

February 6, 2003

His Excellency
President Alfonso Portillo
Casa Presidencial
Guatemala City, Guatemala

Dear President Portillo,

We are writing to urge you in the strongest possible terms to take immediate steps establish an international commission to investigate the activities of illegal clandestine security forces in Guatemala, as called for by the human rights ombudsman, Dr. Sergio Morales, and Guatemala's human rights community. This should be one part of a strategy to recommit your government to the full implementation of the 1996 peace accords.

Guatemala has two choices: to continue to be characterized by impunity, corruption and injustice; or to embrace the promises of the 1996 peace accords and carry out the reforms necessary for a society based on respect for human rights. The peace accords refer directly to the existence of clandestine security groups in the Global Accord on Human Rights: "To maintain a strict respect for human rights, illegal groups and clandestine security apparatuses should not exist. The Government of the Republic recognizes its obligation to combat any appearance of such groups."

The UN Verification Mission in Guatemala, MINUGUA, condemned the growing influence of such groups and detailed allegations of connections to current and retired military and government personnel in its most recent report. On March 22, 2002, a broad range of Guatemalan civil society organizations asked your government's Security Cabinet to investigate the clandestine groups responsible for attacks against human rights activists, social activists and journalists. On January 16th, 2003, in the presence of diplomats from the international community, Human Rights Ombudsman Dr. Morales issued a specific proposal to create a Commission to Investigate Illegal Groups and Clandestine Security Apparatuses (CICIACS). On January 21, the Guatemalan Congress unanimously approved a resolution urging your administration to promptly establish this commission and calling on security forces to provide complete cooperation with CICIACS and to guarantee the safety of commission members and their families.

The ombudsman outlined a structure that would bring international and domestic credibility to the process by including commissioners appointed by the United Nations and the Organization of American States. Technical experts would contribute expertise in criminal investigation and judicial prosecution.

We respectfully urge your government to make a clear commitment to establish this commission and to move quickly and decisively to put it in action. The essential first step is to invite the participation of the United Nations and the Organization of American States. We view with satisfaction the news that your government will begin consultations with human rights groups regarding the establishment and mandate of the commission.

For the international community and Guatemalan society to view this process as successful, the commission must have an independent nature. There must be active

government support for the commission to carry out its investigation, including providing access to government information and cooperating in the measures necessary to ensure the physical safety of commission members, staff and their families. Also important will be close cooperation throughout this process with Guatemalan human rights groups and other civil society organizations. Citizens must be permitted to share information with the commission in a confidential manner and be provided protection once they have done so. The ultimate proof of the success of the commission, however, will be the Guatemalan government's record in prosecuting those involved in clandestine security forces and the establishment of conditions that prevent the reemergence of such groups.

The CICIACS should not be seen as a substitute for other essential, pending reforms. In particular, the commitment to dismantle the Estado Mayor Presidencial (EMP) is long overdue. We urge you to fulfill your public commitment to fully dismantle the EMP by November 2003. We are also concerned that numerous cases in the Guatemalan court system have become hopelessly delayed by an endless appeals process and judges and prosecutors who are themselves under attack. Similarly, "friendly solutions" negotiated through the Inter-American Commission for Human Rights between the government and survivors of human rights violations remain unfulfilled by your government, especially in the Dos Erres case. Finally, we urge you to take decisive steps to investigate and punish those responsible for attacks on Guatemala's human rights community and justice system operators, including the Attorney General and special prosecutors.

As we ask your government to take these actions, please understand that our organizations vigorously supported the historic Guatemalan peace accords. We urged our government to respond generously with substantial development aid to fund a wide range of programs to assist Guatemala in carrying out the establishment of a just and lasting peace. We believe that the peace accords still offer Guatemala the road to a just society, and that it is not too late to take that road.

Respectfully yours,

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