

ANNEX II

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;

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;

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;

Whereas, in this context, promotion of a culture of harmony and mutual respect that will eliminate any form of revenge or vengeance is a prerequisite for a firm and lasting peace,

The Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (hereafter referred to as "the Parties") have agreed as follows:

To establish a Commission whose terms of reference shall be as follows:

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.

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.

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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.

Composition

The Commission shall consist of the following three members:

- (i) The present Moderator of the peace negotiations, whom the Secretary-General of the United Nations shall be asked to appoint.
- (ii) One member, a Guatemalan of irreproachable conduct, appointed by the Moderator with the agreement of the Parties.
- (iii) One academic selected by the Moderator, with the agreement of the Parties, from a list proposed by the University presidents.

The Commission shall have whatever support staff it deems necessary, with the requisite qualifications, in order to carry out its tasks.

Installation and duration

The Commission shall be set up, installed and shall start to work as of the day the firm and lasting peace agreement is signed. The Commission shall work for a period of six months starting from the date of its installation; this period may be extended for a further six months if the Commission so decides.

Report

The Commission shall prepare a report which shall be handed over to the parties and to the Secretary-General of the United Nations who shall publish it.

Inability to investigate all the cases or situations presented to the Commission shall not detract from the report's validity.

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.

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.

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.

Oslo, 23 June 1994

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)
Mario PERMUTH

(Signed)
General José Horacio SOTO SALAN

(Signed)
Amilcar BURGOS SOLIS

For the Unidad Revolucionaria Nacional Guatemalteca

General Command

(Signed)
Carlos GONZALES

(Signed)
Commander Rolando MORAN

(Signed)
Commander Gaspar ILOM

(Signed)
Commander Pablo MONSANTO

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Political and Diplomatic Commission

(Signed)
Luis Felipe BECKER GUZMAN

(Signed)
Miguel Angel SANDOVAL

(Signed)
Francisco VILLAGRAN MUÑOZ

(Signed)
Luz MENDEZ GUTIERREZ

Advisers

(Signed)
Mario Vinicio CASTAÑEDA

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Miguel Angel REYES

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Jorge ROSAL

For the United Nations

(Signed)
Jean ARNAULT
Moderator
