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## Prison Break Causes a State of Emergency

by LADB Staff

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A massive prison break in June has prompted a contest of assigning blame. Human rights groups and opposition parties say the government has ignored oppressive and insecure prison conditions, while government leaders focus on prison officials accused of taking a bribe from the leaders of the escape.

On June 17, 78 of 144 prisoners escaped from the maximum- security prison Granja de Rehabilitacion Canada also known as El Infierno in the southern department of Escuintla. The prison break was the biggest in Guatemalan history. The escapees were serving sentences ranging from 40 to 100 years. Some were awaiting execution for capital crimes, and some were awaiting trial. Rodolfo Quezada, president of the Corte Suprema de Justicia (CSJ), ordered extra security measures for the judges who sentenced the escaped prisoners. Interior Minister Byron Barrientos announced a US\$27,000 reward for information on the whereabouts of the fugitives. President Alfonso Portillo signed a state-of-alarm decree while police and the military began a hunt called Plan Cazador.

One month after the escape, 31 fugitives had been caught, five died in confrontations with police, and 42 remained at large. Authorities quickly concluded that the escapees had the cooperation of prison guards and officials. Barrientos said the prisoners were able to open numerous locked doors and defeat other security measures because they had inside help. He told a news conference that the two leaders of the escape, Jorge Solis Mejicanos and Julio Iboy Ramirez, had help from prison director Edwin Gonzalez and assistant director Felipe Sandoval. They and 19 guards were arrested.

One of the recaptured prisoners said the escape leaders bought their way out with a US\$128,000 bribe. Attorney General Adolfo Gonzalez Rodas called the escape the result of a "shameful act of corruption." However, voices from outside the government said the blame extended beyond corrupt prison officials to take in top Portillo administration officials. Jose Quesada, former president of the CSJ, blamed the escape on laxness in the Interior Ministry and said Barrientos should resign. The escape took place during Fathers Day when visitors to the prison are thought to have smuggled in guns.

The armed prisoners shot their way out of the prison to waiting cars. Three police officers and two prisoners were killed during the escape. Some news reports said that, at the time of the escape, most of the 19 guards on duty were having lunch or resting and took no action to stop the escape.

One day before the prison break, the Policia Nacional Civil (PNC) received notice of the impending escape attempt. An unidentified caller said, "Several prisoners of the Granja de Rehabilitacion Canada, Escuintla, are planning a massive escape, possibly for tomorrow." The caller said the prisoners had help from prison officials and that they had grenades, pistols, and as many as five getaway vehicles. Although police warned prison authorities of the escape plan, no security precautions were taken. After reviewing recent arrests of prison authorities charged with facilitating

escapes, the daily Siglo Veintiuno concluded that the courts usually impose light sentences, and in most cases judges reverse the convictions or lower the sentences on appeal.

### *Government response causes concern*

Meanwhile, the escape and the government's response came under scrutiny from nongovernmental organizations. The Comision de Derechos Humanos de Centroamerica (CODEHUCA) said it had warned the government about conditions in the region's prisons two years ago. Alma Benitez, a CODEHUCA researcher, told Inter Press Service, "This escape is the consequence of what is occurring in Central America's prisons, where there are no work or rehabilitation programs." The state of alarm suspended constitutional guarantees protecting freedom of movement and restricting arbitrary behavior by police while arresting and interrogating suspects. Thirty human rights organizations protested the state of alarm and asked the Corte de Constitucionalidad to declare it unconstitutional.

Miguel Sandoval, director of the Movimiento Ciudadano por la Justicia y la Democracia, told Spanish News Service EFE that the state of alarm suspended civil guarantees that are inalienable and cannot be rescinded according to the American Convention on Human Rights. Furthermore, said Sandoval, a state of alarm can only be declared if the country is about to be invaded or suffer a major national calamity. The escape has also become a partisan political issue in Congress as opposition parties accuse the governing Frente Republicano Guatemalteco (FRG) of avoiding debate on the matter. FRG congressional leaders blocked efforts to debate various opposition proposals, going so far as to walk out of the chamber to break the quorum.

Mario Flores, leader of the Unidad Nacional de la Esperanza (UNE) deputies, accused Congress president Efraim Rios Montt of breaking congressional rules by refusing to bring the issue to the floor for debate. UNE deputies want to blame the administration for the escape, fire Barrientos and Sistema Penitenciario director Yuri Bucaro, and investigate conditions at the Granja Canada. Barrientos has suggested he might ask the military to take over the prison system to rid it of corruption. He also suggested the system could be privatized. Although human rights groups called militarization unconstitutional and a violation of the 1996 peace accords, the military has already taken over the system under a presidential decree authorizing a 60-day period of "exceptional and limited" help from the military.

### *Portillo repents, calls for reconciliation*

In a June 20 message, Portillo issued what appeared to be a message of general personal repentance for his aggressive attitude in office. "I have been hotheaded, I have made mistakes, and I have been confrontational," he said. Explaining that in various confrontations, he had not acted in a positive manner or in the best interests of the country, he called for reconciliation with the sectors he had offended.

Portillo uncharacteristically praised the press for its handling of the escape-crisis story and confessed that, while he was busy preparing speeches to counter his critics, the escape was taking place. He asked for patience during the state of alarm and said crime had become the primary

concern of his administration. He said corruption in the penitentiary system was so bad that US \$128,000 was enough to buy a prison break of this magnitude.

On June 25, Portillo said he would appoint a commission to study the penal system and then restructure it. But he declined to fire Barrientos.

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