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Guatemala: CICIG Investigates Extrajudicial Executions under Berger Administration

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The Comisión Internacional Contra la Impunidad en Guatemala (CICIG) has ordered the arrest of 18 former senior officials and police agents under the administration of ex-President Óscar Berger (2004-2008) accused of committing extrajudicial executions.

The arrest warrant issued on Aug. 9 included opposition leader Alejandro Giammattei, former director of the prison service; Edwin Emanuel Rivera Gálvez and Axel Arnoldo Martínez Arreaza, who belonged to an elite police squad in charge of investigating kidnappings and extortions led by Venezuelan security advisor Víctor Rivera—killed in April 2008 by drug trafficker Jorge Mario Paredes; Víctor Manuel Ramos Molina, former director of the police anti-kidnapping and anti-drugs unit; Aldo Stefano Figueroa Díaz, brother of former director of criminal investigations Javier Figueroa; Mario Roberto García Fresh, director of a prison discipline squad; Víctor Soto Diéguez, former director of the División de Investigación Criminal (DINC); and Milton Rodrigo Shiller, a technician from the police anti-kidnapping unit, among others.

The warrant also includes former interior minister Carlos Vielmann and former police director Erwin Sperissen, who used their double nationality—Vielmann has a Spanish passport and Sperissen is of Swiss origin—to seek asylum in Europe.

Giammattei took refuge in the Honduran Embassy where he tried to apply for political asylum, claiming he was being persecuted by the administration of President Álvaro Colom for being an opposition leader. However, two days later, Giammattei’s asylum petition was denied and he was arrested.

Those investigated by CICIG were sent to the Mariscal Zavala military base in Guatemala City as ordinary prison facilities are deemed to be unsafe for high-profile detainees, especially after four policemen arrested in the murder of three Salvadoran congressmen in February 2007 were shot and beheaded in what was supposed to be a high-security prison (NotiCen, February 22, 2007).

Those detained at Mariscal Zavala include former President Alfonso Portillo (2000-2004), who is awaiting trial on corruption charges, and brothers Francisco and José Estuardo Valdés Paíz, accused of involvement in the murder of lawyer Rodrigo Rosenberg (NotiCen, February 25, 2010).

Extrajudicial executions

The 18 former officials detained at Mariscal Zavala are accused of involvement in the 2006 extrajudicial execution of seven prisoners when security forces stormed the Pavón prison on the outskirts of Guatemala City, where criminal gangs had run amok.

Authorities claimed at the time that prisoners had access to firearms and cell phones, which were used to commit extortions, and had even built a laboratory for producing drugs as well as having luxury facilities such as a jacuzzi and a pool room.
Some 1,500 agents took control of Pavón on Sept. 25, 2006, in a joint police and military operation, known as Operación Pavo Real, in which seven prisoners were killed.

Giammattei claimed that heavily armed prisoners attacked the police and were killed in the crossfire. However, an investigation by the Procuraduría de los Derechos Humanos (PDH) proved with irrefutable forensic evidence that unarmed prisoners were rounded up and that seven individuals were singled out and shot at point-blank range.

Other charges are related to the killing of prisoners Edwin Estuardo Santacruz, Julián Morales Blanco, and José María Maldonado, who escaped from the Infiernito prison in October 2005.

CICIG has now confirmed what many suspected during the Berger administration: the existence of an elite death squad run by Víctor Rivera, which was responsible for committing extrajudicial executions and was also involved in drug trafficking and other crimes.

"Those arrested were part of a criminal organization, run by the Ministerio de Gobernación and the Policía Nacional Civil (PNC) since 2004, which was in charge of committing extrajudicial executions. This group was involved in murder, drug trafficking, money laundering, kidnapping, and extortion, among other crimes," reads a CICIG press release.

In March 2007, the Guatemalan daily newspaper elPeriódico published the testimony of Félix Méndez Monterroso, a former criminal recruited as a police informant who sought protection from the PDH and revealed that he was forced to provide information regarding the whereabouts of suspected criminals who were then executed by a death squad led by former DINC director Soto Diéguez.

Soto Diéguez was removed from the DINC after being accused of involvement in the murder of the Salvadoran congressmen and is now detained in the Mariscal Zavala military base, awaiting trial.

A week after the PDH investigation into Monterroso’s allegations was leaked to elPeriódico, Monterroso was murdered.

Another landmark case investigated by CICIG is the murder of bank clerk Tzulma Vásquez Galán and her boyfriend José David Mejía, a used-car salesman.

On May 16, 2006, the couple was stopped by the police in Bulevar El Naranjo, on the outskirts of Guatemala City. Vásquez called her father and left a voicemail message that recorded the moments in which the couple was brutally beaten by the police and Mejía begged that his girlfriend be spared.

Seven months later, the bodies of Vásquez and Mejía were found near a sugar plantation, in the eastern department of Escuintla. The police initially denied any involvement in the murder but later admitted that a patrol unit carried out an operation in the same spot where the couple was murdered. It was also revealed that Mejía was suspected of involvement in car theft.

The case has been investigated by the UN High Commissioner on Human Rights (UNHCHR).

**Giammattei hailed as hero**

CICIG’s investigation into the Berger administration’s involvement in extrajudicial executions has divided Guatemalan society. While some believe that this is an important step toward stamping out
human rights violations in Guatemala, many have hailed Giammattei as a martyr, arguing that the Pavón executions were justified because those killed were criminals and drug traffickers.

"We strongly believe it is wrong that CICIG and the PDH should give priority to a case involving convicts who were imprisoned for committing murder, kidnapping, and extortion. Those killed in Pavón were hardly angels!" said Sergio Rodríguez, vice president of the Asamblea de Colegios Profesionales (ACP).

Online forums have been flooded with angry comments from those who support Giammattei’s actions and pour scorn on human rights organizations for "defending criminals."

Eager to exploit the publicity in his favor, Giammattei has gone on a hunger strike, and his supporters have organized demonstrations calling for his immediate release.

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