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Guatemala's Feared EMP is Gone

by LADB Staff

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The Estado Mayor Presidencial (EMP) has ceased to exist in Guatemala. The official end to the organization came on Oct. 28, when the official organ of the government published the law creating the Secretaria de Asuntos Administrativos y de Seguridad (SAAS), replacing the EMP. The stated function of the EMP was to provide security to the president, the vice president, and their families.

The EMP has long been associated with some of the most grievous, as well as the most high-profile, crimes in the modern history of the country. The convicted murderer of Myrna Mack, Noel de Jesus Beteta, was an army sergeant in the EMP (see NotiCen, 2003-05-08). The accused intellectual authors of the crime were the organization's commanders. EMP complicity in the nation's most heinous human rights crimes even outlived the 36-year civil war, which ended officially with the signing of the Peace Accords of Dec. 29, 1996.

Created in the early 1980s as the Archivos Generales y Servicios de Apoyo a la Presidencia de la Republica del Estado Mayor Presidencial (AGSAEMP), the EMP had authority to arrest and interrogate at its discretion, and it was linked to death squads operating at the time. In 1986, with the installation of the government of President Venicio Cerezo (1986-1990), the first civilian government since the CIA overthrew the Arbenz regime in 1954, the military shut down the presidential intelligence unit, leaving only the security function for the president and vice president. The EMP continued to be accused of, and later was shown in court to have been involved in, human rights violations. The intelligence unit, the infamous "archivos," along with all its documents, disappeared back into the military establishment (see NotiCen, 2000-06-08).

Two cases that were to become paradigmatic, establishing the involvement of the EMP, were the killings of Myrna Mack Chang in 1990 and Archbishop Juan Gerardi in 1998 (see NotiCen, 2001-06-14). The EMP was also implicated in the murder of the president of the Corte de Constitucionalidad, Judge Epaminondas Gonzalez Dubon, in 1994. The EMP was to have been disbanded years ago, in compliance with the Peace Accords. Its demise has been repeatedly obstructed, however, even though eliminating it was a campaign promise of President Alfonso Portillo, whose term ends this month, and the duty of the president before him, Alvaro Arzu (1996-2000).

Not the way it was supposed to be

Some of those obstructions have resulted in "various alterations and terrible changes with the intention of debilitating the SAAS," according to Carmen Aida Ibarra, director of the Myrna Mack Foundation. As an example of a "terrible change," Ibarra told an Inforpress reporter that, in the first article of the original bill, the SAAS was described as an organization of an "eminently civilian nature." In the version the Congress passed, the word "eminently" was removed, legally opening the possibility of militarizing the Secretariat. In the second article of the law as passed, the SAAS is

mandated to permanently protect past presidents and vice presidents. This was not a stipulation of the Peace Accords.

Article 17 of the original bill stated that property of the presidential and vice-presidential staff would become the property of the new Secretariat, with "the same applying to archives, records, and all types of information and documentation." The law as passed omits the transfer of archives and information. The effect of that omission could prevent access to more than 20 years of accumulated intelligence and information, wiping out any hope of future prosecutions, convictions, or historical clarification of events. There is also no definitive bar in the law to former military officers participating in the Secretariat.

The head of the SAAS, Ricardo Marroquin, has given assurances that he would not accept ex-military or EMP people in security positions within his staff. However, no legal prohibition exists to his having a change of heart or to a subsequent leader having a different policy. Despite Marroquin's statement to the contrary, about 100 of the 564 decommissioned EMP members will be assigned to SAAS.

Human rights activists were not pleased, seeing in this a direct violation of the terms of the accords and leaving open the traditional channel through which the military issued its orders to presidents and supervised their every move. Still, the EMP is gone. With less than three months to go before his term ends, Portillo stood in the rain on the grounds of the Brigada Mariscal Zavala and pronounced it so. He acknowledged in his speech the courage of the military in accepting the "difficult" dispositions of peace that have included the indignity of a 12% reduction in the size of the army. "The army takes one step more, [a step] that many civilian and political organizations have not been able or brave enough to take in Guatemala," he said.

Of those who believe that the army was used against the people in the 36-year internal war, he said, "They just throw stones, and today nobody recognizes that the military personnel risked their lives during the armed internal conflict, nor [do they recognize] their support of democracy and peace." He also said, "We're going in the right direction. We are on the road to constructing a truly democratic society of liberty and peace and the construction of a professional army." He was alluding to the time when the army was at the service of power blocs that could call upon the military to intervene whenever governments did not suit them or when presidents did not submit to their interests.

Turning to the civilian nature of the EMP's replacement, Portillo said that SAAS would investigate the existence of clandestine security groups in the country, and it should not only investigate the military but also the private sector because that sector "has parallel groups that control courts and the state." Portillo has famously been at war with the private sector for much of his tenure. He said that the new entity, which will interface with UN and Organization of American States (OAS) organizations, "must bare society to strip off masks, so that no citizen need feel afraid." The transition was hailed as "transcendental" in some quarters.

Activist Otto Villanueva called it "historic." Human rights leader Orlando Blanco said, "It is a transcendental act that a repressive entity is dissolved, but we lament that it took so long." Others in

the human rights field were not so sure. Amnesty International (AI), in a paper entitled *Accountable Intelligence or Recycled Repression? Abolition of the EMP and Effective Intelligence Reform*, suggested that there are reasons to greet these steps with "skepticism and concern." It called simply replacing the EMP with a new agency a "woefully inadequate measure." AI said that fundamental reforms to the country's military intelligence structures were needed. The report noted that the "purported reforms" were taking place in a context of "a particularly grave deterioration in the Guatemalan human rights situation."

Recounting instances of intimidations, tortures, and murders, and emphasizing both the frequency of these and the "strong resemblance they bear to the tactics and patterns of military repression under past regimes," AI built a case that the EMP's functions have, in a sense, been privatized, making the institution itself redundant. AI also zeroed in on the fact that the dissolution of the EMP did not completely satisfy the government's commitment under the Peace Accords. Specifically, this issue is addressed in the *Accord on the Strengthening of Civilian Power and the Role of the Army in a Democratic Society* (AFPC for the Spanish title).

Under these provisions, the EMP was to be dissolved along with the creation of three other institutions empowered to deal with intelligence gathering, organized crime, and common crime. These other institutions had to respect the separation of intelligence and information gathering from the execution of operations based on that information and intelligence. The government, not these intelligence units, was to be in charge of operations. The government was also to ensure that no unauthorized networks or groups undertook intelligence functions.

AI considered of particular importance the provisions of the accords that mandated the establishment of legislative oversight of the work and budgets of both civilian and military intelligence structures. The government was bound by the AFPC to guarantee respect for human rights by the intelligence organs and to do so by legislation. The government was also to regulate access to military and national-security information by the establishment of procedures for the classification and declassification of documents.

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