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DEPARTMENT OF STATE
THE DIRECTOR OF INTELLIGENCE AND RESEARCH
WASHINGTON

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The Honorable Dave Durenberger
Chairman
Select Committee on Intelligence
US Senate
Washington, DC 20510

Dear Mr. Chairman:

Based on our reading of recent embassy [] 81 reporting on the current human rights situation in Guatemala, we consider The New Republic June 30 article "Bureaucracy of Death" a distorted account that suggests that nothing has changed since President Cerezo's election. There is no question that some abuses continue to occur, but we believe Cerezo's government has made definite, encouraging improvements in curtailing human rights abuses. So far, the evidence on political violence bears this out. Nevertheless, many of these changes are fragile, and it remains to be seen what long term impact they will have on Guatemala's endemic political violence.

It is essential to address briefly the recent history of Guatemala's human rights situation, if we are going to accurately assess human rights trends under the new civilian government. There is no doubt Guatemala has endemic violence, with one of the highest murder, disappearance, and abduction rates in the world. Based on all source reporting (including international human rights groups), we estimate that over 6,000 persons disappeared and likely were killed between 1977-1985. Although definite culpability cannot normally be ascribed, the security forces were almost certainly responsible for the majority of the cases.

The Lucas regime was one of the bloodiest in Guatemala's bloody history. After his overthrow, there was a noticeable improvement -- in the countryside -- under the Rios-Montt and Mejia military regimes. They increasingly came to realize that the abuses only served to embolden the insurgent cause. Without going into well-known specifics, civil defense forces were established, and development projects sprang up in the rural highlands. In essence, Guatemala's Indians were fed, sheltered, and protected from the insurgents in return for cooperation with the military. That program has largely been a success, though there were brutal incidents during the program.

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President Cerezo entered office committed to respecting human rights and ending political violence, and his government has taken significant steps to achieve these goals. The National Police force is being reorganized under civilian control, and the Department of Technical Investigations (DIT), widely known for its human rights abuses, has been disbanded. New laws of habeas corpus and amparo have gone into effect, giving the citizenry recourse against illegal search and seizure. A new supreme court was sworn in with the expressed mandate of revamping the criminal justice system, and a constitutional court was created which is designed to guarantee constitutionally ordained rights. Also, the national congress established a human rights committee, and will soon elect a human rights ombudsman.

The results of these actions have been clear and encouraging. Embassy Guatemala reports that during the first three months of 1986, there were 37 possibly politically-related killings. These compare to 109 during the same period in 1985, and 1071 in 1982. Abductions are also down, from 56 during the first three months of 1985, to 26 for the same period in 1986. Even the insurgent-affiliated Guatemalan Human Rights Commission (GHRC) recognizes a decline. GHRC figures allege 367 political killings occurred in the first quarter of 1984, 295 in the first quarter of 1985, and 107 from January-March of 1986. Their figures also show that abductions during the same period declined from 266 in 1984, to 101 in 1985, to 36 in 1986.

It is worth noting that the decline in political killings is not part of a general drop in violence. Crime statistics provided by the national police show crime remaining relatively constant when compared to 1985. During the first three months of 1986, 328 murders were committed in Guatemala. This compares to 332 murders in 1985. There also were 973 assault/robbery cases and 1677 car thefts from January-May 1986. Clearly, violent crime perpetrated for any number of reasons permeates Guatemalan society. Progress on the economic front and a change in the people's perceptions of the justice system should over time curb crime. Guatemala's critics assume that if it cannot be proven that a violent act is criminal, then it must be political, even without proof.

The allegation made in the New Republic article that Cerezo is a helpless pawn of a military that systematically continues to kill and kidnap is false. The military has largely supported Cerezo's government. Clearly, it remains a major political force in Guatemala, and Cerezo's refusal to initiate Argentina-style investigations into past human rights abuses was a calculated decision made to avoid beginning his administration with a

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hostile military. However, he also declared that he would not hinder any investigation undertaken by the supreme court, and would punish future violations.

Cerezo has thus put the security forces on notice that he will not cover up future abuses. So far, this appears to have acted as a brake on a revival of official violence. We have no information that clandestine military holding centers exist today or that the army is sponsoring paramilitary death squads.

Concerning the decrees passed by the outgoing Mejia military regime, a National Security Council was created to preserve military influence in national security issues. However, the organization is somewhat akin to our National Security Council, in that President Cerezo presides over the council, and after hearing advice from civilian and military members, makes the final decisions. Moreover, we believe Cerezo agreed to its creation, since it prohibits the creation of any other forums that would be involved with national security matters.

The Armed Forces also disbanded the Presidential Intelligence Service, better known as the Archivos, before relinquishing power. Files were turned over to the Directorate of Military Intelligence (D-2) or destroyed. Under the previous military regimes, one of the Archivos major responsibilities had been intelligence and anti-subversive operations in the capital. The Archivos, along with the DIT, was known as a violator of human rights. President Cerezo has organized his own presidential security staff to gather and analyze political intelligence. We have no evidence that the D-2 is currently involved in kidnappings and assassinations.

While we have seen demonstrable improvements in the human rights situation, there still exist trouble spots. First, it remains to be seen how the army will treat guerrillas it captures in the field. Cerezo is probably capable of using his authority as commander-in-chief, especially his control over appointments and budgets, to bring about changes in how the military conducts its counter-insurgency, but this will take time. Since January 14, four captured guerrillas have been turned over to civilian authorities for prosecution, not enough to constitute a trend.

Secondly, the possibility of right-wing terror concerns the Cerezo government. A spray painting campaign earlier this year by a group calling itself the "ESA" -- "secret anti-communist army" -- sparked fears of a revival of death squad activity. Although there has been no conclusive evidence of any activity

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as yet, Cerezo knows that right-wing enemies of the civilian government might resort to political violence to discredit it.

Thirdly, the insurgents continue their use of violence, and are as committed to the overthrow of Cerezo's elected government as they were to the overthrow of previous military regimes. Since their violence is usually directed at combatants, however, it nearly always goes unreported. But the guerrillas continue their efforts to infiltrate labor, peasant, and student organizations with the aim of using Guatemala's economic discontent to incite violent protests. They evidently hope this will cause the security forces to overreact, discredit Guatemala's elected government, and bring about its overthrow. The guerrilla intent is in more, rather than less repression.

Another point is worth mentioning. Cerezo has made numerous overtures to the Mutual Support Group (GAM) but the organization -- originally formed to establish the whereabouts of missing relatives -- has become increasingly politicized and confrontational.

GAM rejected Cerezo's suggestions on the proposed presidential human rights commission and instead submitted 1467 writs of habeas corpus to the Supreme Court. Cerezo then decided to postpone the commission's formation until the Supreme Court completes its investigation, in accord with the constitutional separation of powers. Against all the evidence, GAM now is claiming that Cerezo's government is worse than the previous military regime. The judge named to investigate the disappearances has access to all military facilities. According to Peace Brigades International (PBI) -- an organization which operates in Guatemala to protect GAM members and is sympathetic to their cause -- few GAM members are interested in working with the supreme court judge to find their missing relatives. The GAM's interest appears to be revenge, a position Cerezo clearly cannot take if he is to keep the process alive.

While Guatemala is far from becoming a model country in human rights, demonstrable progress has been made. The game, however, is far from over. The democratic experiment in Guatemala is fragile. Without strong political and economic support from the US, Cerezo's task could easily become impossible.

Sincerely,

Morton I. Abramowitz

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