

7-1-2004

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### Recommended Citation

LADB Staff. "PAC Want Their Money." (2004). <https://digitalrepository.unm.edu/noticen/9211>

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## **PAC Want Their Money**

*by LADB Staff*

*Category/Department: Guatemala*

*Published: 2004-07-01*

Organized former members of the Patrullas de Autodefensa Civil (PAC) have coerced, threatened, and agitated to be paid for their service during the 36-year internal war that ended with the signing of Peace Accords in Guatemala in December 1996. The state of Guatemala signed the accords as an obligation. But, while the documents spell out how others, including former guerrillas, are to be recompensed, there were no provisions for the PAC.

Despite the lack of obligation, the administration of former President Alfonso Portillo (2000-2004) negotiated payments to the former patrollers, many of whom served under coercion. Others made careers in the PAC, amassing local power, serving as the eyes and ears of the Army, and sometimes substituting for judges, police, tax collectors, and otherwise generally embodying the state. When the Portillo administration left office in January, however, it left its debt to the PAC largely unpaid and left President Oscar Berger to deal with the fallout. Berger's opening gambit was to cast his lot with the Corte de Constitucionalidad (CC). If the CC found Portillo's deal constitutional and the debt legal, he said, he would pay.

But the day after Berger said that, Vice President Eduardo Stein said that, considering the fiscal crisis the government finds itself in, there would be no money to pay them. "I don't believe there are resources, certainly not this year, with which to make good on this commitment," said the vice president. Published estimates indicate it would take about US\$212.5 million to discharge the debt.

### ***Pay up or shut down***

The ex-PAC, disciplined and aggressively led, have shown an ability to bring the country to a standstill by blocking roads, entering and disrupting cities and towns, taking hostages, and resorting to violence against property and persons (see NotiCen, 2003-04-10). They also vote. They have substantial support in the Legislature. Both the Gran Alianza Nacional (GANAN), the coalesced governing party, and the Unidad Nacional de Esperanza (UNE) told the PAC that they would support their claims with two checks of about US\$200 for each ex-PAC member.

Rosenda Perez, the firebrand PAC leader who is now a deputy of Efraim Rios Montt's Frente Republicano Guatemalteco (FRG), assured them she would do what she could to get them paid, even if the CC declared the payment unconstitutional. But the Partido de Avanzada Nacional (PAN) was against the idea. Said Deputy Mario Taracena, "The people would never tolerate the new taxes going to those expenses. What I'm saying is not political." Taracena told reporters that the PAN never offered to pay the PAC and challenged them to show him where they ever did. That was a mistake.

PAN presidential candidate Leonel Lopez was shown to have promised a crowd of 3,000 in Coban that he would pay former patrollers. Otto Perez Molina, an Army general at the time the PAC was

in business, is now leader of his own party, the Partido Patriotico (PP), and a deputy. He agreed with Rosenda Perez that a way could be found to pay, even if the CC declared it unconstitutional. "We will revise the legal matters and expect the Congress to approve the new budget, where the item for payment will be included," he said, adding that the first payment would be made this year. The issue of constitutionality rested not on the payment itself, but on whether Portillo's authorization violated the separation of powers that assigns that prerogative to the legislative branch.

Looking past the court, PAC leader Francisco Oxom said, "We're asking the deputies to support us, so that the government can pay us. We will fight for them to hear us." Despite the botched denial, the PAN continued to oppose the payment, as did the Partido Unionista (PU), insisting on other priorities for the struggling economy. Since Lopez lost the election, Panista Ruben Dario Morales took the position that "we have made no electoral promise. Social issues must be prioritized."

PU leader Pablo Duarte concurred. "We are not in agreement [with the payments]. There are more necessary questions than paying ex-patrulleros," he said. Even with the ruling GANA supporting paying, some ranking members of the government are dead against it. Presidential Human Rights Commissioner Frank LaRue, a former human rights activist exiled during much of the war period, is one.

Another is Peace Secretary Victor Montejo, who pointed out, "This is not something that is in the Peace Accords, and we are not the ones who should arrange it." Vice President Stein, citing more pressing economic needs, stood with the opposition. The matter is further complicated, if not as a constitutional matter then as one of simple fairness, by one payment having already been made, but not to all those eligible. So, apart from the disbursement of the two remaining payments, there is also a proposal to pay some 400,000 people about US\$200 each.

No one is certain where that money will come from, but Carlos Hoffman, who has been negotiating with PAC groups, has a tentative deal with them to wait until 2005 for the rest of the money. A significant potential deal-breaker in this is that Rosana Perez, the toughest of the PAC leaders, did not agree to this arrangement and has remained outside the process. But Hoffman was grateful for small favors from the rest. "At least there is now an entity with which the patrulleros can negotiate and whose function is to speed up the negotiations," he said.

### *Rhetoric aside, they need the money*

Up north in Peten, where the PAC under Perez's leadership first shut down roads and the airport, there was little patience for an uncertain agreement with a distant payday. "We are in extreme poverty; that's why we need them to pay us," said Cristobal Orellana, leader of the PAC group Paz y Concordia. Orellana sent a note to Berger asking that the president make good on campaign promises to pay. He accompanied the note with remarks making it clear that his group was not averse to shutting down the Peten as has been done before (see NotiCen, 2002-08-22). Peten is the largest of Guatemala's departments, and, with the Mayan ruins at Tikal as a set piece, is a tourism anchor for the country.

Recalling that 6,000 of an estimated 19,000 ex-PAC members have not been paid, Orellana ticked off other Peten sites that might be attacked if money is not forthcoming, including oil fields, roads, and airports. Berger responded supportively, saying that his administration would find a way to pay even if, as anticipated, the CC ruled unfavorably.

On June 22, the court did just that; it declared payments to the 400,000 former PAC members unconstitutional. As expected, the decision focused on Portillo's constitutional lack of authority to commit the funds, striking down government accords 228-2003 and 556-2003, the decrees allocating the money. The decision came down in a climate of fear, according to reports. Several magistrates had received threats regarding the case. The situation was so tense that the court session was not held at CC headquarters, but at a hotel in Antigua. CC President Cipriano Soto and magistrate Guillermo Ruiz Wong nevertheless expressed their feelings that the PACs should be paid and called them heroes.

In something of a protest, neither judge participated in the decision, leaving the final vote six against and one in favor of allowing the payments. Judge Francisco Palomo cast the single vote in favor. It was noted that Palomo, Soto, and Ruiz were all FRG judges. All three voted last year to permit Efraim Rios Montt to run for president in clear violation of a constitutional prohibition. The decision was seen internationally as a disgrace and as a setback for the justice system (see NotiCen, 2003-07-17). Even before reading the decision, Berger issued a statement that he would seek other mechanisms to make the payments without violating the Constitution.

By coming out early, Berger was seeking to pre-empt a disaster of a response from the PAC. "We're going to find another path, we're going to talk to the Congress," he said. But PAC leader Francisco Oxon had some promises to make. "We are going to show the court and the government that we are not toys," he said. He announced plans to meet with Otto Perez before taking matters into the streets where, he said, "we will fight to the last."

During the weekend of June 25-26, Perez Molina met with some 500 ex-PAC members, told them he would champion the cause in the Congress, and gave them practical advice on getting their paperwork in order against the day when they could line up for their money. Their patience wearing thin, most went along with the former general. "We will wait, but we are prepared to do anything for them to give us our money," said Daniel Gomez, ex PAC commissioner from San Antonio Sacatepequez, San Marcos, where the meeting took place. Perez Molina's and Berger's reassuring words notwithstanding, it turned out that the PP was the only party in the Congress to fully support payments to individual patrollers.

Deputies from GANA, the FRG, and UNE all backed community-based recompense in the form of public-works and development projects instead. Deputies were loath to sign onto the PP proposal, some resenting its obvious potential use as a political tool against them with a constituency as wide as is the ex-PAC. Only the URNG, the party created out of the former guerrilla force that carried out the war against the government, was sure of its position. "This group was responsible for human rights violations of the indigenous peoples," said Deputy Alba Estela Maldonado. The URNG is against any payment. Reaction was quick and predictable.

Francisco Raxon, leader of the Consejo Nacional de Patrulleros de Autodefensa Civil, warned the government that it could now expect reprisals. Raxon said his group might or might not go along with a 20-day period to iron out congressional differences. He also took umbrage at the dissolution of the Secretaria Tecnica de Atencion a los ex Patrulleros de Autodefensa Civil, a government agency set up to see to their needs. Agency personnel had not been paid in three months and quit working. This was the agency that Carlos Hoffman headed. He said his contract had expired June 30, and he does not know if it will be renewed. He said, "I have not seen nor had meetings with people who make decisions in the government, so the situation is uncertain." With that link between government and the PAC broken, the government seems to be inviting disaster.

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