

**Peace Agreement Access Tool PA-X <https://pax.peaceagreements.org/>**

|                                 |   |
|---------------------------------|---|
| Country/<br>entity              | Guatemala   |
| Region                          | Americas  |
| Agreement<br>name               | Agreement to establish Commission to clarify past human rights violations and acts of violence that caused the Guatemalan population to suffer  |
| Date                            | 23 Jun 1994   |
| Agreement<br>status             | Multiparty signed/agreed  |
| Interim<br>arrangement          | Yes   |
| Agreement/<br>conflict<br>level | Intrastate/intrastate conflict ( Guatemalan Civil War (1960 - 1996) )   |
| Stage                           | Framework/substantive - partial   |
| Conflict<br>nature              | Government  |
| Peace<br>process                | Guatemala peace process   |
| Parties                         | For the Government of the Republic of Guatemala: (Signed) Héctor ROSADA GRANADOS; (Signed) General Carlos Enrique PINEDA CARRANZA; (Signed) Antonio M. ARENALES FORNO; (Signed) General Julio Arnoldo BALCONI TURCIOS; (Signed) General José Horacio SOTO SALAN; (Signed) Mario PERMUTH; (Signed) Amilcar BURGOS SOLIS<br>For the Unidad Revolucionaria Nacional Guatemalteca General Command: (Signed) Carlos GONZALES; (Signed) Commander Rolando MORAN; (Signed) Commander Gaspar ILOM; (Signed) Commander Pablo MONSANTO; |
| Third<br>parties                | Political and Diplomatic Commission: (Signed) Luis Felipe BECKER GUZMAN; (Signed) Miguel Angel SANDOVAL; (Signed) Francisco VILLAGRAN MUÑOZ; (Signed) Luz MENDEZ GUTIERREZ<br>Advisers: (Signed) Mario Vinicio CASTAÑEDA; (Signed) Miguel Angel REYES; (Signed) Jorge ROSAL;<br>For the United Nations; (Signed) Jean ARNAULT, Moderator;   |
| Description                     | Defined process for investigating human rights abuses and for producing recommendations to contribute to national reconciliation. Agreed findings would not attribute responsibility to any individual and recommendations would not be legally binding. Proceedings would be confidential and content and sources of information would not be made public.   |

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Agreement  
document

[GT\\_940623\\_EstablishmentCommissionClarifyPastHumanRightsViolations.pdf](#)  | [Download PDF](#)

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## Groups

Children/  
youth No specific mention.

Disabled  
persons No specific mention.

Elderly/age No specific mention.

Migrant  
workers No specific mention.

Racial/  
ethnic/  
national  
group No specific mention.

Religious  
groups No specific mention.

Indigenous  
people No specific mention.

Other  
groups No specific mention.

Refugees/  
displaced  
persons No specific mention.

Social class No specific mention.

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## Gender

|                         |                      |
|-------------------------|----------------------|
| Women, girls and gender | No specific mention. |
| Men and boys            | No specific mention. |
| LGBTI                   | No specific mention. |
| Family                  | No specific mention. |

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## State definition

|                           |                      |
|---------------------------|----------------------|
| Nature of state (general) | No specific mention. |
| State configuration       | No specific mention. |
| Self determination        | No specific mention. |
| Referendum                | No specific mention. |
| State symbols             | No specific mention. |
| Independence/ secession   | No specific mention. |
| Accession/ unification    | No specific mention. |
| Border delimitation       | No specific mention. |

|                        |                      |
|------------------------|----------------------|
| Cross-border provision | No specific mention. |
|------------------------|----------------------|

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## **Governance**

|  |                      |
|--|----------------------|
| Political institutions (new or reformed) | No specific mention. |
|--|----------------------|

|           |                      |
|-----------|----------------------|
| Elections | No specific mention. |
|-----------|----------------------|

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|----------------------|----------------------|
| Electoral commission | No specific mention. |
|----------------------|----------------------|

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|--------------------------|----------------------|
| Political parties reform | No specific mention. |
|--------------------------|----------------------|

|               |                      |
|---------------|----------------------|
| Civil society | No specific mention. |
|---------------|----------------------|

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|-------------------------------|----------------------|
| Traditional/religious leaders | No specific mention. |
|-------------------------------|----------------------|

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|-----------------------|----------------------|
| Public administration | No specific mention. |
|-----------------------|----------------------|

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|--------------|----------------------|
| Constitution | No specific mention. |
|--------------|----------------------|

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## **Power sharing**

|                         |                      |
|-------------------------|----------------------|
| Political power sharing | No specific mention. |
|-------------------------|----------------------|

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

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## Human rights and equality

Human rights/RoL general

Page 1, Untitled Preamble  
Agreement on the establishment of the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan population to suffer;  
Whereas the present-day history of our country is marked by grave acts of violence, disregard for the fundamental rights of the individual and suffering of the population connected with the armed conflict;

Page 1, Untitled Preamble  
... Reiterating its wish to comply fully with the Comprehensive Agreement on Human Rights of 29 March 1994;  
Reiterating its wish to open as soon as possible a new chapter in Guatemala's history which, being the culmination of a lengthy process of negotiation, will put an end to the armed conflict and help lay the bases for peaceful coexistence and respect for human rights among Guatemalans;

Page 1, Purposes  
I. To clarify with all objectivity, equity and impartiality the human rights violations and acts of violence that have caused the Guatemalan population to suffer, connected with the armed conflict.  
III. Formulate specific recommendations to encourage peace and national harmony in Guatemala. The Commission shall recommend, in particular, measures to preserve the memory of the victims, to foster a culture of mutual respect and observance of human rights and to strengthen the democratic process.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

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## Rights related issues

Citizenship No specific mention.

Democracy Page 1, Untitled Preamble  
... Whereas the people of Guatemala have a right to know the whole truth concerning these events, clarification of which will help avoid a repetition of these sad and painful events and strengthen the process of democratization in Guatemala;

Page 1, Purposes  
III. Formulate specific recommendations to encourage peace and national harmony in Guatemala. The Commission shall recommend, in particular, measures to preserve the memory of the victims, to foster a culture of mutual respect and observance of human rights and to strengthen the democratic process.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures No specific mention.

Other No specific mention.

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## **Rights institutions**

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

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## **Justice sector reform**

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

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## **Socio-economic reconstruction**

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

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## **Land, property and environment**

Land reform/ rights No specific mention.

Pastoralist/ nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.



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|------------------------------------|----------------------|
| Water or riparian rights or access | No specific mention. |
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## **Security sector**

|                     |                      |
|---------------------|----------------------|
| Security Guarantees | No specific mention. |
|---------------------|----------------------|

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|-----------|----------------------|
| Ceasefire | No specific mention. |
|-----------|----------------------|

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|--------|----------------------|
| Police | No specific mention. |
|--------|----------------------|

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|--------------|----------------------|
| Armed forces | No specific mention. |
|--------------|----------------------|

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|-----|----------------------|
| DDR | No specific mention. |
|-----|----------------------|

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|-----------------------|----------------------|
| Intelligence services | No specific mention. |
|-----------------------|----------------------|

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|---|----------------------|
| Parastatal/ rebel and opposition group forces | No specific mention. |
|---|----------------------|

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|------------------------------|----------------------|
| Withdrawal of foreign forces | No specific mention. |
|------------------------------|----------------------|

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|------------|----------------------|
| Corruption | No specific mention. |
|------------|----------------------|

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|------------------------|----------------------|
| Crime/ organised crime | No specific mention. |
|------------------------|----------------------|

Drugs            No specific mention.

Terrorism       No specific mention.

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## **Transitional justice**

Transitional  
justice  
general        No specific mention.

Amnesty/  
pardon         No specific mention.

Courts           No specific mention.

Mechanism [Summary: The purpose of agreement is to establish truth commission; deals with purpose, operation, composition, installation and duration, report, and international verification]

Page 1, Untitled Preamble

Agreement on the establishment of the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan population to suffer;

Page 1, Untitled Preamble

... Whereas the people of Guatemala have a right to know the whole truth concerning these events, clarification of which will help avoid a repetition of these sad and painful events and strengthen the process of democratization in Guatemala;

Page 1, Purposes

- I. To clarify with all objectivity, equity and impartiality the human rights violations and acts of violence that have caused the Guatemalan population to suffer, connected with the armed conflict.
- II. To prepare a report that will contain the findings of the investigations carried out and provide objective information regarding events during this period covering all factors, internal as well as external.
- III. Formulate specific recommendations to encourage peace and national harmony in Guatemala. The Commission shall recommend, in particular, measures to preserve the memory of the victims, to foster a culture of mutual respect and observance of human rights and to strengthen the democratic process.

Page 1, Period covered

The Commission's investigations shall cover the period from the start of the armed conflict until the signing of the firm and lasting peace agreement.

Page 2, Operation

- I. The Commission shall receive particulars and information from individuals or institutions that consider themselves to be affected and also from the Parties.
- II. The Commission shall be responsible for clarifying these situations fully and in detail. In particular, it shall analyse the factors and circumstances involved in those cases with complete impartiality. The Commission shall invite those who may be in possession of relevant information to submit their version of the incidents. Failure of those concerned to appear shall not prevent the Commission from reaching a determination on the cases.
- III. The Commission shall not attribute responsibility to any individual in its work, recommendations and report nor shall these have any judicial aim or effect.
- IV. The Commission's proceedings shall be confidential so as to guarantee the secrecy of the sources and the safety of witnesses and informants.
- V. Once it is established, the Commission shall publicize the fact that it has been established and the place where it is meeting by all possible means, and shall invite interested parties to present their information and their testimony.

Page 2, Composition Page 11 of 13

The Commission shall consist of the following three members:

(1) The President of the Republic of Guatemala, or his representative;

|                  |   |
|------------------|---|
| Prisoner release | No specific mention.  |
| Vetting          | No specific mention.  |
| Victims          | Page 1, Purposes<br>III. Formulate specific recommendations to encourage peace and national harmony in Guatemala. The Commission shall recommend, in particular, measures to preserve the memory of the victims, to foster a culture of mutual respect and observance of human rights and to strengthen the democratic process. |
| Missing persons  | No specific mention.  |
| Reparations      | No specific mention.  |
| Reconciliation   | No specific mention.  |

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## Implementation

|                                     |   |
|-------------------------------------|---|
| UN signatory                        | For the United Nations; (Signed) Jean ARNAULT, Moderator; |
| Other international signatory       | No specific mention.                                      |
| Referendum for agreement            | No specific mention.                                      |
| International mission/force/similar | No specific mention.                                      |

Enforcement mechanism Int'l Verification: implementation subject to UN verification; Commitment of the Parties: 'The Parties undertake to collaborate with the Commission in all matters that may be necessary for the fulfilment of its mandate. In particular, they undertake to establish, prior to setting up the Commission and during its operations, the necessary conditions so that the Commission may fulfil the terms of reference established in the present agreement.'

Page 3, International verification

In conformity with the Framework Agreement of 10 January 1994, implementation of this Agreement shall be subject to international verification by the United Nations.

Page 3, Measures for prompt execution following the signing of this Agreement

The Parties agree to ask the Secretary-General to appoint the Moderator of the negotiations as a member of the Commission as soon as possible. When he is appointed, he shall be authorized to proceed forthwith to make all necessary arrangements to ensure that the Commission functions smoothly once it is established and installed in conformity with the provisions of this Agreement.

Related cases No specific mention.

Source United States Institute of Peace (1998) Peace Agreements: Guatemala - Peace Agreements Digital Collection. Available at: <https://www.usip.org/publications/1998/11/peace-agreements-guatemala> (Accessed 14 October 2020).

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