



Following his inauguration in January 2000, President Alfonso Portillo stands for the national anthem with the President of the Congress, General Efraín Ríos Montt, and the Minister of Defense, as he is officially received as Commander in Chief of the Guatemalan Armed Forces. Guatemala City, 2000.

Hidden Powers

Illegal Armed Groups in Post-Conflict Guatemala and the Forces Behind Them

by Susan C. Peacock and Adriana Beltrán

Executive Summary

This special report examines the nature and the impact of illegal armed groups in Guatemala today, as well as the forces behind these groups. It describes how these groups, commonly referred to as “clandestine groups,” are an unresolved legacy of Guatemala’s 36-year internal armed conflict. It argues that clandestine groups act at the behest of members of an interconnected set of powerful Guatemalans, commonly called the “hidden powers.” The individuals and groups known as the hidden powers oversee and profit from a variety of illegal activities that they carry out with little fear of arrest or prosecution. Their activities undermine the justice system and perpetuate a climate of citizen insecurity, which in turn creates fertile ground for the further spread of corruption, drug trafficking and organized crime. The result is a self-perpetuating, downward spiral of violence that jeopardizes the rule of law and the functioning of democracy in Guatemala.

Numerous local and international human rights organizations have denounced the existence of the clandestine groups and called for government action to dismantle them. Guatemalan civil society and the international community have publicly echoed their concerns and demands. This report concludes with recommendations on how to address the problem of clandestine groups and the hidden powers behind them. Both illegal armed groups and their sponsors must be investigated, identified and eliminated if the peace process is to move forward and democracy is to be consolidated in Guatemala.



Illegal Armed Groups In Post-Conflict Guatemala and the Forces Behind Them

“...acts of violence affect the entire population and made 2002 one of the most violent years of the country’s post-war period...The national authorities have not been able to stop this spiral of violence.”

—Tom Koenings, Head of the U.N. Verification Mission in Guatemala, 30 January 2003.¹

2002 was the single most violent year to date in post-conflict Guatemala, and that downward trend has continued in 2003. The human rights situation has deteriorated dramatically, and is reaching a crisis point. Hundreds of cases involving civil society organizations and their leaders – ranging from intimidation to assassinations – were reported in 2002, and reports continue to come in even as this publication goes to press in August of 2003. Escalating threats and attacks undermine the implementation of the historic 1996 Peace Accords that marked the end of Guatemala’s bloody 36-year internal armed conflict.

The abuses are clearly targeted. While many appear on the surface to be acts of common crime, the number and patterns of the cases point to a systematic targeting of civil society actors and others involved in anti-impunity initiatives – both those who seek justice for past abuses (human rights groups, forensic experts, judges, lawyers, witnesses, etc.) and those who denounce present day corruption by state agents. Those who fight for economic and social rights – particularly land rights – and for the end to discrimination against indigenous people are also singled out for attacks.

The perpetrators of these abuses have not been brought to justice. Local and international observers believe that they are members of illegal armed groups, colloquially called “clandestine groups.” These clandestine groups are the armed wing of a larger phenomenon in Guatemala today that is known as the *hidden powers*.

What are *hidden powers*?

The term *hidden powers* refers to an informal network of powerful individuals who use their positions and contacts in the public and private sectors to benefit economically from illegal activities and to avoid prosecution for any crimes they commit. It describes an unorthodox situation where legal authorities of the state still have formal power, but, de facto, members of this informal network hold much of the real power in the country. Although its power is hidden, the network’s influence is sufficient to tie the hands of all those who threaten its perceived interests, including state actors.

A framework to analyze *hidden powers* throughout Latin America, developed by Peruvian author Jaime Robles Montayo, explains how “certain military, justice sector officials, politicians, businessmen or common criminals, among others, act within their own spheres and respond to set goals, using their power, jointly, to make legal mechanisms of social control inefficient.”²

Consistent with this framework, some of the individuals who comprise Guatemala’s

The parish house in Nebaj, Quiché was set on fire by arsonists in the pre-dawn hours of February 21, 2002. This act was widely seen as a threat against the politically active local priest, Rigoberto Pérez, an outspoken advocate of human rights.

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hidden powers are private citizens and others are government officials (civilian and military) who work within the structures of the state. The latter exercise formal power while at the same time participating in a hidden power structure.

Illegal activities of the hidden powers

In Guatemala *hidden powers* have connections to drug trafficking and organized crime. Amnesty International's February 2002 report entitled "Guatemala's Lethal Legacy: Past Impunity and Renewed Human Rights Violations," highlights these connections and labels Guatemala a "Corporate Mafia State," which it defines as an "'unholy alliance' between traditional sectors of the oligarchy, some 'new entrepreneurs,' police and military, and common criminals." It describes the way that members of this informal network collude to control lucrative, illegal activities "including drugs and arms trafficking, money laundering, car theft rings, the adoption racket, kidnapping for ransom, illegal logging and other proscribed use of state protected lands" and "conspire to ensure monopoly control of legal industries such as the oil industry."³

In addition to reaping huge profits, the *hidden powers* in Guatemala use their connections – with political actors and with the military and police – to intimidate, or even eliminate, those who get in their way, know too much, offer competition, or try to investigate their activities. Their victims are targeted because they threaten their financial interests.

Clandestine groups

Illegal armed groups that operate clandestinely and do the bidding of the *hidden powers* are called "clandestine groups" in popular parlance in Guatemala. Often concealed by the veil of common crime, these clandestine groups are considered responsible for perpetrating a series of vicious attacks against human rights defenders and others. The membership of clandestine groups is amorphous and is said to be drawn from active and retired

military personnel and police, employees of private security companies, common criminals and gang members. Analysts cite the detailed information used by clandestine groups to pursue their victims, the level of sophistication and coordination of their actions, and the impunity they enjoy as indicators of links to public security forces and military intelligence.

The leaders of these clandestine groups are believed to be former military officials – some retired and others dishonorably discharged from service – who occupied prominent positions during the internal armed conflict. They use clandestine groups to continue to exert power and influence in the country. They are single-minded in their determination to prevent justice for past abuses, and military and intelligence reform. It is not surprising, therefore, that the pattern of attacks, harassment and threats by clandestine groups is reminiscent of the counter-insurgency efforts of the Guatemalan Army.

In its thirteenth human rights report covering the period from July 2001 through June 2002, the United Nations Verification Mission in Guatemala (MINUGUA) observes that clandestine structures and illegal groups that were involved in counter-insurgency activities during the internal armed conflict have undergone a transformation in post-conflict Guatemala. According to MINUGUA, commitments included in the Peace Accords to put in place mechanisms to control such groups – improvements in police and judicial investigative capacities, strengthened civilian intelligence and congressional oversight – have not been fulfilled. To the contrary, the report finds that:

Shielded by impunity, these structures have regrouped and are pursuing illegal business interests and political influence. With the State no longer committing human rights abuses as a matter of policy, these groups' relations to the Government apparatus are diffuse, although they still hold some key positions and maintain informal

"... there were increased signs of the participation of clandestine groups in illegal activities linked to employees of the Public Ministry, military intelligence, justice system, and police. These groups appear to act with relative autonomy..."

–Ambassador Otto J. Reich, Assistant Secretary of State for Western Hemisphere Affairs, 10 October 2002.⁴

"[I]n Guatemala practices that violate human rights have not ended ... These are scars of a past of arbitrary acts and impunity that we still have to overcome. But the current problem is that our security and justice system has not identified the aggressors and their clandestine actions have not been penalized."
 –Edgar Gutiérrez,
 Guatemalan Foreign
 Minister, 19 March 2003.⁵

The remains of a woman who was killed by members of the Self-Defense Civil Patrols (PAC) while she was in hiding in the mountains. Her husband and son secretly buried her here two days after she was killed in September 1983. Near the village of Janlay, Nebaj, Quiché, Guatemala, 2001.

links to police, justice officials and military intelligence.⁶

The serious allegation that some state agents help cover up illegal activity and ensure impunity for the perpetrators, or are actual accomplices in crimes committed by *hidden powers*, warrants the concern not only of Guatemalans, but also of the international community.

Antecedents

Hidden powers and clandestine groups are not a new phenomenon in Guatemala. Illegal armed bodies, paramilitary forces and clandestine security apparatuses were an integral part of the counter-insurgency efforts in the country and committed egregious human rights violations during the internal conflict. They are the predecessors of today's clandestine groups.

At peace talks in 1994 the Guatemalan government and the armed opposition, grouped together as the Guatemalan National Revolutionary Unit (*URNG- Unidad Revolucionaria Nacional Guatemalteca*), discussed these groups and agreed that:

In order to maintain unlimited respect for human rights, there must be no illegal security forces or any clandestine

*security machinery. The Government of Guatemala recognizes that it has the obligation to combat any manifestation thereof.*⁷

During the almost four decades of war, close collaboration developed between the security forces, both legal and illegal, and other sectors within Guatemalan society. The Historical Clarification Commission (CEH – *Comisión de Esclarecimiento Histórico*), established under terms of the Peace Accords, studied this period and issued a report that highlights “the persistence and significance of the participation of the political parties and economic forces in the initiation, development and continuation of the violence.”⁸

The CEH report also scrutinizes the role of the justice system, noting that Guatemala has a long history of an ineffective judiciary subject to interference by powerful actors inside and outside of the government. It describes how this tendency was exacerbated during the internal armed conflict:

...by tolerating or participating directly in impunity, which concealed the most fundamental violations of human rights, the judiciary became functionally inoperative with respect to its role of protecting the individual from the State, and lost all credibility as guarantor of an

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effective legal system. This allowed impunity to become one of the most important mechanisms for generating and maintaining a climate of terror.⁹

Much of the configuration of Guatemala's hidden powers and the clandestine groups that do their bidding traces back to personal relationships, patterns of interaction and structures of control and authority that developed during the war. Three groups of men that actively participated in Guatemala's counter-insurgency strategies – *La Cofradía*, the Presidential General Staff (EMP – *Estado Mayor Presidencial*), and the Self-Defense Civil Patrols – warrant scrutiny.

La Cofradía

"*La Cofradía*" or "The Brotherhood" is a military intelligence clique. It is comprised of various members of the military intelligence community "associated with common crime and administrative corruption in the period of [military dictator] Lucas García" from July 1978 until March 1982.¹⁰ *La Cofradía* is led by two retired generals, Manuel Callejas y Callejas¹¹ and Luis Francisco Ortega Menaldo.¹²

Ideologically, *La Cofradía* members are military hard-liners. During the war, they espoused a national security strategy that "framed the conflict as a total (100 percent) polarization of the population – you're either with us or against us."¹³ Officers in *La Cofradía* implemented repressive systems of social control during the war, and used intelligence to commit brutally repressive acts. The Recovery of Historical Memory Project (REMHI – *Recuperación de Memoria Histórica*) report by the Human Rights Office of the Archdiocese of Guatemala noted that "the complicity born of government intelligence work appeared to be the strongest tie among members of *La Cofradía*."¹⁴

The Estado Mayor Presidencial (EMP)

Throughout the internal armed conflict the Guatemalan military maintained a contingent with an intelligence capacity within the Office of the President. The

Presidential General Staff or "EMP," from its initials in Spanish, served a dual function. It provided protection, logistical support and advice to the President while at the same time serving as a center for military intelligence and covert activities. When General Efraín Ríos Montt seized power from Lucas García, this center was named the General Archive and Support Services (*Archivo General y Servicios de Apoyo*), or "el Archivo." It later became the Department of Presidential Security (DSP – *Departamento de Seguridad Presidencial*).

Declassified U.S. government documents reveal that the EMP carried out intelligence and counter-insurgency operations in coordination with the Army's Intelligence Directorate (*Dirección de Inteligencia Militar* – D-2) and other state security bodies. It maintained a network of informants and carried out operations against "suspected subversives."¹⁵ Political crimes committed during these operations were often disguised as common crimes.

The EMP is implicated in serious human rights violations, including kidnapping, forced disappearance and extrajudicial execution. The human rights record of the EMP is so notorious that the Peace Accords included a commitment to abolish it and to separately replace both of its functions.¹⁶ Nonetheless, the EMP exists to this day and its personnel have continued to be involved in abuses.¹⁷

Self-Defense Civil Patrols

During the war Self-Defense Civil Patrols (PAC – *Patrullas de Auto-Defensa Civil*) were formed as a paramilitary force to help the Guatemalan Army in its counter-insurgency efforts. Operating under military orders and under the command of military commissioners, the patrols acted as the Army's civilian adjuncts, "protecting" their communities from the URNG. Ostensibly the patrols were voluntary, but in fact service was obligatory. Tens of



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Left to right, Retired General Luis Francisco Ortega Menaldo and Lt. Col. Jacobo Esdrás Salán Sánchez, two members of the "brotherhood," or *La Cofradía*.

"The [Guatemalan] government has a grave responsibility to confront and dismantle illegal groups and clandestine structures, which are in part an unresolved legacy of the conflict and its former counterinsurgency apparatus...they have become a serious obstacle to the peace process, democracy and the observance of human rights."

–U.N. Verification Mission in Guatemala, 22 August 2002.¹⁸

“The obstruction of justice, threats, and intimidation ... were traced to ‘parallel forces’ or ‘clandestine groups’ related to the Government.”

–John Hamilton,
U.S. Ambassador
to Guatemala,
31 March 2003.¹⁹

Dark History: The PACs During the Conflict

The REMHI project documented 1,731 incidents of human rights violations with a total of 3,424 victims where the PACs themselves were implicated. There were an additional 1,799 incidents with a total of 10,602 victims involving the PACs in combination with the military, including participation in 342 massacres.²⁰

thousands of indigenous Mayan men between fifteen and sixty years of age were forced to participate in the patrols and to commit human rights abuses.²¹

The PACs also served as an alternative system of authority over and control of the population that was directed by the military. Since the signing of the Peace Accords, this system has remained largely intact. Throughout the country, military commissioners and individual ex-PAC members fill leadership positions in local government as mayors, city council members, teachers, and police. Many have allegedly used their positions of local authority to reap disproportionate benefits from state funds and development projects. There are also credible allegations that they are responsible for many of the human rights violations that continue to occur at the local level, including lynching, threats, intimidations and murders.²²

Hidden Powers Consolidate Political Power

If *hidden powers* and clandestine groups have existed in Guatemala for decades, and their presence and their ties to military intelligence, drug-trafficking and organized crime are not a new phenomena, then what is different about the current situation? A new, and particularly dangerous, distinguishing factor is the increasingly successful consolidation of political power on the part of *hidden powers*.

The Frente Republicano Guatemalteco (FRG)

A political party, the Guatemalan Republican Front (FRG – *Frente Republicano*

Guatemalteco), has been an important vehicle for consolidating the political authority of the *hidden powers*. The FRG has close ties with actors who were involved in counter-insurgency efforts during the internal armed conflict. For example, retired General Ríos Montt is the head of the party’s Congressional caucus and retired General Ortega Menaldo is an advisor to Guatemalan President and FRG leader Alfonso Portillo. Many of these same actors have been allegedly associated with the *hidden powers*. Since 2000, the FRG has controlled both the legislative and executive branches of government. This nexus has allowed *hidden powers* to wield great influence and to achieve more control within state institutions, further weakening the government’s capacity to fight corruption and impunity.

Presidential advisors

Members of *La Cofradía* wield considerable power in the Portillo administration. In particular General Francisco Ortega Menaldo, Lt. Col. Jacobo Esdrás Salán Sánchez and Colonel Napoleón Rojas Méndez – former military intelligence officers, all three of whom have previously been reprimanded for involvement in illegal activities – became close presidential advisors. The Attorney General’s Office is currently investigating these three advisors and two other retired military officers for their presumed links to organized crime.

The advisors are said to have sway with President Portillo with regard to top-level appointments, especially in the military. This, combined with a power struggle between the Portillo and Ríos Montt wings of the FRG, has prompted

unusually high turnover in Presidential appointees holding key positions in the administration. In the past three years there have been five Ministers of the Economy, four Ministers each for Defense, Interior and Agriculture, and three Communications Ministers.²³

Presidential advisors have also aided in the administration of the federal budget, finding ways to augment monies allocated to the military, and particularly the EMP. Civilian functionaries have transferred funds to the military to undertake joint patrols with the police and to distribute fertilizer, vitamin-enriched cookies for school children, and sets of the “Presidential Library for Peace.”

Hijacking of the justice system

There are numerous credible allegations of intimidation, corruption, and manipulation in Guatemala’s justice system. Death threats and intimidation of the judiciary are extremely common in cases involving human rights violations, particularly where the defendants were current or former members of the military, military commissioners or civil patrollers. A U.S. State Department report found that, “[w]ith relatively few exceptions, plaintiffs, witnesses, prosecutors, and jurists involved in high-profile cases against members of the military reported threats, intimidation and surveillance.”²⁴

Political factors influence the tenure, appointment and dismissal of judges. The FRG-dominated Congress and the President are involved in naming judges to both the Constitutional Court (*Corte de Constitucionalidad*) and the Supreme Court.

Political interference in legal cases, particularly those where human rights or corruption charges have been brought against highly placed officials, is the norm. Key cases are assigned to judges who appear to be partial to the accused, reportedly because they have been bribed, or because they fear reprisals for their decisions.



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High-profile human rights and corruption cases languish in the courts. Defense lawyers abuse the system by employing numerous dilatory appeals and motions. Judges rarely dismiss frivolous appeals or patently invalid motions. As a result, these are used as delaying tactics, frequently holding up trials for months or even years.

The high-profile case against three high-ranking military intelligence officers – General Edgar Augusto Godoy Gaitán, Colonel Juan Valencia Osorio and Lieutenant Colonel Juan Guillermo Oliva Carrera – as alleged intellectual authors of the 1990 murder of renowned anthropologist Myrna Mack Chang graphically illustrates the grave shortcomings of the Guatemalan justice system. Despite strong evidence, only one of the three was convicted, and that conviction was subsequently overturned on technical grounds by an appellate court. The Inter-American Court of Human Rights heard the Mack case in November 2002 and is expected to rule shortly on multiple irregularities and exces-

Vice President Francisco Reyes López, President Alfonso Portillo, and ex-dictator Efraín Ríos Montt.

A roadside billboard reads: “Your Army Welcomes You to Quiché Province.”



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Two sisters watch as the remains of their mother and four siblings are exhumed in the Quiché department. Their relatives were shot by soldiers in August 1982 but they managed to escape.

The Inter-American Commission on Human Rights "... expresses its deep concern over the reorganization of groups of former members of the Civil Self-Defense Patrols (PAC) and the existence of clandestine structures linked to the State or to economic or other types of interest, who operate with the participation or tolerance of State agents."
 -26 July 2002.²⁵

sive delays in the application of justice in the Guatemalan courts.

One outcome of an ineffective and corrupt judiciary is continued impunity for the *hidden powers* and their collaborators.

Ex-PAC reorganization to rebuild an electoral base

Since the FRG assumed power, a concerted effort has been made to reorganize the ex-PACs. The Association of Guatemalan Military Veterans (AVEMILGUA) has

spearheaded this effort, focusing on areas where the Army most aggressively mobilized PACs to support its counter-insurgency campaign.

Last year AVEMILGUA helped organize massive protests by ex-PACs to demand back pay of 20,000 quetzals (about US\$2,250) each for the "service they rendered to the state" during the internal armed conflict.²⁶ In June 2002, thousands of ex-patrollers took over much of the northern province of Petén. They closed the area's airport and crude oil operations, and blocked access to Tikal, holding 62 tourists hostage.

On July 10, 2002, President Portillo stated publicly that the former members of the PAC "were heroes that defended the country" whose requests merited attention.²⁷ Two months later he promised to pay 20,000 quetzals to each ex-patroller.²⁸ Since that time 612,000 former patrollers have formally registered with the government's Secretariat for Peace to receive compensation.

In order to maintain its political power, the FRG must win the November 2003 elections. General Ríos Montt, currently President of the Guatemalan Congress, is running as the FRG presidential candidate.²⁹ An editorial declared compensation of the ex-PACs "a mere electoral strategy of the FRG,"³⁰ a view shared by many Guatemalans who consider it a blatant attempt to buy votes for the FRG in order to solidify the party's electoral base.

AVEMILGUA

Founded in the mid-1990s, AVEMILGUA is comprised of more than 1,200 former members of the Guatemalan armed forces. AVEMILGUA's stated mandate is to assist in increasing the "honor, prestige and dignity" of the Army, to analyze national strategy, and to raise awareness of the value and function of the military in a democratic state. Its current president is retired general Víctor Manuel Argueta Villalta, who was head of the EMP (April 1982-August 1983) during Ríos Montt's presidency. He continues to advise Ríos Montt as President of the Congress.³¹

Perspectives on Clandestine Groups and Hidden Powers

A multitude of civil society organizations in Guatemala has denounced the existence of clandestine groups thought to be responsible for many targeted acts of abuse. They have repeatedly demanded that the Guatemalan government take prompt and concrete steps to bring about their demise. Although the Guatemalan government has publicly recognized the existence of clandestine groups, its efforts to investigate and eliminate these groups have been insufficient. The wall of impunity that these groups and their sponsors have constructed to guarantee the continuity of their illegal activities has hindered the minimal efforts that have been undertaken.

The international community has joined in the chorus of disapproval. The undertaking of a number of United Nations and

Organization of American States missions in Guatemala, including visits by the U.N. Secretary General's Special Representative on Human Rights Defenders and the Inter-American Commission on Human Rights, underscores the international community's concern for the persistent attacks against human rights defenders and other civil society leaders, and the need for stronger government action. The international community is wary of rampant corruption and the government's inability to meet its obligations within the peace process. There is growing and resounding consensus that both the clandestine groups and the structures behind them in Guatemala need to be investigated and dismantled.



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Former members of the Self-Defense Civil Patrols (PAC) demand compensation for "services rendered."

General Ríos Montt Exerting Power in the Courts and on the Streets

On July 30, 2003, the Constitutional Court of Guatemala issued a ruling that permitted retired General Efraín Ríos Montt to be legally inscribed as a candidate for president, despite a clause in the Guatemalan constitution barring anyone who has participated in a coup from running for elected office. Ríos Montt led a coup d'état in 1982. The UN-sponsored truth commission created by the 1996 Peace Accords found that "acts of genocide" were committed during counter-insurgency operations under his rule. In the week prior to the Court's announcement, Ríos Montt's supporters engaged in wide-scale protests and acts of intimidation. On July 25, Guatemala City was paralyzed by mobs throwing stones, burning tires and blocking the streets. One journalist died of a heart attack while pursued by a mob.

U.S. Ambassador John Hamilton said of the violence:

The violent demonstrations in the City of Guatemala today constitute an affront to democracy and a dangerous mockery of the right of protest and freedom of assembly. It is difficult to believe these protests were not centrally planned and organized. FRG party leaders have an unavoidable responsibility to see that these disruptions of public order cease immediately, before there is further loss of life, injury and damage to the prospects of free and fair elections.³²

At the time of this publication, the decision to allow Ríos Montt to run for president stands.



SOURCE: CALDH

A nun carries a poster that reads: "Wanted: José Efraín Ríos Montt and members of his Army high command in 1982, for crimes against humanity and war crimes."

“The involvement of clandestine structures and groups in attacks against defenders and allegations of their links to state security forces is a matter of serious concern that must be addressed by the Government on an urgent basis.”
 –Hina Jilani, U.N. Secretary General’s Special Representative on Human Rights Defenders, 23 January 2003.³³

Growing Corruption

Levels of corruption have increased dramatically in Guatemala in recent years. In a 2002 study by Transparency International in which business leaders and policy analysts were asked to rate levels of corruption in various countries, Guatemala ranked among the 20 most corrupt countries.³⁴ More than half of those who have occupied cabinet-level posts during the Portillo administration now face corruption charges. The result has been devastating in terms of the further weakening of already struggling state institutions and the rule of law in the country.

Recommendations to Policy-makers

Hidden powers and their armed wing, the clandestine groups, are deeply entrenched in Guatemala. If the peace process is to move forward in a meaningful way and democracy is to be consolidated in Guatemala, they must be brought under control and eliminated. *Hidden powers* undermine the functioning of legitimate state institutions and provide fertile ground for corruption, organized crime, and drug-trafficking. Clandestine groups sow terror among the populace. Effective governance will not be possible in Guatemala until all clandestine groups and their backers are dismantled.

Policy-makers, in Guatemala and internationally, should take the following steps to address the problem of clandestine groups and *hidden powers* in Guatemala:

- ▶ Create an international commission with technical expertise, unbridled access to pertinent information, and sufficient financial resources to investigate the existence of clandestine groups in Guatemala, their involvement in attacks on civil society actors and in crimes against those seeking justice, and any links they may have to current or former state actors. (In response to a proposal by Guatemala’s Human Rights Ombudsman³⁵, the government of Guatemala has requested that the United Nations and the Organization of American States participate in a “Commission to Investigate Illegal Groups and Clandestine Security Apparatuses.” This ought to be the vehicle for such an investigation.)
- ▶ Revoke or deny visas to, and move to extradite, Guatemalans involved in drug trafficking, organized crime and money laundering.
- ▶ Demonstrate visible and unequivocal support for all those involved in human rights protection and anti-impunity initiatives.
- ▶ Link international assistance to good governance, effective respect for human rights, and the implementation of the Peace Accords and the recommendations of the Historical Clarification Commission (CEH – *Comisión de Esclarecimiento Histórico*).
- ▶ Support efforts to strengthen the justice system in Guatemala.
- ▶ Demand the immediate dismantling of the Presidential General Staff (EMP – *Estado Mayor Presidencial*).
- ▶ Suspend all regular military training for either the Guatemalan Armed Forces or the police by foreign governments and international bodies until the Guatemalan government complies with provisions of the Peace Accords on military, intelligence and police reform.
- ▶ Enhance the ability of the Guatemalan Human Rights Ombudsman to effectively implement the mandate of his office to investigate allegations of abuses perpetrated by the military, the police or any other public agency or authority.

- ▶ Maintain political and financial support for the U.N. Verification Mission in Guatemala (MINUGUA) and its efforts

to monitor and ensure compliance with the Peace Accords, particularly during the electoral campaign.

Notes

- ¹ United Nations Verification Mission in Guatemala (MINUGUA), "Towards a Secure Guatemala: Plan of Action for the Strengthening of Public Security, Summary of Remarks delivered by Tom Koenings," 30 January 2003, p. 1, <<http://www.minugua.guate.net/CENTRO%20DE%20PRENSA/PRESSCENTER.htm>>
- ² Jaime Robles Montayo, *El 'Poder Oculito'* (Guatemala City: Myrna Mack Foundation, September 2002), draft, pp. 89-90.
- ³ Amnesty International, *Guatemala's Lethal Legacy: Past Impunity and Renewed Human Rights Violations* (London: Amnesty International, International Secretariat, 28 February 2002), p. 49, <<http://www.amnesty.ca/library/amr3400102.pdf>>
- ⁴ Ambassador Otto J. Reich, "Corruption and Other Threats to Democratic Stability in the Dominican Republic and Guatemala," Statement before the Subcommittee on the Western Hemisphere of the House International Relations Committee of the United States Congress, 10 October 2002, p. 8.
- ⁵ Speech by Edgar Gutiérrez, Guatemalan Foreign Minister, before the United Nations Human Rights Commission, 59th Period of Sessions, 19 March 2003, p. 2.
- ⁶ United Nations Verification Mission in Guatemala (MINUGUA), *Thirteenth Report on Human Rights of the United Nations Verification Mission in Guatemala*, (New York: U.N. General Assembly, Fifty-seventh Session, A/57/336, Paragraph 52, 22 August 2002), p. 9, <<http://www.minugua.guate.net/Informes/INFODDHH/INFO13oDDHHenglish.doc>>
- ⁷ Government of the Republic of Guatemala and Unidad Revolucionaria Nacional Guatemalteca, *Comprehensive Agreement on Human Rights, Commitment IV, Numeral 1* (Mexico, D.F.: 29 March 1994), p. 2, <<http://www.incore.ulst.ac.uk/cds/agreements/pdf/guat13.pdf>>
- ⁸ Historical Clarification Commission, "Conclusions and Recommendations," in *Guatemala: Memory of Silence* (Guatemala City: 1999), English edition, paragraph 23, p. 21, <<http://shr.aaas.org/guatemala/ceh/report/english/concl.html>>
- ⁹ *Ibid.*, paragraph 56, p. 28.
- ¹⁰ Juan-Hernández Pico, "The Armed Wing of the 'Hidden Powers' in Action," *Envío*, April (2002): 27.
- ¹¹ Recovery of Historical Memory Project (REHMI), *Guatemala Never Again! The Official Report of the Human Rights Office, Archdiocese of Guatemala, Recovery of Historical Memory (REHMI) Project* (Maryknoll, NY: Orbis Books, 1999) p. 245.
- ¹² "Destaca falta de liderazgo," *Prensa Libre*, 2 November 2000, p. 4.
- ¹³ Jennifer Schirmer, *The Guatemalan Military Project: A Violence Called Democracy* (Philadelphia: University of Pennsylvania Press, 1998), p. 23.
- ¹⁴ *Guatemala Never Again!*, op.cit., p. 252.
- ¹⁵ United States Defense Intelligence Agency, "IIR [redacted] Intelligence Capabilities of the Guatemalan President's Staff (U)," (Confidential Cable, 17 July 1992), pp. 37-38.
- ¹⁶ Government of the Republic of Guatemala and Unidad Revolucionaria Nacional Guatemalteca, *Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society* (Mexico, D.F.: 19 September 1996), at paragraphs 46 and 49, <<http://www.incore.ulst.ac.uk/cds/agreements/pdf/guat11.pdf>>
- ¹⁷ In one of Guatemala's highest profile cases, two former EMP members were convicted of the 1998 extrajudicial execution of Bishop Juan José Gerardi two days after he released the REMHI report. EMP members were present at the bloody crime scene even before the police arrived and allegedly tampered with evidence.

- ¹⁸ *Thirteenth Report on Human Rights of the United Nations Verification Mission in Guatemala*, op. cit., paragraph 66, p. 11.
- ¹⁹ United States Embassy in Guatemala, "U.S. Department of State Releases 2002 Human Rights Report for Guatemala," press release, 31 March 2003, p. 1, <<http://www.usembassy.state.gov/guatemala/wwwhpbe200314.html>>
- ²⁰ *Guatemala Never Again!*, op. cit., pp. 118-122 and 304-305.
- ²¹ Many of the individual patrollers who carried out abuses were coerced into doing so, under threat of death to themselves and their families. Those who did not comply with Army orders were tortured and killed.
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- ²⁹ The FRG selected Ríos Montt to be its candidate despite the fact that the Constitution prohibits "the leader or leaders of a coup d'état" from the Presidency. Ríos Montt seized power in a coup in 1982.
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- ³² United States Embassy in Guatemala, "Statement by Ambassador John R. Hamilton Regarding Violent Demonstrations in Guatemala City, July 24, 2003," 24 July 2003.
- ³³ United Nations High Commissioner for Human Rights, "U.N. Expert Calls for Further Steps to Protect Rights Defenders in Guatemala," press release, 23 January 2003, p. 1, <<http://www.unhcr.ch/hurricane.nsf/view01/DB6D8DCD90514756C1256CB7004>>
- ³⁴ Guatemala was as corrupt as Nicaragua, and worse than the other Central American countries. Source: Transparency International, *Corruption Perception Index 2002*, (Berlin: Transparency International, 28 August 2002), p. 5, <http://www.transparency.org/pressreleases_archive/2002/dnld/cpi2002.pressrelease.en.pdf>
- ³⁵ The title of the Human Rights Ombudsman in Guatemala is *Procurador(a) Nacional de los Derechos Humanos*.

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This Report

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