



Scientists and Human Rights in Guatemala: Report of a Delegation

Committee on Human Rights, National Academy of Sciences and Committee on Health and Human Rights, Institute of Medicine

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NATIONAL ACADEMY OF SCIENCES
Committee on Human Rights
INSTITUTE OF MEDICINE
Committee on Health and Human Rights

SCIENTISTS AND HUMAN RIGHTS IN GUATEMALA

REPORT OF A DELEGATION

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Preface

The Committee on Human Rights of the National Academy of Sciences (NAS), created in 1976, includes members of the National Academy of Sciences, the National Academy of Engineering (NAE), and the Institute of Medicine (IOM). The committee works in behalf of scientists, engineers, and health professionals who are detained, imprisoned, or exiled or who have disappeared for political reasons. It also promotes investigation and prosecution in cases of colleagues who have been killed for political reasons. The Committee on Health and Human Rights of the Institute of Medicine was created in 1987 to take action on health-related abuses of human rights in the United States and elsewhere. It also helps health professionals whose human rights are violated. The individuals whose cases the committees undertake cannot have practiced or advocated violence. (See [Appendix A](#) for the committees' full mandates.)

Most of the committees' casework throughout the world has been aimed at securing the release of colleagues who are in prison. Although there are no known political prisoners in Guatemala, tens of thousands of people have been killed or abducted, and many have disappeared over the past 30 years, for political reasons. The committees' goal is that those responsible for the abductions, disappearances, and political killings of scientific colleagues and other victims be brought to justice. There is also concern about the immediate physical safety and well-being of colleagues and students of science who may be at risk for such politically motivated violence.

The human rights concerns of the NAS Committee on Human Rights were heightened with the 1990 stabbing murder in Guatemala City of a prominent anthropologist, Myrna Elizabeth Mack Chang. The killing, which by all responsible accounts was politically motivated, so alarmed and aggrieved the committee that it decided to launch a strong campaign to support the courageous efforts of the Mack family to bring those responsible for the planning and execution of this crime to justice. The hope of the NAS committee and the IOM's Committee on Health and Human Rights was that, through their actions, which would include a mission to Guatemala City, attention would also be brought to the cases of other colleagues who have been murdered for political reasons or have been abducted, have never reappeared, and are presumed dead. (The original list of 32 cases used during the mission, and others that were added subsequently, is given in [Appendix B](#).) It was also hoped that the committees' actions might bring a measure of protection to vulnerable and threatened colleagues.

Much of the information contained in this report was gathered by Carol Corillon, Patricia Evers, Robert Lawrence, Mary Jane West-Eberhard, and me as members of a human rights delegation to Guatemala sponsored by the NAS Committee on Human Rights and the IOM Committee on Health and Human Rights. (See [Appendix C](#) for biographical sketches of the delegation members.) The mission took place from February 27 to March 3, 1992. Additional background information came from a trip to Guatemala in June 1991 to observe the inauguration of a major human rights program in Guatemala by the University of San Carlos. The 1991 trip was made by Jay Davenport of the National Research Council staff; Anthony Siegman, professor of engineering, Stanford University, and a member of NAS and NAE; and Mary Jane West-Eberhard, senior researcher, Smithsonian Tropical Research Institute, and a member of NAS.

While in Guatemala City, the 1992 delegation met with senior Guatemalan government, police, and military officials; representatives of human rights and religious organizations whose activities include our scientific colleagues; scientists, health professionals, and academics; representatives of nongovernmental organizations; and the Mack family. The delegation also met with the U.S. ambassador to Guatemala, Thomas Stroock, as well as several other U.S. diplomats. The delegation paid a courtesy visit to the president of the Guatemalan Academy of Sciences, Dr. Roberto Lembke. We were most gratified that so many individuals were eager to meet and work with us and by the cordial and open tone of the meetings held.

Of course, we did not expect nor even hope, after spending only one week in Guatemala, and then only in Guatemala City, to come away with a global assessment of the human rights situation in the country. We did, however, expect to gain some insights into what we, as representatives of

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institutions with well-established human rights committees, could do to support efforts to improve the situation. We also committed ourselves to communicate to everyone we met the strong concerns of our committees and the membership of our institutions about the future safety of our Guatemalan colleagues. We believe that these objectives were accomplished.

During the course of the mission we did not seek and, in fact, we expressly shunned any and all efforts to publicize our visit. We believed that by privately expressing our human rights interests and concerns we would have a better chance of treating, and being treated by, everyone we met as fairly and as objectively as possible and of opening channels for future communication.

Guatemalan officials with whom we met expressed appreciation for our mission and for the manner in which it was carried out. We hope that these contacts will help us to gain the immediate attention and response of the Guatemalan government to any future expressions of concern regarding the well-being of our colleagues. We also hope that the conversations undertaken with these officials and their expressions of concern for the respect of human rights will translate into direct, forceful actions to defend and protect the human rights of our colleagues and others who continue today to live and work in a climate of fear.

This report was written by Carol Corillon with the collaboration of the four other mission delegates. Deborah Singiser of the staff of the Committee on Human Rights and Eugenia Grohman of the National Research Council staff also made contributions to the research, editing, and publication of the report.

The chair of the Committee on Health and Human Rights of the Institute of Medicine, Robert Lawrence, the other members of the delegation, and I want to say a special word of thanks to all of the individuals with whom we met and who provided us with invaluable assistance in Guatemala City, many of whom are not mentioned by name in this report.

We thank the Human Rights Office of the Archdiocese of Guatemala in particular for the assistance provided to the delegation before, during, and after the mission.

We thank the Embassy of Guatemala in Washington and particularly Ambassador Juan José Caso-Fanjul and Eric Bolaños of the staff for their assistance in informing the Guatemalan authorities of our mission and its objectives. We also thank Ramses Cuestas of the Guatemalan Ministry of Foreign Relations for the meticulous attention that he gave to setting up the appointments that we requested and for ensuring that our terms of reference and other mission documents were translated into Spanish and delivered to the appropriate offices prior to our visit.

Despite the narrow focus of this report, we hope that it will help to inform concerned individuals, human rights groups, and our colleagues in science organizations and sister academies of sciences who share our concern about the need to protect the human rights of fellow scientists and others in Guatemala.

ELIOT STELLAR, CHAIR
COMMITTEE ON HUMAN RIGHTS
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Guatemala, An Overview

Guatemala, a Central American country roughly the size of Ohio, has a population of approximately 9.5 million people. Although it is rich in natural resources, an estimated two-thirds of the arable land is owned or controlled by about two percent of the population. Per capita income in 1990 was estimated by the World Bank at \$900¹ (*Trends in Developing Economies 1991*); however, "the native American population—comprising more than half of population—lives in extreme poverty and at the margin of the money economy."²

CIVILIAN GOVERNMENTS

In the past 5 years Guatemala has held two free and democratic presidential elections, and authority has been transferred peacefully from one elected civilian to another for the first time in nearly four decades. Nevertheless, the armed forces continue to wield significant power, and civilian authority has not been fully established.

When Guatemala returned to civilian rule and a democratically elected president in January 1986 under Vinicio Cerezo Arévalo, there were expec

¹ According to the World Bank's *World Development Report 1992*, per capita income for neighboring Nicaragua and Honduras is under \$600, while that of El Salvador is slightly higher at \$1,110, and those of Panama and Costa Rica are more than twice as high.

² The World Bank, *Trends in Developing Economies 1991* (Washington, D.C., 1991), p. 231.

tations that the military could be brought under civilian control and the violence and human rights abuses would be curtailed and perhaps ended. These expectations were not met. During President Cerezo's 5-year term, several thousand people were victims of disappearances or political killings. Human rights violations continued with impunity at a high level throughout Cerezo's term. In late 1990, a year widely perceived as the most violent under the Cerezo government, the congressionally appointed human rights ombudsman cautioned that the reported numbers of disappearances probably underestimate the problem, since they are based on press reports that do not always cover rural areas and on complaints registered at the ombudsman's office, where reports are limited by fear on the part of many Guatemalans of reporting violations to any government agency.

The current president of Guatemala, Jorge Serrano Elías, took office in January 1991. During his election campaign and in his inaugural address, President Serrano expressed deep concerns about human rights abuses in Guatemala. He committed himself to bring Guatemala "total peace" and to reestablish full respect for human rights. According to government officials and others, some progress has been made in his presidency. For example, peace talks between government representatives and those of the guerrilla insurgency have slowly moved forward. (Negotiations between representatives of the Guatemalan government and the insurgency began in April 1991 in Mexico City. Progress has reportedly been slow, in part, because of the hard line taken by some members of the military. *The New York Times* recently reported that "the Guatemalan military, which still wields enormous influence over the elected Government of President Jorge Serrano Elías, has been reluctant to cede what it considers to be one of its most effective weapons [the civil defense patrols] against the insurgency."³)

Although progress continues to be frustratingly slow, President Serrano announced on May 23, 1992, that he had accepted a new proposal designed to break a deadlock between the government and the guerrillas on the issue of human rights. In early August a partial agreement was reportedly reached; the Roman Catholic bishop mediating the negotiations, Monsignor Rodolfo Quezada Toruño, called it "a significant step" toward a cease-fire:⁴

Under the seven-point agreement, the government is to cease organizing and arming peasants to fight the rebels in the patrols "so long as there are no events that motivate it." The condition appeared to mean that the Army would be allowed to set up or arm new patrols in villages where the rebels began serious or persistent attacks. ... Since Guatemalan military Gov

³ Tim Golden, "Guatemala Rivals in Rights Accord, Move Toward Ending One of Oldest and Most Violent Wars in Latin America," *The New York Times*, August 9, 1992, p. 7.

⁴ Ibid.

ernments developed the patrols more than a decade ago as part of a counterinsurgency strategy that earned the country opprobrium around the world, human rights monitors have criticized the units incessantly.

Indian farmers in the country's highlands are forcibly recruited into the units as a matter of routine, the monitors have said, and the patrols have been blamed for killing civilians and other abuses.

Other positive steps taken during Serrano's presidency that are often cited include the indictment of a former member of the military in the murder of Myrna Mack; the convictions (in a retrial on April 28, 1992) of four Guatemalan police officers for the murder of a 13-year-old street child; the sentencing of two soldiers to 30 years in prison for the killing of four Indians from Quiché; the conviction of a member of the civil patrols for the 1991 murder of a farm worker; the appointment of civilians to head the Ministry of the Interior and the National Police; and the implementation of crucial economic reforms and a subsequent drop in inflation from an annual rate of around 70 percent in 1990 to an expected rate of less than 8 percent in 1992.

President Serrano has reportedly attached considerable importance to economic stabilization, clamping down on corruption, promoting bond sales, promulgating a property tax, and balancing the country's 1991 budget. The country's economy is, in fact, improving. According to a recent article in *The Economist*:⁵

GDP grew by 3.5% in 1991, and may grow by 4.2% this year. The public-sector deficit fell from 3.8% of GDP in 1990 to 1.7% last year. A law to increase tax collections has passed Congress. Foreign exchange reserves have risen from \$275m in January 1991 to \$850m ... and tariffs are being cut.

Guatemala is a signatory of the U.N.'s Universal Declaration of Human Rights and has ratified the U.N.'s International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, as well as the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. It has also ratified the American Convention on Human Rights and the Inter-American Convention to Prevent and Punish Torture. Guatemala is a participating member of the Inter-American Court of Human Rights. Despite the ratification of these international human rights instruments and formal guarantees under the Guatemalan Constitution of the promotion and protection of human rights, however, there is a continuing pattern of abduction and murder of individuals who are seen as threats by the Guatemalan armed forces. Political killings have continued since President Serrano took office in January 1991.

⁵ "Central America, Out of the Ditch," *The Economist*, June 6, 1992, p. 19.

A HISTORY OF VIOLENCE

The Conflict

The Guatemalan army has fought a guerrilla insurgency for more than 30 years—the longest and bloodiest war in the history of Central America. Approximately 150,000 people have reportedly been killed, and 40,000 have disappeared in the conflict; the majority have been Indian peoples.⁶ The Indians in Guatemala are Mayans, belonging to an estimated 18 to 28 linguistically distinct groups.⁷ Some 100,000 Guatemalans have been internally displaced during the past decade because of the political-military conflict. An additional 44,000 Guatemalan refugees have been living in camps in southern Mexico since they fled the violence of the early 1980s. According to the Guatemalan government, a voluntary repatriation program is now being established with the assistance of the U.N.'s Human Rights Commission. If the necessary conditions for voluntary repatriation and care are created (such as security, access to land, housing, and food), the Guatemalan government projects the return of 12,000 refugees from Mexico during 1992 and 30,000 during 1993. An April article in the *Christian Science Monitor* reported that "in the last three months, 775 [refugees] have relocated to Guatemala—more than twice the 1991 rate of return."⁸

In a 1981 publication, Amnesty International described the issue of political violence in Guatemala at that time as highly complex:⁹

Its causes lie in a number of interrelated factors: the absence of a tradition of democratic government; a historically weak and ineffective judiciary; guerrilla insurgency; the counterinsurgency activities which were originally developed with the assistance of foreign military advisers in the 1960s; the inegalitarian distribution of wealth and income; and the "social violence" engendered by the economic situation and pattern of government since 1954 ...

The majority of the documented abuses committed against the people of Guatemala are reliably reported to be perpetrated by members of the Guatemalan army and civil patrols or individuals involved with vigilante groups or "death squads" that are believed to have close ties with the military.

⁶ Procurador de los Derechos Humanos, *Informe Circunstanciado de Actividades y de la Situación de los Derechos Humanos durante 1,991* (Guatemala City, Guatemala, 1992), p. 24.

⁷ Richard F. Nyrop, ed., *Guatemala: A Country Study* (Washington, D.C.: Foreign Area Studies, The American University, 1983), p. 52.

⁸ David Clark Scott, "Guatemalans Prepare To Go Home," *Christian Science Monitor*, April 16, 1992, p. 3.

⁹ *'Disappearances,' A Workbook* (New York: Amnesty International USA, 1981), pp. 17–18.

Such abuses (from the mid-1960s to the present) have included tens of thousands of documented political killings and involuntary disappearances. With regard to the situation today:¹⁰

In 1991 the military, civil patrols, and the police continued to commit a majority of the major human rights abuses, including extrajudicial killings, torture, and disappearances of, among others, human rights activists, unionists, indigenous people and street children. The motive behind many of the abuses appears to be the belief, whether factual or based on spurious information, that the victims were in some way supportive of or sympathetic to the guerrillas.

The leftist guerrilla insurgency, which began in 1961 and is based mainly in the highlands of Guatemala, is also responsible for documented acts of violence against Civilians. During the late 1970s and early 1980s, these insurgents, made up of three rebel armies known collectively as the Guatemalan United Revolutionary Front (URNG), are believed to have been roughly 12,000 strong and to have controlled significant amounts of territory in the highlands in the northern part of the country. They are now believed to number only between 1,000 and 1,200 full-time fighters. Because the insurgents are reported to increase their activities during the weekends, there are also estimated to be a few thousand part-time guerrillas.

Human Rights Watch recently reported:¹¹

Leftist insurgents were apparently responsible for several political assassinations, particularly in the northeastern department of Petén. Most of these killings violate common Article 3 of the Geneva Conventions of 1949, which prohibits attacks against persons taking no active part in hostilities.

According to *Country Reports on Human Rights Practices for 1991*, human rights abuses committed by the guerrillas include "killings of policemen and others, kidnappings, forced labor and recruitment, wide use of mines and other explosives, and the use of children in combat."¹²

All of the individuals with whom the delegation met recognized that the guerrillas have been quite successfully dismantled by the Guatemalan army, without much outside assistance, and that they can no longer take power—although they are still an annoyance to the army. According to a report on

¹⁰ *Country Reports on Human Rights Practices for 1991*, Report submitted to the Committee on Foreign Affairs, House of Representatives and the Committee on Foreign Relations, U.S. Senate by the Department of State, February 1992 (Washington, D.C.: U.S. Government Printing Office, 1992), p. 613.

¹¹ *Human Rights Watch World Report 1992* (New York: Human Rights Watch, December 1991), p. 235.

¹² *Country Reports on Human Rights Practices for 1991*, p. 613.

human rights by the Guatemalan Presidential Coordinating Commission on the Human Rights Policies (COPREDEH), which covers the first four months of 1992, there exists between URNG and the government of Guatemala a "will of the parties to reach an understanding," and progress in the negotiations continues, "even if at a very slow pace." In this same report, however, COPREDEH attributes the deaths of more than 40 Guatemalans in the first four months of 1992 to "violent actions" by URNG.

Universities, Professors, and Students

Scores of students and academics have been killed or disappeared for political reasons, many after having received death threats. News broadcasts and paid advertisements in the Guatemalan newspapers regularly report death threats received by individuals and groups. The delegation learned that the frequently made death threats are carried out often enough to ensure that they must be taken very seriously. These threats, made by telephone, letter, and in person, add to the climate of intimidation, fear, and insecurity in the country and often lead threatened individuals and their families to flee the country.

People who have received death threats have included scientists and science students, particularly those teaching and working in the social sciences. Obviously, such threats have an enormous psychological impact on those who receive them and on their colleagues and students. The loss to the institutions with which these individuals are affiliated and to the students whom they teach, particularly at the University of San Carlos, has been significant. These actions, along with bomb threats and explosions on the campus and other disruptions, have seriously interfered with the functioning of the university.

The rector of the University of San Carlos, in his December 1991 discourse commemorating the 47th anniversary of "university autonomy,"¹³ spoke of the sad state of Guatemalan intellectual and university life, especially in the sciences:¹⁴

The political crisis reached its extremes in the decade of the 80s, when the regime mercilessly unleashed repression, annihilating any possibility of opposition, under the pretext of destroying the armed resistance. Many

¹³ "University autonomy" makes it illegal for security forces to invade the university campus. This provision has not always been respected. In any case, many abductions of university students and officials involve heavily armed agents or hirelings in civilian dress and unmarked but identifiable vehicles.

¹⁴ Alfonso Fuentes Soria, "Discurso del Rector de la Universidad de San Carlos de Guatemala con Motivo del XLVII Aniversario de la Autonomía Universitaria" (Guatemala City, Guatemala, 1991). Translated by delegation member Mary Jane West-Eberhard.

Guatemalans from the general populace or institutions like the University of San Carlos were savagely silenced. In this manner a culture of fear and terror was instituted that still castrates the richness of university thought. . . . (p. 4)

Guatemalan history has been characterized by the subjection of reason by force. Prominent university people in March and April of 1962, in the days of August 1989, or in any moment of current history, have had to offer their lives for Guatemalan liberty. Myrna Mack is the recent symbol of this brutal intolerance of ideas. (p. 12)

As a consequence [of repressive brutality], the university became internally disarticulated from its academic work . . . In this vacuum university authorities seeking to keep in the good graces of the regime compromised in the designation of professors, and intellectual creativity and the teaching of science were rendered inane. In this manner was committed one of the greatest crimes against the nation, the amputation of the very limbs of the university that would have functioned to produce ideas and express culture. (p. 14)

In this same discourse the rector cites an International Development Bank report (based on data of the Institute for Scientific Information) stating that from 1973 to 1984 Guatemala published only 19 papers per year in international scientific journals, at a time when the world scientific publication rate was 6,000–7,000 articles per day.

Disappearances

The 1992 Amnesty International Annual Report, which covers the period from January to December 1991, reports on 142 countries;¹⁵ disappearances in 1991 were reported to have taken place in Guatemala and 19 other countries; they involved at least 1,270 people in all 20 countries.¹⁶

The December 30, 1991, report of the Working Group on Enforced or Involuntary Disappearances of the U.N. Commission on Human Rights notes:¹⁷

Most incidents [in Guatemala] involving enforced or involuntary disappearances or other violations were reported to have taken place without witnesses; where witnesses existed, fear of reprisals led them not to report what they had seen, so that reliable evidence was very difficult to obtain. It was further pointed out that family members and human rights bodies which wanted disappearances and other violations to be followed up closely

¹⁵ *Amnesty International Report 1992* (New York: Amnesty International USA, 1992).

¹⁶ Amnesty International, "Annual Report Summary 1992," p. 2.

¹⁷ Commission on Human Rights, Economic and Social Council, United Nations, *Report of the Working Group on Enforced or Involuntary Disappearances* (United Nations, December 30, 1991), p. 37, paragraph 159.

had to do it by themselves, with all the risks that this entailed, as the legal machinery did not grant them the necessary protection.

This same report shows that from 1978 through 1990 the Working Group referred 3,119 cases of presumed detentions and disappearances to the Guatemalan government. Of these cases, 30 are alleged to have occurred in 1991; 2,994 cases were still pending as of December 1991.¹⁸

A few words should be said about the term "disappearance" because it is used frequently throughout this report. "Disappearance" is discussed in an Amnesty International publication, *'Disappearances,' a Workbook*, which notes that "the term 'disappearances' was first used (as 'desaparecido' in Spanish) to describe a particular government practice applied on a massive scale in Guatemala after 1966, in Chile since late 1973, and in Argentina after March 1976."¹⁹ Reliable sources estimate that 39 per cent of all disappearances in Latin America have taken place in Guatemala.

The Amnesty International workbook also reminds readers:

Many prisoners who have "disappeared" may well, at worst, have ceased to be. None, however, is lost or vanished. Living or dead, each is in a very real place as a result of a real series of decisions taken and implemented by real people. 'Someone' does know and, more importantly, is responsible.

In an effort to obtain justice for the families of the disappeared, the American Association for the Advancement of Science (AAAS) has begun a program to train Guatemalans to identify those buried in unmarked graves. According to a recent article in *Science*, a AAAS team will sponsor a technical training workshop to teach a Guatemalan forensic team, including:²⁰

. . . judges, members of human rights groups, and representatives of governmental bodies how corpses can yield clues about the way they died—and, in the cases of murder, who killed them. They will show them how to determine the cause and manner of death—and how to use that forensic evidence in a way that will stand up in court.

The article points out that, in Guatemala today,²¹

. . . forensic doctors are only required to determine the cause of death and not the manner, such as whether the death was a homicide or an accident. That determination has traditionally been made by judges, who lack forensic training.

¹⁸ *Ibid.*, p. 39, paragraph 165.

¹⁹ Estimated disappearances in Argentina number more than 9,000; in Chile 2,279 are reported to have died from torture or execution or have disappeared.

²⁰ Ann Gibbons, "Scientists Search for 'The Disappeared' in Guatemala," *Science*, July 24, 1992, p. 479.

²¹ *Ibid.*

The Myrna Mack Case

One of the best known recent cases of political murder in Guatemala is that of Myrna Elizabeth Mack Chang, an eminent 40-year-old anthropologist. Mack was stabbed repeatedly on September 11, 1990, just after she left her office in Guatemala City, during what is believed to have been an extensive struggle with two or more men. Myrna Mack was a founding member of the Association for the Advancement of the Social Sciences in Guatemala (AVANCSO); she was also a consultant to the Inter-American Commission on Human Rights and had academic ties with several universities in the United States, including Georgetown University and the University of California at Berkeley.

At the time of her murder Mack had been doing research and writing on the plight of internally displaced persons in Guatemala. She was murdered two days after a report for which she was principal researcher, *Assistance and Control: Policies Toward Internally Displaced Populations in Guatemala*, was published in English by Georgetown University Press.²² (The report was originally published in Spanish in early 1990.) Prophetically, the introduction to the report states:

From the start, this study was designed as an exploratory endeavor, given the absence of systematic research by Guatemalan researchers on the internally displaced. Moreover, due to the politically sensitive nature of the topic and its connection to human rights issues, it was not at all certain the research could be carried out.

The Human Rights Office of the Archdiocese of Guatemala, which provides the Mack family with legal counsel, provided the committees with much of their information on the Mack case. Additional information was obtained directly from the office's October 1991 report on her murder.²³

The chief of the Homicide Division in the Criminal Investigation Department of the National Police, 36-year-old José Miguel Mérida Escobar, who investigated the case, was himself murdered on August 5, 1991, in front of his family. He was scheduled to give testimony before the Inter-American Commission on Human Rights of the Organization of American States.

Mérida's September 29, 1990, report of his investigation provided evidence that the Mack case was politically motivated, implicated military

²² Association for the Advancement of the Social Sciences, Guatemala, *Assistance and Control: Policies Toward Internally Displaced Populations in Guatemala* (Washington, D.C.: Center for Immigration Policy and Refugee Assistance, Georgetown University, 1990).

²³ Human Rights Office of the Archdiocese of Guatemala, "Myrna Elizabeth Mack Chang (40), Guatemalan Anthropologist Murdered on September 11, 1990," October 1991.

intelligence officers, and identified as a suspect in the murder a former soldier in the intelligence branch of the Presidential High Command, Noel de Jesús Beteta Alvarez. An arrest warrant was issued for Beteta in July 1991. He had left the country, but local police apprehended him in Los Angeles, California, and deported him from the United States on December 3, 1991, to face the murder charges in Guatemala City.

A number of police witnesses also implicated Beteta in what have been reported to be gang-related crimes, including the February 1989 murder of Otto Leonel Castro and the aggravated assault of José David Godínez. According to the Human Rights Office of the Archdiocese of Guatemala, Godínez is permanently paralyzed as a result of the attack, but he has refused to provide testimony against Beteta. Lacking critical evidence, charges in the Godínez case have not been brought by the courts.

Beteta was charged with the February 1990 shooting of Herber Emilio Ramirez Cifuentes. The courts overseeing the Ramirez case issued, but apparently did not enforce, an arrest warrant for Beteta in early 1990, well before the murder of Myrna Mack. Ramirez, who is now 15 years old, has recovered from his wounds and testified against Beteta regarding the February 1990 attack, despite alleged bribe offers to withdraw his accusations against Beteta. The courts have thus formally charged Beteta with the assault against Ramirez and consolidated the case with the prosecution of Beteta for the Mack assassination.

The Mack murder case has attracted considerable press attention in Guatemala and in countries around the world. It has become well known, both nationally and internationally, for a number of reasons. Myrna Mack's family, which is prominent, well-to-do, and esteemed, has set an historical precedent by unrelentingly demanding justice, despite potential repercussions to themselves. Myrna Mack's friends and scientific colleagues, in an unprecedented effort, have tirelessly and courageously pressured the Guatemalan government to pursue the case. Because Myrna Mack was known and respected outside Guatemala, her murder became widely known and publicized; it has been the subject of repeated inquiries and appeals by dozens of organizations, including the Committee on Human Rights.²⁴ The case has gained a profile, thus placing considerable pressure on the Guatemalan government to resolve it. In addition, recent efforts to establish competent and credible police and judicial systems are credited with helping to move the case forward, though at a frustratingly slow pace.

²⁴ Mack's murder was the subject of an urgent action request to CHR correspondents early in 1991 and resulted in numerous pleas that those responsible for her murder be found and prosecuted.

THE COMMITTEES' WORK IN GUATEMALA

Violations of human rights directed against Guatemalan scientists, engineers, and health professionals have been a long-standing concern of the National Academy of Sciences' Committee on Human Rights (CHR) and the Institute of Medicine's Committee on Health and Human Rights (CHHR). This section briefly summarizes some of the committees' efforts concerning cases in Guatemala, beginning in the early 1980s.

Most of the cases undertaken by the CHR and the CHHR are those of disappeared colleagues who are never heard from again. Since the early 1980s the CHR has made dozens of inquiries of the Guatemalan authorities in behalf of disappeared individuals whose whereabouts remain unknown (see [Appendix B](#)). (Of the estimated 40,000 people who have been the victims of forced disappearances in Guatemala since the mid-1960s, most have never been seen again. In some cases their dead bodies—bearing signs of torture or mutilation—are found a few days later; in a few rare cases, abducted individuals have reappeared.) It has been the experience of the committees that if reliable sources can be established within countries in which abductions occur, and those sources are able to communicate the facts of a disappearance immediately to the committees, a prompt and widespread outcry can occur, and there is hope that it may save the life of the disappeared person.

For example, on June 24, 1982, a Guatemalan pediatrician and anthropologist, Dr. Juan José Hurtado Vega, disappeared. He was abducted by four armed men wearing civilian clothes in front of his pediatrics clinic in Guatemala City. The CHR immediately sent telegrams to the Guatemalan authorities and urged its members to write appeals in Dr. Hurtado's behalf. Subsequently, the Institute of Medicine joined with five other scientific groups to sponsor a delegation to Guatemala in Dr. Hurtado's behalf.

Dr. Hurtado, a professor at the Francisco Marroquín University in Guatemala and secretary of the university's medical facility, had set up and run a rural health clinic in a small Indian village. On July 4, 10 days after Hurtado's disappearance, the then president of Guatemala, Efraín Ríos Montt, acknowledged the arrest of Hurtado and said he was a prisoner of the government. After being held virtually incommunicado for more than a month, Dr. Hurtado was released on July 29 to the International Red Cross. On August 4, 1982, Dr. Hurtado and his wife left Guatemala and joined their son, a student at Marquette University in Milwaukee, Wisconsin.

In a letter to NAS president Frank Press, the then ambassador of Guatemala to the United States, Jorge L. Zelaya, reported on Dr. Hurtado's release: "After conducting an investigation, my Government established that there were clear indications of Dr. Hurtado's participation in the subversive

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movement, but that no conclusive evidence was found to sustain the charges that prompted his detention."

The committee also sent appeals by telegram to the Guatemalan authorities in behalf of a 70-year-old pediatrician, Dr. Gustavo Castañada Palacios, who was a friend and colleague of Dr. Hurtado. Dr. Castañada was arrested on October 28, 1982; he was released 5 days later. The Embassy of Guatemala in Washington, in a statement made several weeks later (on November 17), said that it had transmitted to the proper authorities in Guatemala the concern expressed to the embassy over Dr. Castañada's situation. The statement said that Dr. Castañada "was investigated on charges of being in possession of illegal weapons and subversive literature; the investigation was conducted in accordance with Guatemalan laws. Dr. Castañada was found innocent of the charges brought against him."

In addition to these two successfully resolved cases, the CHR has expressed its concern to the Guatemalan authorities about more than 30 other cases since the mid-1970s of disappeared or murdered scientists, engineers, health professionals, and students of these professions. (A list of these colleagues and others can be found in [Appendix B](#).)

A more recent case involved that of Dr. Carmen Angélica Valenzuela, a well-known pediatrician. She was abducted on February 10, 1990, in Guatemala City, in front of many witnesses, by six men armed with submachine guns. Dr. Valenzuela was professor of pediatrics at the University of San Carlos, president of the Association of Women Physicians, and department head at Escuintla Hospital. She also was involved in the organization of women's self-help programs and of the Disabled Olympic Games. The CHR learned of her abduction almost immediately and sent appeals to the Guatemalan government. A writ of habeas corpus was filed in her behalf, and she was released after 8 days. In this case as well, it is believed that a prompt local and international outcry may have helped bring about Valenzuela's release.

The Guatemalan ambassador to the United States at the time, John Schwank, formally notified the committee of Dr. Valenzuela's release in a statement sent to the CHR chair, Eliot Stellar, on February 20, 1990: "According to official information, Dr. Valenzuela was unable to identify the individuals involved in her kidnapping; however, government authorities continue their efforts to investigate the case and bring those responsible to justice." The statement, which made reference to the government having received "numerous expressions of concern from personal friends of Dr. Valenzuela, as well as from the international human rights groups," went on to say: "In Guatemala, her abduction has been a source of great distress and repudiation from all sectors of society, particularly from the medical community."

In May 1991 Dr. Valenzuela attended the CHR's biannual meeting,

expressed appreciation for its efforts, and described her ordeal. She reported that she had been held in a clandestine "jail" for several days, where she was "physically and psychologically tortured." She left Guatemala after her release, and she does not intend to return because of fear of continued persecution. She also expressed concern about the safety of her friends and relatives in Guatemala who might suffer repercussions because of her decision to discuss her ordeal. Dr. Valenzuela's abduction has apparently not yet led to any serious effort by the Guatemalan authorities to find her abductors and bring them to trial, despite expressed intentions of doing so.

VISIT TO GUATEMALA, JUNE 1991

In June 1991, at the invitation of the Higher Council of Central American Universities and the University of San Carlos of Guatemala, three observers for the CHR attended the opening ceremonies of a major educational campaign on human rights being launched in Guatemala by the university. The conference, entitled "The State and the Teaching of Human Rights," was held June 12–14, 1991, at the University of San Carlos in Guatemala City. The observers were Mary Jane West-Eberhard, Anthony E. Siegman, and Jay Davenport.

In addition to the University of San Carlos and the Higher Council of Central American Universities, the conference was sponsored by the Ministry of Public Affairs, the office of the attorney general, and the office of the ombudsman for human rights. Government sponsorship and participation sought to underline the government's commitment to the conference's objective to promote greater human rights protection in Guatemala by means of a countrywide human rights education program. The main purpose of the conference was to encourage human rights teaching in social sciences curricula in Guatemala. Guatemalan primary and secondary schools and universities do not include teaching and discussion of human rights as a part of general education in civics and government. The leaders of the University of San Carlos are seeking to remedy this and to encourage the incorporation of human rights education as a core element for all students.

The conference particularly aimed to sensitize faculty members of the university to the importance of teaching human rights in the schools. It also sought to educate and gain the support of government officials for the human rights education initiative. Conference participants, who numbered about 150, included university faculty members and staff, officials from the Ministry of Public Affairs and attorney general's office, staff members from the office of the ombudsman for human rights, as well as representatives from various universities in Central America and Mexico.

President Serrano addressed the opening session, as did Oscar Arias, former president of Costa Rica and winner of the 1987 Nobel Peace Prize.

Other conference speakers included the attorney general, the minister of public affairs, a Supreme Court judge, the ombudsman for human rights, and the director of the Inter-American Commission on Human Rights of the Organization of American States.

President Serrano called for greater human rights progress in Guatemala. He recalled students killed during demonstrations and said he never wanted to see such things happen again. He referred directly to the need to have justice applied and to have an end to crimes with impunity. "We are tired of violence," he said, a viewpoint that seems to reverberate throughout Guatemala. Oscar Arias, in the keynote address, emphasized that education in human rights should extend not only to the school system but to the armed forces, a suggestion for which he received enthusiastic applause.

In addition to the CHR, two other non-Central American groups were invited to send observers—the office of the ombudsman for human rights of the National Autonomous University of Mexico and the World University Service, which is based in Geneva, Switzerland.

While in Guatemala, the observers met with Alfonso Fuentes Soria, the rector of the University of San Carlos; Jorge Morales González, the dean of engineering; and Edgar Francisco Rivera, the director of the Office of Research (the office under whose auspices the human rights program was being organized). They also met with the U.S. ambassador, Thomas F. Stroock, who has been outspokenly critical of human rights abuses in Guatemala. In addition, they had private, informal conversations with others who attended the conference.

Given the history of repression of academics in Guatemala, the CHR considered the inauguration of a human rights program to be an advance for human rights and an occasion for a show of support by the international scientific community. In addition to giving encouragement to the academic community by attending the conference, the delegates were also able to learn more about the problems in Guatemala and the feasibility and potential usefulness of a mission of inquiry.

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The 1992 Mission

TERMS OF REFERENCE

On January 24, 1992, CHR chair Eliot Stellar and CHR director Carol Corillon met with the Guatemalan ambassador to the United States, Juan José Caso-Fanjul. They reminded Ambassador Caso-Fanjul of the interest and concern of the CHR and the CHHR regarding human rights abuses in Guatemala and specifically expressed their interest in seeing those responsible for the murder of anthropologist Myrna Mack brought to justice. They also told him that the committees were pleased to hear of the concern felt and expressed by President Serrano regarding abuses of human rights and of their wish to work with Guatemalan government officials to translate this concern into action. Stellar and Corillon gave Ambassador Caso-Fanjul the committees' lists of colleagues who were believed to have been killed for political reasons or who had disappeared, and they requested his permission to travel to Guatemala to express these concerns and present the lists directly to Guatemalan authorities.

Ambassador Caso-Fanjul supported the request and suggested that the delegation meet with the highest level officials of the government, police, and armed forces in Guatemala. Ambassador Caso-Fanjul was sent a list of officials with whom the delegation wished to meet and the requested appointments were arranged.

The following terms of reference were submitted to Ambassador Caso-Fanjul and to all of the individuals with whom the delegation met during the course of its stay in Guatemala City:

- to meet and establish a dialogue with government officials; members of the congress, judiciary, military, police, and security forces; human rights, health care, and legal organizations; academics; and individual scientists, engineers, and health professionals in an effort to gain a better understanding of the human rights situation in Guatemala;
- to express the concerns of the human rights committees of the National Academy of Sciences and the Institute of Medicine to the authorities in Guatemala regarding the physical safety of colleagues in science, engineering, and health care;
- to learn how the international scientific community might assist those in Guatemala who are trying to end human rights abuses;
- to present to those with whom the delegation meets the attached lists of 32 scientists, engineers, health professionals, and students of these disciplines, who are reported to have disappeared or to have been murdered—in some cases after being abducted;
- to verify the information on these lists with reliable and knowledgeable individuals and organizations and to correct or supplement it insofar as possible;
- to ascertain the status of any investigations into the cases on these lists;
- to request that the individuals responsible for the abductions, and murders of these colleagues be found and brought to justice;
- to present the information obtained and insights gained during the mission to the officers of the National Academy of Sciences and the Institute of Medicine;
- to publish a report of the mission and distribute it to interested individuals and organizations in the United States and abroad.

GOVERNMENT PERSPECTIVES

This section of the report summarizes information obtained during the delegation's meetings in Guatemala City with officials of government offices, including the police and armed forces, supplemented by information gathered before and after the mission. The delegation did not meet with President Serrano, who was in Costa Rica during part of the delegation's visit and was reportedly involved with the Guatemalan Congress on a tax-reform bill thereafter.

The delegation met with the following officials:

Fernando Hurtado Prem, Ministro de Gobernación (Minister of the Interior);

Miguel Angel Montepeque C., Ministro de Salud Pública y Asistencia Social (Minister of Public Health and Social Assistance);

Bernardo Neumann, Presidente de COPREDEH, Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos (Presidential Coordinating Commission on Human Rights Policies) and members of his staff;

Sara Tercero, Secretaria de Relaciones Públicas de la Presidencia de la República (Secretary of Public Relations of the Presidency of the Republic);

Aciselo Valladares Molina, Procurador General de la Nación (Attorney General of the Nation);

Julio Rivera Clavería, Secretario de la Corte Suprema de Justicia (Secretary of the Supreme Court), and Victor Manuel Rivera Woltke, Secretario de la Corte Suprema de Justicia (Secretary of the Supreme Court); (Juan José Rodil Peralta, Presidente de la Corte Suprema de Justicia [President of the Supreme Court], was in the United States on business at the time of the delegation's visit);

General José Domingo García Samayoa, Ministro de la Defensa Nacional (Minister of National Defense), and staff member Colonel Letona;

Carlos Enrique Samayoa Cifuentes, Director General de la Policía Nacional (Director General of the National Police), and an aide, Mr. Paniagua;

Colonel Marco Antonio Castellanos P., Director General de la Guardia de Hacienda (Director General of the Treasury Police), and an aide, Mr. Barrios;

María Eugenia Morales de Sierra, Procuradora Adjunta de los Derechos Humanos (Assistant Human Rights Ombudsman), and Lionel Gómez, a medical doctor with the office of the ombudsman for human rights.

During each of the meetings, the delegates expressed their concern for the safety and well-being of scientific colleagues and science students in Guatemala and their ability to carry out their work freely. The delegation also presented its list of disappeared and murdered colleagues with a request that any information on their cases be provided to the committees. The delegation also expressed the committees' concern that those responsible for these disappearances and murders be identified and brought to justice; with regard to the murder of anthropologist Myrna Mack, the delegation urged that the case be fully and thoroughly prosecuted. The delegation stressed repeatedly the importance of the complete and honest resolution of the Mack case to many members of the world scientific community with whom the committees are in contact. The officials were told that a just resolution of this case, which was in the courts at the time, would be seen as an expression by the Guatemalan government that it has the will to end the "culture of violence and impunity."

The officials with whom the delegation met expressed support for President

Serrano's declarations concerning the need to end human rights abuses. They were cooperative, voiced recognition of abuses, and agreed to provide available information on recent and older cases. They spoke of the need for reforms within the judiciary and security forces and the need for better control over the military ranks and civil patrols, although they stressed the lower ranks rather than those higher up. They spoke of the importance of human rights education within the police and armed forces and of efforts on this topic that are under way. They asked for recognition of the salary limitations for police officials and their consequent susceptibility to corruption. They also spoke of the problems associated with the guerrilla insurgency and the increase in common crimes and terrorism in Guatemala City, specifically mentioning murders committed by thieves and gangs that are made to look like political assassinations.

The Mack Case

According to Carlos Enrique Samayoa Cifuentes, the director general of the National Police, when a case is transferred to the courts in Guatemala, contrary to the practice in many other countries, the police have nothing further to do with it; the judge is responsible for the investigation.

Helen Mack, Myrna Mack's sister, is acting as the "acusadora particular," or private prosecutor in the case. In the capacity of private prosecutor, Ms. Mack is allowed full access to the court records. In early 1992 she traveled to Geneva to testify before the U.N. Commission on Human Rights regarding the status of her sister's case. Also, a petition was filed before the Inter-American Commission on Human Rights of the Organization of American States charging Guatemala with violations of certain articles of the American Convention with regard to the Mack case. Several sources told the delegation that people in Guatemala City stop Helen Mack on the street to express their admiration and support for her efforts and her strength, to wish her courage, and to thank her for demanding justice for her sister because, in doing so, she helps vindicate all who have been killed.

During its visit the delegation learned that Myrna Mack's case had, for a variety of reasons, gone through 9 courts and 11 judges before being referred, on February 17, 1992, to a military court. (See [Appendix D](#) for an informal outline of the Guatemalan judicial procedure and the phases and steps of the Mack case to date. It was prepared in consultation with the Human Rights Office of the Archdiocese of Guatemala.) When the delegation asked Attorney General Acisclo Valladares Molina about the seeming irregularities, Valladares said that the Mack case is not unique in the large number of judges and courts involved, and he said that there had been perhaps some 20 other such cases with large numbers of judges and courts in the past year. Specifically, the delegates were told that the first court is responsible for establishing the facts and the second prepares the material to

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be presented and sends it on to the next court which tries the case. In this case, however, several judges took vacation leave and so the case had to be sent to another court. Valladares also said that one judge asked to be removed from the case because he claimed to have been pressured by Helen Mack and the Ministry of Public Affairs, who had questioned his impartiality. Another judge withdrew at the request of Helen Mack.

Although the delegation found Valladares's statements credible, it also believes that fear by the judges for their physical safety and that of their families could be a factor. According to Amnesty International's 1992 report on Guatemala.²⁵

Judges and lawyers were among the victims of reported human rights violations. Former judge, Roberto Lemus Garza, who worked as a lawyer on human rights cases, reported receiving repeated anonymous death threats, as did other judicial officers and lawyers in various parts of the country.

The Human Rights Office of the Archdiocese of Guatemala told the delegation that the presiding judge at the time of the delegation's visit, Victor Hugo Navarro Solares, had asked that the local military court assume jurisdiction over the case and that it be tried in a military tribunal. Navarro argued that Noel Jesús Beteta Alvarez, who has been accused of involvement in the murder (see above), was on active duty in the military at the time that Mack was murdered and that Navarro consequently lacked jurisdiction.

During the course of their visit, the delegates expressed concerns about this turn of events to all relevant officials. They specifically asked Valladares what the potential outcome of this decision would be. He told the delegation that Judge Navarro's decision had been appealed by the Mack family with a request that the trial remain in the civilian court system and that the appeal was under consideration.

(In a May 5, 1992, letter from the Ministry of Defense in response to a CHR inquiry regarding the current court status of the Mack case, General José Luis Quilo Ayuso reported that it was decided on March 27 that, under Article 219, part two, of the Guatemalan Constitution, the trial should be held in a civil penal court and that the third judge of the Court of First Instance of the Penal Sentence was the appropriate person to hear the proceedings against Beteta.²⁶ Beteta was discharged from the army in 1990.)

Because of the concern expressed about the safety of potential wit

²⁵ *Amnesty International Report 1992*, p. 128.

²⁶ The letter was written in Spanish. The section that was excerpted and translated above reads as follows: "La Sala Cuarta de la Corte de Apelaciones, con fecha 27 de marzo del presente año, resolvió que el Juez Tercero de Primera Instancia Penal de Sentencia es el competente para continuar con la tramitación y resolución del proceso iniciado en contra de NOEL DE JESUS BETETA ALVAREZ ..."

nesses in the Mack case and others, the delegates asked the director general of the National Police, Samayoa, whether the police provide protection for potential witnesses in controversial cases. He said that there are not enough resources available to give adequate protection to witnesses and that witness protection and relocation programs do not exist in Guatemala. The delegates specifically asked Samayoa about the murder of Mérida, the police investigator responsible for investigating the Myrna Mack case, who reportedly died of five gunshot wounds. Samayoa said that Mérida had not requested police protection, that he was killed in the police headquarters parking lot, and that two men had been detained in the case. The delegation learned subsequently from human rights sources that Mérida had expressed fear for his physical safety to them and had requested that they help him and his family to leave Guatemala. (In late May the CHR also learned that on April 22 a Guatemalan court found the men accused of Mérida's murder, Gonzalo Cifuentes Estrada and Alfredo Guerra Galindo, not guilty because of lack of evidence. The CHR has been told that the verdict will be reviewed by an appellate court.)

Mérida's murder is widely believed to have been committed in an effort to intimidate potential witnesses and those attempting to prosecute the Mack case. Mack's former colleagues confirmed to the delegation that the Mack case is now at one of its most critical and difficult junctures; eyewitnesses, of which there are believed to have been several, must now decide if they are willing to face the risk of testifying.

(In late July 1992 the Mack case was assigned to Judge Alcides Sagastume and the next stage of the process, which is roughly analogous to a trial phase [see [Appendix D](#)], began in August. The court has been asked by the Mack family to call a number of new witnesses, including members of the military. The court was asked to obtain a large number of records from the army's files that might shed light on the case, and it did so. It is believed that this is the first time that the military has been asked by the courts to provide such evidence.)

The delegation also met with Bernardo Neumann, the president of the Presidential Coordinating Commission on Human Rights Policies. The delegation told Neumann of the committees' concern about the large number of judges and courts in the Mack case. Neumann responded that the reason for the case being moved to so many different courts was probably because of threats made against those involved in trying the case. Several individuals working for the courts and involved with the Mack case have reported receiving threats because of their connections with the case.

In response to concern expressed by the delegation about the Mack murder, Neumann said that the attorney general has found enough evidence to indicate that the murder was politically motivated. He said that the man who killed Myrna Mack was just "a tool" and that those behind the crime

must also be found. He indicated that Mack came from an honest and well-to-do family and that any allegations that the crime was related to black market dealings were wrong. He added that Mack had been a friend of President Serrano and of himself. He also said that the Guatemalan government cannot afford to drop the case because it is internationally known and to do so would be against its principles. When the delegation expressed concern about the ability and willingness of potential witnesses to testify, Neumann reiterated what the chief of police had told the delegation earlier, namely, that Guatemala does not have the funds and staff to have a witness protection program. He asked, rhetorically, "Who could be trusted to protect any potential witnesses?"

Disappearances and Political Killings

In the course of their discussions in Guatemala, the delegates attempted to identify criteria that might be used to determine if a murder or disappearance is politically motivated and when it should be described as a crime "indicative of security force involvement." This effort was critical because there is widespread violence in Guatemala, with murders and disappearances also perpetrated by common criminals, street gangs, and the guerrillas. Thus, the source of any particular act of violence is not always apparent, and there is often insufficient evidence on which to make a credible allegation.

For example, the following factors are sometimes thought to indicate security force involvement: the use of automatic weapons, because they are available to members of the military; heavily armed individuals; a single gunshot to the back of the victim's head (a *coup de grace*); surveillance prior to the crime; receipt of death threats; inquiries about a victim before the crime is committed by individuals dressed in civilian clothes, showing a photograph of the potential victim and asking about the victim's whereabouts; use of unmarked vehicles; use of vehicles with opaque windows. In the opinion of the delegates, however, these factors are not necessarily indicative and certainly not determinative.

The factors involved in the profile of the victim that are sometimes thought to indicate security force involvement but, again, that the delegation does not consider determinative, include the following: the victim was a leftist political activist; the victim worked with poor, underprivileged, or internally displaced people; the victim was a teacher or student activist; the victim lived or worked in an area of guerrilla activity; the victim was not known to be a gang member or criminal; the victim was tortured or mutilated.

The delegates believe that, although a majority of politically motivated killings and disappearances are accurately believed to be committed by the

security forces, allegations of security force involvement must be made carefully and on the basis of a thorough analysis of the criteria indicating political motives and then only when a significant number of criteria are met.

The Police and the Armed Forces

The 40,000-person army and 3,000-person mobile military police under the minister of defense have primary responsibility for national security. The National Police (about 11,000 members) and the Treasury Police (about 2,000 members) report to the minister of the interior. In addition, there are civil defense committees (CVDC), also known as civil self-defense patrols (PAC), which are made up of an estimated 500,000 persons who are responsible for counterinsurgency and maintenance of law and order. In Guatemala, according to the *Country Report on Human Rights Practices for 1991*, published by the U.S. Department of State:²⁷

The Armed Forces operate with significant institutional legal autonomy, particularly in security and military matters. . . . Despite a constitutional prohibition, membership in the PAC's in conflict zones is often involuntary. The security forces and the PACs committed numerous and serious human rights violations during 1991.

According to the Constitution, President Serrano is the head of the armed forces. Since he came to office, he has fired two defense ministers (both generals), the air force chief, and the commander of the Guatemala City Garrison.²⁸

While not denying the responsibility of the Guatemalan government to end human rights abuses, most of the officials with whom the delegates spoke mentioned progress in the ongoing peace talks as a key to diminishing the violence in Guatemala. They also spoke of war-related kidnappings, assassinations, and abuses of alleged right-wing or left-wing sympathizers as major sources of human rights violations by both the military and the insurgents. The attorney general told the delegation that "peace and justice go hand-in-hand; while the conflict exists, the rule of law cannot prevail" and, at the same time, as long as there is no state of law, there will be no end to the conflict. Several officials also emphasized, however, that there has been an increase in criminal and gang violence, with 10 to 12 murders a day in Guatemala City and an estimated 2 million unregistered firearms. The need for funds to revamp the legal and judicial system, provide human

²⁷ *Country Report on Human Rights Practices for 1991*, p. 613.

²⁸ "Central America, Out of the Ditch," *The Economist*, June 6, 1992, p. 19.

rights training, and raise police salaries to reduce corruption was mentioned repeatedly. The salary of a police officer is approximately \$80 per month; the minimum wage is about \$70 per month. Expenses for a family of four are estimated to be about \$150 per month.

Several officials mentioned as a positive development the appointment of the minister of the interior, Fernando Hurtado Prem, who oversaw the National Police and the Treasury Police. (Hurtado resigned his position on July 23, 1992, following widespread criticism of alleged arbitrary use of excessive force by the National Police against individuals demonstrating for land rights who had gathered in front of the National Palace in Guatemala City.)

Hurtado is an attorney who formerly held the post of deputy ombudsman for human rights and was credited with efforts to demilitarize the interior ministry. Hurtado himself told the delegation of the possibility that the National Police, now headed for the first time by a civilian, and the Treasury Police, headed by a retired colonel, would be consolidated. This action, he said, is being considered because, in the past, treasury policemen have committed abuses relating to human rights, drug trafficking, financial fraud, and cover-ups. When asked who would head such a new police force and whether it would be a civilian, Hurtado responded that the Treasury Police would be subsumed under the National Police and that the head would be a civilian.

Hurtado mentioned specifically that the most serious human rights problem in Guatemala is the lack of punishment of those who commit crimes. He called for the end of moral impunity but said that it is difficult, for a variety of reasons, to break the cycle in the face of armed conflict. He stressed the importance of working with the armed forces to accelerate the peace process. With regard to the need for the police forces to respect human rights, Hurtado said that an effort is under way to professionalize the police and said that the police academy, which had been closed, has now reopened. He added that the process of educating the police forces will take time.

The delegates were reminded on several occasions that the current chief of police, a lawyer, is the first civilian to be appointed to that post. (The colonel whom he replaced, Mario Paíz Bolaños, was accused by the human rights ombudsman of permitting torture, and he was ordered to resign by President Serrano.) The delegation was told that Police Chief Samayoa has started a campaign to modernize the force and has weeded out more than 1,000 policemen within the department believed to be corrupt. According to a recent report by COPREDEH, 1,000 students enrolled in the national police school on April 1 and would finish their training on June 1.

Chief Samayoa told the delegates that the police force is made up of approximately 10,000 members, including about 1,000 women; roughly 40 percent of the members come from the west and central part of the country

and 60 percent from the east. (The Mayan Indians, who constitute more than 50 percent of the total population, live primarily in the rural areas of the northwest Guatemalan highlands.) It was not clear to the delegates how many Indians are members of the police force.

When the delegation asked Chief Samayoa how a credible allegation of police misconduct would be handled, he responded that the police investigate the allegation directly through the Office of Professional Responsibility and that suspects are sent to the Justice Department. He specified that no distinction is made between human rights abuses and common crimes.

The delegation also asked Chief Samayoa whether human rights training for the police is seen as a positive strategy to help end abuses. He replied that the United Nations had suggested human rights training for the police and that Guatemala agreed to the suggestion. Former U.N. adviser Marco Sagastume was subsequently appointed to the Ministry of the Interior but is still paid by the United Nations. Sagastume, the delegation was told, has responsibility for "democratic culture and human rights programs" and has organized, among other educational efforts, a mobile human rights van that is taken into the interior of the country to educate and train members of the police force about human rights issues.

In a meeting with the director general of the Treasury Police, Colonel Marco Antonio Castellanos Pacheco, and his assistant, Mr. Barrios, the delegates were told that although the Treasury Police are not involved in follow-ups on disappearances, they are willing to be helpful. He said that the Treasury Police can send individuals to the courts if necessary and that they carry out orders by the courts to arrest individuals. He said the Treasury Police have had to change their priorities and help the authorities to bring to light extreme cases of human rights abuses; the Guatemalan government is striving to improve the situation. He went on to say that the delegation deserved praise for undertaking the mission, although not all information on human rights abuses reported by other countries has been accurate.

With regard to the relation between the Treasury Police and the National Police, the delegation was told that their areas of responsibility are well defined and that their training is different. With regard to human rights education, Castellanos said that Sagastume had come to the Treasury Police to give classes and that they have developed very good relations. Barrios said that when dealing with drug traffickers and other criminals it is difficult to remain respectful of human rights. He said, however, that because the punishment for drug trafficking is light, there is not much resistance when arrests are made. When asked about the percentage of Indians in the Treasury Police, the delegation was told that it is very low because of lack of education; a high school diploma is a minimum requirement.

Supporters of the minister of national defense, General José Domingo

Garcia Samayoa, were eager to point out to the delegation that he was appointed during President Serrano's first year in office (in December 1991). He is said to have been supportive of the peace talks with the guerrilla insurgency and to have taken part in the national dialogue consultative process that was established in 1987 under the Central American Peace Agreement.

The delegation's meeting with General García covered a range of topics. When asked whether, given the Mack murder, scientists can be safe in Guatemala, General García responded that there are problems in the country because of the guerrillas and that emphasis must be placed on the peace process to end the conflict. When asked how large the army is, he said "barely large enough to deal with the problems" in the country. "It is one of the smallest armies in Latin America with one of the smallest budgets," he said.²⁹ General García also said that the security forces are maintained entirely by Guatemalan funds.

With regard to human rights education, General Garcia said that there are ambitious courses in human rights within the army, including lectures by the ombudsman's office, and that a human rights library is being established. He added that four generals recently traveled to Costa Rica to take human rights courses. He also gave examples of humane treatment by the army of wounded guerrilla combatants.

The delegates also met with and expressed their concerns to the former minister of defense, General Héctor Gramajo, who is now retired but continues to have connections with top military officials in Guatemala and is rumored to have future political ambitions.

Gramajo spoke of the need to reform the judiciary but also spoke of the judiciary system being at the mercy of the investigations by the National Police, who must provide information and follow-up on cases in order to present information to the judges.

²⁹ The following data come from *Regional Surveys of the World: South America, Central America and the Caribbean 1991*, 3rd ed. (London: Europe Publications Limited, 1990):

Country	Population (millions)	Size of Military
Costa Rica	2.9	no standing army
Bolivia	6.9	28,000
Guatemala	9.5	43,000
Ecuador	10.2	42,000
Chile	13.2	101,000
Venezuela	19.2	70,500
Mexico	84.2	141,500

Judicial System Officials

During the delegation's meeting with the new attorney general, Acisclo Valladares Molina, it raised the question of his autonomy and independence. Valladares told the delegates that, although he is appointed by the president, his term is for 5 years, he cannot be dismissed, and he reports directly to the Congress. Everyone with whom the delegates spoke concerning the judicial system in Guatemala said that it is antiquated and that changes are needed. Valladares said that the inquisitional system used in Guatemala, as opposed to the adversarial system used in the United States, is in need of reform. The current system relies on written and private court proceedings. The new system will move toward a trial system with oral testimony. He added that there is already a more public aspect to the courts and that within the past year, because there is new political will to establish a system of law, there has been more judicial independence.

With regard to modernizing and making the courts more efficient and impartial, Valladares said that he has significantly increased the number of attorneys, from 8 to 40, and has been authorized to hire 250 more. He also pointed out that the budget for his office has been doubled this year and that now, with telefax machines and computers, additional positive changes will also occur, although they may be gradual.

When asked to speak about the future of the judiciary, Valladares said the greatest positive change is that there is not a single case in which the public ministry has not begun the judiciary process. He said that, in the past, the country was preoccupied with the "threat to national security" and that cases did not get to the courts.

The current president of the Supreme Court, José Rodil Peralta, appointed only 3 weeks before the delegation's visit, will serve a 6-year term. He was in the United States during the delegation's mission to Guatemala. The delegates met with his deputy, Julio Cesar Rivera Clavería, and Victor Manuel Rivera Woltke, another member of the staff, to ask for information on disappeared colleagues. Rivera Clavería told the delegation that in response to its list, telegrams had been sent to all local judges responsible for each case, that a large number of judges had responded, but that no new information had been obtained. The contents of these telegrams were shared with the delegation. He told the delegation that some of the cases on its lists had not been brought to the courts by the families of the victims, although which cases were not specified. The delegation requested that any information obtained following its departure be sent to the CHR. (Subsequently, in June, Rivera Clavería sent the CHR a list of courts to which most of the cases undertaken by the committees had been submitted.)

Rivera Clavería added that, while time is needed for the situation to improve in Guatemala, there is a sincere desire to change the system and

the intention to respect human rights. Rivera Clavería said that the serious political challenge in Guatemala is to diminish the power of institutions, such as the military, but he added that they are beginning to change.

Ministry of Public Health

In a meeting with the then minister of public health, Dr. Miguel Angel Montepeque, the delegation expressed its concern about human rights abuses directed against health professionals, particularly those working in areas of conflict in the interior of the country and in the poor areas of Guatemala City. (Montepeque was replaced as minister of health on April 30 by Eusebio del Cid Peralta.) The delegation asked the minister how basic health services, particularly to indigenous peoples, are affected by violence. Montepeque responded that health workers have a degree of credibility and that they do not encounter too many problems. He said that bridges have been sabotaged and that the guerrillas have impeded the vaccination programs. The delegation asked Dr. Montepeque specifically about health workers killed or disappeared from the Behrhorst Foundation located in Chimaltenango in Guatemala's western highlands (see below). He said that the clinic is a nongovernmental organization that has worked in the country for more than 20 years and said he was sorry that the clinic's founder, Dr. Carroll Behrhorst, had to leave the country several times. He said that his ministry had offered help to the clinic but that he did not know what happened to those who were killed or disappeared.

Office of the Ombudsman for Human Rights

In 1985 the Guatemalan Congress decreed the creation of the constitutional position of human rights attorney or ombudsman (Procurador General de los Derechos Humanos). The appointment is made by Congress upon recommendations from the Congressional Human Rights Commission. The ombudsman's office has broad powers under the Guatemalan Constitution, including the receipt and investigation of human rights complaints and determination of appropriate judicial or administrative action on specific cases. The ombudsman is called on to protect human rights, to promote human rights education and awareness, and to ensure respect for those rights. The ombudsman can investigate cases brought to the attention of the office and can make recommendations regarding prosecution. Many of the cases undertaken concern disappearances and political killings.

In 1987 Gonzalo Menéndez de la Riva, a distinguished 82-year-old jurist, who is highly respected for his honesty and integrity, was appointed ombudsman for human rights. Menéndez, who retired before the end of his term, is credited primarily with the administrative organization of the of

fice. He was succeeded in December 1989 by Ramiro de León Carpio, the former president of the National Constitutional Assembly. Carpio has taken a more active role, spoken out publicly against the government, and called for political will to investigate and prosecute political crimes. Carpio was recently reappointed to a term of 5 years.

The delegation met with the deputy ombudsman for human rights, María Eugenia Morales de Sierra, a lawyer, and Lionel Gómez, a medical doctor, at the offices of the ombudsman for human rights. (Carpio was traveling outside the country at the time of the delegation's visit.)

The delegation learned that its information on one of the cases on its list of disappeared colleagues, that of Benjamín Díaz Arevalo, was erroneous. The ombudsman's office informed us that Díaz had never been abducted and is alive but perhaps living outside the country. Because of the ombudsman's reputation for accuracy, the CHR's list has been changed to reflect this information. Confirmation from additional independent sources is being sought. The delegation also learned that the cases of two agronomists, Danilo Sergio Alvarado Mejía and René Haroldo Leiva Cayax (see [Appendix B](#)), who were abducted in October 1987 and subsequently found dead, had been brought before a court of justice. The chief of police of Quetzaltenango at the time of the murders and five police agents were arrested in December 1987 and charged with the murders. They were found guilty and sentenced to 30 years in prison. According to Amnesty International:³⁰

A former high-level official in the national police maintained to Amnesty International's 1988 delegation that the arrested police officers had not been responsible for the killings, and that police intelligence officers had told him that the army had ordered the agronomists' deaths. The police chief and five agents appealed their convictions in 1990 and were released.

The staff of the ombudsman's office told the delegation that international moral support behind the efforts of Guatemalan human rights groups has helped a great deal in bringing cases to the courts and that human rights education efforts vis-à-vis the army, particularly in the interior of the country, have been effective. The ombudsman's office has produced a special, simplified version of the major international human rights documents, including the rights and obligations of army personnel. The ombudsman and his staff hope that publicizing human rights cases will help to break the cycle of abuse that plagues Guatemala. Members of the ombudsman's staff also reported that some progress has been made toward ending the forced

³⁰ Amnesty International, "Report on Guatemala," Index AMR 34/07/89, June 1989.

recruitment by the armed forces of underage children and in creating an awareness that human rights abuses are unconstitutional. They noted that the president of the Supreme Court and the attorney general have also contributed to the recognition that open discussion of human rights is guaranteed under the Constitution.

The delegation was told that the ombudsman travels with bodyguards and that his staff has been subjected to harassment and physical threats; one staff member's home was strafed by machine gun fire. Several top members of the ombudsman's staff indicated to the delegation that, while they have committed themselves to continuing their work until August, the end of the ombudsman's first term, they fear for their personal safety as a consequence of their work and will not continue beyond that time.

Presidential Coordinating Committee on Human Rights Policies

The Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos (Presidential Coordinating Commission on Human Rights Policies), COPREDEH, coordinates the human rights efforts of the Ministry of Foreign Affairs, the Office of the Attorney General, the Ministry of Defense, the Ministry of the Interior, and the office of the ombudsman. The delegation met with COPREDEH's president, Bernardo Neumann, and several members of his staff. This commission, Neumann explained, is the first of its kind.

With regard to the delegation's list, Neumann said he anticipated that it would be difficult to find information on the cases of those who disappeared long ago. Regarding safeguards against murders in general and the murder of Manuel Peña in particular (see details below), Neumann said that the main problem is total insecurity and total impunity. He also referred to the enormous number of guns in the country and said that AK-47s are coming into the hands of street gangs in Guatemala city from El Salvador. He talked about the lack of an adequate police force and the need to restructure it.

In its report on human rights during the first 4 months of 1992, COPREDEH quotes from a report submitted by the director of the National Police to the president of the Congressional Human Rights Commission. It states that 1,343 reports of missing persons were received by the police during 1991, that 1,183 were resolved, 160 cases are still under investigation, and 58 people were victims of forced disappearances.

UNIVERSITIES AND RESEARCH INSTITUTIONS

Most of the human rights abuses in Guatemala are perpetrated in the highlands against civilians who are poor, uneducated, and relatively de

fenseless. Nevertheless, a significant number of academics and intellectuals, including prominent university officials, have been victims of forced disappearances or political killings, causing others who have become targets—or fear that they or their families will become targets—to flee the country. The 32 cases on the CHR's original list and those of Drs. Hurtado and Valenzuela, described above, are examples.

The University of San Carlos (USAC), Guatemala's largest university, was founded in 1676 and granted autonomy in 1944. In 1991 the student population was about 68,000. The country's four private universities together had a total student population of about 23,000. Since the mid-1970s the USAC has been a target of the security forces because of its status as a forum for political opposition to military control over the government and the leftist, activist orientation of some of its students and teachers. In fact, USAC has been severely damaged by a combination of actual military assaults and occupations and by the exodus of respected intellectuals. Because of the killing of academics and scientists, many faculty members have fled the country. Sometimes, even flight does not bring safety: one former rector of the University of San Carlos was murdered in Mexico.

The national university's sorry history and extreme politicization not surprisingly render it virtually inoperable as a center for serious scientific research. It also is in extremely poor physical condition—run-down, underequipped, and underfunded. The library no longer really exists; most of its collections having been dispersed to various university departments. At the engineering school library, only a few old journals can be found on the shelves.

Students and scientists wishing to focus on science can, if they can afford it (and most cannot), go to one of the small, better equipped, elite private universities. These include the University del Valle, which has 1,500 students; the Francisco Marroquín business and economics school; Rafael Landívar University, affiliated with the Catholic Church; and the Mariano Galvéz University. In some fields the small amount of scientific research being carried out in Guatemala is conducted at these small, relatively well-endowed, private universities, or in specialized private institutions like AVANCSO (see below), where research is largely supported by grants from non-Guatemalan foundations.

University of San Carlos

Because human rights abuses and repression of colleagues in the sciences are directed primarily at those affiliated with the University of San Carlos, rather than those at the four private universities, and because it is the largest and most important university in Guatemala, the delegation focused its attention on the situation at USAC.

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During the course of its stay the delegation had several formal and informal meetings with members of the faculty of USAC, including the rector, the dean of students, the dean of student health, the director of research responsible for the Human Rights Education Program, and members of the faculties of medicine and philosophy.

The university's history of political violence has included the shooting deaths of two of the university's rectors in the early 1980s and the murders or disappearances of dozens of teachers and several hundred students. Bomb threats are common occurrences.

The CHHR has been particularly concerned about the ability of health professionals to provide health care in areas of conflict in Guatemala and about their physical safety. During the delegation's visit, Dr. Lawrence had the opportunity to meet with two members of the medical faculty of the USAC. They discussed the general impact of the violence on the intellectual environment and how it affects medical education, research, and health care. They recognize the special health needs of the indigenous people but feel severely constrained from providing appropriate educational programs because of the lack of security in the highlands.

According to members of the faculty, USAC's School of Medicine, with a faculty of 225, had an entering class of more than 1,000 students in 1981. Since that time 40 of the teachers and several rectors have been forced into exile because of sustained intimidation or psychological fatigue; only two teachers have returned.

Repression at the University of San Carlos appears to be cyclical. With regard to those on the delegation's list of murdered and disappeared teachers and students at USAC, the staff at the ombudsman's office pointed out that they tend to follow a pattern. Almost all were the same age, between 28 and 29 years of age, when killed or disappeared; they lived in areas or neighborhoods of the lower or middle class; all were involved in political activities not related to their studies; several had printing presses in their homes; they received death threats followed by a period of calm and then were abducted and made to disappear or were found murdered.

When the delegation expressed concern that USAC may now be facing the beginning of a similar cycle, this possibility was acknowledged, but it was stressed that now groups like the ombudsman's office, the Archdiocese, and others are keeping a watchful eye on the situation and that they, as well as outside groups like the CHR and CHHR, must make people aware of the situation in the hope of breaking the cycle.

A formal meeting hosted by Dr. Juan Alfonso Fuentes Soria, the rector of USAC and former dean of the Faculty of Dentistry, included teachers, administrators, and student government leaders. The delegation tried to learn from these individuals and others whether and how it might be possible to form a group of reliable and objective individuals at the university

who might act as a human rights clearinghouse that could refer cases to groups like the CHR and CHHR. After a halting discussion, it became sadly clear that the climate of fear and mistrust at the university is such that any group of the type described would be too vulnerable and would immediately become a target for death threats and other types of human rights abuses.

Nonetheless, Dr. Fuentes, an articulate defender of human rights and the autonomy of the university, thanked the group for coming to Guatemala and expressed the belief that this show of solidarity would aid the USAC in its efforts to ensure that human rights are respected and strengthened, not only at the university, but also throughout the country.

The delegation was told that the university has played an important role in mobilizing uprisings in the history of Guatemala—in 1944, 1954, 1962, 1978, and 1980–1981. The delegation was also told that when anticommunist efforts are undertaken by the government—repression, murder, and exile at USAC follow. A new wave of repression began in 1992. The office of the University Students' Association was bombed on January 30, at the time of the inauguration of a new radio station on the campus. On February 24 a bomb was deactivated inside the building that houses the rector's office, and on the following day a bomb exploded in front of the old law school building located on another campus of the university, injuring a passerby.

During the delegation's visit, bomb threats had caused the suspension of classes for 3 days. The USAC faculty and students reported that more threats had been received in the 2 weeks before the delegation's visit than in the previous 9 months. They reported that there are still people who want to damage the university and can act with impunity.

The rector reported that funds for the university have been reduced in an effort to pressure it to depoliticize its activities. Students and teachers have received death threats and have been killed for political reasons and in an effort to divert resources from the university.

The delegation discussed at the meeting with the rector the case of Manuel Estuardo Peña, a 28-year-old history professor at the University of San Carlos. The case was also mentioned by the delegation to several of the government officials with whom it met. Peña was killed in front of his apartment, on February 10, 2 weeks before the delegation's visit, as he arrived home for the evening, by at least two unidentified assailants using automatic weapons. Peña worked with underprivileged and internally displaced people in Guatemala City. He reportedly received death threats by telephone before he was killed. The day after Peña's murder, Dr. Fuentes publicly condemned the act and claimed that the university was being subjected to a "new wave of terror."

The issuance of death threats is a heinous practice that has a profoundly

disturbing psychological impact on anyone who receives one. In some countries a death threat is a form of harassment and, although menacing, odious, and craven, it often does not go beyond the threat. In Guatemala, however, these threats are frequently followed by the brutal murder, abduction, or disappearance of the target.

The delegates were told about the USAC's Human Rights Education Program. Forty individuals, assigned to different academic departments, are being trained to be human rights monitors. The program's activities have slowed down since one of its administrators recently was forced to leave the country after receiving threats. Several of the human rights monitors have also been threatened, and as a result a large share of reports of human rights concerns were going to the program director rather than through the more diverse channels as hoped. This put him in a vulnerable position. Nevertheless, a debate and discussion program has been started that looks at human rights and Guatemalan society. The program includes foreigners who are invited to participate in the debates.

Association for the Advancement of the Social Sciences

The Asociación para el Avance de las Ciencias Sociales (Association for the Advancement of the Social Sciences), AVANCSO, is the research association at which Myrna Mack worked until her murder. To express support and sympathy to her friends and colleagues and to learn more about her work and that of the association, the delegation spent a morning at the AVANCSO offices.

The AVANCSO staff told the delegation of the work of Myrna Mack and its importance to Guatemalan society. They also described themselves as "naive," saying they did not realize that her research on the internally displaced could make people feel so threatened that they would kill her. They also spoke of their dedication to seeing that justice in her case is done.

The delegation was told that most social science research in Guatemala came to a halt in the early 1980s because of the political-military situation and that, in 1987, there were only 183 graduates in social science research in the entire country. Serious concern was expressed that valuable opportunities for social research on the displaced and their reintegration into a new society are being lost. AVANCSO, with a staff of 35 people, sees as its task to undertake social science research on the relationship between the state and society and on structural adjustments. However, AVANCSO has discontinued its work with the internally displaced because, as a result of Mack's murder, there is fear that the researchers would face grave physical danger.

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SERVICE AND HUMAN RIGHTS ORGANIZATIONS

National Coordinating Committee of Guatemalan Widows

Members of the delegation heard a most articulate and dispassionate presentation on the efforts being made to achieve social justice in Guatemala from a member of the National Coordinating Committee of Guatemalan Widows (CONAVIGUA). CONAVIGUA is made up of some 11,000 women and girls—some of whom are widows of men who were killed for political reasons or disappeared—who work to achieve rights for women, particularly those of indigenous women. The areas in which they work include health care, education, nutrition, agriculture and animal husbandry, housing, human rights, economic rights, and legal protection. They also work to end forced conscription of their sons and other male relatives into the civil patrols. Several of the leaders of this group have been subjected to repeated death threats.

Human Rights Office of the Archdiocese

The Human Rights Office of the Catholic Archdiocese was created in January 1990 to play an active role in creating a "culture of human rights" in Guatemala. It has a staff of seven who work in three sections: education, documentation, and legal defense. The education section gives courses on constitutional human rights to church groups, schools, and popular organizations. It promotes the philosophy that a "culture of human rights" will not exist until people know what their rights are and what legal mechanisms exist for the fulfillment of those rights. The documentation section compiles information and statistics on Guatemala's human rights situation. The information is drawn from credible newspaper accounts, personal testimony, and investigations undertaken in urban and rural areas of Guatemala. These statistics are published in an annual report.

The legal defense section provides legal advice and assistance to victims of political violence. This work is coordinated among the victims, their families, and professional organizations, as well as with international human rights organizations, in order to be most effective while, it is hoped, minimizing the risks involved. Currently, the legal defense section is representing several families in judicial proceedings related to political violence, including the Mack family and AVANCSO in the legal proceedings relating to Myrna Mack's murder. It has a staff of three full-time and one part-time lawyers who provide legal assistance.

(In October 1991 a staff member of the Human Rights Office of the Archdiocese of Guatemala accepted the CHR's invitation to travel to Washington, D.C., to talk to its members about the human rights situation in

Guatemala and the status of the case of Myrna Mack. The CHR and CHHR were encouraged to pursue their interest in sending a human rights delegation to Guatemala in early 1992.)

Christian Children's Fund

Representatives of the Christian Children's Fund reported that they work to improve the health of children, particularly those living in the interior of the country, who were described as "the neediest of the needy." It reportedly deals directly with some 30,000 children and their families and believes that their work has an impact on more than 250,000 people.

According to members of the staff at the Christian Children's Fund, there are 7,000–8,000 medical doctors in Guatemala, but roughly 60 per cent are unemployed or underemployed. (The delegation assumes that the many medical doctors prefer the hardships of unemployment to the physical dangers of working in many of the rural areas in Guatemala that are subject to violence.) There is a severe shortage of health care providers in the countryside; many private practitioners have left the country because of the violence, and most of the others have remained in Guatemala City.

When asked if their health workers had come to harm, the delegation was told that they reduced the risk of harm to their health professionals by telling the government authorities in the region of their plans and activities. The delegation believes that the activities of this nondenominational (but primarily Protestant) group may have been viewed as nonthreatening by officials under the Protestant Evangelical presidents (Rios Montt and Serrano) during a period when rural communities were the scene of considerable Protestant Evangelical activity.³¹ Nonetheless, the group reported that in a period of less than 18 months in 1980 and 1981, nine health care workers believed to have been involved in activities beyond the technical work of the program were killed.

Behrhorst Foundation

In the early and mid-1980s, the committees became aware of human rights violations against health care providers and promoters working with the Behrhorst Foundation. The foundation provides low-cost care to poor patients, among other services. Dr. Carroll Behrhorst, an American-born physician who started the foundation in the early 1960s, was the recipient of death threats and left the country several times. (Dr. Behrhorst died of natural causes in May 1990, while working at the foundation.)

³¹ *Guatemala, A Country Study*, pp. 150–152.

In 1988, because of concern about the well-being of the health care workers at the Behrhorst Foundation, the CHHR invited Dr. Jonathan Horton, an ophthalmologist, to report on his experiences during 5 months spent as an observer in 1984 and 1985 at the Behrhorst Foundation. Dr. Horton told the committee that health workers are singled out for repression and that about one-third of the staff of the Behrhorst Foundation had been killed.

Dr. Horton wrote an article describing his experiences in Guatemala.³²

Over the years, political violence in Guatemala has been the most serious obstacle to progress in health care. Since 1980, open war has been going on between the army and various leftist guerrilla factions fighting for power. Although the foundation has maintained strict neutrality, at least a dozen health promoters have been killed in indiscriminate army counterinsurgency actions. In 1983, gunmen killed a Guatemalan doctor working at the clinic; later the same year, the director of the loan program disappeared. This violence has disrupted the foundation's work and forced a cutback in the health promotion program. Health conditions in the highlands have worsened lately because of the social dislocation and economic damage caused by the fighting. Enduring progress will be impossible until peace and security are established. In the past two years, the war has subsided and the army has ceded power to an elected civilian president; these changes offer hope for the future, but lasting peace will come only with social justice, land reform, and an end to the exploitation of the poor. In a sense, these are the most urgent medical priorities.

Following the death of Dr. Behrhorst, the foundation reportedly experienced some turmoil and disintegration, but a new director has since taken over and efforts are under way to reestablish its activities.

³² Jonathan C. Horton, M.D., Ph.D., "Occasional Notes, The Behrhorst Foundation at 25 years," *New England Journal of Medicine*, June 15, 1987, p. 318.

Findings and Conclusions

The CHR/CHHR mission verified and expanded the information it has on cases in Guatemala (see [Appendix B](#)), working contacts were established with Guatemalan government officials, and the depth of the committees' concern about human rights abuses of Guatemalan colleagues was made clear.

The CHR and the CHHR intend to pursue the cases of colleagues who have disappeared or are believed to have been victims of political killings and hope they will be joined by many other scientific colleagues and human rights organizations.

THE GUATEMALAN GOVERNMENT

The government of Guatemala supported the efforts of the CHR and CHHR and encouraged their human rights mission to Guatemala to make independent inquiries. Every effort was made by the Guatemalan Ministry of Foreign Affairs to ensure that all appointments with senior government officials that were requested by the delegation were organized and facilitated. In response to the representations made by the delegation, all officials with whom the delegates met were courteous, and most cooperated fully to answer the delegates' questions and address their expressed concerns.

Contrary to the experience of the committees on previous missions to other countries, no effort was made by Guatemalan officials to dismiss the

delegation's human rights concerns; in fact, most of the officials with whom the delegates spoke acknowledged and condemned the abuses. When asked by the delegation for direct telephone and telefax numbers and a commitment to respond promptly to future requests for information or expressions of concern about scientific colleagues, the officials immediately provided the numbers and assurances of prompt replies were given. (The CHR has subsequently received timely replies to its case inquiries from the army and the Supreme Court. COPREDEH has also sent information on human rights issues of interest to the CHR.)

The delegation was encouraged by the open and frank manner in which the meetings were conducted and impressed by the consistency with which government officials considered human rights progress an important issue. We are hopeful that this promising beginning will continue and that a dialogue will be maintained as the human rights situation and the committees' concerns evolve.

The government of Guatemala has clearly made some progress on human rights in the last year, and the delegation recognizes that any progress in a country with an entrenched military and a history of horrendous violence and impunity from prosecution for human rights crimes deserves credit. At the same time, the delegation concludes that the government of Guatemala must take stronger action to stop the ongoing political murders and bring those responsible for such abuses to justice.

The government of Guatemala cannot wait for peace to undertake its responsibility to protect and defend those whose lives continue to be in jeopardy because they choose to exercise their basic human rights and freedoms or because they are involved in the judicial processes of politically sensitive cases.

NONGOVERNMENTAL HUMAN RIGHTS EFFORTS

With the emergence of free and fair elections and efforts to establish democracy in Guatemala, there is a sincere desire on the part of our Guatemalan scientific colleagues to use this opening to speak out against human rights abuses and to report them to groups such as the Human Rights Office of the Archdiocese and the ombudsman's office, as well as other human rights groups both within and outside the country. Nongovernmental human rights organizations appeared to be encouraged by President Serrano's expressions of support for the promotion and protection of human rights. There was, nevertheless, a palpable concern on the part of these organizations for the safety of human rights activists. There was also concern because the families of disappeared or murdered people are often too fearful to press charges, so that investigations cannot even begin.

Guatemalan scientists and others involve themselves in human rights

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efforts out of personal courage, and they put themselves, their families, and their careers at serious risk. Their human rights efforts must be recognized, applauded, and strongly supported and protected.

INTERNATIONAL SUPPORT

What we did not fully understand at the outset of the mission, but what was repeated to us over and over again by those with whom we met, was the importance attached to groups actually traveling to Guatemala City to express their concerns and exert pressure on the Guatemalan government to respect human rights, to show solidarity with colleagues working for positive change, and to gain a better understanding of the human rights situation there. Such a presence appears to be particularly important to colleagues in science and human rights who told us how the moral support and encouragement provided to them by delegations of scientists and others raise their profile within Guatemala, thereby giving them a degree of protection from acts of political violence.

There is an urgent need for colleagues around the world to support the courageous efforts of scientists and others in Guatemala who, despite great vulnerability and the risk of retribution, are working to gain respect for human rights.

POLITICAL KILLINGS AND DISAPPEARANCES

The delegation found that the criteria to be used in determining whether a killing or disappearance was carried out for political reasons are difficult to establish and to apply: many common homicides may be committed with shots to the back of the head to make them look like political executions; conversely, political murders are sometimes made to look like common homicides, for example, by inflicting multiple stab wounds.

There are several criteria most often used to determine positively that a killing or disappearance is political: prior death threats; inquiries (including showing a picture of the victims and asking where they live); the use of unmarked vehicles (often vans with dark windows) and automatic weapons; groups of men in civilian clothes who work with precision; a single shot to the back of the head; signs of torture before execution; the failure of police who witness these events to intervene; and victims of particular profile—a leftist faculty member or student activist who has worked with urban poor or indigenous people and who does not have a criminal record.

Although a majority of politically motivated killings and disappearances are accurately believed to be committed by the security forces, care should be taken not to make such allegations as a matter of reflex. Inquiries and expressions of concern should be made quickly after learning of a

colleague's disappearance or murder, but any allegations as to those believed responsible should be made carefully and on the basis of a thorough analysis of the criteria indicating political motives and then only when a significant number of criteria are met.

THE CASE OF MYRNA MACK

Everyone agrees that Myrna Mack was a victim of political murder (although there was early speculation by the Guatemalan government, considered disingenuous by the human rights and scientific communities, that she was killed while illegally changing money). Her family, the Human Rights Office of the Archdiocese, and AVANCSO are all tirelessly pressing charges. The importance of bringing those who committed the crime to justice is recognized by all, inside and outside the government. There is some recognition on the part of government officials that if the murder was planned by people other than the actual perpetrators, they should be prosecuted as well.

The investigation and prosecution of the Myrna Mack case must move forward in a timely and thorough manner, and all of the individuals responsible for her murder, including those responsible for planning the crime, must be prosecuted and punished.

SCIENTIFIC RESEARCH

The murder of Myrna Mack has caused AVANCSO to discontinue its research on internally displaced Guatemalans because of the physical danger that researchers would face. Thus, the murderers of Myrna Mack killed both the scientist and the likelihood of scientific research on this important subject. In addition, research has all but come to a standstill at the University of San Carlos (USAC) because of bombings, death threats, kidnappings and murder, as well as governmental neglect that has demoralized and emasculated the scientific enterprise.

In terms of human rights abuses, the situation of faculty and students at the USAC is serious and frightening. International attention from members of the institutions represented by the delegation and others could provide them with some measure of protection. This international attention could also help persuade the government of Guatemala to do everything in its power to rectify the intolerable situation faced by those at USAC.

Scientific progress in Guatemala will continue to be impeded until the ongoing persecution of scientists, engineers, and health professionals is ended and the threats and violence against students and faculty at the USAC is

stopped. Immediate steps must be taken by the Guatemalan government to provide protection of colleagues and others who are working and conducting research in areas of conflict or who are vulnerable, because of their work, to acts of vengeance. Further strengthening of civilian control over the armed forces must occur to improve this situation.

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Appendix A

The Committees

This appendix presents descriptions of the Committee on Human Rights of the National Academy of Sciences and the Committee on Health and Human Rights of the Institute of Medicine.

COMMITTEE ON HUMAN RIGHTS

The National Academy of Sciences (NAS) is a private, self-perpetuating society of distinguished scholars in scientific and engineering research, dedicated to the furtherance of science and its use for the general welfare. The Academy's charter was approved by the U.S. Congress and signed by Abraham Lincoln in 1863. Election to membership in the Academy is an honor that comes to less than one-half of 1 percent of American scientists. The current membership of the NAS is more than 1,640. The Academy also elects scientists who are not U.S. citizens as foreign associates; there are currently approximately 275.

The National Academy of Sciences' Committee on Human Rights was created in 1976 in response to increased concern by Academy members over repression of scientists in many areas of the world. The committee is composed of 14 members, 10 from the NAS, 2 from the National Academy of Engineering (NAE), and 2 from the Institute of Medicine (IOM).

The committee's inquiries and appeals are based on principles set forth in the U.N. Universal Declaration of Human Rights, a declaration that has been adopted by the member states of the United Nations. It proclaims certain common standards of human rights for all peoples—standards that

include the right to life, liberty, and security of person; to freedom from torture and arbitrary detention; to a fair and public hearing by an independent and impartial tribunal; and to freedom of speech, conscience, and religion. Although the committee's concern is for all victims of abuses of human rights, the focus of its work is on scientists, engineers, and health professionals who are believed to be victims of severe repression. The committee only undertakes cases of colleagues who, to the best of its knowledge, have not used or advocated violence.

The committee undertakes cases of scientific colleagues anywhere in the world. In the past it has worked on cases in several dozen countries, including Argentina, Chile, China, Cuba, Czechoslovakia, Iraq, Israel and the Occupied Territories, Kenya, Malaysia, Morocco, the Philippines, Somalia, South Africa, the former Soviet Union, Sudan, Syria, Vietnam, and Zaire. Close to 500 of the more than 790 cases formally undertaken by the CHR have been resolved.

The work of the Committee on Human Rights is generally carried out through private inquiries from the committee and individual appeals from members of the NAS, NAE, IOM, and foreign associates who act as committee correspondents. The total number of committee correspondents is more than 1,400. Over the years, the committee's private approaches have often been effective. Occasionally, however, the committee decides that a public statement should be made in behalf of an individual or that a delegation should travel to a country for more information and to express more directly the committee's concerns. It has undertaken missions of inquiry to Argentina and Uruguay in 1978, to Chile in 1985, and to Somalia in 1987.

COMMITTEE ON HEALTH AND HUMAN RIGHTS

The Institute of Medicine was chartered by the National Academy of Sciences in 1970. Its approximately 470 active members are elected on the basis of their professional achievement and, like those of the NAS and NAE, serve without compensation. They conduct studies of policy issues related to health and medicine.

The IOM's Committee on Health and Human Rights, which was a cosponsor of the mission to Guatemala, was created in 1987. The Committee on Health and Human Rights focuses its attention on health-related human rights issues. Its particular concerns in Guatemala were the cases of health professionals who were victims of extrajudicial killings or who have disappeared, as well as the problems encountered by health professionals in carrying out their duties in an atmosphere of repression and fear. It has also sponsored missions to Somalia in 1987 with the CHR and to South Africa in 1989 with the American Association for the Advancement of Science, the American Psychiatric Association, and the American Public Health Association.

Appendix B

Cases in Guatemala

CASES PRESENTED ON MISSION

This section of [Appendix B](#) presents the information presented by the delegates on cases of scientists, engineers, health professionals, and students of these fields who have disappeared or who have been murdered, in some instances following their abduction. For each case, the facts of the case as presented to officials during the mission to Guatemala appear first, followed by background information and additional details obtained during and after the mission.

Our information was obtained from relatives of the victims, government authorities, international organizations, and human rights groups. The following acronyms are used: AEU, University of San Carlos Students' Association; USAC, University of San Carlos; AI, Amnesty International.

Political Killings

DANILO SERGIO ALVARADO MEJIA: 32-year-old agronomist, professor at the University Center of Western Guatemala (a regional branch in Quetzaltenango of USAC), former director of the University Center's Students' Association; abducted on October 17, 1987; body recovered on October 23, 1987, with stab wounds; public protests reportedly were made following his murder.

Mr. Alvarado was married and had three children. He was the former

leader of the university's Association of Agronomy Students of Western Guatemala. At the time of his abduction, he was working for the General Office of Agricultural Services (DIGESA), a government agency in Escuintla. His family reportedly filed a writ of habeas corpus in his behalf.

Mr. Alvarado was reportedly beaten and abducted by armed men in plain clothes in front of witnesses on October 17, 1987, as he was driving his motorcycle between Quetzaltenango and Totonicapan. He was taken away in a Corinth pick-up truck. His stabbed body was reportedly found on October 23, 1987, on the Pacific Highway in the department of Suchitepéquez, by an agronomist and regional director of Sector 4 of DIGESA.

AI reports that after the killings of Mr. Alvarado and fellow agronomist René Haroldo Leiva Cayax, whose body was found on the same day as Mr. Alvarado's and whose name also appears on this list, the Guatemalan press stated that the entire Quetzaltenango police force was transferred elsewhere. Because the police force was no longer in the area, it was extremely difficult for independent groups to investigate the crimes.

The then minister of the interior, Lic. Juan Rodil, reportedly announced in December 1987 that the chief of police of Quetzaltenango at the time of the murders and five of his police agents had been arrested for the crimes. It was not possible to ascertain where they were being held, but Lic. Rodil said that further information would be made public after the initial 15 days of judicial inquiry. According to AI, further information was never made available, and AI was not able to verify whether the police officers were in fact in detention.

Staff of the office of the ombudsman for human rights told an AI delegation in 1988 that "the death of those agronomists was political although the government has said that it was not." They also said that following the men's abductions, a police car stained with blood was found. AI reports that a former high-level official in the National Police told AI's 1988 delegation that the arrested police officers were not responsible for the killings. The official said that police intelligence officers had told him that the agronomists' deaths were ordered by the army. AI also reports that one of the people who witnessed Mr. Alvarado's abduction testified that, at his wake, she recognized a known army informant and the two men who had abducted him.

According to the office of the ombudsman for human rights, the perpetrators of the Alvarado murder were policemen. They were tried, convicted, and sentenced to 30 years' imprisonment. However, the sentences were appealed in 1990, and the policemen were released.

AI reports that agronomy students as well as staff and graduates of USAC have been targeted by the security forces because "the [USAC] School of Agronomy has frequently been critical of government land policies and has been involved in attempts to organize peasants."

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SYLVIA MARIA AZURDIA UTRERA: 33-year-old psychologist and student of political science at USAC, member of AEU; abducted on August 23, 1989, together with her husband, Victor Hugo Rodriguez Jaramillo; petitions of habeas corpus were filed; bodies recovered on September 10, 1989, with stab wounds and signs of torture.

Ms. Azurdia and her husband were among seven AEU members abducted at the end of August 1989. They reportedly were abducted outside their home in Zone 11 of Guatemala City at 7:00 a.m. on August 23, 1989, as they were leaving for work at USAC. The abduction, which was witnessed by neighbors and family members, was carried out by 8–12 heavily armed men in plain clothes, driving two cars. Witnesses reportedly stated that the perpetrators displayed their arms, but passing police patrols made no effort to impede the abduction. The bodies of Ms. Azurdia, her husband, and two other USAC students were reportedly found on September 10, 1989, approximately 200 meters from the entrance of USAC in Zone 12 of Guatemala City.

The couple were reportedly beaten until unconscious before being taken away. Neighbors gave police the license numbers of the red Nissan and the black pick-up truck used in the abduction, which they said had been parked in the area since 5:00 a.m. AI reported that, according to human rights groups in Guatemala, these vehicles as well as the arms and clothing used by the kidnappers were of the type customarily used by the G-2, the intelligence unit of the Guatemalan army.

FERNANDO ANTONIO CASTELLON MORALES: 21-year-old medical student at the USAC School of Pharmacy; abducted on November 16, 1988; body recovered November 17, 1988, with bullet wounds, burn marks, and signs of strangulation.

Mr. Castellón reportedly was abducted in Guatemala City by heavily armed men in plain clothes on November 16, 1988, after leaving his home to take a final examination at USAC. His body, riddled with bullets, burn marks, and signs of torture and strangulation, was reportedly found the following day in the village of Pachúl, Sacatepéquez, Antigua, on the road to San Lucas. His father, Manuel Antonio Castellón España, was a candidate in the mayoral primaries in Chiquimula.

CARLOS LEONEL CHUTA CAMEY: 31-year-old economics student at USAC, former leader of AEU during 1987–1988; abducted on September 8, 1989; body recovered on September 10, 1989, with stab wounds and signs of torture.

At the time of his abduction, Mr. Chuta was in his eighth semester of economics studies at USAC. He was an AEU leader in 1987–1988.

Mr. Chuta reportedly was abducted outside his home at 7:40 a.m. on September 8, 1989, by five armed men in civilian clothes driving a white Toyota. It has been reported that his abductors threw his wife, who was seven months pregnant, and his infant daughter to the ground. Mr. Chuta's body, along with those of three other USAC disappeared students, was found on September 10, 1989, approximately 200 meters from USAC in Zone 12 of Guatemala City. The bodies were apparently all found within one meter of each other, bearing stab wounds and signs of torture.

CARLOS ALBERTO GARRIDO YAEGGY: 34-year-old agronomist, employed by the Compañía Bananera de Guatemala, a native of Mazatenango; body recovered on January 20, 1991, inside a pick-up truck with license plate number P254473 on a dirt road leading to Playitas, Puerto Barrios, Izabal; the body had multiple gunshot wounds.

Mr. Garrido, who was married and had a 4-year-old son, reportedly was abducted while on his way home to Playitas from his job in Puerto Barrios. His body was recovered on January 20, 1991, inside his pick-up truck on a dirt road leading from Puerto Barrios to the town of Playitas. He was found with a bullet wound in the right side of his face. Following the recovery of the body, it was reported in the Guatemalan press that five other people were killed in a similar fashion and the security forces were investigating the murders.

JOSE ALBINO GRIJALVA ESTEVEZ: 27-year-old agronomist, former student at USAC who returned to Guatemala from exile; abducted on February 16, 1988, by men in a white van with darkened windows; body recovered on February 17, 1988, with signs of torture; his case and cases of others also abducted in a white van were investigated, several treasury police agents were arrested but were later "released for lack of evidence."

Mr. Grijalva reportedly was abducted on February 16, 1988, in Zone 7 of Guatemala City, as he waited for a bus to USAC. Witnesses reported that his captors were heavily armed men in plain clothes driving a white van with darkened windows, license plate number P156022. His body was found the following day in the department of Santa Rosa.

Mr. Grijalva's death and that of Ana Elizabeth Paniagua Morales (whose name also appears on this list) are considered to be among a group of deaths known as the "Pañel Blanca" (white van) murders. According to AI, a number of students and graduates of USAC as well as others have been extrajudicially executed following their abduction by men driving a white van. AI reported that on March 10, 1988, the then minister of the interior, Juan Rodil, announced that the National Police had stopped a white van as it was about to be used to kidnap its next victim. In it, they reportedly found six uniformed treasury police agents assigned to the narcotics divi

sion of the Treasury Police. They reportedly had with them lists of other intended victims. The treasury police agents allegedly resisted arrest, but were taken to a National Police station.

The National Police Special Investigations and Drugs Brigade (BIEN) reportedly presented 300 pages of documentation implicating some 10 treasury police agents in at least 8 murders. According to the national police documentation, several vans were involved and between 20 and 30 different sets of license plates. In July 1988 extensive personnel changes were announced that delayed the investigations. On July 28, 1988, immediately after announcing that he had issued an order for the arrest of some 27 treasury police agents on charges of kidnapping and murder, the judge handling the investigation was abducted in Guatemala City and threatened for 52 hours before being released. Following his release, the judge declined to name those responsible. The case was then assigned to a different judge. On August 1, 1988, it was announced that the treasury police agents who had been accused had been released due to lack of evidence.

ADRIAN GUERRA ROCA: agronomy student at USAC, leader of AEU; shot at several times and abducted on July 22, 1988; body recovered on the road to Palencia on July 27, 1988, with numerous gunshot wounds.

Mr. Guerra reportedly was abducted late at night on July 22, 1988, while visiting a friend, Oscar Edmundo Monterroso, at his home in Guatemala City. (Mr. Monterroso was a law student at USAC and the AEU cultural and sports secretary.) In testimony made available to AI, Mr. Monterroso said he had received a series of death threats because of his AEU activities. He said his home was placed under surveillance and then attacked by men using weapons customarily used only by the army. During the attack, Mr. Guerra was reportedly abducted by 15 heavily armed men, some of whom wore military garb, and carried off in a Volkswagen with license plate number P261621. AI reported that children who witnessed the attack on Mr. Guerra said that a man in army uniform fired a round of shots from a sub-machine gun into his body, when he was lying on the ground, before taking him away. His friend, Oscar Monterroso, managed to flee his home.

RENE HAROLDO LEIVA CAYAX: 29-year-old graduate student in agronomy at the University Center of Western Guatemala (a regional branch of USAC in Quetzaltenango), former leader of the University of Western Guatemala's Association of Agronomy Students; beaten, handcuffed, and abducted on October 19, 1987; body found on the Interamerican Highway in the department of Sololá on October 23, 1987; widespread student protests reportedly accused the National Police of his murder.

Mr. Leiva reportedly was abducted on October 19, 1987, near Central Park in Quetzaltenango by men driving a vehicle without license plates.

For additional case information, see entry above on Danilo Sergio Alvarado Mejía.

CARLOS ENRIQUE LEMUS ORELLANO: 22-year-old student at the USAC College of Veterinary Science and Zoology; shot on September 28, 1990, as he was driving to his home in Guatemala City; died of multiple gunshot wounds.

EDUARDO ANTONIO LOPEZ PALENCIA: 24-year-old student in the faculty of Chemical Sciences and Pharmacy at USAC, a member of the executive commission of AEU in 1987–1988, and a representative of the Huelga de Dolores Committee in 1988 (an annual student event at USAC of satire and processions that often mocks the government in power); abducted on September 10, 1989, in Guatemala City; body found at the bottom of a ravine in Sanarate, El Progreso Department, on September 18, 1989; body had slash wounds and bore signs of severe torture.

Mr. López reportedly disappeared around 5:30 p.m. on September 10, 1989, while he was with his girlfriend in Zone 1 of Guatemala City. According to unconfirmed reports, he was seized by two men on motorcycles.

MYRNA ELIZABETH MACK CHANG: anthropologist, cofounder and senior researcher at the Guatemalan Association for the Advancement of Social Sciences (AVANCSO); died from multiple stab wounds on September 11, 1990, after leaving her workplace; case is under investigation and a former soldier in the Intelligence Branch of the Presidential High Command has been charged.

Ms. Mack completed her graduate studies in England at the universities of Durham and Manchester. Through her work with AVANCSO, she collaborated with the Ford Foundation, ASDI (Swedish Development Authority), and Georgetown University, as well as a number of other organizations. She also participated in many academic conferences around the world. Ms. Mack specialized in rural studies and development policy. Immediately prior to her death, Georgetown University's Center for Immigration Policy and Refugee Assistance published AVANCSO's study on *Policies Toward Internally Displaced Populations in Guatemala*, for which Ms. Mack was the principal researcher. At the time of her death, she was involved in a project on the ecological impact of refugee policies in Guatemala—a project affiliated with the University of Texas at Austin and the University of California at Berkeley.

On September 11, 1990, Ms. Mack was violently stabbed and killed after leaving the AVANCSO office in Guatemala City. Two police reports

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were written in the months following her death. José Miguel Mérida Escobar, the head of the Homicide Section of the Guatemalan National Police Department of Criminal Investigation, led the investigation into Ms. Mack's death and wrote one of the police reports, naming former military officer Noel de Jesús Beteta Alvarez as one of the perpetrators of the crime. On August 5, 1991, Mr. Mérida was murdered near the National Police Headquarters in Guatemala City. In late 1991, Mr. Beteta was formally accused of the crime and extradited from the United States to Guatemala to stand trial. He is reportedly being held in a jail in Zone 18 of Guatemala City.

Ms. Mack's case moved into the trial phase on August 20, 1992 (see [Appendix D](#)).

ANA ELIZABETH PANIAGUA MORALES: 25-year-old former economics student at USAC, active member of AEU; beaten and abducted on February 9, 1988, by men in a white van with darkened windows; petition of habeas corpus was filed immediately; had received numerous death threats and had been shot at by men who abducted and killed her husband several years earlier; applied for asylum abroad; body recovered February 11, 1988; her case and cases of others also abducted in a white van were investigated, several treasury police agents were arrested but were later "released for lack of evidence."

Ms. Paniagua reportedly was abducted early in the day on February 9, 1988, by heavily armed men in plain clothes. She was standing in line at a bakery when the men approached her. According to eyewitnesses who were too frightened to intervene, she was beaten and forced into a white van with darkened windows. Her family reportedly filed a writ of habeas corpus on her behalf immediately, but the Supreme Court rejected it because no official security force acknowledged having her in custody. Her body was found on February 11, 1988, with several stab wounds and a slashed throat. Several days after her death, security agents reportedly went to her family's home and threatened her brothers and sisters. The family reportedly went into exile shortly thereafter.

In September 1983, Ms. Paniagua's husband, who was a doctor and USAC graduate, was abducted and has not been seen since then. Her sister-in-law was detained and killed in 1985. In 1986 Ms. Paniagua had reportedly applied for asylum abroad after receiving numerous death threats throughout the year. Due to delays in processing her application, however, she never learned that it had been accepted. In October 1987 she was held in incommunicado detention for 18 days by the Treasury Police after being stopped at a roadblock they had set up in the outskirts of Guatemala City.

Following her disappearance, according to AI, the then minister of the interior, Juan Rodil, publicly condemned her and her entire family as "subversive." AI further reported that when her body was found, Rodil blamed

local human rights groups for what had happened to her, saying that they had not provided enough details about her "disappearance."

For additional case information, see entry on José Albino Grijalva Estevez.

VICTOR HUGO RODRIGUEZ JARAMILLO: 26-year-old psychologist and political science student at USAC, member of AEU; abducted on August 23, 1989, together with his wife, Sylvia María Azurdia Utrera; petitions of habeas corpus were filed immediately; bodies recovered on September 10, 1989, with stab wounds and signs of torture.

For additional case information, see entry on Sylvia María Azurdia Utrera.

FALCONIERI SARAVIA CASTILLO: agronomist; abducted on March 16, 1990; body recovered on April 1, 1990.

Mr. Saravia's abductors were armed men.

DIEGO VELASQUEZ AC: 29-year-old agronomy student at USAC, member of USAC staff, member of USAC staff labor union (STUSC); abducted on April 6, 1990; his wife reported his disappearance to the Mutual Support Group (GAM) which submitted an unsuccessful petition of habeas corpus in his behalf; body found some days later showing signs of torture.

At the time of his death, Mr. Velásquez and his wife had six children, and his wife was pregnant with a seventh.

Mr. Velásquez reportedly was last seen alive in Vía Nueva at noon on April 6, 1990. At 10:00 p.m. the same day his wrecked car was found at kilometer 44 on the Route to the Pacific, near Palín, Escuintla.

According to a January 11, 1991, report written by Christian Tomuschat, an independent expert with the U.N. Commission on Human Rights, following his trip to Guatemala, Mr. Velásquez's body was found some days after his disappearance showing signs of torture. Mr. Tomuschat stated that it is "assumed that [he was] abducted by paramilitary gangs."

Disappearances

BENJAMIN DIAZ AREVALO: 22-year-old medical student at USAC.

At the time of the mission, it was the delegates' understanding that Mr. Arévalo had been abducted on February 27, 1990. During the mission, however, the delegates were told by members of the office of the human rights ombudsman that Mr. Arévalo was never abducted or disappeared, but is living outside Guatemala.

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CARLOS CONTRERAS CONDE: psychology student at USAC, leader of AEU; abducted on August 22, 1989; petition of habeas corpus was filed.

Mr. Contreras was a member of the USAC Psychology Association and of the Management Council of the School of Psychology. He was among 11 university students abducted during the end of August and early September 1989. He was abducted on August 22, 1989, in the park in front of the university's psychology facility by armed men believed by AI to be members of the security forces. (The bodies of 4 of the 11 abducted students were found in September 1989, but Mr. Contreras' was not among them.) AI also reported that he was among a group of AEU members whose names appeared on the "death lists" issued in February 1989 by several Guatemalan "death squads."

MARIO ARTURIO DE LEON MENDEZ: professor of mathematics and student of agronomy at USAC, member of executive commission of AEU; disappeared on August 23, 1989; petition of habeas corpus was filed.

Mr. de León, who was a member of the executive commission of the AEU, was among 11 university students abducted during the end of August and early September 1989. He reportedly participated in a press conference at the AEU office on the evening of August 23, 1989. It is believed that the conference was held to denounce recent abductions of USAC students and staff. After the conference, he reportedly dropped off a fellow student at approximately 8:00 p.m. and drove in the direction of his home in Zone 21 of Guatemala City. He has not been seen since. According to AI, he may have been detained at a security checkpoint that he would have had to pass through to reach his home.

AI also reported that he was among a group of AEU members whose names appeared on the "death lists" issued in February 1989 by several Guatemalan "death squads." An unsuccessful petition of habeas corpus was filed in his behalf. The bodies of 4 of the 11 students abducted were found in September 1989, but Mr. de León's was not among them. All of the bodies reportedly bore signs of torture.

According to Bernardo Neumann, special assistant to President Serrano, every attempt to find conclusive evidence about de León's whereabouts was unsuccessful. He stated that out of a considerable number of inquiries that have been made into the cases of Mr. de León, Hugo Leonel Gramajo López, whose name also appears on this list, and others, inquiries into these two cases were the only ones without results. Mr. Neumann added that Mr. de León's case has been referred to the Presidential Commission on Human Rights for further investigation.

EDGAR LEONEL DOMINGUEZ IZAS: doctor and surgeon at the Cantel Private Sanatorium (a clinic that assists the indigenous population in the

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highlands), former student at USAC; abducted on March 28, 1984, in Cantel, Quetzaltenango; petition of habeas corpus was filed; his wife placed advertisements in national newspapers asking for her husband's reappearance.

The Cantel Private Sanitorium is a clinic founded by a young indigenous doctor to assist the indigenous population in the highlands and staffed with persons of indigenous origin. Its founder reportedly left in March 1984 after receiving death threats from "death squads." Dr. Dominguez had been working at the clinic since February 1981. He had been a student at USAC and was married with three children.

According to eyewitnesses, Dr. Dominguez was abducted by five uniformed and armed soldiers on March 28, 1984, 15 minutes after leaving the clinic where he worked in Cantel, Quetzaltenango. The car in which he was abducted was later found abandoned. In May 1984 AI reported that sources in Guatemala indicated that they believed Dr. Dominguez to be alive in a secret detention center but badly tortured. Dr. Dominguez's wife reportedly placed numerous advertisements in the national newspapers asking for the reappearance of her husband. Writs of habeas corpus, filed on his behalf, have not been successful.

According to an August 22, 1984, letter written by the then Guatemalan ambassador to the United States, Federico Fahsen, to CHR chair Eliot Stellar, "your assertion that he [Dr. Dominguez] was picked up by members of the armed forces lacks credibility and is impossible to verify The Guatemalan government has launched an extensive investigation into the abduction of Dr. Dominguez Izas, and hopes that he will be freed by his abductors and returned safely to his family." It was reported that the former president of Guatemala, Oscar Mejía Víctores, agreed to establish a three-person committee in November 1984 to investigate disappearances that occurred in 1984. The committee members were reported to include the minister of the interior, the attorney general, and the deputy minister of defense. The CHR has not been able to obtain any further information about the case of Dr. Dominguez since that time.

WALDEMAR DUARTE HERNANDEZ: agronomist; disappeared on April 26, 1986.

Mr. Duarte reportedly disappeared at Finca Pataxte in the department of Izabal.

JOSE MARIA GARCIA PORTILLO: engineer, mayor of Chiquimula; disappeared on August 10, 1986, while driving to Guatemala City; his family and the municipality of Chiquimula made many appeals for his reappearance.

IVAN ERNESTO GONZALEZ FUENTES: psychology student at USAC, member of coordinating executive of AEU; abducted on August 21, 1989; petition of habeas corpus was filed.

At the time of his disappearance, Mr. González was also a representative of the Unified Group of Trade Union and Popular Organizations of the Commission of the Victims of Violence during the National Dialogue held to promote peace in Guatemala. According to AI, he was abducted midday on August 21, 1989, in Zone 1 of Guatemala City after leaving home to go to USAC.

HUGO LEONEL GRAMAJO LOPEZ: political science student at USAC, leader of AEU; abducted on August 22, 1989.

Mr. Gramajo, a 28-year-old political science student, reportedly was abducted on August 22, 1989, by five armed men as he was leaving the National Institute of Public Administration. A petition of habeas corpus filed in his behalf was unsuccessful.

According to Bernardo Neumann, special assistant to President Serrano, every attempt to find conclusive evidence about Gramajo's whereabouts was unsuccessful. He stated that out of a considerable number of inquiries that have been made into the cases of Mr. Gramajo, Mario Arturo de León Méndez, whose name also appears on this list, and others, inquiries into these two cases were the only ones without results. Mr. Neumann added that Mr. Gramajo's case has been referred to the Presidential Commission on Human Rights for further investigation.

ERNESTO JOAQUIN GUTIERREZ CASTELLANOS: medical doctor and staff member at USAC, former supervisor of the Ejercicio Profesional Supervisado, a program run by USAC that sent medical and dental students to rural areas to gain practical experience before graduating; abducted on May 3, 1983; efforts by his family and human rights organizations to obtain information regarding his whereabouts have been unsuccessful.

Mr. Gutiérrez was reportedly abducted by armed men in Guatemala City on May 3, 1983. AI received reports following his abduction that he may have been held in secret detention in Guatemala City. In response to a telegram from CHR chair Eliot Stellar, then president of Guatemala, José Ríos Montt, stated that an investigation into Mr. Gutiérrez's disappearance would be conducted. Numerous appeals reportedly were made by Mr. Gutiérrez's family during the years of 1983–1985, including appeals to the Special Law Courts, but no information on the results of these investigations was ever received by the family or by the CHR.

SERGIO SAUL LINARES MORALES: civil engineer and lecturer in computer science at USAC; abducted on February 23, 1984, in Guatemala

City; unconfirmed reports by AI in 1985 indicated that he was alive and was being held in a secret detention center.

In addition to his job as lecturer in computer science at USAC, Mr. Linares was an employee of the Municipal Institute of Public Works in Guatemala City.

It is believed that Mr. Linares was abducted on February 23, 1984, as he was leaving work at the Municipal Institute. On the same day, uniformed police and men in plain clothes reportedly searched his home in the presence of his wife and mother. His mother was reportedly beaten.

JORGE LUIS MORAN ESCOBAR: student at American College of Computer Science; abducted on April 8, 1991, within half a block of his home; his wife reported the abduction to the National Police and to the human rights ombudsman.

Mr. Morán was reportedly abducted at 18th Avenue and 1st Street in Zone 6 of Guatemala City. Mr. Morán was on his way home when three armed men forced him into a vehicle without license plates.

AARON UBALDO OCHOA: political science student at USAC, member of the executive commission of AEU, member of the directive council of the USAC School of Political Science; received death threats in February 1989; abducted on August 23, 1989.

Mr. Ochoa reportedly was among 11 university students abducted during the end of August and early September 1989. It is believed that he was abducted on August 23, 1989, after leaving for the university at 4:00 p.m. in response to a telephone call asking him to go there. A writ of habeas corpus was filed in his behalf. Mr. Ochoa's name, along with 11 other student leaders and members of AEU, reportedly appeared earlier on a pamphlet spattered with blood and bearing the name of "La Dolorosa," the "Painful One" (a Guatemalan "death squad" newly announced at that time). According to AI, armed men reportedly attempted to break into Mr. Ochoa's home on March 1, 1989. However, neighbors were aroused by the noise and the men fled. The bodies of 4 of the 11 abducted USAC students were found in September 1989 bearing signs of torture; Mr. Ochoa's body was not one of them.

MARIA ELENA RODAS ORELLANA: 20-year-old industrial engineering student at USAC; disappeared on May 12, 1986, after getting off an intercity bus in front of the Cancer Institute in Zone 11 of Guatemala City; petition of habeas corpus was filed with the Supreme Court of Justice.

Ms. Rodas was an industrial engineering student in her eighth semester at the USAC Faculty of Engineering. It is believed that she was on her way

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from Chimaltenango, where she lived with her family, to USAC in Guatemala City to resume her studies, when she disappeared.

CELIA LOURDES ROSALES DE PALENCIA: 31-year-old chemistry student at USAC; beaten and abducted at 8:30 a.m. on February 26, 1991, in Guatemala City while she was on her way to the university; was the mother of two children; family members are believed to have reported her disappearance to the authorities.

Ms. Rosales was reportedly beaten and abducted by four heavily armed men in a vehicle with darkened windows. The license plate of the vehicle was P96938. It is believed that the abduction took place between 5th Avenue and 8th Avenue in Zone 19, Colonia Primero de Julio, in Guatemala City, as she was walking to the university. Ms. Rosales' father, Carlos Enrique Orellana, and her husband, Carlos Rosales Girón, believe that she was mistakenly abducted.

EDWIN ANTONIO SOTO MORALES: 22-year-old medical student at the University Center of Western Guatemala (a regional branch of USAC in Quetzaltenango); disappeared on August 21, 1986, in Quetzaltenango; his family searched unsuccessfully for him at hospitals and detention centers.

IRVING PAUL TILLMANS: 33-year-old agronomist and director of the University Center of Northern Guatemala (a regional branch of USAC in Coban, Alta Verapaz); abducted on November 2, 1987, in Guatemala City by armed men after being chased, shot at, and wounded; witnesses reported that cars with license plate numbers P226012 and P215523 were used in the shooting and abduction.

Mr. Tillmans's car, a land cruiser with license plate P333074, reportedly disappeared following his abduction. AI reports that agronomy students as well as graduates and staff of USAC have repeatedly been the target of human rights abuses by the security forces. It is believed that they have been arrested, disappeared, and killed because the USAC School of Agronomy has frequently been critical of government land policies and has been involved in attempts to organize peasants.

ADDITIONAL CASES IN GUATEMALA

This section presents information about additional cases of scientists, engineers, health professionals, and students of these fields whose names did not appear on the original lists that were presented to the Guatemalan authorities during the mission. These individuals also have disappeared or have been murdered, in some cases following their abduction.

The information below was obtained from government authorities, international organizations, and human rights groups.

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Political Killings

LEONEL CARRILLO REEVES: 54-year-old secretary of the USAC School of Pharmacy, formerly twice dean of the pharmacy school, and former interim rector of USAC; shot dead on the USAC campus on Friday November 25, 1983, by two men who reportedly escaped on a motorcycle; according to student witnesses, two men drove up on a motorcycle as Professor Carrillo was getting out of his car, and one of the men approached him from behind and shot him three times.

CARLOS DE LEON GUDIEL: professor at the USAC Faculty of Economics; shot dead by unknown men on October 26, 1984.

CARLOS ALFREDO DE LEON: student of agriculture at USAC; on November 28, 1984, his body was found 20 kilometers south of Guatemala City.

FRANCISCO ESTRADA: 47-year-old agriculturalist and teacher; abducted by armed men on October 14, 1984, in San Martín Jilotepeque, Chimaltenango; the abduction took place shortly after he returned to Guatemala from Mexico, where he had fled in 1981 after being followed on several occasions by a Guatemalan police intelligence unit; his body reportedly was found some time later.

EDSON FIGUEROA CRUZ: economics student at USAC; he and Leider Flores Pinto, whose name also appears below, were abducted by armed men on December 1, 1984; on December 3, 1984, their bullet-riddled bodies were thrown from a moving vehicle as it passed in front of USAC.

LEIDER FLORES PINTO: economics student at USAC; he and Edson Figueroa Cruz, whose name also appears above, were abducted by armed men on December 1, 1984; on December 3, 1984, their bullet-riddled bodies reportedly were thrown from a moving vehicle as it passed in front of USAC.

MAYRA JANNETH MEZA SOBERANIS: 23-year-old psychologist; abducted in Zone 12 of Guatemala City on September 8, 1983, and subsequently released; abducted for a second time on January 25, 1985 by several armed men; her body was found on January 26, 1985, in a vacant lot in Zone 11 of Guatemala City with her throat cut; her brother, Gustavo Adolfo Meza Soberanis, was abducted and disappeared on September 7, 1983.

MANUEL ESTUARDO PENA: professor of history at USAC, cofounder of private organization that does social work in impoverished areas and with displaced people, director of Guatemalan Teachers' Association, member of National Teachers' Assembly; shot and killed on February 10, 1992, by two

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men as he was approaching his apartment in Zone 21 of Guatemala City; received death threats by telephone during the months prior to his death.

ALFONZO ALDANA PEREZ: student of veterinary medicine at USAC; Perez died in the San Juan de Dios hospital as a result of his injuries (for further details, see section "Other Human Rights Abuses").

JOSE MATEO PINZON CACERES: 33-year-old agronomist; shot to death on May 3, 1992, in Zone 4 of Guatemala City after five armed men followed him onto a public bus; he was reportedly killed by one of the gunmen, who shot him in the temple.

SERGIO VINICIO SAMAYOA MORALES: 29-year-old engineering student at USAC; attacked and seriously wounded by armed men on February 1, 1984; was then taken to Roosevelt Hospital for medical treatment; during the night of February 1, ten men reportedly abducted him from the intensive care unit where he was being treated; on February 6, his body was found covered with bullet holes on the road to Chinautla just outside Guatemala City; his mother, who worked at the USAC Faculty of Economics, his two sisters, and his brother had all disappeared in September 1982.

Disappearances

SERGIO LEONEL ALVARADO AREVALO: 20-year-old economics student at USAC and a member of the board of AEU; abducted on May 19, 1984, in Guatemala City by armed men as he was on his way to USAC from home; his brother also disappeared, in December 1981.

GUSTAVO ADOLFO CASTANON FUENTES: 26-year-old economics student at USAC and an accountant; abducted on May 21, 1984, by armed men near USAC in Guatemala City.

CARLOS ERNESTO CUEVAS MOLINA: 24-year-old sociology student at USAC; the son of Dr. Rafael Cuevas Del Cid, former rector of USAC; abducted together with Otto René Estrada Illescas, whose name also appears below, in Zone 1 of Guatemala City on May 15, 1984, by armed men; the men shot at him before taking him away in one of their three cars; both men were reportedly seen in detention following their abduction.

OTTO RENE ESTRADA ILLESCAS: 31-year-old economics student and accountant at USAC; abducted together with Carlos Ernesto Cuevas Molina, whose name also appears above, in Zone 1 of Guatemala City on May 15, 1984, by armed men; both men were reportedly seen in detention following their abduction.

LUIS RODRIGO HERNANDEZ: economics student at USAC; abducted

at the end of February 1984 from Roosevelt Hospital in Guatemala City; had been admitted to the hospital six days earlier with bullet wounds.

IRMA MARILU ICHOS RAMOS: 23-year-old economics student at USAC; abducted on May 21, 1984, by armed men near USAC in Guatemala City in the presence of other students; she was taken away by her abductors in a car.

HECTOR ALIRIO INTERIANO ORTIZ: 28-year-old economics student and employee at USAC, leader of AEU in 1978; abducted on May 21, 1984, in Guatemala City by armed men as he was leaving work at the USAC Research Institute.

EDY AMILCAR MERIDA PERALTA: 27-year-old graduate in science and literature at USAC and former employee of the Guatemalan Post and Telecommunications Service; disappeared on April 7, 1984, while on his way from Guatemala City to visit his mother; two days after his disappearance, armed men went to his house to look for his wife and told neighbors to tell her that her husband was at the police station; however, petitions of habeas corpus filed in his behalf have been unsuccessful.

GUSTAVO ADOLFO MEZA SOBERANIS: 26-year-old surgeon, ran his own clinic in Coban, Alta Verapaz; abducted by armed men and disappeared on September 7, 1983, in Zone 12 of Guatemala City; his sister, Mayra Janneth Meza Soberanis, was abducted on September 8, 1983, and subsequently released, abducted a second time on January 25, 1985, and found dead on January 26, 1985.

LUCRECIA ORELLANA STORMONT: 32-year-old lecturer in psychology at USAC; after leaving a meeting in a hotel in downtown Guatemala City on June 6, 1983, she reportedly disappeared; her case, along with a number of others, was submitted to a representative of the U.N. Human Rights Commission by then USAC rector Dr. Arturo Eduardo Meyer Maldonado.

VICTOR HUGO QUINTANILLA ORDONEZ: 32-year-old lecturer in economics and law student at USAC; reportedly abducted at 8:30 a.m. on February 19, 1984, by armed men in Zone 11 of Guatemala City; his wife, Alma Libia Samayoa Ramirez, whose name also appears below, was abducted with him; both were members of the USAC executive council in 1979–1982.

JORGE ALBERTO ROSAL PAZ: 28-year-old agronomist; reportedly abducted by men in army uniforms in an army jeep on August 12, 1983, between Teculután and Zacapa, Zacapa; according to all reports received by AI, he had no political affiliation and had not engaged in any illegal activities.

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ALMA LIBIA SAMAYOA RAMIREZ: 29-year-old dentist and lecturer at USAC; reportedly abducted at 8:30 a.m. on February 19, 1984, by armed men in Zone 11 of Guatemala City; her husband, Victor Hugo Quintanilla Ordóñez, was abducted with her; both were members of the USAC executive council in 1979–1982.

Threats

CARLOS LEON MEDRANO: medical doctor of Quiché indigenous origin, lives in Santa Cruz del Quiché and works in Chichicastenango, where he runs a foundation promoting indigenous medical techniques, including midwifery; reportedly has received threats including banging on his door late at night and telephone calls to his mother warning that he should leave Chichicastenango; AI reports that members of the armed forces have made inquiries about him; he is not known to be involved in politics.

Other Human Rights Abuses

Several members of the security forces shot eight USAC students, two of whom were killed, in April 1992. Below is a brief description of the incident.

Early in the morning on April 10, 1992, several members of a security force unit, HUNAPU (a combined security force recently formed and made up of members of the army, the National Police, and the Treasury Police), entered a house in Zone 1 of Guatemala City where a number of USAC students were preparing for the "Huelga de Dolores," an annual student event at USAC of satire and processions which often mocks the government in power. Members of the security unit reportedly detained several of the students. As they were leaving with the detainees, an argument started between the security members and the students. The security members fired at the students, killing one student instantly and injuring eight others. The USAC students reportedly had already been threatened several times by the security forces. Local human rights groups in Guatemala believe that the shootings were unprovoked. There have been reports that then minister of the interior, Fernando Hurtado Prem, announced that an investigation of the shootings was being conducted and that 32 members of the Mobile Military Police have been arrested.

According to a report issued by Bernardo Neumann, president of COPREDEH and special assistant to President Serrano, entitled "Report on the Human Rights Situation in Guatemala from January 1 to April 30, 1992":

The members of government security forces who participated in the incident were immediately turned over to the courts of justice, and at present,

8 Army policemen are being tried by the Military Court and 12 national police agents plus 8 Guardia de Hacienda [treasury police] agents are being tried in civilian penal courts. A legal reconnaissance which was to take place on April 26 was cancelled due to absence of the offended students and the witnesses for the prosecution. It will be rescheduled for a date to be set by the Judge.

Julio Rigoberto Cuc Quim, who was studying to be a secondary school teacher, was killed instantly; Alfonzo Aldana Pérez, a student of veterinary medicine, died in the hospital as a result of his injuries (his name is also listed under "Additional Cases"). The six who were wounded were María Isabel Cabeiro, a psychology student; Axel Oswaldo Morales Gaitán, an engineering student; Otoniel Estuardo Moran Aldana, an agronomy student; Otto René Pérez Figueroa, an engineering student; Juan Armando Pérez López, a medical student; and Julio Felipe Sajche, an engineering student.

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Appendix C

Members of the Delegation

Following are brief biographical sketches of the members of the delegation to Guatemala.

CAROL CORILLON has been director of the Committee on Human Rights of the National Academy of Sciences for 11 years. During 1987–1989 she also served as director of the Committee on Health and Human Rights of the Institute of Medicine. Ms. Corillon formerly served as staff officer for the National Research Council's Advisory Committee on the Sahel. In the 1970s Ms. Corillon wrote on political, economic, and human rights issues in Kinshasa, Zaire, for various broadcast and news agencies including the BBC, the *Economist*, and Reuters. Ms. Corillon has written or edited several Academy publications. She is a member of the board of Africa Watch and was a delegate on committee missions to Chile in 1985 and to Somalia in 1987.

PATRICIA EVERS, a program officer with the Committee on Human Rights of the National Academy of Sciences, has been with the committee for 3 years and provided staff support for the mission. Previously, she researched and captioned photographs for international news stories at a French news agency, conducted research in Russian and French at the Kennan Institute for Advanced Russian Studies, and translated, organized, and catalogued rare Russian and East European manuscripts at the Bakhmeteff Russian and East European Archive at Columbia University.

ROBERT LAWRENCE, a primary care physician, is a member of the Institute of Medicine, chair of its Committee on Health and Human Rights,

and a member of the Committee on Human Rights. Dr. Lawrence is director of Health Sciences at the Rockefeller Foundation. Formerly, he was director of the Division of Primary Care, Harvard Medical School, and chief of the Department of Medicine at Cambridge Hospital. He is a member of the American College of Physicians, the American College of Preventive Medicine, and other professional organizations. He has worked as a consultant to the U.S. Agency for International Development and the World Health Organization and has served as a delegate on human rights missions to South Africa, El Salvador, the Philippines, Czechoslovakia, Chile, and Egypt.

ELIOT STELLAR, a behavioral neuroscientist, is a member of the National Academy of Sciences and the Institute of Medicine. He has been chair of the Academy's Committee on Human Rights since 1983. Dr. Stellar is University Professor of Physiological Psychology in Anatomy at the University of Pennsylvania and chair of the Department of Anatomy. He is president of the American Philosophical Society, a member of the American Academy of Arts and Sciences, the American Psychological Association, the Society for Neuroscience, the International Brain Research Organization, and other professional organizations. He was a member of the NAS Scientific Advisory Committee on the U.S.S.R. and Eastern Europe.

MARY JANE WEST-EBERHARD, a biologist, is a member of the National Academy of Sciences and its Committee on Human Rights. She is a senior researcher with the Smithsonian Tropical Research Institute, resident in Costa Rica. During 1972–1978, Dr. West-Eberhard was staff member *ad honorem*, Departamento de Biología, Universidad del Valle, Cali, Colombia. She is president of the Society for the Study of Evolution and is a member of the American Society of Naturalists, the Cambridge Entomological Society, the Bombay Natural History Society, and the International Union for the Study of Social Insects, among others. Dr. West-Eberhard serves on a number of editorial advisory boards and is an adviser to the National Research Council's joint program on U.S. and Mexican academies of sciences.

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Appendix D

Guatemalan Judicial Procedure and the Mack Case

This appendix presents an informal outline of the Guatemalan judicial procedure and the phases and steps the Mack case has taken to date. This outline, which was prepared with the help of the Office of Human Rights of the Guatemalan Archdiocese, reflects our best efforts to describe an extremely complicated system. At any point during the various stages of the judicial process, the prosecution and defense parties are allowed to file interlocutory appeals. It is anticipated that this practice may cause further significant delays in the proceedings of the Mack case.

INITIAL INVESTIGATION

The first judiciary step taken in a murder investigation is a judicial recognition of the victim's body by a justice of the peace, who inspects the crime scene and the body for signs of violence and orders an autopsy. The case then passes to a criminal justice of the peace, who collects evidence during a 3-day period and passes the information on to a court of investigation. The court of investigation is responsible for completing the investigation and identifying a suspect or suspects.

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1. In September 11, 1990, a justice of the peace of the Court of Paz de Turno performed a judicial recognition of the crime of the murder of Myrna Mack.
2. On the same day, for reasons of jurisdiction, the justice of the peace sent the case to the second criminal justice of the peace of the Second Court of Paz Penal.
3. On September 14, 1990, the Second Court of Paz Penal sent the case to the Second Court of Primera Instancia de Instrucción.
4. As a result of procedures outlined in Guatemalan judicial decree no. 67–89, the Second Court of Primera Instancia de Instrucción returned the case to the Second Court of Paz Penal.
5. On October 31, 1990, for reasons of court vacations, the Second Court of Paz Penal sent the case to the Eleventh Court of Paz Penal.
6. On November 11, 1990, the case was returned to the Second Court of Primera Instancia de Instrucción Penal under the guidance of Judge Jorge Alejandro Vázquez Rodríguez.
7. In March 1991, Lic. Eduardo Antonio Coromac Ambrosio became the new judge of the Second Court of Instrucción.
8. For 23 days during July 1991, while Lic. Coromac was on vacation, Judge Lica. María Eugenia Villaseñor Velarde of the First Court of Instrucción oversaw the case. It was during this time that the arrest warrant for Noel de Jesús Beteta Alvarez was issued.
9. During late July and early August 1991, while Lic. Coromac was still on vacation, substitute Judge Lic. Oligario Labbé oversaw the case.
10. On September 17, 1991, in response to Helen Mack's petitioning for the withdrawal of Judge Coromac from the case, the judge excused himself from the case. On September 27, 1991, Lica. Carmen Ellguter of the Third Court of Primera Instancia de Instrucción Penal was assigned the case.
11. Noel Beteta was arrested on November 29, 1991, in Los Angeles, California, deported to Guatemala City on December 4, and charged with Mack's murder.
12. In early December 1991, Judge Ellguter went on vacation and the case was overseen briefly by Judge Oscar López Lemus of the Sixth Court of Primera Instancia de Instrucción.

THE PREPARATORY OR "SUMARIO" PHASE

During the 15 days following the arrest of a suspect, a case is in "sumario," an investigative phase in which the judge is responsible for seeing that all possible pieces of evidence are brought to the court. At the end of the sumario phase, the judge must decide whether sufficient evidence exists to

carry the case into the next phase, "abre a juicio," or whether the prisoner should be released.

13. Following Beteta's deportation, Judge López withdrew from the case, claiming that the private prosecutors, Helen Mack and Ronalth Ochaeta (director of the Human Rights Office of the Archdiocese of Guatemala), had questioned his impartiality. The case passed temporarily to Judge Leticia Secaira of the Fourth Court of Primera Instrucción Penal.
14. At the end of the sumario phase, on December 18, 1991, Judge Secaira found insufficient indications of guilt to pass the case to the trial court ("juzgado de sentencia"). Thus, the case was passed to Judge Victor Hugo Navarro Solares of the Juzgado Tercero de Primera Instancia Penal de Sentencia.

THE INTERMEDIATE OR "ABRE A JUICIO" PHASE

The abre a juicio phase theoretically lasts for 5 days, during which all parties have the opportunity to review the entire court file and examine existing evidence indicating guilt or innocence. In the Mack case, the abre a juicio phase lasted several months.

15. On February 17, 1992, Judge Navarro sent the case to the military court in Guatemala City (Auditoria de Guerra), claiming that he lacked jurisdiction over the case because Beteta was a member of the intelligence branch of the Presidential High Command when he allegedly killed Myrna Mack.
16. The prosecution appealed Judge Navarro's decision, the Fourth Court of Appeal supported the appeal, and the case was returned to the civilian court, to Judge Alcides Sagastume.

The Mack case moved into the accusatory phase on August 20, 1992.

THE ACCUSATORY PHASE

If neither party requests the opportunity to present evidence, the judge will rule as to the defendant's guilt or innocence. However, in most cases, one or both parties request an additional 43-day period to present more evidence (an "apertura a prueba"). Each subsequent request for additional evidence must come from one of the parties and may not be at the request of the judge, who at this stage acts primarily as an observer.

If, at the end of the 43-day period, the judge decides that there is insufficient evidence for a ruling, he or she submits an "auto para mejor fallar," which presents another opportunity of 3, 8, or 15 days for both sides

to present evidence to the court. However, if, at the end of the apertura, the judge decides that there is sufficient evidence to make a ruling, there is a waiting period ("audiencia") followed by an oral or written argument ("vista") by the parties regarding the defendant's guilt or innocence. The judge then has 15 days to reach a verdict. Once the judge rules, the case leaves the court of Primera Instancia and enters the appellate process.

According to Guatemalan judicial law, the Mack case will move into the appellate phase before a final decision is made on the case.

THE APPELLATE PROCESS

Either party can appeal the verdict to the appellate court of Segunda Instancia. Under Guatemalan law, however, even if the case is not appealed, it will be automatically reviewed (a "consulta") by the court of Segunda Instancia. (The court of Segunda Instancia is an appellate court made up of three magistrates who will study the decision.) The judges may decide to accept more evidence (an "auto para mejor fallar") during a 3-or 5-day period.

The parties are then given a day in court during which they present their arguments (a "día para la vista"). The court of Segunda Instancia then has 15 days after the arguments in which to affirm or annul the lower court's finding. If the appellate court annuls the lower court's decision, the process returns to that point in the accusatory phase in which the error was made and continues again from there.

Moreover, after the appellate court rules, either party may bring a challenge (a "casación"), questioning the validity of a piece of evidence that was brought earlier in the proceeding. The Supreme Court rules on these challenges. If the Supreme Court affirms the challenge, the case is annulled from the time at which the illegal evidence was submitted and must proceed anew from that point.