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Government Accused Of Complicity in Threats to Human Rights Defenders

by LADB Staff

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A UN special human rights rapporteur who carried out a five-day investigation in Guatemala in late May concluded that clandestine armed groups were making threats and committing abuses against human rights defenders and other social activists.

The UN representative, Hina Jilani of Pakistan, said credible evidence linked clandestine groups to the army and national police. Guatemalan President Alfonso Portillo has questioned Jilani's conclusions. Jilani's visit was a result of ongoing complaints by human rights groups. Human rights leaders in Guatemala claim that there have been approximately 150 cases of violence against members of human rights groups during the Portillo presidency.

Guillermo Ovalle, treasurer of Fundacion Rigoberta Menchu, was murdered in April (see NotiCen, 2002-05-30). Minutes after the killing, foundation members reported receiving an anonymous phone call with a funeral march playing in the background. Ovalle's murder also coincided with threats against forensic anthropologists carrying out exhumations of mass graves dating from the civil war. Ovalle's murder came only days after a Spanish court had agreed to hear the foundation's complaint against former de facto president Gen. Efraim Rios Montt (1982-1983) and others for alleged human rights crimes during the country's civil war (see Update, 1991-03-06).

Amnesty International claims that Rios Montt, head of the governing Frente Republicano Guatemalteco (FRG), is directing the clandestine groups that threaten and commit abuses against activists who investigate atrocities committed during the war. Rios Montt is now retired from the military and serves as president of the Guatemalan Congress, although a corruption scandal forced him to turn effective control of that body over to his daughter, who is also a legislator (see NotiCen, 2001-04-19).

UN representative denounces "climate of fear" in Guatemala In her five-day visit, Jilani held nearly fifty meetings with human rights defenders, trade unionists, campesino leaders, religious figures, and government leaders, including Portillo, Cabinet ministers, and the head of the Corte Suprema de Justicia (CSJ). On May 31, Jilani said there was "a climate of fear" in Guatemala, where defenders of human rights were submitted to "attacks, spying, disappearances, and even death." "Pro-human rights NGOs [nongovernmental organizations], campesino leaders, defenders of land rights, forensics experts, judges, lawyers, and religious people work in uncertainty," she said. Jilani said the principal victims are those who investigate human rights abuses committed during the internal conflict.

The UN human rights verification team in Guatemala (MINUGUA) claims that the groups responsible for those acts of violence are composed of ex-members of the military. "Although I have

not received proof of a link of the army and national police to clandestine groups, I have listened to reliable accounts that it exists," the UN rapporteur said. Jilani's observations are consistent with a report published by the Facultad Latinoamericana de Ciencias Sociales (FLACSO). The report, *The Time of the Shadows: Reflections about Terror in Guatemala*, analyzes the resurgence of terror as a political instrument utilized by the state.

Margarita Carrera, who summarized the FLACSO report in an opinion piece in the Guatemalan newspaper *Prensa Libre*, contends that state terror has not ended despite the 1996 peace accords. She said bureaucrats at the service of state terror "continue operating freely, sheltered by the traditional impunity." Carrera contends that the Guatemalan military sees "any act that implies bringing to justice officials involved in violations of human rights" as "an act of vengeance that cannot be tolerated." Carrera notes the cynicism of state institutions that "deny the existence of the perpetrators of terror, whom they designate as unknown armed men."

The alleged complicity of the army and police in human rights abuses also seems to be corroborated by the recent report of the human rights office of Guatemala's archdiocese (Oficina de Derechos Humanos del Arzobispado, ODHA). The report indicates that clandestine groups that threaten and harass social activists operate under the protection of the government, which continues to place military figures in posts that should be occupied by civilians.

At the close of her visit, Jilani said she was "highly concerned about the persistence of impunity in the country." She demanded that the government "unmask" the leaders of clandestine groups, claiming that ignoring the attacks against human rights organizations would "encourage the aggressors and make human rights defenders more vulnerable." Jilani also expressed concern about the lack of funds for the Public Ministry (Ministerio Publico, MP) and the human rights prosecutor's office (Procuraduria de Derechos Humanos, PDH).

Sergio Morales, the new head of the PDH, said his office receives only one-third of what it needs to be effective. In late May, the MP assigned a special prosecutor, Tatiana Morales, to investigate threats and harassment against human rights activists, but the ministry was unable to provide her with an office, desk, or vehicle. In late May, unknown assailants sacked a house owned by Morales' parents. She does not dismiss the possibility that the break-in was a warning against her. "The strangest thing is that they broke into the house one day after I said I was going to fight the clandestine groups," she said.

Portillo attempts to discredit UN representative's report

The Portillo administration is suggesting that the human rights groups that gave Jilani information exaggerated their grievances. Portillo's spokesperson Byron Barrera acknowledged that there were problems, but he insisted that the state did not have a policy of violating human rights. Portillo questioned Jilani's claims about the existence of paramilitary groups with links to the army and national police. He said that, in Guatemala, no one was capable of knowing the "absolute truth" and that anybody who said otherwise was a "liar." He claimed that Jilani's interpretation was "very subjective" and suggested that she needed to listen to "all versions" of the story. The president also

said he had created a commission to investigate alleged threats and abuses against human rights activists.

The commission is headed by Vice President Francisco Reyes and presided over by Interior Minister Eduardo Arevalo Lacs and Secretary of Strategic Analysis Edgar Gutierrez. "We're going to investigate case by case, but if they [the human rights defenders] don't help us and they don't give us information, it's going to be very difficult," Portillo said. Human rights groups angered by president's response Portillo's criticisms of Jilani angered human rights activists.

Frank La Rue, director of the Centro de Accion Legal para los Derechos Humanos, said, "It seems irresponsible to me that the president expresses himself like this about an international collaborator when democratic countries should be grateful for those types of suggestions." Eleonora Muralles of the group Familiares y Amigos de Desaparecidos asked that Portillo take Jilani's suggestions seriously and comply with her recommendations. Helen Mack, whose sister Myrna Mack was killed in Guatemala in 1989 while investigating human rights abuses (see NotiCen 1999-02-11), said the government should not evade its constitutional responsibility to act. Mack, who now heads Fundacion Myrna Mack, said, "We're not the ones responsible for investigating; they not only have the obligation but the infrastructure to do it."

In view of the Portillo administration's apparent reluctance to go after the alleged clandestine groups, 25 human rights organizations have refused to work with Portillo's newly appointed commission. They say they are not closed to a dialogue with the government but it has to be conditioned on the identification, capture, and prosecution of members of the clandestine groups presumed to be responsible for the repression. They also reject cooperation with the commission because they believe state institutions, not ad-hoc mechanisms, should solve the problem.

Opposition Deputy Nineth Montenegro of Alianza Nueva Nacion (ANN) said Portillo often calls together ad-hoc commissions to give the appearance that he is concerned about pressing social issues, but, ultimately, no action is taken. Mack agreed, saying, "A commission is a way for them to say that they're doing something when you know that nothing will get done." La Rue believes that "the government knows perfectly well who these clandestine groups are." The problem, he says, is that "the government is unwilling to take any action to stop them."

There is little doubt that the appointment of Arevalo Lacs to Portillo's commission also made human rights activists skeptical (see NotiCen, 2001-12-06). Arevalo Lacs was once the head of the Guatemalan army's infamous Kaibil school, which trained soldiers blamed for some of the worst atrocities during the civil conflict. The army's continuation of this military school, which still trains its forces for a counterinsurgency war, is a source of discontent among human rights activists, who believe the school should be abolished. Rejecting what they saw as hollow overtures from the president, the human rights groups announced they would call upon the Inter-American Commission of Human Rights (CIDH), a body of the Organization of American States (OAS), to take cautionary measures in recognition of their situation of "vulnerability."

On June 13, the CIDH expressed concern about the threats against Guatemala's human rights defenders. The CIDH emphasized the state's obligation to "protect the life and physical integrity of

human rights defenders and to guarantee them the full exercise of their activities in favor of human rights."

Anonymous letter threatens human rights groups, journalists

After Jilani's departure, 11 journalists and human rights groups received anonymous threatening letters. The letters, addressed to "enemies of the fatherland," accused "pseudo-human rights groups" and their sympathizers of "devoting themselves to tarnishing the image of the fatherland and the triumph of democracy over communism that was won with the blood of our heroic soldiers." The letter denounced the recipients for "kissing the feet" of Jilani. Instead of silencing the human rights groups and journalists, the letter only seemed to heighten their criticism of clandestine groups and the Portillo administration. Prensa Libre columnist Victor Ferrigno called the clandestine figures "cowards" for not showing their faces.

Another Prensa Libre columnist, Carolina Vasquez Araya, wrote, "Whatever blind person leads these retrograde and sick groups is only capable of demonstrating that he never moved beyond the 14th century and that the social advancements and democratic processes are too complicated a phenomenon to be assimilated into his poor mind." In response to the new threats, Jilani sent a letter to Portillo demanding respect for the physical and moral integrity of threatened activists. She reminded him of a 1994 human rights resolution that obligates the government to stop intimidation and repression against individuals and groups that cooperate with the UN.

The international organization Reporters without Borders called for a rigorous investigation to bring the authors of these threats to justice. Conversely, Guatemala's Congress has demonstrated little concern about the issue. On June 13, Congress rejected a resolution from Deputy Montenegro condemning the latest death threats.

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