

April 14, 1991

# GUATEMALA: SLAYING OF RIGHTS ACTIVISTS, IMPUNITY PREVAIL UNDER NEW GOVERNMENT

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## Introduction

*"As President of the Republic, I reaffirm before the people and before its elected representatives, as well as before the peoples of the world and their governments, the solemn commitment to make every possible effort to fully reestablish human rights in Guatemala....*

*Hierarchies will not be able to go against the majesty of the law....He who breaks the law shall be punished without exception."*<sup>1</sup>

These promises were made by Jorge Serrano Elías, Guatemala's newly elected civilian president, at his inauguration on January 14, 1991. Yet the violent events of February 17, 1991, and their aftermath suggest that egregious violations continue to be committed with impunity by agents of the Guatemalan state and that human rights activists, who risk their lives to protect others, continue to be severely persecuted.

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<sup>1</sup> Inaugural address reprinted in Foreign Broadcast Information Service, Latin America Report, January 16, 1991, p. 15.

## The February 17, 1991 Attack on CERJ Activists

At about 5:30 a.m. on February 17, 1991, six men in civilian clothes shot human rights activists **Juan Perebal Xirúm**, 60, and his sons **Manuel Perebal Morales**, 26, and **Diego Perebal León**, 38, as they were walking on the road from their village, Chunimá, in the conflictive department of El Quiché, to the market in the nearby village of Chupol. Only Diego Perebal León survived the attack. He was hospitalized with two bullet wounds in the stomach and one in the arm which exited through his neck; wounds which may leave the peasant farmer paralyzed. His father died of gunshot wounds to the chest and his brother died of shots to the head. As Perebal León later described the attack to Americas Watch, the assailants approached the victims from behind and shot them from a distance of about 15 to 20 feet. First the men shot his father, then his brother, and then they turned to Perebal León. After one bullet knocked him to the ground, the assailants ran over and shot him again where he lay.

All three victims were active members of the Council of Ethnic Communities "We Are All Equal" (CERJ), the rural human rights group which won the 1990 Carter-Menil Human Rights Award together with a group from Sri Lanka. The president of the CERJ, Amílcar Méndez Urizar, was awarded the Robert F. Kennedy Memorial Human Rights Award in November 1990. Since its establishment as Guatemala's first and only rural human rights group in July 1988,<sup>2</sup> eight CERJ members have been assassinated and seven more disappeared, all apparently at the hands of the security forces or their agents.

In testimony to judges, to Americas Watch, and to the CERJ, Diego Perebal León identified two of his assailants as **Manuel Perebal Ajtzalam III** and **Manuel León Lares**, both of them former civil patrol chiefs from Chunimá who had repeatedly threatened the victims and other human rights activists in the village.<sup>3</sup> In fact on January 21, 1991, the judge at the Second District Court in Santa Cruz del Quiché had issued an arrest warrant for Manuel Perebal Ajtzalam III in connection with the kidnapping and murder months earlier of the CERJ delegate in Chunimá, **Sebastián Velásquez Mejía**. But the police simply failed to carry out the judge's order, leaving the patrol chief at liberty to kill again. Last year, the same district court ordered the arrest of Perebal Ajtzalam, León Lares and nine other patrollers as suspects in the March 2, 1990 stoning and beating of demonstrators from the Mutual Support Group (GAM), a Guatemala City-based human rights group (see below). That order was also ignored by the police, despite the fact that Perebal Ajtzalam, León Lares, and the other suspects continued to live openly in Chunimá.

Finally, on February 18, 1991, the justice of the peace in Chichicastenango issued a new arrest warrant for Perebal Ajtzalam and León Lares in connection with the February 1991 slayings. As of this writing, the police have not acted on these arrest warrants either. The exasperated district court judge complained to Americas Watch that the patrollers have "tremendous impunity." So confident is Perebal Ajtzalam that the police will not arrest him that he was recently overheard boasting to a group of peasants, "I wipe my ass with arrest warrants!" according to the judge. The judge has repeatedly tried to speak on the telephone with

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<sup>2</sup> See Americas Watch, Persecuting Human Rights Monitors: The CERJ in Guatemala, May 1989.

<sup>3</sup> The civil patrols were conceived of, organized by, and remain under the exclusive control of the army of Guatemala. The military leadership during the dictatorship of General Efraín Ríos Montt developed the system in 1982 to consolidate control over remote mountain hamlets, some four hundred of which the army had destroyed to eradicate a leftist guerrilla movement. Although Perebal Ajtzalam and León Lares are no longer chiefs of the Chunimá patrol, they are among its most powerful leaders and they continue to terrorize villagers with the authority and weapons bestowed on them by the army.

President Serrano's newly appointed Interior Minister, Ricardo Méndez Ruiz, to request that he press the police, who are under his command, to carry out the arrest orders. But the Interior Minister has not returned the judge's calls. The CERJ has also sought a meeting with Minister Méndez to no avail. Nor have representatives of the Serrano government responded to an Americas Watch letter to President Serrano about the affair on February 19, 1991.

While the identified suspects remain at large, they have continued to threaten human rights monitors living in Chunimá, forcing many of them to abandon their homes. Since early March 1991, fifteen members of CERJ and their small children have taken refuge in the CERJ office in Santa Cruz del Quiché. The activists were evacuated from Chunimá by officials of the office of the government's Human Rights Ombudsman, which could not guarantee their safety as long as the patrol chiefs remained at liberty.

### **Background to the Attack**

Juan Perebal Xirúm and his two sons are only the latest human rights activists in Chunimá to be the victims of political murder. Each killing could be described as the Chronicle of a Death Foretold. Because the villagers of Chunimá resisted participation in the military-organized civil patrols, they have suffered nearly three years of nonstop harassment and threats from the army and its agents.<sup>4</sup> In particular, threats against Sebastián Velásquez Mejía, Manuel Perebal Morales, Diego Perebal León, and their friends and relatives were unflagging.

On May 25, 1988, Chunimá residents formally disbanded their civil patrol. In announcing their decision to the authorities, village representatives spoke of the hardship imposed on the impoverished peasant population by the unpaid labor, and their need to dedicate their energies to construction of an all-purpose room in the school and to earn extra money to pay a debt of 20,000 *quetzales* to the water department. From that point on, the military visited and occupied Chunimá repeatedly in an effort to compel the villagers to again take up the patrol. Soldiers warned the residents against joining independent organizations such as human rights groups or unions, which they said were guerrilla fronts or agents of foreign governments. After one such army visit on May 26, 1989, a group of villagers started a new patrol. The chiefs of the newly formed patrol, vested with authority and arms by the military, began a campaign of threats and harassment of the non-patrollers (nearly all of whom are active in either the GAM or the CERJ or both) which continues today.

In response to the campaign of intimidation in Chunimá and similar events in the neighboring village of Sacpulup, the GAM organized a delegation to travel to the villages from Guatemala City on March 2, 1990. However, when the GAM members reached Chupol, the point on the highway where vehicles had to be parked before the walk to the villages, they were set upon by about 100 civil patrollers and plainclothes soldiers who threw stones, hit them with sticks, and called them "guerrilla assassins". Twenty demonstrators were injured, some requiring hospital treatment. A GAM vehicle was partially destroyed. It

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<sup>4</sup> Under military rule all highland Indian men were required to serve between 12 and 24 hours every week or two in the patrol, for which they received no pay. Since its enactment at the onset of civilian government, the Constitution of 1985 has prohibited forced patrolling. Nonetheless, the military -- which views the patrols as the key to keeping leftist insurgents at bay -- continues to compel participation through various forms of pressure, including murder. Increasingly, the patrol chiefs have supplanted local civilian authorities and become instruments of army repression.

was later learned that the incident had been organized by the army base at Chupol.<sup>5</sup> Although the District Court in Santa Cruz del Quiché subsequently issued warrants for the arrest of eleven patrollers for their participation in the attack,<sup>6</sup> the police never carried out the arrests. The involvement of the military in the incident was never probed.

On October 6, 1990, CERJ delegate and GAM member **Sebastián Velásquez Mejía** of Chunimá was kidnapped from kilometer 110 of the Pan American Highway where he was waiting for a bus. According to witnesses, Velásquez Mejía was kidnapped by five men driving a blue pickup truck which is known to be used by the army to make payments to soldiers in the area. Before they seized Velásquez Mejía, one of the kidnapers allegedly conferred with patrol chief Perebal Ajtzalam, who indicated which of the men waiting along the highway was Velásquez. The captors then grabbed Velásquez and shoved him into the bed of the truck where two of them sat on top of him as they headed off towards Guatemala City. Velásquez's body was found two days later in the capital.

The kidnapping of Velásquez, who had become the spokesperson for the non-patrollers in the village, provoked immediate panic amongst other villagers who had been threatened by the army and the patrols. Five CERJ members fled to the CERJ office in Santa Cruz del Quiché the day of the kidnapping,<sup>7</sup> while Velásquez's wife and children, along with six other human rights activists, fled to the GAM office in Guatemala City. At the request of the CERJ, an official of the government Human Rights Ombudsman's office agreed to escort the five CERJ members back to Chunimá and to insist that the patrol chiefs leave them in peace.

Having been assaulted and threatened on a similar excursion earlier in the year,<sup>8</sup> the official, adjunct human rights ombudsman César Alvarez Guadamuz, insisted on a military escort when he took the CERJ men back to Chunimá on October 13, 1990. Nonetheless, shortly after the delegation arrived in the village, one of the patrollers under the command of Perebal Ajtzalam fired his gun and the others all cried out "War!" and "Open Fire!" The soldiers subdued the patrollers, but the outbreak, and the muttered death threats by the patrol chiefs, convinced the five CERJ members that they could not safely stay in Chunimá. Once again, they fled to the CERJ office.

On November 16, 1990, the chief Human Rights Ombudsman, Ramiro de León Carpio, and his adjunct, Alvarez Guadamuz, again brought the five back to Chunimá, along with Velásquez's widow and young children. This time they decided to stay and try to rebuild their lives, as the economic plight of

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<sup>5</sup> See News From Americas Watch, "Guatemala: Army Campaign Against Rights Activists Intensifies," May 1990, pp. 2 - 3; and Minnesota Lawyers International Human Rights Committee, Justice Suspended: the Failure of the Habeas Corpus System in Guatemala, October 1990, pp. 79 - 82.

<sup>6</sup> including chiefs Perebal Ajtzalam and León Lares, as noted above.

<sup>7</sup> Among those who fled were Manuel Perebal Morales and Diego Perebal León, witnesses to the abduction of Velásquez. As noted above, Manuel Perebal Morales and his father were killed in the February 1991 incident and Diego Perebal León was gravely injured.

<sup>8</sup> The March 27, 1990 attack on the Adjunct Ombudsman's delegation is described in News From Americas Watch, "Guatemala: Army Campaign Against Rights Activists Intensifies," May 1990.

their families had become desperate while they were away. As Diego Perebal León later told Americas Watch, the activists continued to receive threats from Perebal Ajtzalam and other patrollers. "Let them come, leave them alone for now," the patrol chiefs told villagers, "We'll kill them later."

Three of the CERJ members who had fled and later returned appeared at the Second District Court in Santa Cruz del Quiché to testify about the kidnapping and murder of Velásquez. The three men, Diego Perebal León (now gravely injured), Manuel Perebal Morales (now dead), and Manuel Suy Perebal, provided strong testimony linking patrol chief Perebal Ajtzalam to the abduction, according to the judge. On the basis of this testimony, the judge ordered the arrest of Perebal Ajtzalam on January 21, 1991.

Another human rights activist from Chunimá was killed on December 10, 1990 -- International Human Rights Day. Circumstantial evidence suggests the same patrol chiefs may have killed him as well. GAM member **Diego Ic Suy** of Chunimá was assassinated by two masked gunmen in Guatemala City's bus terminal on the evening after a massive demonstration marking International Human Rights Day. Ic Suy was carrying a large sum of money which was not taken by the killers.

Although Ic Suy lived in Chunimá, he worked for extended periods in the bus terminal in Guatemala City. He had frequently visited the GAM office in Guatemala City in the months before his assassination to show support for his GAM colleagues from Chunimá who had taken refuge there in the wake of Velásquez's abduction. The GAM office is under constant surveillance by an army agent.

Hours before his assassination, Ic Suy participated in the peaceful demonstration in Guatemala City's central park to mark International Human Rights Day. Witnesses saw Chunimá patrol chiefs Perebal Ajtzalam and León Lares at the demonstration as well.<sup>9</sup> Ic Suy had complained to friends of surveillance by the civil patrols in the weeks before his death.

In addition, Perebal Ajtzalam had repeatedly threatened and harassed human rights activists from Chunimá in the same location in which Ic Suy was later murdered, according to a complaint filed with the Human Rights Ombudsman by victims of the harassment in October 1990. Several Chunimá residents, including Perebal Ajtzalam, sell their produce in the bus terminal.

### **March 1991 Murder of CERJ Activist's Sons**

On March 15, 1991, two sons of an active CERJ member were kidnapped from a farm where they worked in the hamlet of Xoljuyub of the municipality of San Pedro Jocopilas in Quiché department. Unknown men in plain clothes seized the men, 18-year-old **Manuel Ajiataz Chivalán** and 29-year-old **Pablo Ajiataz Chivalán**, taking them to an unknown destination. On March 17, their bodies were found, nearly decapitated, in the nearby hamlet of Xetacur. The victims' father has expressed fear that his sons were killed because of his activism in the CERJ.

In 1990, two CERJ activists were murdered, apparently by civil patrol chiefs, in the same area.

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<sup>9</sup> These witnesses were personally threatened by Perebal Ajtzalam and León Lares in January 1991; the patrol chiefs told the witnesses that they had better be careful or they would suffer the same fate as Diego Ic Suy. The witnesses have requested anonymity.

## **Persecution of Human Rights Activists -- Guatemala's Inglorious Distinction**

In Human Rights Watch's annual survey of persecution of human rights monitors around the world in 1990, Guatemala received the ignominious distinction of being the country where the largest number of monitors had been murdered or disappeared.<sup>10</sup>

During the long years of military rule, efforts to establish human rights organizations in Guatemala were swiftly extinguished by military or death squad violence. Only the GAM, the organization of relatives of the disappeared formed in 1984, survived during a period of military government.

Since the establishment of civilian government in 1986, at least four new human rights organizations have sprung to life, in addition to several humanitarian and advocacy groups for distinct populations such as the displaced or widows. Yet these groups have suffered tremendous persecution by the military and civil patrol chiefs. During the Cerezo years, nineteen human rights activists were either killed or disappeared in circumstances implicating government forces or their agents. In none of the cases have the killers or kidnappers been brought to justice.<sup>11</sup>

The continuation of murders, threats, and harassment of human rights activists under the Serrano administration is deeply discouraging. More troubling has been the government's inaction despite the flaunting of judicial orders by the police: had the orders of the Second District Court in Santa Cruz del Quiché been carried out, Juan Perebal Xirúm and Manuel Perebal Morales would most likely still be alive today. Diego Perebal León would not be severely wounded. Human rights activists would not have had to abandon the community of Chumimá. These events deeply tarnish the Serrano government's human rights image and leave little room for hope that the President's inauguration day promises will be fulfilled.

### **Americas Watch Petitions Inter-American Commission on Human Rights**

Because of the danger that human rights monitors from Chumimá will continue to be persecuted by the local civil patrols, Americas Watch has petitioned the Inter-American Commission on Human Rights of the Organization of American States to adopt urgent measures to protect them. Joining us in the petition before the Commission is the newly-established Center for Justice and International Law, a consortium of human rights groups from Latin America of which Americas Watch is a member.

In addition, we have asked the Commission to seek an injunction from the Inter-American Court of Human Rights, a judicial body of the O.A.S.,<sup>12</sup> calling on the Guatemalan government to take urgent and effective measures to protect the lives of human rights activists in the department of El Quiché, as well as

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<sup>10</sup> Human Rights Watch, The Persecution of Human Rights Monitors, December 1989 to December 1990, A Worldwide Survey: December 1990, p. 2.

<sup>11</sup> See News From Americas Watch, "Guatemala: Army Campaign Against Rights Activists Intensifies," May 1990; and News From Americas Watch, "Guatemala: Rights Abuses Escalate As Elections Near," November 8, 1990, pp. 5 - 9.

<sup>12</sup> The Commission is the only institution which can bring cases before the Inter-American Court.

local judges who have sought to bring suspects among the civil patrols to justice. Such an action has a precedent in the case of the Peruvian journalist Hugo Bustíos, who was assassinated in November 1988. Although a complaint against the government of Peru for the journalist's murder had not reached the Court for consideration, the Court on June 5, 1990, ordered the government of Peru to adopt protective measures for witnesses. One eyewitness had been slain and others detained and threatened prior to the Court action. The Court issued this injunction following a petition to the Commission by the New York-based Committee to Protect Journalists. Thus far, the measure has succeeded in preventing further harm to witnesses in the Bustíos case.

### **What You Can Do To Help**

Please send appeals to the Guatemalan authorities listed below:

- \* Calling on the government to insist that its police forces serve the outstanding warrants for the arrest of the suspects in the murder and serious wounding of human rights activists from Chunimá, and urging the government to ensure that those responsible for these crimes are prosecuted and punished.
- \* Calling also for an investigation into the murders of Manuel and Pablo Ajiataz Chivalán, and for prosecution and punishment of the perpetrator.
- \* Urging the government to guarantee the safety of human rights activists from Chunimá, and specifically, to enable those who have been forced to flee the community to return to their homes in peace.

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*Americas Watch is a non-governmental organization that was established in 1981 to monitor and promote observance of free expression and other internationally recognized human rights practices in Latin America and the Caribbean. The Chairman is Adrian DeWind; Vice-chairmen, Peter Bell and Stephen Kass. Its Executive Director is Juan E. Méndez; Associate Directors, Cynthia Arnson and Anne Manuel; Director of San Salvador Office, David Holiday; Representative in Santiago, Cynthia Brown; Representative in Buenos Aires, Patricia Pittman; Research Associate, Mary Jane Camejo; Associates, Clifford C. Rohde and Patricia Sinay.*

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