

GUATEMALA
MEMORY OF SILENCE
TZ'INIL NA'TAB'AL

CEH

NCIO GUATEMALA MEMORIA DEL SI
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ILLUSTRATION (taken from the *Dresden Codex*):

Glyph of truth, formed from two other glyphs. The upper
 one, *Toj*, represents the nahual, par excellence, of the
 Mayans and signifies the offering, the payment for life,
 the gift and the penalty. The lower one represents the
 altar for offerings where *Ajaw* speaks to the *Ajq'ijab*
 people and the sacred fire that expresses the past,
 present and future.

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Conclusions and Recommendations

CEH

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*As we consume life's quota,
how many truths elude us?*

AUGUSTO MONTERROSO
Movimiento perpetuo

*Silence lost its way
when a hand
opened the doors to the voice.*

FRANCISCO MORALES SANTOS
Al pie de la letra

*Let the history we lived
be taught in the schools,
so that it is never forgotten,
so our children may know it.*

TESTIMONY GIVEN TO THE CEH

*cease to do evil
learn to do good;
seek justice,
correct oppression;
defend the fatherless,
plead for the widow.*

ISAIAH 1,16-17

Prologue

Guatemala is a country of contrasts and contradictions. Situated in the middle of the American continent, bathed by the waters of the Caribbean and the Pacific, its inhabitants live in a multiethnic, pluricultural and multilingual nation, in a State which emerged from the triumph of liberal forces in Central America. Guatemala has seen periods marked by beauty and dignity from the beginning of the ancient Mayan culture to the present day; its name has been glorified through its works of science, art, and culture; by men and women of honour and peace, both great and humble; by its Nobel Laureates for Literature and Peace. However, in Guatemala, pages have also been written of shame and infamy, disgrace and terror, pain and grief, all as a product of the armed confrontation among brothers and sisters. For more than 34 years, Guatemalans lived under the shadow of fear, death and disappearance as daily threats in the lives of ordinary citizens.

The Commission for Historical Clarification (CEH) was established through the Accord of Oslo on 23 June 1994, in order to clarify with objectivity, equity and impartiality, the human rights violations and acts of violence connected with the armed confrontation that caused suffering among the Guatemalan people. The Commission was not established to judge – that is the function of the courts of law – but rather to clarify the history of the events of more than three decades of fratricidal war.

When we were appointed to form the CEH, each of us, through different routes and all by life's fortune, knew in general terms the outline of events. As Guatemalans, two of us had lived the entire tragedy on our native soil, and in one way or another, had suffered it. However, none of us could have imagined the full horror and magnitude of what actually happened.

The Commission's mandate was to provide an answer to questions that continue to be asked in peacetime: why did part of society resort to armed violence in order to achieve political power? What can explain the extreme acts of violence committed by both parties – of differing types and intensities – in the armed confrontation? Why did the violence, especially that used by the State, affect civilians and particularly the Mayan people, whose women were considered to be the spoils of war and who bore the full brunt of the institutionalised violence? Why did defenceless children suffer acts of savagery? Why, using the name of God, was there an attempt to erase from the face of the earth the sons and daughters of Xmukane', the grandmother of life and natural creation? Why did these acts of outrageous brutality, which showed no respect for the most basic rules of humanitarian law, Christian ethics and the values of Mayan spirituality, take place?

We received thousands of testimonies; we accompanied the survivors at such moving moments as the exhumation of their loved ones from clandestine cemeteries; we listened to former heads of State and the high command of both the Army and the guerrillas; we read thousands of

pages of documents received from a full range of civil society's organisations. The Commission's Report has considered all the versions and takes into account what we have heard, seen and read regarding the many atrocities and brutalities.

The main purpose of the Report is to place on record Guatemala's recent, bloody past. Although many are aware that Guatemala's armed confrontation caused death and destruction, the gravity of the abuses suffered repeatedly by its people has yet to become part of the national consciousness. The massacres that eliminated entire Mayan rural communities belong to the same reality as the persecution of the urban political opposition, trade union leaders, priests and catechists. These are neither perfidious allegations, nor figments of the imagination, but an authentic chapter in Guatemala's history.

The authors of the Accord of Oslo believed that, despite the shock the Nation could suffer upon seeing itself reflected in the mirror of its past, it was nevertheless necessary to know the truth and make it public. It was their hope that truth would lead to reconciliation, and furthermore, that coming to terms with the truth is the only way to achieve this objective.

There is no doubt that the truth is of benefit to everyone, both victims and transgressors. The victims, whose past has been degraded and manipulated, will be dignified; the perpetrators, through the recognition of their immoral and criminal acts, will be able to recover the dignity of which they had deprived themselves.

Knowing the truth of what happened will make it easier to achieve national reconciliation, so that in the future Guatemalans may live in an authentic democracy, without forgetting that the rule of justice as the means for creating a new State has been and remains the general objective of all.

No one today can be sure that the enormous challenge of reconciliation, through knowledge of the truth, can be successfully faced. Above all, it is necessary to recognise the facts of history and learn from the Nation's suffering. To a great extent, the future of Guatemala depends on the responses of the State and society to the tragedies that nearly all Guatemalans have experienced personally.

The erroneous belief that the end justifies the means converted Guatemala into a country of death and sadness. It should be remembered, once and for all, that there are no values superior to the lives of human beings, and thereby superior to the existence and well-being of an entire national community. The State has no existence of its own, but rather is purely an organisational tool by which a nation addresses its vital interests.

Thousands are dead. Thousands mourn. Reconciliation, for those who remain, is impossible without justice. Miguel Angel Asturias, Guatemala's Nobel Laureate for Literature, said: "The eyes of the buried will close together on the day of justice, or they will never close."

With sadness and pain we have fulfilled the mission entrusted to us. We place the CEH's Report, this Memory of Silence, into the hands of every Guatemalan, the men and women of yesterday and today, so that future generations may be aware of the enormous calamity and tragedy suffered by their people. May the lessons of this Report help us to consider, hear and understand others and be creative as we live in peace.

Acknowledgements

The Commission for Historical Clarification wishes to express a sincere tribute to the people of Guatemala, to the victims of the violence of the past, to their relatives, to the witnesses, to so many people who, through their own personal initiative and with the purpose of contributing to national reconciliation through the clarification of history, have come to the CEH and placed their trust in us. Without them, without their help, support and trust, our delicate task would have been difficult to complete. Their continuous support has motivated and inspired us.

The two Parties to the Accord of Oslo, the Government of the Republic of Guatemala and the Guatemalan National Revolutionary Unity, created and facilitated conditions, particularly with the Government's financial contribution, for the establishment of the CEH and the fulfilment of its mandate. Whenever asked, the Congress of the Republic facilitated the adequate operation of the CEH. The judiciary responded positively and took us into proper account.

From the preparatory phase of the CEH's installation, various Guatemalan human rights organisations made extremely valuable contributions to the CEH's work. In general, the organisations of Guatemalan civil society, including those working for with human rights, victims, indigenous peoples, women's rights and various other concerns, as well as the private sector and professional associations, lent their continuous support to the work entrusted to this Commission.

The national and international media fulfilled, in exemplary fashion, their function to inform, having followed the CEH's work with the utmost attention and respect. This allowed Guatemalan society to keep abreast of each advance made by the CEH and to receive the many notifications and conveyances addressed to it.

Without the political and moral support and the financial contributions of the international community, the CEH would not have been able to complete its complex task. The governments of Austria, Belgium, Canada, Denmark, Germany, Italy, Japan, the Netherlands, Norway, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the European Union contributed the funds allowing the Commission to cover its budget. The government of the United States of America also made a significant effort to declassify vital documents. The Government of Argentina lent vital support to the CEH as well. The Embassy of Norway in Guatemala deserves special mention for its continuous attention to and action regarding the needs of the Commission.

The CEH would like to express its greatest appreciation to the Secretary-General of the United Nations, who, responding to the request made by the Parties in the Accord of Oslo, made all the necessary arrangements to prepare for the operation of the Commission and establish an appropriate mechanism through the Department of Political Affairs, which enabled the United National Office for Project Services to establish the CEH Support Office as one of its projects.

UNOPS has demonstrated extraordinary capacity and flexibility in the management of a project of such complexity.

The United Nations System also contributed experts and materials that helped offset the financial needs. The Secretary-General of the United Nations, the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), UNOPS, the United Nations Development Programme (UNDP) and the International Criminal Tribunal for the former Yugoslavia all contributed by lending experts to the Commission. The United Nations Verification Mission in Guatemala (MINUGUA) provided vital logistical support for the Commission's work.

The international NGOs helped the Commission from the moment of its inception, offering technical assistance, directly facilitating the gathering of information by serving as an important channel in its acquisition, making the Commission's work known and making valuable efforts to obtain information from other governments. The American Association for the Advancement of Science through the appointment of an expert; the Ford Foundation with a financial contribution; and the Soros-Guatemala Foundation through the loan of vehicles, significantly helped the Commission's work.

The members of the CEH would never have been able to fulfil the mandate without the enormous effort of all the personnel working in the Support Office, under the supervision of the Executive Secretary. All personnel, the Central Team, those responsible for the numerous regional offices, the investigators, analysts, interpreters, administrators and various other assistants, from Guatemala and from thirty-one other nations, have supported us with their admirable commitment and generous dedication, frequently working in difficult conditions and under permanent pressure.

To everyone, thank you!

Introduction

The CEH's Report has been structured in accordance with the objectives and terms of the mandate entrusted to it by the Parties to the Guatemalan peace process as expressed in the Accord of Oslo, signed in Norway, on 23 June 1994.

The Report begins with a description of the mandate and the methodology it followed in carrying out its work, and subsequently enters into an examination of the causes and origins of the internal armed confrontation, the strategies and mechanisms of the violence and its consequences and effects. The conclusions are then presented and are followed by recommendations, the third component of the CEH's mandate. Finally, there are annexes that include the findings on specific illustrative cases of the events of the past; a listing with a brief description of each and every case presented to the Commission; and various other elements utilised in the fulfilment of the mandate.

This volume, whose purpose is to anticipate the public dissemination of the final document, contains two of the Report's essential elements: the conclusions and the recommendations.

The conclusions summarise the results of almost a year of investigation and are based on testimonies received directly by the CEH, together with a wealth of information from the Parties to the confrontation, other governments and a variety of secondary sources. These were complemented by historical analysis and statistical information from the CEH's database.

The conclusions are structured in three complementary sections: general conclusions, conclusions regarding acts that constitute violations of human rights and acts of violence and conclusions related to the process of peace and reconciliation. To aid understanding, there are also annexes relating to the conclusions which include: a chronology of the governments of Guatemala and of the armed confrontation, basic maps and statistical information.

As established by the CEH's mandate, the objective of the recommendations is to promote peace and national harmony in Guatemala. These recommendations have been structured as: measures to preserve the memory of the victims, measures to foster a culture of mutual respect and observance of human rights, measures for the strengthening of the democratic process and measures for the promotion of peace and national harmony. Recommendations for reparations are included among those measures to preserve the memory of the victims.

Conclusions

I. THE TRAGEDY OF THE ARMED CONFRONTATION

1. With the outbreak of the internal armed confrontation in 1962, Guatemala entered a tragic and devastating stage of its history, with enormous human, material and moral cost. In the documentation of human rights violations and acts of violence connected with the armed confrontation, the Commission for Historical Clarification (CEH) registered a total of 42,275 victims, including men, women and children. Of these, 23,671 were victims of arbitrary execution and 6,159 were victims of forced disappearance. Eighty-three percent of fully identified victims were Mayan and seventeen percent were Ladino.¹

2. Combining this data with the results of other studies of political violence in Guatemala, the CEH estimates that the number of persons killed or disappeared as a result of the fratricidal confrontation reached a total of over 200,000.

Historical roots of the armed confrontation

3. The Commission for Historical Clarification (CEH) concludes that the structure and nature of economic, cultural and social relations in Guatemala are marked by profound exclusion, antagonism and conflict – a reflection of its colonial history. The proclamation of independence in 1821, an event prompted by the country's elite, saw the creation of an authoritarian State which excluded the majority of the population, was racist in its precepts and practises, and served to protect the economic interests of the privileged minority. The evidence for this, throughout Guatemala's history, but particularly so during the armed confrontation, lies in the fact that the violence was fundamentally directed by the State against the excluded, the poor and above all, the Mayan people, as well as against those who fought for justice and greater social equality.

4. The anti-democratic nature of the Guatemalan political tradition has its roots in an economic structure, which is marked by the concentration of productive wealth in the hands of a minority. This established the foundations of a system of multiple exclusions, including elements of racism, which is, in turn, the most profound manifestation of a violent and dehumanising social system. The State gradually evolved as an instrument for the protection of this structure, guaranteeing the continuation of exclusion and injustice.

¹ Throughout these conclusions, figures will be presented which refer only to cases documented by the CEH. They are only a sample of the human rights violations and acts of violence connected with the armed confrontation.

5. The absence of an effective state social policy, with the exception of the period from 1944 to 1954, accentuated this historical dynamic of exclusion. In many cases, more recent State policy has produced inequality, or, at the very least, endemic institutional weaknesses have accentuated it. Proof of this can be seen in the fact that, during the twenty years of Guatemala's most rapid economic growth (1960-1980), state social spending and taxation were the lowest in Central America.

6. Due to its exclusionary nature, the State was incapable of achieving social consensus around a national project able to unite the whole population. Concomitantly, it abandoned its role as mediator between divergent social and economic interests, thus creating a gulf which made direct confrontation between them more likely. Of particular concern for the CEH, was the way in which successive constitutions of the Republic, and the human and civil rights guarantees set forth in them, became formal instruments violated by the various structures of the State itself.

7. The legislative branch and the participating political parties also contributed at various times to the increasing polarisation and exclusion, establishing legal norms which legitimised regimes of exception and the suppression of civil and political rights, as well as hindering or obstructing any process of change. Appropriate institutional mechanisms for channelling concerns, claims and proposals from different sectors of society were lacking. This deficit of channels for constructively directing dissent through mediation, typical of democratic systems, further consolidated a political culture of confrontation and intolerance and provoked almost uninterrupted instability, permeating the whole social order.

8. Thus a vicious circle was created in which social injustice led to protest and subsequently political instability, to which there were always only two responses: repression or military coups. Faced with movements proposing economic, political, social or cultural change, the State increasingly resorted to violence and terror in order to maintain social control. Political violence was thus a direct expression of structural violence.

Repression as a substitute for the law

9. The CEH has concluded that during the armed confrontation, the incapacity of the Guatemalan State to provide answers to legitimate social demands and claims, led to the creation of an intricate repressive apparatus which replaced the judicial action of the courts, usurping their functions and prerogatives. An illegal and underground punitive system was established, managed and directed by military intelligence. The system was used as the State's main form of social control throughout the internal armed confrontation and operated with the direct or indirect collaboration of dominant economic and political sectors.

The ineffectiveness of the judicial system

10. The country's judicial system, due either to induced or deliberate ineffectiveness, failed to guarantee the application of the law, tolerating, and even facilitating, violence. Whether through acts of commission or omission, the judicial branch contributed to worsening social conflicts at various times in Guatemala's history. Impunity permeated the country to such an extent that it

took control of the very structure of the State, and became both a means and an end. As a means, it sheltered and protected the repressive acts of the State, as well as those acts committed by individuals who shared similar objectives; whilst as an end, it was a consequence of the methods used to repress and eliminate political and social opponents.

The closing of political spaces

11. After the overthrow of the government of Colonel Jacobo Arbenz in 1954, there was a rapid reduction of the opportunity for political expression. Inspired by fundamentalist anti-communism, new legislation outlawed the extensive and diverse social movement and consolidated the restrictive and exclusionary nature of the political system. These restrictions on political participation were agreed to by the country's real powers and activated by the period's civil and political forces. In itself, this process constitutes one of the most overwhelming pieces of evidence for the close relationship between the military, the economic powers and the political parties that emerged in 1954. From 1963 onwards, in addition to the legal restrictions, growing state repression against its real or suspected opponents was another decisive factor in the closing of political options in Guatemala.

The underlying causes of the armed confrontation

12. The CEH concludes that other parallel phenomena, such as structural injustice, the closing of political spaces, racism, the increasing exclusionary and anti-democratic nature of institutions, as well as the reluctance to promote substantive reforms that could have reduced structural conflicts, are the underlying factors which determined the origin and subsequent outbreak of the armed confrontation.

The cold war, the National Security Doctrine and the role of the United States

13. The CEH recognises that the movement of Guatemala towards polarisation, militarization and civil war was not just the result of national history. The cold war also played an important role. Whilst anti-communism, promoted by the United States within the framework of its foreign policy, received firm support from right-wing political parties and from various other powerful actors in Guatemala, the United States demonstrated that it was willing to provide support for strong military regimes in its strategic backyard. In the case of Guatemala, military assistance was directed towards reinforcing the national intelligence apparatus and for training the officer corps in counterinsurgency techniques, key factors which had significant bearing on human rights violations during the armed confrontation.

14. Anti-communism and the National Security Doctrine (DSN) formed part of the anti-Soviet strategy of the United States in Latin America. In Guatemala, these were first expressed as anti-reformist, then anti-democratic policies, culminating in criminal counterinsurgency. The National Security Doctrine fell on fertile ground in Guatemala where anti-communist thinking had already taken root and from the 1930s, had merged with the defence of religion, tradition and conserva-

tive values, all of which were allegedly threatened by the world-wide expansion of atheistic communism. Until the 1950s, these views were strongly supported by the Catholic Church, which qualified as communist any position that contradicted its philosophy, thus contributing even further to division and confusion in Guatemalan society.

The internal enemy

15. During the armed confrontation, the State's idea of the "internal enemy", intrinsic to the National Security Doctrine, became increasingly inclusive. At the same time, this doctrine became the *raison d'être* of Army and State policies for several decades. Through its investigation, the CEH discovered one of the most devastating effects of this policy: state forces and related paramilitary groups were responsible for 93% of the violations documented by the CEH, including 92% of the arbitrary executions and 91% of forced disappearances. Victims included men, women and children of all social strata: workers, professionals, church members, politicians, peasants, students and academics; in ethnic terms, the vast majority were Mayans.

The Catholic Church

16. Only recently in Guatemalan history and within a short time period did the Catholic Church abandon its conservative position in favour of an attitude and practise based on the decisions of the Second Vatican Council (1962-1965) and the Episcopal Conference of Medellín (1968), prioritising its work with excluded, poor and under-privileged sectors and promoting the construction of a more just and equitable society. These doctrinal and pastoral changes clashed with counterinsurgency strategy, which considered Catholics to be allies of the guerrillas and therefore part of the internal enemy, subject to persecution, death or expulsion. Whereas the guerrilla movement saw in the practise of what was known as "liberation theology" common ground on which to extend its social base, seeking to gain the sympathy of its followers. A large number of catechists, lay activists, priests, and missionaries were victims of the violence and gave their lives as a testimony to the cruelty of the armed confrontation.

The Guatemalan insurgency, the armed struggle and the Cuban influence

17. The Guatemalan insurgency arose as the response of one sector of the population to the country's diverse structural problems. Faced with injustice, exclusion, poverty and discrimination, it proclaimed the need to take power by force in order to build a new social, political and economic order. Throughout the armed confrontation, insurgent groups adopted Marxist doctrine in its diverse international forms. Although they had common historical roots in the proscribed communist Guatemalan Worker's Party (PGT), several new guerrilla organisations emerged as a result of their criticism of the party's reluctance to follow the path of armed struggle.

18. The influence of Cuba and its promotion of armed struggle had a bearing on these processes as much in Guatemala as in the rest of Latin America. The CEH concludes that political, logistic, instructional and training support provided by Cuba for the Guatemalan insurgents during this

period, was another important external factor that marked the evolution of the armed confrontation. In the context of an increasingly repressive State, sectors of the left, specifically those of Marxist ideology, adopted the Cuban perspective of armed struggle as the only way to ensure the rights of the people and to take power.

19. As state repression intensified and broadened its range of potential victims, the rebel position which held a guerrilla victory to be the country's only political solution, gained strength. Rather than sharing a specific ideological-political platform, for the greater part of the confrontation, the cohesion of the Guatemalan insurgency revolved around the idea of the need for, and the primacy of, armed struggle as the only solution.

20. During its investigation, the CEH has confirmed that the political work of the guerrilla organisations within the different sectors of society was increasingly directed towards strengthening their military capacity, to the detriment of the type of political activity characteristic of democratic sectors. Likewise, attempts by other political forces to take advantage of the limited opportunities for legal participation, were radically dismissed by some sectors of the insurgency as "reformist" or "dissident", whilst people who sought to remain distant from the confrontation were treated with profound mistrust and even as potential enemies. These attitudes contributed to political intolerance and polarisation.

Enemies of the insurgents

21. Along with a clear definition of the Army as its enemy, insurgent groups also included some civilians in this category, especially representatives of economic and political power who were considered to be allies of the repression and those people suspected of providing support to the Army, or who held local economic power, especially in rural areas. Among the cases registered by the CEH, insurgent actions produced 3% of the human rights violations and acts of violence perpetrated against men, women and children, including 5% of the arbitrary executions and 2% of forced disappearances.

More than just two parties

22. Although the most visible actors in the armed confrontation were the Army and the insurgents, the CEH investigation has made evident the involvement of the entire State, through the unification of its various coercive institutions and mechanisms. Likewise, although of a different nature, the responsibility and participation of economically powerful groups, political parties, universities and churches, as well as other sectors of civil society, has been demonstrated.

23. For this reason, the CEH concludes that a full explanation of the Guatemalan confrontation cannot be reduced to the sole logic of two armed parties. Such an interpretation fails to explain or establish the basis for the persistence and significance of the participation of the political parties and economic forces in the initiation, development and continuation of the violence; nor does it explain the repeated efforts at organisation and the continuous mobilisation of those sectors of the population struggling to achieve their economic, political and cultural demands.

A disproportionately repressive response

24. The magnitude of the State's repressive response, totally disproportionate to the military force of the insurgency, can only be understood within the framework of the country's profound social, economic and cultural conflicts. Based on the results of its investigation, the CEH concludes that from 1978 to 1982 citizens from broad sectors of society participated in growing social mobilisation and political opposition to the continuity of the country's established order. These movements in some cases maintained ties of a varying nature with the insurgency. However, at no time during the internal armed confrontation did the guerrilla groups have the military potential necessary to pose an imminent threat to the State. The number of insurgent combatants was too small to be able to compete in the military arena with the Guatemalan Army, which had more troops and superior weaponry, as well as better training and co-ordination. It has also been confirmed that during the armed confrontation, the State and the Army had knowledge of the level of organisation, the number of combatants, the type of weaponry and the strategy of the insurgent groups. They were therefore well aware that the insurgents' military capacity did not represent a real threat to Guatemala's political order.

25. The CEH concludes that the State deliberately magnified the military threat of the insurgency, a practise justified by the concept of the internal enemy. The inclusion of all opponents under one banner, democratic or otherwise, pacifist or guerrilla, legal or illegal, communist or non-communist, served to justify numerous and serious crimes. Faced with widespread political, socio-economic and cultural opposition, the State resorted to military operations directed towards the physical annihilation or absolute intimidation of this opposition, through a plan of repression carried out mainly by the Army and national security forces. On this basis the CEH explains why the vast majority of the victims of the acts committed by the State were not combatants in guerrilla groups, but civilians.

Territorial concentration of military operations and their victims

26. Based on information analysed by the CEH, relevant differences in the territorial concentration of military operations and the type of victims can be confirmed, depending on the specific period of the armed confrontation. In the period from 1962 to 1970, operations were concentrated in the eastern part of the country, Guatemala City and the south coast, the victims being mainly peasants, members of rural union organisations, university and secondary school teachers and students and guerrilla sympathisers. In the years from 1971 to 1977, the repressive operations were more selective and geographically dispersed. Victims included community and union leaders, catechists and students.

27. During the most violent and bloody period of the entire armed confrontation, 1978-1985, military operations were concentrated in Quiché, Huehuetenango, Chimaltenango, Alta and Baja Verapaz, the south coast and the capital, the victims being principally Mayan and to a lesser extent Ladino. During the final period, 1986-1996, repressive action was selective, affecting the Mayan and Ladino population to a similar extent. The Communities of Population in Resistance were principal targets of military operations in rural areas.

Children

28. The CEH has confirmed with particular concern that a large number of children were also among the direct victims of arbitrary execution, forced disappearance, torture, rape and other violations of their fundamental rights. Moreover, the armed confrontation left a large number of children orphaned and abandoned, especially among the Mayan population, who saw their families destroyed and the possibility of living a normal childhood within the norms of their culture, lost.

Women

29. The CEH's investigation has revealed that approximately a quarter of the direct victims of human rights violations and acts of violence were women. They were killed, tortured and raped, sometimes because of their ideals and political or social participation, sometimes in massacres or other indiscriminate actions. Thousands of women lost their husbands, becoming widows and the sole breadwinners for their children, often with no material resources after the scorched earth policies resulted in the destruction of their homes and crops. Their efforts to reconstruct their lives and support their families deserve special recognition.

30. At the same time, the CEH recognises the fact that women, the majority of them relatives of victims, played an exemplary role in the defence of human rights during the armed confrontation, promoting and directing organisations for relatives of the disappeared and for the struggle against impunity.

The Mayan population as the collective enemy of the State

31. In the years when the confrontation deepened (1978-1983), as the guerrilla support base and area of action expanded, Mayans as a group in several different parts of the country were identified by the Army as guerrilla allies. Occasionally this was the result of the effective existence of support for the insurgent groups and of pre-insurrectional conditions in the country's interior. However, the CEH has ascertained that, in the majority of cases, the identification of Mayan communities with the insurgency was intentionally exaggerated by the State, which, based on traditional racist prejudices, used this identification to eliminate any present or future possibilities of the people providing help for, or joining, an insurgent project.

32. The consequence of this manipulation, extensively documented by the CEH, was massive and indiscriminate aggression directed against communities independent of their actual involvement in the guerrilla movement and with a clear indifference to their status as a non-combatant civilian population. The massacres, scorched earth operations, forced disappearances and executions of Mayan authorities, leaders and spiritual guides, were not only an attempt to destroy the social base of the guerrillas, but above all, to destroy the cultural values that ensured cohesion and collective action in Mayan communities.

Racism as a component of violence

33. Through its investigation, the CEH also concludes that the undeniable existence of racism expressed repeatedly by the State as a doctrine of superiority, is a basic explanatory factor for the indiscriminate nature and particular brutality with which military operations were carried out against hundreds of Mayan communities in the west and north-west of the country, especially between 1981 and 1983 when more than half the massacres and scorched earth operations occurred.

Retreat of the guerrillas

34. The CEH has confirmed that the guerrillas applied a tactic of "armed propaganda" and temporary occupation of towns to gain supporters or demonstrate their strength; once they withdrew however, they left the communities defenceless and vulnerable. In many cases, communities were then attacked by the Army, with a very high civilian death toll, especially among the Mayan population. In some of the cases known to the CEH, whole villages were razed by state military forces just days after the insurgent groups withdrew. In these cases, although acknowledging the Army's clear and sole responsibility for the massive violations, the CEH is convinced that guerrilla actions had a bearing on the way these events occurred.

35. Faced with scorched earth operations and massacres, which were a part of the Army's strategy and the result of systematic planning, the guerrillas were unable to protect the people who had sympathised with their objectives or had supported them. This inability created a broad sense of abandonment, deception and rejection in these sectors.

Militarization

36. The CEH has confirmed that the militarization of the State and society was a strategic objective which was defined, planned and executed institutionally by the Guatemalan Army, based on the National Security Doctrine and the institution's particular interpretation of the national reality. The process of militarization passed through different stages during the years of the armed confrontation. It began during the 1960s and 70s with the Army's domination of the structures of the executive branch. The Army subsequently assumed almost absolute power for half a decade during the 1980s, by penetrating all of the country's institutions, as well as its political, social and ideological spheres; in the final stage of the confrontation, it developed a parallel, semi-visible, low profile, but high impact, control of national life.

37. Militarization was one of the factors that provided the incentive for and fed the armed confrontation as it profoundly limited the possibilities for exercising rights as citizens. Subsequently, it became one of the most damaging consequences of the confrontation. Militarization became a pillar of impunity. Moreover, in a broad sense, it weakened the country's institutions, reducing their possibilities for functioning effectively and contributing to their loss of legitimacy, since for years people have lived with the certainty that it is the Army that retains effective power in Guatemala.

Military intelligence

38. Based on its investigation, the CEH also concludes that military intelligence structures in Guatemala played a decisive role in the militarization of the country. These structures assumed functions beyond those normally assigned to intelligence systems within the framework of the democratic rule of law, namely the systematisation and interpretation of information important to the country's security. Instead, the Guatemalan intelligence system became the driving force of a state policy that took advantage of the situation resulting from the armed confrontation, to control the population, the society, the State and the Army itself. This total domination was based on a political-military strategy and was put into practice using mechanisms which violated human rights, the Constitution and the laws of the Republic.

39. The CEH has confirmed that the control exercised by military intelligence depended not only on its formal structures, but also on an extensive network of informants who infiltrated social organisations, communities and various state institutions, thus giving it access to a vast quantity of information. Thus it was able to manage other structures of the Army and to manipulate the different interests and entities of the Guatemalan State and civil society. One of the objectives of incorporating intelligence operatives into state institutions was to multiply their informational resources and capacity for psychological warfare. At the same time, intelligence agents infiltrated social organisations where many activists subsequently became the victims of grave human rights violations.

40. The CEH's investigation has corroborated the involvement of military intelligence services in unconventional and irregular operations far removed from any legal order. Its illegal operations were secret, in both their preparation and execution. The purpose of these missions was to guarantee that the work remained covert, so that the intellectual and material perpetrators of the incidents could not be identified, to exonerate state agents of any responsibility and thereby to assure the ineffectiveness of any judicial or police investigation.

41. This clandestine activity was evident in the use of illegal detention centres or "clandestine prisons", which existed in nearly all Guatemalan Army facilities, in many police installations and even in homes and on other private premises. In these places, victims were not only deprived of their liberty arbitrarily, but they were almost always subjected to interrogation, accompanied by torture and cruel, inhuman or degrading treatment. In the majority of cases, the detainees were disappeared or executed. In a few cases detainees were set free, but no judicial procedure was followed. Sometimes, victims were forced to work illegally and secretly for the Army in exchange for their partial freedom. The occasions when a detainee was brought before a competent court were an exception.

The Kaibiles

42. The substantiation of the degrading contents of the training of the Army's special counter-insurgency force, known as *Kaibiles*, has drawn the particular attention of the CEH. This training included killing animals and then eating them raw and drinking their blood in order to demonstrate courage. The extreme cruelty of these training methods, according to testimony available to

the CEH, was then put into practice in a range of operations carried out by these troops, confirming one point of their decalogue: "The *Kaibil* is a killing machine."

A militarized police

43. The CEH concludes that the National Police and the Treasury Police, two important state security forces, also committed numerous and grave human rights violations during the armed confrontation. Beginning in the mid-1960s, these forces were subordinated to Army control, a situation that was maintained throughout the confrontation. Often acting under Army orders, the "Judicials", members of detective units and other plain-clothes police, became the principal agents of state terror in Guatemala City for a period of almost twenty years.

Terror

44. The CEH confirmed that throughout the armed confrontation the Army designed and implemented a strategy to provoke terror in the population. This strategy became the core element of the Army's operations, including those of a strictly military nature as well those of psychological nature and those that were called "development" operations.

45. The guerrilla organisations committed violent and extremely cruel acts, which terrorised people and had significant consequences. Arbitrary executions, especially those committed before relatives and neighbours, accentuated the already prevalent climate of fear, arbitrariness and defencelessness.

46. The State's use of terror intensified in Guatemala in 1966, when a process was initiated whose worst stages took place during the periods of maximum violence and whose epicentres were located in areas of most intense repression. A high proportion of the human rights violations known to the CEH and committed by the Army or security forces were perpetrated publicly and with extreme brutality, especially in the Mayan communities of the country's interior. Likewise, in considering the training methods of the Armed Forces, and especially the *Kaibiles*, the CEH concludes that extreme cruelty was a resource used intentionally to produce and maintain a climate of terror in the population.

47. The terror created was not just a result of the acts of violence or the military operations; it was also generated and sustained by other related mechanisms, such as impunity for the perpetrators, extensive campaigns to criminalise the victims and the forced involvement of civilians in the causal sequence leading up to the actual execution of atrocities. For these reasons, terror does not automatically disappear when the levels of violence decrease; on the contrary, there are cumulative and lasting effects, which, to overcome, require time, effort and the direct experience that things have changed.

48. The investigation has established that beyond the physical elimination of opponents, either alleged or real, state terror was applied to make it clear that those who attempted to assert their rights, and even their relatives, ran the risk of death by the most hideous means. The objective was

to intimidate and silence society as a whole, in order to destroy the will for transformation, both in the short and long term.

Criminalisation of victims

49. The State also tried to stigmatise and blame the victims and the country's social organisations, making them into criminals in the public eye and thus into "legitimate" targets for repression. This was done by stripping them of their dignity as individuals, using fire and sword to teach them the lesson that the exercise of their rights as citizens could mean death. The CEH considers that this systematic indoctrination has profoundly marked the collective consciousness of Guatemalan society. Fear, silence, apathy and lack of political participation are some of the most important effects of having criminalised the victims, and present a serious obstacle to the active participation of all citizens in the construction of democracy.

Forced complicity in the violence

50. The CEH counts among the most damaging effects of the confrontation those that resulted from forcing large sectors of the population to be accomplices in the violence, especially through their participation in the Civil Patrols (PAC), the paramilitary structures created by the Army in 1981 in most of the Republic. The CEH is aware of hundreds of cases in which civilians were forced by the Army, at gun point, to rape women, torture, mutilate corpses and kill. This extreme cruelty was used by the State to cause social disintegration. A large proportion of the male population over the age of fifteen, especially in the Mayan communities, was forced to participate in the PAC. This deeply affected values and behavioural patterns, as violence became a normal method of confronting conflictive situations and promoted contempt for the lives of others.

Local arbitrary power

51. Of deep and special concern to the CEH is that this process created a sector of civilians who subsequently, as a result of their convictions, committed atrocities against their own neighbours and even against close relatives. An uncontrolled armed power was created, which was able to act arbitrarily in villages, pursuing private and abusive ends.

52. The coexistence of victims and perpetrators in the same villages reproduces the climate of fear and silence. For the victims, daily confrontation with their transgressors has kept the painful memory of their violation alive. The CEH has confirmed that, for fear of reprisals, a large number of people continue to remain silent about their past and present suffering, while the internalisation of traumas prevents the healing of their wounds.

Altered mourning and clandestine cemeteries

53. The testimonies received by the CEH bear witness to the wide range of circumstances which

during the armed confrontation, prevented thousands of Guatemalans from observing the rites that normally accompany the death and burial of a person. This has caused deep and persisting anguish in those sectors of the population affected. Forced disappearance was the most pernicious practise in this sense, due to the uncertainty regarding the whereabouts or fate of the victim. Likewise, the climate of terror, the military presence, as well as other circumstances related to the massacres, to flight and to persecution in the mountains, often prevented the burial of the dead. For all cultures and religions in Guatemala, it is practically inconceivable that the dead not be given a dignified burial; this assaults everyone's values and dignity. For the Mayans, this is of particular importance due to their core belief in the active bond between the living and the dead. The lack of a sacred place where this bond can be attended is a serious concern that appears in testimonies from many Mayan communities.

54. The CEH has concluded that the existence of clandestine and hidden cemeteries, as well as the anxiety suffered by many Guatemalans as a result of not knowing what happened to their relatives, remains an open wound in the country. They are a permanent reminder of the acts of violence that denied the dignity of their loved ones. To heal these particular wounds requires the exhumation of secret graves, as well as the definitive identification of the whereabouts of the disappeared.

Social effects of torture

55. The CEH concludes that the systematic use of torture resulted in two fundamental social problems: firstly, the formation and continuing presence in society of experts trained in the most efficient and deviant ways of applying pain to human beings to crush them physically and spiritually; secondly, the normalisation of the use of torture as something "normal" in the routine work of state military and police structures, especially among members of military intelligence structures, and the toleration of this by society and by judicial officials.

Impunity

56. The justice system, nonexistent in large areas of the country before the armed confrontation, was further weakened when the judicial branch submitted to the requirements of the dominant national security model. The CEH concludes that, by tolerating or participating directly in impunity, which concealed the most fundamental violations of human rights, the judiciary became functionally inoperative with respect to its role of protecting the individual from the State, and lost all credibility as guarantor of an effective legal system. This allowed impunity to become one of the most important mechanisms for generating and maintaining a climate of terror.

57. These factors combined to thwart the existence of the rule of law in Guatemala. Likewise, a deep-rooted scepticism developed in society regarding the value of improving Guatemala's legal system and of believing that the administration of justice system could be an effective option for the construction of a society of equally free and dignified individuals. Thus, one of the most challenging and complex tasks in the establishment of peace consists of restoring the basic system, making it available to and functional for all citizens, so that social groups as well as individuals may channel their demands and conflicts through competent state institutions.

The weakening of social organisations

58. The CEH has confirmed that during the armed confrontation, social organisations were an important target of the State's repressive action. Considered as part of the "internal enemy", hundreds of leaders and grassroots members of a wide spectrum of groups were eliminated. These actions left civil society weakened and still affect its full participation in Guatemala's political and economic debates. The loss of professionals, academics and researchers, the "creative powers" who died or went into exile, not only created a vacuum during a specific period of political and cultural history, but also resulted in the loss of an important part of the pedagogic and intellectual capacity to educate several future generations in Guatemala.

59. As well as repression and exile, the weakening and fragmentation of social organisations were largely due to the various mechanisms activated during the armed confrontation by the State to destroy them. These mechanisms continue to be present in the collective memory. Stigmatisation, fear, mistrust and the perception in some sectors that the signing of the peace accords has not yet changed the repressive State, are still obstacles which prevent the full participation of society, even though the process of peace and national reconciliation indicates an encouraging reversal of this tendency.

60. The participation by members of insurgent groups in social organisations also affected them, not only because it created one more reason for their repression, but also because in many cases it led to division, polarisation and serious in-fighting in the organisations, inevitably weakening them. The vertical structure that the insurgency brought to the social organisations in which it participated curtailed their freedom to make their own decisions, suffocating their autonomy and exacerbating the effects of the State's repressive policies of dismantling the country's social and political opposition.

Curtailed freedom of speech

61. Freedom of speech goes hand in hand with the free exercise of civil rights. When opportunities for social and political participation are closed, then, implicitly, so are opportunities for freedom of speech. During the long period of armed confrontation, even thinking critically was a dangerous act in Guatemala, and to write about political and social realities, events or ideas, meant running the risk of threats, torture, disappearance and death. In exercising freedom of speech, citizens, writers, artists, poets, politicians and journalists were subject to the risks that repression and ideological polarisation imposed upon them. Although there were people who spoke out despite the risks, the large news agencies, in general, supported the authoritarian regimes through self-censorship and distortion of the facts. The price was very high, not only in the number of lives lost, but also because Guatemala became a country silenced, a country incommunicado.

Damage to the Mayan communities

62. The CEH concludes that the Mayan communities also became a military objective during the bloodiest years of the confrontation. In some regions and years, because of the terror and persecution, Mayans were obliged to conceal their ethnic identity, manifested externally in their language

and dress. Militarization of the communities disturbed the cycle of celebrations and ceremonies, and concealment of their rituals became progressively more widespread. Aggression was directed against elements of profound symbolic significance for the Mayan culture, as in the case of the destruction of corn and the killing of their elders. These events had a serious impact on certain elements of Mayan identity and disturbed the transmission of their culture from generation to generation. Similarly, the culture was degraded through the use of Mayan names and symbols for task forces and other military structures.

63. Beginning in 1982, traditional Mayan authorities were generally substituted by delegates from the armed forces, such as military commissioners and PAC commanders. In other cases, the Army tried to control, co-opt and infiltrate the traditional Mayan authority structures. This strategy caused the rupture of both community mechanisms and the oral transmission of knowledge of their own culture, likewise damaging Mayan norms and values of respect and service to the community. In their stead, authoritarian practices and the arbitrary use of power were introduced.

64. The presence of the guerrillas also led to the displacement of traditional authorities and to a reduction of their power, especially through the establishment of their own authority structures, such as the Local Irregular Forces and the Local Clandestine Committees, which generated new leadership within the communities.

Massive forced displacement

65. Unprecedented terror, provoked by the massacres and the devastation of complete villages during the period 1981 to 1983, led to the flight en masse of a diverse population, the majority of which was Mayan, but which also included a considerable number of Ladino families, especially in the newly settled areas close to the Mexican border. The forced displacement of civilians in Guatemala stands out in the history of the armed confrontation because of its massive nature and its destructive force. It embodies the rupture of social fabric in its most direct and heart-rending form. Families and communities were fractured and cohesive cultural ties weakened.

66. Estimates of the number of displaced persons vary from 500,000 to a million and a half people in the most intense period from 1981 to 1983, including those who were displaced internally and those who were obliged to seek refuge abroad. The variation in these figures reflects the changing nature of this displacement. About 150,000 people sought safety in Mexico. Almost a third of these settled in camps and were given refugee status by the United Nations High Commissioner for Refugees (UNHCR). Another 50,000 people lived as refugees dispersed throughout Chiapas, while the remainder settled in the Mexican capital or other Mexican cities. People also fled, though in far fewer numbers, into Honduras and Belize, as well as to the United States of America. However, all shared similar experiences: the loss of relatives and the destruction of their property, often the entire family heritage accumulated over generations, as well as the violent change in the course of their lives.

67. Through its investigation, the CEH has confirmed that those who fled were forced to move constantly while they remained in the country, mainly to evade military operations directed against them despite their being defenceless, and partly to search for food, water and shelter.

Military persecution, being constantly on the move and the threat of death made their subsistence extremely difficult. Living exposed to the elements, malnutrition and the severe emotional traumas that resulted from having witnessed numerous atrocities, left people vulnerable, especially children and the elderly, a great number of whom died during the flight and displacement.

Militarised resettlement and the stigma of the displaced

68. From 1983 onwards, Army strategy towards the displaced population was designed to bring it under military control: amnesties were offered and those who accepted were resettled in highly militarised communities. The most important mechanisms for ensuring control of the resettlements were: the organisation of people in the PAC, the military appointment of the mayors and auxiliary mayors, the creation of the Interinstitutional Co-ordinators to ensure military control of state and social institutions at all jurisdictional levels, the expansion of the Army's Civil Affairs (S-5) activities that included psychological operations to "re-educate" the people and the construction of model villages in the most conflictive regions.

69. The CEH has confirmed that the stigmatisation by the State of the displaced population, in many cases, fomented and perpetuated divisions in their communities. In accusing the displaced people of being guerrillas or in spreading the message that they were responsible for the confrontation, their return to their places of origin was hindered and they were marginalised by those who had remained in these communities. For internally displaced persons detained during the course of military operations or those who gave themselves up to the authorities in order to return to their communities, the situation was even more complicated. Very often they were isolated for a time in special camps or in military bases, submitted to interrogation and to an intense re-education process.

The anonymity of displaced persons in Guatemala City

70. In the case of people who sought refuge in Guatemala City, the fear of being located and identified as a target of repression meant that they sought anonymity as a survival strategy, given that their place of origin, their name and even the lack of personal documents could have been reason to suspect them of ties to the insurgent movement.

Resistance and the identity of the displaced

71. The testimonies of the internally displaced received by the CEH reveal an attitude both of resistance to military control and in defence of life, not only in its physical sense, but also with regard to cultural and political identity. Resistance as a strategy to preserve identity took various forms, and in turn produced changes in that very identity. Interactions with other ethnic groups, inhabitants of the city, people from other countries, other educational systems and different natural environments, as well as the experience of persecution and death, transformed relationships that constitute this sense of identity, producing a Guatemalan society marked by confrontation, but also potentially strengthened by its experience of diversity.

The economic costs of the armed confrontation

72. Based on its investigation of the economic costs of the armed confrontation and taking only the 10-year period between 1980 and 1989, the CEH estimates that the total direct quantifiable costs were equivalent to zero production in Guatemala for almost 15 months, equal to 121% of the 1990 Gross Domestic Product (GDP).

73. The majority of the costs, equivalent to 90% of the 1990 GDP, resulted from the loss of production potential due to the death, disappearance or forced displacement of individuals who had to abandon their daily activities, or from recruitment into the PAC, the Army or the guerrillas. The destruction of physical assets, including private and community property, and the loss of infrastructure, such as bridges and electrical towers, also represented considerable losses, over 6% of the 1990 GDP. These material losses frequently involved the total destruction of family capital, especially among Mayan families, particularly in the west and north-west of Guatemala.

74. Based on its investigation, the CEH concludes that the increase in military spending during the armed confrontation diverted necessary investments of public resources away from health and education, resulting in the abandonment of social development. This accelerated the deterioration of health and educational conditions in those areas most severely affected by the confrontation.

75. The armed confrontation also exacerbated the traditional weakness of the State regarding tax collection and intensified private sector opposition to necessary tax reform. This was reflected by the fact that during the period from 1978 to 1984 taxes as a percentage of GDP dropped constantly, in the final year reaching 7.1%, the lowest level registered over the previous 50 years. The effects were decisive: the gap between income and spending widened, leading to macroeconomic imbalance and further weakening the State's capacity to promote development.

76. Guatemala's macroeconomic performance during the 1980s compared with that of other countries in the region, particularly Honduras and Costa Rica, suggests that a consequence of the internal armed confrontation was the loss of opportunity for economic growth, which during the decade under study was the equivalent to about 14% of the 1990 GDP. Similarly, there were other non-quantifiable costs related to the destruction of human and social capital in the country which, along with the direct economic losses they represent, seriously limited the future development of the Guatemalan State and society. The CEH has concluded that society as a whole, and not just those people directly affected, has had to assume the high costs that resulted from the confrontation.

Solidarity and the defence of human rights

77. The CEH concludes that repression did more than generate terror, passivity and silence. Simultaneously, and with varying intensity at different stages of the armed confrontation, individual and collective responses arose to the dehumanising and denigrating effects of violence. Hindered by enormous obstacles, the organisations that emerged from this process dedicated their efforts to the defence of life, even when this implied living under the threat of death. Composed mainly of the surviving communities and relatives of the victims, their essential *raison d'être* was human solidarity, the defence of basic human rights and the desire for respect for dignity and justice.

At the same time, they also contributed to reclaiming people's rights as citizens within the country's legal framework.

78. Human rights organisations made decisive contributions to establishing new principles of social relations and to reconstructing the social fabric. Although these organisations emerged from those sectors most affected by the confrontation, their claims immediately extended to other sectors of society. Particularly during the final years of the armed confrontation, taking into account the close relationship between impunity for those who used systematic violence and the persistent militarization of society, various civic groups sought strategies to wrest away the Army's power and its pre-eminence in Guatemalan social and political life. The CEH considers that these efforts promoted a new awareness of the need for justice, respect for the law, and the validity of the rule of law as basic requirements of democracy.

The Mayan movement

79. In the judgement of the CEH, during the later years of the armed confrontation the Mayan movement affirmed its role as a key political actor. In the struggle against exclusions suffered since the foundation of the Guatemalan State, the Mayan people has made important contributions in the area of multiculturalism and peace. These provide the essential bases for society as a whole to review its history and commit itself to building a new project of nationhood consistent with its multiculturalism, which should be inclusive, tolerant and proud of the wealth implicit in its cultural differences.

II. HUMAN RIGHTS VIOLATIONS, ACTS OF VIOLENCE AND ASSIGNMENT OF RESPONSIBILITY

Human rights violations committed by the State

80. Those acts which are directly attributable to the State include those perpetrated by its public servants and state agencies. Additionally, the State holds direct responsibility for the actions of civilians to whom it delegated, *de jure* or *de facto*, authority to act on its behalf, or with its consent, acquiescence or knowledge. This includes military commissioners who were by law, agents of military authority; Civil Patrol members, insofar as the military authorities organised, directed or ordered them or had knowledge of their actions; the large land-owners who were granted police functions by the 1936 Penal Code; and any other third party that may have acted under the direction or with the knowledge of state agents.

81. The State must also respond for breaches in the legal obligation to investigate, try and punish human right violations, even when these were not committed directly by state agents or when the State may not have had initial knowledge of them.

82. Human rights violations and acts of violence attributable to actions by the State represent 93% of those registered by the CEH; they demonstrate that human rights violations caused by state repression were repeated, and that, although varying in intensity, were prolonged and continuous, being especially severe from 1978 to 1984, a period during which 91% of the violations

documented by the CEH were committed. Eighty-five percent of all cases of human rights violations and acts of violence registered by the CEH are attributable to the Army, acting either alone or in collaboration with another force, and 18%, to the Civil Patrols, which were organised by the armed forces.

Anti-communism and the National Security Doctrine

83. Using the National Security Doctrine as its justification, and acting in the name of anti-communism, crimes were committed which include the kidnapping and assassination of political activists, students, trade unionists and human rights advocates, all categorised as “subversives”; the forced disappearance of political and social leaders and poor peasants; and the systematic use of torture.

84. During most of the internal armed confrontation, attempts to form organisations for the defence of human rights resulted in the elimination of their leaders. In the 1980s, the appearance of new groups of human rights defenders in various areas was received by the State with intensive repression which resulted in the murder or disappearance of many of their members. Campaigns directed towards discrediting this type of organisation, presenting them as “subversive”, were one of the constants of the repression.

Massacres and the devastation of the Mayan people

85. The Army’s perception of Mayan communities as natural allies of the guerrillas contributed to increasing and aggravating the human rights violations perpetrated against them, demonstrating an aggressive racist component of extreme cruelty that led to the extermination en masse, of defenceless Mayan communities purportedly linked to the guerrillas – including children, women and the elderly – through methods whose cruelty has outraged the moral conscience of the civilised world.

86. These massacres and the so-called scorched earth operations, as planned by the State, resulted in the complete extermination of many Mayan communities, along with their homes, cattle, crops and other elements essential to survival. The CEH registered 626 massacres attributable to these forces.

87. The CEH has noted particularly serious cruelty in many acts committed by agents of the State, especially members of the Army, in their operations against Mayan communities. The counterinsurgency strategy not only led to violations of basic human rights, but also to the fact that these crimes were committed with particular cruelty, with massacres representing their archetypal form. In the majority of massacres there is evidence of multiple acts of savagery, which preceded, accompanied or occurred after the deaths of the victims. Acts such as the killing of defenceless children, often by beating them against walls or throwing them alive into pits where the corpses of adults were later thrown; the amputation of limbs; the impaling of victims; the killing of persons by covering them in petrol and burning them alive; the extraction, in the presence of others, of the viscera of victims who were still alive; the confinement of people who had been mortally tortured, in agony for days; the opening of the wombs of pregnant women, and other similarly atrocious acts,

were not only actions of extreme cruelty against the victims, but also morally degraded the perpetrators and those who inspired, ordered or tolerated these actions.

88. During the armed confrontation the cultural rights of the Mayan people were also violated. The Army destroyed ceremonial centres, sacred places and cultural symbols. Language and dress, as well as other elements of cultural identification, were targets of repression. Through the militarization of the communities, the establishment of the PAC and the military commissioners, the legitimate authority structure of the communities was broken; the use of their own norms and procedures to regulate social life and resolve conflicts was prevented; the exercise of Mayan spirituality and the Catholic religion was obstructed, prevented or repressed; the maintenance and development of the indigenous peoples' way of life and their system of social organisation was upset. Displacement and refuge exacerbated the difficulties of practising their own culture.

Disappearances

89. The CEH has concluded that in Guatemala forced disappearance was a systematic practise which in nearly all cases was the result of intelligence operations. The objective was to disarticulate the movements or organisations identified by the State as favourable to the insurgency, as well as to spread terror among the people. The victims of these disappearances were peasants, social and student leaders, professors, political leaders, members of religious communities and priests, and even members of military or paramilitary organisations that fell under suspicion of collaborating with the enemy. Those responsible for these forced disappearances violated fundamental human rights.

Arbitrary executions

90. The CEH concludes that the Guatemalan State repeatedly and systematically violated the right to life, through what this Report has called arbitrary executions. In many cases this was aggravated by extreme irreverence, as for instance, in situations in which the corpses were abandoned with evident indications of torture, mutilation, multiple bullet holes or burn marks. The perpetrators of these violations were Army officers, specialists and troops, death squads that either operated under the protection of the authorities or with members of these authorities, members of the Civil Patrols or military commissioners, and in certain cases, private individuals, specifically large land owners, with the consent or direct collaboration of state authorities.

The rape of women

91. The CEH's investigation has demonstrated that the rape of women, during torture or before being murdered, was a common practice aimed at destroying one of the most intimate and vulnerable aspects of the individual's dignity. The majority of rape victims were Mayan women. Those who survived the crime still suffer profound trauma as a result of this aggression, and the communities themselves were deeply offended by this practice. The presence of sexual violence in the social memory of the communities has become a source of collective shame.

The death squads

92. Some of the human rights violations were committed by means of covert operations. The military had clandestine units called “commandos” or “special squads” whose supplies, vehicles, arms, funding and operational instructions were provided by the regular structures of the Army, especially military intelligence. The work of these squads not only included execution and kidnapping, but also the development of counterinsurgency tactics of psychological war, propaganda and intimidation.

93. “Death squads” were also used; these were initially criminal groups made up of private individuals who enjoyed the tolerance and complicity of state authorities. The CEH has arrived at the well-founded presumption that, later, various actions committed by these groups were a consequence of decisions by the Army command, and that the composition of the death squads varied over time as members of the military were incorporated, until they became, in some cases, authentic clandestine military units. Their objective was to eliminate alleged members, allies or collaborators of the “subversives” using the help of civilians and lists prepared by military intelligence. The various names of the better known “death squads”, such as, MANO (National Organised Action Movement), also known as Mano Blanca (White Hand) because of its logo, NOA (New Anti-Communist Organisation), CADEG (Anti-Communist Council of Guatemala), Ojo por Ojo (Eye for an Eye) and Jaguar Justiciero (Jaguar of Justice) and ESA (Secret Anti-Communist Army), were simply the transient names of the clandestine military units whose purpose was to eliminate the alleged members, allies or collaborators of “subversion”.

The denial of justice

94. The courts were incapable of investigating, trying, judging and punishing even a small number of those responsible for the most serious human rights crimes, or of providing protection for the victims. This conclusion can be applied both to military tribunals charged with the investigation and punishment of crimes committed by individuals within their special jurisdiction, as well as to the ordinary justice system; the former, because it was part of the military apparatus involved in the confrontation, and the latter, because it had given up exercising its functions of protecting and safeguarding the rights of the individual.

95. Acts and omissions by the judicial branch, such as the systematic denial of *habeas corpus*, continuous interpretation of the law favourable to the authorities, indifference to the torture of detainees and limitations on the right to defence demonstrated the judges’ lack of independence. These constituted grave violations of the right to due process and serious breaches of the State’s duty to investigate, try and punish human rights violations. The few judges that kept their independence and did not relinquish the exercise of their tutelary functions, were victims of repressive acts, including murder and threats, especially during the 1980s.

96. The CEH concludes that the rights to life and due process of those citizens that the Government of Guatemala put on trial in the Courts of Special Jurisdiction, were also seriously violated, particularly in the numerous cases in which the death penalty was imposed.

Forced and discriminatory military recruitment

97. During the entire period of the internal armed confrontation, the Guatemalan Army illegally forced thousands of young men into the army to participate directly in hostilities. Forced recruitment, which discriminated against the Mayan people and included minors under the age of fifteen, was a violation of personal freedom.

The legal order affected

98. The CEH concludes that the events referred to herein are grave violations of international human rights law whose precepts the Guatemalan State has been committed to respect since it approved the Universal Declaration of Human Rights and the American Declaration of the Rights and Obligations of Man in 1948. The fundamental principles of human rights have achieved the category of international customary law.

99. The gravity of this conclusion is accentuated by the fact that some of these violations, especially arbitrary executions, forced disappearances and torture, were repeated throughout the entire internal armed confrontation, at some stages becoming systematic. This obliges the authorities of the Guatemalan State to accept historical responsibility for these violations before the Guatemalan people and the international community.

100. As regards international humanitarian law, which contains the obligatory rules for all armed conflicts (including non-international armed conflicts), the CEH concludes that Guatemalan State agents, the majority of whom were members of the Army, flagrantly committed acts prohibited by Common Article III of the 1949 Geneva Conventions, particularly with respect to attacks against life and bodily integrity, mutilation, cruel treatment, torture and torment, the taking of hostages, attacks on personal dignity, and particularly humiliating and degrading treatment, including the rape of women. Therefore, the State of Guatemala, which was legally obliged to comply with these precepts and prohibitions throughout the confrontation, is responsible for these infractions.

101. The CEH concludes that the State of Guatemala, especially its Army, failed to make the distinction that applies in all types of armed conflicts, between combatants and non-combatants, that is, between those who participate directly in hostilities resorting to arms for self-defence or for neutralising the enemy, and the civilian population that does not take part in hostilities, including those who previously participated, but no longer do so because they were wounded, became sick or laid down their arms.

102. Neither did the State of Guatemala respect the distinction between military targets and civilian property, proceeding to destroy, at great harm to the people, private and community property which, due to their nature, location, objective or use, were not military targets. Evidence of violations of these principles can be found in the multiple scorched earth operations and in registered cases of property destruction, as well as in the destruction of the collectively worked fields and harvests, which was a specific objective of the military plan, *Firmness 83-1*.

103. Moreover, the CEH concludes that the events presented in this report are grave violations of

common principles that unite international human rights law and international humanitarian law. These principles were an historical demand of peoples who have faced unacceptable acts of barbarity during the twentieth century, events which never should be forgotten or repeated.

104. Finally, the CEH concludes that all these actions openly violate the rights guaranteed by the different constitutions of Guatemala in existence during the internal armed confrontation.

Institutional responsibility

105. The majority of human rights violations occurred with the knowledge or by order of the highest authorities of the State. Evidence from different sources (declarations made by previous members of the armed forces, documentation, declassified documents, data from various organisations, testimonies of well-known Guatemalans) all coincide with the fact that the intelligence services of the Army, especially the G-2 and the Presidential General Staff (*Estado Mayor Presidencial*), obtained information about all kinds of individuals and civic organisations, evaluated their behaviour in their respective fields of activity, prepared lists of those actions that were to be repressed for their supposedly subversive character and proceeded accordingly to capture, interrogate, torture, forcibly disappear or execute these individuals.

106. The responsibility for a large part of these violations, with respect to the chain of military command as well as the political and administrative responsibility, reaches the highest levels of the Army and successive governments.

107. The excuse that lower ranking Army commanders were acting with a wide margin of autonomy and decentralisation without orders from superiors, as a way of explaining that “excesses” and “errors” were committed, is an unsubstantiated argument according to the CEH’s investigation. The notorious fact that no high-commander, officer or person in the mid-level command of the Army or state security forces was tried or convicted for violation of human rights during all these years reinforces the evidence that the majority of these violations were the result of an institutional policy, thereby ensuring impenetrable impunity, which persisted during the whole period investigated by the CEH.

Acts of genocide

108. The legal framework adopted by the CEH to analyse the possibility that acts of genocide were committed in Guatemala during the internal armed confrontation is the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the United Nations General Assembly on 9 December 1948 and ratified by the Guatemalan State by Decree 704 on 30 November 1949.

109. Article II of this instrument defines the crime of genocide and its requirements in the following terms:

- “... genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
- a) Killing members of the group;

- b) Causing serious bodily or mental harm to members of the group;
- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) Imposing measures intended to prevent births within the group;
- e) Forcibly transferring children of the group to another group.”

On this basis, the two fundamental elements of the crime are: intentionality and that the acts committed include at least one of the five previously cited in the above article.

110. After studying four selected geographical regions, (Maya-Q'anjob'al and Maya-Chuj, in Barillas, Nentón and San Mateo Ixtatán in North Huehuetenango; Maya-Ixil, in Nebaj, Cortzal and Chajul, Quiché; Maya-K'iche' in Joyabaj, Zacualpa and Chiché, Quiché; and Maya-Achi in Rabinal, Baja Verapaz) the CEH is able to confirm that between 1981 and 1983 the Army identified groups of the Mayan population as the internal enemy, considering them to be an actual or potential support base for the guerrillas, with respect to material sustenance, a source of recruits and a place to hide their members. In this way, the Army, inspired by the National Security Doctrine, defined a concept of internal enemy that went beyond guerrilla sympathisers, combatants or militants to include civilians from specific ethnic groups.

111. Considering the series of criminal acts and human rights violations which occurred in the regions and periods indicated and which were analysed for the purpose of determining whether they constituted the crime of genocide, the CEH concludes that the reiteration of destructive acts, directed systematically against groups of the Mayan population, within which can be mentioned the elimination of leaders and criminal acts against minors who could not possibly have been military targets, demonstrates that the only common denominator for all the victims was the fact that they belonged to a specific ethnic group and makes it evident that these acts were committed “with intent to destroy, in whole or in part” these groups (Article II, first paragraph of the Convention).

112. Among acts aimed at the destruction of Mayan groups, identified by the Army as the enemy, “killings” deserve special mention (Article II.a of the Convention), the most significant of which were the massacres. The CEH has verified that in the four regions studied, between 1981 and 1983, agents of the State committed killings which were the most serious acts in a series of military operations directed against the non-combatant civilian population. In accordance with the testimonies and other elements of evidence collected, the CEH has established that, both regular and special Army forces, as well as Civil Patrols and military commissioners, participated in those killings characterised as massacres. In many cases, the survivors identified those responsible for directing these operations as being the commanders of the nearest municipal military outposts.

113. The analysis of the different elements used by the CEH, proves that in the above-mentioned cases, the aim of the perpetrators was to kill the largest number of group members possible. Prior to practically all these killings, the Army carried out at least one of the following preparatory actions: carefully gathering the whole community together; surrounding the community; or utilising situations in which the people were gathered together for celebrations or market days.

114. In the analysis of these events in the four regions, the CEH has established that along with the killings, which in themselves were sufficient to eliminate the groups defined as the enemy,

members of the Army or of Civil Patrols systematically committed acts of extreme cruelty, including torture and other cruel, inhuman and degrading actions, the effect of which was to terrorise the population and destroy the foundations of social cohesion, particularly when people were forced to witness or execute these acts themselves.

115. The CEH concludes that, among those acts perpetrated with the intent to destroy, in whole or in part, numerous Mayan groups, are included many actions committed which constituted “serious bodily or mental harm to members of the group” (Article II.b of the Convention). The resulting destruction of social cohesion of the group, typical of these acts, corresponds to the intent to annihilate the group, physically and spiritually.

116. The investigation has also proved that the killings, especially those that were indiscriminate massacres, were accompanied by the razing of villages. This was most significant in the Ixil region, where between 70% and 90% of villages were razed. Also, in the north of Huehuetenango, in Rabinal and in Zacualpa, whole villages were burnt, properties were destroyed and the collectively worked fields and harvests were also burnt, leaving the communities without food.

117. Furthermore, in the four regions which were the object of this special investigation, people were also persecuted during their displacement. The CEH has established that in the Ixil area, displaced persons were bombed. Similarly, those who were captured or gave themselves up voluntarily continued to be the object of violations, in spite of being under the Army’s absolute control.

118. The CEH concludes that some of the acts mentioned in the two previous paragraphs constitute the “deliberate infliction on the group of conditions of life” that could bring about, and in several cases did bring about, “its physical destruction in whole or in part” (Article II. c. of the Convention).

119. The CEH’s analysis demonstrates that in the execution of these acts, the national military structures were co-ordinated to allow for the “effective” action of soldiers and members of Civil Patrols in the four regions studied. Military plan *Victory 82*, for example, established that “the mission is to annihilate the guerrillas and parallel organisations”; the military plan *Firmness 83-1* determined that the Army should support “their operations with a maximum of PAC members, in order to raze all collective works...”

120. The above has convinced the CEH that acts committed with the intent to destroy, in whole or in part, numerous groups of Mayans were not isolated acts or excesses committed by soldiers who were out of control, nor were they the result of possible improvisation by mid-level Army command. With great consternation, the CEH concludes that many massacres and other human rights violations committed against these groups obeyed a higher, strategically planned policy, manifested in actions which had a logical and coherent sequence.

121. Faced with several options to combat the insurgency, the State chose the one that caused the greatest loss of human life among non-combatant civilians. Rejecting other options; such as a political effort to reach agreements with disaffected non-combatant civilians, moving of people away from the conflict areas, or the arrest of insurgents, the State opted for the annihilation of those they identified as their enemy.

122. In consequence, the CEH concludes that agents of the State of Guatemala, within the framework of counterinsurgency operations carried out between 1981 and 1983, committed acts of genocide against groups of Mayan people which lived in the four regions analysed. This conclusion is based on the evidence that, in light of Article II of the Convention on the Prevention and Punishment of the Crime of Genocide, the killing of members of Mayan groups occurred (Article II.a), serious bodily or mental harm was inflicted (Article II.b) and the group was deliberately subjected to living conditions calculated to bring about its physical destruction in whole or in part (Article II.c). The conclusion is also based on the evidence that all these acts were committed "with intent to destroy, in whole or in part" groups identified by their common ethnicity, by reason thereof, whatever the cause, motive or final objective of these acts may have been (Article II, first paragraph).

123. The CEH has information that similar acts occurred and were repeated in other regions inhabited by Mayan people.

Institutional responsibility

124. Based on the fundamental conclusion that genocide was committed, the CEH, in keeping with its mandate to present an objective judgement on the events of the internal armed confrontation, indicates that, without prejudice to the fact that the active subjects are the intellectual and material authors of the crimes in the acts of genocide committed in Guatemala, the State is also responsible, because the majority of these acts were the product of a policy pre-established by a command superior to the material perpetrators.

125. In relation to crimes of genocide, the CEH concludes that the State of Guatemala failed to comply with the obligation to investigate and punish acts of genocide committed in its territory, thus contravening the content of Articles IV and VI of the Convention on the Prevention and Punishment of the Crime of Genocide, which specifies that those who have committed genocide, whether they be heads of state, public officials or private individuals be judged by the competent courts of the State where the act was committed.

126. In general, the State of Guatemala holds undeniable responsibility for human rights violations and infringements of international humanitarian law. The Chiefs of Staff for National Defence (Estado Mayor de la Defensa Nacional) was, within the Army, the highest authority responsible for these violations. Nevertheless, regardless of who occupied positions within this body, political responsibility rests with the successive governments. For this reason, the President of the Republic, as Commander in Chief of the Army and Minister of Defence, should be subject to the same criteria of responsibility, given that national objectives were prepared at the highest level of Government in accordance with the National Security Doctrine. Furthermore, it should also be taken into account that until 1986, nearly all the presidents were high level members of the military, with specific knowledge of military structures and their procedures.

Acts of violence committed by the guerrillas

127. The armed insurgent groups that participated in the internal armed confrontation had an

obligation to respect the minimum standards of international humanitarian law that apply to armed conflicts, as well as the general principles common to international human rights law. Their high command had the obligation to instruct subordinates to respect these norms and principles.

128. Acts of violence attributable to the guerrillas represent 3% of the violations registered by the CEH. This contrasts with 93% committed by agents of the State, especially the Army.² This quantitative difference provides new evidence of the magnitude of the State's repressive response. However, in the opinion of the CEH, this disparity does not lessen the gravity of the unjustifiable offences committed by the guerrillas against human rights.

Arbitrary executions

129. The guerrilla groups committed acts of violence which violated the right to life, through the arbitrary execution of civilians or individuals, some of whom were defenceless, who were connected to the confrontation as military commissioners or members of the Civil Patrols, as well as through the arbitrary execution of members of their own organisations and even massacres.

130. The arbitrary executions were decided upon at different levels in the organic structure of the guerrilla organisations, very often with the participation of their highest military commanders, and at other times through decisions adopted locally in the presence of delegates from superior levels. Some of the cases documented by the CEH refer to public executions; on other occasions there were no witnesses, the victim's corpse being abandoned with some reference to the reason for the action.

131. The majority of cases documented by the CEH refer to executions perpetrated as part of the tactics of armed propaganda. Some of these arbitrary executions, particularly of PAC members, military commissioners and other related persons, were the result of what was called "revolutionary terror," consisting in acts of reprisal for collaboration with the Army, outside all regular combat. Executions were even carried out in the presence of the community, to generate terror and thus force individuals to join the guerrillas.

132. Members of the so-called dominant social class were also victims of arbitrary execution. These were primarily large landowners and businesspeople who the guerrillas included in their broad definition of the enemy.

"Revolutionary justice"

133. Under what were known as "shootings," the CEH has registered arbitrary executions of members of the insurgent groups themselves. In the application of what was called "revolutionary justice," in some cases the decision was taken to end the lives of combatants who attempted to desert, were suspected of collaborating with the enemy and other similar accusations. In any event, these cases openly violated the right to life and all principles of due process.

² With regards to other 4% of the violations, either it was not possible to gather sufficient elements of conviction to determine responsibility, or other groups were involved in them.

Massacres

134. Massacres, that is, the collective killing of the defenceless population, are also included in the acts of violence committed by the guerrillas during the confrontation, gravely violating the right to life. The CEH has knowledge of different acts of this kind which occurred especially between 1981 and 1982; thirty-two were registered by the CEH. The CEH has reliable information that women and children were also killed in some of these massacres.

Forced disappearance and kidnapping

135. There were also some cases of forced disappearance of people kidnapped by the guerrillas, whose whereabouts have never been discovered. Although it was not generally practised among insurgent groups, the CEH has also received some testimonies about the use of torture.

136. Defenceless people were repeatedly kidnapped by the guerrillas for political objectives or for the purpose of obtaining economic support in exchange for the person's freedom. Those kidnapped were well-known Guatemalan political figures, diplomats or business people. In some cases, including in the case of a foreign ambassador, the persons kidnapped were executed.

Forced recruitment

137. The CEH concludes that the guerrillas forcibly recruited civilians, even minors, thus committing crimes against personal freedom.

The legal framework affected

138. In the opinion of the CEH, all the situations described are infractions of Common Article III of the four 1949 Geneva Conventions. The guerrillas committed serious attacks against the lives and integrity of individuals, taking hostages and sentencing and summarily executing persons without trial, all acts prohibited by Common Article III, which the guerrillas were obliged to respect throughout the armed confrontation.

139. The CEH concludes that the guerrilla groups did not always distinguish, as should be done in all armed conflicts, between combatants and non-combatants, that is, between those who participate directly in hostilities and the civilian population.

140. Neither did the guerrillas observe the customs and rules of warfare that oblige them to distinguish between military targets and civilian property. Offences were committed against private or community property, which because of their nature, location, objective or use did not contribute towards obtaining military advantage, and thus caused unjustified damage to the civilian population.

141. The CEH concludes that the guerrillas, having committed the acts of violence referred to in this section, and infringed the standards of international humanitarian law, violated the principles

common to both this law and to international human rights law.

The responsibility of the guerrillas

142. The CEH is convinced that a large proportion of the cases mentioned occurred with the knowledge of the guerrilla high military commanders, sometimes because the events derived from a deliberate political-military strategy and, at other times, because they were conducted in compliance with the decisions taken at the highest level.

143. In consequence, the CEH concludes that the superior levels of the organic structure of the guerrillas hold undeniable responsibility for offences against the lives of individuals and other violations of international humanitarian law.

Acts of violence committed by private individuals

144. The CEH concludes that, in connection with the armed confrontation, private individuals also committed acts of violence in defence of their own interests, either instigating these actions or directly participating in them. In general, the perpetrators were economically powerful people at either the national or local level.

145. Many human rights violations were committed in rural areas with the participation of large landowners. Some of these violations were committed jointly with agents of the State, in order to resolve conflicts with peasants by force. On other occasions, although they were committed directly by agents or hired assassins of the State, the motive was to protect the interests of these landowners.

146. In urban areas, diverse human rights violations were committed against trade union members and labour advisors. These were directly perpetrated by agents of the State or persons acting with its protection, tolerance or acquiescence and were based on close co-operation between powerful business people and security forces. These acts were committed in order to protect business interests, in accordance with openly anti-trade union government policies.

III. PEACE AND RECONCILIATION

147. At the end of 1996, the Government of President Alvaro Arzú Irigoyen, together with the URNG, with the participation of the United Nations as moderator and with the support of the international community, concluded a long negotiating process, by signing the Peace Accords. The Accords established certain obligations that represent an achievement of incomparable importance in the national history of recent decades.

148. During the long process in the search for a political solution, begun in 1987, the intensity of the armed confrontation had diminished considerably. However, during this period, violence, impunity and the militarization of society still prevailed in Guatemala. Considering that there were hostile groups that opposed the peace process because of diverse interests and the complexity of the

situation, the CEH recognises the admirable effort and courage of those men and women who contributed to the signing of the Accords after nine years of rapprochement and negotiation between the Parties; the presidents of the Republic over this period and the public officials of the administrations that participated in the negotiations and initiation of the first conciliatory initiatives; the URNG Command; the citizens who participated in the National Reconciliation Commission and the Assembly of Civil Society; as well as the religious sector, especially the Catholic Church. The significant contribution of Army representatives to this process is also worthy of mention.

149. Similarly, the Congress of the Republic has contributed resolutions in support of peace and reconciliation, which should be broadened, based on the recommendations in this Report by the CEH. Of particular importance is Resolution 6-98, which was unanimously approved, and which established that:

“historical memory forms part of the social culture and it should serve as an inspiration for reconciliation and peace, so that the events which occurred may never be repeated in Guatemalan society... [and]

“That in 1980 a group of peasants assumed the suffering, needs and claims of the vast majority of Guatemalans whose lives hung between poverty and extreme poverty, by occupying the Spanish Embassy, their sole purpose being to make the world aware of their situation.”

Likewise, Congress resolved, among other points,

“To express solidarity with the relatives of those who gave their lives in order to find a path to a better future and achieve a firm and lasting peace... [and] to exhort Guatemalan society to commemorate these events, which are part of the history of Guatemala...”

150. The armed confrontation has left deep wounds in individuals, in families and in society as a whole. Due to this undeniable fact, making the Peace Accords a reality and achieving true national reconciliation, will be a long and complex process. The immediate key tasks that will facilitate Guatemala’s full transition to reconciliation and the observance of the rule of law in a democratic State are: furthering the demilitarization process of both the State and society; strengthening the judicial system; opening up of greater opportunities for effective participation and ensuring reparations for the victims of human rights violations.

151. To achieve true reconciliation and construct a new democratic and participatory nation which values its multiethnic and pluricultural nature, the whole of society must, among other things, assume the commitments of the peace process. This doubtless requires a profound and complex effort, which Guatemalan society owes to the thousands of brave men and women who sought to obtain full respect for human rights and the democratic rule of law and so laid the foundations for this new nation. Among these, Monsignor Juan Gerardi Conedera remains at the forefront.

152. With humility and profound respect, the Commission for Historical Clarification dedicates its work to the memory of the dead and other victims of over three decades of fratricidal violence in Guatemala.