

# *MESOAMERICA*

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## **GUATEMALA**

### **UN Commission to Investigate Violent Underworld**

Human rights groups say that the 12 Dec signing of an agreement between the UN and the Guatemalan government to investigate abuses by clandestine armed groups operating in the country has brought new optimism that there will no longer be impunity for such crimes.

Recent threats and murders of human rights defenders, including judges, prosecutors, journalists, activists, and union and political leaders, have been linked to these groups, most of which are a holdover from the country's 36-year brutal civil war, according to Adriana Beltran of the Washington Office on Latin America (WOLA), a US-based non-governmental organization.

The UN says that some 5,000 murders are committed each year in Guatemala. However, because of their coercive methods and ties to political, judicial and law enforcement leaders, the clandestine armed groups have largely been uninvestigated.

"They have managed to infiltrate state institutions, with ties to state officials and the police," Beltran stated, referring to the organized network of illegal groups. "You might say they have established a parallel state."

The agreement to establish a UN-backed "International Commission Against Impunity in Guatemala" (known as CICIG) was signed on 12 Dec by the UN's Under-Secretary General for Political Affairs, Ibrahim Gambari, and Guatemalan Vice President Eduardo Stein.

"With this agreement, the UN is standing by Guatemala as it tries to solidify democracy and the rule of law by exposing and dismantling criminal groups that grew out of the armed conflict," Gambari said.

The international commission will have an initial two-year mandate. It will assist the Guatemalan Public Prosecutors' Office, the Supreme Court and the National Civilian Police in investigating criminal activities of armed security forces and clandestine groups.

The network of illegal armed groups has been linked to violent criminal activities (including murder and torture), corruption, drug-trafficking and other organized crime in the country. In mid '06, the

special rapporteur for the UN Office of the High Commissioner for Human Rights, Philip Alston, expressed concern about the increase in extrajudicial killings in Guatemala.

There are now more killings per day than there were during the dark days of the civil conflict, which ended through UN-brokered peace accords in '96," he said.

"The killing of women, the execution of selected individuals by elements within the police and military, gang and crime-related killings, social cleansing, and other acts of random violence have created a widespread sense of insecurity among the population," Alston told the press at the conclusion of his visit to Guatemala in Aug '06.

"The universally agreed challenge is to end impunity—the fact that those who kill can get away with it and have no reason not to continue and even escalate their murderous ways," he noted.

The UN commission has been in the works for three years. An earlier version of the agreement to form a "UN Commission for the Investigation of Illegal Groups and Clandestine Security Forces (CICIACS)," as it was then known, was drawn up and signed in '04. However, it was ruled to be unconstitutional by Guatemala's Constitutional Court and was not approved by the Guatemalan Congress.

The original agreement would have given the commission itself the right to initiate criminal prosecutions in the country. However, Guatemala's Constitution mandates that such prosecutions be carried out by Guatemalan authorities.

UN officials stated that the international commission will support and strengthen Guatemala's judicial system by providing technical assistance, promoting criminal prosecutions, and implementing cooperative agreements with ministries and offices in charge of prosecutions within the country. The commission also may join a criminal proceeding as a private prosecutor, called a "querellante adhesivo." The current agreement goes to the Guatemalan Congress sometime in Jan '07 for approval.

Human rights groups such as WOLA, Amnesty International and Human Rights First, among others, have supported the initiative and the Guatemalan government's efforts to address impunity in the country.

### **10th Anniversary of Peace Accords Celebrated Amidst Criticism**

On 29 Dec, Guatemalans, in general, celebrated the 10<sup>th</sup> anniversary of the signing of the Peace Accords between the government of Alvaro Arzú and guerrilla commanders of the Guatemalan National Revolutionary Unity (URNG), which ended the bloody 36-year civil war that cost the lives of at least 200,000 persons, mainly native Mayan *campesinos* who were slaughtered by the Guatemalan security forces while carrying out its "scorched earth" policy against rebel forces and their alleged sympathizers.

Part of the official activities included the participation of Mayan priests who invoked the "the gods of the earth and of the corn" to thank them "for the peace and unity among brothers" that now exists, and to ask "for justice and not vengeance for thousands of victims" during the armed conflict, according to press reports. The Mayan ceremonies took place at the Kaminal Juyu Archeological Park in Guatemala City, whereas Roman Catholic authorities held a commemorative Mass at the Metropolitan Cathedral.

Although current President Oscar Berger applauded the efforts made by previous governments in implementing some of the '96 Peace Accords, many human rights advocates and Roman Catholic Church officials, including Cardinal Rodolfo Quezada, criticized the “lack of political will” by the government and “powerful sectors of society” to fully implement the Accords, which were intended to combat the principal causes that originated the armed struggle in '60.

During his speech at the official anniversary ceremonies at the Palacio Nacional de la Cultura, Berger announced that he would propose to Congress in mid-Jan a series of 13 constitutional reforms to address some of the historic grievances of the Indigenous peoples and women regarding their identity and civil rights within Guatemalan society, as well to address some of the nation's ongoing socioeconomic problems—specifically focusing on challenges related to land reform, poverty, health, education and transparency in government.

### **Government Adopts Policy Condemning Discrimination and Racism**

On 24 Nov, Vice President Stein publicly presented the government's new policy statement regarding “living together” in a multi-ethnic society and the elimination of racism.

“Today, truthfully, is a transcendental day in our nation's history and of our peoples,” he stated. “For the first time in the history of Guatemala, because of the efforts of qualified leaders and governmental administration, we have wanted to look in the mirror voluntarily to see what we could be, but that we have not been, because of discrimination and racism,” affirmed Stein.

The government's new policy document includes more than 200 actions designed to combat racial, ethnic and gender discrimination and involves the three branches of government: executive, legislative and judicial. It includes a strategic action plan with short, medium and long-term goals.

Some of the prescribed actions are to employ a greater number of Indigenous professionals, to increase the budget for bilingual education, and to support institutions that promote the elimination of discrimination and racism.

President Berger stated that this new policy “seeks to create a Guatemalan society that is more just and more inclusive and with greater solidarity.”

According to UN data, 60% of the nation's 13 million inhabitants are Indigenous peoples, and this portion of the population has the largest percentage of those living in poverty, which affects an estimated 80% of the national population.

### **Violence Against Women Denounced by Marchers**

On 25 Nov, thousands of Guatemalan women marched through the streets of Guatemala City's Historic Center to demand an end to the violence against women, which claimed the lives of at least 540 women in Guatemala during '06.

“We demand that violence against women be prevented, punished and eradicated,” stated the large banner held by the front column of marchers, organized by the 25<sup>th</sup> of November Coordination that includes at least 30 social organizations. Many of the participants wore black T-shirts with large, red letters: “For women's life - no more impunity - we demand justice!”

According to statistics provided by The Women's Network, out of 375 cases of the assassination of women investigated by the Public Prosecutor's Office during '06, only 22 cases went to trial. However, the situation was even worse regarding known incidents of intrafamily violence, with 80,000 cases reported to police authorities during '06.

—*Clifton L. Holland*