

# **GUATEMALA**

## **The Guatemalan Peace Process Agreements: Elements most relevant to AI's concerns**

On 29 December 1996, the Guatemalan government and the *Unidad Revolucionaria Nacional Guatemalteca (URNG)*, Guatemalan National Revolutionary Unity, signed an Agreement on a Firm and Lasting Peace, bringing to an official end the armed conflict that the country had suffered at varying degrees of intensity over a 36 years period. With the signing of the Accord, all the previous agreements between the two parties came into effect. These had covered a wide range of topics including human rights, the identity and rights of indigenous peoples, social and economic matters, the uprooted, historical clarification of human rights violations and acts of violence which have caused suffering to the Guatemalan people, the reincorporation of the URNG into civil society and the role of the army in a democratic society, and had been negotiated under the aegis of the UN over a period of several years.

However, reports of continuing human rights violations in Guatemala society and the failure to end the impunity enjoyed by those who have perpetrated gross violations in the past, suggest that numerous human rights elements of the Peace Accords are not yet being adequately implemented.

The following cart highlights the elements of the Peace Accords themselves and other related agreements and legislation which are relevant to Amnesty International's human rights concerns in Guatemala and which it will be monitoring to ensure that the Guatemalan authorities respect the obligations they have undertaken in the Peace Accords to adhere to "principles and standards aimed at guaranteeing an ensuring full respect for human rights, as well as its political will to ensure that they are respected"<sup>1</sup>

---

<sup>1</sup>The citation is from the Agreement on a Firm and Lasting Peace signed on 29 December 1996.

Late 1980s	<p>The government seeks informal contacts with the <i>Unidad Revolucionaria Nacional Guatemalteca</i> (URNG) in the context of the regional peace process initiated under the <i>Central American Peace Process Agreement</i> or <i>Esquipulas II</i> (1987).</p> <p>Also in 1987, the National Reconciliation Commission is created.</p>	<p><i>Esquipulas II</i> committed the Central American Presidents to undertake measures aimed at establishing a firm and lasting peace throughout Central America. These included opening dialogues between the governments and insurgents in countries facing internal conflicts. The military and the URNG disagree however as to whether such dialogue can take place before the armed opposition lays down its arms.</p> <p>Under the leadership of Monsignor Quesada Toruño, the National Reconciliation Commission is to further the <i>Esquipulas II</i> aim of seeking reconciliation via dialogue. National Dialogue meetings are organized under its aegis and are attended by UN observer, Francesc Vendrell.</p>
28 March 1990	<p>Members of the National Reconciliation Commission and the URNG sign the <i>Oslo Accord</i>. Observers are present from the government and the army.</p>	<p>This Accord commits the parties to initiate a negotiation process which is to conclude with a peace agreement. The UN Secretary General is invited to observe the process.</p>
26 April 1991	<p>Signing of the <i>Agreement on the Process for Seeking Peace by Political Means</i> (Mexico Agreement)</p>	<p>First official meeting between the government and the URNG, at which the parties agree an agenda for future negotiations.</p> <p>The presence of the UN as observer of the peace process is confirmed.</p>
25 July 1991	<p><i>Querétaro Accords on Demo-cratization</i> signed by the go-vernment and the URNG in Mexico.</p>	<p>This Accord established general agreement on the first Agenda item for negotiations, democratic principles for the state and civil society. It committed both sides to a set of general principles concerning the pre-eminence of civilian rule, an endorsement of constitutional government as a necessary component of democracy and unconditional respect for human rights.</p>

However, no details were agreed for implementation of principles not already in place, nor was a concrete time-table proposed for doing so. Neither was the URNG able to make any progress on its core requirements concerning human rights which include a Truth Commission; reversal of a 1985 amnesty; abolition of the Civil Patrols, obligatory military conscription and paramilitary agencies; government payment of compensation to the victims of repression; and the effective removal of the *fuero militar*, with most crimes committed by military personnel to be assigned to civilian jurisdiction.

The government continues to insist that human rights can be guaranteed only after a permanent cease-fire with most crimes committed by military personnel to be assigned to civilian jurisdiction. The government continues to insist that human rights can be guaranteed only after a permanent cease-fire

10 January  
1994

The *Framework Agreement* is signed.

Confirms the issues for negotiation already approved in the *Mexico Agreement*.

Establishes the UN's mediation function with the appointment of Jean Arnault as mediator.

The Agreement calls on the governments of Colombia, Spain, USA, Mexico, Norway and Venezuela to form a "Group of Friendly Countries" to support the UN's efforts.

It provides for international verification of all the agreements once a final peace accord is signed, and requests that the UN carry out this task.

29 March 1994	The <i>Global Human Rights Accord</i> is signed and comes into force immediately.	<p>This is the only agreement which enters into force immediately, and which the UN begins to verify before signing of the final Peace Accord.</p> <p>The government commits itself to the full respect for human rights and to improve mechanisms for human rights protection. The Accord declares that firm action must be taken against impunity, and states that the Government will not lend support to any legislative or other measures which would impede the prosecution and punishment of those responsible for human rights violations. Under Clause 7 of the Accord, the Government agrees that it will take steps to ensure the security of people and institutions working in human rights protection.</p>
17 June 1994	Signing of the <i>Agreement for the Resettlement of Populations Uprooted by the Armed Conflict</i>	The Government commits itself to guaranteeing the conditions necessary for the safe return of the internally displaced to their places of origin or to another place of their choice. It recognises the necessity for special vigilance in assuring that the human rights of this vulnerable sector are respected, and agrees to promote the return of lands abandoned by those uprooted by the conflict and/or to assure that the original owners are given adequate compensation.
23 June 1994	The <i>Agreement on the Establishment of the Commission for the Historical Clarification of Human Rights Violations and Acts of Violence which have caused Suffering to the Guatemalan People</i> , (generally known as the Historical Clarification Commission) is signed.	This Accord signified agreement that a Commission would be established to clarify human rights violations and acts of violence, linked to the period of armed conflict and identify the reasons for such violations and acts. It is to publish a report of its findings, and is to make recommendations aimed at supporting peace and national harmony in Guatemala. In particular, it is to recommend means to preserve the memory of victims of such violations and acts; promote a culture of mutual respect and implementation of human rights standards; and strengthen democracy.

		<p>However, the Accord states that the Commission will not determine individual responsibilities for past abuses and acts of violence, nor will its findings and recommendations have any judicial standing. It will not have any powers of search, seizure or subpoena and will operate in closed sessions. Neither the information submitted to it, nor its sources will be made publicly available.</p>
31 March 1995	Signing of the <i>Agreement on the Identity and Rights of Indigenous Peoples</i> .	<p>The government commits itself to promoting Congress to define ethnic discrimination as a crime, and to repeal discriminatory legislation. The government commits itself to promoting the defence of indigenous rights and to disseminating the <i>Agreement on the Identity and Rights of Indigenous Peoples</i>. It also commits itself to promoting constitutional recognition of indigenous languages, to ensuring that no one is judged without having proceedings interpreted into their own language and to promoting that Congress, in consultation with indigenous peoples, moves to develop legal standards which recognize the right of indigenous communities to manage their internal affairs in accord with their customary laws and practices, insofar as these are not in conflict with the national legal system or internationally recognized human rights.</p>
6 May 1996	Signing of the <i>Agreement on Social and Economic Aspects and on the Agrarian Situation</i>	<p>Contains a series of commitments by the government to promote democratisation and participation; clarify land tenure and implement just and speedy resolution of land conflicts; involve the state in social and rural development, and to modernise public administration and financial policy.</p>

19 September 1996	<i>The Agreement on the Strengthening of Civilian Power and the Role of the Army in a Democratic Society</i> is signed.	<p>The government commits itself to promoting, via the appropriate state organs, reforms to the legislature, the administration of justice, the Executive, the National Police, military intelligence, etc. A reform of the Penal Code is to be promoted, which will give priority to the prosecution of those crimes which cause the greatest social harm, will fully guarantee respect for human rights and will classify threats and pressure against members of the judiciary as especially serious crimes.</p> <p>The Accord commits the government to promoting that Congress repeal the decree which created the Voluntary Committees for Civil Defence, agrees that the Mobile Military Police are to be disbanded within a year of the signature of the final peace accord, and that all existing police forces are to be regrouped as one sole National Civil Police Body, under the Ministry of the Interior.</p> <p>The government agrees to promote that Congress legislate concerning the operating methods of private security firms, regarding the ownership and registration of arms, and commits itself to promoting constitutional reform to ensure that common crimes committed by members of the military will be tried in ordinary criminal courts. In conjunction with Congress, the government will ensure that administrative and legislative steps are taken to guarantee that military service is not compelled via forced conscription and is performed in conditions that do not violate basic human rights standards. It specifies that the size and resources of the Army are to be in accord with those needed to comply with its obligations, which are specified as defending the country's sovereignty and national territory, as well as with the economic resources available to the country.</p>
4 December 1996	<i>Agreement on the Definitive Cease-fire</i> signed.	Contains several operative agreements on cease-fire, separation of the two opposing forces, disarmament and demobilization.

7 December 1996	<i>Agreement on Constitutional and Electoral Reform</i>	The Government agrees to promote before Congress various of the Constitutional and electoral reforms which will be necessitated for implementation of the peace accords.
12 December 1996	<i>Agreement on the Basis for the Reincorporation of the URNG into Legality</i> is signed.	Establishes procedures for the demobilization of the URNG and the reincorporation of its members into civil society. It commits the government to promoting a Law of National Reconciliation before Congress and recognizes the inalienable right of society to know the truth about the period of armed conflict in order to avoid the repetition of the events (human rights violations and acts of violence) that occurred then. However, the Agreement also says that in the interests of national reconciliation, "without neglecting the necessity to combat impunity,"... "criminal responsibility for political crimes and common crimes connected to them committed in the armed conflict, and for crimes committed by those acting on behalf of the state to impede, frustrate, repress or punish such political crimes and related common crimes, is to be "extinguished."
18 December 1996	<i>Law of National Reconciliation</i> is passed by the Guatemalan Congress.	Based on the <i>Agreement for the Reincorporation of the Guatemalan National Revolutionary Unity into Legality</i> , and in contradiction to the anti-impunity undertakings of the <i>Global Human Rights Accord</i> , the <i>Law of National Reconciliation</i> grants immunity from prosecution to those responsible for political crimes and associated common crimes and to members of the armed forces and those acting under their command for unspecified common crimes carried out in the context of the armed conflict, when these were carried out with the aim

of preventing, repressing or sanctioning political and related common crimes carried out by members of armed opposition groups.

Exemption from criminal responsibility is not to apply in cases of forced “disappearance,” torture and genocide. However, the law would appear to open the way for members of the security forces responsible for extrajudicial executions and members of armed opposition groups who perpetrated deliberate and unlawful killings to be granted immunity from prosecution.

The law also recognizes the right to reparation of victims of human rights violations carried out in connection with the armed conflict, and charges the Commission for Historical Clarification with establishing “the means to know and acknowledge the historic truth about the armed conflict in order to avoid a repetition of events.”

29 December 1996	<i>Agreement on the Timetable for the Implementation, Fulfilment and Verification of the Peace Agreements</i> is signed.	Agrees broad guidelines and timing for the implementation of the peace accords, through the year 2000. Specifies that the Commission for Historical Clarification will itself decide the date to begin its operations and that it will work for six months, with the option to extend this by six months more.
29 December 1996	<i>Agreement on a Firm and Lasting Peace</i> is signed.	The Agreement brings the armed conflict to an official end. With the signing of the Accord, all previous agreements come into effect. The Final Agreement reaffirms the adherence of the government to “the principles and standards aimed at guaranteeing and ensuring full respect for human rights, as well as its political will to ensure that they are respected.”
31 July 1997	Commission on Historical Clarification initiates operations.	