

regimes, and in the context of the government's fight against the Unidad Revolucionaria Nacional Guatemalteca (URNG).

The WG referred to the December 1996 agreement between the government and the URNG but noted that ratification by Congress of the National Reconciliation Act, also in December 1996, has been criticized by some as an amnesty for perpetrators of serious human rights violations, including disappearances.

The Group noted that at its 51st session in May 1997 meetings were held with representatives of the government who had reiterated their desire to cooperate with the WG. The Presidential Human Rights Commission (COPREDEH) reported that it was continuing to work intensively to ascertain the whereabouts and present circumstances of disappeared persons, but also noted that the length of time which has elapsed since the disappearances reportedly occurred has meant the loss of valuable evidence which could have helped to shed light on individual cases. During the period under review the government provided information on 75 individual cases of disappearance. Fifteen cases were clarified. In 51 others, the government reported that the person concerned had either changed place of residence, applied for a replacement of an identity card, or had married after the date of disappearance. The government therefore was not able to ascertain the current whereabouts of these persons. In nine other cases, the government's reply did not constitute a clarification.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1998/68, paras. 12, 13, 14, 15, 17, 27, 29, 30, 39, 40, 48, 49, 52, 57, 61, 65, 69, 72, 98; E/CN.4/1998/68/Add.1, paras. 188–198)

Information was received by the Special Rapporteur (SR) in connection to death threats from state officials and private individuals cooperating with, or tolerated by, the authorities, as well as killings and deaths due to acts of omission by a failure to prevent mobs from carrying out "popular justice". With regard to impunity, the SR cited reports indicating that security forces continued to interfere in the justice system, affecting its independence and contributing to impunity and, further, that the population has no confidence in the justice system. The SR stated that many violations of the right to life which occurred in 1996 had not been investigated and perpetrators have not been brought to justice.

Eight urgent appeals were sent, calling for measures to protect the right to life and physical integrity of a number of persons who had all received death threats from members of the security forces and/or persons connected with those forces. These included: members of the community of El Sauce, after the death of one of them that was caused by security guards acting with the acquiescence of local authorities; members of the Institute for the Advancement of the Social Sciences in Guatemala (AVANCSO), following death threats; the mayor of Santa Cruz del Quiché and member of the political party New Guatemala Democratic Front (FDNG), who received death threats in a letter signed by the Jaguar Justiciero

death squad, accusing him of supplying food to demobilized members of the URNG; a woman and her family, apparently in response to the testimony she gave to a delegation from Amnesty International, which was visiting Guatemala; a member of the URNG and local leader of the Peasants' Unity Committee (CUC), who was attacked and beaten by six former members of the now dissolved Volunteer Civil Defence Committees; employees of Industria Harinera S.A., who were intimidated by security guards acting on behalf of the owners for the purpose of securing their cooperation in restructuring the factory, noting that the owners' security guards were at the same time employed by the Public Procurator's Office; activists in the Mutual Support Group for Getting Our Relatives Back Alive (GAM), with the threats being related to their work of documenting cases of violations of human rights while at the Commission for Historical Clarification; former policemen, who were sentenced to death for the assassination of Luis Pedro Choc Reyna in February 1995, on the basis that irregularities had occurred in the trial, including that the identification of the accused had taken place without the presence of counsel and without judicial supervision, the defendants had not been informed of their rights, and they had been arrested without a warrant.

In addition to the urgent appeals, complaints were sent to the government concerning violations of the right to life of: leaders of the Union of the Mayan People of Guatemala, who were killed by army personnel; an evangelical pastor and three other persons who were killed — by lynching and burning by mobs — after police had mistaken them for town bus robbers; a 16-year-old boy who was killed by a guard in Tecun Uman, San Marcos Department; peasants who were killed by shots fired by the mayor of Poptun, Petén when trying to clear his office of a group of peasants who had gone to the town hall to seek information concerning a donation made by the National Peace Foundation (FONAPAZ) for the construction of a road and a school; and the killing of a woman whose death was reportedly caused by landowners acting with the acquiescence of the local military authorities.

Information provided by the government indicated: proceedings were initiated by the local magistrate's court, and an investigation had been undertaken, but it was not possible to bring charges against suspects who did not belong to any state security force, so the case was closed; proceedings were at the investigative stage, and two individuals — who are not part of any state security force or body and who belong to a gang operating in the area — were being detained, accused of murder and aggravated robbery and, in one case, of the improper use of uniforms and badges; five police officers were charged with the offences of receiving bribes and concealment; pre-trial proceedings were under way, and a case was under investigation, with indications that those responsible for the death were employees of the state; and, with regard to the members of the Institute for the Advancement of the Social Sciences (AVANCSO), investigations had started and persons concerned had been granted appropriate security measures.