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# Recommendations

## I. INTRODUCTION

The Accord of Oslo establishes as one of the three objectives of the CEH that it: "Formulate specific recommendations to encourage peace and national harmony in Guatemala. The Commission shall recommend, in particular, measures to preserve the memory of the victims, to foster a culture of mutual respect and observance of human rights and to strengthen the democratic process."

As expressly noted in other agreements, such as the Comprehensive Agreement on Human Rights, the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreement and the Agreement on the Basis for the Legal Integration of the Guatemalan National Revolutionary Unity, the CEH should also outline recommendations for reparatory measures for the victims of the armed confrontation.

The CEH regarded it as imperative to formulate its recommendations taking into consideration the contents of the Peace Accords. The rigorous application of the Accords, and likewise their broad dissemination, are essential elements in establishing the foundations of a democratic rule of law. For this reason, the CEH believes it vital to emphasise and reiterate certain commitments already established in the Accords.

The methodology followed in preparing the recommendations was based on findings that arose from the investigation carried out by the CEH and from the extensive process of consultation of various sectors of civil society. The National Forum on Recommendations, convened by the CEH and held on 27 May 1998, was attended by 400 people, belonging to 139 organisations from civil society, and has been a useful source of reflection on those proposals of fundamental importance to the CEH. The needs and suggestions expressed in the personal testimonies given to the CEH and during the aforementioned process of consultation were a source of constant reference in the formulation of this chapter.

The CEH believes it necessary that its recommendations be implemented so that the mandate entrusted to it within the framework of the peace process achieves its objectives. To accomplish this, the joint participation of the State and civil society is necessary, as every Guatemalan without distinction should benefit from the recommendations.

On this basis, the CEH presents its recommendations laid out under the following sections:

1. Measures for the preservation of the memory of the victims;
2. Measures for the compensation of the victims;
3. Measures to foster a culture of mutual respect and observance of human rights;
4. Measures for strengthening the democratic process;
5. Other recommendations to favour peace and national harmony; and,
6. Body responsible for promoting and monitoring the fulfilment of the recommendations.

The effects of the armed confrontation and the violence connected with it were not limited solely to the two factions. Neither do the victims come only from certain sectors of the population. Almost all Guatemalans have been affected in one way or another by the violence that has been so widespread and lasted for such a long period of time. For this reason, the CEH's recommendations are fundamentally designed to facilitate unity in Guatemala and banish the centuries-old divisions suffered. Reconciliation is the responsibility of everyone.

The CEH is convinced that construction of peace, founded on the knowledge of the past, demands that those affected by the armed confrontation and the violence connected with it are listened to and no longer considered solely as victims, but as the protagonists of a future of national harmony.

The violence and horrors described in the Report should leave no room for despair. Subsequent generations in Guatemala have the right to a brighter, better future. Guatemalans can, and must, encourage a common project of nationhood. To bring about a reconstruction of Guatemala's social fabric, based on lasting peace and reconciliation, it is vital to foster an authentic sense of national unity among the diversity of peoples that make up the nation. By means of its recommendations, the CEH aims to help strengthen the hope of the people of Guatemala that its violent history will never be repeated.

## **II. MEASURES TO PRESERVE THE MEMORY OF THE VICTIMS**

The Accord of Oslo emphasises the need to remember and dignify the victims of the fratricidal confrontation that took place in Guatemala. The CEH believes that the historical memory, both individual and collective, forms the basis of national identity. Remembrance of the victims is a fundamental aspect of this historical memory and permits the recovery of the values of, and the validity of the struggle for, human dignity.

On the basis of these considerations, and considering the appeal for forgiveness made by the President of the Republic on 29 December 1998, and the partial appeal for forgiveness made by the Guatemalan National Revolutionary Unity on 19 February 1998, the CEH recommends:

## Dignity for the victims

- 1.** That, in the name of the State of Guatemala and with the primary aim of restoring dignity to the victims, the President of the Republic recognise, before the whole of Guatemalan society, before the victims, their relatives and their communities, those acts described in this Report, ask pardon for them and assume responsibility for the Human Rights violations connected with the internal armed confrontation, particularly for those committed by the Army and the state security forces.
- 2.** That the Congress of the Republic issue a solemn declaration reaffirming the dignity and honour of the victims and restoring their good name and that of their relatives.
- 3.** That the ex-Command of the Guatemalan National Revolutionary Unity, with the primary aim of restoring dignity to the victims, ask forgiveness, solemnly and publicly, before the whole of society, before the victims, their relatives and their communities, and assume responsibility for those acts of violence committed by the ex-guerrillas connected with the armed confrontation that have caused the Guatemalan population to suffer.

## Remembrance of the victims

- 4.** That the Guatemalan State and society commemorate the victims by means of various activities carried out in co-ordination with organisations from civil society, among which it is essential that the following measures be included:
  - a) Designation of a day of commemoration of the victims (National Day of Dignity for the Victims of the Violence).
  - b) The construction of monuments and public parks in memory of the victims at national, regional and municipal levels.
  - c) The assigning of names of victims to educational centres, buildings and public highways.
- 5.** That the commemorations and ceremonies for the victims of the armed confrontation take into consideration the multicultural nature of the Guatemalan nation, to which end the Government and local authorities should promote and authorise the raising of monuments and the creation of communal cemeteries in accordance with the forms of Mayan collective memory.
- 6.** That the sacred Mayan sites violated during the armed confrontation are reclaimed and their importance highlighted in accordance with the wishes of the communities affected.

## III. REPARATORY MEASURES

The CEH considers that truth, justice, reparation and forgiveness are the bases of the process of consolidation of peace and national reconciliation. Therefore, it is the responsibility of the

Guatemalan State to design and promote a policy of reparation for the victims and their relatives. The primary objectives should be to dignify the victims, to guarantee that the human rights violations and acts of violence connected with the armed confrontation will not be repeated and to ensure respect for national and international standards of human rights.

On this basis, the CEH recommends:

## National Reparation Programme

**7.** That the Guatemalan State, by means of appropriate measures taken by the Government and the Congress of the Republic, urgently create and put into effect a National Reparation Programme for the victims, and their relatives, of human rights violations and acts of violence connected with the armed confrontation.

**8.** That, to this end, the Government present to the Congress of the Republic, with the utmost urgency, a legislative bill on reparation for the victims of the armed confrontation which activates the National Reparation Programme. The said bill should set out the general principles and the structure of the programme, the categories of the beneficiaries, the measures, the procedures for the identification of the beneficiaries, the manner and the financial mechanisms, to be set forth below.

### *Principles and measures*

**9.** That the National Reparation Programme include a series of measures inspired by the principles of equality, social participation and respect for cultural identity, among which at least the following should figure:

- a) Measures for the restoration of material possessions so that, as far as is possible, the situation existing before the violation be re-established, particularly in the case of land ownership.
- b) Measures for the indemnification or economic compensation of the most serious injuries and losses resulting as a direct consequence of the violations of human rights and of humanitarian law.
- c) Measures for psychosocial rehabilitation and reparation, which should include, among others, medical attention and community mental health care, and likewise the provision of legal and social services.
- d) Measures for the satisfaction and restoration of the dignity of the individual, which should include acts of moral and symbolic reparation.

**10.** That, depending on the type of violation, the reparatory measures be individual or collective. Collective reparatory measures should be implemented in such a way as to facilitate reconciliation between victims and perpetrators, without stigmatising either. Therefore, collective reparatory measures for survivors of collective human rights violations and acts of violence, and their relatives, should be carried out within a framework of territorially based projects to promote reconciliation, so that in addition to addressing reparation, their other actions and benefits also favour the entire

population, without distinction between victims and perpetrators.

**11.** That, for the process of reparation to become one of the principal bases for the process of national reconstruction and reconciliation, it is vital that Guatemalan society participate actively in the definition, execution and evaluation of the National Reparation Programme. This participation is especially important in the case of the Mayan population, which was affected with particular severity by the violence. In the specific case of measures for collective reparation it is essential that the beneficiaries themselves participate in defining the priorities of the reparation process.

### *Beneficiaries*

**12.** That the beneficiaries of the moral and material reparatory measures must be the victims (or their relatives) of the human rights violations and of the acts of violence connected with the internal armed confrontation.

**13.** That for the purposes of the programme, victims are considered to be those persons who have personally suffered human rights violations and acts of violence connected with the internal armed confrontation.

**14.** That in those cases where individual economic indemnification is appropriate, prioritisation of the beneficiaries must be established, taking into consideration the severity of the violation, their economic situation and social vulnerability, and paying particular attention to the elderly, widows, minors or those who are found to be disadvantaged in any other way.

**15.** That the identification of Programme's beneficiaries should be guided by criteria of clarity, justice, equality, speed, accessibility and broad-based participation.

### *Structure of the programme*

**16.** That the Board of Directors of the Programme be composed of nine members: i) two persons appointed by the President of the Republic; ii) two persons appointed by the Congress of the Republic; iii) one person designated by the Human Rights Ombudsman; iv) a representative from the victims' organisations; v) a representative from the human rights organisations; vi) a representative from the Mayan organisations; vii) a representative from the women's organisations.

**17.** That, with the aim of facilitating the appointment process for the representatives of the aforementioned organisations, the person designated by the Human Rights Ombudsman convene and facilitate appointment processes of the respective sectors.

**18.** That the Programme's Board of Directors should have the following functions:

- a) Receive individual or collective applications from potential beneficiaries.
- b) Assess, according to the circumstances of each case, whether the potential beneficiary has the status of victim or relative of a victim. Victims of cases contained in the case annexes of this Report should be automatically qualified as victims without the need for another case study.

- c) Assess the socio-economic status of potential beneficiaries previously identified as victims.
- d) On the basis of the former, decide who the beneficiaries are.
- e) Decide on the relevant reparatory measures.

### *Financing*

**19.** That the State fund the National Reparation Programme by putting into effect the universally progressive tax reform established by the Peace Accords. To achieve this, a redistribution of social spending and a decrease in military spending would be appropriate. These measures should constitute the principal source of financing.

**20.** That, to the same end, the State solicit international co-operation from those countries which, during the internal armed confrontation, lent military and financial aid to the parties.

### *Period of operation*

**21.** The National Reparation Programme should cover the time period necessary for it to achieve its objectives. This should not be less than ten years, considering the period determined for the presentation of the applications and the time necessary for allocating and delivering the benefits.

## **Forced disappearance**

Given the extent of the crime of forced disappearance, developed as a repeated practise in Guatemala during the period of armed confrontation, and considering that forced disappearance not only causes those close to the detained person long-term distress due to the uncertainty of the fate of their loved one, but also generates a series of legal and administrative problems, it becomes vital to rectify these problems so that the suffering and complications occasioned by the disappearance are not prolonged. Therefore, so that it may be included in the National Reparation Programme, the CEH recommends:

### *Search for the disappeared*

**22.** That the Government and the judiciary, in collaboration with civil society, initiate, as soon as possible, investigations regarding all known forced disappearances. All available legal and material resources should be utilised to clarify the whereabouts of the disappeared and, in the case of death, to deliver the remains to the relatives.

**23.** That the Guatemalan Army and the former Guatemalan National Revolutionary Unity provide whatever information they may have in relation to the disappearances of people that occurred during the period of internal armed confrontation.

REQUEST: In relation to the search for the disappeared, the International Committee of the Red Cross (ICRC), an international body specialising in such matters, is requested to lend its advice and technical support to the various organs of the Guatemalan State responsible for these activities.

*Specific recommendations concerning children who have been disappeared, illegally adopted or illegally separated from their families.*

**24.** That the Government urgently activate the search for children who have been disappeared including, at the very least, the following measures:

- a) Establishment of a National Commission for the Search for Disappeared Children whose aim should be to look for children who have been disappeared, illegally adopted or illegally separated from their parents and of documenting their disappearance.

SUGGESTION AND REQUEST: That the said Commission be composed of the Human Rights Ombudsman and representatives from the national non-governmental organisations for human rights and children, with the advice and technical and financial support, as available, of UNICEF, the ICRC and international non-governmental organisations specialising in children's issues, from whom the CEH solicits co-operation.

- b) The promotion of legislative measures by which, at the request of interested parties, the courts and tribunals of the judiciary and the bodies charged with the protection of unaccompanied children, allow access to their files, facilitating the acquisition of information regarding the identity, ethnic origin, age, place of birth, current whereabouts and real name of the children given up for adoption or taken into care during the armed confrontation.
- c) The implementation of a wide-reaching general information campaign in Spanish and all the native languages, across every region of the country and in refugee sites located in other countries, concerning the activities and measures connected with the search for these children.

**25.** That the media actively assist the initiatives in the search for disappeared children.

**26.** That the Government promote extraordinary legislative measures that, on the request of the adopted person or his/her relatives, allow for the review of adoptions brought about without the knowledge, or against the will, of the natural parents. The said review should always take place taking into consideration the views of the person who was adopted and in such a way as to promote cordial relations between the adoptive and natural families so that subsequent trauma for the adopted person is avoided.

*Recognition of the legal status of absence due to forced disappearance*

**27.** That the Government prepare and present a bill of law to the Congress of the Republic, by which the declaration of absence due to forced disappearance is recognised as a legal category with the purpose of validating for legal purposes filiation, succession, reparation, and other civil ends related to it.

## Active policy of exhumation

The CEH believes that the exhumation of the remains of the victims of the armed confrontation and the location of clandestine and hidden cemeteries, wherever they are found to be, is in itself an act of justice and reparation and is an important step on the path to reconciliation. It is an act of justice because it constitutes part of the right to know the truth and it contributes to the knowledge of the whereabouts of the disappeared. It is an act of reparation because it dignifies the victims and because the right to bury the dead and to carry out ceremonies for them according to each culture is inherent in all human beings.

On this basis, and taking into consideration the high number of clandestine cemeteries referred to in this Report, as well as those still not publicly known, the CEH recommends:

**28.** That the Government prepare and develop an active policy of exhumation and urgently present to the Congress of the Republic legislation for a Law of Exhumation which establishes rapid and effective procedures for this and which takes into account the three following recommendations.

**29.** That the process of exhumation is carried out with full respect for the cultural values and dignity of the victims and their families, considering the process of exhumation not only as a judicial procedure, but above all as means for individual and collective reparation.

**30.** That the bodies and remains of the victims be handed over to their relatives for a dignified burial according to their particular culture.

**31.** That the work of the non-governmental organisations specialising in forensic anthropology and the investigation and identification of human remains be promoted and supported. The said specialist organisations should work in association with the Human Rights Ombudsman, whose office should serve as the depository for the relevant data.

REQUEST: Given the economic cost entailed by such specialist activity, the financial support and technical advice of the international community is particularly requested.

## IV. MEASURES TO FOSTER A CULTURE OF MUTUAL RESPECT AND OBSERVANCE OF HUMAN RIGHTS

### IV.1. Culture of mutual respect

As reflected in the previous chapters of the Report, a culture of violence has developed in Guatemala, which has resulted in mistrust and a lack of respect among its people. This clearly needs to be transformed into a culture of tolerance and mutual respect.

The CEH believes that the Peace Accords are a basic foundation for the development of peaceful and tolerant relations between the various sectors of Guatemalan society. Consequently, the knowledge and assimilation of the past, the knowledge of the causes and the scope of the



uncontrolled violence and, likewise, of the basic principles of respect for human rights, of the mechanisms for their defence and the peaceful solution of disputes are essential elements for the consolidation of a peaceful future.

The CEH believes that to achieve national harmony and reconciliation, a concerted effort at cultural change is required and that this can only be contemplated through an active policy of education for peace.

The relationship between the State and the indigenous population of Guatemala – particularly the Mayan people – has subsisted within an environment of racism, inequality and exclusion. As this can be considered to be one of the historical causes of the armed confrontation, measures guaranteeing the protection of the individual and collective rights of the indigenous population, the respect for cultural plurality and the promotion of intercultural relations become vital.

On this basis, the CEH recommends:

*The dissemination and teaching of the contents of the Report*

**32.** That the State, as a moral imperative and as a duty, embrace the contents of this Report and support all initiatives put into effect for its dissemination and promotion among all Guatemalans.

**33.** That, to this end, and in co-ordination with the organisations of civil society in Guatemala and particularly with indigenous and human rights organisations, the Government promote a campaign for the general dissemination of the Report, that takes into consideration the social, cultural and linguistic reality of Guatemala.

**34.** That, respecting the multilingual character of Guatemala, the Guatemalan Academy of Mayan Languages carry out the translation of the Report, with public financing, into the following languages:

- the entire Report should be translated into, and published in, at least five Mayan languages: k'iche, kaqchikel, mam, q'eqchi' and ixil<sup>1</sup>; and,
- the Report's conclusions and recommendations should be translated into the twenty-one Mayan languages and disseminated in both written and oral forms.

**35.** That the Government provide for and finance the translation of the Report's conclusions and recommendations into garífuna and xinca.

**36.** That the curricula of primary, secondary and university level education include instruction on the causes, development and consequences of the armed confrontation and likewise of the content of the Peace Accords with the depth and method relevant to the particular level.

<sup>1</sup> These five linguistic communities were affected most gravely during the armed confrontation. The first four are the most widely spoken languages in relation to the rest of the country's Mayan languages.

### *Education for a culture of mutual respect and peace*

**37.** That the State, along with the national human rights non-governmental organisations, co-finance an educational campaign to promote a culture of mutual respect and peace, to be developed by the aforementioned non-governmental organisations and aimed at the country's diverse political and social sectors. The said campaign should be based on principles such as democracy, tolerance, respect for human rights and on the use of dialogue as an instrument for the peaceful solution of disputes. Likewise, it should include the promotion of the development and free circulation of information, with particular emphasis on the content of the Universal Declaration of Human Rights and on the fundamental principle of peace.

**38.** That the Government, by means of the educational reform envisaged by the Peace Accords, foster an environment of tolerance and respect and promote self-awareness and awareness of the other, so that the dividing lines created by the ideological, political and cultural polarisation may be erased.

REQUEST: considering the activities so far developed in this area in Guatemala, the CEH requests that the Organization of American States (OAS), through the Cultural Dialogue Programme: Development of Resources for the Construction of Peace (OAS/PROPAZ), lend its support and technical advice to the implementation of the recommendations regarding a culture of mutual respect. Likewise, considering its expertise and activity at the universal level, the Culture of Peace Programme of the Organisation of the United Nations for Education, Science and Culture (UNESCO) is requested to afford whatever assistance possible to this process.

## **IV.2. Observance of human rights**

With the aim of strengthening a culture of mutual respect and observance of human rights and of effectively protecting those working for their defence, the CEH recommends:

### *Mechanisms for international protection*

**39.** That the executive and legislative branches take all necessary steps to allow the Guatemalan State to ratify those international human rights instruments still pending, as well as the corresponding implementation mechanisms. The CEH particularly recommends giving priority to the following:

- International Convention on the Elimination of All Forms of Racial Discrimination, with recognition of the competence of the Committee for the Elimination of All Forms of Racial Discrimination to receive individual complaints.
- First optional Protocol to the International Covenant on Civil and Political Rights.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, with recognition of the competence of the Committee against Torture to receive individual complaints.
- Additional Protocol of the American Convention on Human Rights for the Question of Economic, Cultural and Social Rights ("Protocol of San Salvador").

- Inter-American Convention on Forced Disappearances.
- Statute of the International Criminal Tribunal.

*International humanitarian law*

**40.** That the Government take the necessary measures to fully incorporate into national legislation, the standards of international humanitarian law and that it regularly provide instruction regarding these norms to the personnel of state institutions, particularly the Army, who are responsible for respecting, and in turn engendering respect in others for said norms.

*Human rights defenders*

**41.** That the Government promote, with prior consultation the organisations for human rights, legislative measures specifically orientated towards the protection of human rights defenders.

*Administrative measures related to public officials responsible for human rights violations*

At the same time as reiterating the importance of the measures and commitments assumed by the signatories to the Comprehensive Agreement on Human Rights, and as a solely preventative rather than repressive or punitive measure, the CEH recommends:

**42.** That a commission should be established by the President of the Republic using his constitutional prerogative, to be under his immediate authority and supervision, and which will examine the conduct of the officers of the Army and of the various bodies of state security forces active during the period of the armed confrontation. Its purpose is to assess the adequacy of their conduct in the execution of their duties during the said period, in regard to the minimum standards established by the instruments of international human rights and humanitarian law.

**43.** That the said Commission be composed of three independent civilians of recognised honesty and irreproachable democratic trajectory.

**44.** That the aforementioned Commission should carry out its tasks by the procedure it deems most appropriate, but in any case should listen to the interested parties, bearing in mind the CEH's Report and the personal record of the officers.

**45.** That consequently, and in view of the magnitude and severity of human rights abuses, administrative measures be adopted that take into account the content of the draft document "Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity" <sup>2</sup> of the United Nations Commission on Human Rights.

## V. MEASURES TO STRENGTHEN THE DEMOCRATIC PROCESS

### V.1. Administration of justice and traditional forms of conflict resolution

#### *V.1.a Administration of justice*

In various sections of the Peace Accords express reference is made to Guatemala's system for the administration of justice. Specific reference is made to it in the Agreement on the Strengthening of Civil Power and the Role of the Armed Forces in a Democratic Society, in which it is described as "one of the greatest structural weaknesses of the Guatemalan State." In fulfilling the said agreement, the Commission on the Strengthening of the Justice System produced a final report including various recommendations.

As a result of its own investigations, the CEH has also come to the conclusion that the weakness and dysfunction of the judicial system has contributed decisively to impunity and the misapplication of criminal law during the period covered by the CEH's mandate.

Also, as a result of the Peace Accords, the Congress of the Republic approved the National Reconciliation Law, which, according to Article 1, is considered to be a "basic instrument for the reconciliation of those people involved in the internal armed confrontation."

Considering the former, the CEH recommends:

#### *Commitments pertaining to the Peace Accords*

**46.** That the powers of the Guatemalan State regard the fulfilment of their commitments on justice contained in the Agreement on the Strengthening of Civil Power and the Role of the Armed Forces in a Democratic Society, as of utmost importance. The recommendations contained in the final Report produced by the Commission on the Strengthening of the Justice System, and which the CEH assumes and reiterates as its own, should be carried out in full.

#### *National Reconciliation Law*

**47.** That the powers of the State fulfil, and demand fulfilment of, the Law of National Reconciliation, in all of its terms and in relation to the rest of Guatemalan law. Those crimes for whose commission liability is not extinguished by the said law, should be prosecuted, tried and punished, particularly following Article 8 "crimes of genocide, torture and forced disappearance, as well as those crimes that are not subject to prescription or that do not allow the extinction of criminal liability, in accordance with domestic law or international treaties ratified by Guatemala."

**48.** That, in applying the National Law of Reconciliation, the relevant structures take into account the various degrees of authority and responsibility for the human rights violations and acts of violence, paying particular attention to those who instigated and promoted these crimes.

### *Right to habeas data*

**49.** That a bill of law be presented by the Government to the Congress of the Republic which quickly and effectively establishes the right of *habeas data* as a specific mechanism of protection and activates the constitutional right, recognised in Article 31 of the Constitution, of access to information contained in archives, files or any other form of state or private record. It should also penalise the gathering, storage or concealment of information about individuals, their religious or political affiliation, their trade union or social activism and any other data relating to their private lives.

### *V.1.b Traditional forms of conflict resolution*

The Commission on the Strengthening of the Justice System included a series of recommendations in its final Report that uses as its starting point the fact that it is "necessary to proceed with the search for formulas that encompass traditional methods of conflict resolution and the state judicial system, capable of complementing both components."

As outlined in its Report, the CEH has noted that disrespect for the traditional methods of conflict resolution, and for the authorities charged with applying them, to the point of the perpetration of acts aimed at eliminating them, has been an almost constant characteristic from 1980 until the end of the armed confrontation.

Considering all the former, and reiterating the need to fulfil the recommendations made by the Commission on the Strengthening of the Justice System, the CEH especially recommends:

#### *Legal integration*

**50.** That what is known as customary law is recognised and integrated into the Guatemalan legal framework, formalising and ordering a respectful and harmonious relationship between the judicial system and the traditional forms of conflict resolution, with their principles, criteria, authorities and procedures, as long as the rights recognised in the Guatemalan Constitution and in international treaties on human rights are not violated.

#### *Instruction*

**51.** That the universities and other state educational bodies which teach the law include knowledge of the norms of the traditional forms of conflict resolution as a distinct subject in their study programme.

**52.** That the Ministry of Education support the publication of materials which contain the latest advances in the research into the practices that constitute what is known as customary law.

## V.2. Primacy of civilian power and the role of the Armed Forces

### *V.2.a Legal reform*

Considering the grave human rights violations committed by Army agents during the armed confrontation and the marked weakening of the social fabric as a direct consequence of the militarization, the CEH believes it vital to promote legislative measures which establish the fundamental bases for the correct relationship between the Army and civil society within a democratic system, and the necessary subordination of the Army to civilian rule. These measures should include the adaptation of the military norms and fulfilment of its constitutional mandate to promote respect for human rights, the exercise of discipline only according to the law, the apolitical role of the military and restricting its role to external defence.

The CEH also recognises the pernicious effect of the activities of military intelligence on the human rights situation and on civilian-military relations. Equally, it recognises the severe abuse of authority committed in the past through anti-democratic behaviour and the serious violation of human rights by forces directly linked to such intelligence services and often carried out by means of covert actions.

The CEH believes that unquestioning obedience to any kind of order is one of the most significant and most dangerous factors generating human rights violations.

On the basis of the former, the CEH recommends:

**53.** That the Government present to the Congress of the Republic the necessary legislative reform bills that include measures to implement the Recommendations number 54 to 59 below. These bills should be based on, and complement, what was established in the Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society.

#### *Reform of the Constitutive Law of the Army*

**54.** That the Presidential and Vice-presidential General Staff (*Estado Mayor Presidencial y Vicepresidencial*) structures be abolished, being unnecessary in a democratic State.

#### *Reform of military legislation*

**55.** That a new Military Code be drafted and put into effect based on legal, moral and doctrinal criteria in accordance with the Constitution of the Republic and the reforms to the same derived from the Peace Accords.

**56.** That the Military Code include the correct concept, already contained in the Constitution of the Republic, of discipline and obedience solely within the law and never outside it, and that reference be removed in the Military Code to obedience being owed to whatever kind of order.

**57.** That the death penalty for the military offence of disobedience be abolished.

*New legislation regarding the state intelligence apparatus*

**58.** That the Government present to Congress of the Republic the corresponding legislation that:

- a) Precisely define the structures, tasks and limits of civil and military intelligence, restricting the latter to exclusively military affairs; and
- b) Establish clear mechanisms of effective control in Congress regarding all aspects of the apparatus of state intelligence.

**59.** That the commitments regarding intelligence contained in the Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society be fulfilled as soon as possible, particularly those relating to the approval of the following: the Law on Methods of Supervision of the Organs of State Intelligence; the Law Regulating Access to Information on Military or Diplomatic Affairs relating to National Security; the delimitation of the jurisdiction of the Intelligence Office of the Army General Staff, reconciling these to the new role of the Army; the configuration of the Department of Civil Intelligence and Information Analysis and of the Secretary for Strategic Analysis.

*V.2.b New military doctrine*

**60.** That the Government promote a new military doctrine for the Guatemalan Army, that should result from a process of internal reflection and consultation with the organisations of civil society. This doctrine should establish the basic principles for the appropriate relationship between the Army and society within a democratic and pluralist framework. Among these fundamental principles, at least the following should figure:

- a) The function of the Army is the defence of the sovereignty and independence of the State and the integrity of its territory. Its organisation is hierarchical and based on the principles of discipline and obedience within the law.
- b) The Army should accept that sovereignty resides in the Guatemalan people. As a consequence, the Army should respect whatever social reforms and changes which result from the exercise of this sovereignty, reconciling itself to the mechanisms established in the Constitution.
- c) The Army will base its legal standards, as well as its conduct, on systematic respect for human rights.
- d) The Army will be subordinate to political power, which emanates from the ballot box through the procedures established by the Constitution.
- e) The Army will show respect for the Constitution in all its aspects.
- f) The Army is apolitical. It should remain at the margins of party politics and respect all those political forces legally constituted. None of these may be persecuted or submitted to surveillance or control of any of their activities that are carried out within the law.

- g) Members of the military accept the limitation inherent in their career, specifically intended to preserve the apolitical nature of the institution, that, whilst they are in military service, they may not affiliate to, nor become a member of, any party or trade union.
- h) Members of the military may exercise their right to vote freely and secretly in national and local elections. Nevertheless, whilst they remain in active service they may not reveal their political preferences in any public act or through any medium of social communication.

**61.** That the basic values of members of the military must conform to the following concepts and fundamental principles:

- a) that members of the military are citizens in the public service of national defence;
- b) that military discipline has to be based on the concept of strict obedience within the law, and never outside it;
- c) that the concept of military honour must be inseparable from respect for human rights; and,
- d) that the esprit de corps must conform to a high standard of ethics and be based on principles of justice and public service.

### *V.2.c Reform of military education*

**62.** That the Government take measures for the revision of the curricula of the Guatemalan Army's various training centres, in such a way as to include, as basic subject material, the points numbered previously.

**63.** That the CEH's Report be studied as part of the Guatemalan Army's educational curriculum.

**64.** That the Guatemalan Army's various educational centres promote a review of the teaching staff and remove military personnel involved in present or past human rights violations from educational functions. Maximum professional and ethical rigor from the teaching staff is required.

**65.** That the civilian Faculty of the Guatemalan Army's training centres be made up of persons of recognised democratic trajectory.

### *V.2.d Other recommendations pertaining to the Army*

#### *Civil service: military and social*

Considering that forced and discriminatory recruitment has been a continuous and abusive practice throughout the armed confrontation, having affected almost every Mayan community, and considering the future approval of the Civil Service Law contemplated in the Agreement on the



Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society, which will regulate military and social service, the CEH particularly recommends with regard to this law:

**66.** That the regulations of military service maintain strict respect for the principle of equality before the law in the mechanisms and process of recruitment.

**67.** That the option of conscientious objection be established and registered for those whose religious, ethical or philosophical convictions do not permit them to carry arms, so that they are not obliged to do so, but instead allowed to perform other types of civic service to the community.

**68.** That young men of military service age who themselves, or whose family members within first degree consanguinity, were victims of human rights violations and acts of violence connected with the armed confrontation, remain exempt from military service and be directly assigned to civil service.

#### *Special forces*

**69.** That, in conformity with the principles of military doctrine and education stated previously, the training programmes of the armed forces be subject to drastic and profound revision, especially those conceived specifically for counter-insurgency, such as that known as the *Kaibil* School.

#### *Respect for Mayan cultural names and symbols*

**70.** That, with the aim of respecting the Mayan people's cultural identity, which was severely violated during the armed confrontation, the Army no longer the use of names of particular Mayan significance and symbolism for its military structures and units.

#### *Civic defence of the peace*

In a world in which national and international peace is the responsibility of all and in which the fundamental duty of the armed forces should be the defence of peace, the CEH recommends:

**71.** That, as one of its priorities, the Army promote participation in peace initiatives and international security under the authority of the United Nations Organisation or the Organization of American States.

**72.** That the military professionals make every effort to achieve a Guatemalan Army dedicated to the service of peace and to the citizens of Guatemala, of which every Guatemalan may feel proud.

REQUEST: The governments of those countries whose armies have undergone similar transitions to that required of the Guatemalan Army, are asked to lend their technical and financial co-operation to facilitate the implementation of the recommendations listed above in part V.2.

### V.3. Public security

The principal aim of the restructuring of the security forces, their professionalisation and their instruction regarding the law, democracy, human rights and a culture of peace, as stipulated in the Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society, is to convert the role of the police into one of genuine public service. This implies the exclusively civilian character of the police force and respect for the multiethnic nature of the Guatemalan nation in the recruitment, selection, training and deployment of the police.

Given the discrediting of former police institutions for grave human rights violations and the general deficiency of service to public security afforded to the community, the new National Civilian Police (PNC) must implement, in their doctrine, professional conduct and in the development of a professional and modern police force, the minimum principles contained in the relevant international instruments regarding respect for human rights, public liberties, rule of law and democracy.

On this basis and with a view to guaranteeing suitable future development of the duties of the police, the CEH particularly recommends:

#### *Security forces doctrine*

**73.** That under the guidance of the Ministry of the Interior, the PNC begin a process of internal reflection in consultation with organisations from civil society, with the aim of producing and defining the doctrine of the civilian security forces, whose bases should be:

- a) service to the community, without discrimination of any type and with respect for the multiethnic character of the Guatemalan nation;
- b) development of the civilian nature of the police force and the demilitarization of its organisation, hierarchy and disciplinary procedures;
- c) complete respect for human rights and the consequent investigation, prosecution and conviction of any members who have committed human rights violations;
- d) respect for democracy and the rule of law; and
- e) the continuous professional training and instruction of the police at every rank.

#### *Internal control*

**74.** That under the supervision of the Ministry of the Interior, the Directorate of the PNC take the relevant measures to ensure the removal from the police of those elements who have acted, or act, against its doctrine of public service and create a new unit for internal control or inspection, which is accessible both to the public and the Human Rights Ombudsman, and which has autonomy to investigate and sanction both individual and institutional professional misconduct.

*Indigenous participation*

**75.** That the directorate of the PNC promote measures which genuinely open the way for participation by indigenous peoples in public security service, such as:

- a) taking into consideration bilingualism in the academic evaluation, as well as eventual deployment of a police candidate;
- b) the elimination of discrimination in the summoning and selection processes and their adaptation to the realities of a multiethnic country;
- c) the education in the PNC Academy on the multicultural nature of Guatemala and intercultural harmony; and
- d) the organisation of the police service in such a way that indigenous members are able to use their native language skills in contact with the public, promote positive relations with indigenous institutions and authorities and respect forms of conflict resolution characteristic of their cultures.

*Resources*

**76.** That, when determining the national budget, the Government and the Congress of the Republic increase the financing of the National Civilian Police, guaranteeing adequate training and equipment with modern means and installations and dignified working conditions.

*Civilian nature of the PNC*

**77.** That the new Public Order Law, referred to by the Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society, considers the civilian nature of the Police during emergency situations of whatever type, and does not oblige it to participate in duties which appertain to the Army.

**78.** That, in case the reforms proposed in the Peace Accords are unsuccessful, Congress take the necessary legislative action to separate the functions of the Army and of the Police, limiting the participation of the Army in the field of public security to an absolute minimum.

**VI. OTHER RECOMMENDATIONS TO PROMOTE PEACE  
AND NATIONAL HARMONY**

The CEH believes that for the promotion of peace and national harmony it is necessary to know and face the causes of the armed confrontation and its consequences, in such a way as to put an end to the social, ethnic and cultural divisions in Guatemala.

Equally necessary, are social participation and the contribution of all Guatemalans without discrimination in the fulfilment of public duties.

Although the CEH's Report should serve as a fundamental reference point in the investigation of Guatemala's past, it does not in itself bring to a close the investigation and analysis that must be carried out regarding the armed confrontation, its causes, the extent of the violence and its effects. The Report of the CEH should serve as a platform for continuing investigation within Guatemala. On this basis, the CEH recommends:

*Investigation and analysis of the past*

**79.** That the Guatemalan people continue the investigation and analysis of the events of the past, so as to construct firm foundations for the future based on their knowledge of the past, and thereby avert a repetition of the mistakes that provoked the confrontation.

*Political participation of indigenous peoples*

The CEH, without prejudice to the commitments already established in the Agreement on Identity and Rights of Indigenous Peoples, would like to reiterate the importance of the obligations assumed by the Government to promote social and political participation by the indigenous population and to bring about regional administration coherent with ethnic identity. For this reason the CEH particularly recommends:

**80.** That among the public officials and other personnel employed by the State, room is given, in sufficient number, to indigenous professionals with the qualifications and experience relevant to the demands of the various posts.

**81.** That, to the end expressed in the previous paragraph, the State establish and finance a system of grants for the training and specialisation of the aforementioned indigenous professionals.

*Elimination of racism and of the subordination of indigenous peoples*

Given that the relationship between the State and the indigenous population of Guatemala – particularly the Mayan people – has subsisted within an environment of racism, inequality and exclusion, and that this is one of the historical causes of the armed confrontation, measures guaranteeing the protection of the individual and collective rights of the indigenous population, respect for cultural plurality and promotion of intercultural relations, become vital.

On this basis, the CEH reiterates:

**82.** That the Agreement on Identity and Rights of Indigenous Peoples be implemented, in its entirety.

*Fiscal Reform*

Considering the Agreement on Social and Economic Aspects and the Agrarian Situation and the need for all Guatemalans to contribute to social development and the improvement of public services, the CEH reiterates:

**83.** That the Government promote measures designed to encourage the mobilisation of national resources, carrying out urgent fiscal reform that is just, equitable and progressive, as established in the Agreement on Social and Economic Aspects and the Agrarian Situation.

## VII. BODY RESPONSIBLE FOR PROMOTING AND MONITORING THE IMPLEMENTATION OF THE RECOMMENDATIONS

The CEH believes it vital that these recommendations be fulfilled so that the mandate entrusted to the CEH within the framework of the peace process achieves its objectives. To accomplish this, the joint participation of the State and civil society is needed, as every Guatemalan without distinction should benefit from the recommendations.

Therefore, the CEH recommends the establishment of a follow-up body in which both State and civil society are represented, to aid, promote and monitor the implementation of the recommendations. Consolidation of the peace and reconciliation process in Guatemala requires that the State and civil society work together to achieve their common objectives.

Although the monitoring and implementation of the recommendations regarding the consolidation of peace and reconciliation falls to Guatemala, continuing support from the international community will be necessary.

On this basis, the CEH considers it necessary and, therefore, recommends:

**84.** That the Congress of the Republic, through the initiative of its Commission on Human Rights, approve, no more than 60 days from the publication of the CEH's Report and through the corresponding legislative measure, the establishment of a body responsible for implementing and monitoring the recommendations of the CEH under the name of "Foundation for Peace and Harmony" (hereinafter, "the Foundation"), whose mandate; composition, appointment procedure, constitution, installation, period of operation, human and material resources and financing are outlined below.

### *Mandate*

The Foundation's principal objective will be to facilitate the implementation of the recommendations made by the CEH, regarding the five principal areas of activity covered by the mandate:

- a) Direct implementation of specific recommendations;
- b) Backing and assistance in the implementation of the recommendations;
- c) Monitoring the adequate implementation of the recommendations;
- d) Promotion of and support for historical research;
- e) Assistance in seeking funds to finance projects for the implementation of the recommendations.

### *Composition*

The Foundation shall be composed of seven members who will be appointed for a period to be determined by the corresponding legal resolution. Their distribution shall be as follows:

- Two persons appointed by the Congress of the Republic, who shall be of different political affiliations.
- One person appointed by the Government.
- An independent person, of recognised democratic trajectory and commitment to the peace process.
- Two representatives from Guatemalan non-governmental organisations for human rights and victims.
- One representative from the Guatemalan Mayan organisations.

The appointment by the relevant institutions shall be made no later than two months from the date of the congressional resolution.

### *Appointment procedure*

The Congress of the Republic and the Government respectively shall appoint the relevant persons. It is suggested that the person appointed by the Government should be the Secretary of the Peace.

The independent person of recognised democratic trajectory and commitment to the peace process shall be appointed by the Secretary-General of the United Nations, by the procedure he deems most appropriate.

The representatives of the non-governmental organisations for human rights and the Mayan organisations shall be chosen by the organisations of each sector through an election process, to be convened and facilitated by the independent person appointed by the Secretary-General of the United Nations.

### *Constitution*

The Foundation shall hold its constitutive meeting as soon as the members have been appointed.

### *Installation*

The Foundation shall be fully installed and operational, at the latest, five months after having been initially integrated and constituted.

*Period of operation*

The Foundation shall have an initial operational period of three years from the date of its installation, which can be extended by Congress in view of advances made in the implementation of the recommendations.

*Human resources:*

The personnel shall be essentially Guatemalan, looking for qualified persons who have experience in the field of the investigation and defence of human rights.

*Material resources:*

The CEH has left instructions with UNOPS enabling the latter, in consultation with the donors to the CEH and on viewing the Foundation's draft budget and plan of operation, to determine the material resources and the computing and communications assets of the CEH to be transferred by UNOPS to the Foundation, by the way of a CEH donation.

*National and international support*

It is suggested that the Foundation seek both the national and international support necessary to achieve the aforementioned objectives.

## VIII. REQUEST TO THE UNITED NATIONS

The CEH requests that the Secretary-General of the United Nations lend his support, through the United Nations Verification Mission in Guatemala (MINUGUA) and within the framework of the Mission's mandate, so that the recommendations laid out previously may be implemented and may achieve their objectives.

The CEH also requests that the Secretary-General appoint the Foundation's independent member and that, through the UN body deemed to be most appropriate, he establish an international mechanism to provide the Foundation with technical support and to channel donations from the international community.

# Annexes

## CHRONOLOGY OF EVENTS DURING THE ARMED CONFRONTATION IN GUATEMALA 1962-1996

Government	General Policies	Counterinsurgency Strategy and Practice	Social Movement	Insurgency
<p><b>1958-63</b></p> <p>General Miguel Ydígoras Fuentes</p> <p>Elected</p> <p>1956 Constitution in force</p>	<p>Populist and anti-communist discourse.</p> <p>Limited opening for new social organisations.</p> <p>Integration of the country to the Central American Common Market.</p> <p>Collaboration with the USA to invade Cuba.</p> <p>Government overwhelmed by accusations of corruption.</p> <p>1962: military cabinet established.</p>	<p>Arrests, kidnappings, executions, military tribunals.</p>	<p>1962: Days of protest in March and April, social mobilisation against the Government, led by the student movement, provokes a political crisis for the Government of Ydígoras.</p> <p>Ebb in the movement after the repression of the protests. Some activists join the insurgent movement.</p> <p>Influx of foreign clergy possessing a missionary, anti-communist, reformist vision. Many of them, impacted by the poverty in the communities and subsequently influenced by the Second Vatican Council, took on the church's new social doctrine, working with a preferential option for the poor.</p>	<p>1962: Insurgent group MR-13 initiates military activity, persecution obliges them to retreat to Guatemala city to re-organise.</p> <p>December 1962: three small guerrilla groups unite with the PGT to establish the first FAR: Marco Antonio Yon Sosa is named commander-in-chief. Three focal points: Mico Mountains, Izabal; Granadilla, Zacapa; Sierra de las Minas, Zacapa (Guerrilla Front Edgar Ibarra, FGEI), Luis Turcios Lima, commander.</p>
<p><b>1963-66</b></p> <p>Colonel Enrique Peralta Azurdia</p> <p>Coup d'état and Constitution abolished</p> <p>Fundamental Government Charter</p>	<p>National Security Doctrine.</p> <p>The militarization of the State developed as an institutional project of the Army.</p> <p>Infrastructure projects and industrialisation within the framework of the Central American Common Market.</p> <p>1965: Constituent Assembly promulgates the new Constitution.</p> <p>1966: Elections.</p>	<p>1963-67: Army develops intelligence apparatus and mechanisms of social control for the rural area:</p> <ol style="list-style-type: none"> <li>1. Military commissioners, network of control and information on insurgent groups.</li> <li>2. Number of army troops doubles.</li> <li>3. Operating area of the Ambulatory Military Police is extended to include all rural areas.</li> <li>4. Militarization of the Police.</li> <li>5. Establishment of Army Civic Action programmes.</li> </ol> <p>1965: First massacre of civilians in the eastern region of Guatemala.</p> <p>1966: Case of the "28", massive forced disappearance of members of PGT and MR-13.</p>	<p>Catholic Action, organisation and public education in rural areas.</p> <p>Development of peasant leagues and co-operatives, growth of peasant organisations with salary and land demands.</p> <p>Since 1965, Maryknollers, Jesuits and other religious orders promote social awareness work with young people from the capital; creation of youth group, <i>Cráter</i>.</p>	<p>1964: Split of the first FAR.</p> <p>1965: Second FAR is established with FGEI and PGT, distanced from MR-13.</p> <p>1966: A conciliatory, unilateral, pre-election cease-fire; support for Julio César Méndez Montenegro's election campaign.</p> <p>1966: The FAR kidnap three high State officials to pressure for the release of the "28".</p>

1 Insurgent organisations are:  
MR-13 (Revolutionary Movement November 13)  
PGT (Guatemala Workers Party)

FAR (Rebel Armed Forces)  
EGP (Guerrilla Army of the Poor)  
ORPA (Organisation of People in Arms)



## CHRONOLOGY OF EVENTS DURING THE ARMED CONFRONTATION IN GUATEMALA 1962-1996

Government	General Policies	Counterinsurgency Strategy and Practice	Social Movement	Insurgency
<p><b>1966-70</b></p> <p>Julio César Méndez Montenegro</p> <p>Elected</p> <p>1965 Constitution in force</p>	<p>Pact with the Army which conditions the executive branch with regards to the National Security Doctrine.</p> <p>Discourse of "Third revolutionary government".</p> <p>Extension of agricultural frontiers in northern Guatemala.</p> <p>Failed attempt at tax reform.</p>	<p>Proliferation of death squads supported by right-wing sectors.</p> <p>1966-68: Massacres aimed at disarticulating the peasant bases of the guerrillas in the eastern region; systematic policy of terror, with the participation of military commissioners, death squads and militarised police, rise in repression against leaders of FAR, MR13 and PGT.</p> <p>The first major insurgent movement suffers military defeat.</p>	<p>First settlement projects in Ixcán and Petén supported by the Catholic Church.</p> <p>1968: Creation of the National Workers Central (CNT), initially with a Christian Democrat orientation, that later would bring together the majority of the country's trade unions.</p>	<p>1966: Death of Turcios Lima in an accident that has yet to be clarified.</p> <p>1966-68: Organisations disarticulated after repression in the eastern regions of the country and Guatemala City.</p> <p>Facing repression in the countryside, the FAR retreats to Guatemala City where they begin a selective campaign of kidnappings and murders.</p> <p>1968: Break between FAR and PGT.</p> <p>1968: Kidnapping and murder of the US ambassador, John Gordon Mein, by the FAR after their commander, Camilo Sánchez, is arrested.</p> <p>1970: Kidnapping and murder of the German ambassador, Karl von Spreti, by the FAR.</p>
<p><b>1970-74</b></p> <p>General Carlos Manuel Arana Osorio</p> <p>Elected</p> <p>1965 Constitution in force</p>	<p>Counterinsurgency vision prevails.</p> <p>Support for the National Development Plan, with a State model that promotes public works and directs the economy.</p> <p>Promotion of industry and mining, especially nickel and petroleum.</p>	<p>A one-year state of siege, house by house searches in Guatemala City.</p> <p>Large scale selective terror, murders and disappearances of political leaders, trade union and student activists; massive forced disappearance of the Political Bureau of the PGT (1972).</p>	<p>1971: Assassination of Adolfo Mijangos López, opposition Congressman.</p> <p>1973: Teachers' strike lasting several months.</p> <p>1973-78: Growth and expansion of trade union activities.</p>	<p>Leadership crisis within the insurgency, some leaders leave for Mexico, others receive training in Cuba.</p> <p>1970: Yon Sosa assassinated in Mexico.</p>

## CHRONOLOGY OF EVENTS DURING THE ARMED CONFRONTATION IN GUATEMALA 1962-1996

Government	General Policies	Counterinsurgency Strategy and Practice	Social Movement	Insurgency
<p><b>1974-78</b></p> <p>General Kjell Eugenio Laugerud</p> <p>Elected</p> <p>1965 Constitution in force</p>	<p>General continuity of the model.</p> <p>Opening of broader political spaces permits growing social organisation.</p> <p>Greater impetus to agricultural land settlement projects in the north of Guatemala, especially in the Northern Transversal Strip.</p> <p>1976: Limited capacity to respond to the disaster provoked by the earthquake reveals weaknesses of the political model.</p>	<p>Civic Action of the Army.</p> <p>1974: Assassination of Huberto Alvarado, Secretary General of PGT.</p> <p>1976-78: Selective repression in the Ixil area and in Ixcán, as well as in Guatemala City and the south coast.</p> <p>1977: Assassination of Mario López Larrave, university professor and labour lawyer.</p> <p>1978: Assassination of Father Hermógenes López.</p> <p>1978: Massacre in Panzós, Alta Verapaz of q'eqchi' peasants who were making claims to land rights.</p>	<p>Indigenous movement takes shape. The first National Seminars are held, the National Indigenous Co-ordinator is created and the <i>Ixim</i> newsletter begins circulation.</p> <p>The rural co-operative movement grows, especially in Ixcán, Petén, Huehuetenango, the Central Highlands.</p> <p>1976: After the earthquake, reconstruction groups are allowed to form, giving rise to considerable organisational growth in rural and urban areas.</p> <p>1976: Creation of the National Committee of Trade Union Unity (CNUS), which in the coming years would include a wide range of organisations from the social movement.</p> <p>1976-80: Intensification of social mobilisation, promoted by trade unions, peasant groups, secondary school and university students, slum dwellers, teachers and grassroots Christian communities, in the face of the growing repression and the lack of response to their demands.</p> <p>1977: Miners from Ixtahuacán, Huehuetenango march to Guatemala City with labour demands; they join with trade unionists from the Pantaleón sugar mill and are met by 150,000 people in their support upon arriving in the capital.</p> <p>1977: Funeral of López Larrave is one of the first that turns into a protest demonstration.</p> <p>1978: The Peasant Unity Committee, CUC, is created, the largest peasant organisation of the country after the 1954 counterrevolution.</p>	<p>EGP establishes its base in Ixcán, the Ixil area, the South Coast Area and Guatemala City; its first military actions take place in 1975, with the killing of a military commissioner and Luis Arenas, an important large landowner in the Reina Zone.</p> <p>ORPA establishes its base in the Sierra Madre Mountain Range, Coastal Plain and Guatemala City.</p> <p>FAR focuses its activities on Guatemala City and the establishment of a guerrilla column in Petén.</p>

## CHRONOLOGY OF EVENTS DURING THE ARMED CONFRONTATION IN GUATEMALA 1962-1996

Government	General Policies	Counterinsurgency Strategy and Practice	Social Movement	Insurgency
<p><b>1978-82</b></p> <p>General Romeo Lucas García</p> <p>Elected</p> <p>1965 Constitution in force</p>	<p>Continuation of the model.</p> <p>Populist discourse as well as discourse on the violence caused by the "two extremes," with the government making an effort to control them both.</p> <p>Public investment in large infrastructure projects, embroiled in corruption scandals.</p>	<p>1978-80: Intense selective repression leads to loss of leaders for social movement and opposition political parties, selective assassinations of community leaders in rural areas.</p> <p>1978: Assassination of Oliverio Castañeda de León, secretary general of the University Students Association (AEU).</p> <p>1979: Assassinations of Alberto Fuentes Mohr and Manuel Colom Argueta, opposition politicians and social democrat leaders.</p> <p>Repression intensifies against priests, pastoral workers and catechists of the Catholic Church.</p> <p>1980: Massacre at the Spanish embassy.</p> <p>1980: Massive forced disappearance of trade union leaders at the headquarters of CNT and then Emaús retreat centre.</p> <p>1981-82: Extensive counterinsurgency offensive begins: military operations aimed at dismantling insurgent structures in the capital and massive repression against civilians to destroy the social base of the guerrillas in rural areas.</p> <p>1981: Organisation of the PAC begins.</p>	<p>1978: Urban transport strike, massive protests for several weeks.</p> <p>Creation of the Democratic Front against Repression.</p> <p>1980: Strike of 70,000 agricultural workers on the plantations of the South coast area, led by CUC.</p> <p>1980: CNUS calls for the overthrow of the Government.</p> <p>1980: The diocese of Quiché is closed, due to the severe repression against it.</p> <p>1981-82: Social movement is disarticulated by the repression.</p>	<p>1979: ORPA's first military action.</p> <p>1979: PGT, FAR, EGP come together as a tripartite alliance and agree to activate all their forces.</p> <p>1980: Guerrilla operations intensify in Guatemala City and in the rural areas; including executions and armed propaganda.</p> <p>Assassination of Enrique Brol, important land owner in the Ixil region.</p> <p>Assassination of Alberto Habie, president of CACIF.</p> <p>1981: Maximum guerrilla activity in extensive areas of the country, including the occupation of municipal capitals, sabotage, road blockades, executions.</p> <p>Urban commando activity intensifies in Guatemala City, with attacks on police stations and extensive sabotage.</p> <p>1982: URNG is created.</p>

## CHRONOLOGY OF EVENTS DURING THE ARMED CONFRONTATION IN GUATEMALA 1962-1996

Government	General Policies	Counterinsurgency Strategy and Practice	Social Movement	Insurgency
<p><b>1982-83</b></p> <p>Military triumvirate, subsequently, general Efraín Ríos Montt becomes Head of State</p> <p>Coup d'état and Constitution abolished</p> <p>Fundamental Government Statute</p>	<p>Total militarization of public administration.</p> <p>Corporate model imposed with Council of State.</p> <p>Moralising discourse.</p> <p>Support of evangelical churches.</p> <p>Failed attempt at global tax reform, VAT implemented.</p>	<p>Preparation and implementation of the National Security and Development Plan.</p> <p>1982: Military plan <i>Victory 82</i>, massacres and scorched earth operations in communities in areas of confrontation; coverage of the PAC is extended.</p> <p>Courts of Special Jurisdiction.</p>	<p>Growth and expansion of evangelical sects.</p> <p>Massacres lead to large-scale displacements of people seeking refuge in Mexico, in the mountain areas of Guatemala, in Guatemala City and the south coast.</p>	<p>After the Army's 1982 offensive, the URNG retreats and concentrates on the areas where they originally established themselves.</p> <p>Adoption of a more defensive strategy aimed at wearing down the army.</p>
<p><b>1983-85</b></p> <p>General Oscar Humberto Mejía Víctores</p> <p>Coup d'état</p> <p>Fundamental Government Statute continues</p>	<p>Militarised resettlement of displaced population.</p> <p>Implementation of a military project for political transition.</p> <p>1984: National Constituent Assembly.</p> <p>1985: New Constitution approved which includes the creation of the Human Rights Ombudsman and the Constitutional Court.</p> <p>1985: Elections are held to return to constitutional rule.</p>	<p>Military plan <i>Firmness 83</i> seeks to achieve control of civilians population and strengthen the PAC.</p> <p>Model villages and development poles are organised to relocate and control displaced members of the population.</p> <p>Subsequent campaign plans: <i>Institutional Re-encounter 84</i> and <i>National Stability 85</i>, with strong political emphasis on directing the transition process.</p> <p>Selective repression of leaders of trade unions, student and human rights groups.</p>	<p>Internally displaced groups organise themselves as Communities of Population in Resistance (CPR) in Ixcán, the Ixil area and Petén.</p> <p>Partial political opening permits some social organisation, the Mutual Support Group is established, new trade union organisations are created.</p>	<p>Re-grouping of forces, little military activity.</p> <p>Efforts to recover grassroots support in different areas.</p>

## CHRONOLOGY OF EVENTS DURING THE ARMED CONFRONTATION IN GUATEMALA 1962-1996

Government	General Policies	Counterinsurgency Strategy and Practice	Social Movement	Insurgency
<b>1986-90</b> Vinicio Cerezo Arévalo Elected 1985 Constitution in force	Promotion of a negotiated solution to the confrontation. 1987: First Government-URNG conversation, in Spain. Political opening. 1987-1989: Repeated coup attempts erode government's power. Creation of the National Reconciliation Commission, presided over by Monsignor Rodolfo Quezada Toruño. Failed attempt at tax reform. Concertation policy for national problem solving.	National Stability Project, promoted by a sector of the Army, seeks new insertion of the Army into society. Military operations focus on and the ORPA and EGP guerrilla fronts the CPR. Selective repression of political and social activists. Efforts to maintain the central role of the Army in defining state policies. Process of Government - URNG rapprochement seen with reservation. Attempt to achieve URNG surrender through negotiation. Santiago Atitlán massacre; population demands that the Army withdraw its presence.	Social mobilisation focuses on land, the rights of the Mayan people, the return of refugees, the fight against impunity and for human rights. 1989: 13 week teachers' strike supported by other state trade unions. About 70,000 workers walk out. 1990-1991: URNG meetings with different sectors of civil society to promote the peace process. 1990: The CPR become public.	1987-91: URNG increases its offensive capacity and deploys forces in new areas. 1987-92: Participation in peace conversations and dialogue, essentially as a tactic to wear down the regime. Since 1989 attacks are aimed at the agro-exporting sector.
<b>1991-93</b> Jorge Serrano Elías Elected 1985 Constitution in force	Dialogue with URNG continues. Corruption crisis in the Congress. 1993: Serrano's auto-coup d'état provokes a constitutional crisis.	Basic continuation of previous period.	1992: New impetus to the Mayan movement, after Rigoberta Menchú Tum is awarded the Nobel Peace Prize. 1992: The 8 October Accords are signed between the Government and refugee representatives, defining the conditions for their collective return from Mexico. 1993: With Serrano's auto-coup, the National Commission for Consensus is created to demand respect for the constitutional order; this brings together political parties, CACIF, trade unions, Mayan organisations and other sectors of the civil society.	Basic continuation of the previous period.

## CHRONOLOGY OF EVENTS DURING THE ARMED CONFRONTATION IN GUATEMALA 1962-1996

Government	General Policies	Counterinsurgency Strategy and Practice	Social Movement	Insurgency
<p><b>1993-95</b> Ramiro de León Carpio</p> <p>Appointed by the Congress</p> <p>1985 Constitution in force</p>	<p>1994: Global Accord on Human Rights is signed. MIN-UGUA is established</p> <p>Return to peace negotiations with the United Nations as moderator.</p> <p>1994: Accord signed for the establishment of the Commission for Historical Clarification.</p> <p>1995: Accord signed on the Identity and Rights of Indigenous Peoples.</p>	<p>Pressure on returnees and displaced persons continues.</p> <p>1995: Massacre of Xamán, a community of returnees.</p>	<p>1993: First collective return of refugees from Mexico, 20 January.</p> <p>1994: Assembly of the Civil Society formed with 13 sectors of civil society represented, to contribute proposals to the parties in the peace negotiations; CACIF decides not to participate.</p>	<p>1993: Recognition of negotiation as the only way out of the confrontation.</p>
<p><b>1996-</b> Alvaro Arzú Irigoyen</p> <p>Elected</p> <p>1985 Constitution 1985 in force</p>	<p>Strong impetus given to negotiation process.</p> <p>29 December 1996: Accord for Firm and Lasting Peace is signed.</p>			<p>October 1996: Crisis in the negotiation provoked by the kidnapping of Olga Novella by an ORPA unit.</p>

## PRESIDENTIAL PERIODS 1900 TO 1996

Period	Duration	Name of President	Type of Government	How It ended
1898 to 1920	22 years	Manuel Estrada Cabrera	Dictatorship	The Assembly declared him unfit to govern
8 April 1920 to 5 December 1921	1 year 8 months	Carlos Herrera	Provisional government, appointed by the Assembly	Coup d'état
1921 to 26 September 1926	6 years	General José María Orellana	De facto, subsequently elected	Death
26 December 1926 to 10 December 1930	4 years	General Lázaro Chacón	Appointed first, then elected	Death
10 to 15 December 1930	6 days	Baudilio Palma	Appointed	Putsch
15 December 1930 2 January 1931	19 days	General Manuel Orellana		Putsch
2 January 1931 to 14 February 1931	6 weeks	José María Reyna Andrade	Appointed by the Assembly	Elections
14 February 1931 1 July 1944	13 years	General Jorge Ubico Castañeda	Elected and then became Dictatorship	Resigned
1 to 4 July 1944	4 days	Generals Federico Ponce Vaides, Buenaventura Pineda and Eduardo Villagrán Ariza	Triumvirate imposed by Jorge Ubico	Decision of Assembly
4 July to 20 October 1944	4 months	General Federico Ponce Vaidez	Appointed by the Assembly. Temporary president, sought election.	Overthrown by the October Revolution
20 October 1944 to 15 March 1945	5 months	Major Francisco Javier Arana, Captain Jacobo Arbenz Guzmán and Jorge Toriello Garrido (civilian)	Revolutionary Government Junta	After holding elections, power is handed over to the president elect
15 March 1945 to 14 March 1951	6 years	Juan José Arévalo	Elected	Elections, end of presidential term
15 March 1951 to 27 June 1954	3 years	Colonel Jacobo Arbenz Guzmán	Elected	Resigned

## PRESIDENTIAL PERIODS 1900 TO 1996

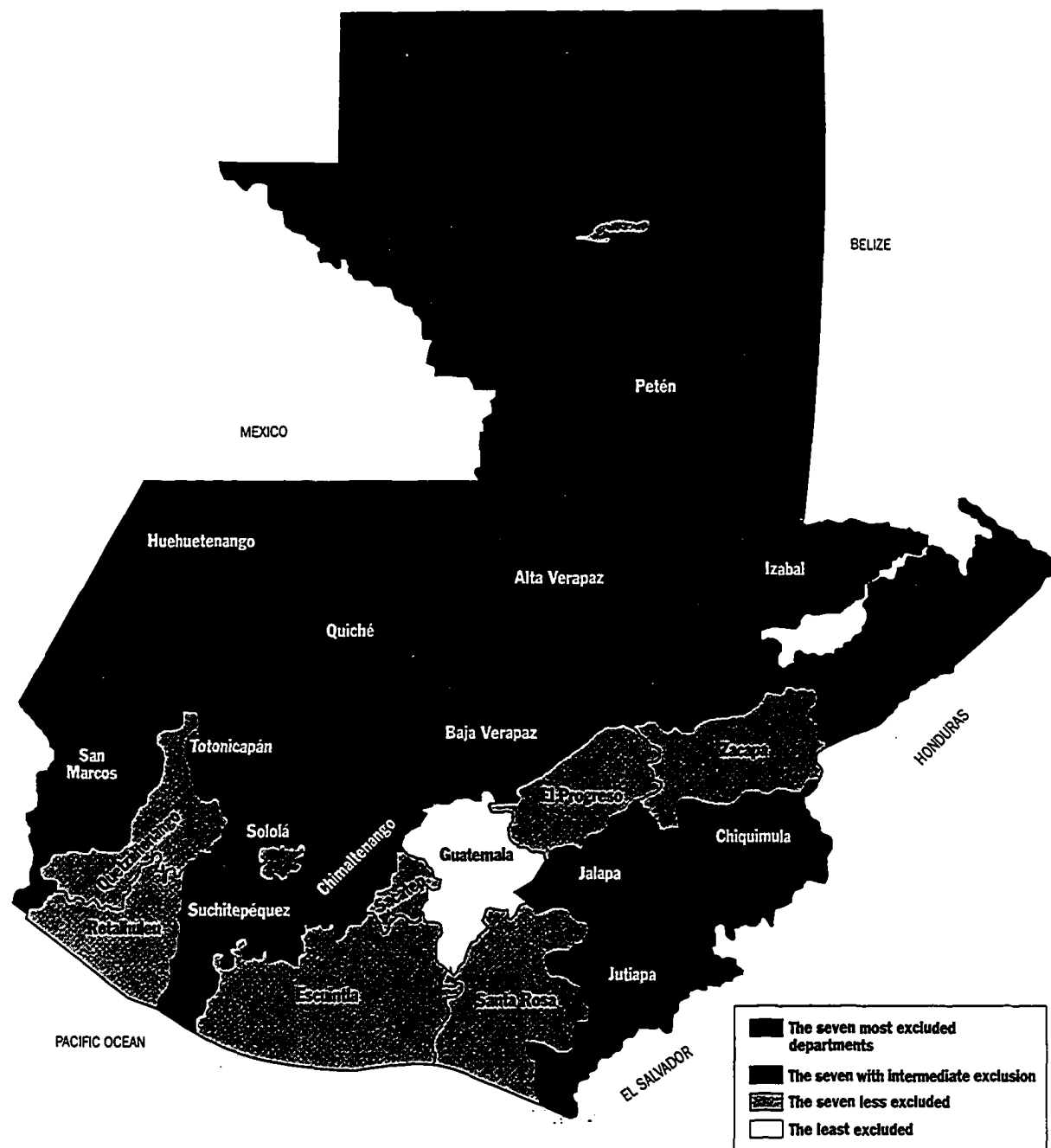
Period	Duration	Name of President	Type of Government	How it ended
28 to 29 June 1954	2 days	Colonels Carlos Enrique Díaz, Elfego H. Monzón and José Angel Sánchez	First Military Junta named by Arbenz	A new Junta was formed
29 June to 3 July de 1954	5 days	Colonels Elfego H. Monzón, José Luis Cruz Salazar and Mauricio Dubois	Second Military Junta	A new Junta was formed
3 to 7 July 1954	5 days	Colonel Elfego H. Monzón, President; Colonels Carlos Castillo Armas, Luis Cruz Salazar and Mauricio Dubois, Major Enrique Trinidad Oliva	Third Military Junta	A new Junta was formed
7 July to 1 September 1954	2 months	Colonels Carlos Castillo Armas, Elfego H. Monzón and Major Enrique Trinidad Oliva	Fourth Military Junta	Resigned in favour of Castillo Armas
1 September 1954 to 26 July 1957	11 months	Colonel Carlos Castillo Armas	Government of the National Liberation Movement. De facto, subsequent plebiscite	Assassinated
27 July 1957 to 23 October 1957	3 months	Luis Arturo González López	Appointed by Congress	Coup d'état
23 to 26 October 1957	4 days	Colonels Oscar Mendoza Azurdia, Roberto Lorenzana Salazar and Gonzalo Yurrita Nova	Military Junta	Congress appoints second in line
26 October 1957 to 15 March 1958	4 months	Colonel Guillermo Flores Avendaño	Appointed by Congress	Elections
March 1958 to March 1963	5 years	General Miguel Ydigoras Fuentes	Elected	The Assembly declared him unfit Coup d'état
March 1963 to July 1966	3 years	Colonel Enrique Peralta Azurdia	De facto	Elections



## PRESIDENTIAL PERIODS 1900 TO 1996

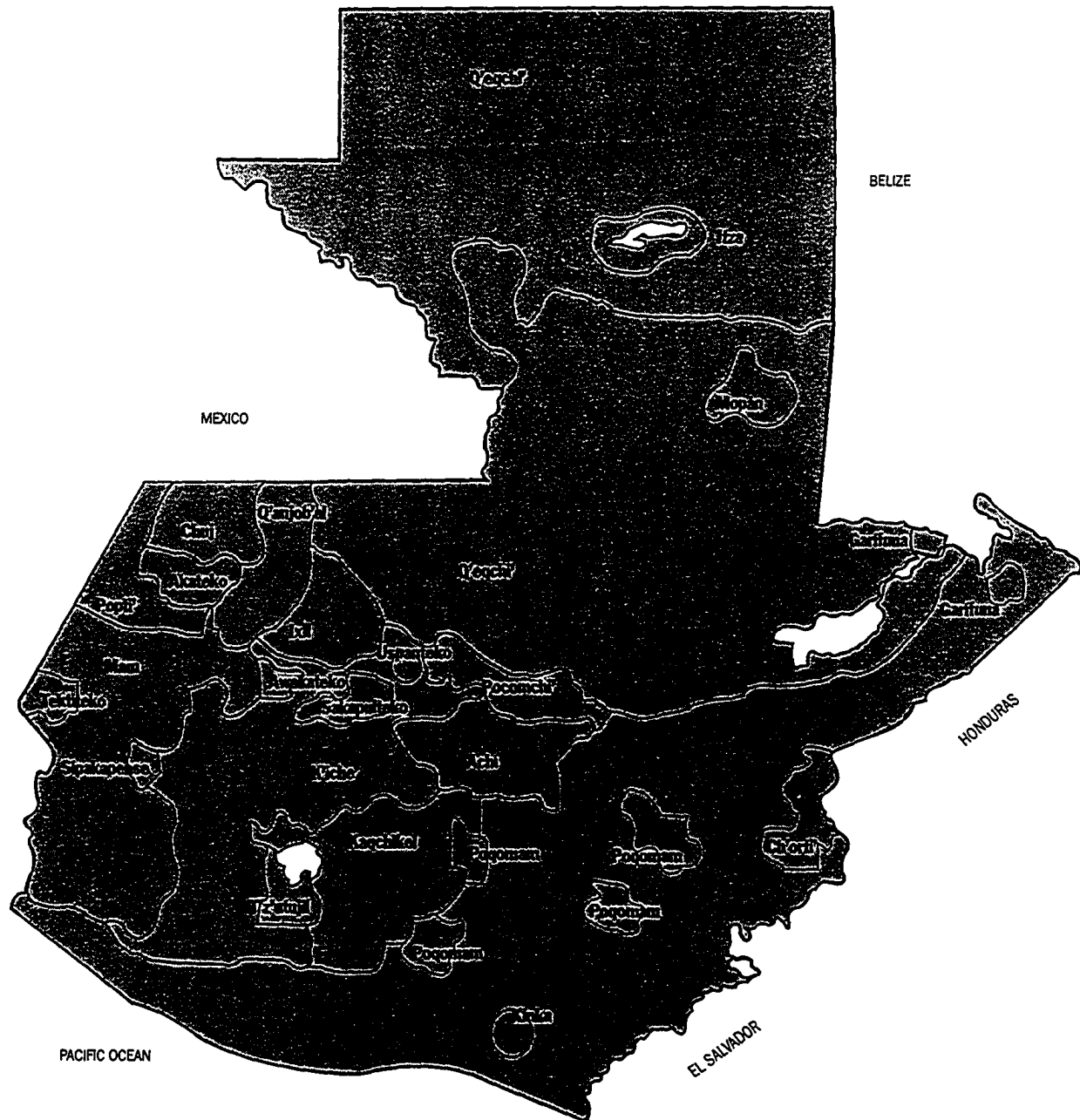
Period	Duration	Name of President	Type of Government	How it ended
July 1966 to June 1970	4 years	Julio César Méndez Montenegro	Elected	Elections, end of presidential term
July 1970 to June 1974	4 years	Colonel Carlos Manuel Arana Osorio	Elected	Elections, end of presidential term
July 1974 to June 1978	4 years	General Kjell Eugenio Laugerud García	Elected	Elections, end of presidential term
July 1978 to March 1982	3 years 9 months	General Romeo Lucas García	Elected	Coup d'état
March to June 1982	3 months	General Efraín Ríos Montt, General Horacio Egberto Maldonado Schaad, Colonel Francisco Luis Gordillo Martínez	Military Junta	Junta was dissolved and Ríos Montt became president
June 1982 to August 1983	1 year 2 months	General Efraín Ríos Montt	De facto	Change of military command
August 1983 to January 1986	2 years 5 months	General Oscar Mejía Víctores	De facto	Elections
January 1986 to January 1991	5 years	Vinicio Cerezo Arévalo	Elected	Elections, end of presidential term
January 1991 to June 1993	2 years	Jorge Serrano Elías	Elected	Dismissed
June 1993 to December 1995	2 years 7 months	Ramiro de León Carpio	Transitory Government appointed by Congress	Elections
January 1996		Alvaro Arzú Irigoyen	Elected	Period ends in the year 2000

## MAP OF SOCIAL EXCLUSION, 1996



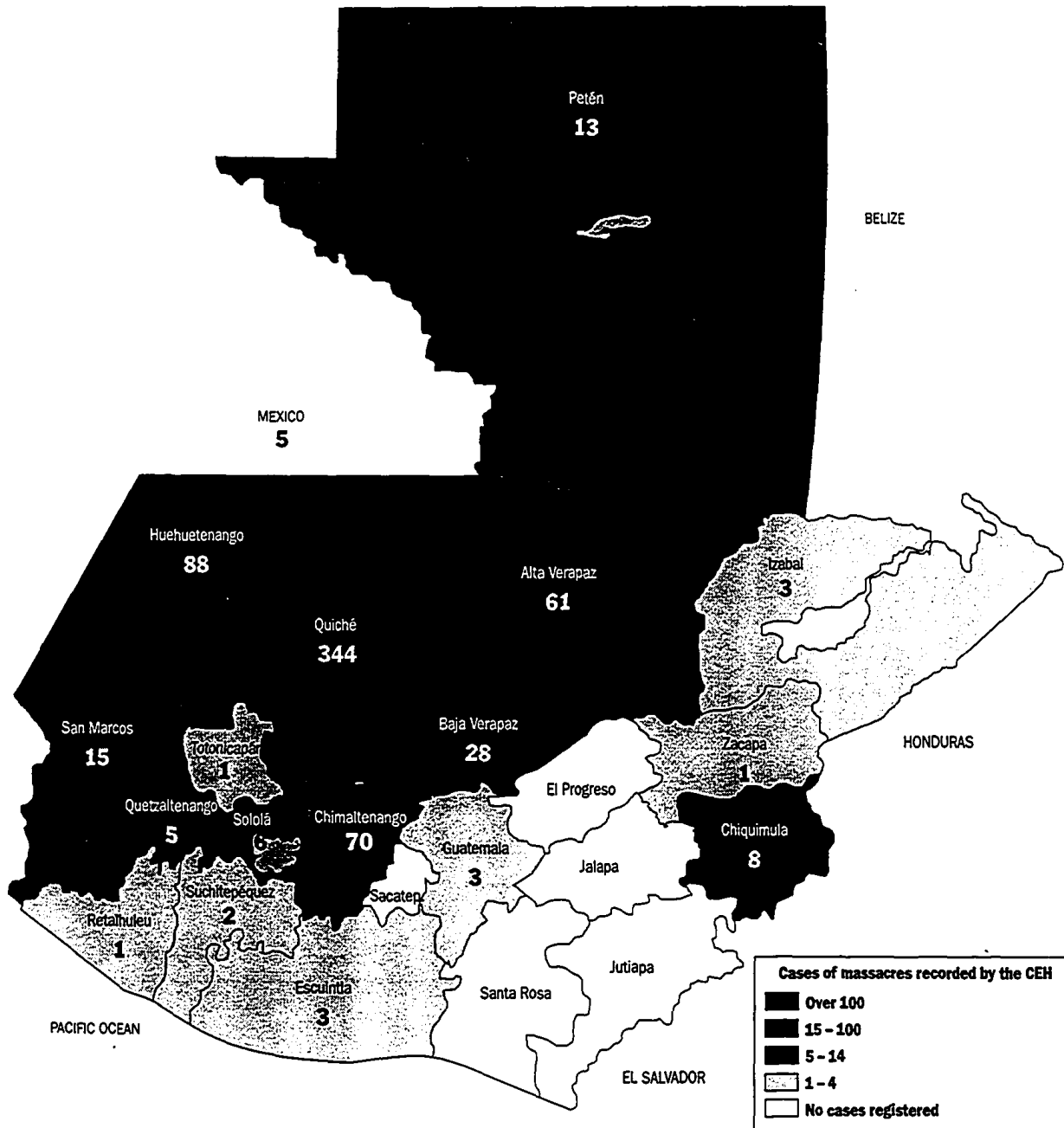
SOURCE: United Nations Development Programme, *Guatemala: the contrasts of human development*, Guatemala, 1998, p.16. The index of exclusion is calculated on the basis of the following indicators: deaths before the age of 40, adult illiteracy, malnutrition in children under 5 years of age and accessibility to certain basic services.

## LINGUISTIC COMMUNITIES OF GUATEMALA



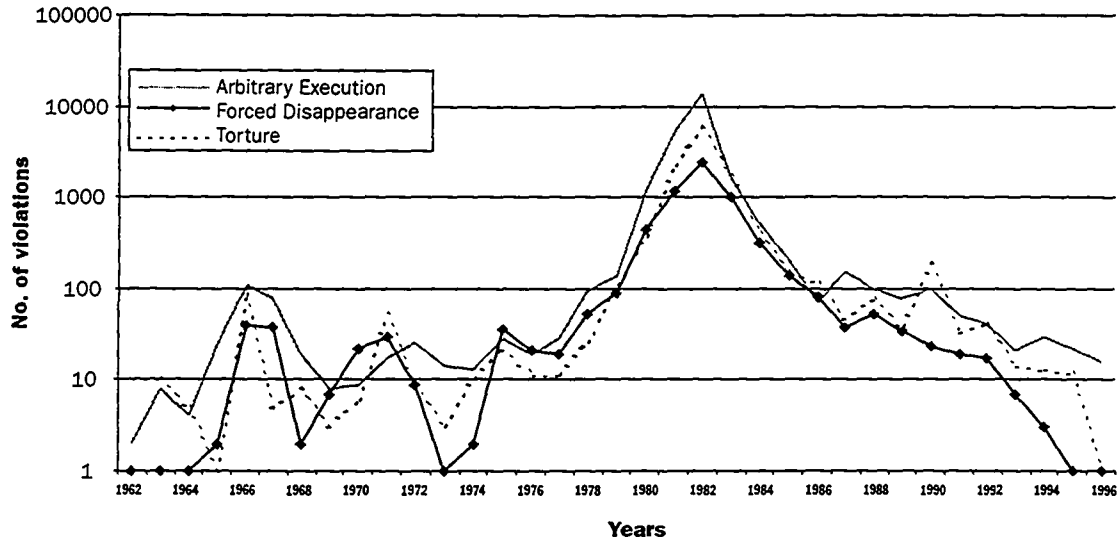
SOURCE: BEST Project 520-0374, USAID – Guatemala

## NUMBER OF MASSACRES BY DEPARTMENT



SOURCE: CEH Database; total number of massacres – 669 cases – perpetrated by all responsible forces.

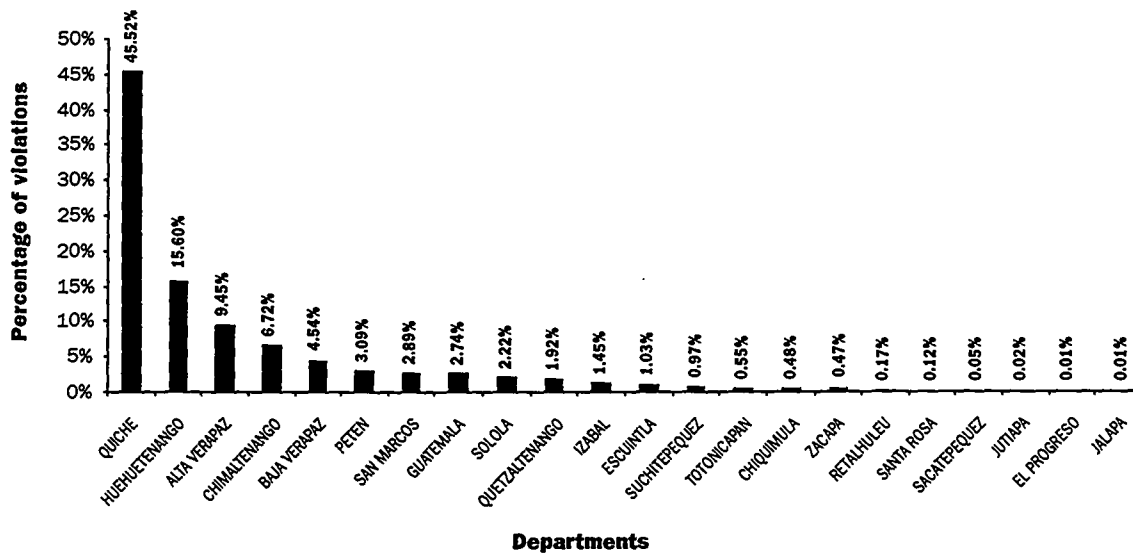
**Principal human rights violations and acts of violence**  
GUATEMALA (1962-1996)



SOURCE: CEH Database

NOTE: The lines of the vertical scales – number of violations – follow a progression of multiples of ten.

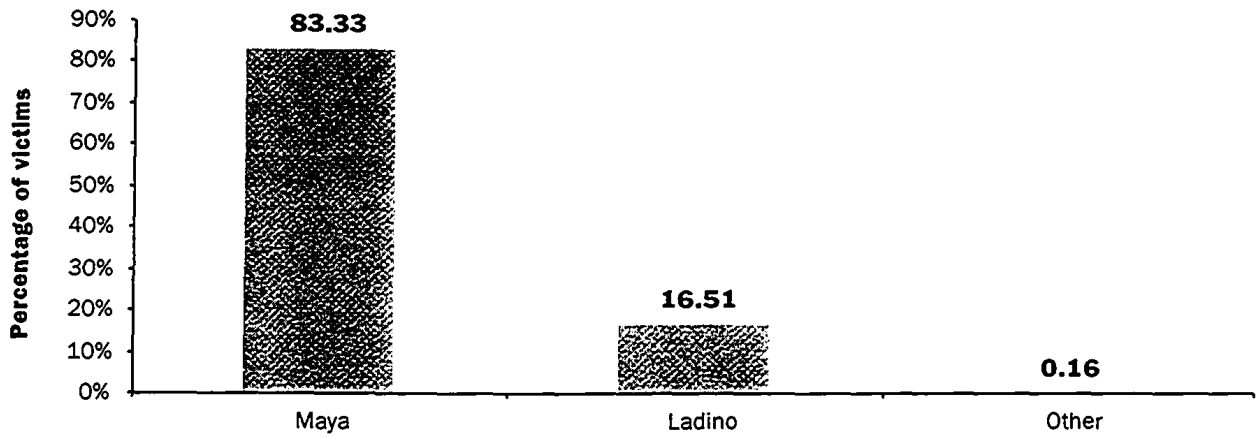
**Total percentage of human rights violations and acts of violence, by department**  
GUATEMALA (1962-1996)



SOURCE: CEH Database

**Percentage of identified victims by ethnic group**

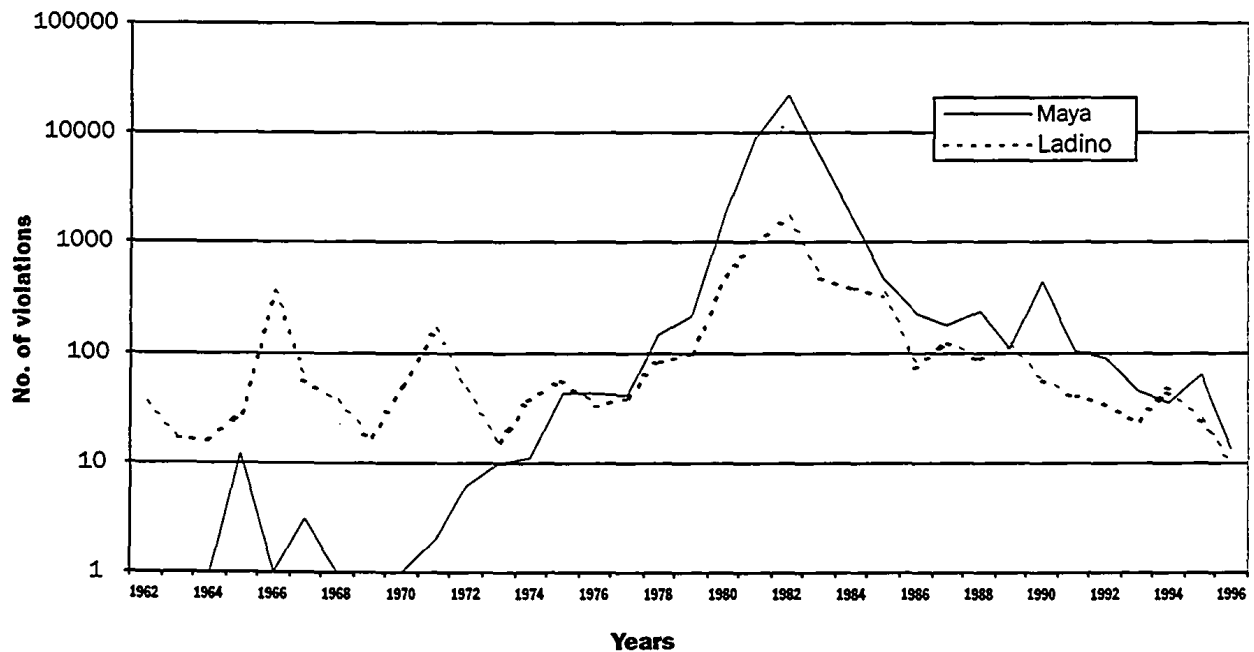
GUATEMALA (1962-1996)



SOURCE: CEH Database

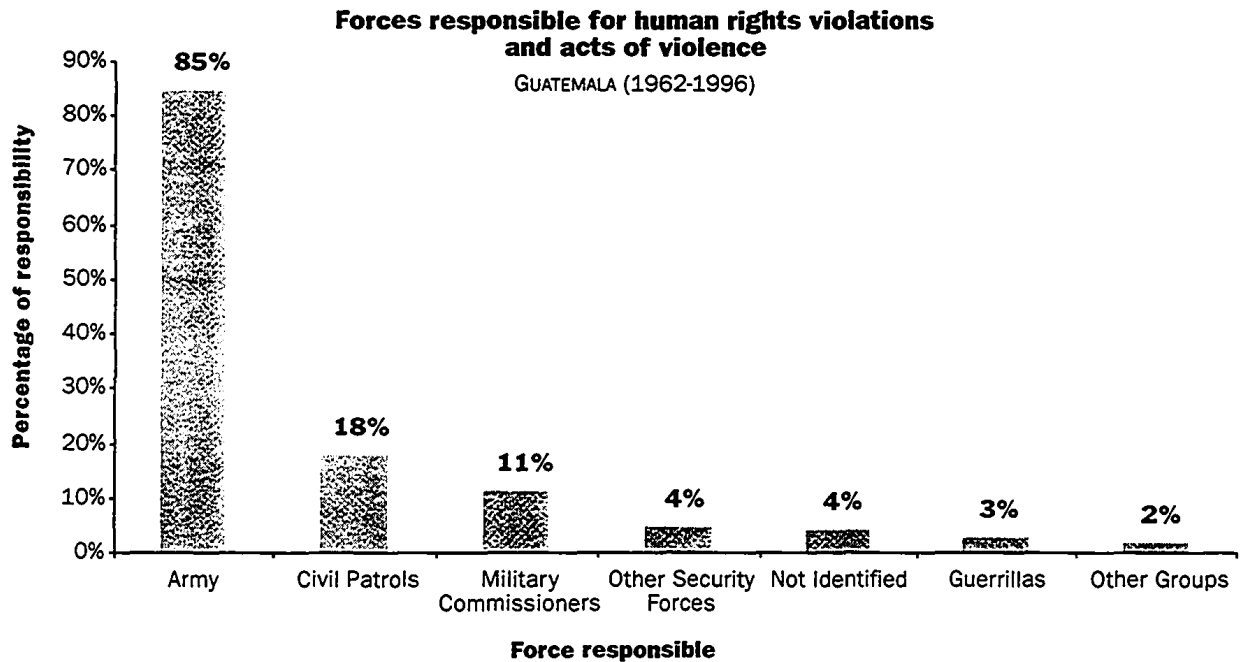
**Total number of human rights violations and acts of violence, by ethnic group**

GUATEMALA (1962-1996)



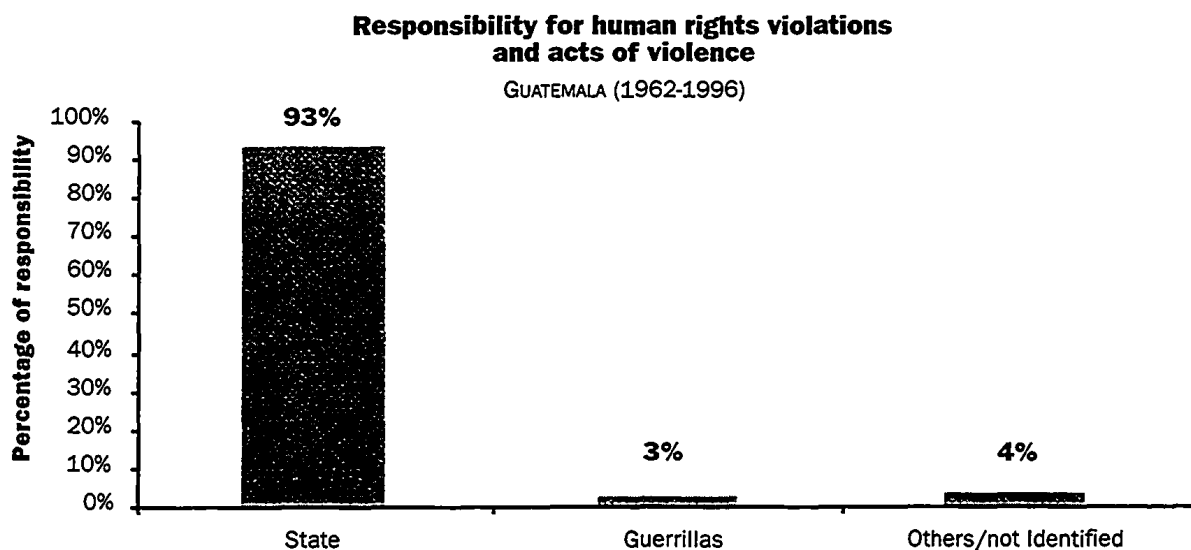
SOURCE: CEH Database

NOTE: The lines of the vertical scales – number of violations – follow a progression of multiples of ten.



SOURCE: CEH Database

The columns indicate the percentage of responsibility by different groups, whether acting alone or in conjunction with other forces, with regard to the total number of human rights violations and acts of violence committed. Consequently, the "Army" category accounts not only for the violations committed by this force when acting alone, but also for those committed in conjunction with Civil Patrols, military commissioners, death squads or other members of State security forces. In the same way, the "Civil Patrol" category records the violations committed by its members, acting alone or together with another force. This logic holds true for all of the categories, therefore the sum total of the percentages is greater than 100.



SOURCE: CEH Database

The categorisation of group responsibility yields the following data: 93% rests with agents of the State, including in this category the Army, security forces, Civil Patrols, military commissioners and death squads; 3% rests with the guerrillas; the remaining 4% rests with other unidentified armed groups, civilian elements and other public officials.

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Translation of the title *Memory of Silence* into Mayan languages:  
 K'ulb'ii Yol Twitz Paxil  
 Academy of Mayan Languages of Guatemala

DESIGN: Servigráficos S.A. PRINTING: Litoprint.  
 Printed in Guatemala



GUATEMALA MEMORIA DEL SILENCIO GUATEMALA MEMORIA DEL SILENCIO  
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 GUATEMALA MEMORIA DEL SILENCIO GUATEMALA MEMORIA DEL SILENCIO

A witness showed us the remains  
 of one of the victim's bones. He  
 had these remains wrapped in  
 plastic in a string bag: *"It hurts  
 so much to carry them ...it's like  
 carrying death... I'm not going  
 to bury them yet (...) I do so  
 want him to rest, to rest myself,  
 too. But I can't, not yet... This  
 is the evidence for my  
 testimony... I'm not going to  
 bury them yet, I want a piece of  
 paper that will say to me: 'they  
 killed him (...) he had committed  
 no crime, he was innocent...'  
 And then we will rest."*

AN NATAB'AL SIL AN NATAB'AL SIL  
 ANT'IL YU'AM K ANT'IL YU'AM K  
 ANITAJIK TZ'IL ANITAJIK TZ'IL  
 CHB'AL TETZ J CHB'AL TETZ J  
 MACH XJALAN MACH XJALAN  
 I TAJ RI QAB'IIM I TAJ RI QAB'IIM  
 AL TZ'INANK'ULAL TZ'INANK'ULAL  
 EMORIA DEL SILENCIO EMORIA DEL SILENCIO  
 AB'AL TZ'INIL NA' AB'AL TZ'INIL NA'  
 UJ QLOLJ B'INCHB'EN NAJSA'N  
 AN NATAB'AL SIL AN NATAB'AL SIL  
 ANT'IL YU'AM K ANT'IL YU'AM K  
 ANITAJIK TZ'IL ANITAJIK TZ'IL  
 CHB'AL TETZ J CHB'AL TETZ J  
 MACH XJALAN MACH XJALAN  
 I TAJ RI QAB'IIM I TAJ RI QAB'IIM  
 AL TZ'INANK'ULAL TZ'INANK'ULAL  
 EMORIA DEL SILENCIO EMORIA DEL SILENCIO  
 AB'AL TZ'INIL NA' AB'AL TZ'INIL NA'  
 UJ QLOLJ B'INCHB'EN NAJSA'N