

National Reconciliation Reform Would Put to Rest Conflict in Guatemala

Guatemala's congressional Committee on Legislation and Constitutional Issues submitted a draft law in June to Congress to [reform](#) the 1996 National Reconciliation Act. On December 27, 1996, this law ended much of the violence in Guatemala's 36-year, Fidel Castro-supported internal armed conflict. The reform to the original law would immediately halt all criminal procedures against anyone for crimes associated with the armed conflict.

Opponents of the legislation [claim](#) trials of military veterans have given victims access to justice and that the new law would grant amnesty to those who have committed serious crimes. One needs an understanding of the context to evaluate such claims.

The 1996 peace accords' purpose was to end political violence. Without amnesty for all participants, approval would have been impossible. The parties to the conflict—the government and the Guatemalan National Revolutionary Unity (URNG), with the participation of the United Nations—agreed to a complete amnesty.

On December 26, 1996, the parties agreed to transitional justice: establish historical truth, pay reparations to victims of violence, and take measures to avoid a repeat. The parties couldn't have ended the violence without omitting punishment. Its absence did not affect the other three elements. However, despite amnesty, government personnel, especially military veterans, have been prosecuted in the last seven years.

Veterans have been charged with torture and crimes against humanity. Congress passed legislation to exclude these crimes from the amnesty, but these crimes did not exist in Guatemalan legislation on or before December 27, 1996. Any subsequent domestic change or international treaty would have no effect because in Guatemala, as elsewhere, no law has retroactive effects, except to benefit defendants.

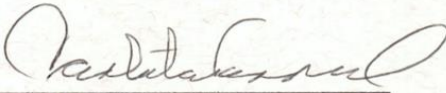
The fourth "whereas" of the draft law refers to the prosecutions as "in many cases, using false witnesses, [evidence] of doubtful credibility, highly questionable witnesses, and false expert reports." Such charges have also [appeared](#) in media. Two US ambassadors have attended two high-profile trials with these types of [violations](#), including denying constitutional rights of defendants to confront their accusers. Public statements from US officials have validated due process violations and contributed to destabilization.


Revelations surfaced in 2016 about US embassy [interference](#) in appointing judges to Guatemala's Constitutional Court (CC). The CC has since issued blatantly illegal rulings, contributing to national instability and legal uncertainty. Alongside other harm to the country, the judiciary's criminality has continued the conflict and effectively nullified the peace accords.


Had the judiciary properly applied the law during the last nine years, there would have been no trials of military veterans. The draft law reforming the 1996 National Reconciliation Act is necessary to achieve the reconciliation called for by the peace accords. We urge people of good faith to support it.


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