



LAWYERS COMMITTEE
FOR HUMAN RIGHTS



October 9, 2003

Secretary-General Kofi Annan
Executive Office of the Secretary-General
U.N. Headquarters #S-3800
New York, NY 10017

Dear Mr. Secretary-General:

We are writing to express our concern about the climate of violence and intimidation that exists today in Guatemala, and to urge you to support the creation of a commission to investigate the illegal armed groups that appear to be responsible for it.

We were encouraged to learn that a team of U.N. experts studying the problem had a productive visit to Guatemala in July. We understand that the team came away with ideas for strengthening the proposal for an investigative commission made by the Guatemalan government and the local human rights community. Given the urgency of the situation in Guatemala, we believe it is now critical that the United Nations move as quickly as possible to make this commission a reality.

The need for a commission of inquiry of this sort in Guatemala is more apparent today than ever. Over the past two years, the U.N. mission in Guatemala (MINUGUA) has documented a disturbing number of attacks and threats against human rights defenders, justice officials, lawyers, witnesses, academic researchers, journalists, and union leaders, among others. As the country has geared up for this November's presidential election, these acts of intimidation have grown more brazen. Since the start of the year, some twenty politicians have reportedly been killed, and numerous journalists have been subjected to acts of intimidation. In June a group of thugs held a prominent newspaper editor at gunpoint in his home and earlier in the year, Marielos Monzón, a columnist for a prominent Guatemalan newspaper, was forced to leave the country following acts of intimidation apparently in reprisal for her reporting on sensitive human rights issues. The human rights ombudsman, the constitutionally mandated body to investigate human rights abuses, has reported increased levels of intimidation in recent months, with cases of threats and intimidation against its staff in rural outposts and the raid of its central offices. Several offices of prominent organizations have also been raided in recent months and their staff members attacked and intimidated.

In July (during the visit of the U.N. team of experts) masked men attacked several journalists in broad daylight during a street riot allegedly orchestrated by the ruling party, the Frente Republicano Guatemalteco (FRG), *Guatemalan Republican Front*, and in support of its presidential candidate Efraín Ríos Montt.

There is a solid consensus among local and international observers that the perpetrators of many of these acts of violence and intimidation are affiliated with clandestine groups, which have links to both state agents and organized crime. These groups pose a significant danger, not only to specific individuals and organizations, but also to Guatemalan society as a whole, given their capacity to corrupt public institutions and undermine the rule of law.

We believe one important way to curb political violence and reinforce the rule of law in Guatemala is through the sort of mechanism that was agreed upon last March by the government, the human rights ombudsman, and human rights groups. The strength of that mechanism, dubbed the Commission of Investigation of Illegal Groups and Clandestine Security Forces (*Comisión de Investigación de Cuerpos Ilegales y Aparatos Clandestinos de Seguridad* (CICIACS)), lies in its ability to ensure that investigators have the independence necessary to achieve results, even as they engage with—and ultimately work to strengthen—the local institutions that are responsible for law enforcement in Guatemala. The proposal was developed in close consultation with the foreign diplomatic corps in Guatemala, including ambassadors from European and Latin American states. The United States government has expressed particular interest in contributing to its success.

Although the CICIACS enjoys strong support at the local and international level, much still remains to be done to make it a reality. If and when the United Nations commits itself to participating in the CICIACS, several more hurdles will remain before the commission can get started. These include a vote by the Guatemalan Congress to endorse the government's collaboration with the United Nations, the selection of individuals to serve on the commission, and the procurement of the financial and other resources needed for it to function.

It is important to keep in mind that clandestine groups continue to pose a grave and immediate danger to local human rights defenders, justice officials, and other sectors of Guatemalan society. To the extent that the CICIACS can serve as a deterrent to political violence, any undue delay in its creation could have serious consequences. What is more, at the end of this year the administration of President Alfonso Portillo—which signed an accord committing itself to implement the CICIACS—will be replaced. If the CICIACS has not been implemented by then, it is possible that a new government could choose not to honor its predecessor's commitment to doing so, and an historic opportunity for Guatemala would be lost.

We strongly hope, therefore, that your office will move quickly to determine whether—and on what terms—the United Nations will participate in the CICIACS. This will permit the process of obtaining congressional approval for the commission, procuring resources, and selecting commissioners to get started as soon as possible.

Thank you for your attention to this important matter.

Sincerely,

Irene Khan
Secretary General
Amnesty International

Kenneth Roth
Executive Director
Human Rights Watch

Michael Posner
Executive Director
Lawyers Committee for Human Rights

