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## The Hidden Powers Of Guatemala

by LADB Staff

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The Washington Office on Latin America (WOLA) has produced a document shedding new light on the mechanisms by which powerful groups have controlled Guatemala through the years, behind the facade of democracy.

Adriana Beltran, co-author of the 104-page study, said the work, *Hidden Powers in Post-Conflict Guatemala*, illustrates, with specific cases, the magnitude and impact of these illegal groups on the country. "The report explains how these clandestine organizations emerged from the conflict, and survived, infiltrating the state to protect their interests and grow, while the state declines," said Beltran. The work takes advantage of a new environment. It is now possible to name names, latitude unavailable to a researcher during the 36 years of civil war that ended officially in December 1996 (see *NotiCen*, 1996-11-21). During that time, such an effort would have been suicidal.

The report does not simply recount the history of those years, but focuses on postwar and present effects of clandestine social control. Completed in December 2003, it identifies 2002 as the single-most violent year in postwar Guatemala, with 2003 continuing the violent trend. It chronicles a range of activities, from assassinations to threats and attacks undermining implementation of the 1996 Peace Accords, a process to which the government unequivocally committed itself.

Beltran and her co-author, Susan C. Peacock, argue that deterioration in human rights, which they document, constitutes a crisis warranting international scrutiny, not least because they are not random acts, but rather clearly targeted exercises. Their analysis is that "the number and patterns of the cases point to a systematic targeting of civil-society actors involved in 'anti-impunity initiatives' both those who seek justice for past abuses (human rights groups, forensic experts, judges, lawyers, and witnesses) and those who denounce present-day corruption by state agents."

Also singled out for attack are persons and organizations militating for economic and social rights, particularly land rights, and against discrimination toward indigenous people.

### *Defining hidden powers*

The work defines hidden powers as an informal, amorphous network of powerful individuals who use their positions and contacts inside and outside government to enrich themselves from illegal activities while protecting themselves from prosecution. Among these individuals are private citizens, retired military, and government officials. They are not a monolithic group. They are a network "whose individual members sometimes compete and play out personal rivalries. Nonetheless, their relationships with each other, and their overlapping webs of influence in government and society, make them a powerful and hidden set of structures."

Beltran and Peacock took their definition in part from one provided by the Myrna Mack Foundation, a long-time actor in Guatemalan human rights struggles, and they also leaned on Peruvian author Jaime Robles Montayo for the concept that hidden powers do not set up parallel structures to the state, they embed themselves within existing structures. Thus, military officers, justice-system officials, politicians, businesspeople, and common criminals act within their own spheres cooperatively to achieve common goals. In this way, a relatively small constellation of individuals wields far more power than state institutions can challenge.

### *Specialization with diversification*

In Guatemala, the hidden powers specialize in crimes involving state resources skimming and bribery at customs, corruption in securing government contracts, and kickbacks amounting to a kind of privatized privatization. This is always linked to manipulations of the justice system to ensure invulnerability. Specialization does not imply failure to diversify, however. The hidden powers also engage in drug trafficking and other organized crime.

An Amnesty International (AI) report of February 2002 distinguished the hidden powers from traditional mafias by noting significant numbers of former military in their ranks. The distinction earned Guatemala the label "Corporate Mafia State" in the AI report, Guatemala's Lethal Legacy: Past Impunity and Renewed Human Rights Violations. The appellation was defined as an "unholy alliance between traditional sectors of the oligarchy, some new entrepreneurs, police and military, and common criminals."

Besides the drug trade, activities identified as of specific relevance included arms dealing, money laundering, car-theft rings, illegal logging and other proscribed use of state-protected lands, and conspiracy to ensure monopoly control of legal industry, such as oil. In its "whole-systems" approach to its subject, the WOLA report discussed the role of clandestine groups, or hit squads. These are the foot soldiers of the system, the people who do the work of attacking human rights workers and others who antagonize or threaten the process.

The membership of these fluid groups is drawn from active and retired military, police, private security personnel, and gangs. Their composition allows them to use state-security resources in pursuing their victims. They are sophisticated, coordinated, and wrapped in impunity. Their leadership in many cases comes from military retirees motivated by the threat of punishment for wartime abuses in opposing reforms that would lead to their prosecutions. The reforms are mandated by the Peace Accords, making any group advocating fulfillment of their provisions a potential target.

One such group profiled by WOLA that serves as an example of former military personnel fearing exposure for past wrongs is La Cofradia. Its original members were from military intelligence "associated with common crime and administrative corruption in the period of Lucas Garcia, from July 1978 until March 1982." They were also hard-liners who espoused the national-security strategy that "framed the conflict as a total (100 percent) polarization of the population you're either with us or against us." With that belief to guide them, all civilians were potential subversives, with the result that "they adopted the 'Taiwan school' mentality, implementing repressive systems of social control

and using intelligence information to commit brutal acts of violence." La Cofradia continues to exist, its older members bonded by past brutalities. Now it is not so much a formal organization as it is a set of relationships, and it has taken in new members.

Another such organization is El Sindicato. This group's allegiances stem from its original members all having come from the same 1973 military-officers graduating class at the Escuela Politecnica, the Guatemalan military academy. The organization remains active and is distinguished in being led by former Gen. Otto Perez Molina, who is profiled elsewhere in the WOLA report as a premier hidden power. During the war, Perez Molina was a relative moderate, a reformer whose orientation was based on El Sindicato's adoption of a strategy based on "pacification and reconciliation," rather than the Taiwan-school ideas of La Cofradia. This idea evolved into what was later called a 70/30 strategy, "one that focused 70 percent of its effort on recovering war refugees through development projects ('Beans') while using 30 percent of the effort for repressive measures ('Bullets') against those the army viewed as lost."

Perez Molina has been implicated in several human rights violations, including the 1994 assassination of Judge Edgar Ramiro Elias Ogaldez, the murder of guerrilla leader Efraim Bamaca, and others. At the time of the murders, he was head of the Estado Mayor Presidencial (EMP), perhaps the most infamous of military hit squads (see NotiCen, 2003-11-06), also profiled in the WOLA report. He ran for president on his own ticket in the most recent election that brought Oscar Berger to power.

## *Survival without MINUGUA*

The section of the report that names and profiles individuals and organizations is a valuable compendium linking wartime history to present-day crime, corruption, and control, but it is not limited to simple recitation, however revealing. With the departure of the UN mission MINUGUA looming, the report explores ways to continue a presence against the hidden powers and discusses the formation of an international commission to investigate clandestine groups, as recommended in January 2003 by then Procurador de los Derechos Humanos Sergio Fernando Morales Alvarado.

Morales' resolution was enthusiastically embraced at the time by the Congreso Nacional, although many nongovernmental organizations (NGOs) saw this as opportunism, and later the Portillo government signed an agreement to form a commission in the presence of ambassadors from all the right countries, the US, Sweden, Denmark, Spain, Canada, and Mexico. The Comision para la Investigacion de Cuerpos Ilegales y Aparatos Clandestinos de Seguridad (CICIACS) would investigate illegal groups and their connections to the state, with an eye toward dismantling them and prosecuting certain members. The UN subsequently signed on and responded with recommendations of its own.

The UN noted the necessity for a process that would carry through to prosecutions and recommended that CICIACS be established as a "UN-led investigatory commission...with clear powers to conduct investigations and, where appropriate, follow-up action. CICIACS would operate independently and be governed strictly by international law and the Guatemalan Constitution."

CICIACS, however, has become bogged down in opposition from the usual suspects and serious sovereignty questions having to do with ceding judicial powers to the UN.

Nevertheless, the report concludes with a series of recommendations, chief of which is the implementation of CICIACS. Other recommendations lean toward increasing authority of the special prosecutor for human rights and encouraging the international community to take a firmer hand in providing incentives for good governance by linking aid to performance in matters of abuses. While the WOLA report covers a time period that does not include the present Berger government, there is overwhelming evidence that there has been no improvement on these matters under the new management. The recent assassination of an opposition legislator, Carlos Hipolito Miralda of Unidad Nacional de la Esperanza (UNE), is a case in point.

UNE leader and Congreso Nacional president Rolando Chavez reacted to the killing with a denunciation of an environment in which the political class is the target of constant criminal violence, charging that "the level of violence related to acting politically in Guatemala is very high." He cited a number of cases. UNE Deputy Victor Hugo Toledo blamed the government, saying, "We hold the government of President Oscar Berger responsible, and his party, the Gran Alianza Nacional, for the attack against Deputy Miralda, and we also hold them responsible for any other attack against members of our party."

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