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## Guatemala News

by LADB Staff

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Many aspects of the 1996 peace accords have yet to be implemented, including reforms in the armed forces. Even as the military has been reduced in size, its budget continues to expand. The murder of an employee in a prominent human rights organization exemplifies a recent increase in human rights abuses. Little progress has been made in an investigation into the possible use by the vice president of government facilities to attack an administration critic. The investigation of money transfers to secret offshore bank accounts, allegedly made by the president and vice president, has also stalled.

### *Military still not in compliance with 1996 peace accords*

In a December 2001 editorial, the daily Prensa Libre said the 1996 peace accords had done almost nothing except end the war in Guatemala. One reason is the loss of interest by the political parties, which have concentrated on their own internal struggles and electoral affairs, the newspaper said. A survey by the daily Siglo Veintiuno in May found that leaders of the six political parties in Congress were satisfied with their work and were focusing on the 2003 elections, even though the session does not end until January 2004. Lacking are important reforms related to the peace accords such as legislation to guarantee indigenous peoples' participation in state institutions, legal recognition of indigenous languages, reforms in the land-registry system, and redefining the role of the military.

Last year, Alianza Nueva Nacion (ANN) Deputy Nineth Montenegro asked the UN to apply sanctions against President Alfonso Portillo's administration for authorizing a military budget larger than the maximum set by the accords. The accords required a one-third reduction in the military budget and an upper limit of 0.66% of GDP. The budget rose to 0.83% of GDP in 2000 and to 0.96% in 2001 even as the number of troops declined by 15,000. Military spending for 2001 reached US \$198 million, 83% higher than its original allocation of US\$108 million. Many original projections appeared to be mere guesses as in the case of the line item for military equipment and security, which was first allocated at US\$100,000 but ended up costing US\$16.6 million.

Portillo said most of the extra budget allocations was for feeding the troops. Analysts said, however, that the military's own figures showed it spent far less on food than anticipated in its original budget request. A report in May from the UN human rights verification team (MINUGUA) raised questions about the military's failure to redefine its role. After 1996, the military began deploying troops to work on road construction, and medical and other services, normally considered the job of civilian authorities, in apparent violation of the accords.

Recent administrations have managed to place the armed forces under civilian administrative controls. However, a study by Carmen de Leon Escribano of the Instituto de Enseñanza para el Desarrollo Sostenible said that defense ministers continue to make decisions on their own because the civil authority remains weak and indecisive, as the uncontrolled military budget testifies.

Portillo, a president who does not have his own party and lacks a coherent program, has depended on the armed forces for support, de Leon Escribano wrote.

Human rights workers under attack Political analysts consulted in February by the Inter Press Service said Guatemala faces a crisis this year from rising crime and unresolved human rights cases. "This year, the future of the peace accords is at stake," said sociologist Orlando Blanco, head of the nongovernmental Coordinadora Nacional de Derechos Humanos de Guatemala, (CONADEHGU). In recent months, there has been an upsurge in complaints about human rights abuses.

In April, Guillermo Ovalle, an accountant for the Fundacion Rigoberto Menchu, was murdered. Foundation officials blamed it on "clandestine structures of repression." They noted that the assassination took place four days after a Spanish court decided to hear a suit the Fundacion Menchu filed against former President Efraim Rios Montt (1982-1983) and others for alleged human rights crimes. Police have resisted treating the Ovalle murder as a political assassination, but the murder coincides with threats against forensic anthropologists examining the remains of thousands of civilians killed during the war.

Fredy Peccerelli, director of the Fundacion de Antropologia Forense de Guatemala (FAFG), which is doing the work, fled the country along with three others after receiving death threats. An advisor to the FAFG told The New York Times that its investigation was getting close to implicating former military officers including Rios Montt, who is now head of the governing Frente Republicano Guatemalteco (FRG) and president of Congress. The Movimiento Nacional de Derechos Humanos (MNDH) reported that, so far this year, there have been 19 reported political assassinations, six assassination attempts, 20 illegal searches of human rights offices, and death threats against 69 human rights activists. Mario Polanco, director of the human rights organization Grupo de Apoyo Mutuo (GAM), said there had been 250 attacks on human rights workers by clandestine groups since Portillo and the FRG came to power in 2000.

An Amnesty International (AI) report in February documented the failure of the judicial system to address the recent reappearance of what has been called a "human rights meltdown." Portillo's appointment of former military intelligence officer Byron Barrientos as interior minister in 2000 (see NotiCen, 2000-08-03)) suggested to the human rights community that Portillo was not interested in attacking impunity or protecting activists. Following Barrientos' appointment, these organizations noted an increase in repression. Barrientos was forced out of office last year and faces imprisonment on various corruption charges (see NotiCen, 2001- 12-06).

With some 40 complaints daily about threats to human rights workers, Attorney General Carlos de Leon said in late May he would appoint a special prosecutor to lead the investigations. At the same time, Portillo said he would set up a high-level commission to examine allegations of threats and intimidations against human rights workers. Vice President Juan Francisco Reyes Lopez will head the commission. The announcements were made a few days before the arrival of UNO special rapporteur Hina Jilani, who had been invited by Portillo to review Guatemala's human rights situation.

Vice President Juan Francisco Reyes Lopez still under cloud Authorities are having difficulty pursuing the case against Vice President Reyes Lopez for his alleged use of the government printing office (Tipografia Nacional) to print fliers attacking businessman Jorge Briz, an administration critic (see NotiCen, 2001-10-25). The printing office director, who said Reyes Lopez had placed the order to print the fliers, soon fled the country because of death threats, as did an opposition deputy.

One witness, Cesar Rodas, an employee at the plant, was murdered in April. Hearing that, Silvia Mendez, another witness, said she would not return from exile to testify. The FRG has used various dilatory tactics to prevent Congress from voting on an *antejuicio*, the parliamentary process to remove a lawmaker's immunity from prosecution. Besides the *antejuicio* in connection with the fliers allegations, Unidad Nacional de la Esperanza (UNE) Deputy Anabella de Leon filed another request for an *antejuicio* against Reyes Lopez for interfering with congressional powers. She said a letter Reyes Lopez wrote to independent Deputy Emilio Saca, chair of the congressional investigating committee reviewing the case, constituted an abuse of authority and a violation of the separation of powers.

In the letter, the vice president accused Saca of trying to damage the FRG through unethical and immoral means and asked him to resign as the committee chair. In a veiled threat, Reyes Lopez suggested that anyone could bring proceedings to remove immunity from any deputy. An editorial in *Siglo Veintiuno* said Reyes Lopez' attempt to pressure the committee "could not have better clarified the extremes to which Reyes Lopez would go."

Opposition party members on the committee complained that the three FRG members who made up a majority voted with Rios Montt's backing to suspend the committee's work because a request for an injunction against the *antejuicio* was pending in court. The same committee had received but ignored new evidence tying Reyes Lopez through telephone calls and a printing order to the fliers case. The press raised questions about Reyes Lopez and other high officials last year for submitting incomplete declarations of their assets. In declaring his assets as vice president, Reyes Lopez showed a fourfold increase in his wealth between 1996 and 2000.

Then in 2002 another financial scandal erupted involving Reyes Lopez in illegal million-dollar transfers to foreign banks (see NotiCen, 2002- 03-21). President Portillo eludes prosecution on bank-account charges In mid-May, FRG leaders rejected a report from a congressional committee investigating the 13 secret bank accounts Portillo, Reyes Lopez, and others opened through dummy corporations in Panama and elsewhere. The report asked Congress to pass along to the attorney general the information it had collected on the accounts and money transfers. The committee found there was sufficient evidence to bring charges of illegal acts such as illicit enrichment, embezzlement, and abuse of authority. Some evidence suggests the group may have transferred as much as US\$1.5 million per month out of Guatemala.

Attorney General Carlos de Leon Argueta, who took over the office in May, promised a thorough investigation and results in 90 days. The nongovernmental *Movimiento Civico por Guatemala* filed a request with the *Corte Suprema de Justicia* (CSJ) to remove Portillo's immunity. The court duly sent the request to Congress, which set up an investigating committee to consider suspending Portillo

from office while he faces criminal charges. As an outgrowth of the investigation into the accounts and transfers, Portillo is being accused of using state assets in the commission of the alleged crimes.

Government records are showing that Portillo allowed his relatives and associates who may have been involved in the money-transfer scheme to use the presidential jet to travel to Panama on several occasions and for trips to undisclosed locations without divulging the passenger list. On at least one trip, passengers were said to have included singer Julio Iglesias and designer Oscar de la Renta. After traveling to Madrid May 12 to attend the Second European Union-Ibero-American and Caribbean Summit, Portillo disappeared, returning to Guatemala later than scheduled without immediately saying where he had gone or what state business he had conducted.

An administration spokesperson at first said Portillo had gone to Rome to consult on the forthcoming papal visit to Guatemala. Later, they retracted that explanation and said Portillo had gone to London to visit his daughter. They said nothing in the Constitution prohibits the president from altering his travel plans. UNE deputies summoned Luis Mijangos, secretary general of the presidency, to answer questions on this and other presidential trips. UNE Deputy Ricardo de la Torre charged that high-ranking members of the administration had spent US\$6.6 million on travel since taking office in 2000, and that Portillo had spend US\$1.7 million of that total on 41 trips. The amounts did not include recent official trips to Costa Rica and Spain.

"With this amount, how many school breakfasts could they have given out, how many textbooks...and how much medicine for hospitals?" de la Torre asked. Siglo Veintiuno complained that, unlike other Central Americans whose presidents gave public reports on the Madrid summit, Guatemalans were still waiting to hear what happened there.

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