

GUATEMALAISSUE

Although the Final Peace Accord has now been signed and the Government has taken specific measures, serious human rights violations persist in Guatemala and pervasive impunity continues to undermine efforts to improve the situation.

BACKGROUND

According to information received from the United Nations Human Rights Verification Mission in Guatemala, MINUGUA, the number of human rights violations decreased during 1996, except in two key categories: the number of extra-judicial executions remained at the same level as in 1995; and the number of threats increased dramatically, particularly threats directed against human rights defenders and union leaders and other labour activists. The following factors militate against any substantial improvement in the situation: the persistent climate of violence, insecurity and disrespect for human rights; the alarming number of threats, murders, kidnappings and other serious crimes that go unresolved; the continuing ability of organized groups, including agents of the state, to commit crimes and violate human rights with impunity; and the lack of public confidence in the criminal justice system. This last factor has led to a growing number of lynchings of suspected criminals.

The Arzu government's major accomplishment, which it contends will lead to improvements in the human rights situation, is the successful conclusion of the Peace Accords. Also of considerable importance are the Government's efforts to bring the military under greater civilian control, including the abolition of the separate military justice system for common crimes, and to root out military and police officials accused of corruption and human rights violations. To the 1995 abolition of the military commissioners has been added the dissolution of the Civilian Self-Defence Patrols (PACs), although concerns remain about the role the former military commissioners and members of PACs may continue to play. The new appointees to the offices of Attorney General (Public Ministry) and Head of the Presidential Commission on Human Rights are well regarded. In March, 1996, Guatemala ratified ILO Convention 169 on indigenous rights.

Improvement of public confidence in the justice system will depend on the ability and the willingness of the Government to strengthen the institutions involved in the administration of justice (the judiciary, the police, and the public prosecutor's office), to protect them from outside interference, and to use the system to capture, try and punish individuals accused of human rights violations regardless of their affiliations to powerful groups. Although it recognizes the Government's apparent good intentions, MINUGUA has complained publicly about the lack of action by the Government to prevent human rights violations. It has also criticized the Attorney General's lack of political will and investigative capacity to move forward on both human rights and criminal cases.

In recent weeks, Guatemalan human rights groups and civil society have expressed profound concern about the potential extent of the amnesty law passed in connection with the Peace Accords and the possibility that those responsible for major human rights