

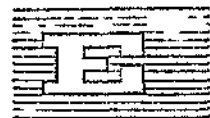
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COMMISSION ON HUMAN RIGHTS

Forty-ninth session
Agenda item 12

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

Note by the Secretariat

At its 9th meeting on 7 February 1983, the Commission, by decision 1983/103, requested the Secretariat to prepare a note containing a listing of the material received concerning the situation of human rights and fundamental freedoms in Guatemala, together with an indication of the contents of this material. Hereunder is the list requested by the Commission. The list 1/ is divided into four sections as follows:

- A. Legislation
- B. Communications transmitted by the Government
- C. Documents transmitted by international intergovernmental organizations
- D. Documents transmitted by non-governmental organizations.

1/ This material is available with the Secretariat for consultation.

A. Legislation

1. Constitution of 26 April 1982, promulgated by the Military Junta led by General Efraín Ríos Montt, which came to power on 23 March 1982. It establishes respect for human rights as one of the principles of Guatemala's internal order and international relations.
2. Decree-Law 33-82 of 24 May 1982 and Decree-Law 34-82 of 27 May 1982 which form the Amnesty Act for "political and related non-political crimes". The Act was in force for a period of 30 days (June).
3. Decree-Law 46-82 of 1 July 1982, which established special courts. These courts may impose the death penalty for "acts of terrorism", as defined in article 4 of the Decree-Law. Article 7 provides that the members of such courts shall be appointed by the President of the Republic. The Decree-Law establishes a summary procedure and reduces safeguards by disallowing appeals against a decision of the special court (Article 33).
4. Decree-Law 65-82 of 17 August 1982, which established the Council of State as a body with advisory status.

B. Communications transmitted by the Government

1. Letter dated 26 October 1982 from the Permanent Representative of Guatemala to the United Nations addressed to the Secretary-General (document A/C.3/37/5) informing the Secretary-General of the completion of a visit to Guatemala by the Inter-American Commission on Human Rights from 20 to 26 September 1982. In accordance with the recommendations made by the Inter-American Commission with regard to the special courts, the Government announced its intention to "suspend the penalties imposed by special courts until such time as the law has been changed and the remedies ... instituted, so that ... the right to due process is more effectively ensured".
2. Letter dated 20 October 1982 from the Permanent Representative of Guatemala to the United Nations addressed to the Secretary-General. The letter states that "3,500 peasants gave themselves up voluntarily to the army" at San Martín de Jilotepeque and that the army was "helping them".
3. Address delivered on 4 December 1982 by the President of the Republic at San Pedro Sula (Honduras) when meeting with the President of the United States, concerning the internal situation in Guatemala with regard to acts of terrorism and subversion.
4. Note dated 10 January 1983 from the Minister for Foreign Affairs of the Republic of Guatemala addressed to the Special Rapporteur on Summary or Arbitrary Executions in response to documents containing allegations prepared by the non-governmental organization Amnesty International. The note denies that the Government was responsible for the occurrences reported by the above-mentioned organization and attributes the deaths to "acts of war" or the activities of "subversive groups". The note also contains details of the "Rifles and Beans" programme entailing the organization of peasants into "civil self-defence patrols" which, in the words of the Minister, bear no resemblance to "paramilitary bands" or "death squads".

Information is also given on a second programme known as "Shelter, Food and Work". In addition, the Minister demands proof of the allegations made by Amnesty International regarding the massacres of the indigenous population. He agrees, however, that "what took place in the Guatemalan highlands was a war against subversive factions" which claimed "innocent victims". In his view, the massacres described by Amnesty International as having taken place in a number of villages "were carried out by subversive elements to intimidate the indigenous population".

5. Statement by the Government of Guatemala on International Human Rights Day, 11 January 1983. It is stated that the Government's aims are to achieve "peace, reform, economic progress and democracy".

C. Documents transmitted by intergovernmental organizations

1. Inter-American Commission on Human Rights, Report on the situation of human rights in the Republic of Guatemala, OAS/SER.L/V/II.53, doc. 21/Rev.2 of 13 October 1981, Washington 1981, 133 pages. The report contains a systematic study of political and legal structures in Guatemala and examines allegations regarding the right to life, freedom, security, justice and due process, freedom of conscience and religion, freedom of thought and expression, right of assembly and freedom of association, political and trade-union rights, and economic and social rights.

D. Documents transmitted by non-governmental organizations

1. Amnesty International, doc. AMR.34/34/82/S of July 1982: Guatemala: extrajudicial executions on a large-scale in rural areas under the Government of General Efraín Ríos Montt. The document states that, between April and July 1982, 2,186 murders were committed in Guatemala. It contains a list of extrajudicial executions alleged to have been carried out between March and June 1982. It contains the testimony of a survivor of the attack made by the army on 7 April 1982 against the village of Chirrenchiqué (Cobán, department of Alta Verapaz). It also contains the testimony of Emeterio Toj, the founder of the Committee for Peasant Unity (CUC). This document analyses the state-of-siege legislation and the attribution of responsibility for the extrajudicial executions to the regular army and paramilitary groups, in particular the so-called "civil defence patrols".

2. Inter-Church Committee on Human Rights in Latin America: Human Rights Report on Guatemala, January-May 1982. This document provides a study of the internal situation in Guatemala during the first five months of 1982, with reference to a state of war and the reorganization of the security services as paramilitary forces. It contains a list of specific cases of the massacre of indigenous and peasant populations alleged to have occurred between January and April 1982.

3. Human Rights Commission of Guatemala, 100 days of massacres, genocide and terror in Guatemala. Mexico, 1 July 1982. The document contains an over-all assessment of the first 100 days of the Government of General Ríos Montt, giving an account of the allegations referred to in the title.

4. Human Rights Commission of Guatemala: Monthly Statistical Tables (January-September 1982). The tables contain references to 1,634 murders which occurred during the period in question, 1,237 of the victims are alleged to have been peasants. The departments most affected are El Quiché, Chimaltenango, Guatemala City, Alta Verapaz, Quezaltenango, Escuintla (located in the centre, north and west of the country). The document also contains accounts by 245 persons alleged to have been injured for various reasons between January and September 1982, together with a list of 418 persons who disappeared during the same period. The departments most affected are Guatemala City, Chimaltenango, El Quiché, Alta Verapaz, San Marcos, department of Guatemala and Escuintla (located in the centre, north, west and south of the country).
5. International Commission of the Justice and Peace Committee of Guatemala. The document is a report of an independent Commission of Inquiry, dated 3 July 1982. It contains eye-witness accounts of the massacres which occurred: on 15-17 February 1982 in Santo Tomás (Ixedu) and are attributed to the army (150 dead); on 19 February 1982 in Puente Xalbal de la Resurrección, also attributed to the army (10 dead); on 14-16 March 1982 in Cooperativa la Unión-Salva Reina (Ixacán), also attributed to the army (300 dead); and on 19 July 1982 in the village of San Francisco, which was levelled by the army, according to accounts of refugees who had fled from the area.

In a further report dated 16 November 1982, the International Commission of the Justice and Peace Committee of Guatemala stated that a number of villages in Yalcastén, Yaltojas and Aguacata (Department of Huehuetenango) were levelled by the army on 10 July 1982.
6. Human Rights Commission of Guatemala: Boletín Internacional, No.2. The Bulletin contains reports of massacres in various villages in the department of Chimaltenango during June 1982.
7. Human Rights Commission of Guatemala: Review of six months of the Government of General Efraín Ríos Montt and human rights in the Republic of Guatemala, Madrid, 25 September 1982. This review examines the human rights situation in Guatemala, in the light of the Universal Declaration of Human Rights. It also contains reports of the levelling of the town of San Francisco, municipality of Neutín, department of Huehuetenango, by the army on 19 July 1982 and allegations of "genocide" of the indigenous population, with a list of villages levelled and massacres which occurred in July and August 1982.
8. Human Rights Commission of Guatemala: Guatemala: General Report, 1982. This is a 50-page document which describes the situation of Guatemalan refugees in 12 camps containing some 8,000 persons in southern Mexico. It also contains a report on the consequences of the military coup, acts of repression and military offensives.
9. Human Rights Commission of Guatemala, Los derechos políticos en Guatemala, Madrid, November 1982. This is an analysis of the political rights situation in the light of article 21 of the Universal Declaration of Human Rights.
10. Human Rights Commission of Guatemala, Algunos elementos de la situación del campesinado indígena en Guatemala, Guatemala City, 25 November 1982. This document gives an account of the current migrations of the Guatemalan peasantry, due to employment constraints and to escape the counter-insurgency actions of the army. It reports the mass murder of both men and women. It quotes official statistics to the effect that a total of 240,434 persons have been displaced within the country, for whom the Government has requested assistance from the World Food Programme of the United Nations. It also includes documentation and a chronology of events in 1981 and 1982.

11. Human Rights Commission of Guatemala, La desaparición forzada o involuntaria de personas en Guatemala, Madrid, May 1982. This document makes a critical analysis of article 23, paragraph 10, of Decree-Law No.24-82 of 28 April 1982 (basic statute of the Government of the Military Junta) which authorizes detention on executive order as a "security measure". It then goes on to study the reasons, methods, figures and typical cases of disappearances occurring in Guatemala in 1982.
12. World Council of Churches, Communiqué of 19 October 1982. The communiqué reports that 5,000 Indians were surrounded by the army and threatened in the municipality of San Martín de Quilotepeque, in the department of Chimaltenango.
13. Americas Watch, Human Rights in Guatemala: No Neutrals Allowed, New York, 23 November 1982. This is the report of an investigatory mission of the above organization carried out in Guatemala and southern Mexico by four representatives of the organization. It alleges that between 2,600 and 8,000 peasants died as a result of military actions between the months of March and November 1982, in massacres in rural areas and political assassinations in Guatemala City. The report then gives a lengthy account of alleged violations of human rights. It also analyses the current legislative framework - which presupposes the suspension of the 1965 Constitution - particularly the provisions regulating the state of siege and the special courts.
14. Pax Romana, in a document transmitted on 27 January 1983, submits an eye-witness account which describes the situation in Guatemala as being "hallucinatory" and one of "systematic contempt for human rights".
15. Johns Hopkins School for Advanced International Studies and the Washington Office on Latin America, Guatemala: Government Against the People. This is a 36-page document which collects eye-witness evidence of massacres of the Indian population in various departments of Guatemala that occurred in the months of March to September 1982.
16. Pax Christi International, Droit de l'homme, Rapport de mission, 3 Guatemala, Antwerp, January 1982. The report contains an account of massacres of peasants, torture and disappearances and of the persecution of the Catholic Church of Guatemala.
17. Mexican Committee of Solidarity with the Guatemalan People (CMSPG): Informe sobre refugiados guatemaltecos en la frontera mexicana, September 1982. This report includes a chronology of the events that occurred during the months of May to July 1982. It annexes the statements of six refugees from the village of San Miguel, where killings by the army allegedly occurred. The statements of other eye-witnesses relate to similar events in the municipality of Nauntín, department of Huehuetenango.
18. Commission of the Churches on International Affairs of the World Council of Churches: Report of an Inquiry Team to Guatemala. This document was sent on 3 December 1982 to the Director of the United Nations Centre for Human Rights. This document includes reports on recent visits by ecclesiastical delegations affiliated to the non-governmental organization in question to various areas in Guatemala in August 1982 and November 1982. They give details of about 200 houses said to have been burnt in various villages in March-May 1982, of massacres in the village of Santa Anita las Cancas, San Martín Jilotepeque (department of Chimaltenango) in October 1982, and in the villages of Paxcabalché, San José Poaquil (department of Chimaltenango) in March-May 1982, and of massacres on 27 March 1982 in La Hacienda Santa María, San José Poaquil, in the department of Chimalchenango.

19. Survival International USA (SIUSA), Testimonies of refugees in Mexico (August 1982) and Report on the present situation of Indians in Guatemala, Washington, 10 November 1982. This document gives the results of the mission of two members of the organization in question to Mexico in the months of August and September 1982. It includes the statements of 23 Guatemalan refugees who were interviewed and which refers to 23 separate incidents affecting 18 Indian communities.

20. Commission of the Churches on International Affairs of the World Council of Churches: "Guatemala". This is a 361-page document sent on 21 January 1983 to the Director of the Centre for Human Rights. It contains a report prepared by the "Justice and Peace" Committee of Guatemala which includes an analysis of the legislation in force and charges of violations of the right to life, complete with maps and statistical tables covering the period up to September 1982. The report also refers to the situation of Guatemalan refugees, the prison regime and the situation of political prisoners. It further includes statistical tables on enforced and involuntary disappearances up to September 1982. It reports the suspension of the remedy of amparo.

21. Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) submitted a letter in December 1982 to the Assistant Secretary-General of the Centre for Human Rights drawing attention to various annexed documents containing eye-witness reports of massacres in various villages: Trutuhil, department of Chimaltenango; Agua Fría, between Rabinal and El Quiché; San Mateo, municipality of Ixtatén, department of Huehuetenango; Quiché area, etc. They include references to a number of alleged violations of human rights.