

# *MESOAMERICA*

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## **GUATEMALA**

### **Authorities Retake Prison Ruled by Criminals for 10 Years**

In a surprise attack on 25 Sep, Guatemalan troops took over a prison that for a decade was controlled mainly by inmates and used as a hub for organized crime.

President Oscar Berger mobilized 3,000 police, army troops and prison guards to take control over Pavón Prison one day after the Guatemalan newspaper *Prensa Libre* broke a story that for 10 years prisoners had orchestrated a network of extortion, murder, drug-trafficking and kidnapping that reached beyond the prison walls.

Security forces killed seven inmates thought to be leaders during the assault, which authorities, the president and most of the press have described as a successful operation. Some prisoners have denounced the killings, saying that they were not casualties of shootouts with the prisoners as officially reported, but deliberate executions of key players.

Before the take over, a mafia of inmates controlled Pavón's Committee of Order and Discipline (COD) and ran the prison. Two hundred committee henchmen levied weekly fees and "taxes" from other prisoners for everything from electrical service to conjugal visits, severely beating or killing those who did not comply.

The COD collected an estimated \$80,000 per month, nearly a third of which went to its "president," Luis Zepeda, who was killed in the raid. COD members lived luxuriously. They built homes on the prison grounds and furnished them with televisions, refrigerators and expensive paintings. One even had a Jacuzzi.

The COD had connections outside of the prison and managed a network of crime via cell phones and high-speed Internet. Zepeda's son, though never sentenced to prison, lived at Pavón and helped run the crime business.

Prisoners built a virtual city on the grounds of Pavón, which was designed as an agricultural convict rehabilitation facility. Located in Fraijanes, in southeastern Guatemala, the prison was intended to accommodate 800 prisoners. As its population grew, inmates constructed their own dwellings on the land designated for crops. The COD sold “titles” for these properties and “licenses” for the restaurants and small businesses that abounded. The prison-town included two churches, drug and liquor processing factories and a woodshop that built barrels for home-made beer.

There was one guard to every 25 prisoners and officials controlled only the periphery of the prison, acting either complicitly or implicitly with the COD. National Prison Director Alejandro Giammattei has ordered an investigation into the guards’ culpability. According to authorities, security forces had not entered the prison complex since Mar ’89. Giammattei said they intended to tour the prison in ’01 and ’02, but threats from prisoners effectively halted the plan.

After the seizure of Pavón, the remaining 1,650 prisoners were transferred to nearby Pavoncito Prison, which previously had a population of only 173. Inmates retaliated against COD members and, after eight were severely beaten, authorities separated them.

Officials solicited Narcotics Anonymous to help temper a large population of addicts suddenly facing crack withdrawal.

In the days following the take-over, investigators discovered a collection of guns, 200 cellular phones, eight computers, 20 pounds of marijuana, bottles of liquor, more than a pound of cocaine and a motor-cycle at Pavón. Under the floor of a house they found a hole, believed to have been used as a punishment cell.

Giammattei and his family began receiving death threats the day after authorities regained control of the prison; on the weekend of 7 Oct, his wife and children fled the country. Two bodyguards presently escort Giammattei, who says he will not let the threats impede his work.

After authorities complete the investigation, they plan to convert the Pavón penitentiary back into a prison farm at an estimated cost of \$4 million. They also plan to employ 288 prisoners, who are close to completing their sentences, in the project.

### **Indigenous Summit Sends Human Rights Message**

Indigenous and governmental delegates from 23 Latin American countries gathered in Antigua on 13-14 Sep, demanding that their respective governments attend to the needs of native communities.

The meeting, the Seventh Assembly of the Latin American Indigenous Fund, produced an accord known as the Declaration of Antigua. Among its principle demands, the document insists that training be made available to Indigenous leaders, and that they be included in negotiations involving the use of natural resources in their territories.

Participants agreed that, in order to implement meaningful change, an accurate census of Indigenous populations must be carried out. “The censuses make us invisible,” said Guatemalan delegate, Carlos Lacán. “They want us to seem like the minority, when in fact we are the majority.” Jorge Frick of

Nicaragua added that racism is so entrenched in the state structure that people sometimes negate their ethnic identity to avoid harassment.

The assembly also highlighted the problem of migration, demanding that it be managed with respect for human rights and without criminalizing Indigenous people.

Several days later, at a meeting with leaders of various Guatemalan communities in the US, immigrant rights groups petitioned President Berger to address migration issues. Though activists criticized the Guatemalan government for not carrying out past commitments on migration reform, Berger promised to prioritize the issue during his remaining 15 months in office.

### **Mayans Occupy Canadian-Owned Nickel Mine**

In mid-Sep, hundreds of Q'eqchi Mayan families set up encampments on the grounds of a large, Canadian-owned nickel mine located in northeast Guatemala, near Lake Izabal and the town of El Estor. The families are protesting plans to reopen the mine, which has been inactive since the '80s.

The mine has been a site of conflict since its inception in the early '60s. More than 20 distinct Q'eqchi communities now live within the long-disputed territory of the mining concession, surviving primarily on subsistence farming. The occupation follows a series of protests over the mine's impact on the environment and the Mayans' rights over their ancestral land.

The number of families occupying the area has recently increased from 350 to about 800. Daniel Vogt, who represents AEPDI, a local Mayan development group, said the company has neither engaged in dialogue with the protesters, nor has it taken any visible action against them.

"This situation is very worrisome for us, because there are so many lives at stake," Vogt said.

Popular protest against the mine has historically been violently repressed. Several academics who recommended governmental policy change were assassinated in the early '70s. In '79, more than 100 Q'eqchi were massacred during a peaceful protest. In '99, an AEPDI leader was disappeared, and just last year a villager was killed during a protest.

Vancouver-based Skye Resources bought the El Estor Mine from the International Nickel Company (INCO) in Dec '04. It won a three-year mining license in a deal in which INCO returned its 40-year concession to the government on the eve of its expiration. INCO, along with its US-Canadian subsidiary, EXMIBAL, has had a presence in the area since the '60s.

Policies to facilitate large-scale mineral exploration emerged during the Carlos Castillo administration, following the CIA-backed military coup of '54. EXMIBAL enjoyed great influence with the Guatemalan government and military, ultimately securing mining rights from '65-'05.

During the development of the mine, hundreds of Q'eqchi families were displaced. The INCO concession was never clearly demarcated, leaving communities vulnerable to later abuses. Over the years, military and company security forces repeatedly encroached on Q'eqchi farms, and EXMIBAL reportedly allowed old-growth logging on disputed land.

INCO profited during its tenure at El Estor, but creative bookkeeping allowed EXIMBAL to avoid registering profits, and thus avoid paying taxes. The mine ceased operation in '81, when world nickel prices dropped.

Although the mine was only active from '77 to '83, deforestation, erosion and landslides have aggravated the region, and toxic tailings and emissions have contaminated the fragile ecosystem of the area. El Estor is located nearly at sea level, and the Dulce River, one of Guatemala's most bio-diverse waterways, flows directly from Lake Izabal to the Caribbean Sea.

In '96, Guatemala ratified two international agreements mandating that Indigenous communities be consulted about development projects that could impact their land. Q'eqchi communities have filed formal complaints and have protested the government's decision to grant Skye Resources a mining license without their approval.

A year ago, nearly a thousand Q'eqchi marched to the headquarters of Skye Resource in El Estor, protesting the license. Representatives of more than 20 communities submitted an open letter to the company demanding immediate suspension of mining activity and compensation for damages.

Neither the company nor the government has responded to Q'eqchi concerns. Skye Resources representatives have said the company will not use all of the land for mining, but have not clarified how many families will face relocation. The mine is scheduled to begin producing 11,000 tons of ferro-nickel by late '08.

### **'07 Budget Proposal Falls Short of Basic Needs**

Congress began studying the finance ministry's '07 budget proposal on 4 Oct and has confirmed criticism that there are inequities in social investment.

Regional analysts examined the budget through the lens of healthcare, justice, social assistance, education, housing, culture, labor, women's rights and progress against racism. They found that, although a proposed 45.1% of spending would be directed to these areas, the percentage of the GDP this represents would drop from 6.6 in '06 to 6.3 in '07.

The overall budget is set to increase only 4.7% from '06, while the inflation rate is currently 7.5%. Meanwhile, 17% of the proposed budget is earmarked to service the national debt. The country is only expected to bring in 9.9% of the GDP in taxes—a drop from 10% last year.

Public hospitals would get \$1.6 million less than last year for equipment and infrastructure, despite continuing medical strikes demanding improvements and higher salaries.

National commissions for health, Indigenous rights, government transparency and rural development have reached a consensus that social spending be prioritized in '07. Despite skepticism about the president's ability to keep his commitments, Berger made more than 100 specific promises in late Sep to that end. Notably, he pledged to divulge the names and salaries of public servants, increase healthcare spending, contribute to the eradication of racism, and introduce rural and agrarian development policies.

However, on 6 Oct, the president gave his public support for the budget proposal without changes. Congressional approval of the budget is pending.

—*Honna Veerkamp*