaken "in the light of" just this fact. And that is what we were trying to do in El Salvador, to establish a second level to the organizational platform we were advocating on a religious basis. What was this second level? A political proposal, precisely: "You must defend yourselves against the exploitation to which you are being subjected by the bosses in your various jobs, you must confront exploitation. How will you confront it? With the basics of Marxism which we are already teaching you. How are you to do it effectively? By uniting, anticipating the bosses' response. What else must you know? How to defend yourselves. How will you defend yourselves? By implementing a series of what we called self-defence measures, which meant nothing more than opening the door into a veritable realm of violence.

In this way, then, we succeeded in bringing together large numbers of peasants and giving that mass a deep social religious and political sense - fertile ground which was seized in the twinkling of an eye by the "Farabundo Martí Popular Liberation Forces".

I never meant this to happen; yet I was one of the ones who prepared the fertile ground - "on a silver platter" as the saying has it - so that the popular liberation forces could feed themselves on all the innocent peasants who had been attracted by the word of the Father, by the authority of the Church.

You are all familiar with the consequences in El Salvador; it would be impossible for me to say that I am totally guilty for the bloody situation which our sister

country is going through; but I do recognize before you and everyone listening to me that I have been a participant in death, pain and so many other results of violence, because I helped to sow the seeds of this situation of misery, poverty and more violence in that people who provided a home for me for more than six years.

After being ordained a priest on 5 December 1976 in the village of Aguilares where I was living, I was transferred to Nicaragua to perform exactly the same work; but, since the Somoza Government was already in power, we had to do it much more carefully.

The peasants' situation in Nicaragua was less explosive, because there was more land and because they were not in a fighting mood when I arrived in Nicaragua. Nevertheless, as in El Salvador, we promoted the unifying work of delegates of the word and, at the same time, we encouraged co-operative undertakings in the hope of making people see that the ideology we were offering them had a foundation and some real support.

We wanted to bring home that the joint working of land that we were proposing had three main objectives: one was to provide capital for the upkeep of the co-operative and reinvestment; the second was to be able to eliminate hunger among all the people in the area, and the third, which was the important one for us, was to be able to transmit funds to factions of the Sandinista front which were then fighting in the mountains in the northern part of the country, in the Segovias.

In short, that was my experience in El Salvador and Nicaragua. I can say that I did the same thing in Guatemala.

In early 1977, I was transferred from Nicaragua to Guatemala and, when I arrived in Guatemala, I was assigned to a community of Jesuit priests known as "CIAS", which stands for Centre for Research and Social Thought. The Centre was a meeting place for the Jesuits who had had a chance to undertake higher studies, special studies - a kind of rallying point for the "élite" of the Society of Jesus.

To give an example of poverty, the Jesuits decided to live in a simple house which they rented near the Palmita market in district 5.

Thus that community subsequently became known as the "District 5 Community".

The Jesuits from this community had been active for six or seven years in the rural areas in the western part of our country.

They went there, performed the functions of delegates of the word and ran short courses in literacy, first aid, religion, co-operativism. In other words, they were preparing the now extremely fertile ground that has been used by the "Committee for Peasant Unity" (CUC).

I do not believe that the Society of Jesus would like to acknowledge responsibility for creating that movement. It probably did not start with that purpose in mind, but it certainly did give it its blessing, support it, help it to become strong and, above all, it helped the "CUC" to win an international audience.

It seemed very important that the whole world should be informed that the indigenous peoples had not only staged an uprising but were the basis and the foundation of our people's revolutionary political organization.

This was another of the actions in which the rest of the Jesuits with whom I used to work were accomplices: they spread that reputation, of which we are all aware, abroad, with the inevitable consequences for our country.

I never worked in rural areas in Guatemala, for health reasons and also because there was work to be done in the city. It was considered that a lot more could be done in our activities with the working class, and that it was no longer possible to penetrate the trade unions as we had in the past, but that an important opportunity was still open to us: we could reach the worker in his home, minister to him in his place of residence, when he came to live in the settlements around the city.

That was how I came to be assigned to the promotion of a political organization known as the "Settlers' Association": it was practically extinct in mid-1977 and its name was only used to broadcast advertisements on the radio and to distribute a few propaganda leaflets.

I began working in several of the city's outlying settlements accompanied by various young men, who were also settlers, so as to speed up the work, which was considered urgent at that time.

The ten young men who accompanied me were not sufficient. At the same time, the nuns at the Colegio Belga suggested that I should be the adviser for a project they called "operation Uspantán". It involved taking the school girls in a specific class to spend one or two months of their holidays with the peasants in Uspantán and various villages in the department of Quiché, which I never visited personally, so that they could provide direct assistance and learn about the harsh realities of peasant life. I accepted the nuns' proposal and became the adviser, the organizer, so to speak, of the project known as "Training Operation Uspantán," and in term-time, I asked the best pupils from the project to help me in my work with the settlers. That, then, was the situation until the middle of 1978: I continued doing this kind of work, using the three weapons I referred to earlier, although I was not specifically linked to any of the country's clandestine guerrilla movements. In June or July 1978, I was approached by a girl called Laura Hurtado, who suggested that I should join the Guerrilla Army of the Poor (EGP). I had met her in the course of my work in the settlements; she said that she knew the quality of my work and my personal abilities and that the best way to channel my potential was to join the Guerrilla Army of the Poor. At the time, I told her that it was absolutely impossible for me to accept the invitation for two very simple reasons: the first was that I was then thinking of getting married within the next four or five months to a Nicaraguan girl who had not yet come to Guatemala, and I did not want to take that kind of a decision without consulting her; and the second was because I imagined that married life would be quite incompatible with the demands of the subversive and violent life of a guerrilla. However, she made it quite clear that they would probably ask me to join again. A year later, after more experience of work in the Settlers' Association, particularly on questions of propaganda, I considered that I was sufficiently mature politically; furthermore, my plans for getting married had fallen through. I went in person to see Enrique Correal Alonso, a former Jesuit priest, of Spanish origin who was a naturalized Guatemalan and Laura Hurtado's husband, and told him that I now wanted to join the Guerrilla Army of the Poor.

Two months later I received a positive answer. A man introduced himself to me under the pseudonym of Manolo and told me that my offer had been accepted and that the EGP was pleased to learn that I was to become a member, although not a militant. I think it is important to make this distinction: a militant is someone who works for the organization full time, is housed by the organization and is financially dependent on EGP; he remains underground and conforms to the discipline required of a militant. I was always a helper - in other words, I did not follow all the rules I have just referred to - and I spent a total of 17 months working with EGP. Manolo then explained to me EGP's interpretation and analysis of the socio-political, economic and religious situation in the country and why armed struggle was the ultimate solution, what EGP intended to do, how it would use the masses and achieve religious and political unity, how EGP was to take power, and what was the revolutionary plan to be implemented once it had done so - an event which, by the way, was planned for the end of 1981 or the beginning of 1982.

Manolo then told me that my job as a member of EGP was to continue working with the Settlers' Association, but with a new political slant; I was to try to run the Organization on the basis of all EGP's political and military principles.

After about ten months working with the Settlers' Association, I was told that, with my abilities, it would be better for me to move on to other tasks; my new job was in the propaganda commission of the national commission, then the supreme organ.

The Commission's objective was to orient and co-ordinate politically all the propaganda work to be carried out at the national level. We of the national propaganda commission were supposed to issue general guidelines, although each grass roots organization remained individually responsible for the actual dissemination of propaganda.

This then was how I played an active part and collaborated with the national propaganda commission for almost nine months. Until that time I continued in a state of naivety, incomprehension and fundamental error which now seems so incredible that, when people have asked me about it, I have found it practically impossible to answer. How could I have believed that the idea and the weapon were separate; how could I have thought that the three weapons I referred to earlier were not going to be the basic instruments for direct action in the exercise of subversive violence? Even now, I do not know exactly when this infection occurred, because it was not something immediately noticeable as when someone switches a light on or off, but more like a viral infection, the symptoms of which only appear after incubation.

Incidentally, I forgot to mention in giving my curriculum vitae that I also studied medicine for three years at the Universidad de San Carlos in Guatemala.

Well, to get back to the work of the national propaganda commission, the more time passed, the more there attached to my work as a promoter of theory and an obligation to lead the life of a militant and to engage in military practices, i.e., to acquire basic training and follow a set of rules and security measures, because it was considered unthinkable that someone working in the national propaganda commission should not have military experience, however talented they might be in other respects.

This was always pointed out to me as a disadvantage and a danger.

And that was the situation until, on 8 June 1981, I discovered that I could not request my withdrawal from EGP, that my 17 months' experience as a militant were sufficient motive for my resignation to be refused, which would not have been the case in a democratic institution. I realized that I had no alternative but to disappear, but to disappear in the following way: to disappear for the purpose of explaining the full meaning of the message which I then thought I was in a position to convey and so I contacted my old friend from the Universidad de San Carlos, and, as I said earlier, arranged to have myself abducted.

In the security forces I found real brothers; during my 122 days of isolation, I never had to make a sacrifice, I never experienced torture or need, nor did I ever lack anything. Some people may think, "they have put him up to saying this, or he is under some form of coercion", but it is the truth from the bottom of my heart, it is the sincerest way I can apologize to everyone. I want to make my apology deeper and more comprehensive as I come to the end of this statement. Before concluding, and now that I told you about the reasons for my militancy in EGP and described part of that work, I would like sincerely to say this: there are recommendations which should be made and this rostrum is the best place to make them. I am deeply convinced of the fellow-feeling I found in this connection within the security forces: they have a sense of justice, they respect life; they really want to prevent any more bloodshed in this country; they want our young people to grow up and become really productive, they want us all to play our part.

Allow me to explain my earlier view, how we saw the Government and its democratic institutions in EGP, because I believe there are many things you should note, many aspects which you, who are partly responsible for the outcome of our people's history have to correct. It is impossible to make detailed recommendations in such circumstances but there are some points I would like to make. I am well aware that the Ministry of Education is making extraordinary efforts to bring education to the furthest corners of our country; however, some changes are needed. I think that a highly academic approach no longer corresponds to the actual needs of our people, for example, I think that school-leaving certificates should be diversified to correspond to different trends or progressions, and students should subsequently be channelled into institutions such as INTEMAP, for example; it is obvious that only 1 per cent of holders of school-leaving certificates or the equivalent go on to university; some sort of secretariat for jobs, extra curricular work, should be set up; I am appalled by the fact that the majority of the young people in our country are idle for 90 days, it is a waste of potential to do nothing about the tremendous needs of our people.

Well, that is one example that springs to mind. Another concerns the settlers, the sector I knew best in the urban environment. The settlers' demands, what they need from the various institutions and authorities, their requirements, are, in my view, such that all of us should make an effort to find an immediate solution. I know that there are various problems involved in finding such a solution, it is not for me to indulge in polemics here on those secondary problems, but on the basic problems. For example, I do not understand how it can possibly take nine months for a community living in the Bethania settlement to get a public water tap installed; these nine months give activists of all kinds an opportunity to approach people and suggest that the municipality may not be the best way of meeting that need, and that perhaps other methods such as violence and seizure of power might be more successful. I believe that satisfaction of the basic needs - housing, healthcare, education, culture, etc. - must be given priority, if the social base which the guerrilla movement will continue to win over is to disappear.

A short while ago, before I came to speak to you, I also had an opportunity to talk to the bishops, whom I cannot see from here because of the lights, but I also requested, or to be more exact, demanded, of them something about which I feel very strongly; that the Christian church should be united, that there should be one pastoral leadership, that it should be, so to speak, the vanguard of that traditional and everlasting faith which cannot be wiped out by any kind of revolutionary movement. It should be made obvious that there is a Christian church in Guatemala, people should know who the leaders of that church are and how they breathe life in its body, so that para-ecclesiastical or parallel church organizations never emerge, so that there are no more organizations like Justice and Peace, Revolutionary Christians, or Vicente Menchú, which, in trying to provide a partial answer, tend to proffer simplistic responses that are then seized upon by revolutionary organizations, which are always eager to manipulate the masses.

There are many more recommendations I would like to make if I had time. Perhaps the last which springs to my mind now directly concerns parents present here and those listening to me in their homes. 1981 is not the moment to commit your children to Catholic education blindly, simply because you know that the school is run by monks or priests; while you have always been responsible for playing a part in the education of your children, today more than ever you have to find out about the extra-curricular activities which form a child's conscience, you have to know about the work outside the classroom in which pupils are introduced to new social ideas; who are the teachers who provide the main guidelines for consciousness raising activities; who teaches the humanities and religion. Now more than ever, parents must communicate with their children, and share the responsibility for their education; all of us are partly to blame for our present situation.

I am coming to the end, the culmination, of my statement to you; there is a profoundly human aspect in my narration of the following experience: in handing myself over to the security forces in whom I trusted - initially, I must admit, with certain misgivings - I found, thanks to them, forgiveness for my life. While I was with them, precisely as a result of their preferential treatment and their respect for the integrity of my life, I became more deeply converted, understanding my sins and planning a new future. Thanks to those of you who have been able to hear me and who have been a good audience, and thanks to all the people of Guatemala, who are listening to me and who, I am certain, are bound to forgive me, I ask that supreme forgiveness in which there are two stages: the first and most important is when any one worth his salt acknowledges his error, his culpability, his shortcomings and faces up to the situation saying, "I am responsible, I am a party in what has happened in my country". That is when you can believe or disbelieve; you can say to me here and now, I forgive you or I do not forgive you; man's freedom is a profound mystery and must always be respected. But, I know that I shall find true forgiveness in you in the second stage of conversion, when I show you - in my deeds, my daily work, the honesty and probity with which I discharge my mission as a priest - the new works I shall be carrying out; and the new way I shall be organizing my life. In the last days of my life, on the day of my death, you will know whether the forgiveness you gave me immediately or months afterwards was right or wrong.

It is abundantly clear that only history can give someone who has fallen so low the space and time to be able to find the forgiveness which, I repeat, I am sure I will find in all of you. That forgiveness is as essential as it was essential to acknowledge my sin, think of the social consequence of that sin; why did my parents, my brother and my brother-in-law, whom I adore, have to suffer indescribable anxiety for over 120 days? While for me each day that remained was one more day of hope, for them each day that passed was doubtless one more day of grief.

I beg forgiveness a thousand times from the people of Guatemala. I am ready to answer any questions that those of you who are present may care to ask; believe me when I say that I am deeply sorry and that I am determined never to fall so low again. Never place yourselves in a position where you can be infected by the virus of mass revolutionary organizations, settlers' associations, etc., not to speak of the organizations which allegedly wish to make an end of the means and, in so doing, distort the means and make the end impossible. Violence cannot lead to love; the Kingdom of God cannot be built on the roots of sin and no more can the sisterly and brotherly reconciliation we all need.

Thank you all very much.

(Applause)

(Toledo Vielman, journalist): Fellow journalists, Father Luis Eduardo Pellecer Faenc is perfectly ready and willing to answer any questions you may care to ask him. In order to facilitate this exchange of ideas, we would request journalists, diplomats, members of private entities, representatives of the Chamber of Commerce, industry, building, etc., and the rectors of universities to ask specific questions and to ask only one question at a time so that the priest can answer them more easily.

I give the floor to Mr. Hernández, journalist:

Mr. Secretary for Public Relations of the Office of the President, I would just like to ask Father Pellecer if other Jesuit priests joined the movement of the Delegates of the Word of God and how the rural population and the working-class reacted to the work they carried out in El Salvador and his own work with "EGP" here in Guatemala?

(Father Pellecer replies): In order to answer that question, I have, as it were, to change register: earlier I generalized the phenomenon as such, so that everyone would be aware of the situation and able to analyse it in terms of his particular area of work. Now I have to go into detail in order to be more honest and to avoid involving people who have nothing to do with this situation. To give you an accurate answer, we performed the work of the movement in question in three countries; it gave rise to an immediate response, an almost spontaneous response, in that nearly all the young Jesuits, and some older ones as well, such as Father Rutilio el Grande, enrolled in this kind of work which goes on throughout Central America, in Choluteca, Honduras; Aguilares, El Salvador; the high plateau in our country; the Central and Northern part of Nicaragua; and the Chiriquí region in Panama. In other words, this kind of work has become universal. Almost all the

Jesuits of my generation I knew were involved then, and there were about 15 of us in all, plus others from the lay clergy, in other words, priests who had not taken their vows and who were directly dependent upon the bishops. You asked me about the reaction of the people in El Salvador; changes are needed here, and I would ask you to cast your minds back to the special circumstances in El Salvador and Nicaragua. We research analysts, if we can call ourselves that, stated on one occasion that the explosive conditions in El Salvador caused by the shortage of land and the population problem, coupled with the absence of a middle class, polarized the forces of the poor and the rich to such an extent that almost any well-formulated message would have found the revolutionary spark touched off by the religious message. Obviously a religious message has the advantage, as I said before, of the authority of the person who delivers it, the prestige, tradition and faith of countless years, but almost any well-formulated message would have had the same effect.

In Nicaragua, the reaction was not as strong; at the end of 1977, the peasants and the Nicaraguan people in general were not really concerned with the problem of dictatorship; this was because it was an accepted fact that someone of 40 was someone who had become accustomed to the situation after 40 years of dictatorship and the people did not see how they could replace Somoza until the famous take-over of the house of José María Quant (Somoza's ex-Minister) in December 1977. That was when there emerged the idea, a feeling that the dictatorship might be vulnerable after all, and, as a result, the peasants' reaction to the Delegates of the Word movement, which claimed ...

(Olga Pantoja Herrera, journalist): After listening to you, I would like to ask you what is the extent of the Jesuit order's involvement in the other orders in Guatemala?

(Father Luis Eduardo Pellecer replies): The Society of Jesus has always made it a principle, so to speak, to work in sectors or groups which will in turn enhance its activities. The Jesuit colleges throughout Latin America and in the 92 countries where the Society of Jesus is established were always set up for that purpose, to try to influence the education of the men the Society considered to be the men of tomorrow, in other words, the men who would be in power, so as to generate a humanist and Christian attitude from above, from the top of the pyramid. This approach was subsequently abandoned because it was discovered that it was practically useless. The order then decided to start influencing all the sectors in which power was concentrated; this is what happened, for example, with the Confederación de Religiosos de Guatemala (Confederation of Churchmen of Guatemala) (CONFRECUA), which comprises all the religious orders and congregations in the country. CONFRECUA was then the ideal place to exercise influence and so multiply the effect of the Society's work. That was the relationship of the Society of Jesus with other orders, although it maintained close links in Guatemala with the Holywell Fathers and the Fathers of the SKET Congregation, and in Panama with the Dominicans, in Nicaragua with the Salesians, etc.

(Antonio Ortiz, journalist on the Diario de Centroamérica): Father Pellecer, do you think there are other priests who would like to revert to their mission if they had the chance?

(Father Pellecer replies): I am certain there are. I must make it clear that there are two different categories. The first includes many of my companions, for example, Fernando Hoyos and Enrique Corral, Jesuit priests, ex-priests, who have militated for many years, probably eight or nine, in "EGP" and are now so deeply involved that they have even started to participate directly in military operations; I find it hard to believe that they would be ready to seek such an opportunity of their own free will and in their own interests. My second comment is that I think that, if they found a way to negotiate, if they discovered that it is possible to promote democratic institutional life, if they found that close contact with the head of the Church is feasible, the majority of the clergy in Guatemala would definitely be willing to re-espouse attitudes identical or similar to my own immediately. I have evidence that this is particularly true of the religious orders for women.

(Guillermina Rodríguez, journalist): Mr. Luis Pellecer, don't you think that you are unworthy to wear a priest's habit after your long allocution in which you confessed to having contributed to the bloodshed in our country?

(Father Pellecer replies): Thank you for the sincerity of your question and your tone. My answer is also deeply sincere. Naturally I am unworthy, and that is what I said at the beginning of my statement: only your infinite capacity for forgiveness and the forgiveness of the people, and only my strong determination, together with the grace of God, can enable me to mend my ways and so become worthy once again, to the extent that I can demonstrate the goodness and direction of my works. Until that time, it would have been more appropriate if I had not appeared before you as a priest, but as an ordinary man of the people. Thank you for the sincerity of your question.

(Marco Tulio Trejo Paiz, journalist): Father Pellecer, I would like to know whether in all the political intrigue, you noticed a master mind directing the movement or how the movement was financed nationally or internationally?

(Father Pellecer replies): In the Guerilla Army of the Poor, at least as far as I know, because a high level of compartmentalization was maintained in all the work, but referring specifically to people, I can say without hesitation that there were obviously people who ranked much higher than I did, with much more experience and greater intellectual potential; I'm talking about some six or seven people I knew in the propoganda sector. Obviously there were such people at the leadership level. The other part of my answer concerns financing. I always understood that the Guerilla Army of the Poor was financed from two basic sources: support from the socialist countries - I was never told which countries or what amounts were involved - and what is euphemistically known as "recovery", which is simply what we normally call theft. In addition, many European public service institutions, devoted exclusively to channelling funds, such as CARITAS in Guatemala, which will surprise you, help to finance projects submitted to them that they consider feasible, as a direct contribution to what they call the organization of the people, but, as has been explained at length, such organization has a second level. These, then, would seem to be the three main sources of finance.

(The Consul General of Spain): Reverend Father, you referred in your address to a most important subject, namely the anxiety suffered by your father and your family as a result of your absence. A few days ago, the day before yesterday, a communiqué was published in Spain by the family of the Jesuit Father Pérez Alonso concerning his disappearance. Could you please tell us whether you know anything specific about him?

(Father Pellecer replies): Yes. I heard today about the disappearance of the Jesuit Father Carlos Pérez Alonso. He is Spanish and first came to America to work in the San José day school in El Salvador, as a teaching instructor in secondary school education. He was then transferred to Guatemala and always lived in the church of San Antonio, a parish cared for by the Society of Jesus, in district 6. His basic work was caring for the sick, he was the chaplain of various hospitals and various military centres, I understand, and I only found out about his disappearance today.

(Guillermo Contreras Cisneros, journalist): Father, because it was so long, your magnificent statement gives the impression that you have a very retentive memory. You also said that you would perform new deeds and, as a Guatemalan, in view of the bloodbath that this country has suffered, I would like to ask you how you really intend to prove your positive, constant or fitting repentance to the people of Guatemala?

(Father Pellecer replies): I would just like to ask you to repeat what you said about a retentive memory, because I did not quite understand.

(Contreras Cisneros): Yes, of course Father excuse me. Your story was so well told that I do not know whether it is because you have a very good memory or because it is something that you have memorized.

(Father Pellecer): Well, it is the spontaneous story of my life and - why not say so? - every step, every moment of what I told you is marked by profound truth. I should tell you that I had an opportunity to go over the same ground today, not long ago, with the bishops, whom I met before coming here, and that refreshed my memory on all these problems. So it is a sincere, profound and spontaneous explanation of the facts, with the stamp of truth and subject, of course, to my ability to express it. Now, how am I going to reform my life, on what bases am I going to build that new platform: I have come to the point where I have to say that my conversion is still very recent, like the birth of a new-born baby. One hundred and twenty-two days are not enough to wipe out several years, 14 years of experience in the use of the three weapons I referred to earlier. One hundred and twenty-two days makes me the equivalent of a new-born child and I therefore need the best possible conditions and treatment if my new life is to prosper, grow and be useful. What are the best conditions? I have decided that the first is my definitive separation from the Society of Jesus; sooner or later, as a member of that Society, I would probably return to either Nicaragua or El Salvador or some other of the Central American countries where our Jesuit work is carried out. I do not want that to happen, and let it be clearly understood that I am informing them of my withdrawal from the Society of Jesus as of this moment. This is the first time I have said this to anyone, and it is the only way that they will learn of my withdrawal from the Society. For obvious security reasons, I have decided not to live in Guatemala, so that I can carry out this work in my own way, as regards both the priesthood and as regards my career as an engineer. I do not know exactly where I shall live, but I do know that I will try to contribute all I can in the field of education and scientific research towards the development of peace, freedom and justice for other peoples who need them as badly as our own.

(Our colleague, whose name, I beg his pardon, escapes me, has the floor):
Father Pellecer, how much interest do they have in infiltrating the Government, have they done so, and, if so, how?

(Father Pellecer replies): Infiltrating the Government, which is considered to be an enemy, was naturally something that was planned, something that was envisaged. The only situation, that is, what made infiltration difficult, was the structure, the actual organization of the Government. Attempts were made to infiltrate the highest levels possible. For example, last November I think it was when a letter was distributed to the officers of the National Police - an attempt was made to obtain lists of their names and addresses in order to send this tract to their homes with the aim of demoralizing, undermining the very fibre of the Government and security forces. The lists were not obtained; their attitude was then a bit like that of the fox in the fable: "I didn't want the grapes anyway" but the truth was that they couldn't be reached.

The lower levels of government service hardly interested us, or rather didn't interest those directly concerned with military operations, because it was assumed that they would not be able to provide enough information. It was thought to be very difficult to overcome the obstacles to reaching the higher levels, but it was considered necessary and possible to make information deals with intermediate levels in various State organizations within the Government itself. Thus there was great interest in infiltrating, in demoralizing what we unfortunately called the enemy.

(Mrs. Tere de Zarco, Journalist): Father, you have already answered some of the questions I was going to ask you. We have listened to your mea culpa with great interest and we would like, we believe that, with the intellectual standing, the spiritual rank standing you have attained, we are not the ones to pardon you, but that that is something you will have to settle with the one "on high". However, I would like to ask you something as a newspaperwoman and as a Catholic: when you leave the Society of Jesus, which is understood to be a fairly strict order and with features which could almost be said to be like those of a masonic order, can you continue as a priest? Have you discussed this? Do you intend to continue in the priesthood, or are you going to leave it completely to devote yourself to teaching? How do you feel about leaving the religious order completely?

(Father Pellecer replies): Despite the necessity of my leaving the Society of Jesus, doing so naturally implies something of a sentimental wrench after 14 years shared with all those people, but my maturity, my 35 years, enable me to make these necessary choices. It would be impossible to carry out my new life plan within the Society. Separating from the Society, which, I repeat, does not imply separating from the priesthood, just means a legal problem for me: I now have to find in some country or other a bishop who is familiar with my background and my abilities, who also knows of my sins and my intention to reform and who is willing to receive me into his hierarchy, into the diocese over which he has jurisdiction. If there was no bishop in the entire world willing to do this for me, I would practically cease being a priest, because none of my functions would have any value. However, I think that there will be, that there are many men of such good-will as to pardon me, and that is all the more reason for me to contact a bishop who will be willing to do so.

The Society of Jesus, with the strictness to which you were referring, with its 400 years of experience and its 35,000 members throughout the world - I'll go on to tell you something that might well also be one of your questions - the Society is not going to believe that my testimony, the declaration I am making to the people and yourselves, is deep, personal and sincere. It will probably sound to them like something prefabricated; they will certainly accuse the authorities and the security forces of being responsible for this statement, which I have made so spontaneously before you. Believe me, there is a lot of pride in the Society of Jesus.

(Miss Maria del Mar, Journalist on El Imparcial): In your statement, sir, you mentioned the "operation carried out by the Belgian nuns"; I should like to know if this "Operation Uspantan" is linked to the guerrillas?

(Father Pellecer replies): It is not directly linked with guerrilla groups, but it is an operation which has done much to foster the development of the CUC on the high plateau. For probably eight or nine years, the nuns of the Belgian order introduced their pupils to the reality of life in that region and evoked their sympathy for the situation there, but without taking proper care to dose and orient that exposure, so the young women's sentiments were not distorted. The nuns of the "Holy Family", which is the order's real name, have another house, another community in El Quiché, where its members work directly with all the hamlets and little villages of Quiché province. So they are familiar with and helped and greatly encouraged the early work of CUC; they have contributed to the work of CUC itself and while, as I have said, the subsequent relationship was not explicitly stated, it was the door to the community. So, while the relationship or the contribution may have begun innocently and while, once more, I cannot generalize about all the nuns, I am bound to say that some of them probably did contribute directly to the guerrillas' cause through the medium of their school and of "Operation Uspantan".

(Mota Santa Cruz, Journalist): What advice or guidance would you give to the other Jesuits and members of religious groups in order to avoid the spreading of this virus in the form of which you have spoken? I will have another question for you later

(Father Pellecer replies): Well, my reply to this question is practically a common-sense reply, that is, there are not two gospels; there are not two Christs; there are not two Gods; there are not two Churches. There is only one faith, the one in which we have always believed; only one God, the one from whom we hope for salvation; there is only one Church, the one in which we met each other, whether it be Protestant or Catholic. Hence, my proposal is for a return to the source, to reflection on the fact that the changes now occurring, the transition from religion to violence, to militancy in revolutionary organizations, do not, as I was saying before, happen overnight, but as part of a process, through a series of innocent and inconsequential actions being committed day by day. Perhaps a valid comparison would be that of a person who has become an alcoholic: he did not acquire his habit the first day, but over an entire year; it gradually came closer and closer. My advice, then, would be to return to the only basic source of love, as expressed in Jesus, the Son of God, and present in all that is brotherhood and in the organized Church. Present, too, in attempts to find answers to the country's social and economic problems, through the exercise of the Church's special authority, which, I think, lies in its capacity for criticism: by saying yes to this and no to that, this way is better than that, and by maintaining for that purpose the ability constantly to engage in dialogue with the country's other authorities.

That, I think, is my basic advice, the most sensible advice that occurs to me.

(Second question from Journalist Mota Santa Cruz): You have asked pardon of all the people who have listened to you, but we are human. Do you believe that the one who should pardon you is God and that it is, therefore, to Him that you should address your prayers?

(Father Pellecer replies): Yes, I have done so many times. I have also been privileged in the spiritual and the religious sphere; I feel that the experience of my life in the Society of Jesus deeply affected this dimension. It enabled me to have a relationship, to maintain a constant, loving, brotherly interchange with Jesus, with God our brother, with the ever-greater God. Believe me when I say I have always done this, that I have always referred to Him, with this basic plea. But I could not

fail to do the same with you for the simple reason that it is a basic principle of our faith that in you I see God; in you I must continue to see Him; in you I must find his presence, since it would be impossible for me to do so directly in any other way. Therefore, I against appeal to you, whom I must love as I love Him, and to my other brothers to pardon me, in the knowledge that I have already done so directly to Him.

(Luna Molina, Journalist): In view of your great experience, I would like to ask how you would advise reaching all the other people who are involved in subversion, especially the Catholics?

(Father Pellecer replies): To answer this question I am going to make a reference to what we call the middle class, by which term I mean nothing derogatory. I believe, for example, that, in Guatemala, it is necessary for democratic institutions not only to exist, but to increase, to multiply, to be of all types, to be accessible to all the people of Guatemala, because I have found in nearly everyone with whom I have spoken a deep feeling which they express thus: What can I do, how can I do something for my people? And often the lack of institutional and democratic channels are what bring them to two possible responses: to say, I am not political and so let the politicians solve the country's problems, or to say, the only organizations which offer this and the rest are currently the revolutionary organizations. Now, I am thinking of these replies for adults, for mature persons; for young people it is more difficult, for the following reason: I have often seen how the ancient mysteries of sex, for example, the ancient mysteries of relations with society and in the home have been translated today into political values. For example, there was a time when a young person might craftily have sought the moment when he could escape his parents' control to go to see a pornographic film for which he was underage. Since then the situation has changed and the aim is to get out of the house to go to the meeting which cannot be confessed to one's parents in such and such a place. Often they go out elegantly dressed, saying, Mum, or Dad, I'm going to a party, I'll be back, I'll be back at such-and-such a time, or I'll be back tomorrow, and they may find themselves in a meeting of persons of a distinctive type: all elegant, because they have all said that they are going out to a party. In other words, the range here calls for a very specific reply. My main feeling, however, is that the authorities should see to it that people know about all the democratic institutions, all the possibilities that exist; I think I should tell you that there ought to have been more publicity for the Government's own efforts, both past and present, to develop its infrastructure. To take my own example, it was only a few months ago, when I happened to see the newspaper Aquí el Mundo, that I found out about the existence of the Vice-Ministry for Culture; that means a gross lack of information and an admission on my part that I didn't take the initiative of finding out about the Vice-Ministry and its functions. But set this reply against the numbers of people who have no access to the Press and who still don't know how to read: how much more must they lack this information? Hence, so that Christians and non-Christians may have their opportunity to contribute, to feel that they are producing for their country, let democratic institutions hold their heads high and be more widespread than the sands of the sea.

(Romeo Lucas, Journalist): Father, could you explain in detail how the clergy infiltrated the peasant class?

(Father Pellecer replies): I referred to this infiltration in my introduction, and in reply, I am now going to give a detailed casuistic example. One of the successes of the Committee for Peasant Unity was the fact that it respected the customs, the myths and all the rituals specific to the peasants, which they do not do around their parishes - I am speaking of the guilds, the fraternities, the associations for improvement and saints'-day celebrations, etc. - because these rural organizations are usually quite closed. They often depend on the experience of the older or more

powerful members of the village, so it is not easy to become a member of those organizations; furthermore, the roles they fulfil are so minimal that there is no possibility of giving a function to every aspirant. So, the CUC approaches these organizations, gets to know them well, sees which aspects are exploitable and ends up concluding that the people's religious experience must be respected.

Well then, it is realized that there is another large sector which belongs to no social group, which has no religious identification because it does not belong to the traditional organizations, but which does have a popular religiousness, and what happens in this case is that they are offered the Delegates of the Word movement, which has some features that are very important in this respect. Mass can be celebrated at an improvised gathering; the priest can be guided by the tastes and standards of the people; marriages can be celebrated without any payment of the established fees; not only the priest but as many other people as wish to may speak during the sermon; they can meet alone at night; indeed, they often say, let's go to the Delegates of the Word meeting, for there is no other form of entertainment in those places.

This sense of belonging and this cohesion which the movement managed to inspire were part of what I call the success of CUC, the fact that, through religion, it built a social organizing platform which was later used for other purposes. Priests penetrated and approved this entire movement, especially foreign priests, for the simple reason that they are customarily sensitive to the deficiencies they discover among the population, especially the rural population, and are often largely successful in their attempts to resolve the problems they encounter by economic means. Suppose they discover that the main thing lacking in a village is a school: they write to their home countries, institutions, friends and relatives, asking for 50,000 quetzales, to take an example, in order to build a school. With the result that the school that had never got itself built in that remote region comes, prefabricated, in a week, the people themselves help to put it together and there are classrooms for everybody. Naturally the priest who manages to do this has already won himself basic acceptance, in contrast to the native-born priest. CUC has not normally been successful where there are national priests, not only because of the control that the latter have over the rest of the organizations, but also because their functions are competitive.

(Guillermo Larrave, Journalist): Father Pellecer, during your militancy in the EGP, did you learn anything about the presence of the priest Ronald Mckena and what means were to be used to obtain the lists of names of police officers which you just mentioned?

(Father Pellecer replies): You are referring to Father Donald Mckena. I know that he is a priest of Irish origin and I have never met him, I don't know who he is, but I have heard references to him in the Belgian school which I mentioned. One of the nuns at that school, Mother Juana María Solís, I remember her name, referred to him as an arrogant person, someone with whom it was difficult to open a dialogue and who saw the country's problems as quite one-dimensional, with great danger of accelerating the people's pace, especially by some statements that this priest made in some foreign country, I don't remember which.

As I was saying, with regard to the second question, this was the job of those members of EGP who were activists in the military area. The reason why they discussed the problem and the National Propaganda Commission was that they were interested in finding out, in getting an approximate idea of, the total number of police officers and the best ways of getting the tract to them. Well, Carlos Duarte, one of the members of the National Propaganda Commission, said that we had to ask Manolo, one of the members of the national board, for it, that he would obtain the lists; I never found out how they were going to do it, but I did find out that they asked the majority of the settlers to help by supplying the names of police agents they knew to be living in the marginal settlements and quarters. They said that, even if lots of people submitted the same two or three names, that would be something.

(The President of the National Press Club): Mr. Pellecer, you said that you felt guilty and responsible for the bloodbath which both El Salvador and Nicaragua as well as our own country have suffered. At the beginning of this press conference, the Secretary for Public Relations said that you could remain in the country or choose any country you wished. Don't you think that, since you were and are responsible, and notwithstanding the fact that you have asked the Guatemalans for forgiveness, this pardon could be granted to you, if, instead of fleeing for your personal security, you remained in our country and, just as you have done, went from school to school, from settlement to settlement attempting to give your account of things so that there is a true conversion in yourself and in all those who might possibly be inclined towards subversion?

Reply: Naturally that is the ideal solution. How could I not want to apply it, how could I not want to go from family to family to tell them of my experience, the opportunities I have had, how could I not want to knock on each and every door to say, forgive me! But it is obviously impossible, not so much because I can't count on support from the security forces - for I am sure that I can - but because I would then be in the position of confronting as enemies those who used to call themselves my friends, and I don't think that cutting short my own life or giving others a chance to do so is another form of redemption, but the opposite, with all that I can contribute, all that I can create and build: God will first grant the solemn pardon I need and then I shall restore the good that I was not able to do before for the Guatemalan people. For these reasons, then, I feel it is quite impossible to do things that way.

(Julio Lemus, Journalist): I believe I heard something about there having been an intention to seize power at the end of 1981 or the beginning of 1982. I would like to have a few details about procedures and methods for achieving this takeover.

Reply: Virtually the entire Guerrilla Army of the Poor voiced that intention many times; I myself was personally urged by my comrades in the National Propaganda Commission to associate myself with this revolutionary fervour, which, in my judgement, was not well enough founded scientifically or historically to succeed at that time. Naturally I did not have the courage to present this as a criticism within the organization itself; all I dared to say was that I believed instead that there would be no significant change in our country for five or six years. Those were the words I always used. However, if I had expressed any real thought, I would probably have been told I was politically illiterate or lacked faith in the capacities of the people. It should also be noted that this revolutionary fervour reached its peak when El Salvador was announcing the general offensive; it was the time when all the news of the war in El Salvador assumed that it would result in the taking of power by the previously-established Government junta. I personally had the opportunity to be in Costa Rica at the end of January of last year and I was invited to see a film made by the Popular Liberation Forces where, in addition to entitling it "El Salvador Will Overcome", they were already putting forward the names of those people who, in two or three days' time were to go to take power in El Salvador. The slogan in Guatemala then was "Yesterday Nicaragua, today El Salvador, tomorrow Guatemala".

The dates then, that had been proposed, with an extension to cater for last-minute delays, were late 1981 - early 1982. How was this to be achieved? It was assumed that the guerrilla movement had been through two of its four main phases: it had succeeded in its hidden work, that is, preparation, and had succeeded in what they call implantation, making itself known and gaining international recognition, and it was at the time supposedly in the phase of the "generalization of guerrilla warfare", gathering all the masses into the process known as popular revolutionary war and, according to the claims of my ex-comrades, with all the military capacity necessary to confront the Army directly and seize power. This is what I never understood, but, since I was not part of the other "estates" because of the compartmentalization I simply had to believe it or not believe it, but I was certainly required to join in the revolutionary fervour which, I suppose, corresponded to the taking of power in 1982.

(Santa Cruz Noriega, journalist on Patrullaje Informativo y Cercano):

Father Pellecer, I am curious to know how the guerrilla fighters that is, how you managed to unify the Ixiles and the Quiches in the north-western part of Guatemala?

(Father Pellecer replies): Yes, I am not sure how to answer this question for the following reason: I have, frankly, been extremely ignorant of what Guatemala is really like, and I only learned of the traditional historical conflict between these two ethnic groups very recently. Now, one very important thing is this (I am going to go a bit further back in time, and call on your time and patience in order to reply properly on this point, which I think is important): at the beginning of the 1960s, the land on the high plateau had lost virtually all its productive capacity, and it had ceased being productive for two reasons: the rise in the number of smallholdings, owing to the hereditary transfer of land, and the increase in large estates, because growing coffee was no longer profitable unless it was planted over large areas. For these two reasons, peasants emigrated from the country to the city, leaving behind their ethnic groups, their identities as Ixiles, Ketchís, Cachuquels or what have you, to feel like half-breeds in search of shelter with the other half-breeds in the city. However, in the middle of the decade there occurred what is called the "phenomenon of the green revolution", the discovery by a Nobel Prize winner, whose name I don't remember, the discovery of a nitrate-based fertilizer and of hybrid seed, together with insecticides, pesticides and herbicides; with the use of this fertilizer the lands became productive again and the first consequence of this was that the Indian realized that he could go back to his land, could make a living on his own land by growing traditional crops, and being an Indian therefore regained importance at the end of the 1960s. At the beginning of the decade we would have thought that the Indian would say, I am first a peasant and exploited and then an Indian; however, by the middle of the decade the reverse was the case: they said, I am first a Ketchí and then an exploited peasant. This was a difficult problem to overcome for an organization like the CUC, which was trying to approach them, but success lay precisely in respecting ethnic situations and meeting the basic requirement of saying: whether they be Ixiles or Quiches, Mams, Pocomams, or whatever, they are first peasants who are exploited by this system and only secondly are they an ethnic group whose language, customs and traditions must be respected. This was possibly the basic reason why they all overcame their differences, but here I am replying theoretically, am I not.

(Sergio Casazola, journalist): is there any reason in particular why you entered the Jesuit congregation, and did the people in the subversive movement in which you participated receive aid or support from international organizations?

Reply: the reason why I entered the Society of Jesus was one of those questions of historical circumstance; as a student I had always been involved with the Marist brothers of the Liceo Guatemala, it had never occurred to me to become a priest. As I was saying, after finishing my diploma I had always hesitated between law and medicine. Nevertheless, while I was at the University of San Carlos, I met a group of alumni of the Liceo Javier class of 1963, who would frequently invite me to the Liceo Javier playing fields, on the first Friday of every month, which coincided with the masses being celebrated by the Jesuit priests, that is, they invited their alumni to keep up their athletic activities so that they could take us to mass afterwards. They assumed, then, that I was one of those alumni,

and that was how I got to know the Jesuits, and when I was deciding on my career I thought that the order was the career that most satisfied my expectations because of its tremendous range of work areas. As for the aid received by the Guerilla Army of the Poor, aid from the Society was direct, in the form of contributions by its personnel, especially the younger members. I repeat and I must specify that at that time, although our superiors were sometimes aware of our participation, they did not approve it officially but at least gave it their direct blessing. And the other type of aid was the response that the rest of the Jesuit groups in the 90 or so countries in which the Society existed were obtaining for the various petitions being received from Guatemala, plus the channeling of a number of funds and financial resources mainly from Europe and the United States. There is another point to be made here, incidentally: there are a number of businesses which by definition are loss-making, such as some of the cultural radio stations in the country. There has been a lack of control or strict auditing, to go to these businesses and say to them, how is it possible that with permanent deficits you are continuing to have a period of tremendous economic prosperity, where are the supporting documents for this income? The same goes for the Printing Law and even for the broadcasting licences of many radio announcers whom I met, who had a licence to broadcast in Spanish and were broadcasting in native languages or to broadcast on short-wave and were doing so on long-wave.

(Journalist Coronado): Father, you stated that the Society of Jesus was contaminated by the ECEP, I would like to know if other religious communities are also contaminated by one side or the other (cut out ...) they cannot speak ill of the Government because I am ... the Society of Jesus, I would like your reply please

(Father Pellecer replies): Yes. I stated that the Society of Jesus had a close relationship with the Guerilla Army of the Poor, directly or indirectly. Through its militant members and direct and staunch support. By the same token, in Guatemala, I think mention should be made of the subversive members of the Holy Family of the Belgian order, at least - I repeat - some of them, at least four of five of them. Some of the Brothers of the Faith, perhaps some of the nuns of the Assumption, many members of the La Salle religious order called DESQUET, some members of the order of the (--). And the second part of the reply is, if I must submit my resignation, that is how it should be done, but through the Central American provincial, who is my immediate superior. I will have to write a letter to him, from wherever I happen to be, telling him that I am submitting my resignation and he will have to handle it with Father Arrupe; such procedures usually take approximately six months.

(Roberto Molina de León of Prensa Libre): According to your statements, Father, the Society of Jesus is accused of being a centre of subversion. In view of this fact, would you say that it would be dangerous for Guatemala's institutions for the members of this Society to remain in the country?

(Father Pellecer replies): Yes. I agree that the Society of Jesus and myself as a Jesuit, in general, have been accessories to this subversive process, through the distorted faith we preached, as I told you before, through the direct and indirect aid. Now, for the Society of Jesus to remain in Guatemala, one of the ways for this doctrine not to be spread - so to speak - I suppose that - holding a dialogue and a strict call to attention, even controlling their work, especially for the following reason: the majority of Jesuits in Guatemala, I believe there are 42 members in all, are foreigners, Spaniards. Only three of us were Guatemalans.

Of those present in the last six months. And furthermore, the Society of Jesus in Guatemala has an average age of approximately 55 to 60 years and I believe that to be fair, that is, those of us mainly responsible for this subversive activity are now located in the places I've mentioned, we are already, with my request for pardon, etc., conducting a dialogue and strict call to attention; I believe that this would be necessary.

Journalist .. has the floor ... Father, I would like to ask you three questions; the first is: did your superiors know about the guerrilla activities you were conducting; who were they?

(Father Pellecer replies): I was with two superiors who were aware of my participation in the Guerilla Army of the Poor, they were the Father Superior, who is the provincial for all Central America and Panama, and the father in charge of training the young Jesuits, Father Juan Hernández Pico, a Spaniard naturalized Guatemalan. Both are currently present and co-operating with the Sandinista Government in Nicaragua.

Another question is, roughly how many priests are participating in guerrilla activities?

(Father Pellecer replies): This is rather difficult for me to state exactly, because my work in Guatemala never concerned the, let's say, the clerical sector, but perhaps I could speak of some 15 or 20 participating directly, but this figure is merely an estimate.

What role do the religious orders fulfil or play in the information campaign directed against such countries as Guatemala and El Salvador?

(Father Pellecer replies): Well, I was saying before that the basic role has two aspects; in the first place, there is this aspect of the theology of liberation which I spoke of before, and this question is quite to the point, for adding this, it has a dual dimension. In addition to the one I mentioned, a true Christian today must denounce everything that indicates an attitude of injustice or corruption or the like. So there is an attempt to make these charges have the greatest effect, stimulate the greatest interest, above all internationally speaking. And that interest was obtained, they succeeded perfectly, because enormous credibility is given to words spoken, not by civil authorities, but by religious ones. It is assumed that a priest or a nun or the clergy in general are not going to lie, that they will give information with strict regard for the truth and this, moreover, is the raw material for the work of many groups, of many people, who are dedicated to achieving what is called solidarity with the Central American countries. So that, in addition to the infrastructures of personnel and financial resources, etc. this aspect of accusation, of the campaign against Guatemala, is to a large extent the responsibility of Church people.

(Journalist Méndez Arauz): I should like to ask guerrilla fighter Pellecer if there are other similar religious movements which could serve as a platform for the work you were conducting. That is one question. The second is, do they have direct contact with the organization Amnesty International? And, finally, I should like to ask you, now that you have made such an extensive statement, have you thought that it might be feasible to write a pamphlet or a book, so that your testimony could be expanded and thus enable a greater number of people to become aware of how they work?

(Father Pellecer replies): Yes. The fact that ... Naturally distributing my testimony is one possibility. How I could not say exactly when, what is the best time to do so, though I do feel that it is a further means of making people widely aware of the testimony. With regard to Amnesty International it was direct, through Jesuits who are heads of Government, who were able to study in European universities, Frankfurt, etc., and who met long ago the members of the present organization that I mentioned. So the private telephone of the Secretary of Amnesty International was something which we used very frequently. And the first question, could you please repeat it because I've forgotten it, too.

(Secretary for Public Relations, Office of the President): I should like to stress the suggestion we made at the beginning of this conference, namely that the journalists should ask only one question each. For reasons of time and considering the fact that the local correspondents and journalists must return to their offices, we are going to grant the last questions to the following journalists in this order, Byron Gudiel of Tele Prensa and Julio César Hernández. With these questions we will close this press conference.

Yes, Father, I should like a few more details on the questions which have already been asked. The first point is: did you, as a militant in the EGP, know how large the EGP's militant capacity was and the social classes which made it up?

(Father Pellecer replies): I knew that it was the largest of the four organizations forming the quadripartite group, above all because its rank and file, the peasants of the CUC, stated at one point that they numbered approximately 8,000 members. That is, members of long-standing who have been continually active in the Guerilla Army of the Poor. Now, I never found out the size of the EGP. For obvious reasons of compartmentalization I never asked, because I always supposed that they were going to give me a negative reply, but I do know that it is the biggest of the four.

Question: the social classes of which it is comprised?

(Father Pellecer replies): the social classes comprising the EGP were basically the peasants and part of the working class living in working-class housing schemes and marginal population settlements; the middle class and intellectuals, but at levels such as management and political co-ordination.

Father, how devastating was the final offensive being prepared for Guatemala going to be, and on what type of weapons were they relying?

(Father Pellecer replies): I have absolutely no knowledge of the weapons' specifications. However, as for whether the peoples' revolutionary war was to be devastating or not, they always said that they would try to make it minimal, because the experience in Nicaragua had deeply affected the Guatemalans' experience. The members of the national board, the only two I knew, used to say, we cannot rebuild a country from scratch. I would tell them that - for the satisfaction which we offered, of the peoples' demands: health, food, education, etc. - we are going to destroy until such time as we begin to lay pavements and replace parks and bridges. If it were possible - Manolo once said - for the war to take place this weekend, then so be it, but there was this awareness that it would be better if there were less destruction, because reconstruction afterwards was much more difficult.

Father ... because of the time factor ... I am going to ask the next two questions together. After Guatemala, what was the other country within the communist objective, and do you know if there is any connection between the seizing of the Spanish Embassy in our country and the members of the peasant organizations?

(Father Pellecer replies): The next country, which was not presupposed or planned to be invaded - so to speak - by socialism, was Honduras, because of its very similar features to the rest of the countries. They generally spoke of what was called the northern cone, it was called the revolution; a decade before, they had thought it would come from the southern cone, from Argentina. Nevertheless, there was an error, a historical misunderstanding, and it now appears that it is the northern cone that is exporting the revolution to the other countries: it should be added that the revolutionary organizations had great interest in the independence of Belize, because it was obviously a corridor, a springboard to get much closer to the possibilities of Cuban aid. And I believe that I am feeling tired, because I have to say once more that I have forgotten the second question; could you please put it again?

Question: through the militancy you found within the EGP, do you remember if there was any peasant organization which participated in the well-known seizing of the Spanish Embassy here?

(Father Pellecer replies): Yes, the CUC definitely had something to do with the seizing of the Spanish Embassy. One name I remember, Vicente Menchú, was one of the names that the Mothers of the Belgian order had been familiar with for years in the work they had done in "Operation Uspantán". In addition, all of them were from the El Quiché area. So that the CUC was definitely involved and later on, as a commemoration of the date of 31 January, there appeared the "Revolutionary Christian" - Vicente Menchú - who was one of the most radical people - so to speak - within the Christian sector.

(Lastly, journalist Julio Cesar Hernandez): Thank you. The last question I should like to ask Father Pellecer is the following: throughout history, the Jesuit congregation has been expelled from various Latin American countries, for example Father Montefor in the ... (--) the President of Mexico expelled them. In Guatemala, before the colonial period, in 1767 and 1871 the revolutions of Garcia Granados and Justo Rufino Barrios. Do you believe that it would be beneficial and acceptable to the people if the present Government were to expel the Jesuit organization from Guatemala? That is the first point. Secondly you, as a professional social communicator, say that there has been a lack of information about the Government's infrastructural work. Would you accept a Government post and, in addition, if you were a member of the propaganda, press and publicity committee of the EGP, do you know who its other members were?

(Father Pellecer replies): Well, I hope that I will not have to bother you by asking you again to repeat the questions because of my fatigue. The fact that the Society of Jesus has been expelled from different countries on several occasions. Well, on the one hand this was due to various circumstances and, on the other, as they were saying at the beginning, the Society of Jesus has proudly turned it to account. That is, our work has been of such a nature that on

several occasions it has got us expelled from certain countries. So I believe that because of this pride factor, it would not be the first or only country from which we would be expelled and I believe that the publicity interest they would try to get out of it and which they would get out of it, internationally, would be great. If I were a member of the Government, I would honestly not proceed in this way, to be consistent with all that I have told you. Let us first exhaust the road of dialogue, let us first exhaust all the real possibilities which the Society of Jesus, with all its members, is really capable of bringing to the welfare of Guatemala, perhaps warning them as a last resort, that it would not be like that if they carried out such a measure, but I believe that, especially from an international standpoint, it would be much to the discredit of the Government, which really is democratic. You spoke later on of the Government, but I did not understand what you said:

Reply: I was referring to the fact that you are a professional social communicator. Would you accept a post in the Government, in order to make people aware of the work the Government is doing? If, for example, the Secretary for Public Relations in the Office of the President asked you to work with him? And, secondly, you who were a member of the publicity and propaganda committee of the EGP, do you know the names of the other members of that committee?

(Father Pellicer replies): Yes. The members, that is easy for me, because there were only four of us: Enrique Corral, a former Jesuit priest, Carlos Duarte, Víctor de León and yours truly. As for the other matter, if the Government did wish to honour me with the offer of a political post, I believe that I would frankly be in a position to assume and accept one for a simple reason: this is part of the vindication that I would have to bring to my people. The actual possibility of this is another matter. Another thing is, too, that I believe that some time must necessarily elapse to enable everyone to become aware of the certainty and depth of what I believe, which is sincere. However, since what is involved is a conversion, it has to be seen, it has to grow, develop, flower, bear fruit. Before this happens, I believe it would be difficult for me to be offered a post of that nature. At any rate, I appreciate the gesture because it is a sign of the pardon which I believe I have already found in you.

(Secretary for Public Relations, Office of the President): we thank the distinguished journalists, diplomats, members of the private sector and university authorities for their presence this evening at this important conference by this Jesuit priest.

Before closing, we should like to inform the journalists present that in the next few days those of the television news, the daily newspapers and radio, who are interested in a few brief exclusive interviews with Father Pellecer may arrange them through the Secretariat of Public Relations, since Father Pellecer has expressed his desire to reply to any question which it may not have been possible to ask on this occasion.

Thank you very much.

Guatemala, 30 September 1981.

THE CONGRESS OF THE REPUBLIC OF GUATEMALA, BY THE AUTHORITY
INVESTED IN IT, ISSUES THE FOLLOWING DECLARATION TO THE
PEOPLE OF GUATEMALA AND THE WORLD

1. Because of circumstances which are a matter of public knowledge, the political situation of Latin America and the world has suffered a serious deterioration, with a consequent disruption of the peace and tranquility of the peoples concerned. This situation has become more marked in the Central American region because of the clear and open interference of totalitarian groups, which do not respect the principle of non-intervention in the domestic affairs of sovereign States, a principle that Guatemala has always observed in its international relations.
2. In recent years international relations have deteriorated throughout the world, and the formation of terrorist fighter groups has exalted violence and armed action as means of attacking democracy and the right of peoples to exercise, through suffrage, the possibility of choosing the authorities who are to govern them. For the last 16 years, Guatemala has steadfastly maintained this principle of suffrage and the possibility of alternation in the exercise of the Presidency of the Republic.
3. Communist intervention in Latin American countries, leading to the formation of Governments which have violated human rights, the self-determination of peoples, freedom of expression and, above all, the security of the citizenry, has ceased to be a simple action and has now taken the form of decisions aimed at extending Marxism-Leninism to peoples which have been traditionally democratic, peaceful and eager to overcome poverty and underdevelopment within a framework of freedom, work and security, values whose alteration and curtailment today pose the greatest threat for the free peoples of Latin America.
4. Communist aggression and internal subversion in countries with which there had traditionally been friendly relations have created rifts and a fratricidal shock among their peoples; added to this is the campaign of lies and slander being waged against the democratic Governments which have not bent to its harsh rule. Guatemala has been a convenient victim of this foul play. The aims of these actions are only too well known, for, under the pretext of defending human rights, they seek, through intervention in the internal affairs of countries and support for subversive groups which use terror and violence as weapons, to intimidate peoples and destroy their economic power. Distress and hunger are their great allies.
5. We consider it fitting, as the Congress of the Republic, with national representation, for us to dedicate ourselves not only to producing socially beneficial laws in the interest of all, but also to concern ourselves with the tensions now being experienced by Central America, in which we live, and to ask free legislatures throughout the world to examine the situation objectively so that, without tilting the scales, they may understand the reasons why it has been our lot to experience this agonising tragedy and why we are holding back the communist advance with the blood of our people, hoping that this sacrifice will serve as a warning of the danger closing in on our peoples and of the need to form a common front in order to maintain our democratic and representative systems.
6. Conscious of the fact that clear and obvious communist intervention in our internal affairs from countries that were formally our friends is now taking place, we wish to place on record our repudiation of those practices and we reject the intimidating procedures being used by international terrorism, which is

murdering peasants and workers, destroying our means of production, coercing humble and simple people into sharing its ideas and strangling the people it claims to be defending. We cannot and must not remain indifferent at this historic moment we are experiencing, because we believe it is our obligation to support the people, the Government and the army of our beloved country in the struggle they are waging to defend our families, our traditions, our freedoms, and our physical and moral integrity.

By virtue of the foregoing and with a high sense of patriotism, for our own and other peoples, Governments and nations of the world, we make the present

DECLARATION OF THE LEGISLATURE OF GUATEMALA:

1. TO THE PEOPLE OF GUATEMALA: our solidarity in these difficult times of trial, and the expression of our distress at the grief of our brothers in every one of the communities whose natural peace and traditional friendship have been threatened and disrupted, trusting that this terrible wave of violence and terrorism will soon come to an end and that there will be a return to the path enlightened by good deeds and respect for God and for our brothers.
2. TO THE GOVERNMENT OF THE REPUBLIC: our support for decisions aimed at checking the fratricidal struggle, giving work land and bread to the needy, and overcoming ignorance, poverty, lack of understanding and violence, and for all measures designed to maintain the rule of law and suffrage as the only means whereby the people may freely choose its authorities, as it has done hitherto, following the democratic Guatemalan tradition, as will be the case on 7 March 1982, when we will hold general elections.
3. TO THE ARMY AND POLICE OF GUATEMALA: our appreciation of the efforts they are making to maintain order, security and civic liberty and to preserve our national sovereignty, with the resulting sacrifice of useful lives and the natural physical and moral waste which this difficult phase entails, finding desolation and death in the peoples they are seeking to protect.
4. TO THOSE SUBVERTING THE ORDER AND PEACE OF THE COUNTRY: our open, frank and sincere exhortation for them to heed the call of wisdom, Christian love and respect for God and for their brothers, to stop the bloodbath, destruction and death which their thoughtless conduct, or their error or misunderstanding, has led them to carry out, hoping that through the call of conscience, it will be possible to leave behind a past that strayed from virtue and good deeds.
5. TO THE FOREIGN AND STATELESS TERRORIST: Get out of Guatemala!
6. TO THE FREE LEGISLATURES OF LATINAMERICA AND THE WORLD, our recommendation that, through a calm analysis of the acts of those who inopportunately intervened in countries with a deep faith in democracy and a staunch attachment to Latin American values and self-determination of peoples, they may at least understand our crisis

and accept as a living reality our declaration that we never sought this deterioration of friendship nor the lack of understanding of those who, because of distorted news reports, may turn their back on us and transform us into another Cuba or Nicaragua, subjugated by communism and posing a threat to the other free peoples of Latin America.

Issued by the Congress of the Republic of Guatemala on fifteen December, nineteen hundred and eighty-one.

Jorge Bonilla Lopez
President

David Arturo Vega Villela
Second Secretary

Arnoldo Cano Recinos
Fourth Secretary