

Rights Action – January 6, 2011  
Guatemala Impunity Watch

**BELOW:** Article, by Annie Bird, explaining the underlying causes of impunity, violence and repression in Guatemala

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**GUATEMALA UNDER SIEGE – TWO STEPS BACKWARDS:  
A Bus Massacre, A State of Siege in Alta Verapaz and  
the Parallel Drug State in Guatemala**

By Annie Bird, [annie@rightsaction.org](mailto:annie@rightsaction.org), January 5, 2011

Guatemalan papers this morning printed the words of a father struggling with how to tell his remaining children that their mother and two siblings were among the seven killed yesterday, January 4, by an incendiary device planted by gangs that set fire to a bus in Guatemala City.

Terror is a constant in everyday life in Guatemala. Reports of tortured bodies and massacres fill the print media and airwaves, everyday. Guatemalans have come to expect increased levels of violence over the holidays and in the months leading up to elections; today Guatemala is facing both.

On Sunday, December 19, President Colom of Guatemala declared a State of Siege for the department of Alta Verapaz "to fight drug traffickers". Military and police forces can now, in Alta Verapaz, detain anyone, without arrest warrants; other fundamental rights like the right to assembly have been suspended.

Social movement organizations in Guatemala live first-hand the terrible violence, and know how desperately Guatemalans want something done to combat violence. However, organizations fear that handing over blanket powers to the very same forces that have shown, incident after incident, that they are pervasively compromised or controlled by organized crime networks, is not the path to turning back the siege of violence in Guatemala.

Community organizations and human rights activists point out that Alta Verapaz has one of the highest levels of agrarian conflict in Guatemala. Much of this conflict is between campesino and indigenous communities and large landholders, often with ties to organized crime that control and manipulate the justice system and the security forces; forces that could take advantage of a State of Siege to repress human rights and community defenders.

It is also significant that over the past several months, municipalities in Alta Verapaz have been carrying out community consultations, expressing their opposition to hydroelectric dam projects that are planned throughout Alta Verapaz, without the consent of affected Qeqchi communities. The State of Siege prohibits assembly, making such consultations impossible.

(One proposed mega-"development" dam project – the Xalala dam – is down river from the infamous Chixoy hydro-electric dam project [1975-1983] that resulted in the illegal, forced eviction of dozens of Mayan Achi communities and the massacring of over 440 men, women and children in the village of Rio Negro. The Chixoy dam project was initiated and funded by

the World Bank and Inter-American Development Bank. To date, no compensation or reparations have been given to the victims of the forced evictions and massacres).

Guatemala is living through a complex time, as are many Central and South America nations, as the people struggle to deconstruct authoritarian, corrupt and violent political, economic, legal and repressive structures that were invested with brutal power during the "Cold War," and in turn to construct effective democratic institutions.

### **ONE STEP FORWARD ... !**

The long complex battle to name an Attorney General in Guatemala recently turned out unexpectedly well. Some questions are whether the new AG – a woman – will be able to clean up the institution and to what degree will other key elements of the justice system, like the courts and security forces, remain under the control of organized crime?

The violent experience of neighboring Honduran president Manuel Zelaya, not just that his government was ousted in June 2009 by a military coup, but in the difficulties faced throughout his presidency, demonstrates that simply being President in no way means control of the State.

### **PARALLEL 'GOVERNANCE' vs. DEMOCRACY**

Anyone who lives in Guatemala can tell you that in several departments, not just Alta Verapaz, drug traffickers have gained territorial control over large areas of the country. This means that they control the land, the population and the government in large areas of the country. They do this principally by infiltrating the State, particularly the security forces and the justice system.

Depending on the pervasiveness and influence exercised by these parallel structures of power, organized crime controls to a greater or lesser degree the State.

These 'parallel structures' are nothing new in Guatemala, El Salvador or Honduras; and neither is the extreme violence and repression associated with them.

Over the past decade, levels of violence in the three countries have grown to earn the region the distinction of having the highest murder rate in the Americas and possibly the world, surpassing the levels of violence during the "internal armed conflicts" that the nations suffered in the 1970s and 1980s.

It is clear that the parallel networks that control entire regions in Guatemala today are built upon the foundations laid in the 1980s, when the military, police and paramilitary death squads carried out political violence mainly against the civilian population, and also against the small armed revolutionary movements, and at the same time engaged in a range of criminal enterprises, including drug trafficking.

It is also clear that there was nothing "internal" about the conflicts of the 1980s; just as organized crime networks today are by nature transnational, so were the networks in the 1980s. And just as the repressive sectors of the armies, police and death squads of the 1980s, which have morphed into today's organized crime networks, often had a right wing political agenda, it is clear that at least some of today's crime networks maintain a right wing political agenda.

After over ten years of heavy presence by the United Nations in Guatemala, in the form of a technical mission (MINUGUA) dedicated to overseeing the peace process, an innovative

commission was created to fight corruption, precisely those parallel networks that have taken over the State.

CICIG (the International Commission Against Impunity), which acts in partnership with the Attorney General's office to investigate and prosecute corruption and organized crime networks in the State, was established in the end of 2007 and its mandate, scheduled to expire in 2011, was recently renewed by President Colom until 2013.

### **DECEMBER 10 – CLAUDIA PAZ NAMED GUATEMALA'S ATTORNEY GENERAL: A FIRST IN MANY WAYS**

On May 25, 2010 President Colom named a Guatemalan attorney, Conrado Reyes, as the nation's new Attorney General. What was a fairly routine political appointment passed unnoticed by most for several weeks, until Carlos Castresana, the renowned Spanish judge that headed up CICIG, resigned in protest.

In a dramatic press conference, he described how in the few weeks since Reyes had taken control of the AG's office, Reyes had set about firing and intimidating honest public prosecutors, destroying ongoing investigations, and demonstrated links to organized crime networks.

Colom fired Reyes, after a June 10 Constitutional Court ruling found flaws in the process by which he was named. In Guatemala, a Postulation Commission - comprised of representatives from law schools and the bar association - receives applications to the position of AG, and selects a list of six candidates that they present to the President.

The President must choose from that list, and by most accounts all of the candidates presented alongside Reyes appeared to have connections to organized crime or reasons to doubt their capacity to serve as AG.

Following Reyes' firing the Postulation Commission came up with the same list of candidates! What followed was a six month struggle to get a new list of candidates, without apparent ties to organized crime, which meant using public shaming to force the institutions that comprise the Postulation Commission to name new representatives.

Finally, on December 10 Colom named Claudia Paz y Paz Bailey, the first woman to serve as AG of Guatemala. Paz is among the founders of the Institute of Penal Sciences of Guatemala, a leading voice for justice reform in Guatemala. She also served on the United Nations-sponsored truth commission in Guatemala. Her appointment has been widely applauded.

### **THE PEACE ACCORDS CREATED CIVILIAN POLICE: CRIMINAL ACTIVITIES CONTINUED**

The cleansing of the police and military has been a constant issue for many, many years. The 1996 Guatemalan Peace Accords mandated the dismantlement of the infamous National Police and Ambulatory Military Police, implicated in massive gross human rights violations, and criminal activities in the 1980s.

Large numbers of demobilized soldiers were recycled into the new National Civil Police force. The Peace Accords mandated the reduction of the size and functions of the military, prohibiting military participation in policing. The size of the Guatemalan military shrunk from almost 55,000 soldiers to approximately 15,000 in 2007.

A similar process happened in neighboring El Salvador, while no reform occurred in Honduras.

Nonetheless, the years that followed the peace processes, in Guatemala and the region, saw incident after incident implicating both police and military in drug trafficking.

Paradoxically, though drug trafficking in Guatemala originated in the military, the military is increasingly being called upon for policing activities, though prohibited by the Peace Accords, as stated above, and despite the fact that there is no indication that powerful sectors of the armed forces do not continue to command drug operations.

Colom's administration was the first since the Peace Process to increase the size of the military, currently slightly over 17,000 troops and expected to grow by 3,000 over the next year.

The two major drug networks operating in Guatemala, the Zetas and the Gulf Cartel, are both known to be comprised largely by former military. Though the degree to which current military is involved is not clear, their involvement is not in doubt. Incident after incident demonstrates massive corruption within the police; however, the highest levels of drug trafficking began in the military.

#### **CLEANING OUT THE POLICE AND MILITARY:**

##### **THE KILLINGS OF A GENERAL AND OF A FORMER COLLEAGUE OF OLIVER NORTH**

In January 2008, the current president Alvaro Colom assumed office, and two strange killings that year offer a glimpse into the difficulties implicit in cleaning out the military and police forces.

Venezuelan Victor Rivera was fatally shot while driving in Guatemala City on April 7, 2008, one week after his contract as a security advisor to the Guatemalan government was not renewed, a position he had occupied since at least 2000. He came to Guatemala in 1997, fleeing an arrest warrant in El Salvador, where he originally arrived in the early 1980s to work with Oliver North in his illegal Contra support operation, where according to one former DEA agent, Rivera was involved in "drug trafficking, kidnapping and training death squads."

After North's operation was shut down, Rivera, alias "Zacarias," was hired as an advisor to the El Salvadoran Vice Minister of Security Hugo Barrera, where he helped out with the formation of the new Civil Police Force, creating parallel structures, death squads, within the new force. The squad he coordinated was implicated in the 1996 killing of a medical student, and a warrant was issued for Rivera's arrest.

He fled to Guatemala where the new National Civil Police was still in the process of formation. Rivera was hired to advise the Minister of Governance. CICIG's investigations of the activities of death squads in 2006 revealed he apparently again formed death squads.

Then CICIG director Carlos Castresana named a former head of the Gulf Cartel as a suspect in Rivera's death, and characterized the two as long time acquaintances.

Another killing that offers a glimpse into the organized crime, military/ police nexus was that of Guatemalan General Mauro Antonio Jacinto Carrillo, alias "Geronimo." According to Guatemala's most recognized newspaper editor, Jose Ruben Zamora, Jacinto Carrillo in August 2008 explained that for four years he had coordinated an informal group of military officers who met with and advised then presidential hopeful Alvaro Colom about the infiltration of the military by organized crime networks.

Early in Colom's administration Jacinto Carrillo was rumored to be Colom's favored candidate for Minister of Defense. By July 2008, when Jacinto Carrillo in despair and fear met with Ruben Zamora, he reported that the same old actors implicated in organized crime still controlled the highest levels of the Ministries of Defense and Governance.

A few weeks later, shortly after reporting all of this to the US Embassy at Zamorra's insistence, Jacinto Carrillo was gruesomely tortured and killed.

Over the past six months renowned human rights advocate Helen Mack has worked to bring life to a commission for police reform, but she publically denounced the lack of political will within the Congress to provide the budget necessary to implement her plan to clean up the police. Organized crime's influence within the Congress has been repeatedly demonstrated. In October, the Colom administration approached the UNDP with requests for the necessary funds to support efforts to bring life to this commission.

### **THE 1980s IN CENTRAL AMERICA: DRUG SMUGGLING AND THE WAR AGAINST "COMMUNISM"**

While the people of Central America and Mexico suffer the excruciating consequences of drug trafficking, the US people and government do not fully and truthfully address our role and responsibility. The United States provides not only the massive drug market and sets the policy agenda in framing the "War of Drugs", with all the repression and violence that implies, but also has not come to terms with the role that agencies and agents of the US government have played and possibly continue to play in drug trafficking.

The history of US government involvement with drug trafficking networks in Central America in the 1980s has been amply documented through Department of Justice, Central Intelligence Agency and US Congress investigations and published in reports that demonstrate, along with declassified documents, that CIA operatives and other high level government officials, tolerated and even apparently promoted drug trafficking by their allies in the Contra forces that attacked the Sandinista government in Nicaragua from neighboring countries (Honduras and Costa Rica), and promoted the investment of drug money in the Contras, especially with the Medellin cartel, which shared an anti-communist political agenda along with the United States.

A National Archives report released this month, "Hitler Shadow," confirms that Nazi war criminal Klaus Barbie was employed by the US army Counter Intelligence Corps (CIC) to spy on German communist organizations in the wake of World War II, and that the CIC then facilitated his escape to Bolivia. His later role in helping coordinate an alliance between drug traffickers and right wing military to perpetrate the bloody 1980 Cocaine Coup in Bolivia has been documented.

Investigator Robert Parry points to the 1980 coup in Bolivia as critical to first securing a large scale, constant flow of coca paste to Colombia to be processed into cocaine by the Medellin cartel, propelling the Medellin operation to large scale trafficking.

He also cites testimony to the US congress by an Argentine military officer who collaborated with Bolivia's right wing coup government, as implicating the Cocaine Coup government in the investment of more than \$30 million dollars in right wing paramilitary operations in Latin America, including funds to get the Contra operations started with money laundered in Miami.

The Argentine military first provided support for the Contra operation, and then the CIA took over. United States support of the Contra was coordinated by Oliver North, with the help of Victor Rivera, the security advisor to the Guatemalan government whose 2008 killing CICIG linked to the Gulf Cartel.

(It is interesting and important to note that Nicaragua, where security forces were dismantled by the Sandanista government in 1979, today does not suffer from the high levels of violence and repression that its neighbors suffer, nor the same levels of penetration of the State by drug networks, where – in Guatemala, El Salvador and Honduras - drug trafficking took root among the security forces involved in "anti communist" and "counter insurgency" operations in the 1980s.)

Generalized terror in Guatemala, and in El Salvador and Honduras, is overwhelming and ... normal. Organized crime controls, to significant degrees, many elements of the State in each country, and they have done so, to varying degrees, for a long time.

Policies and actions of the United States have contributed decisively to the existence of these 'parallel states', and to the generalized state of terror, historically and currently. If the United States in truth wishes to help stop the terror, it must begin with a truthful examination of its role in entrenching organized crime in power in Guatemala, but also Honduras and El Salvador.

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## **RIGHTS ACTION**

Originally founded in 1983, Rights Action is a not-for-profit organization with tax charitable status in the US and Canada. The Canadian Rights Action Foundation, founded in 1999, is independent from and works in conjunction with Rights Action (USA). Since 1995, Rights Action has been funding and working to eliminate poverty and impunity and the underlying causes of poverty and impunity in Guatemala and Honduras, as well as in Chiapas (Mexico), Salvador and Haiti. We directly fund and work with community-based development, environmental, disaster relief and human rights organizations. In 2010, we sent over \$715,000 to our community-based partner organizations. We also educate about and are involved in activism aimed at critically understanding and changing unjust north-south, global economic, military and political relationships. ([info@rightsaction.org](mailto:info@rightsaction.org)/  
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