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## **Security, Migration, Impunity Subjects Of U.S. Official Visit To Guatemala**

*by Mike Leffert*

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In anticipation of the visit of Thomas Shannon, US Assistant Secretary of State for Western Hemisphere Affairs, Central American authorities planned to ask the US for aid for a regional-security strategy. Guatemala's Government Minister Adela de Torrebiarte said earlier in July that the request would be made upon Shannon's July 17 arrival in Guatemala. The security strategy was the advertised purpose of the visit, during which Shannon was scheduled to meet with President Oscar Berger and regional security officials, but perhaps the most important items were a controversial measure to end impunity in the country and US treatment of Guatemalan migrants.

The strategy is divided into a number of specific projects under the rubrics of narcotraffic, traffic in persons, crime prevention, corruption, and border protection at a projected cost of US\$600 million. US President George W. Bush proposed developing the strategy when he visited Guatemala in March (see NotiCen, 2007-03-15). The president left without specifying how much money he would contribute. In view of the US\$600 million estimate, Shannon arrived bearing a meager gift. He told his hosts his country would put up US\$1 million to help Central America draft a regional strategy to fight gangs and drug trafficking.

Flanked by President Berger and Vice President Eduardo Stein, the assistant secretary told the media, "We can improve collaboration in the fight against organized crime, especially against gangs, drug traffickers, and illegal arms dealers. We are going to designate US\$1 million to programs that are in development through SICA [Sistema de la Integracion Centroamericana]." Seemingly aware there may have been some disappointment with the size of his gift, Shannon added, "We will return to the US and ask the Congress how we can give more technical support to this process."

According to a US Embassy statement, Shannon would sign, with SICA secretary-general Anibal Enrique Quinonez Abarca, an agreement on gang prevention. This agreement is multilateral, involving Central America, the Dominican Republic, and Mexico.

### ***US support for impunity agency may not be enough***

Guatemala, however, had a bilateral agenda to discuss with Shannon. Stein said he wanted US support for creating the Comision Internacional contra la Impunidad en Guatemala (CICIG). This is an agreement between Guatemala and the UN creating an entity, CICIG, "to support, strengthen, and assist institutions of the State of Guatemala responsible for investigating and prosecuting crimes allegedly committed in connection with the activities of illegal security forces and clandestine security forces and any other criminal conduct related to these entities operating in the country, as well as identifying their structures, activities, modes of operation and sources of financing and promoting the dismantling of these organizations and the prosecution of individuals involved in their activities."

CICIG would also establish mechanisms for protecting fundamental rights of citizens against such forces. The commission would have the power to collect information provided by anyone or any organization. It would be able to promote criminal prosecutions by filing criminal complaints with the relevant authorities and join a criminal proceeding as a private prosecutor. The Guatemalan system allows for a private party, a *querellante adhesivo*, to bring a case.

The commission would also provide technical advice to state institutions in investigations and prosecutions and advise them on proceeding against state officials allegedly involved in these organizations. The commission can act as an interested third party where administrative disciplinary proceedings, rather than criminal, are appropriate, and enter into and implement cooperation agreements with the public prosecutor, the human rights ombuds, the Supreme Court, the police, and any other state agency. It can guarantee confidentiality to those who assist as witnesses, victims, experts, or collaborators. It can request documents of whatever kind from any official or state authority and autonomous state entity, and officials are obligated to comply with the requests. In short, the commission can do, with international authority, the things necessary to bring clandestine operators to justice.

This has never happened in Guatemala before, and it is something President Berger has admitted his administration is incapable of doing on its own. Stein noted recent interest in the US Congress in CICIG and is looking to Shannon to get the administration's support. "We are surprised by the interest demonstrated by United States Congress members on the subject of CICIG, which, in fact, they would make an indispensable prerequisite for everything related to the subject of military aid," he said. Stein was referring to the position of US Senator Patrick Leahy (D-VT) that the Congress should not lift the US embargo on aid to the Guatemalan military unless CICIG is ratified by the Guatemalan legislature.

Ratification has been held up by the opposition Frente Republicano Guatemalteco (FRG). Leahy told the Senate, "CICIG is an essential mechanism to combat the cancer of the violations of human rights and organized crime that threaten to destroy the Guatemalan democratic base." Human rights organizations in the US have called for popular action in the form of letters to be sent to president of the Guatemalan Congress Ruben Dario Morales Veliz, urging ratification of CICIG.

Shannon told reporters that the White House "is concerned" about the holdup of the legislation and warned that, if the proposal is not ratified, "several lines of cooperation" could be suspended. But even as he spoke, the FRG was having its way. On July 18, the party, with the help of others, was successful in disapproving crucial aspects of CICIG in the foreign relations committee (Comision de Relaciones Exteriores). That committee is headed by Zury Rios, daughter of FRG leader and former de facto president Efraim Rios Montt.

The committee dictum criticized a decision of the Corte de Constitucionalidad (CC), which had approved the constitutionality of the agreement. The dictum questioned the ambiguity of some of the court's findings and the validity of others. The committee declared that CICIG violates sovereignty, claiming, "The creation of a society of opportunity would do much more for respect for human rights." It called CICIG "a parallel organization to disarticulate parallel powers still not identified."

The measure now faces a very uncertain future on the floor of the legislature, as analysts conclude that supporters have a "titanic task" in scaring up sufficient votes for passage. Part of the problem is that legislators are not following their leaders on this. Leading presidential candidate of the Unidad Nacional de la Esperanza (UNE) Alvaro Colom, for instance, is avidly pro-CICIG, but UNE members of the foreign relations committee Cesar Fajardo and Jorge Giron both sided with Rios.

The party's strategy director Jose Carlos Marroquin had no explanation other than to say maybe it was a mistake. Officially, UNE supports CICIG. Deportations strain the state Also on Berger's bilateral shopping list is immigration. He wants Shannon to do something about deportations. "I have been informed of the need for labor in the United States. They are using people from prisons now. It is contradictory that they deport our Guatemalans, when they contribute to the economy of the United States and of [Guatemala]. Foreign Relations Minister Gert Rosenthal said that Berger would ask that the Bush administration guarantee respect for the human rights of Guatemalan migrants in raids and deportations.

There have been numerous reports of abuses of rights by US authorities. "We can ask for very little," said Rosenthal, "but we will say it in an energetic manner that we want humane treatment for our compatriots during the raids, because there have been violations of their individual guarantees." He said his government would ask Shannon to extend juridical benefits to Guatemalans and not to detain them for prolonged periods.

From January to May of this year, the Direccion General de Migracion reported 7,857 deportations from the US; 6,588 men, 918 women, and 361 children. For the year 2006, there were 18,305 deportations, up from about 11,000 the year before. It is estimated that at least 23,000 Guatemalans will be deported in 2007. Rosenthal said Guatemala is working on a joint proposal with Mexico, El Salvador, and Honduras to present to Washington. "We do not expect that after this conversation the situation of our citizens will change drastically, but it is important to send a message that we are concerned about how our national migrants are treated in the United States." In addition to the raids, incarcerations, and deportations, there is also concern for the increasing number of migrants dying in the Arizona desert as summer temperatures soar.

Shannon did not take up the question of abuse as it has manifested in the prosecution of US policy on migrant workers but rather gave assurances that the US Congress would revisit the subject after the November elections. "All the politicians in Washington, the president, the senators, and the congressmen, are interested in this subject," he told representatives of various organizations at a round-table discussion. He told them that Bush "is committed to an integrated immigration reform." He called the Congress' recent failure to pass legislation "one step in a long process," and promised, "After the legislative elections of next November, there will be new attempts to resume the issue."

Many involved in the migration issue in Guatemala hold little hope for improvement. "We know that the proposal for immigration reform will be suspended until after their elections, but the suffering of Guatemalans cannot wait until then," said Mauro Verzeletti of the Pastoral de Movilidad Humana of the Conferencia Episcopal de Guatemala (CEG). Marlon Gonzalez of the Coalicion de Inmigrantes Guatemaltecos in the US said, "The increase in sweeps and controls has provoked

panic in the community, because they can't demand that their rights be respected when they are threatened with deportation at any moment." Gonzalez said the Bush administration could do some things even without the legislation and hoped the Shannon visit would come up with some viable solutions.

Franco Martinez, Universidad Rafael Landivar political analyst, said the Shannon visit reflected US interest in consolidating forces on security issues and in lowering the intensity on other matters, like migration. "I believe that the end can be seen as an opportunity to create a shield of regional security against organized crime and narcotraffic, but also it is to nuance what is a whole agenda for Guatemalan migrants who live in the United States." None of these people, all of whom work in some aspect of migration, thought or hoped that the Shannon visit would result in short-term actions leading to a drop in deportations, and it did not.

By the end of his visit, Shannon conceded only, "We have offered that, in the deportations of Guatemalan migrants who have no documents, their human rights will be respected, and any denunciation made will be attended to. The countries of America send us workers and citizens that contribute something very valuable for the US; for which we must ensure that all our actions are done within the law, and are based on rights, so that they will be respected."

-- End --