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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 DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 12 March 1985 from the Permanent Representative of
Guatemala to the United Nations Office at Geneva addressed to
the Chairman of the Commission on Human Rights

The Permanent Mission of Guatemala to the United Nations Office and Other International Organizations at Geneva presents its compliments to the Chairman of the United Nations Commission on Human Rights at its forty-first session and, with reference to agenda item 12, encloses herewith the written statement submitted by the Permanent Mission of Guatemala relating to its right of reply. It requests that this statement should be circulated as an official document of the Commission on Human Rights at its forty-first session.

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

GE.85-11797

STATEMENT BY THE DELEGATION OF GUATEMALA IN EXERCISE
OF ITS RIGHT OF REPLY (item 12)

Improbably, Guatemala, the country which co-operates most closely with the United Nations Commission on Human Rights, has been subjected to the heaviest attacks by certain States members of the Commission and non-governmental organizations, which give greater credence to what they call "reliable sources" than to their own Special Rapporteur.

The present Government of Guatemala, which is a transitional one, began its term of office on 9 August 1983, and not before. It represented a far-reaching change from the policy and actions of previous Governments which had existed in our country for a long and very difficult and complicated period. My delegation wishes to emphasize this fact in order that it may be very carefully borne in mind.

We lay stress on the fact that the present Government of Guatemala originated from the desire of Guatemalans that they should be guaranteed free elections, a peaceful life, and the enjoyment of human rights and fundamental freedoms.

It has accordingly introduced genuine liberalization; it has guaranteed and promoted the political participation of all trends of opinion; it has decisively improved the human rights situation; it has organized completely free elections and it has demonstrated its democratic vocation, despite the terrorism and armed aggression of extremists trying to prevent it from fulfilling the mandate it received from the people.

Several non-governmental organizations and some Government representatives have joined in the chorus of those who repeat that there are "confirmed" reports or reports from "reliable" sources that "a situation of massive and systematic violations of human rights continues to exist" in Guatemala. My delegation emphasizes that, on the contrary, the report of the Special Rapporteur shows that what has happened is that there have been substantial improvements in this field.

There are no cases of massacres in rural areas. There still is violence, but this is attributable to extremists and ordinary criminals, who unfortunately exist in all countries of the world. Nevertheless, persistent attempts are made to present the domestic situation in Guatemala as one of "serious violations" committed by the present Government. This has no basis other than malice and a grim determination to denigrate and try to prevent the full realization of democracy in Guatemala.

On the question of disappearances, which is also raised massively and systematically in respect of Guatemala, the reliably-attested facts should have already ruled out any possibility of spurious accusations: the "Mutual support group" mentioned in some statements has been given a hearing; the Head of State received them and listened to their statements in January 1985, and established a tripartite commission to investigate the cases which had given rise to complaints. Active measures have been and are being taken by the authorities to elucidate the complaints, as was found in the investigation conducted in Guatemala. It must once again be repeated that the abductions effected by various factions and by ordinary criminals are dishonestly included in these complaints of disappearances, which include cases in which some persons, by enlisting with the

guerrillas, were able to pass themselves off as "disappeared" persons. This has been proved by the testimony of those persons who, having formerly been reported as "disappeared", subsequently "reappeared", benefiting from the amnesty which the Government of Guatemala ordered and has continually extended, and under which many persons who enlisted with the clandestine forces continue to return to working life and legality, with all necessary guarantees.

The civil defence patrols were also the subject of massive and systematic complaints that service in them was compulsory and recruitment was by intimidation. This statement is belied by the Special Rapporteur's report, in which he noted that membership of the Civil Defence is not compulsory. Furthermore, it is revealing that it is self-defence by the civil population that is repulsing the attacks by the subversive factions.

In addition, the development centres are systematically and massively described as concentration camps and the end result of the "forcible removal of the indigenous rural populations". It has been proved repeatedly that no one is forced to live in these centres and that whoever wishes to do so may enter and leave them whenever he so desires. It has further been proved that there are no barbed-wire fences surrounding the occupants, but it is the better living conditions which have prompted them to assemble there of their own free will. These conditions are reflected in schools, health centres, roads, electric light, drinking water, churches of different denominations, marketing possibilities for the products of their agricultural work, recreation areas and other advantages which never existed in their neglected and poverty-stricken villages and settlements, where they were exposed to abuse, coercion and the terror of guerrilla warfare and guerrilla-provoked clashes with the security forces.

These centres have been visited by various representatives of humanitarian organizations and the ambassadors accredited to Guatemala, who have reliably ascertained the actual situation.

Suffice it to say that, in addition to the improvements in the quality of life, the development centres have had other results: the inhabitants of rural areas have increased their production, to the good of their domestic economies, and this has enabled Guatemala, after several years, to help meet the demand for basic grains in neighbouring countries.

My delegation has heard statements that the sole causes of the insurrection are injustice, poverty and the destitution of the most needy classes. It is thus something of a surprise that measures such as the establishment of the development centres should be systematically criticized when they are contributing to efforts to combat these scourges of the rural population. In fact, the urban middle-class, and even upper-middle-class, origin of many who fill the ranks of the guerrillas and the terrorists in particular reveals that these factors of extreme poverty - which the present Government of Guatemala understands and is determined to remedy to the extent that a transitional Government can humanly do so - are causes of natural dissatisfaction, but that demands for improvements are being used as a pretext and mask for armed action whose sole purpose is to attack the authorities through violence, in actions supported, financed and sponsored abroad by interests alien to the people of Guatemala.

It is a well-known fact that any social, economic or cultural improvement in the neediest sectors is systematically impeded by those who see in such improvements a loss of ground or loss of pretexts for their call for armed rebellion and destruction of a system based on individual freedom and not on State dictatorship.

My delegation has listened to the persistent attempts to deny what is apparent to everyone: the fairness of the elections held in July 1984. This accusation is not sustainable in the light of the internal and external general opinion of my country.

In connection with these and other questions, my delegation would particularly remind those organizations which call themselves Catholic or Christian of what Monsignor Próspero Penados del Barrio, Archbishop of Guatemala, stated in his homily of September 1984:

"The citizens have found a satisfactory democratic plurality, by means of which the present Government has responded to the request of the Episcopal Conference of Guatemala contained in its recent collective letter entitled 'To build peace'. Moreover, the honesty and speedy publication of the results of the voting on 1 July last to elect representatives to the National Constituent Assembly, confirm the promise given by His Excellency the Head of State to recast the system of constitutional Government.

"It is only fair to acknowledge that this extremely commendable decision by His Excellency the Head of State has been carried out amidst numerous and extremely varied adverse factors, extending from ordinary delinquency and criminality, whether organized or not, to subversive delinquency fomented and sustained by interests alien to our nation.

"Moreover, it is obvious and distressing that in this dramatic situation they have enlisted peaceful and honourable peasants, who have become victims of a cause which, in short, is contrary to their own interests.

"The Church of Guatemala rejects with justified indignation the international campaign of disparagement of our country; in the great nations there may in fact be greater injustices and more heinous crimes may be committed than in our country."

With regard to the other persistent allegation that the Government of Guatemala has secret prisons, my delegation considers that the finding which the Special Rapporteur has placed on record has incontrovertibly demonstrated the falsity of this charge.

To Amnesty International, which made a few fleeting but serious references in their statement, my delegation can only say that we await their objective and impartial testimony on the actual situation in Guatemala when they go there next month to see it with their own eyes. We do not want to hear anything before that.

Two Nordic countries, Sweden and Norway, have both reiterated a number of unfounded statements. Spain, which is at present going through a difficult period due to acts of violence known to all, made a number of critical references which are false and which my delegation cannot accept, although in other respects Spain has honoured the truth in recognizing in Guatemala positive efforts and progress in the area of human rights. The same applies to the Netherlands, although it is obvious that it has been misinformed about the current situation.

The statement by the representative of France has filled my delegation with surprise: France will have to be increasingly more objective and sensitive to the problems of the rural population. Everyone is watching the situation and events in New Caledonia. Everyone hopes that procedures will be observed and that solutions consistent with human rights will be arrived at.

Being confronted with this problem, France would do well to base itself, in analysing other countries, on factual and reliable information. If, with respect to our country, it based itself not so much on tendentious and biased sources as on the testimony which has been given by its Ambassador to Guatemala about the development centres, its conclusions might be the correct ones.

If, instead of invoking the false and malicious testimony of two senators of another nationality (who write a kind of "horror serial" which they call "bitter and cruel" but which would be more correctly termed "bitter and false"), it based itself on the testimony of the French senators who, as the French Ministry of Foreign Affairs knows, described the situation in Guatemala in highly favourable terms, France's view might be worthy of better consideration.

Ireland, in a somewhat paternalistic tone which is never seemly, talked of "urging" the Guatemalan Government and giving it guidelines. Ireland appears to be very ill-informed; its sources are prejudiced and biased. What my delegation has already stated answers its unfounded criticisms.

The non-governmental organization known as the "World University Service" accused the present Government of acts for which it bears no responsibility. In a long list of cases, it even went so far as to try to attribute to the present Government the assassinations of Mario Dary Rivera and Leonel Carrillo Reves, rectors of the National University, in 1981 and 1982, when the present Government had not even begun its term of office. Moreover, the investigations and views of university sectors themselves point to the conclusion that these assassinations were in all likelihood attributable to drug-traffickers who wanted to avert measures adopted by the two rectors or to extremist and not right-wing factions. That is how "reliable" these charges are.

I should like to take the opportunity to make the following points:

1. In Guatemala, the State University enjoys complete academic and administrative autonomy, and autonomy in the use of the resources allocated to it by the State, which represent more than 3.5 per cent of its ordinary budget. Not many countries can say this.
2. The National Constituent Assembly, which is independent of the executive power, establishes the constituent text which affirms this autonomy.
3. Before the present Government took office, the university experienced difficult times as a result of the action of illegal right-wing and left-wing extremist factions.
4. Mr. Eduardo Meyer, the present Rector, who represents all sectors of the university since his post is elective, lent his co-operation by becoming a member of the Peace Commission which was established by the present Government. These facts speak for themselves.

Another organization, the "International Indian Treaty Council", joined in the chorus of spurious charges against the Government of Guatemala. These charges related, inter alia, to events at the village of Xeatzán in January of this year. The true facts are set out in document E/CN.4/1985/60, which gives detailed information showing that it was the rebels who were responsible for 11 murders and 9 abductions. This is the truth.

The representative of Cuba described certain regimes in other countries as genocidal and had the insolence to include the Government of Guatemala among them. The beam in his own eye does not prevent him from trying to find the mote in the eye of another. And what is more, with an effrontery which would be laughable if it was not somewhat tragic, that representative, coming from a country such as his, criticized the elections and freedoms in Guatemala. Any comment would be superfluous ... In short, he added his voice to the chorus of other representatives, namely, those of the Soviet Union, the German Democratic Republic, Bulgaria, the Ukrainian SSR, Afghanistan, Mongolia and the Byelorussian SSR, in attacking my country in standardized terms. For obvious reasons which will be understandable to all, my delegation will reply globally to these attacks, since we know that it is sufficient for the representative whom we all know to hear them for the others to accept his opinion and leadership without any possibility of dissent.

In speaking of Guatemala, these representatives use the customary highly-coloured terminology favoured by the international campaign of disparagement and disinformation against our country. My delegation emphatically dismisses these accusations. The efforts and achievements of the present Government of Guatemala in the area of human rights and democracy are recognized by honest, serious and responsible international opinion. These Guatemalan actions tear aside the mask from the conspiracy and reveal for all to see the true intentions of the forces of violence in their campaign of aggression against the authorities. This we know. And we are not surprised that they should react by stepping up the campaign of calumny through the "political front" of their international action.

My delegation wishes to inform them that the ideology and subversive actions which they support in our country could now choose the legal and civilized course and lawfully participate as political parties if this is what they truly wish. Let them, therefore, stand in the popular elections in order that the people of Guatemala may clearly and freely demonstrate to them their electoral and political standing. If they do not do this, we shall all know the reason why.

My delegation does not wish to say any more, but it does reserve the right to do so whenever circumstances so require. We merely wish to repeat that Guatemala, from the reality of its genuine popular liberalization, will continue on its path towards democracy and full observance of human rights. If this determination causes the violent factions and the apostles of hatred to lose ground, perhaps - and this is greatly to be wished - they will one day manage to understand that the dignity and free vocation of our people are its sources and that the people will succeed in achieving their goals.

Finally, my delegation wishes to take this opportunity to request the representatives of Governments and organizations present in the Commission who are able and willing to do so to transmit to all my compatriots who still persist in aggression or illegality an appeal that they should rejoin the national effort and contribute as Guatemalans to the great task of democratic consolidation and to the fraternal and peaceful life which Guatemala deserves.