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Working Group on Indigenous Populations
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REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF
INDIGENOUS POPULATIONS

CONSIDERATION OF THE EVOLUTION OF STANDARDS CONCERNING
THE RIGHTS OF INDIGENOUS POPULATIONS

Information received from regional intergovernmental
organizations

The present document contains information submitted by the Organization of
American States.

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ORGANIZATION OF AMERICAN STATES

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Information on some activities of the Inter-American
Commission on Human Rights (IACHR)

The Commission has studied with concern the reiterated denunciations regarding aggression committed against Indians, who are usually victims of illegal means or trickery used in order to despoil them of their lands. Their physical destruction is even more serious, under the ceaseless thrust of entrepreneurs and explorers into the areas they inhabit.

Acts of incredible abuse of force have been reported, in which entire settlements have been wiped out by aggressive invaders of the forests.

The Commission recognizes that some countries have adopted measures designed to severely punish such crimes and to curb government employees who, in flagrant abuse of their authority, have participated in acts that offend the Indians. However, it believes that it is its duty to reiterate the need for further measures, in order to put an end to such abuses against one of the weakest sectors of the hemisphere's population.

At its twenty-ninth session (October 1972), the Commission adopted a resolution recommending to member States that have Indian populations that "they devote very special attention to adequate training of personnel who, in the course of their work, come into contact with the aforementioned populations, making them aware of their duty to act with maximum zeal in defense of the human rights of Indians, who should not be subjected to discrimination of any kind."

The Commission reiterates that recommendation in this report.

The Commission considers that for historical reasons and because of moral and humanitarian principles, special protection for indigenous populations constitutes a sacred commitment of the States.

The Commission recommends that all the States pay very special attention to the suitable training of the officials who are to perform their work in contact with the aforementioned populations, awakening in those officials an awareness of their duty to act with the greatest zeal in defence of the human rights of indigenous persons, who should not be the object of discrimination of any kind. Also the action of such officials should be adequately controlled and, in cases in which the commission of abuse of power to the detriment of the indigenous population is verified, the necessary corrective measures should be applied to prevent the repetition of such acts.

The right to life is violated also among certain Indian populations which, because of their cultural lag, are unable to offer adequate resistance to the rapacious entrepreneurs and usurpers who, coveting the Indians' land, try to obtain it by the simple, straightforward means of doing away with the legitimate owners. It is hoped that the commendable efforts made by a number of States in defence of such Indian groups will serve as an incentive to other States suffering from the same problems.

A. Massive Deaths of Campesinos and Indians

Summarized below are the situations presented in various testimonies and accusations referring to cases of slaughter of members of the Indian communities which took place in the communities of Panzos, Olopa, Chajul, Nebas and Río Negro, culminating with the events in the Spanish Embassy in Guatemala.

Deaths in Panzos

Panzos is a small community located in the Polochic Valley of The Department of Alta Verapaz in northern Guatemala. The region's inhabitants are Kekchi Indians, who have been slowly divested of their land.

According to information and testimony received by the IACHR, on 29 May 1978, approximately 700 campesinos, coming from various villages in the municipality of Panzos, gathered in the main square because, according to a communique by the authorities of that place, they were going to be given a message from the capital city. They thought that this message would be the answer to the briefs which had been prepared by the campesinos in which they set forth their agrarian situation and demanded fair land distribution, that they be given title to the property legally belonging to them, and that there be an end to the divestments to which they were being subjected by both the region's farmers and the army.

When the campesinos were gathered in the square, members of the national army and several armed ranchers began to fire on them. The campesinos were defenceless, carrying only their machetes and sticks, which are farm work implements. Men, women, children, and old people were falling mortally wounded. More than 130 persons were killed and an undetermined number of persons wounded.

The wounded denied assistance in the fear that they would be finished off and, in trying to flee, the survivors fell into the turbulent and voluminous waters of the Polochic river, where they drowned.

After this massacre was carried out, there was an extensive military operation throughout the region. The wounded had to wait several hours sprawled on the streets for medical assistance authorized by the army to arrive. The dead remained in the places where they fell for several hours and were finally picked up by two official trucks, in which they were carried to a common grave prepared in advance.

The testimony of the survivors consistently indicates that all the campesinos were unarmed, that they were called so that the document which supposedly was coming from the capital could be read to them. They, more than 700 campesinos, were surprised by the shots and were massacred with impunity by army soldiers.

The Deaths of the Campesinos of Olopa */

The IACHR received the following denunciation:

We denounce to the people of Guatemala the abuses which are being suffered by the campesinos of the villages of El Rodeo, Amatillo, Agua Blanca, El Camalote, Tunoco, Carrizalito and others in the Municipality of Clopa, Chiquimula, and the repression the local authorities have unleashed against their families.

*/ This case is recorded by the IACHR under the Number 3497.

As denounced by the campesinos of that area, the Mobile Military Police (PMA) of Monteros, Esquipulas, have murdered more than one hundred campesinos, including some religious teachers, 15 women and 40 children from 1977 to the present.

This repressive situation has become more serious since last September, when the above-mentioned police, at the order of César Lemus and Domingo Interiano, ranchers there, abducted eight campesinos from their houses, who appeared later, some drowned in the river and others hanged. On 26 September, the PMA abducted 15 campesinos and later killed them. The next day, 27 September the Assistant mayor of Amatillo, Francisco García, addressed himself to the Court of Olopa to report on the events and to request identification of the bodies in order to bury them. Nevertheless, that very night he was also abducted and murdered. The campesinos have not been able to bury their relatives and neighbours, since they also expose themselves to being victims of the repression.

We also denounce the savage and criminal manner in which the PMA is oppressing the population of that area. As stated by the campesino companions, when the police come to their huts, they grab the children and split their backs against the knee. They hang the women and they drown the men in the river or shoot them to death. After that they burn down their huts and crops.

Barely a few months ago, we repudiated the Panzos massacre and now we see with indignation and anger how, due to the excessive ambition of a few landowners and the complicity of the authorities, the events are being repeated in the villages of Olopa. César Lemus and Domingo Interiano, ranchers, intend to rob the campesinos of their land. At present they do not allow the campesinos to gather the crops in their coffee groves and bean fields, which are taken from them for later sale. They knock down the campesino's fences and enter livestock without caring about ruining the crops, which are the campesinos' very life.

As a consequence of this repression, the villages of El Zarzal, Piedra Amolar and El Amatillo have been practically abandoned, either because the campesinos have been killed or because they have had to flee the repression unleashed in Olopa. The landowners seek to have the campesinos, desperate due to this situation of terror, abandon their lands so that the landowners can illegally expand their properties.

The Commission processed the denunciation.

The Government of Guatemala, in a note dated 1 March 1979, answered as follows:

I am pleased to provide you below with precise data on the events denounced to the Inter-American Commission of Human Rights. The inhabitants of the villages called Carboneras, Municipality of Esquipulas; Juipilingo, Zarzal, Monteros, San José, Las Lágrimas, El Rodeito, Tunucó, San Antonio and El Carrizal, of the municipalities of Olopa and Camotán, have been victims since 1977 of raids by armed bandits who have committed crimes of every kind, such as rape, abduction, murder, arson of houses and huts of the inhabitants and of their crops, robbery of belongings and livestock, etc. They have been harassed to such an extreme by the outlaws

that those who remain alive have decided to abandon their huts and houses and have taken to the mountains, and some have gone to Honduras fearful of suffering the same fate as the others. Finally, they have requested protection by the army, which has provided them with such protection, and then they have returned to their homes.

For further illustration, I take the liberty of attaching the 6 December 1978 issues of the daily papers El Gráfico, Impacto, and Diario de Centro América, as well as La Hora of 7 December 1978. The latter gives an account with details and photograph of the events as they occurred and of the participation of the Guatemalan army, which was requested by the very victims of the threats, who show their pleasure and appreciation to the military authorities for having given them the protection they requested to defend themselves from the attacks and raids by the bandits and outlaws.

The Chajul massacre

On 6 December 1979, nine Uspantán campesinos were abducted by the national army. In December of that same year, two of the campesinos succeeded in escaping.

The army carried the seven campesinos in helicopters to Chajul, and when they arrived, they dressed them in olive-green uniforms, gave them old shotguns which did not work and made them walk by themselves along the road to Chajul. On that road, the soldiers ambushed and killed all of them, saying that they were guerrillas and had attempted to assault the Chajul detachment. The campesinos were shown to everybody who went along the road and the army called the Mayor of Chajul to bury the seven bodies, which were buried in the Chajul cemetery. They put all of them into two holes after having burned one of the bodies with gasoline.

Twenty days after the killing, the army initiated repressive steps in Chajul, combining tracking, controls, massive military presence, household searches and abduction of campesinos.

The victims were Gaspar Chávez Pacheco, Pedro Chávez Caba, Antonio Chávez Caba, Gaspar Laines, Salvador Bop, Luca Caba and Tomás Caba.

Events in Nebaj

The Municipality of Nebaj is located in the Department of Quiché in the north-western part of the country and in one of the most densely populated regions of Guatemala. Many rural families have been divested of their lands, as in the case of Panzos. Facing such divestment of land, the rural Indians have organized themselves to fight for their legitimate rights. Every time the country's agricultural frontier is expanded, every time new territories are settled or given over to foreign companies for exploitation, the Indians are forced to abandon the land they have traditionally farmed and owned since late in the last century.

To remove the rural Indians from the place, legal, apparently legal, or illegal means are used. With regard to the legal means, the local large landowners present documents which make them owners of large areas, which means that the Indians, who very often are unable to prove their common-law entitlement to the land, must be removed. With regard to the apparent legal means, the Guatemalan army sends large contingents of troops to intimidate and repress them in order thus to remove them with greater ease.

The events in Nebaj were as follows:

On 2 March 1980, the national army located in Nebaj informed all the inhabitants that all men over 14 years of age must appear at the local military detachment to receive "a military control card." According to the army's information, nobody could leave the town without that card. This, naturally, is an illegal measure, because citizens are not obliged to carry any identification other than the certificate of residence.

Approximately 8,000 men waited in line to obtain the military control document. The process was slow. Moreover, it was market day there, so there was a conspicuous crowd of people. Since the village people were unprepared for a long stay in the town and the long lines indicated that this would be necessary, several persons in the line indicated that they wished to return to their homes, since they had not brought food.

When merely 200 men had obtained the card and it was obvious that they would have to wait more than two days, there was a general clamour, and because of this several campesinos were imprisoned at the military detachment.

The next day, on 3 March, a group of women claimed the right to see their husbands who had been imprisoned since the previous day, and they asked for an end to this unfair situation. The atmosphere was tense and there was an argument between the soldiers and the women. The soldiers answered the women's request with machine-gun fire into the crowd which was gathered. Ten persons died, six of whom were women and one of whom was a minor. Dozens of wounded were sprawled in the square, also as a result of this act.

The Río Negro Deaths

Río Negro is a village in the municipality of Pueblo Viejo in the department of Alta Verapáz. Construction of the Chixoy Hydroelectric Complex is under way in that municipality. This will serve as an energy source for the entire region, principally for exploitation of the northern transversal strip, which contains the most important copper and nickel deposits exploited, as well as the oil deposits thus far unexploited.

According to information received by IACHR, on 4 March 1980, several army contingents arrived in the village of Río Negro. They were carrying three inhabitants of the municipality whom they had captured on the road and whom they accused of being "subversives." Upon arriving at the village, the arrested persons began to shout so that the people in the town would know they were in the hands of the army. A crowd gathered around the vehicles carrying the troops. Some asked them to release the campesinos, who were known at that place, others asked them not to take them away, not to hit them and to think of their families. Upon seeing that the people were gathering, the soldiers machine gunned the crowd, which resulted in six dead, including two women, and 13 wounded.

The Events at the Spanish Embassy

At 11.00 a.m. on 31 January 1980, 29 men, including 23 campesinos from El Quiché, the rest being leaders of popular organizations in Guatemala City, entered the Spanish Embassy in an orderly and peaceful manner. Dr. Máximo Cajal López, his staff, and two visitors, as well as the former Vice President of the Republic, Eduardo Cáceres Lehnhoff, and the former Minister of Foreign Affairs, Adolfo Molina Orantes, were inside the Embassy.

According to various testimonies and reports received by the Commission, the Embassy was quickly surrounded by some 400 policemen. The Guatemalan Government has claimed that the police arrived at the request of the Embassy. Ambassador Cajal López, as well as the press, radio and television media stated that the facts were different. The occupiers offered to leave peacefully (in pairs) with the hostages if the police force were to withdraw.

The ambassador, through a megaphone, told the police that their presence was not required and indicated that diplomatic immunity was being violated. Both Mr. Cáceres and Mr. Molina Orantes backed him up, stressing the provisions of international law.

At 1.30 p.m., the police took possession of the roof and balconies of the embassy. At 2.10 p.m., the persons responsible for the operation received instructions from their superiors through the patrol car radios, and at 2.15 p.m., they broke open a skylight on the second floor where the occupants and hostages were located. The Ambassador again reminded them that the mission's diplomatic immunity was not being respected. When the journalists and staff of the Red Cross, who attempted to negotiate, left the Embassy, they heard hatchets breaking open the door of the room containing the campesinos and hostages. They heard three shots one after the other and an explosion, and a fire broke out. The Ambassador ran out shouting "they are stupid, they are brutes." The last words of Mr. Molina Orantes were "God, men, what have you done?" The Ambassador was held by the police for ten minutes in one of the patrol cars. An official from the United States Embassy intervened and the Ambassador was released.

The television programme "Aquí el Mundo" reported that the police did nothing when the fire broke out. The people on the streets shouted "they are burning alive, break open the door," and meanwhile the police remained completely inactive.

After leaving the embassy, burned and wounded, the Ambassador spoke with Spanish journalists. "I thought all the time the matter could be taken care of by negotiating. We were some thirty or forty persons in my small office when the police began to destroy the door with hatchets. At that time there was great confusion, some shots rang out, I could not pinpoint from whom, and one of the occupants threw a Molotov cocktail against the door. I was very close to the exit and jumped outside with my clothes burning like a circus lion."

According to the official report of the Spanish Government, "the Spanish Ambassador attempted repeatedly to make contact with the Ministry of Foreign Affairs, with the Ministry of the Interior and with the Director General of the Police, without obtaining any answer to his repeated requests for the public force to withdraw from the area of the embassy and to refrain from intervening.

In the face of this situation, Ambassador Cajal López personally addressed the commander of the forces surrounding the embassy, repeating that request to him and informing him that the occupants agreed to abandon the embassy peacefully in the company of the Ambassador himself. Despite these urgent steps, the police broke into the embassy, where the occupants and their hostages had taken refuge.

There were only two survivors: Ambassador Cajal López and campesino Gregorio Yula, who was seriously wounded. Both were put into the Herrera Llerandi Hospital.

On 1 February, at 8.30 p.m., a group of heavily-armed civilians entered the Herrera Llerandi Hospital and abducted the survivor, Gregorio Yula. Subsequently his body was thrown from a car in front of the office of the Rector of San Carlos University in zone twelve. On his body was found a threat which read: "Tried as a traitor, the Spanish Ambassador will run the same risk." Ambassador Cajal López was transferred from the Herrera Llerandi Hospital to the United States Embassy "to ensure his safety," according to a diplomatic source.

The next day, the Spanish Government broke diplomatic relations with Guatemala.

The victims of these painful events were the following:

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| 1. | Luis Antonio Ramírez Pas | Student |
| 2. | Felipe Antonio García Rac | Worker |
| 3. | Edgar Rodolfo Negreros Straube | Student |
| 4. | Vicente Menchu | Christian from Chimel Uspantán |
| 5. | Salomón Tavico Z. | Campesino from Quiché |
| 6. | Gaspar Vi | Campesino from Chajul |
| 7. | Leopoldo Pineda | Student |
| 8. | Mateo Sic Chen | Christian from Chimel |
| 9. | Gavina Morán Chupe | Campesino woman, San Pablo El Baldío |
| 10. | José Angel Xona Gómez | Campesino, San Pablo El Baldío |
| 11. | Sonia Magaly Welchez Valdéz | Student |
| 12. | Regina Pol Cuy | Chimel, Uspantán |
| 13. | María Ramírez Anay | Chajul, Uspantán |
| 14. | María Ramírez Anay (hermana) | Chajul, Uspantán |
| 15. | Juan Tomás Lux | Chimel, Uspantán |
| 16. | María Pinula Lux | Chimel, Uspantán |
| 17. | Trinidad Gómez Hernández | Townsperson |
| 18. | Mateo Sis | Campesino, San Pablo El Baldío |
| 19. | Víctor Gómez Zacarías | Campesino from Santa Cruz |
| 20. | Francisco Tum Castro | Village of Los Plátanos, San Miguel |
| 21. | Juan Chic Hernández | Macalahual, Uspantán |
| 22. | Mateo López Calvo | Campesino from Santa Cruz |
| 23. | Francisco Chen | Campesino, Rabinal, Baja Verapáz |
| 24. | Gregorio Yuja Xona | San Pablo, El Baldío, Uspantán |
| 25. | Juan Us Chic | Chimel, Uspantán |
| 26. | Juan López Yac | Campesino from Macalajau |
| 27. | Juan José Yos | Campesino, Santa Lucía Cotzumalguapa, Escuintla |
| 28. | Eduarda Cáceres Lehnhoff | Former Vice President of Guatemala |

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| 29. Adolfo Molina Orantes | Former Minister of Foreign Affairs of Guatemala |
| 30. Jaime Ruiz del Arbol | Embassy of Spain |
| 31. Luis Felipe Sáenz Martínez | Embassy of Spain |
| 32. Lucrecia de Aviles | Embassy of Spain |
| 33. Nora Mena Aceituno | Embassy of Spain |
| 34. María Teresa Villa de Santa Fé | Embassy of Spain |
| 35. Miriam Rodríguez | Embassy of Spain |
| 36. Lucrecia Anelu | Embassy of Spain |
| 37. Mary de Barillas | Embassy of Spain |

Missing Persons

With regard to the right to life, the case of the "missing persons" in Guatemala manifests itself as one of the most serious problems, in view of the way in which the persons have come to be missing and in view of the extraordinary number of victims.

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