

PEOPLES' TRIBUNAL DECLARES GUATEMALAN GOVERNMENT GUILTY

MADRID, January 31 (NOTI-IGE)

"The tribunal declares that the successive governments in Guatemala since 1954 and including the regime of General Rios Montt are guilty of grave, repeated and systematic violation of human rights and of the Inter-American Convention on Human Rights.

Declares that the successive governments in Guatemala since 1954 up to and including the General Rios Montt regime are guilty of the entirety of these violations, of the attempt against the Guatemalan people's inalienable right to political and economic self determination, and of this people's right to exercise its sovereignty over its natural resources as established in the United Nations Charter and in numerous resolutions of the U.N. General Assembly.

Declares that the successive governments in Guatemala since 1954 up to and including the General Rios Montt regime, are guilty in the armed conflict against the forces now grouped in the U.R.N.G., the Guatemalan National Revolutionary Unity, of grave, repeated and systematic violations of the 1949 Geneva Conventions and their additional 1977 protocols, such violations constituting war crimes.

Declares that the attitude, tortures, massacres and forced disappearances of persons make these violations constitute Crimes Against Humanity as described in the Statute of the Nuremburg Trials.

Declares that the massacres and terror unleashed against indigenous groups, with the increasing aim of destroying them partially, constitute Genocide as described by the International Convention of 1948.

Declares that the Chiefs of State of successive governments in Guatemala up to and including General Rios Montt, are personally responsible for the international crimes specified above, including their responsibility for the other key members of these governments and for the principal High Officials and Chief Functionaries implied in such crimes.

Declares that the authors of such crimes cannot attribute their actions to the demands of Justice in spite of the fact that those who followed their orders may appeal to extenuating circumstances.

Declares that the Government of the United States of America is guilty of the above mentioned crimes by its determined interference in Guatemalan affairs; and that the governments of Israel, Argentina and Chile are also guilty of complicity through aid and assistance.

IN CONCLUSION, THE TRIBUNAL DECLARES THAT IN THE FACE OF THE ABOVE-MENTIONED CRIMES BY GUATEMALA'S GOVERNMENTAL POWERS, THE PEOPLE OF GUATEMALA HAVE A RIGHT TO EXERCISE EVERY FORM OF RESISTANCE, INCLUDING THAT OF ARMED RESISTANCE THROUGH THEIR REPRESENTATIVE ORGANIZATIONS AGAINST THE TYRANICAL GOVERNMENTAL POWER AND THAT EVEN THE GUATEMALAN GOVERNMENT'S ARMED FORCE TO REPRESS THIS RESISTANCE IS INHERENT."

THE UNITED NATIONS CONDEMNS HUMAN RIGHTS VIOLATIONS IN GUATEMALA

On the December 17, 1982, the plenary session of the General Assembly approved Resolution A/37/745-XVII of the 3rd Committee which clearly condemns the present government of Guatemala for "the reports relating to serious human rights violations...with particular reference to frequent acts of repression, killing, and massive displacement of the rural Indian population." The resolution was introduced in the 3rd Committee of the General Assembly by Sweden, Canada, Austria, and Ireland; Holland, Norway and Denmark later joined as co-sponsors. The 3rd Comm. approved the resolution on December 10. The text of the resolution follows; on the reverse is a report of the votation:

Situation of Human Rights and Fundamental Freedoms in Guatemala

The General Assembly,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms,

Recalling resolution 1982/31 of the Commission on Human Rights of 11 march 1982, in which the Commission expressed its profound concern at the continuing deterioration in the situation of human rights and fundamental freedoms in Guatemala under the previous regime and in which it requested its Chairman to appoint a Special Rapporteur,

Taking into account General Assembly decision 36/435 of 16 december 1981,

Expressing its satisfaction at the declared willingness of the present Government of Guatemala to co-operate with a Special Rapporteur to be appointed under Commission on Human Rights resolution 1982/31 with a mandate to make a thorough study of the human rights situation in Guatemala,

Taking note of resolution 1982/17 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 7 september 1982, in which the Sub-Commission expressed alarm at reports of massive repression against, and displacement of indigenous populations,

Disturbed about the large number of missing persons, who despite appeals from various international organizations to the Government of Guatemala, remain unaccounted for,

Noting with concern the state of siege in force in Guatemala since 1 july 1982, under which basic human rights are abrogated and serious violations of human rights are reported to occur,

1. Expresses its deep concern at the serious violations of human rights reported to take place in Guatemala, particularly those reports of widespread repression, killing and massive displacement of rural and indigeno's populations;
2. Urges the Government of Guatemala to ensure that human rights and fundamental freedoms are fully respected by all its authorities and agencies, including its security forces;
3. Appeals to the Government of Guatemala to allow international humanitarian organizations to bring their assistance to those displaced;
4. Appeals, also, to all concerned parties in Guatemala to seek an end to all acts of violence;
5. Calls upon Governments to refrain from supplying arms and other military assistance as long as serious human rights violations in Guatemala continue to be reported;
6. Invites the Government of Guatemala and other parties concerned to co-operate with the Special Rapporteur of the Commission on Human Rights;
7. Requests the Commission on Human Rights to study carefully the report of its Special Rapporteur, and to consider, in the light of the report, further steps for securing human rights and fundamental freedoms for all in Guatemala.