

discrimination affecting the indigenous peoples; expressed concern that problems and obstacles to the full observance of human rights still exist and relate to incidents of crime, impunity, acute public insecurity and lack of confidence in the rule of law; stated that the human rights situation will continue to call for major and sustained efforts if there is to be any significant improvement; noted the government's statement related to the establishment of an expanded permanent forum for the exchange of views with governmental and non-governmental human rights organizations and the joint study of measures that could be taken to protect and promote human rights; referred to the creation of a commission to clarify objectively, equitably and impartially human rights violations and acts of violence linked with the armed confrontation; requested its own experts to include consideration of Guatemala in any specific reports which they may submit on various topics as an example of a country in transition to full observance of human rights; requested that the bodies following up the process of implementing the peace accords provide the Sub-Commission with their reports, for its information; and, stated the importance of efforts to bring about the full integration of members of Unidad Revolucionaria Nacional Guatemalteca (URNG) into civilian life in conditions of dignity and safety as well as all ex-combatants and demobilized members of the Guatemalan armed forces.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 157-163, 392, 393)

The report notes that no new cases of disappearance were transmitted to the government. The Working Group recalled recommendations arising from its 1987 visit to Guatemala referring to the need to improve the functioning of habeas corpus procedures, to protect the life of witnesses, as well as of individuals and members of organizations reporting cases, and to adopt effective measures to prevent and clarify disappearances.

The majority of the 3,151 reported cases of disappearance in Guatemala occurred between 1979 and 1986, mainly under military regimes, and in the context of internal armed conflict. The report notes that the government has cooperated fully with the Working Group in an effort to clarify the 3,007 outstanding cases in the Working Group's files.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 16, 18, 19, 31, 36, 51, 52, 64, 78, 96; E/CN.4/1997/60/ Add.1, paras. 183-202)

The report notes that a significant amount of information on violations of the right to life was received by the Special Rapporteur, indicating that: the inefficiency of the judicial system and the militarization of society are contributing to an increase in impunity and continued human rights violations in Guatemala; state security agencies, paramilitary groups and members of the Civil Self-Defence Patrols (PACs), have been accused of committing these violations; and, self-defence squads trained by the army have been created and have been involved in "social cleansing" operations. The report also notes that in 1996, for the first time in 13 years, a sentence of

execution was carried out in Guatemala and that there are currently four persons under sentence of death.

Twelve urgent appeals were sent to the government and involved death threats against trade unionists, journalists, human rights activists and indigenous leaders and a witness in a case of disappearance. Reports of killings by members of the army are noted as involving indigenous leaders, peasants, former members of the judiciary and representatives of NGOs. Killings by members of paramilitary groups involved students, trade unionists and peasants. The report also summarizes the murder of a Mexican national and former employee of a UN agency who had received death threats as a result of her work in an indigenous textile cooperative in Salcaja, a project sponsored by the International Labour Organization (ILO) and the government of the Netherlands.

The government's response to the cases transmitted variously indicated that: death had been the result of an accidental fall into a ravine; the persons allegedly responsible had been identified and located and that pre-trial proceedings were under way; the investigation was continuing; an arrest warrant had been issued; the incident was a private matter and did not involve any state officials; criminal proceedings had been initiated; the principal suspects were not connected to the government.

The Special Rapporteur expressed continuing concern at the large number of threats made against human rights activists and trade unionists, requested the government to take effective steps to protect such persons and reiterated to the government the need to take firm action to put an end to impunity.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, para. 109)

The report refers to the case of a former member of the judiciary who had received death threats at various times and was reported to have been killed by members of the military in December 1995.

Sale of children, child prostitution, child pornography, Special Rapporteur on: (A/52/482, para. 32)

The Special Rapporteur's interim report to the General Assembly cites information indicating that the use of street children in prostitution remains a serious problem, with an estimated 1,500 to 5,000 street children in the country, the majority of them in Guatemala City.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 174-181)

The reports of torture and ill-treatment received by the Special Rapporteur (SR) prompted a reference in his report to comments made in 1996 by the Human Right Committee and the Committee against Torture. (These were cited in the Committees' reports to the General Assembly, respectively A/51/40 and A/51/44.) The Committees noted with alarm cases of torture, rape and other inhuman or degrading treatment or punishment by members of the army and security forces, of paramilitary and other armed groups or individuals-notably the Civil Defence Patrols (PACs) and former military commissioners-and the lack of a state policy for combatting impunity which has prevented the identification, trial