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Guatemala: Wave Of Mob Lynchings Leaves 41 Dead

by LADB Staff

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On Sunday, Dec. 7, a scuffle broke out in Panajachel's municipal market in the department of Solola (about 147 km west of Guatemala City), after four thieves, a man and three women, were caught stealing hand-woven indigenous blouses or huipiles. After a number of stolen items were found in the women's home, including 7,000 quetzales (US$840) and the deeds of a property, the thieves were beaten, paraded across the town, and taken to the main square where they were doused with gasoline. William Garcia, 42, screamed in agony as he was set alight and burned to death before the wrathful eyes of the mob. Then, suddenly, the square was filled with smoke and a stampede ensued. The three women Nora Silda Vicente Castillo, Yanet Gonzalez Garcia, and Silvia Gonzalez Garcia, who was seven months pregnant and miscarried as a result of her injuries were rescued by the police, who used tear gas and riot gear to disperse the crowd. As the police convoy was leaving Panajachel, it was pelted with stones thrown from nearby hills by furious locals. As a result of the confrontation, four police vehicles and the local police station were torched, and terrified tourists fled the town. This was the second incident of this sort last year in Solola. Two weeks before Garcia was set alight opposite Panajachel's town hall, three purported gang members, accused of extortion, were lynched by a furious mob in the departmental capital of Solola. Located next to Lake Atitlan and surrounded by volcanoes, Panajachel is one of the country's most beautiful tourist hotspots. Since these widely reported incidents, many tour operators have cancelled visits to the area, and it is feared that the local economy will suffer as a result.

Crimes with no punishment

In 2009, 109 people were lynched in Guatemala, leaving 41 dead and 211 injured, according to figures published by the Corte Suprema de Justicia (CSJ). Most cases have occurred in the departments of Guatemala, Peten, Quiche, and Huehuetenango (NotiCen, March 05, 2009). "After someone is lynched, people copy these actions, as if by imitation. This occurs because the state has not taken action to fight this type of crime," says Carmen Rosa de Leon Escribano, director of the Instituto de Ensenanza para el Desarrollo Sostenible (IEPADES). Political analyst Carmen Aida Ibarra of the Movimiento Pro Justicia (MPJ) says lynching is "a collective mobilization outside the boundaries established by the law as a result of the population's sense of desperation and a lack of state control." However, de Leon points out that it is difficult to establish a direct correlation between high crime rates and lynching as a response as the department of Solola's crime rate is one of the lowest in the country. "The state and the media always say that people resort to lynching because they are fed up with waiting for justice to be done, but that's a way of excusing this type of behavior," she says. "Rather than rejecting these actions, it would seem that they are tolerated and are encouraged." De Leon argues that the "wave" of lynchings or imitation phenomenon that occurred in Solola is symptomatic of a lack of sanctions imposed against both the instigators and material perpetrators of these crimes. Guillermo Melgar, spokesman for the Organismo Judicial (OJ), says that part of the problem is that "crimes committed as a result of collective actions are not specified in the Penal Code, which means that there is no way that the entire crowd can be prosecuted for mob lynching." In 2001, right-wing Deputy Baudilio Hichos put forward a bill
seeking to amend the Penal Code and include a definition of mob lynching that would make prosecution easier. However, the bill strangely includes damage to property resulting from popular demonstrations under the same article as lynching. For this reason, the bill, which has remained shelved since 2001, has come under fire from human rights activists and social organizations that believe Hichos has used the lynching issue as an excuse to push for a law that could be used to repress peaceful demonstrations. "The problem is that investigations are not carried out correctly, not the lack of a specific law on mob lynching," says Luis Ramirez of the Instituto de Estudios Comparados en Ciencias Penales de Guatemala (ICCPG). "People have already been sentenced for taking part in mob lynching. What is important is to analyze the obstacles that impede an efficient process of law."

**Organized crime**

De Leon says that it is important to question who benefits from the destruction of government property such as police stations and town halls that occurs during a wave of mob lynchings and that groups linked to organized crime could be behind the latest incidents in Solola. Iduvina Hernandez, director of Seguridad en Democracia (SEDEM), agrees with de Leon and adds that certain political groups could be trying to create instability in the area. "Some political parties benefit from attacking participative social actions in these communities, destroying government property, and consolidating an anti-democratic leadership," she says. However, Ibarra disagrees. "There are some places where groups linked to organized crime have used lynching as a means of "cleaning up" the area and getting rid of the police, but it's a rare occurrence. Drug cartels usually use hired assassins, not crowds."

**Prevention efforts fail**

In 1999, the OJ set up the National Commission for the Prevention of Lynching, which includes 20 government and civil-society institutions, including the Ministerio Publico, the police, and the Coordinadora Nacional para la Reduccion de Desastres (CONRED). The latter is responsible for alerting community leaders who can act as mediators as soon as signs of mob lynching are detected in a community. However, Melgar admits that "this mechanism has not been wholly effective." In the two cases in Solola, locals simply ignored the community leaders designated by the commission to act as mediators and many feared for their lives and were too terrified to intervene.

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