



## General Assembly

Distr.  
GENERALA/39/414  
20 August 1984  
ENGLISH  
ORIGINAL: SPANISHThirty-ninth session  
Item 12 of the provisional agenda\*

## REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Letter dated 16 August 1984 from the Permanent Representative  
of Guatemala to the United Nations addressed to the  
Secretary-General

I have the honour to transmit herewith a copy of Decree-Law No. 74-84 of 18 July 1984 whereby the Head of State, Major-General Oscar Humberto Mejía Victores, decided to grant a complete pardon to those sentenced without possibility of appeal by the now abolished special courts (tribunales de fuero especial). In addition, trials initiated in those courts that had been transferred to ordinary courts and that were under way have been dismissed and the accused persons released forthwith.

The Government of Guatemala wishes to point out that the important decision reflected in this decree is in line with the pledge it made to the people of Guatemala and to the international community, on assuming power on 8 August 1983, that it would respect and observe human rights and fundamental freedoms.

I should be grateful if you would have this letter and the enclosed decree-law circulated as an official document of the General Assembly under item 12 of the provisional agenda.

(Signed) Arturo FAJARDO-MALDONADO  
Ambassador  
Permanent Representative

---

\* A/39/150.

ANNEX

OFFICE OF THE HEAD OF STATE

DECREE-LAW 74-84

THE HEAD OF STATE,

CONSIDERING:

That, in keeping with its raison d'être, the State has a duty to ensure that justice is done speedily and fully in all cases so as to secure for the inhabitants of the national territory security, tranquillity and peace;

CONSIDERING:

That various individuals accused of criminal acts were tried by special courts and received sentences depriving them of their liberty, which they have continued to serve in prison facilities even after the ordinary courts applied more lenient law to them;

CONSIDERING:

That there are also individuals who were brought to trial before the now abolished courts referred to above and whose cases, pursuant to Decree-Law No. 93/83, are now being tried before ordinary courts, with judgement pending;

CONSIDERING:

That the individuals referred to in the preceding paragraphs and various professional circles in the country have taken exception to the procedures and judgements of the now abolished courts on the ground that the criminal and procedural laws were violated in the conduct of proceedings and the verdict reached in the cases in question;

CONSIDERING:

That, given the possibility of a miscarriage of justice in the trials in question, it is desirable to mitigate the severity of the judgements by granting pardon and to dismiss those trials which are in progress, for which specific legal provision must be made;

THEREFORE:

In exercise of the powers conferred by article 4 and article 26, paragraph 14, of the Fundamental Statute of Government, as amended by Decree-Laws Nos. 36-82 and 87-83,

## HEREBY DECREES THE FOLLOWING:

Article 1. A complete pardon is granted to individuals sentenced without possibility of appeal by the now abolished special courts who are still serving their sentences even after more lenient law has been applied to them by ordinary courts pursuant to the provisions of Decree-Law No. 93-83.

Article 2. The ordinary courts which, pursuant to Decree-Law No. 93-83, have been hearing trials initiated in the special courts shall dismiss such trials upon the entry into force of this Decree-Law.

Article 3. Those pardoned under this Decree-Law shall remain responsible for any payments to be made in connection with their civil liability as determined by the relevant laws. With respect to those whose trials are dismissed, civil proceedings, where applicable, must be brought before the competent courts.

Article 4. The benefits granted under this Decree-Law shall be immediately applied automatically or upon application by the party concerned by the President of the Judiciary, by the court hearing any of the cases in question, or by such individuals as may be appointed by the President of the Judiciary in situations not expressly covered by these provisions, who shall issue the appropriate decision in the matter.

Article 5. This Decree-Law shall enter into force on the day following its publication in the Official Journal.

DONE at the National Palace, in Guatemala City, on 18 July 1984.

To be published and enforced:

Major-General  
Oscar Humberto Mejía Victores,  
Head of State

Manuel de Jesus Girón Tánchez  
General Secretary of the Office of the Head of State

Gustavo Adolfo López Sandoval  
Minister of the Interior

\*\* published in the Diario de Centroamérica No. 22, vol. CCXXIV of 18 July 1984.

-----