

Findings of the UN Commission for Historical Clarification

On February 25, The UN Commission for Historical Clarification (CEH) published its final report. The CEH, created by the 1996 Oslo Accords signed between the Guatemalan government and the Guatemalan National Revolutionary Unity (URNG), was designed to document the nature and scope of violence and human rights violations during Guatemala's 36-year internal war. NACLA reproduces some of the CEH's most important findings below, and will reproduce its recommendations in the May/June issue. We urge readers to consult the report summary and full recommendations on line at <<http://hrdata.aaas.org/ceh/>>.

With the outbreak of the internal armed confrontation in 1962, Guatemala entered a tragic and devastating stage of its history, with enormous human, material and moral cost. In the documentation of human rights violations and acts of violence connected with the armed confrontation, the Commission for Historical Clarification (CEH) registered a total of 42,275 victims, including men, women and children. Of these, 23,671 were victims of arbitrary execution and 6,159 were victims of forced disappearance. Eighty-three percent of fully identified victims were Mayan and 17% were Ladino.

Combining this data with the results of other studies of political violence in Guatemala, the CEH estimates that the number of persons killed or disappeared as a result of the fratricidal confrontation reached a total of over 200,000.

Historical roots of the armed confrontation

The CEH concludes that the structure and nature of economic, cultural and social relations in Guatemala are marked by profound exclusion, antagonism and conflict—a reflection of its colonial history. The proclamation of independence in 1821. . . saw the creation of an authoritarian State which excluded the majority of the population, was racist in its precepts and practices, and served to protect the economic interests of the privileged minority. The evidence for this, throughout Guatemala's history, but particularly so during the armed confrontation, lies in the fact that the violence was fundamentally directed by the State against the excluded, the poor and above all, the Mayan people, as well as against those who fought for justice and greater social equality.

The anti-democratic nature of the Guatemalan political tradition has its roots in an economic structure which is marked by the concentration of productive wealth in the hands of a minority. This established the foundations of a system of multiple exclusions, including elements of racism, which is, in turn, the most profound manifestation of a violent and dehumanizing social system. The State gradually evolved as an instrument for the protection of this structure, guaranteeing the continuation of exclusion and injustice.

The absence of an effective state social policy, with the exception of the period from 1944 to 1954, accentuated this historical dynamic of exclusion. In many cases, more recent State policy has produced inequality, or, at the very least,

endemic institutional weaknesses have accentuated it. Proof of this is that, during the 20 years of Guatemala's most rapid economic growth (1960-1980), state social spending and taxation were the lowest in Central America.

Due to its exclusionary nature, the State was incapable of achieving social consensus around a national project able to unite the whole population. Concomitantly, it abandoned its role as mediator between divergent social and economic interests, thus creating a gulf which made direct confrontation between them more likely. Of particular concern for the CEH was the way in which successive constitutions of the Republic, and the human and civil rights guarantees set forth in them, became formal instruments violated by the various structures of the State itself.

The legislative branch and the participating political parties also contributed at various times to the increasing polarization and exclusion, establishing legal norms which legitimized regimes of exception and the suppression of civil and political rights, as well as hindering or obstructing any process of change. Appropriate institutional mechanisms for channeling concerns, claims and proposals from different sectors of society were lacking. This deficit of channels for constructively directing dissent through mediation, typical of democratic systems, further consolidated a political culture of confrontation and intolerance and provoked almost uninterrupted instability, permeating the whole social order.

Thus a vicious circle was created in which social injustice led to protest and subsequently political instability, to which there were always only two responses: repression or military coups. Faced with movements proposing economic, political, social or cultural change, the State increasingly resorted to violence and terror in order to maintain social control. Political violence was thus a direct expression of structural violence.

Repression as a substitute for the law

The CEH has concluded that during the armed confrontation, the incapacity of the Guatemalan State to provide answers to legitimate social demands and claims, led to the creation of an intricate repressive apparatus which replaced the judicial action of the courts, usurping their functions and prerogatives. An illegal and underground punitive system was established, managed and directed by military intelligence. The system was used as the State's main form of social control throughout the internal armed confrontation and operated with the direct or indirect collaboration of dominant economic and political sectors.

The ineffectiveness of the judicial system

The country's judicial system, due either to induced or deliberate ineffectiveness, failed to guarantee the application of the law, tolerating, and even facilitating, violence. Whether through acts of commission or omission, the judicial branch contributed to worsening social conflicts at various times in Guatemala's history. Impunity permeated the country to such an extent that it took control of the very structure of the State, and became both a means and an end. As a

means, it sheltered and protected the repressive acts of the State, as well as those acts committed by individuals who shared similar objectives; while as an end, it was a consequence of the methods used to repress and eliminate political and social opponents.

The closing of political spaces

After the overthrow of the government of Colonel Jacobo Arbenz in 1954, there was a rapid reduction of the opportunity for political expression. Inspired by fundamentalist anti-communism, new legislation outlawed the extensive and diverse social movement and consolidated the restrictive and exclusionary nature of the political system . . . In itself, this process constitutes one of the most overwhelming pieces of evidence for the close relationship between the military, the economic powers and the political parties that emerged in 1954. From 1963 onwards, in addition to the legal restrictions, growing state repression against its real or suspected opponents was another decisive factor in the closing of political options in Guatemala.

The underlying causes of the armed confrontation

The CEH concludes that other parallel phenomena, such as structural injustice, the closing of political spaces, racism, the increasing exclusionary and anti-democratic nature of institutions, as well as the reluctance to promote substantive reforms that could have reduced structural conflicts, are the underlying factors which determined the origin and subsequent outbreak of the armed confrontation.

The cold war, the National Security Doctrine and the role of the United States

The CEH recognizes that the movement of Guatemala towards polarization, militarization and civil war was not just the result of national history. The cold war also played an important role. While anti-communism, promoted by the United States within the framework of its foreign policy, received firm support from right-wing political parties and from various other powerful actors in Guatemala, the United States demonstrated that it was willing to provide support for strong military regimes in its strategic backyard. In the case of Guatemala, military assistance was directed towards reinforcing the national intelligence apparatus and for training the officer corps in counterinsurgency techniques, key factors which had significant bearing on human rights violations during the armed confrontation.

Anti-communism and the National Security Doctrine (DSN) formed part of the anti-Soviet strategy of the United States in Latin America. In Guatemala, these were first expressed as anti-reformist, then anti-democratic policies, culminating in criminal counterinsurgency. The National Security Doctrine fell on fertile ground in Guatemala where anti-communist thinking had already taken root and from the 1930s, had merged with the defense of religion, tradition and conservative values, all of which were allegedly threatened by the world-wide expansion of atheistic communism. Until the 1950s, these views were strongly supported by the Catholic Church . . . thus contributing even further to division and confusion in Guatemalan society.

The internal enemy

During the armed confrontation, the State's idea of the "internal enemy", intrinsic to the National Security Doctrine, became increasingly inclusive. At the same time, this doctrine became the *raison d'être* of Army and State policies for several decades. Through its investigation, the CEH discovered one of the most devastating effects of this policy: state forces and related paramilitary groups were responsible for 93% of the violations documented by the CEH, including 92% of the arbitrary executions and 91% of forced disappearances. Victims included men, women and children of all social strata: workers, professionals, church members, politicians, peasants, students and academics; in ethnic terms, the vast majority were Mayans.

The Catholic Church

Only recently in Guatemalan history and within a short time period did the Catholic Church abandon its conservative position in favor of an attitude and practice based on the decisions of the Second Vatican Council (1962-1965) and the Episcopal Conference of Medellín (1968), prioritizing its work with excluded, poor and underprivileged sectors and promoting the construction of a more just and equitable society. These doctrinal and pastoral changes clashed with counterinsurgency strategy, which considered Catholics to be allies of the guerrillas and therefore part of the internal enemy, subject to persecution, death or expulsion. Whereas the guerrilla movement saw in the practice of what was known as "liberation theology" common ground on which to extend its social base, seeking to gain the sympathy of its followers. A large number of catechists, lay activists, priests, and missionaries were victims of the violence and gave their lives as a testimony to the cruelty of the armed confrontation.

The Guatemalan insurgency, the armed struggle and the Cuban influence

The Guatemalan insurgency arose as the response of one sector of the population to the country's diverse structural problems. Faced with injustice, exclusion, poverty and discrimination, it proclaimed the need to take power by force in order to build a new social, political and economic order. Throughout the armed confrontation, insurgent groups adopted Marxist doctrine in its diverse international forms. Although they had common historical roots in the proscribed communist Guatemalan Worker's Party (PGT), several new guerrilla organizations emerged as a result of their criticism of the party's reluctance to follow the path of armed struggle.

The influence of Cuba and its promotion of armed struggle had a bearing on these processes as much in Guatemala as in the rest of Latin America. The CEH concludes that political, logistic, instructional and training support provided by Cuba for the Guatemalan insurgents during this period, was another important external factor that marked the evolution of the armed confrontation. In the context of an increasingly repressive State, sectors of the left, specifically those of Marxist ideology, adopted the Cuban perspective of armed struggle as the only way to ensure the rights of the people and to take power.

As state repression intensified and broadened its range of potential victims, the rebel position which held a guerrilla victory to be the country's only political solution, gained strength. Rather than sharing a specific ideological-political platform, for the greater part of the confrontation, the cohesion of the Guatemalan insurgency revolved around the idea of the need for, and the primacy of, armed struggle as the only solution

Enemies of the insurgents

Along with a clear definition of the Army as its enemy, insurgent groups also included some civilians in this category, especially representatives of economic and political power who were considered to be allies of the repression and those people suspected of providing support to the Army, or who held local economic power, especially in rural areas. Among the cases registered by the CEH, insurgent actions produced 3% of the human rights violations and acts of violence perpetrated against men, women and children, including 5% of the arbitrary executions and 2% of forced disappearances.

More than just two parties

Although the most visible actors in the armed confrontation were the Army and the insurgents, the CEH investigation has made evident the involvement of the entire State, through the unification of its various coercive institutions and mechanisms. Likewise, although of a different nature, the responsibility and participation of economically powerful groups, political parties, universities and churches, as well as other sectors of civil society, has been demonstrated.

For this reason, the CEH concludes that a full explanation of the Guatemalan confrontation cannot be reduced to the sole logic of two armed parties. Such an interpretation fails to explain or establish the basis for the persistence and significance of the participation of the political parties and economic forces in the initiation, development and continuation of the violence; nor does it explain the repeated efforts at organization and the continuous mobilization of those sectors of the population struggling to achieve their economic, political and cultural demands.

A disproportionately repressive response

The magnitude of the State's repressive response, totally disproportionate to the military force of the insurgency, can only be understood within the framework of the country's profound social, economic and cultural conflicts. Based on the results of its investigation, the CEH concludes that from 1978 to 1982 citizens from broad sectors of society participated in growing social mobilization and political opposition to the continuity of the country's established order. These movements in some cases maintained ties of a varying nature with the insurgency. However, at no time during the internal armed confrontation did the guerrilla groups have the military potential necessary to pose an imminent threat to the State. The number of insurgent combatants was too small to be able to compete in the military arena with the Guatemalan Army, which had more troops and superior weaponry, as well as better training and co-ordination. It has also been confirmed that during the armed confrontation, the State and the

Army had knowledge of the level of organization, the number of combatants, the type of weaponry and the strategy of the insurgent groups. They were therefore well aware that the insurgents' military capacity did not represent a real threat to Guatemala's political order.

The CEH concludes that the State deliberately magnified the military threat of the insurgency, a practice justified by the concept of the internal enemy. The inclusion of all opponents under one banner, democratic or otherwise, pacifist or guerrilla, legal or illegal, communist or non-communist, served to justify numerous and serious crimes. Faced with widespread political, socio-economic and cultural opposition, the State resorted to military operations directed towards the physical annihilation or absolute intimidation of this opposition, through a plan of repression carried out mainly by the Army and national security forces. On this basis the CEH explains why the vast majority of the victims of the acts committed by the State were not combatants in guerrilla groups, but civilians

Human rights violations committed by the State

Those acts which are directly attributable to the State include those perpetrated by its public servants and state agencies. Additionally, the State holds direct responsibility for the actions of civilians to whom it delegated, *de jure* or *de facto*, authority to act on its behalf, or with its consent, acquiescence or knowledge. This includes military commissioners who were by law, agents of military authority; Civil Patrol members, insofar as the military authorities organized, directed or ordered them or had knowledge of their actions; the large landowners who were granted police functions by the 1936 Penal Code; and any other third party that may have acted under the direction or with the knowledge of state agents. The State must also respond for breaches in the legal obligation to investigate, try and punish human right violations, even when these were not committed directly by state agents or when the State may not have had initial knowledge of them.

Anti-communism and the National Security Doctrine

Using the National Security Doctrine as its justification, and acting in the name of anti-communism, crimes were committed which include the kidnapping and assassination of political activists, students, trade unionists and human rights advocates, all categorized as "subversives"; the forced disappearance of political and social leaders and poor peasants; and the systematic use of torture.

During most of the internal armed confrontation, attempts to form organizations for the defense of human rights resulted in the elimination of their leaders. In the 1980s, the appearance of new groups of human rights defenders in various areas was received by the State with intensive repression which resulted in the murder or disappearance of many of their members. Campaigns directed towards discrediting this type of organization, presenting them as "subversive," were one of the constants of the repression.

Massacres and the devastation of the Mayan people

The Army's perception of Mayan communities as natural allies of the guerrillas contributed to increasing and aggra-

vating the human rights violations perpetrated against them, demonstrating an aggressive racist component of extreme cruelty that led to the extermination en masse, of defenseless Mayan communities purportedly linked to the guerrillas—including children, women and the elderly—through methods whose cruelty has outraged the moral conscience of the civilized world. These massacres and the so-called scorched earth operations, as planned by the State, resulted in the complete extermination of many Mayan communities, along with their homes, cattle, crops and other elements essential to survival. The CEH registered 626 massacres attributable to these forces.

The CEH has noted particularly serious cruelty in many acts committed by agents of the State, especially members of the Army, in their operations against Mayan communities. The counterinsurgency strategy not only led to violations of basic human rights, but also to the fact that these crimes were committed with particular cruelty, with massacres representing their archetypal form. In the majority of massacres there is evidence of multiple acts of savagery, which preceded, accompanied or occurred after the deaths of the victims. Acts such as the killing of defenseless children, often by beating them against walls or throwing them alive into pits where the corpses of adults were later thrown; the amputation of limbs; the impaling of victims; the killing of persons by covering them in petrol and burning them alive; the extraction, in the presence of others, of the viscera of victims who were still alive; the confinement of people who had been mortally tortured, in agony for days; the opening of the wombs of pregnant women, and other similarly atrocious acts, were not only actions of extreme cruelty against the victims, but also morally degraded the perpetrators and those who inspired, ordered or tolerated these actions.

During the armed confrontation the cultural rights of the Mayan people were also violated. The Army destroyed ceremonial centers, sacred places and cultural symbols. Language and dress, as well as other elements of cultural identification, were targets of repression. Through the militarization of the communities, the establishment of the PAC and the military commissioners, the legitimate authority structure of the communities was broken; the use of their own norms and procedures to regulate social life and resolve conflicts was prevented; the exercise of Mayan spirituality and the Catholic religion was obstructed, prevented or repressed; the maintenance and development of the indigenous peoples' way of life and their system of social organization was upset. Displacement and exile exacerbated the difficulties of practicing their own culture.

Disappearances

The CEH has concluded that in Guatemala forced disappearance was a systematic practice which in nearly all cases was the result of intelligence operations. The objective was to disarticulate the movements or organizations identified by the State as favorable to the insurgency, as well as to spread terror among the people. The victims of these disappearances were peasants, social and student leaders, professors, political leaders, members of religious communities and priests,

and even members of military or paramilitary organizations that fell under suspicion of collaborating with the enemy. Those responsible for these forced disappearances violated fundamental human rights.

Arbitrary executions

The CEH concludes that the Guatemalan State repeatedly and systematically violated the right to life, through what this Report has called arbitrary executions. In many cases this was aggravated by extreme irreverence, as for instance, in situations in which the corpses were abandoned with evident indications of torture, mutilation, multiple bullet holes or burn marks. The perpetrators of these violations were Army officers, specialists and troops, death squads that either operated under the protection of the authorities or with members of these authorities, members of the Civil Patrols or military commissioners, and in certain cases, private individuals, specifically large land owners, with the consent or direct collaboration of state authorities.

The rape of women

The CEH's investigation has demonstrated that the rape of women, during torture or before being murdered, was a common practice aimed at destroying one of the most intimate and vulnerable aspects of the individual's dignity. The majority of rape victims were Mayan women. Those who survived the crime still suffer profound trauma as a result of this aggression, and the communities themselves were deeply offended by this practice

The death squads

Some of the human rights violations were committed by means of covert operations. The military had clandestine units called "commandos" or "special squads" whose supplies, vehicles, arms, funding and operational instructions were provided by the regular structures of the Army, especially military intelligence. The work of these squads not only included execution and kidnapping, but also the development of counterinsurgency tactics of psychological war, propaganda and intimidation.

"Death squads" were also used; these were initially criminal groups made up of private individuals who enjoyed the tolerance and complicity of state authorities. The CEH has arrived at the well-founded presumption that, later, various actions committed by these groups were a consequence of decisions by the Army command, and that the composition of the death squads varied over time as members of the military were incorporated, until they became, in some cases, authentic clandestine military units. Their objective was to eliminate alleged members, allies or collaborators of the "subversives" using the help of civilians and lists prepared by military intelligence

Forced and discriminatory military recruitment

During the entire period of the internal armed confrontation, the Guatemalan Army illegally forced thousands of young men into the army to participate directly in hostilities. Forced recruitment, which discriminated against the Mayan people and included minors under the age of 15, was a violation of personal freedom ■