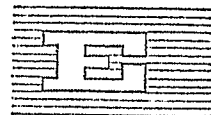


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COMMISSION ON HUMAN RIGHTS
Forty-first session
Agenda items 8, 9, 10 and 12

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

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

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 verbale, dated 28 February 1985, addressed to the Chairman of the Commission on Human Rights by the Permanent Mission of Guatemala to the United Nations Office at Geneva

The Permanent Mission of Guatemala to the United Nations Office at Geneva and the International Organizations, referring to agenda items 8, 9, 10 and 12, would like to submit the annexed written statement by the Permanent Delegation of Guatemala on the items in question, with a request that it be circulated as an official document of the United Nations Commission on Human Rights at its forty-first session.

It would also be grateful if the statement could be brought to the notice of Viscount Colville of Culross, Special Rapporteur of the Commission on Human Rights on Guatemala.

GE.85-11202

Annex

WRITTEN STATEMENT SUBMITTED BY THE PERMANENT MISSION OF GUATEMALA TO THE UNITED NATIONS OFFICE AT GENEVA AND THE INTERNATIONAL ORGANIZATIONS WITH HEADQUARTERS IN GENEVA IN CONNECTION WITH AGENDA ITEMS 8, 9, 10 and 12 OF THE FORTY-FIRST SESSION OF THE COMMISSION ON HUMAN RIGHTS

1. In connection with items 8, 9, 10 and 12 of the agenda of the forty-first session of the Commission on Human Rights, five non-governmental organizations in consultative status (categories I and II) have submitted written statements alleging violations of human rights by the Government of Guatemala.

Year after year, ever since my country was singled out as a priority objective for international subversion in Central America, this type of accusation has been repeated time and time again with the same stale arguments. It is as if actors and episodes were joining in a chorus to give the impression of world-wide accusation.

Its purpose, quite clearly, is to influence the opinions of those called upon to judge as to the situation of human rights in Guatemala and to egg them on to submit and adopt resolutions tacitly condemning the Guatemalan Government. It is hardly surprising therefore that this year we should be witnessing similar goings on, especially in view of the fact that:

- 1.1 The trend in the process of return to democratic government;
- 1.2 The obvious failure of the subversive military action in Guatemalan territory;
- 1.3 The success of the process of national reconstruction, both politically and socially;
- 1.4 The evidence for the defence given by various sectors in Guatemala to the Special Rapporteur; and
- 1.5 The ample information given by the Permanent Mission of Guatemala at Geneva to the Commission on Human Rights itself in the person of the Director of the Centre for Human Rights and other members of the Commission,

have helped to lay bare in one way or another the inconsistency of many of the arguments used time and time again in accusation.

2. Internally, the Government of Guatemala has responded to the armed aggression by the political forces which in the guise of guerrilla and terrorist groups has sown destruction and death for more than two decades in some parts of the country with:

- 2.1 A constructive social organization plan for the defence and development of the communities; and
- 2.2 A political plan which provides for free popular participation in the process of democratization, opening its doors even to extreme ideological views professed by the protagonists of violence.

These plans have been crystallized in schemes which are open to inspection by anyone wishing to visit our country with open eyes and an open mind, since those who have done so have been our warmest champions.

3. There is no scorched earth in Guatemala. There is no genocide. There is certainly violence, since some groups of Guatemalans, an insignificant percentage allied to foreigners holding dictatorial political views believe they can gain power by violence and are engaged in illegal and immoral action of every kind to achieve this.

4. It is only because they depend on and are subsidized by foreign sources that these military and political organizations have been able to exist for so many years and to carry on their destructive activities, since:

4.1 The arms they use come from outside;

4.2 Their misinformation campaigns are conducted through kindred organizations, also outside the country;

4.3 The funds to pay for the operations of the military front inside the country and the political front abroad are likewise provided largely from outside (the word "largely" is used because there is also proof that they obtain funds from within the country by dispossessing, assaulting, kidnapping, pressurizing, etc. various sectors of the Guatemalan people);

4.4 The training and ideological briefing of the political and military command and support cadres likewise take place abroad.

Although the countries which sponsor and condone this aggression against the lives, the safety, the peace, the labour and the dignity of the Guatemalans try to disguise their interference in our internal affairs, it is only their deliberate complicity that makes such action possible.

5. The absurd attempt to attribute to the Government of Guatemala a doctrine of systematic violation of human rights and to accuse it of carrying out operations against the civil population is rejected most emphatically by the Guatemalan Government. The reason why there are areas of conflict is because the guerrilla and terrorist factions have partially blackmailed the population into submission by terrorist methods. Thus they have succeeded in forcing thousands of peasants to abandon their homes and to flee into the mountains or into neighbouring territories so that later they can brazenly accuse the Guatemalan Government of being responsible for this situation.

6. It is obvious that if the armed groups confronting the Government prepare and develop plans to attack the powers that be by violent means, the latter must carry out appropriate defensive plans; but these are designed, within the framework of an inescapable legal and moral responsibility, precisely to protect and defend the population. The development centres and the new villages set up to house refugees and displaced persons and to provide them with integrated public services and adequate protection for developing their social, political and economic activities in peace and security, reflect this view.

It is precisely because these plans have been so effective in helping to rescue the population from the threats and demands of the illegal armed groups, supplied from abroad, that we are here today listening to or looking at written reports

containing distorted accusations about a situation that only the Guatemalan peasants, who have received untold benefit from the government schemes, can judge with absolute impartiality.

7. Tendentiously to exaggerate the figures for displaced persons, refugees, or missing persons or victims of violent action of one kind or another, and particularly, to accuse and calumniate the Government as being responsible for this situation, is an immoral act which only ill-disguised sympathy for the real protagonists of violence can justify. Those who act in this way would like to create the impression outside Guatemala that the members of guerrillas and the terrorists who are creating devastation in some areas of our territory are harmless creatures who scatter flowers, smiles and well-being rather than death, grief and misery.

Let us not be fooled. They are soldiers fighting for a cause based on ideological principles which predicate world domination and the subjection of peoples to iron dictatorship.

8. If they have opted for the path of violence, it is not for lack of political opportunity but because they know full well that they will never reach power via the democratic path of elections. They commit violence, with all its disastrous consequences for the people of Guatemala, and they compound their physical violence with psychological violence carried out abroad against the Guatemalan population, hypocritically presenting them as the victims but also accusing them of being the authors of the most horrible atrocities, knowing full well that in doing so they are criminally lying, since the soldiers of the Guatemalan army, citizens who don uniforms only for the 18 months stipulated by law in our country for military service, also form part of our people.

The international organizations which perhaps out of naivety accept and adopt these lies and bring them up before Commission in accusation against the Government of Guatemala, do not realize that they are serving a cause which is alienating them from the legitimate protection of human rights. These can be better protected by a democratic, constitutional Government, the product of the authentic expression of the popular will like the one which on the dates we have made known to the Commission on Human Rights will be elected this very year in my country than by a dictatorship such as the armed and violent opposition is trying to impose.