

Rights Action  
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## **Guatemala: Suppressing Dissent at Home and Abroad**

By Patricia Davis, April 24, 2014

<http://fpif.org/guatemala-suppressing-dissent-home-abroad/>

It's a rare occasion when the president of a small Central American country tries to get a U.S. Senate aide fired. But Guatemala's Otto Pérez Molina is not having the typical term.

Pérez Molina presided last year over the sharpest escalation in targeted attacks on human rights defenders since Guatemala's armed conflict ended in 1996. Attacks on human rights defenders—a term encompassing journalists, judicial workers, unionists, indigenous leaders, and others working for basic rights—increased last year by 126 percent, by far the greatest jump recorded in any year in post-war Guatemala.

Eighteen human rights defenders were assassinated, a 72-percent increase over 2012, even as the country's general murder rate has decreased. Also last year, President Pérez Molina was accused of participating in genocide. A former soldier testifying during the trial of former dictator General Efraín Ríos Montt swore under oath that President Pérez Molina had committed atrocities.

Still, Otto Pérez Molina was hoping that the United States would restore military aid to Guatemala, which has been restricted for decades because of human rights abuses. He achieved a measure of success. The United States recently lifted the outright ban on military aid to Guatemala for the first time in 24 years.

The 2014 Appropriations Act instead links any future resumption of military aid to the fulfillment of several specific conditions that the State Department must certify. These conditions include ensuring that the military is cooperating with prosecutions of human rights cases involving current and retired military officers and confirming that the government is taking "credible steps" to compensate communities affected by the government massacre of a Mayan community in the 1980s to make way for the Chixoy dam. International military education and training (IMET) funds also have

been held up, pending certification that the Guatemalan army has met key conditions.

Stung by the aid restrictions, Pérez Molina—perhaps inadvertently—gave the U.S. Congress a view into his government’s attitude toward dissent and the methods he uses to try to stifle it. He unleashed a disinformation and character assassination campaign, a tactic his administration is employing ever more frequently. The Guatemalan president’s target: Tim Rieser, majority clerk on the Senate State and Foreign Operations Appropriations Subcommittee.

“This has to do with the interests of a person, and we know exactly who he is, who believes he is the owner of Guatemala, being a Senate aide,” the president said in a February 5 news conference. He named Rieser, an aide for Senator Patrick Leahy, as the sole reason for the funding restrictions, stating—incorrectly—that Rieser had been maintaining the aid ban since 1977. Rieser began working for the subcommittee in 1989.

In any case, military funding was restored in 1982 and not cut off again until 1990. He said Rieser was “still living in the time of the armed conflict” and didn’t realize Guatemala had changed since 1977.

The president’s unprecedented attack on the Senate staffer made international news, prompting Senator Leahy to respond. “Rather than blame a staff member for a law passed by the U.S. Congress,” he wrote in a communique sent to the Guatemalan government, “Guatemalan officials should fulfill the state’s responsibility to implement the 2010 Chixoy reparations plan and its commitments under the Peace Accords.”

Pérez Molina, in spite of Leahy’s rebuke, persisted. In a three-page letter posted on the Guatemalan government’s website and sent to the U.S. Congress via the Guatemala chancery, he wrote, “The unwarranted and disproportional reaction expressed in the provisions of the Appropriations Bill makes it clear that Mr. Rieser, based on his scarce and outdated knowledge of the Guatemalan reality, has poorly advised and misled the Honorable Senators and Members of Congress.”

He added, “Only the misinformed or the malintentioned can state that Guatemala has not made significant advances to comply with human rights.” His government was calling attention to the “biased, partial, and

outdated assistance,” he said, because it was certain that that “the Congress of the United States requests from its aides a high professional and ethical standard.”

For Pérez Molina, the tactic is likely to have been a colossal misstep; he has curried no favor on Capitol Hill. The accusations most likely bounced off Rieser, who is highly respected, powerful, and well established after decades in the Senate.

For ordinary Guatemalans, though, who are increasingly the targets of government campaigns of smears, unfounded accusations, delegitimization, and criminalization, the results of such tactics can be devastating—and even deadly.

And for Guatemalan society as a whole, the consequences of crippling those who defend human rights will be enormous.

#### Suppressing Dissent at Home

The steps the Guatemalan government is taking to stifle dissent are careful and calculated. Last year the government filed 61 unsubstantiated criminal complaints against human rights defenders, holding some leaders for months on charges ranging from usurpation to terrorism.

Most of those targeted were indigenous leaders defending their land from transnational companies that are erecting large-scale mining projects, plantations of sugar cane and palm oil, and hydroelectric dams without the consent of communities.

Indigenous leader Roberto González Ucelo, for example, president of the Xinca Parliament in a community in eastern Guatemala, which has been opposing a mining operation [that of Tahoe Resources/Goldcorp Inc.], had an arrest warrant pending against him for seven months. Guatemala’s interior minister, Mauricio López Bonilla, accused him openly of being a hired assassin, a drug trafficker, and a terrorist. A court dismissed all charges for lack of evidence. Ruben Herrera, a community organizer opposing a hydroelectric dam, was detained on frivolous charges for nearly two months.

Journalists, too, have been sued, for charges ranging from slander and extortion to insulting the president. José Rubén Zamora, a respected

journalist in Guatemala who edits one of the major dailies and who in 1995 won a Committee to Protect Journalists International Press Freedom award, has spoken in the Guatemalan media about the campaign of intimidation he insists the president and vice-president are behind. “I know their script well,” he said in an October 2013 interview. “There are five steps: Attempt to bribe. If that fails, financial strangulation. If that fails, campaigns of character assassination, using all the means, and if that is not very effective, law suits, and finally, direct physical assaults.”

Step four has been tried and discarded. In November, the president sued Rubén Zamora but then, facing international pressure, later dropped the suit. Zamora believes Pérez Molina may now be planning his assassination.

Politically motivated murder isn’t rare in Guatemala—four journalists were assassinated in 2013. Interior Minister Mauricio Lopez Bonilla claimed that their killings were over personal matters, although investigators had established no motives.

Human rights defenders not subjected to lawsuits were still widely denounced in various media as Marxists, communists, and terrorists. The Guatemalan government has taken no action to tamp down these accusations, which the Inter-American Commission on Human Rights has termed hate speech. Confronted with this fact, the Guatemalan government told the Inter-American Commission it fully intended to respect freedom of the press.

Last October a group of Guatemalans representing various organizations went before the Inter-American Commission on Human Rights to denounce the campaign of intimidation, defamation, and criminalization directed at human rights defenders by pro-military groups, private enterprise, and the government. The human rights representatives noted that the government rarely investigates attacks on human rights defenders—only 2 percent of such attacks are ever prosecuted. They also told the Inter-American Commission that after the recent assassinations of some human rights defenders, a government official had said, “They got what they deserved.”

As if to prove the human rights defenders’ point, Interior Minister Bonilla—himself a former army officer—told Chamber of Industry members that the human rights defenders who had traveled to Washington to present that

complaint before the Inter-American Commission were extortionists and black-mailers, no better than the gang members that held up urban buses. He later clarified his remark, saying what he meant was that “there are people who are attacking the governability of the country.”

Claudia Samayoa, director of UDEFEGUA (the Unity for the Protection of Human Rights Defenders), told Spain’s Noticias de Gipuzkoa, “Unfortunately we have had state violence now for the past two years, and it’s the very government itself that is attacking journalists and human rights defenders.” In an email exchange, she explained, “I am referring to the criminalization but also to the actions from the army and the police in the framework of the constant stigmatization that the president and minister of the interior are carrying out.”

### Attacks on Judges

The widely hailed reformist Supreme Court judge, César Barrientos, was prophetic when two years ago he asked the International Commission Against Impunity in Guatemala (CICIG) to “identify the presence of a process aimed at disqualifying independent judges” and investigate whether they are being “criminalized with practices similar to those used against human rights promoters, and if this leads, for ideological reasons, to a purge of those who exercise independent judicial functioning.”

That process is now in full gear. In March, Barrientos committed suicide. He had complained of “psychological warfare,” including government threats to prosecute members of his family.

In April, the Guatemalan bar association, in a vote dominated by members linked to Pérez Molina’s party, suspended Judge Jazmin Barrios, notable for convicting former general Efraín Ríos Montt of genocide last year.

And Attorney General Claudia Paz y Paz, internationally recognized for her impartial and courageous prosecutions, is likely to be forced out in May, more than half a year before her term expires.

The International Commission of Jurists (ICJ) in a press statement warned, “The ruling suspending Judge Barrios suggests the existence of a pact of impunity in Guatemala among various sectors to prevent continuing advances in transitional justice and other areas of justice in Guatemala.” The ICJ called on CICIG to investigate this pact. In the opinion of the ICJ,

the bar association lacks the authority to impose such a sanction on Barrios.

Barrios, who recently received a Woman of Courage Award from the U.S. State Department, made clear that the charge the bar association based its ruling on—abuse of authority during Ríos Montt's trial—was one the Disciplinary Council of the Judiciary had already considered. The council absolved her. An attorney for Ríos Montt, Moisés Galindo, filed the charge, saying Barrios had disrespected and humiliated him. The ICJ stated that the trial was observed internationally and at no moment did any disrespect toward Galindo occur.

The argument to shorten Claudia Paz y Paz's term is equally dubious. The Guatemalan Constitution guarantees attorney generals a four-year term. In February, Guatemala's Constitutional Court ruled that Paz y Paz would have to step down in May, arguing that her term had officially begun in May 2010, when former Attorney General Arnulfo Conrado Reyes Sagastume was removed from office due to irregularities in his selection process. Paz y Paz, however, did not take his place until December 2010. She was expecting to continue in office until December 2014, as required by Guatemalan law.

These legal maneuverings have a chilling effect on all those working for justice. Ríos Montt, who was convicted of genocide last May before the verdict was annulled on a technicality, is under house arrest, and his trial is expected to continue in January. Various appeals have been filed, including one arguing that he and his co-defendant, former intelligence chief Mauricio Rodríguez Sánchez, should be amnestied. More than 60 judges have excused themselves from ruling on the amnesty issue.

The purging of the courts is particularly urgent for certain sectors of Guatemalan society. "The 2014 election of the courts and the public prosecutor will be the mother of all battles," wrote Phillip Chiccola shortly after Ríos Montt's conviction in a blog on the website of CACIF, Guatemala's powerful business lobby. "The next Supreme Court must confirm or reject—on appeal—the sentence. The next attorney general will define whether the persecution continues, if the trials are stopped, or if cases against the guerrillas are taken up. That is to say, the result of this trial will depend on who controls the judiciary."

After Judge Barrios' suspension, Iduvina Hernández, a prominent promoter of human rights who works for an organization called Security in Democracy, tweeted, "All that remains now is for those who committed genocide to complete their crime by prosecuting the witnesses."

The conditions certainly are being laid for more persecution, through the judiciary, of those seeking justice and defending their rights. It's a broad-based effort.

Former military officers and the wealthy of Guatemala whose interests are bound up with them have played a large role in harassing and attempting to oust judges that are willing to prosecute military officers for crimes of the past.

On entering office, Claudia Paz y Paz had started prosecuting cases against former military officials and police officers that had previously languished in the courts.

"We weren't going to allow ourselves to be led like sheep to the slaughter," said Ricardo Méndez Ruiz in a November 2011 interview with the Guatemalan daily *El Periodico*. He leads the so-called Foundation Against Terrorism, which over the summer put out various strident publications denying genocide and [accusing](#) human rights organizations of terrorism. He admitted the foundation wouldn't exist if not for Claudia Paz y Paz. "It's against the attorney general," he said, "for the love of God, I'm aiming at her."

Ricardo Sagastume Morales, the lawyer who first posed the complaint in the Constitutional Court arguing that Paz y Paz's term should end in May, was a presidential candidate for the far right-wing National Convergence Front party, composed largely of former military officers. Sagastume is also the former director of Guatemala's Chamber of Commerce.

The tactics of the Foundation Against Terrorism and other groups representing the military and the economic elite would be threatening but perhaps manageable if their charges against human rights defenders were not echoed so consistently by the government. By prosecuting and denouncing human rights defenders, rather than protecting them, the government is further weakening the already fragile institutions of a country that has one of the greatest wealth divides in Latin America and a history of horrific human rights abuses, including genocide.

## Escalation of Violence

The violence against human rights defenders so far this year includes four murders. Even as Pérez Molina was named 2013 Leader of the Year by Latin Trade, Guatemala was rated the most dangerous country in the world for trade unionists and is living up to its title.

Two trade union leaders were killed in January. A 16-year-old girl and her father, both anti-mining activists, were gunned down by unknown assailants in April. The girl, Topacio Reynoso, died from her wounds. In January, the body of indigenous leader Juan Tuyuc was found by the roadside. He had been run over, shot several times, and beaten. According to his sister, well-known human rights advocate Rosalina Tuyuc, Juan had been arrested prior to the discovery of his corpse on the roadside.

The Inter-American Commission on Human Rights expressed concern and called for an investigation. The Guatemalan government insisted Tuyuc died as a result of the “accident” and was neither shot nor detained previously—and accused the Inter-American Commission of using “conjectures” and “unsubstantiated information.” The government further criticized the Inter-American Commission: “We hope that in the future the Commission will base its public communication in the most scientific and true fashion possible,” not on versions presented by family members and human rights organizations.

As its rebuke to the Inter-American Commission indicates, the Guatemalan government’s plan to stifle dissent includes separating the international community from Guatemala’s human rights defenders, leaving its version of events as the sole account.

Accompaniment projects such as Peace Brigades International and the Network in Solidarity with Guatemala, as well as other international human rights organizations, have themselves become a target for smears and threats. Last October, the minister of the interior announced a “warning” for all foreigners on tourist visas in Guatemala. “It doesn’t matter what flag you come under, if you’re ecologists, human rights defenders, whatever outfit they want to put on. We will not permit their involvement in the internal affairs of Guatemala.”



The minister argued that, according to intelligence reports, foreigners were participating in social protests and “inciting people to commit crimes against private property and the authorities.”

In a report, Peace Brigades notes an ever-increasing effort to discredit international accompaniment, including smear campaigns against those assisting in efforts to promote the defense of human rights. “We interpret these actions as direct attempts to discredit and weaken the human rights movement and to make human rights defenders, organizations, and communities feel more vulnerable.”

The government’s permissiveness concerning the attacks against defenders and its efforts to isolate them, combined with the catastrophic and unprecedented rise in abuses, have taken a large toll. Rob Mercantante, a staff member with the Guatemala Human Rights Commission who has worked in Guatemala since the 1980s, considers the crisis the most acute he has seen since the years of the war. In an interview in Washington, DC, he said, “People come to me asking me to give them something for migraines, something for depression, something to help them sleep. People are having breakdowns; they’re having to get out of the country.”

Ironically, “involvement in the internal affairs of Guatemala” is one of the charges Pérez Molina leveled at the U.S. Congress regarding the conditions placed on military aid. He called the conditioning of aid an attempt to legislate the internal affairs of Guatemala.

In fact, the United States is legislating its own potential involvement in terror, asserting the right and duty not to support state terrorism. Senate aide Tim Rieser is not stuck in the past, a past in which the United States assisted in Guatemala’s genocide and supported decades of bloody military rule. This, perhaps, is what Pérez Molina regrets. Much—as he himself said—has changed.

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### **Say No To "Business As Usual"**

The U.S. and Canadian governments, the World Bank and Inter-American Development Bank, and North American companies and investors (including public pension funds like Social Security and the Canada Pension Plan) maintain profitable economic and military relations with the Guatemalan and Honduran elites, turning a blind eye to repression, violence and impunity that are the norm in both countries.

Send, and keep on sending copies of this information, and your own letters, to your own elected politicians (MPs, Congresspersons, Senators), to your

media, and to your own pension and investment funds, asking why our governments, companies and investment firms do nothing about repression and violence, and environmental and health harms associated with North American businesses, while benefiting from these economic relations with the Guatemalan and Honduran political, military and economic elites.

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