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Guatemala: Progress on Human Rights

Interagency Intelligence Assessment

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**GUATEMALA: PROGRESS
ON HUMAN RIGHTS**

Information available as of 6 January 1986 was
used in the preparation of this Assessment.

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SUMMARY

Guatemala has made significant progress in improving its human rights record under the Rios Montt and Mejia military governments. The systematic and government-supported violation of human rights that characterized earlier military regimes has been greatly reduced, and offenders occasionally have been punished or removed from office. As a result, the number of politically motivated noncombat deaths has declined from some 2,200 in 1982 to an estimated 280 in 1985,

In the last three years, the government also has implemented several programs designed to undercut the insurgency, reintegrate former insurgents and guerrilla sympathizers into society, and win greater popular support. These include civic action programs and "model-town" developments. Guatemalan efforts have won little recognition from the numerous human rights groups that claim the military, as a matter of policy, continues to repress human rights.

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Despite the improvements so far, human rights violations continue, and impediments to further progress remain. Guatemala remains a violent society where it is often impossible to determine responsibility for the inordinately high numbers of deaths and disappearances. The lack of an independent judiciary, particularly the immunity of the military to prosecution for abuses, remains a serious hindrance to continued improvements. Abuses in the field in the counterinsurgency effort probably are the most frequent human rights violations and will remain difficult to control. Although we have no evidence of secret detention centers, an undetermined number of people probably are still being illegally detained.

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President Cerezo's government is likely to continue to make gradual progress in improving Guatemala's human rights performance. Although we believe the new civilian regime is committed to maintaining and furthering reforms, it must move cautiously in dealing with what the armed forces considers its prerogatives. For example, we do not believe the President will attempt to prosecute military or security officials for past offenses, but has indicated that he would support prosecution of any future violations by security forces. The military most likely will argue that it can police its own house but may tolerate the prosecution of members of the police or intelligence services.

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DISCUSSION

Background

1. For almost all of the past three decades, Guatemalan governments have relied on violence and repression to maintain order and suppress dissent. Official and officially condoned violence reached unprecedented levels during the 1978-82 period, when the military government of President Romeo Lucas Garcia embarked on a systematic campaign to eliminate all persons considered to be involved with the left during the previous 30 years.

in early 1982, about 400 people were killed monthly in noncombat politically related violence, several thousand disappeared, and thousands fled the country. Virtually all segments of society participated in and were victimized by the violence, with three out of every four politically related deaths attributable to government security services and rightwing death squads.

2. The Army officers who toppled Lucas in March 1982 set out to seize the initiative from the country's leftist insurgents, improve Guatemala's human rights record, and draw previously excluded peasants, Indians, and urban workers into the political system. Retired Gen. Efraim Rios Montt, the new head of state, initiated a series of policies designed to defeat the insurgents, break the cycle of violence and repression, and lay the groundwork for the return to civilian rule. His successor, Gen. Oscar Humberto Mejia Victores, continued to press ahead with the counterinsurgency strategy, presiding over the continued reduction of the insurgency to some 1,500 full-time combatants—from an estimated high of 3,000 in 1982—as well as Guatemala's first free and fair election in some 19 years.

Human Rights Improvements

3. Partly in an effort to secure badly needed US economic and military assistance cut off in 1977, the Rios Montt and Mejia regimes have taken several steps designed to improve Guatemala's human rights record. Under Rios Montt, the Army began to indoctrinate troops and field commanders on the need to respect human rights during military operations and clamped down on the involvement of policemen in quasi-

official, rightwing death squads. Mejia continued this policy and moved to curb the power of the Presidential Intelligence Service, AGSAEMP, implicated in numerous kidnappings and assassinations of government opponents. In the past two years, some 400 policemen have been indicted for various crimes, and more than 300 Treasury Police members have been dismissed for corruption and other abuses.

In addition, three Civil Defense Force (CDF) members and a military commissioner recently were sentenced to prison for murdering a villager. In 1985, Mejia removed the Chief of National Police who previously had been implicated in a murder-for-hire operation.

4. In part as a consequence of these policies, the number of politically motivated noncombat deaths has declined. estimates that the number has fallen from a high of 2,240 in 1982 to 525 in 1984 to an estimated total of 280 in 1985. At the same time, the number of kidnappings and disappearances in 1985 was the lowest this decade, down to about 200 from 350 in 1981 and 425 in 1984.

5. In the last several years, the government also has implemented a multifaceted counterinsurgency strategy that includes innovative political, military, and psychological measures designed to gain the confidence of the peasant and Indian populations, particularly in the contested western highlands. Small aggressive patrols are used to increase the Army's presence in remote areas and more effectively counter the insurgents. These also have had the effect of giving the local populace a greater sense of government protection and limiting the indiscriminate actions that often accompany larger Army sweep operations.

6. CDF units also have been organized to give villagers a stake in their own defense and provide intelligence and early warning function for the armed forces. Some 900,000 now belong to these militia-type organizations that have become an important psychological weapon against the insurgents. In addition, military civic action programs—including projects to provide food, health care, and equipment to build houses, roads, and other infrastructures—have im-

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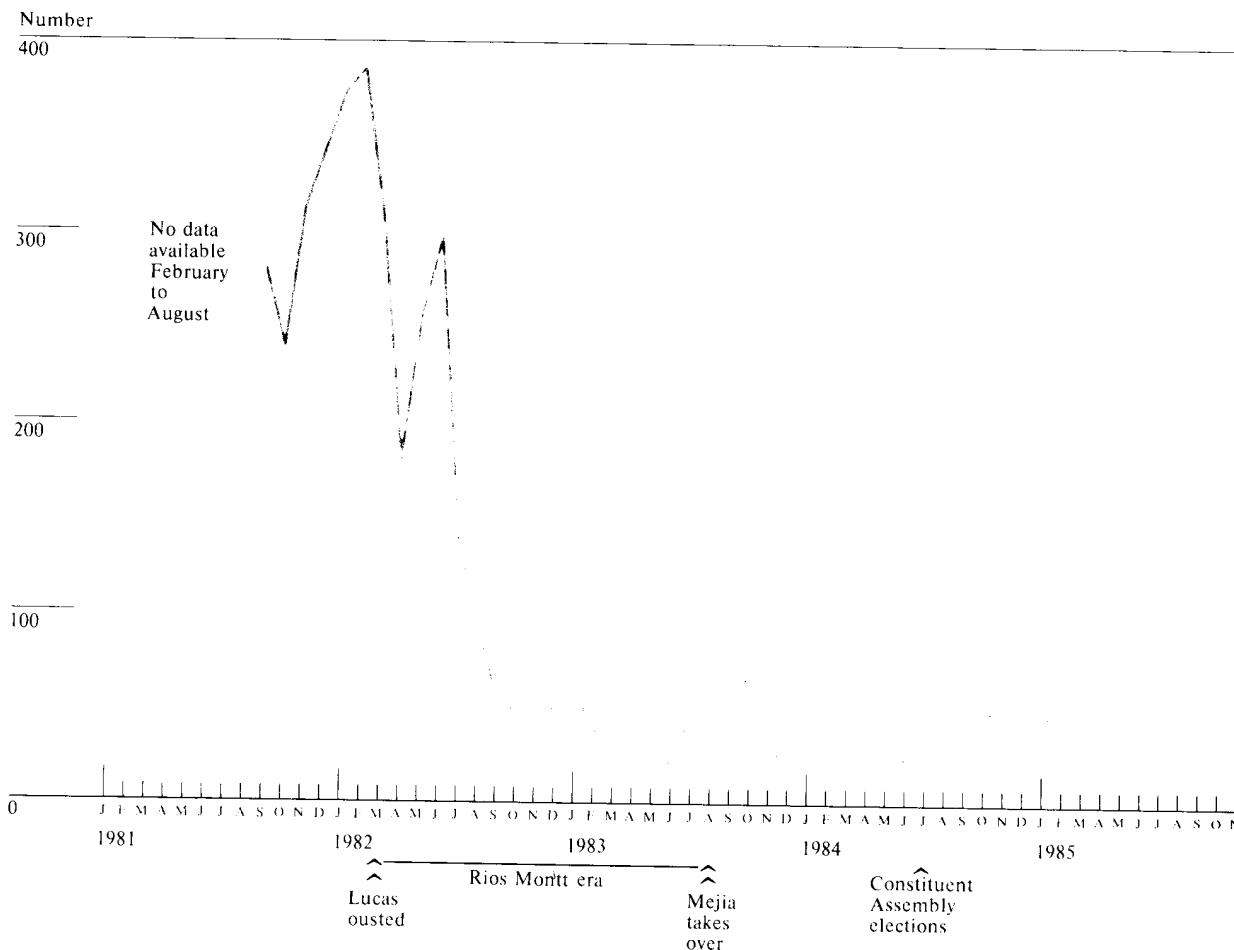
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Figure 1
Guatemala: Noncombat Deaths^a



^a Includes "executions" of policemen, military commissioners and Civil Defense Force members, as well as extrajudicial killings of civilians.

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proved the Army's relations with the peasant and Indian populations and undercut popular support for the guerrillas. [Redacted]

7. The government also has initiated a program that offers protection to villagers who, under previous regimes, might have been executed or had their homes burned for alleged cooperation with the rebels. The military has devised a "model-town" program, called "Poles of Development," designed to better protect and control the rural population and encourage more of the estimated 45,000 Guatemalan refugees in Mexico to return home. An estimated 3,000 refugees, many

viewed by the government as guerrilla sympathizers, reportedly were repatriated last year. The plan calls for the reconstruction and the resettlement on or near their original sites of some 49 villages destroyed by battles with the insurgents. To date, two dozen villages have been completed and inhabited. [Redacted]

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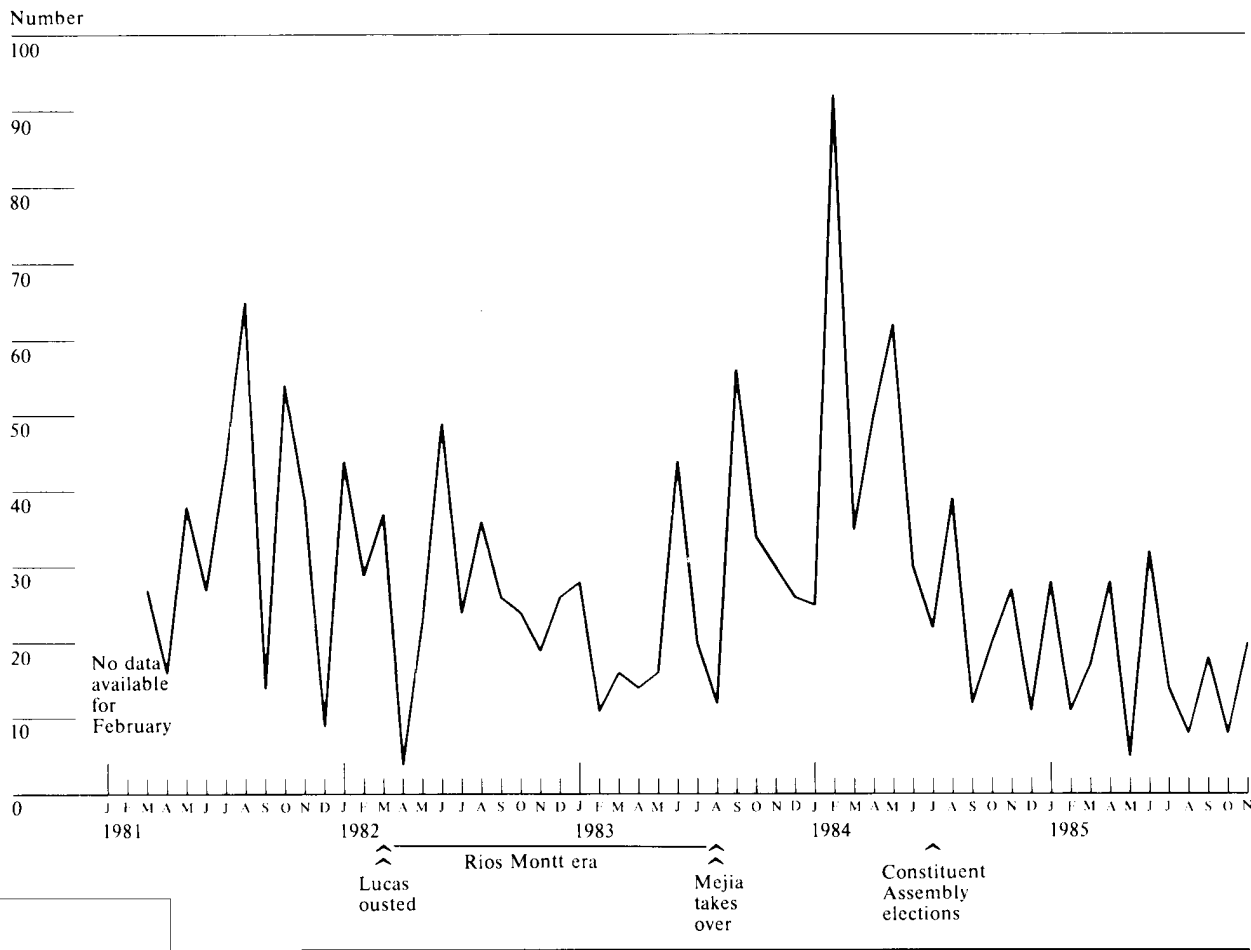
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8. The Guatemalan Government does not keep a national record, but hundreds and possibly thousands of insurgents and supporters have taken advantage of the government's amnesty program begun in 1982 by Rios Montt and extended until January 1986 by Mejia. Although armed guerrillas who are captured are usual-

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Figure 2
Guatemala: Kidnapings and Disappearances



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ly killed unless they can provide intelligence or are willing to cooperate in psychological operations against the insurgents, treatment of insurgent supporters has moderated. In many cases, those who can prove that they were noncombatants and gave only material support are interrogated and then used as Army guides or sent to "model villages" for resettlement. [redacted]

9. There is no evidence that people who take advantage of the amnesty program are later systematically killed for past activities. There have been cases, however, where former guerrillas who returned home later were killed by villagers who blamed them for earlier atrocities. [redacted]

10. In our judgment, Mejia's restoration of many civil liberties suspended or ignored by earlier regimes in an effort to root out subversion and corruption also has improved the government's human rights performance. In particular, Mejia abolished the controversial special secret tribunals—set up outside normal judicial channels by Rios Montt in 1982—that were designed to protect judges who were prosecuting captured insurgents and other government opponents. These had become vehicles for justifying human rights abuses. In mid-1984, Mejia pardoned scores of prisoners convicted by these tribunals. [redacted]

11. Mejia also has interviewed citizens personally on several occasions to help find missing persons or hear complaints of human rights abuses by military officials in the countryside. In response to growing pressure from a domestic human rights group, Mejia

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formed an official commission in December 1984 to investigate the politically motivated disappearances. The commission has failed to solve any of the cases brought before it, however, and will be replaced by an independent human rights commission when the new Constitution comes into effect in January 1986. [redacted]

12. These actions have won the cautious approval of some domestic groups traditionally critical of or hostile toward the government. The Catholic Church, for example, has taken an increasingly outspoken stand on many issues, and, although it continues to oppose some aspects of the government's counterinsurgency program, religious leaders in general have been encouraged by Mejia's political reforms. Antigovernment views appear now in the Guatemalan press and the publishing of communiques by guerrillas or human rights groups indicates the military has ceased prohibition of their publications. Labor union activities—brutally repressed during the Lucas years—have increased dramatically and, under the new Constitution, government workers for the first time are permitted to strike. The government also has improved its handling of public demonstrations as evidenced by the security forces' restrained response to rioting over a bus fare hike in September 1985. [redacted]

13. Political reforms also have undercut the destabilizing influence of traditionally prominent rightist parties, often closely tied to human rights abuses. Fourteen political parties—representing the left to the extreme right—participated in the November 1985 election. In our judgment, voters decisively rejected the extreme right by giving it less than 15 percent of the vote in the first round and by electing Vinicio Cerezo, the candidate of the center-leftist Christian Democratic Party, a party subject to intimidation and violence under the military dictatorships of the 1970s. In addition, centrist parties won 84 of 100 congressional seats. [redacted]

Human Rights Groups

14. In our judgment, human rights groups' reporting on Guatemala has tended to stress continuing abuses at the expense of substantial reforms. Although the political opening afforded by the government's reforms and the sensitivity of the military to its international image have created new opportunities for domestic human rights groups, their activities in general have continued to work to the benefit of the government's critics and, in some cases, the leftist insurgency. The most active of these is the Group of Mutual Support (GAM) organized in mid-1984 to

represent the relatives of disappeared persons. Since its formation, the GAM has engaged in an array of antigovernment activities—such as protest marches and demonstrations—that would not have been tolerated by earlier military governments. [redacted]

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15. Because the improving political climate has undercut popular support for domestic human rights groups, radicals within the GAM increasingly have steered it toward a confrontational posture. It has attempted to use demonstrations and protest marches—including exploiting public dissatisfaction with the deteriorating economy—to provoke a harsh response from the military and thereby win support. The GAM also uses political action, propaganda, and disinformation to foment opposition to the government. [redacted] foreign and Guatemalan human rights groups frequently fabricate stories of Army massacres in the countryside and that the GAM often inflates its numbers of missing persons. Group leaders claim, for example, that 38,000 Guatemalans are missing, although [redacted] indicate that less than 1,100 cases of politically related disappearances have occurred since 1982. [redacted]

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16. Both the Mexico-based Guatemala Human Rights Commission (CDHG) and the GAM reportedly maintain ties to the country's four leftist insurgent groups. The CDHG—which reportedly receives support from several international Marxist and national liberation organizations—is a propaganda front for the guerrillas and specializes in disseminating disinformation about government human rights violations. Although we do not know the extent to which the insurgents have penetrated the GAM, reporting indicates that some GAM members are spouses of guerrillas. Other sources report that many of those listed by GAM as missing actually are insurgents and that guerrilla groups provide political and material support to the GAM and often take part in its marches and demonstrations. Reporting indicates that the GAM has received support from various international groups, including the Canadian- and American-based affiliates of the left-leaning Peace Brigades International [redacted]

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17. Nonetheless, in spite of the apparent willingness of the government to tolerate GAM activities, Guatemalan human rights activists have been victimized. Three individuals associated with the GAM were murdered during 1985, and other members of the group claim they have received death threats. Although [redacted] the identities of the assailants are unknown, GAM leaders believe

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government security forces were responsible for the murders.

18. Internationally, recent reform efforts by the military only partially have reversed Guatemala's repressive image. On the plus side, the Special Rapporteur of the United Nations Special Commission on Human Rights—during the last two years—consistently has praised the Guatemalan Government's progress in restoring civilian rule and noted continued improvements in the human rights record. He found no evidence to support charges by several international groups that the government runs secret detention centers. Mejia even allowed Amnesty International and members of the foreign press to inspect two locations suspected of housing secret prisons. US officials in Guatemala also report that there is no evidence that the government maintains extralegal long-term detention centers.

19. Nevertheless, many international observers continue to be highly critical and unbalanced in their assessments of the performance of the Guatemalan military. Groups such as Amnesty International, Americas Watch, and the Washington Office on Latin America, as well as many other foreign observers, frequently base their criticisms on disinformation. For example, these groups often charge that the government's "model villages" are concentration camps.

the resettlement program generally has been popular among Guatemalan Indians. Critics also tend to blame the security services for all incidents of human rights violations, regardless of evidence.

Continuing Problems

20. Guatemala remains a violent society plagued by an inordinately high number of politically related deaths, beatings, kidnappings, and disappearances. Given the violent methods of leftist guerrillas, rightwing vigilante groups, and common criminals, it often is impossible to determine the responsibility for many of the deaths and disappearances. Many kidnappings appear to be the work of criminals, and the guerrillas sometimes use the same weapons, tactics, and uniforms as the Army in an effort to place blame on government forces. In 1985 insurgent activities resulted in the deaths of about 30 civilian noncombatants, including the Norwegian Honorary Consul and three others killed when their plane landed on a mined airstrip. On the other hand, although there is no formal liaison mechanism between elements of the

security forces and rightwing extremist groups, some Guatemalan police officers probably continue to be involved in rightist political violence. Most likely adding to the problem is poor pay and rampant corruption in the police force

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21. The lack of an effective judicial system will continue to hamper efforts to improve the human rights situation. Judges historically have been vulnerable to threats from leftwing and rightwing extremists and governments—as under Rios Montt—often have set up secret tribunals to try subversives and opponents. In addition, the lack of judicial independence tends to make judges subject to the interests of high-level members of the government and military. As a consequence, official corruption and malfeasance often go unprosecuted.

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22. Even more difficult to resolve is the continued operation of the military outside legal constraints. Although the Mejia regime has shown a willingness to dismiss or jail members of the security services for abuses, the officer corps largely remains immune to prosecution. In one case, a series of killings and disappearances in a western province linked to the local military commander resulted only in his transfer. Moreover, the central command often has little ability to monitor or control human rights violations by local commanders in isolated rural areas. Reporting also shows that many villagers essentially are forced to join the local Civil Defense Force and that some members have abused suspected subversives while others have used their position for personal vendettas.

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23. Although the government officially denies that it is holding any political prisoners, reporting indicates that an undetermined number of individuals suspected of being insurgents or sympathizers probably remain in illegal detention. The Mejia government has responded to writs of habeas corpus filed by domestic human rights groups but thus far has failed to locate any of the missing persons identified by those groups. In addition, the Army and security services frequently violate citizens' legal rights by failing to get warrants before searching houses suspected of harboring guerrillas and arms caches

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Outlook


24. We believe the new civilian government of President Cerezo is committed to improve the human rights situation and will be able to make some progress. The Guatemalan military recognizes that increased economic assistance from the West and the resumption of US military aid is in part tied to

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continued progress in curbing human rights violations. The new Constitution guarantees citizens' legal rights, prohibits illegal detentions, and creates a constitutional court and official human rights commission. In addition, we would anticipate some improvements in the countryside, particularly if civilians succeed in gradually taking local government administration out of the hands of the military zone commanders and giving it to appointed civilian officials. 

new Constitution strengthens the judicial system, it contains no provision for civilian judicial authority over the armed forces. Moreover, it says that the military will be governed by its own code of legal conduct. Military leaders reportedly have indicated to Cerezo that they would not permit him to prosecute officers for past human rights abuses, and that the Army would strongly resist any attempt to diminish military control over the conduct of its counterinsurgency campaign. 

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25. Progress, however, will be gradual and the political climate is likely to be marked by continuing disappearances and murders. Leftwing or rightwing extremists may attempt to take advantage of worsening economic conditions to promote increased violence. Moreover, despite his impressive electoral mandate, President Cerezo is likely to move cautiously in tackling the human rights issue. He clearly recognizes that the military will be watching his performance closely, particularly for signs that he is encroaching on matters it considers to be in its domain. Although the

26. President Cerezo has said that he will not pursue a policy of retribution against the military for past abuses, but has indicated that he would support prosecution of any future violations by the security forces. Military leaders may tolerate efforts by the President to prosecute members of the police or intelligence services for abuses, while transferring officers or forcing the resignations of those suspected of wrongdoing. As such, abuses in the field will remain difficult to control. 

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