



## **IMPACT OF THE CEH REPORT ON VICTIMS OF THE ARMED CONFLICT IN GUATEMALA**

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Guatemala, april 2020

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## Introduction

For more than 20 years, the victims and survivors of the internal armed conflict in Guatemala have used the Commission for the Historical Clarification (CEH) report, Guatemala Memory of Silence, to claim their rights to truth, justice, and dignified reparation. The CEH report was presented on 25 February 1999. The depth and force of its conclusions and recommendations caused great upheaval nationally and internationally.

The United Nations-sponsored Guatemalan truth commission, known as the CEH, was established as part of the Peace Accords. The commission revealed the severity and magnitude of the abuses committed during the 36 years of the internal armed conflict (1960-1996): more than 200,000 victims killed or forcibly disappeared, 669 massacres, 1,464 acts of sexual violence against women, and more than 1.5 million people forced to flee their communities due to violence. The CEH determined that the Guatemalan Army went as far as committing genocide against indigenous peoples and was responsible for more than 90% of the abuses against the civilian population.<sup>1</sup>

The CEH experience has been an example for other truth commissions created in countries, such as Brazil, Chile, Colombia, Ecuador, Honduras, Paraguay, Peru, and Uruguay.<sup>2</sup> It is recognized for its independence, the importance it gave to the victims' voices, permanent collaboration with civil society organisations, and the clarity of its conclusions and recommendations. Despite its short mandate (18 months) and the severe limitations imposed on it by the Peace Agreement<sup>3</sup>, such as not being allowed to reveal the names of those responsible for the abuses or for its findings to have any legal effects, the CEH managed to carry out extraordinary investigative work.

This policy brief examines the principal findings of the CEH report and how it has served to dignify the memory of the victims and survivors of the armed conflict. Since its publication, the report has served as a reference in the search for the forcibly disappeared and in carrying out exhumations, as documentary evidence in national and international courts, as a source to claim reparations, and as a document to uphold the country's historical memory.

With this publication, we highlight the importance of victim participation in truth commissions. The experience of the CEH in Guatemala shows that victim participation was not limited to giving testimony or providing information about what happened in the communities. Victims' organisations have taken ownership of the report and continue to use it as a tool to exercise their right to truth and to demand justice and reparations. As such, they continue to fight for state recognition of past atrocities and respect for their rights, particularly the respect of women's and Indigenous peoples' rights.<sup>4</sup>

<sup>1</sup>CEH 1999. Guatemala Memory of Silence. Volume V: Conclusions and Recommendations, pgs. 42, 48.

<sup>2</sup>Angulo, Sonia 2019. Time and Memory: The Report of Truth and Justice. The Case of Guatemala, Journal of Exchange on Central America and Caribbean, Vol. 16, Nº 2, University of Costa Rica, Costa Rica, pg. 7, available at: <https://revistas.ucr.ac.cr/index.php/intercambio/article/view/37752/39220>.

<sup>3</sup>Agreement on the Creation of the Commission for the Historical Clarification of Violations of Human Rights and Acts of Violence that have Caused the Guatemalan Population to Suffer, signed by the Guatemala government and the URNG in Oslo, Norway, 23 June 1994.

<sup>4</sup>Impunity Watch 2016. We Struggle with Dignity: Victims Participation in Transitional Justice in Guatemala. Available at: <https://www.impunitywatch.org/post/luchamos-con-dignidad-participaci%C3%B3n-de-las-v%C3%ADctimas-en-la-justicia-transicional-en-guatemala>.

The United Nations set of principles for the protection and promotion of human rights through action to combat impunity indicates that: “Every people has the inalienable right to know the truth about past events concerning the perpetration of heinous crimes and the circumstances and reasons that led [...] to the perpetration of those crimes”<sup>5</sup>. As such, it is necessary to promote innovative initiatives so that younger generations know what happened during the tragic period of the armed conflict and renew efforts to ensure that the Guatemalan state and society take up their commitments to the CEH recommendations; to guarantee the sustainability of democracy and peace.

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<sup>5</sup>United Nations Commission on Human Rights 2005. Set of principles for the protection and promotion of human rights through action to combat impunity, principle 2: The inalienable right to the truth, pg. 7.

# 1. Background and Scope of the CEH Report

The CEH was created as part of the peace negotiations between the Guatemalan government and the Guatemalan National Revolutionary Group (URNG). In June 1994, the government and the guerrillas signed the *Agreement on the Creation of the Commission for the Historical Clarification of Violations of Human Rights and Acts of Violence that have Caused the Guatemalan Population to Suffer*. The agreement contained the following three objectives:

- a. Objectively, fairly, and impartially clarify the human rights violations and acts of violence linked to the armed conflict that caused suffering to the Guatemalan population.
- b. Write a report that includes the results of the investigation and offers objective conclusions on what happened, considering all internal and external factors.
- c. Make recommendations aimed at promoting peace and national harmony<sup>6</sup>.

The CEH operated for 18 months (July 1997 - February 1999) and comprised three United Nations appointed commissioners: German lawyer, Christian Tomuschat (commission chair), Guatemalan lawyer, Alfredo Balsells, and Maya K'iche' activist, Otilia Lux. The commissioners were supported by an interdisciplinary team of 273 national and international professionals who collected testimonies in the regions most affected by the armed conflict and gathered evidence on the events that occurred during the armed conflict.<sup>7</sup>

The agreement established that the CEH could not individualise liability and that its report would

not have legal effects. Accordingly, the names of those responsible for the abuses are not disclosed even though several victims identified the perpetrators. However, the CEH clarified in its report that: “[...] there is nothing to prevent the State’s institutions, particularly the entities of the justice system, from building on elements contained in the report [...]”<sup>8</sup> This has served as a basis for the Public Prosecutor’s Office and victims’ and human rights’ organisations to use the report as documentary evidence before the Guatemalan courts and the Inter-American human rights system.

In 1995, prior to the creation of the CEH, the Catholic Church sponsored the Inter-Diocesan Project for the Recuperation of Historical Memory (REMHI) to collect testimonies from victims of human rights violations, which paved the way for the CEH. The project was led by Bishop Juan Gerardi, who directed the Human Rights Office of the Archdiocese of Guatemala (ODHAG). REMHI collected more than 5,000 testimonies nationwide through more than 600 local Catholic Church partners known as peacemakers.<sup>9</sup>

Gerardi publicly presented the Guatemala Never Again report on 24 April 1998 in the cathedral of Guatemala City. The report contained four volumes which presented the human rights violations committed, the consequences of the violence, the historical context in which the events occurred, and a list of victims. The report revealed the severity and magnitude of the violations committed against the civilian - and largely Indigenous - population and presented recommendations to contribute to reconciliation and repair damages.<sup>10</sup>

Gerardi was brutally murdered by army personnel two days after the report was presented; attacked with a cement block in the garage in his house at the San Sebastián

<sup>6</sup>Agreement on the Creation of the Commission for the Historical Clarification of Violations of Human Rights and Acts of Violence that have Caused the Guatemalan Population to Suffer, signed by the Guatemala government and the URNG in Oslo, Norway, 23 June 1994.

<sup>7</sup>CEH 1999. Volume I: Causes and Origins of the Internal Armed Conflict, pg. 31.

<sup>8</sup>Ibid., pg. 44.

<sup>9</sup>ODHAG 1998. Guatemala Never Again. Inter-Diocesan Project for the Recuperation of Historical Memory (REMHI).

<sup>10</sup>Op. cit.

Church. His face was unrecognisable. The crime caused national and international uproar, and after a long investigation, a Guatemalan court charged and convicted three soldiers with the murder, and the priest who lived with Gerardi as an accomplice thereto.<sup>11</sup>

The CEH used the REMHI report in its investigations. Like the REHMI, the CEH report is based mainly on victims' testimonies. The Commission collected 7,338 individual testimonies, 500 collective testimonies, and interviewed more than 1,000 key witnesses, including army and guerrilla members who provided information on the context surrounding the armed conflict. In addition, it reviewed Guatemalan state documents and declassified United States government documents and received reports from victims' organisations and Guatemalan civil society. However, the Guatemalan Army refused to turn over its archives, war plans, manuals, and other important documents.<sup>12</sup>

The CEH's final report was presented on 25 February 1999 in Guatemala City to an audience of 10,000 people. The president at the time, Álvaro Arzú, was present at the event but refused to receive the report, because he did not agree with its conclusions. In particular, he refused to acknowledge the state's responsibility in genocide and crimes against humanity against of the civilian population.

The CEH report comprises 12 volumes. The first

explains the causes and origins of the armed conflict. The second and third describe human rights violations and acts of violence committed during the armed conflict. The fourth examines the consequences and effects of the violence, and the fifth presents the commission's conclusions and recommendations. Volumes six and seven contain a sample of 85 cases emblematic of the most serious crimes committed against different social groups. Volumes eight, nine, ten, and eleven present summaries of the cases registered by the commission, and volume twelve presents a set of relevant documents examined by the CEH.

## 2. CEH Report Revelations

The report showed the severity and magnitude of the tragedy. The CEH estimated that more than 200,000 people were killed or forcibly disappeared during the 36-year armed conflict, 669 massacres were committed, 1,465 acts of sexual violence, and more than 1.5 million people were forcibly displaced from their communities due to violence.<sup>13</sup> These figures are particularly alarming because in the 1980s Guatemala had an estimated population of eight million inhabitants, which meant that the armed conflict affected to more than 18% of the population.

### Tabla 1: Víctimas del conflicto armado interno

200,000 personas muertas
45,000 personas desaparecidas, incluyendo 5,000 niños
669 masacres
1,465 actos de violencia sexual
1,500,000 personas desplazadas de sus comunidades

*Fuente: Informe CEH*

<sup>11</sup>Goldman F. 2009. *The Art of Political Murder: Who Killed Bishop Gerardi?* Barcelona: Anagrama.

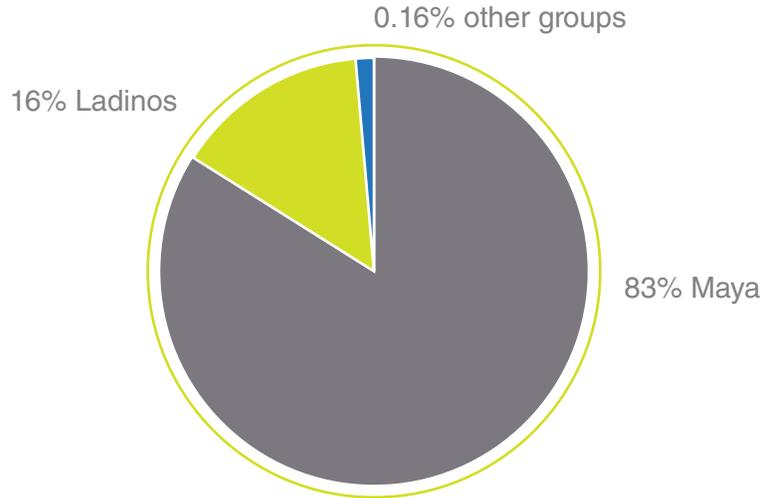
<sup>12</sup>CEH 1999. Volume I. Mandate and Work Procedure. Causes and Origins of the Internal Armed Conflict, pg. 33.

<sup>13</sup>CEH 1999. Volume III. Human Rights Violations and Acts of Violence, pg. 211.

In its report, the CEH refers to the victims as “the non-combatant civilian population that suffered human rights violations or acts of violence” based on the Geneva Convention IV on the protection of civilian persons in time of war and armed confrontations between government forces and insurgent groups within the same

state. The Geneva Conventions establish the obligation of the parties to the conflict to protect civilian population.<sup>14</sup> According to the CEH, 83% of the victims were Maya, 16% were Ladino (mestizo), and 0.16% belonged to other cultural groups<sup>15</sup>.

**Graphic 1: Ethnicity of Victims**

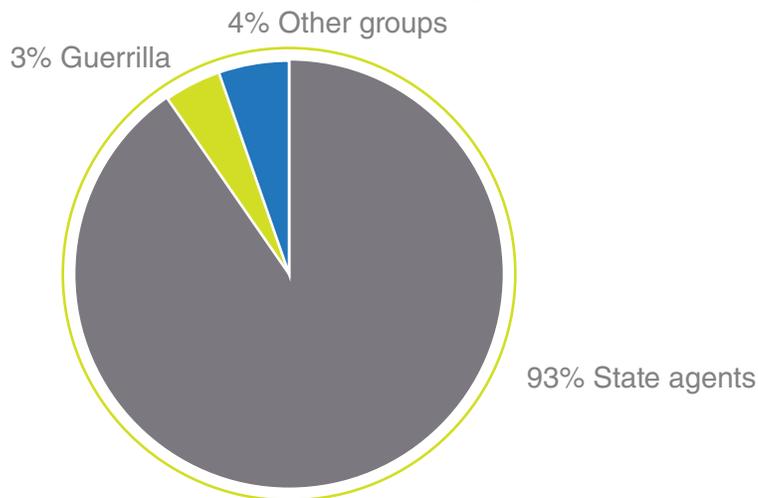


*Source: Based on Data from the CEH Report*

Regarding the responsibility for the crimes, the CEH determined that 93% of the violations were committed by the army, civil patrols (PAC), military commissioners, death squads, and other state security forces. Three percent of the

violations were committed by the guerrillas and 4% by other groups that could not be identified. Regarding this 4%, the CEH explains that it did not obtain sufficient information to attribute responsibility to a certain group<sup>16</sup>.

**Graphic 2: Perpetrators of Human Rights Violations**



*Source: Based on Data from the CEH Report*

<sup>14</sup>The Geneva Conventions comprise four international conventions that regulate international humanitarian law whose purpose is to protect civilian population.

<sup>15</sup>CEH 1999. Volume V, pg. 21; and Volume II, pg. 321.

<sup>16</sup>CEH 1999. Volume II, pg. 324

The low percentage of violations committed by the guerrillas (3%) demonstrates the disproportionate way in which the Guatemalan state responded to the subversive threat. The CEH report explains that despite the low number of crimes committed by the guerrillas, some of these were equally horrendous and reprehensible,<sup>17</sup> such as the El Aguacate massacre in the municipality of San Andrés Itzapa, Chimaltenango where 21 small rural farmers were killed.

According to the report, 81% of the crimes were committed between 1981 and 1983, during the Romeo Lucas García and Efraín Ríos Montt dictatorships. The violence was most brutal in the departments of El Quiché, Huehuetenango, Chimaltenango, Alta Verapaz, Baja Verapaz, and San Marcos.

## Genocide and massacres

That the Guatemalan Army committed genocide against Indigenous peoples was, without a doubt, the most serious conclusion of the CEH report. The report notes that racism, as a doctrine of superiority of some groups over others, drove state security forces to execute military operations viciously and indiscriminately against hundreds of communities in the west and north-west regions of the country. The

army identified Indigenous communities as the guerrilla's social support base and were therefore an "internal enemy."<sup>18</sup>

The report finds that the racist ideas among the Guatemalan elites drove the army to commit genocide against five Indigenous peoples between 1981 and 1982: the Maya-Q'anjob'al and Maya-Chuj Peoples located in the municipalities of Barillas, Nentón, and San Mateo Ixtatán; the Maya-Ixil People located in the municipalities of Nebaj, Cotzal, and Chajul; the Maya-K'iche' People in the municipality of Zacualpa; and the Maya-Achi People of the municipality of Rabinal.<sup>19</sup> The CEH determined that state security forces attacked these indigenous communities with the intention of totally or partially destroying their members, which is prohibited by Article II of the Convention for the Prevention and Punishment of the Crime of Genocide and Guatemalan criminal code.<sup>20</sup>

These findings shocked Guatemalan society and the international community. Although it was widely known that the army had committed horrendous massacres in Indigenous communities, a conclusion of genocide was unexpected. In total, the CEH documented 626 massacres committed by state security forces, 32 by the guerrillas and 11 by unidentified groups<sup>21</sup>.

<sup>17</sup>CEH 1999. Volume V, pg. 52.

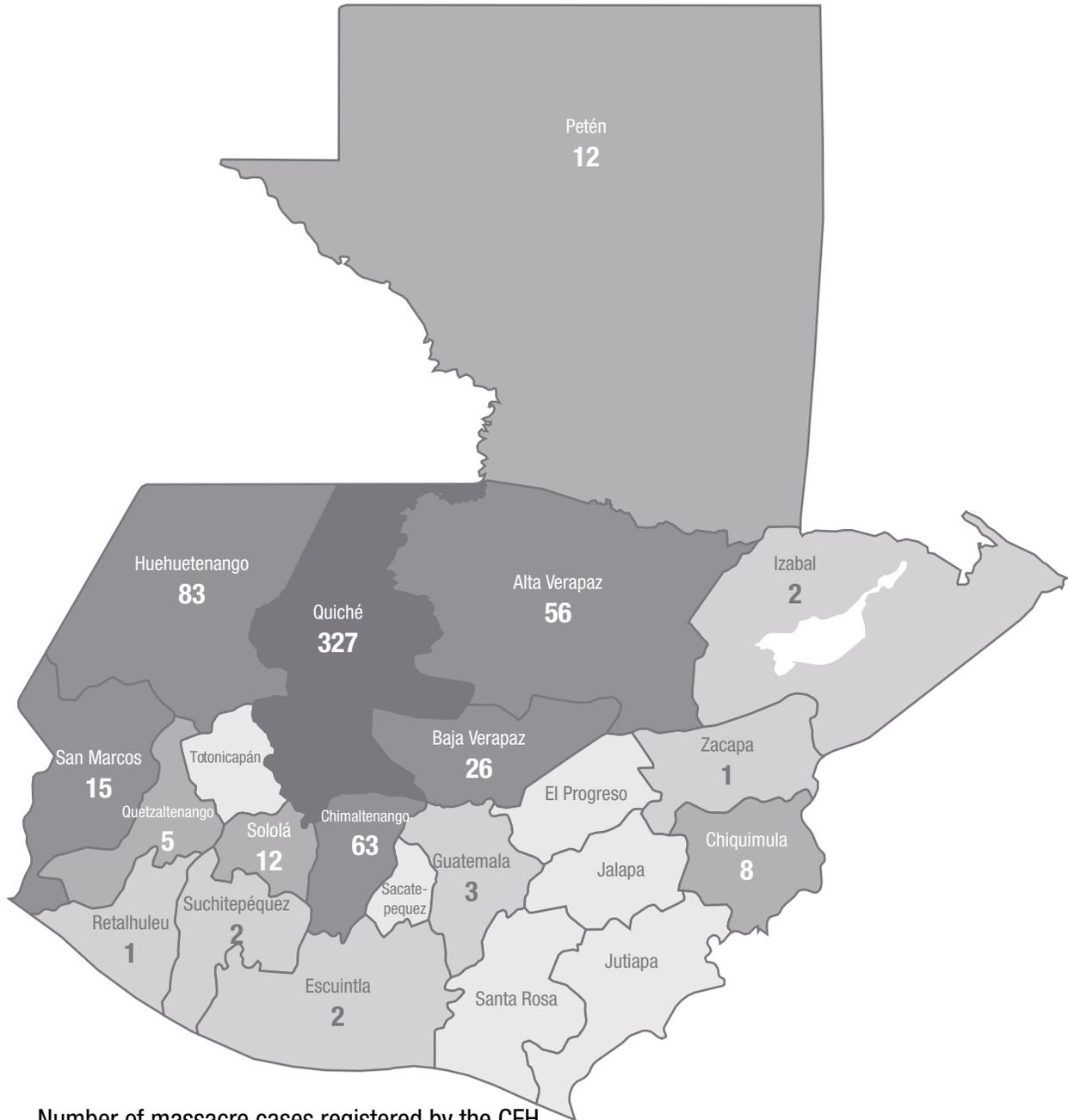
<sup>18</sup>CEH 1999. Volume V, pg. 29.

<sup>19</sup>CEH 1999. Volume III, pgs. 317, 422.

<sup>20</sup>CEH 1999. Volume V, pg. 49.

<sup>21</sup>Ibid., pg. 100

### Map: Sites of massacres of the armed conflict



Number of massacre cases registered by the CEH



Source: Based on Data from the CEH Report

The map shows that the army's actions were most brutal in the west and north-west regions of the country. Three hundred and twenty-seven massacres were committed in the department of Quiché, 83 in Huehuetenango, 63 in Chimaltenango, 56 in Alta Verapaz, 26 in Baja Verapaz, and 15 in San Marcos. While the guerrillas were hiding in the mountains of these departments, the army attacked Indigenous communities directly because it considered them to be the base of the guerrillas' social support.

## Forced Disappearances

State security forces and clandestine groups called "death squads" perpetrated multiple forced disappearances. According to CEH estimates, approximately 45,000 people were victims of forced disappearance, including 5,000 children.<sup>22</sup> To date, however, the exact number of victims, their identity, the circumstances in which they disappeared, and their fate and whereabouts remain unknown because a national victim registry does not exist.<sup>23</sup>

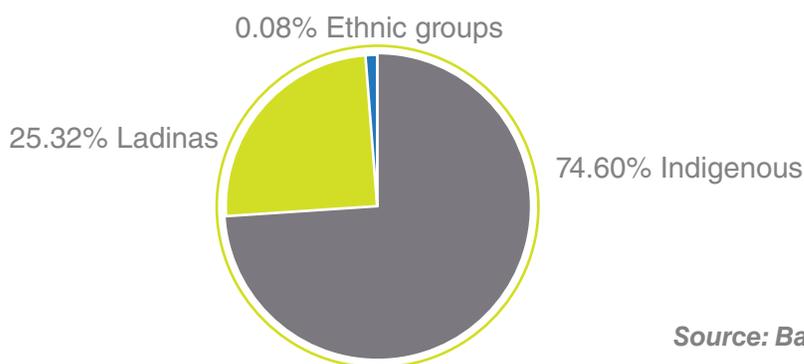
Forced disappearance was used as part of military intelligence operations to dismantle groups and social organisations that the army deemed "suspicious" of collaborating with

the guerrillas and to generate terror in the population. Most of the victims were political or union leaders, students, academics, priests and members of religious communities, small rural farmers, and even members of the military or paramilitary groups suspect of collaborating with the enemy.<sup>24</sup>

In general, victims were unlawfully detained by military intelligence services and state security forces in military and police facilities or in private houses and buildings that functioned as clandestine prisons. The victims were subject to interrogation involving torture and cruel, inhuman, or degrading treatment and were subsequently disappeared or executed. Occasionally, the army forced victims to carry out illegal and secret work in exchange for their partial freedom. On few occasions, the victims were brought before the courts.<sup>25</sup>

The CEH indicates that most of the forced disappearances occurred in the departments of Quiché, Alta Verapaz, Chimaltenango, San Marcos, Huehuetenango, and Guatemala City. More than 90% of victims were men and 9.7% were women; 89.1% were adults and 10.9% were children and adolescents; and 74.6% were Indigenous, 25.32% were Ladino, and 0.08% belonged to other ethnic groups<sup>26</sup>.

**Graphic 3: Ethnicity of Victims of Forced Disappearance**



Source: Based on Data from the CEH Report

<sup>22</sup>The CEH registered 6,149 victims of forced disappearance. Based on this information and the sum of the data provided by the victims' and human rights' organisations, it concluded that the number of victims was around 45,000. CEH. Op. cit., Volume V, pg. 9.

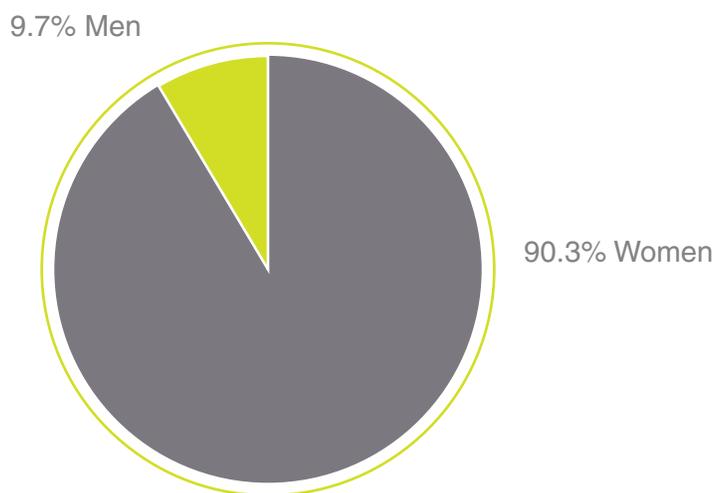
<sup>23</sup>Impunity Watch 2018. Advances and Obstacles of Transitional Justice in Guatemala. Available at: <https://www.impunity-watch.org/post/avances-y-obstaculos-de-la-justicia-transicional-en-guatemala>.

<sup>24</sup>CEH 1999. Volume V, pg. 44.

<sup>25</sup>Ibid., pg. 33.

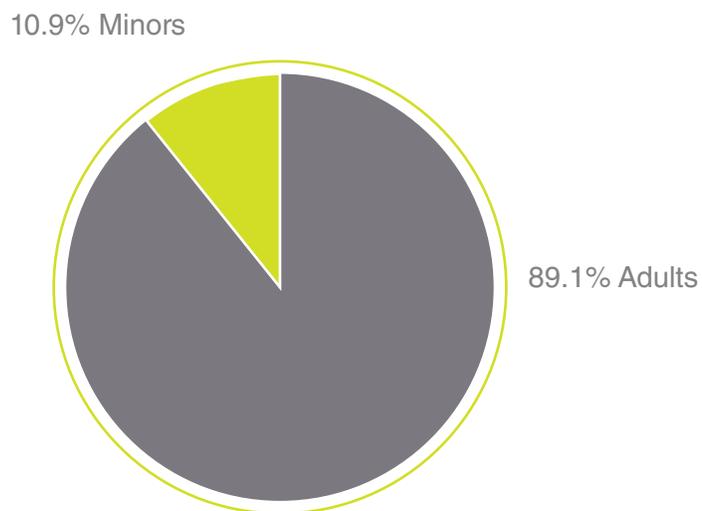
<sup>26</sup>CEH 1999. Volume II, pgs. 410, 427, 451.

### Gráfico 4: Sex of the Victims of Forced Disappearance



Source: Based on Data from the CEH Report

### Gráfico 5: Age Group of Victims of Forced Disappearance



Source: Based on Data from the CEH Report

According to the Inter-American Court of Human Rights judgement in the Case of Gudiel Álvarez v. Guatemala, also known as Diario Militar, forced disappearances were first used in Guatemala in

1966 as part of the National Security Doctrine. The use of forced disappearances increased in the 1980s and became a method of systematic and generalized repression to eliminate political

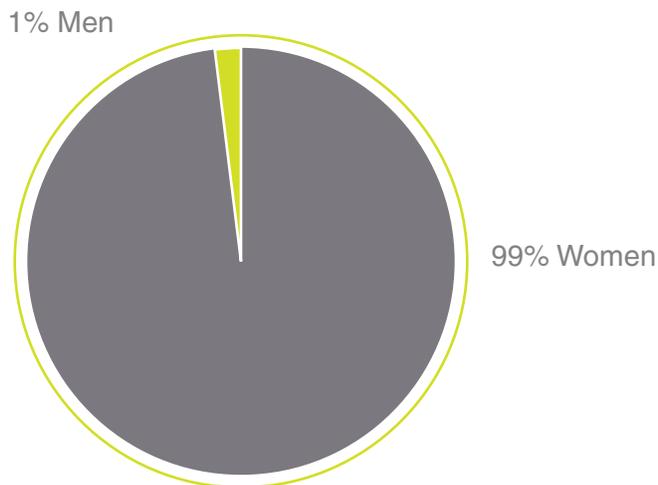
opponents while human rights violations were institutionalized in the country<sup>27</sup>.

## Sexual Violence

The CEH dedicated a section of their report to sexual violence against women. In total, it documented 1,465 cases of sexual violence in which 99% of the victims were women. Sixty-five percent of the victims were adults and 35% were

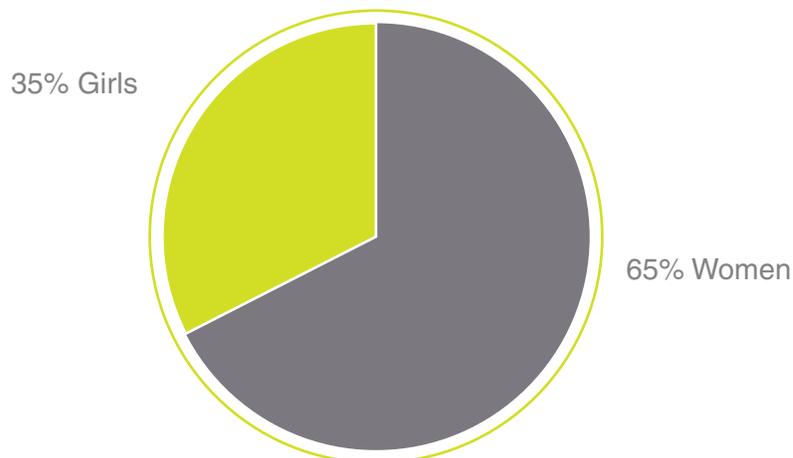
adolescents and girls. More than eighty eight percent of victims were Indigenous, 10% were Ladino (mestizo), and 1% belonged to other ethnic groups.<sup>28</sup> The commission determined that state agents used sexual violence against women as a systematic and widespread practice within a counterinsurgency strategy; sexual violence became a true weapon of terror and a serious violation of international human rights law and international humanitarian law.

**Gráfico 6: Gender of Sexual Violence Victims**



Source: Based on Data from the CEH Report

**Gráfico 7: Age Group of Sexual Violence Victims**

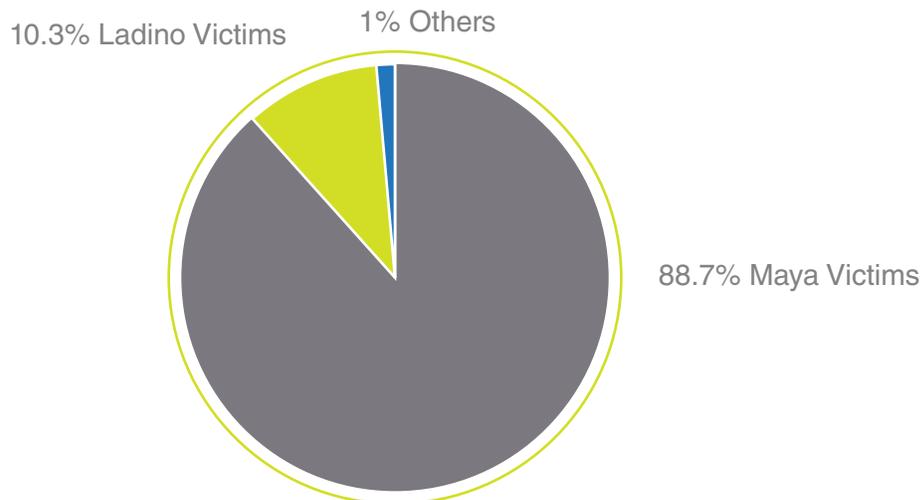


Source: Based on Data from the CEH Report

<sup>27</sup>Inter-American Court of Human Rights Judgment in the Case of Gudiel Álvarez Et Al. (“Diario Militar”) V. Guatemala, 20 November 2012, pg. 73.

<sup>28</sup>CEH 1999. Volume V, pgs. 13, 23.

## Gráfico 8: Ethnicity of Sexual Violence Victims



Source: Based on Data from the CEH Report

Currently, women’s organisations assert that sexual violence was used as a weapon of war during the armed conflict and that the number of victims is much higher than that presented by the CEH report. They emphasise that many women still do not report this type of crime out of fear and the deep social stigma surrounding sexual violence, as was demonstrated in the Ixil genocide and Sepur Zarco cases<sup>29</sup>.

### 3. Causes and Consequences of the Armed Conflict

According to the CEH, the conflict erupted in 1960 due to a host of structural problems, including social injustice, the closure of political spaces, deep racism, and the exclusionary and undemocratic state institutions. The situation worsened after the 1954 coup d’état, which ended Guatemala’s democratic Ten Years of Spring (1944-1954). The fear of communism caused the closure of virtually all spaces for political and civic engagement in Guatemala.

The first guerrilla groups emerged in the 1960s when members of the Guatemalan Labor Party (PGT) came together with the military officers who opposed the U.S.-backed coup in 1954.

Since 1954, military dictatorships have used the fight against communism as an excuse to classify any person or group that opposes the dictatorial regime as an “internal enemy.” As in other Latin American countries, the military applied the National Security Doctrine and the notion of an internal enemy to attack the civilian population. The CEH report explains that the state progressively expanded this notion to the point of attacking men, women, and children from all social strata, including workers, professionals, religious, politicians, students, academics, small rural farmers, and entire indigenous communities.<sup>30</sup>

The army’s repression strategy was applied differently between urban and rural areas. In urban areas, more intelligence work was carried out to identify and select those “suspected” of collaborating with the guerrillas and then capture, imprison, torture, disappear, or assassinate them. While in the rural and primarily Indigenous

<sup>29</sup>Impunity Watch 2019. Cambiando el rostro de la justicia: las claves del litigio estratégico del caso Sepur Zarco. Disponible en <https://www.impunitywatch.org/post/cambiando-e-rostro-de-la-justicia-las-claves-del-litigio-estrategico-caso-sepur-zarco>

<sup>30</sup>CEH 1999. Tomo II, págs. 24, 25.

areas, the army implemented the “scorched earth” policy, which consisted of indiscriminate massacres in the communities, the burning of houses and crops, and the total destruction of the population’s means of subsistence. The Guatemalan state’s deep racism drove the army to commit massacres with extreme cruelty and viciousness in indigenous communities.

As part of the counterinsurgency strategy, the army created the Kaibil Special Forces, a specialised military force trained in combat and dehumanising psychological warfare. Number 9 of the Kaibil Ten Commandments states that: “The Kaibil is a killing machine when foreign forces or doctrines attack the homeland or the army.”<sup>31</sup> According to the CEH, the extreme cruelty of this force was confirmed by the 1982 massacre of the Las Dos Erres community in Petén where the Kaibils ruthlessly murdered 171 small rural farmers.

The army also militarised communities through the PACs. These were created in 1981, and it is estimated that more than a million small rural farmers were forced to carry out surveillance and defence of their communities against the communist threat.<sup>32</sup> In many places, the army gave firearms to PACs and essentially turned them into paramilitary groups that committed crimes against their own neighbours on behalf of the army. The CEH attributes 18% of armed conflict crimes to the PACs, and it is well known that the PACs in the municipality of Rabinal, Baja Verapaz were the most ruthless.<sup>33</sup>

During the armed conflict, the justice system essentially served the dictatorship and protected the security forces and those responsible for the massacres, disappearances, torture, rapes, and other crimes against the civilian population. The judicial bodies did nothing to guarantee the population’s human rights and allowed the foundation for a system of absolute impunity and terror.<sup>34</sup>

Among the most enduring damages of the internal armed conflict, the CEH report highlights the loss of life, the unresolved grief of thousands of people who lost their loved ones without the possibility of saying goodbye or burying them, economic losses, the destruction of community social cohesion and organisation, fear and the feeling of powerlessness in the face of impunity, and the weakening of state institutions.

In the final portion of the report, the CEH presents 84 recommendations organised in five areas: a) measures to memorialise the victims, b) reparation measures, c) measures aimed at fostering a culture of mutual respect and observance of human rights, d) measures to strengthen the democratic process, and e) other recommendations to promote peace and reconciliation. It also proposes the creation of a state entity responsible for fostering and monitoring compliance with the recommendations.<sup>35</sup> The CEH envisaged the participation of victims’ organisations in the dissemination of the report, the design and implementation of the recommendations, and the monitoring of the proposed reforms and policies.

## 4. CEH Report’s Contribution to Truth, Justice, and Reparation

From the beginning, the CEH report was well received by Guatemalan victims’ and human rights’ organisations, and they have used it as a reference to search for victims of forced disappearance, recover historical archives, demand justice against those responsible for human rights violations, demand dignified reparations, and vindicate the memory of the victims.

<sup>31</sup>Ibid., pgs. 56, 57.

<sup>32</sup>Schirmer J. 1998. *The Guatemalan Military Project: A Violence called Democracy*. Philadelphia: University of Pennsylvania Press

<sup>33</sup>CEH 1999. Volume II pgs. 230, 231.

<sup>34</sup>CEH 1999. Volume V, pg. 35.

<sup>35</sup>Ibid., pgs. 49-69.

In 1999, the URNG issued a statement acknowledging the relevance of the CEH report and accepting the facts, while the pro-military and conservative leaning government of Álvaro Arzú played down its importance and said in a statement that the report was “one more contribution for the clarification of the facts” and that it was necessary to continue delving into what really happened. These positions on the content of the report have been maintained and become more extreme over time. While victims’ organisations and civil society defend and promote it, the country’s military and conservative groups reject it and try to deny its findings.<sup>36</sup>

Guatemala’s conservative and pro-military governments and politicians have consistently refused to acknowledge past atrocities and have attempted to impose a policy of forgetting and impunity, arguing that it is necessary to ‘turn the page’ of the past and focus on the problems of the present. In 2019, Congress attempted to reform the National Reconciliation Law to approve a general amnesty that would release more than 40 former military personnel convicted and prosecuted for crimes committed during the armed conflict and prohibit future investigations.<sup>37</sup> The Constitutional Court suspended the bill’s approval on grounds that it violates the victims’ right to justice and Inter-American Court of Human Rights judgments that clearly prohibit amnesties for serious human rights violations.<sup>38</sup>

Below, we will examine some of the CEH report’s main contributions to truth, justice, and reparation.

## A Resource in the Search for the Victims of Forced disappearance

Forensic anthropology teams have used the CEH report as a reference to locate clandestine cemeteries and sites to carry out exhumations, such as military facilities, villages that were razed, wells, ravines, or places where the disappeared people were held. To date, more than 21,000 exhumations have been carried out, more than 10,000 bones have been recovered, and more than 4,000 people have been identified. Guatemalan Forensic Anthropology Foundation (FAFG) and other civil society organisations have carried out most of these exhumations, because the state refuses to carry out this work.<sup>39</sup> Forensic anthropologists have also used the report to identify dates, witnesses, and facts, citing it as a reference in the forensic reports presented at trials<sup>40</sup>.

## Documentary evidence at trials

The Public Prosecutor’s Office and joint plaintiffs have presented the CEH report as documentary evidence before Guatemalan courts. The report has been presented in at least 10 cases concerning the armed conflict, such as the Ixil genocide trials, the Spanish Embassy massacre, the El Aguacate massacre, the Dos Erres massacre, the case of sexual violence against the women from Sepur Zarco, and violations against the Molina Theissen family, among others. In these cases, high-ranking army officers, soldiers, civil patrols, police officers, and leaders of the former guerrilla groups were convicted.

In its verdict in the case of genocide against the Maya Ixil People in 2013, the High-Risk Court “A” stated that it gave probative value to the CEH report, as it is a historical document that grants

<sup>36</sup>Impunity Watch and Human Rights Convergence 2009. *The Persistence of Truth: Ten Years After the CEH Report*. Guatemala.

<sup>37</sup>Bill 5377 of the Congress of the Republic, *Reforms to the National Reconciliation Law*.

<sup>38</sup>Inter-American Court of Human Rights resolution, 13 March 2019, *Hearing on Compliance with the Judgment of the Case of Molina Theissen v. Guatemala*.

<sup>39</sup>Impunity Watch 2018. *Advances and Obstacles of Transitional Justice in Guatemala*. Monitoring Report 2014-2017, pg. 34.

<sup>40</sup>Interview with José Suasnavar, subdirector of FAFG, 17 March 2020.

understanding of the context in which the event being tried occurred.<sup>41</sup> Likewise, in the verdict in the case of the Spanish Embassy massacre in 2015, High-Risk Court “B” indicated that it gave probative value to the report because it provided information that was relevant and consistent with the evidence produced at trial, exposes the acts of impunity that were frequent at the time, and clarifies the perpetrators’ responsibility.<sup>42</sup>

At the time of writing, the report is being used as an investigative tool in the cases of sexual violence against Maya-Achi women and the case of genocide against the Ixil People during the Romeo Lucas dictatorship.<sup>43</sup> Thus, the CEH report has become an important reference for Guatemalan justice.

The Inter-American human rights system has also consistently quoted and cited the CEH report in its reports and judgments. It incorporated the CEH report into its body of evidence since the Case of *Bámaca Velásquez v. Guatemala* in 2000, considering it a fundamental document on the history of the country.<sup>44</sup> Since then, the court has cited the CEH report in twelve judgments in cases of serious human rights violations that occurred during the armed conflict. In the Case of *Tiu Tojín v. Guatemala* in 2008, the ad-hoc judge Álvaro Castellanos referred to the probative value of the CEH and REMHI reports as follows:

*“More than once, both internally in Guatemala and by international bodies, the value or the evidentiary relevance of the documents and reports of the Commission for Historical Clarification—CEH—have been questioned. However, competent*

*national courts in Guatemala—as well as this court—have received, assessed, and considered as evidence both the CEH and the REMHI reports. This judgment reiterates the probative value of these documents.”<sup>46</sup>*

## A Reference in Reparation Claims

In 2003, the National Reparation Program (PNR) was created to comply with one of the CEH’s recommendations. In its report, the commission proposed the creation of an entity in charge of individually and collectively repairing the victims of human rights violations and acts of violence linked to the armed conflict while never forgetting their family members.<sup>47</sup> Similarly, the National Policy on Reparation, known as the Blue Book, was defined based on the violations and data cited in the report; for example, the PNR regional headquarters were located in the places most affected by violence according to the CEH report.<sup>48</sup>

Many victims and communities have used the report to support their requests for reparation before the PNR as the report contains names of victims, places where the crimes occurred, dates, and other relevant data to verify the damage caused by state security forces. It has also served to substantiate reparation claims before the Inter-American human rights system.

## Preservation of historical memory

The report has significantly contributed to the preservation of historical memory and

<sup>41</sup>High-Risk Sentencing Court “A”, Ixil Genocide Case, Verdict from 10 May 2013, Folio 662.

<sup>42</sup>High-Risk Sentencing Court “B”, Spanish Embassy Case, Verdict from January 19, 2015, Folios 287-289.

<sup>43</sup>For more information on these cases see: [https://www.impunitywatch.nl/docs/FactSheet-Maya\\_Ixil\\_Case\\_Guatemala\\_March2020\\_eng.pdf](https://www.impunitywatch.nl/docs/FactSheet-Maya_Ixil_Case_Guatemala_March2020_eng.pdf).

<sup>44</sup>Inter-American Court of Human Rights Judgment in Case of *Bámaca Velásquez v. Guatemala*, 25 November 2000, pg. 55.

<sup>45</sup>The Inter-American Court has issued the following judgments on the internal armed conflict in Guatemala: *Bámaca Velásquez Case*, *Myrna Mack Chang*, *Maritza Urrutia*, *Plan de Sánchez Massacre*, *Tiu Tojín*, *Las Dos Erres Massacre*, *Chitay Nech*, *Río Negro Massacres*, *Gudiel Álvarez et al. (Diario Militar)*, *García and relatives*, *Members of the Chichupac Village and neighboring communities in the municipality of Rabinal*, and *Coc Max et al. (Xamán Massacre)*.

<sup>46</sup>Inter-American Court of Human Rights judgment on *Tiu Tojín vs. Guatemala Case*, November 26, 2008, reasoned opinion, pgs. 2, 3.

<sup>47</sup>CEH 1999. Volume V, pgs. 62-65.

<sup>48</sup>Impunity Watch 2018. *Advances and Obstacles of Transitional Justice in Guatemala*, pg. 111.

has inspired the implementation of other memorialisation initiatives. It is considered a historical document because it collected first-hand testimonies of thousands of survivors and witnesses of the armed conflict. It also recovers part of the local memory because it records atrocious events that occurred in indigenous communities and different regions of the country. Alternatively, it analyzes the causes, circumstances, and consequences of a tragic period in the country's history.

The CEH managed to obtain data and details that made it possible to gauge the gravity of the human rights violations and the cruelty of the political violence against the Guatemalan population. A survivor states that, “[...] *when they presented the report, for us the work they did was very satisfying because there were things that were so serious and there were crimes against humanity, and no one had given that information publicly [...]*”. Another affirms that, “*The fact of having an official document stating that what victims had been saying for so long was true is a great step forward since the state did not even recognize the existence of victims [...]*”<sup>49</sup>

In 2004, the Guatemalan congress declared 25 February as the National Day of Dignity for Victims of the Internal Armed Conflict (Legislative Decree 06-2004), a reference to the day the CEH report was presented. This responds to one of the CEH recommendations, which proposed the declaration of a day to honor the memory of the victims.<sup>50</sup> However, the state has made little effort to commemorate the date in public institutions and schools, and it has been essentially limited to a commemoration organised by the victims themselves and by human rights organisations.

The commission also recommended that the content of the report be taught in primary and secondary schools and universities so that

younger generations learn about the past.<sup>51</sup> However, in history textbooks for children and adolescents, the period of the internal armed conflict is barely mentioned, and little reference is made to the CEH report. Some civil society organisations have supported initiatives to include the report in the National Basic Curriculum with little progress due to the government and Ministry of Education's lack of political will. For example, in recent years, the Education Working Group for Peace, Memory and Human Rights, which includes civil society organizations, the Human Rights Ombudsman (PDH), and the Ministry of Education, prepared education guides for some primary and secondary school grades but have only been implemented on an experimental basis in some secondary schools.<sup>52</sup>

The CEH report has motivated other important investigations into the armed conflict, such as *Until I Find You: Children Disappeared in the Internal Armed Conflict (ODHAG 2000)*, *Buried Secrets: Truth and Human Rights in Guatemala (Victoria Sanford 2003)*, *Panzos: the Last Colonial Massacre (Greg Grandin 2007)*, *The Death Squads: The Building of the Perpetrators of the Genocide in Guatemala (Manolo Vela 2014)*, *The Logic of Genocide in Guatemala (Ricardo Falla 2018)*, and *Beyond Repair: Maya Women's Protagonism in the Aftermath of Genocidal Harm (Alison Crosby and Brinton Lykes 2019)*, among others.

Likewise, museums, monuments, photographic exhibitions, film festivals, and other memorialisation initiatives have been created, such as the Rabinal Achi Community Museum in Baja Verapaz, the House of Memory in Guatemala City, the Landscapes of Memory Cemetery in Comalapa, the commemorative plaque for the Spanish Embassy Massacre in Guatemala City, the annual Memory, Truth, and Justice Film Festival, and the exhibition *Why We Are As We Are?* These and other initiatives have

<sup>49</sup>Impunity Watch 2015. *We Struggle with Dignity: Victims Participation in Transitional Justice in Guatemala*, pgs. 36, 37.

<sup>50</sup>CEH 1999. Volume V, pg. 61.

<sup>51</sup>Ibid., pg. 69.

<sup>52</sup>For more information on this process see <http://educacionparalapazgt.org/>.

been organised by victims' organisations and civil society with the support of the international community.<sup>53</sup>

All these efforts have served to verify the conclusions of the CEH report, find new evidence on the crimes that occurred during the armed conflict, and deepen the analysis on the causes and consequences of violence against the primarily indigenous population. Unfortunately, the state continues to maintain a position of denial because many of those responsible for past violations continue to hold public office or exert pressure on the state. In order to overcome the structural problems that gave rise to the armed conflict—social injustice, racism, closure of political spaces, and authoritarianism—it is still necessary for the state to resume Peace Accords commitments and the recommendations of the CEH report. The population has the right to know the truth about what happened and to demand equality, justice, and peace.

## Recommendations

It is important that the Guatemalan state renew its commitments under the Peace Accords, as established in the Legal Framework for Peace Accords Compliance. It is necessary to strengthen the Peace Secretariat (SEPAZ), the National Council of Peace Accords (CNAP), the National Reparations Plan (PNR), and other institutions in charge of implementing the Peace Accords and the CEH report recommendations.

The Ministry of Education must include the main conclusions of the CEH report in the National Basic Curriculum so that younger generations know what happened during the internal armed conflict and develop values for peace, justice, and respect for human rights. The Ministry of Education must also encourage the commemoration of National Day of Dignity

for Victims of Armed Conflict in schools annually on 25 February as established by Legislative Decree 06-2004.

The Guatemalan state must ensure the protection of the National Historical Police Archive (AHPN) and other archives of memory and guarantee access to information for victims, investigators, and the public. It is also important that the Guatemalan army and other state institutions hand over their archives to contribute to the search for the disappeared and to clarify the events.

The Guatemalan congress must legislate in favour of the victims' rights to truth, justice, and dignified reparation. Thus, it is necessary for congress to approve Bill 3590 to create a national commission to search for victims of forced disappearance and Bill 3551 to guarantee the sustainability of the PNR. In turn, it must refrain from approving amnesties or any other legislation that protects perpetrators of human rights violations.

It is important that civil society organisations and universities continue to foster memorialisation initiatives to preserve and spread historical memory. Greater efforts should be made to coordinate the construction of museums, monuments, murals, books, documentaries, artistic exhibitions, educational campaigns on social networks, and other initiatives that contribute to honoring the memory of the victims.

The international community must continue to politically and financially support transitional justice efforts to ensure the sustainability of peace and democracy in Guatemala. More effective mechanisms should be established to verify that the Guatemalan state complies with its international obligations to the rights of victims of serious human rights violations and complies with the resolutions of the UN system and the Inter-American system of human rights.

<sup>53</sup>For more information on memorialization initiatives see Impunity Watch report, 2012. Guatemala Resists Forgetting: Post-Conflict Memory Initiatives. Available at <https://www.impunitywatch.org/post/guatemala-se-resiste-a-olvidar-iniciativas-de-memoria-en-el-post-conflicto>.



Impunity Watch is an international organization that conducts research and advocacy and provides legal advice on human rights and transitional justice. We work to advance accountability for serious human rights violations in countries emerging from a history of violence and work alongside civil society organizations, particularly women and victims of armed conflict, to build peace and the rule of law.

This document examines the impact of the Commission for the Historical Clarification (CEH) report, Guatemala Memory of Silence, as a tool to uphold the rights of internal armed conflict victims and survivors to truth, justice, and reparation. For more than 20 years, victims' and human rights' organizations have used the CEH report as a resource in the search for the forcibly disappeared and to carry out exhumations, as documentary evidence in national and international courts, as a basis to sustain the National Reparation Policy and to demand dignified reparations, and as a bulwark to preserve the country's historical memory.

In the final section of this policy brief, we present recommendations for the Guatemalan state to renew Peace Accords commitments and the content of the CEH report. Younger generations have the right to know what happened and demand that the atrocities of the past are not repeated. The content of this document is the sole responsibility of Impunity Watch and does not reflect the opinion of the Kingdom of the Netherlands.

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