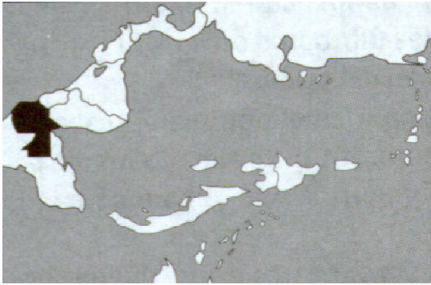


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GUATEMALA

Police Abuses Rampant

During '04, the Guatemalan Office of Human Rights opened 383 investigations against 639 National Civil Police (PNC) officers for various abuses of authority, including murder, rape, extortion, illegal raids and robbery. Human rights prosecutor Sergio Morales has since submitted the cases to the Public Ministry to hasten criminal prosecution against the officers.

In response to the allegations, PNC director Erwin Sperissen offered no denial of existing police corruption within his organization, and indicated the number of cases against officers “does not surprise me, when one realizes the situation of the PNC.” Many, including Carmen Rosa de León, the director of the Institute for Sustainable Development Education, claim that the PNC’s lack of administrative controls, internal discipline and transparency are the main institutional problems that facilitate ongoing corruption. Citing an analysis performed by the Professional Office of Responsibility (ORP), de León observed that “year after year, officers repeat the same crimes, with increased frequency, but disciplinary measures still have not been taken.” A majority of the PNC officers have already been rotated to other stations because of their presumed participation in illicit acts; however, according to de León, “when officers arrive at a new station where corrupt practices are already in place, it is likely that those officers will become contaminated.”

Taking action aimed at improving public confidence in law enforcement, Minister of the Interior Carlos Vielman petitioned the attorney general’s office for detailed accounts of the prosecution against corrupt officers who were reinstated. Vielman claims that the attorney general’s failure to prosecute members of the PNC is a leading cause of continued corruption and public mistrust in the PNC. Further, Vielman installed a team of retired military officers to supervise the ORP, the PNC’s internal investigative unit, which has also been linked to “inactivity” regarding investigations against police officers and accused of being susceptible to intimidation by corrupt police syndicates.

Some human rights groups are taking action to educate civilians about their own rights; Ana María de Klein of Distressed Mothers believes that, “if people know the laws, it is easier for them to defend

themselves against police abuses.” Numerous civil groups have collaborated to publish an educational manual that explains how civilians should act if they are victims of unlawful police behavior.

Congresswoman Denounces Social Cleansing

On 25 Jan, in a congressional speech, congresswoman Nineth Montenegro formally denounced the existence of social cleansing in Guatemala. Montenegro demanded that the Public Ministry investigate accusations made throughout various Guatemala City neighborhoods that allude to the existence of social cleansing against gang members.

This latest call for governmental action against what human rights activists have long hailed as social cleansing came after the 13 Jan massacre of six youths by 15 armed men. The following day the bodies of the juveniles, including a pregnant woman, were found in a cave; all had received a coup de grâce gunshot to the head. According to Mario Polanco, the director of the non-governmental organization Mutual Help Group, the situation in Guatemala qualifies as social cleansing because “the groups that are dedicated to killing delinquents act at the margin of law and with complete liberty.” Thus far in ’05, 168 presumed gang members have been murdered.

The accusations of social cleansing have been accompanied by reports of mysterious white vans without license plates, full of heavily armed men who patrol the streets and urge neighbors “to not be tolerant of gang members.” The anti-gang crews are identifiable only by white shirts accompanied by bulletproof vests with the letter “E” embroidered on the chest.

In response to the allegations of social cleansing, Vielman firmly denied that social cleansing represents any form of government policy; he speculated that the recent rise in gang deaths could be attributed to the intense and aggressive attitudes that he believes characterize gang activity, as well as to the internal power struggles and revenge killings between rival gangs. However, it is not only gangs that are retaliating with a vengeance. Victor Soto, the head of Criminal Investigation Services, argues that citizens who have suffered personally as victims of gang activity may hire private security companies to take revenge against gang members. At the moment, many Guatemalan private security forces operate illegally and with little regulation—of the 150,000 private security agents working in Guatemala, only 30,000 work legally. Vielman has also pledged to stiffen the controls that govern private security agents, and is working to issue identification cards to all legal private security agents, as well as shutting down all security agencies that operate illegally.

The government continues to take action by legislation and policies that it hopes will eradicate gang activity. On 17 Jan, President Oscar Berger announced that he would double security forces in zones considered highly dangerous, and in Feb would initiate the operations of the Bi-national Security Force against Delinquency with El Salvador. Further, legislators are in the process of passing a zero-tolerance anti-gang law, similar to laws now on the books in El Salvador and Honduras, which would punish gang members with prison terms of up to 12 years. The proposed anti-gang law intends to punish all presumed gang members who are over 12-years old.

'00 Election Financing and Payoffs Further Tarnish Portillo

Adding further notoriety to former President Alfonso Portillo's ('00-'04) tarnished legacy, directors of the multinational cellular phone company Millicom admitted donating \$2.5 million to Portillo's '00 successful presidential campaign. In defense of the donation, Mario Zanotti, Millicom's vice-president of Central American operations, stated: "nothing was illegal; like any business in any part of the world, we had the liberty to finance the candidate of our preference."

After the government of Alvaro Arzú ('96-'00) passed the Telecommunication Law of '96, which conflicted with the business interests of Millicom's Guatemalan subsidiary, Comcel, Portillo's candidacy provided the multinational company a fresh opportunity to buy presidential influence. Only five months into his presidency, Comcel's campaign investment paid off when Portillo swiftly lowered the company's tax rate from ten to five percent. Although apparently legal, this blatant example of public influence purchased by a private company has renewed cries to reform the electoral and political party laws to help maintain a balance between private and public interests.

Unrelated to Portillo's campaign financing, on 8 Feb congresswoman Montenegro requested that an extradition order be issued to bring Portillo back from Mexico for embezzling millions of dollars of state funds during his presidency.

Court Annuls War Crimes Case

The Constitutional Court has ruled to block the prosecution of all 16 soldiers charged with war crimes for their participation in the '82 massacre of approximately 300 civilians in the village of Dos Erres. The court's decision is based on a minor technicality within the National Reconciliation Law. The law, enacted in '96 at the end of the country's 36-year civil war, stipulates that all crimes committed during the conflict must first be studied by the Court of Appeals to determine whether the defendants are eligible for amnesty, before regular judicial proceedings can start.

In the Dos Erres case, an Appeals Court did rule that the defendants were ineligible for amnesty. However, because the judge investigating the massacre did not suspend all of the proceedings at the moment the law went into effect and took several legal actions—including the issuance of the 16 arrest warrants before sending the case to the Appeals Court—the court ruled the case to be inadmissible.

Human rights groups have reacted to the annulment with disgust. Miguel Alvizures, director of the Legal Action Center for Human Rights, warned that the ruling "establishes a disastrous precedent." The Dos Erres case was of particular significance because few cases of human rights abuses committed during an armed conflict had such elaborate testimonies, which included the names of all perpetrators. Key testimony from one survivor and two soldiers who participated in the massacre has all been lost because the court annulled all proceedings related to the case since the Reconciliation Law was enacted nine years ago. The plaintiff organization, Families of the Disappeared of Guatemala, plans to appeal the ruling, and, if necessary, to again prepare the case for trial, although duplicating the testimonies may be difficult, as the witnesses are now safe in exile.

The Dos Erres massacre, one of numerous atrocities committed during Guatemala's civil war, was instigated by a counterinsurgency military squad who accused residents of the village of being guerrilla sympathizers; a subsequent search of the village revealed no weapons or guerilla propaganda.

—*Andrew Kraushaar*