

**HUMAN RIGHTS  
IN  
GUATEMALA  
DURING  
PRESIDENT DE LEON CARPIO'S  
FIRST YEAR**

**Human Rights Watch/Americas  
(formerly Americas Watch)**

**Human Rights Watch**

New York • Washington • Los Angeles • London

Copyright © June 1994 by Human Rights Watch  
All rights reserved.  
Printed in the United States of America.

ISBN 1-56432-137-1  
LCCN: 94-77234

***Human Rights Watch/Americas, (formerly Americas Watch)***

**Human Rights Watch/Americas was established in 1981 to monitor human rights in Latin America and the Caribbean. Cynthia Arnson and Anne Manuel are acting executive directors; Ellen Lutz is California Director; Sebastian Brett, Robin Kirk, Ben Penglase and Gretta Tovar Siebentritt are research associates; Steven Crandall and Vanessa Jiménez are associates. Peter D. Bell is the chair of the advisory committee and Stephen L. Kass and Marino Pinto Kaufman are vice chairs.**

## HUMAN RIGHTS WATCH

Human Rights Watch conducts regular, systematic investigations of human rights abuses in some seventy countries around the world. It addresses the human rights practices of governments of all political stripes, of all geopolitical alignments, and of all ethnic and religious persuasions. In internal wars it documents violations by both governments and rebel groups. Human Rights Watch defends freedom of thought and expression, due process and equal protection of the law; it documents and denounces murders, disappearances, torture, arbitrary imprisonment, exile, censorship and other abuses of internationally recognized human rights.

Human Rights Watch began in 1978 with the founding of its Helsinki Division. Today, it includes five divisions covering Africa, the Americas, Asia, the Middle East, as well as signatories of the Helsinki accords. It also includes four collaborative projects on arms, free expression, prison conditions, and women's rights. It maintains offices in New York, Washington, Los Angeles, London, Brussels, Moscow, Belgrade, Zagreb and Hong Kong. Human Rights Watch is an independent, nongovernmental organization, supported by contributions from private individuals and foundations. It accepts no government funds, directly or indirectly.

The staff includes Kenneth Roth, executive director; Cynthia Brown, program director; Holly J. Burkhalter, advocacy director; Allyson Collins, research associate; Richard Dicker, associate counsel; Jamie Fellner, foundation relations director; Barbara Guglielmo, controller; Robert Kimzey, publications director; Gara LaMarche, associate Director; Liselotte Leicht, Brussels office director; Michal Longfelder, development director; Ellen Lutz, California director; Juan Méndez, general counsel; Susan Osnos, communications director; Jemera Rone, counsel; Rachel Weintraub, special events director; and Derrick Wong, finance and administration director.

The regional directors of Human Rights Watch are Abdullahi An-Na'im, Africa; Cindy Arnson and Anne Manuel (acting directors), Americas; Sidney Jones, Asia; Jeri Laber, Helsinki; and Christopher George, Middle East. The project directors are Kenneth Anderson, Arms Project; Lois Whitman, Children's Rights Project; Gara LaMarche, Free Expression Project; Joanna Weschler, Prison Project; and Dorothy Q. Thomas, Women's Rights Project.

The board includes Robert L. Bernstein, chair; Adrian W. DeWind, vice chair; Roland Algrant, Lisa Anderson, Peter D. Bell, Alice L. Brown, William Carmichael, Dorothy Cullman, Irene Diamond, Jonathan Fanton, Alan Finberg, Jack Greenberg, Alice H. Henkin, Stephen L. Kass, Marina Pinto Kaufman, Alexander MacGregor, Peter Osnos, Kathleen Peratis, Bruce Rabb, Orville Schell, Gary G. Sick, and Malcolm Smith, Maureen White, and Rosalind C. Whitehead.

### *Addresses for Human Rights Watch*

485 Fifth Avenue  
New York, NY 10017-6104  
Tel: (212) 972-8400  
Fax: (212) 972-0905  
email: [hrwatchnyc@igc.apc.org](mailto:hrwatchnyc@igc.apc.org)

1522 K Street, N.W., #910  
Washington, DC 20005  
Tel: (202) 371-6592  
Fax: (202) 371-0124  
email: [hrwatchdc@igc.apc.org](mailto:hrwatchdc@igc.apc.org)

**10951 West Pico Blvd, #203  
Los Angeles, CA 90064  
Tel: (310) 475-3070  
Fax: (310) 475-5613  
email: [hrwatchla@igc.apc.org](mailto:hrwatchla@igc.apc.org)**

**33 Islington High Street  
N1 9LH London, UK  
Tel: (071) 713-1995  
Fax: (071) 713-1800  
email: [hrwatchuk@gn.apc.org](mailto:hrwatchuk@gn.apc.org)**

## CONTENTS

<b>I. INTRODUCTION</b> .....	<b>1</b>
<b>The Constitutional Crisis and Its Aftermath</b> .....	<b>3</b>
<b>Structural Reforms</b> .....	<b>4</b>
<b>National Police</b> .....	<b>4</b>
<b>"Archivos"</b> .....	<b>5</b>
<b>Public Ministry</b> .....	<b>7</b>
<b>Peace Process</b> .....	<b>8</b>
<b>II. CIVIL PATROLS</b> .....	<b>11</b>
<b>III. EXTRAJUDICIAL EXECUTIONS</b> .....	<b>18</b>
<b>Tomás Lares Cipriano, Killed by Civil Patrollers</b> .....	<b>21</b>
<b>Massacre in San Pedro Jocopilas by Civil Patrollers</b> .....	<b>25</b>
<b>Murders in Amatitlán by Civil Patrollers</b> .....	<b>27</b>
<b>Murder of Jorge Carpio Nicolle and Companions         by Civil Patrollers</b> .....	<b>28</b>
<b>Slayings in Colotenango</b> .....	<b>32</b>
<b>Los Naranjales</b> .....	<b>32</b>
<b>Lucas Pérez Tadeo</b> .....	<b>35</b>
<b>Epaminondas González</b> .....	<b>37</b>
<b>Felipe León Nas</b> .....	<b>38</b>
<b>IV. DISAPPEARANCES, TORTURE, AND     ARBITRARY DETENTIONS</b> .....	<b>39</b>
<b>Unresolved Disappearances</b> .....	<b>39</b>
<b>Efraín Bamaca Velásquez</b> .....	<b>39</b>
<b>Mario López Gabriel and Mariano Gómez Ramos</b> .....	<b>43</b>
<b>Francisco Cipriano Guarcas</b> .....	<b>44</b>
<b>Arbitrary or Clandestine Detention and Torture</b> .....	<b>44</b>
<b>CERJ Members Tortured in Chiul</b> .....	<b>44</b>
<b>Guillermo Aníbal Mendoza García</b> .....	<b>46</b>
<b>Joaquín Jiménez Bautista</b> .....	<b>47</b>
<b>Trade Unionists</b> .....	<b>48</b>
<b>Elizabeth Recinos Alvarez de León</b> .....	<b>49</b>
<b>Walter Manuel Najera Molina</b> .....	<b>51</b>
<b>Cirilo Malchic Raguay</b> .....	<b>51</b>
<b>V. POLICE BRUTALITY AGAINST STREET CHILDREN</b> .....	<b>53</b>

<b>VI. VIOLATIONS OF THE LAWS OF WAR BY INSURGENTS.....</b>	<b>56</b>
<b>VII. FREEDOM OF EXPRESSION .....</b>	<b>58</b>
<b>Persecution of Human Rights Monitors .....</b>	<b>58</b>
<b>The CERJ .....</b>	<b>59</b>
<b>The GAM .....</b>	<b>60</b>
<b>The AEJ .....</b>	<b>61</b>
<b>The Human Rights Commission, Chel .....</b>	<b>61</b>
<b>Persecution of Journalists .....</b>	<b>62</b>
<b>VIII. FORCED MIGRATION AND RETURN IN</b>	
<b>RURAL GUATEMALA.....</b>	<b>64</b>
<b>Repatriation and Continuing Armed Conflict .....</b>	<b>66</b>
<b>Refugee Flight and Individual Return.....</b>	<b>66</b>
<b>The October 1992 Accord.....</b>	<b>67</b>
<b>The Context for Return .....</b>	<b>69</b>
<b>The Murder of Repatriated Refugees.....</b>	<b>70</b>
<b>The 1991 Return to Yalpemech.....</b>	<b>71</b>
<b>Victoria 20 de enero.....</b>	<b>72</b>
<b>The Ixcán Grande Cooperative.....</b>	<b>74</b>
<b>The Return to Pueblo Nuevo .....</b>	<b>75</b>
<b>The Return to Nentón .....</b>	<b>77</b>
<b>Human Rights and Refugee Return .....</b>	<b>77</b>
<b>Army Fomented Hostility to Returning Refugees.....</b>	<b>78</b>
<b>Attacks on Nongovernmental Organizations.....</b>	<b>80</b>
<b>Explosives and Contraband.....</b>	<b>82</b>
<b>Internally Displaced Persons .....</b>	<b>83</b>
<b>The Communities of Population in Resistance.....</b>	<b>85</b>
<b>The Displaced of Nebaj .....</b>	<b>93</b>
<b>The Displaced of Río Negro .....</b>	<b>97</b>
<b>The Right to Return and to Compensation.....</b>	<b>102</b>
<b>IX. PROSECUTIONS .....</b>	<b>108</b>
<b>X. U.S. POLICY .....</b>	<b>114</b>
<b>XI. UNITED NATIONS INDEPENDENT EXPERT .....</b>	<b>117</b>
<b>XII. CONCLUSIONS AND RECOMMENDATIONS .....</b>	<b>121</b>

<b>APPENDICES .....</b>	<b>126</b>
<b>A. Chronology of Events during Constitutional Crisis of May-June 1993 .....</b>	<b>126</b>
<b>B. Human Rights Monitors Murdered or Disappeared in Guatemala 1974-1994 .....</b>	<b>130</b>
<b>C. Human Rights Accord .....</b>	<b>136</b>

## **ACKNOWLEDGMENTS**

**This report was researched and written by Anne Manuel, Acting Director of Human Rights Watch/Americas, and Gretta Siebentritt, Research Associate. Additional research was conducted by Human Rights Watch/Americas consultant David Holiday. We gratefully acknowledge the assistance of the Archbishop's Human Rights Office, the Catholic Diocese of Cobán and Huehuetenango, the Consejo de Comunidades Etnicas Runujel Junam (CERJ), and the Coordinación de ONGs y Cooperativas para el Acompañamiento de las Poblaciones Damnificadas por el Conflicto Armado Interno. Without them, and other organizations of Guatemala's civil society, there would be little grounds for even the most cautious of hopes for a better future in Guatemala.**

**We would also like to thank the government of Ramiro de León Carpio for its openness. The Guatemalan Embassy in Washington, D.C. and the Foreign Ministry in Guatemala City were extremely helpful in setting up appointments with government and military officials. Those officials, in turn, openly discussed with us controversial issues and were generous with their time.**

**Special thanks are also due to Jesuit Refugee Service/USA and Mexico for making possible our research on refugee repatriation and the displaced, to the Center for Human Rights Legal Action for sharing their expertise on refugees and the displaced and to Jude Sunderland for help during our missions to Guatemala.**

## **ACRONYMS**

**ADEPAC: Association for Development in Central America (Asociación de Desarrollo para América Central)**

**AEU: University Students Association (Asociación de Estudiantes Universitarios)**

**ARDIGUA: Association of Dispersed Refugees of Guatemala (Asociación de Refugiados Dispersos de Guatemala)**

**AVANCSO: Association for the Advancement of the Social Sciences in Guatemala (Asociación Para el Avance de las Ciencias Sociales de Guatemala)**

**CACIF: Coordinating Committee of Chambers of Commerce, Industry, and Finance (Comité Coordinador de Cámaras Comerciales, Industriales y Financieras)**

**CEAR: Special Commission for Refugees and Displaced Persons (Comisión Especial para la Atención de Refugiados y Desplazados)**

**CERJ: Council of Ethnic Communities "We Are All Equal" (Consejo de Comunidades Etnicas Runujel Junam)**

**CHRLA: Center for Human Rights Legal Action (Centro de Acción Legal y Derechos Humanos)**

**CIEDEG: Conference of Evangelical Churches (Conferencia de Iglesias Evangelicas de Guatemala)**

**CIEPRODH: Center for the Investigation, Study and Promotion of Human Rights in Guatemala (Centro para la Investigación, Estudio y Promoción de los Derechos Humanos)**

**CONAVIGUA: National Coordinating Committee for Guatemalan Widows (Coordinadora Nacional de Viudas de Guatemala)**

**CONDEG: National Council of Displaced Persons of Guatemala (*Consejo Nacional de Desplazados de Guatemala*)**

**CONFREGUA: Catholic Conference of Religious of Guatemala (Conferencia de Religiosos de Guatemala)**

**COPREDEH: Presidential Coordinating Commission on Human Rights (Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos)**

**CPR: Communities of Population in Resistance (Comunidades de Población en Resistencia)**

**CUC: Committee for Peasant Unity (Comité de Unidad Campesina)**

**GAM: Mutual Support Group (Grupo de Apoyo Mutuo)**

**ODHAG: Archbishop of Guatemala's Human Rights Office (Oficina de Derechos Humanos del Arzobispado de Guatemala)**

**PMA: Mobile Military Police (Policía Militar Ambulante)**

**STOJ: Union of Judicial Workers (Sindicato de Trabajadores del Organismo Judicial)**

**UASP: Labor and Popular Action Unity (Unidad de Acción Sindical y Popular)**

**UCN: National Union of the Center (Unión Nacional del Centro)**

**URNG: Guatemalan National Revolutionary Unity (Unidad Revolucionaria Nacional Guatemalteca)**

# I

## INTRODUCTION

The breathtaking political changes of 1993, which brought a well-respected governmental human rights advocate into the presidency of Guatemala, have one year later degenerated into turmoil and dashed hopes, with little to show for the promise that the new government appeared to bring. The reforms begun in the initial months of the government of former human rights ombudsman Ramiro de León Carpio now appear endangered by a lack of high-level support. At the same time, elements of the military and right-wing groups appear bent on destabilizing the government through such high-profile human rights violations as the assassination on April 1, 1994, of Epaminondas González Dubón, the president of the Constitutional Court, and the March mob assaults against North American women rumored to be stealing Guatemalan children.

An agreement signed in March 1994 by the government and the Unidad Revolucionaria Nacional Guatemalteca (URNG) guerrillas regarding human rights holds the greatest promise of any of the government's achievements in human rights. The accord paves the way for installation of a United Nations human rights monitoring team, which could promote restraint on the part of security forces and civil patrols, particularly in rural areas where they are accustomed to operating without international scrutiny. Also significant, the government vows not to "promote the adoption of any measures, legislative or other, which would impede the trial and punishment of those responsible for human rights violations." This appears to rule out an amnesty for human rights abuses, which many feared the military would demand as part of a human rights accord. Our investigations in Guatemala show that prosecutions, even at their initial stages, prompt restraint on the part of those who violate human rights. Among the communities which have seen a lull in violent abuses since prosecutions were opened are San Pedro Jocopilas, Chunimá, and Joyabaj in the department of El Quiché and Colotenango in the department of Huehuetenango. The trial and punishment of human rights violators is, we believe, the only proven method for ending human rights violations; even though Guatemala has only achieved token prosecutions since the return to civilian government in 1986, those prosecutions have acted to restrain the army and its agents.

Notably absent from the accord was any reference to the establishment of a "Truth Commission" to examine the human rights violations and violations of the laws of war committed by both parties during the thirty-year-old conflict,

although the government and guerrillas will discuss the establishment of some form of truth commission during negotiations scheduled for late May 1994. Guatemala has suffered decades of the most savage repression seen in the hemisphere, whose effect has been to lay a seemingly permanent mantle of terror on the population, particularly in the western highlands, where military scorched-earth campaigns razed hundreds of villages. And even though the military turned over the government to civilians in 1986, the development of civil society and democratic institutions has been stunted by the legacy of the past and the fact that those who committed atrocities have suffered no penalty. Moreover, tens of thousands of Guatemalans have seen their loved ones disappear without a trace, presumably murdered by the security forces and dumped in clandestine graves, of which hundreds have been discovered in the highlands. The government owes these relatives an answer as to the fate of their loved ones. Beyond that, it owes them the prosecution and punishment of those responsible and meaningful material compensation. The army has resisted the establishment of a truth commission, which it argues will be more harsh on the military than on the guerrillas. Nonetheless, a true healing of the wounds of the past will not be possible without a profound process of truth seeking and justice for past abuses.



President Ramiro de León Carpio was elected by the Congress on June 5, 1993, after elected President Jorge Serrano Elías briefly seized dictatorial powers only to be ousted by the army when national and international opinion turned against him. (See Appendix A, Chronology of Events During Constitutional Crisis, May - June 1993).

During the first months of his government, de León Carpio took several steps with important implications for the human rights situation, while in other key areas, he failed to take strong action in defense of rights, apparently out of fear of directly confronting the army. During the course of 1993 and much of 1994, de León Carpio faced a political crisis with the Congress and the Supreme Court, leaving the military high command his major source of strength. His political weakness appears to have robbed the president of the will to confront the military on human rights. And with both political and ordinary criminal violence rising in the latter part of 1993 and early 1994, the government's failures in investigating and prosecuting crimes seriously eroded its legitimacy.

The most important reform initiated under the new government was the

demilitarization of the police; unfortunately that effort has been jeopardized since the architects of the reform—Interior Minister Arnoldo Ortiz Moscoso and National Police Director Mario René Cifuentes—were removed from office in February and March 1994. The new interior minister, Danilo Parinello Blanco, is a former deputy from a right-wing political party associated with military hardliners. Colonel Mario Alfredo Mérida was transferred from military intelligence to become Parinello's vice minister.

The paramilitary civil defense patrols continue to commit grave abuses with impunity, including murder, death threats, forced displacement, and illegal detentions, particularly in the western highlands. Although during his tenure as human rights ombudsman, de León Carpio was an outspoken critic of the patrols' abuses, as president he has become one of their most ardent defenders.

At the same time, the opening of political space which accompanied de León Carpio's accession to the presidency has been limited by a kind of psychological war of harassment, assaults, threats, and kidnappings targeted at popular organizations, human rights monitors, labor unionists, and independent journalists. The sources of these terror tactics are in many cases unknown—although some written threats have been signed by phantom "death squads"—but the groups behind the threats clearly operate with impunity and are likely connected to the security forces.

The government's failure to investigate evidence of clandestine detention and death squad activity by the army, outlined in Chapter III, has been disappointing as well. And while there have been some important prosecutions of members of the civil patrols and police for human rights violations which occurred during the Serrano years, de León Carpio's attorney general lacks the zeal to prosecute ongoing human rights abuses.

### **The Constitutional Crisis And its Aftermath**

On May 25, 1993, Guatemala's elected civilian president, Jorge Serrano Elías, set off a constitutional crisis when he closed down the Congress, the Supreme Court, and the Attorney General's office and suspended a broad range of constitutional rights. His action was supported, at least initially, by a faction of the military leadership. Remarkably, Serrano's efforts to establish a dictatorship were reversed, thanks to pressures from Guatemala's emerging civil society, the Clinton administration, some elements of the military, and the previously obscure Constitutional Court. One week after Serrano seized power, he was forced to resign. Less than one week after that, the nation's respected human rights

ombudsman, Ramiro de León Carpio, was elected by the congress to fill out Serrano's term. Although the military appeared to act as the final arbiter of the solution, pressure from the international community and Guatemalan civil sectors kept it from seizing power directly.

Resolution of the profound crisis set off by Serrano's coup through peaceful and legal means marked an important victory for the Constitution, the rule of law, and Guatemala's civil society. Moreover, de León Carpio's ascension to the presidency raised great hopes for an improvement in the human rights situation and for a civilian president who would finally be willing to challenge the overwhelming power of the armed forces. During his term as human rights ombudsman, de León Carpio had energetically investigated and publicly denounced human rights violations, something no government official had done before in Guatemala. In the weeks after his sudden assumption of power, de León Carpio sent two successive defense ministers into early retirement because of their behind-the-scenes support for Serrano's coup. A third officer allegedly involved in the coup, Gen. Francisco Ortega Menaldo, was sent into diplomatic exile at the Inter-American Defense Board in Washington, D.C. This exercise of presidential authority, unprecedented in recent Guatemalan history, marked the consolidation in power of a sector of the armed forces which favors the continuation of constitutional government, even at the cost of allowing an army critic to hold office. Since Serrano's coup failed, officers have talked openly to Human Rights Watch researchers about the division in military ranks between those who supported the coup and those who did not.

This display of commitment to constitutional government on the part of current military leaders is without doubt a positive development. Nonetheless, it does not by itself constitute a change in the human rights situation, which remains alarming. Unfortunately, President de León Carpio has failed to challenge the military on such sensitive issues as the lawless behavior of the civil patrols and clandestine detention by the military, and he appears to have abandoned his commitment to demilitarization of the police. Lacking a political party base, the new president appears to feel so strong a debt to the officers who allowed him to assume the presidency that he is loathe to confront them on these issues.

### **Structural Reforms**

#### ***The National Police***

The president named individuals known and trusted by the human rights

community to the posts of interior minister and the head of the National Police soon after taking office. The new police director, Mario René Cifuentes, launched an ambitious program to eliminate military control over the police by removing military "advisors" to police department heads and by disbanding a joint military-police task force known as "Hunapú." In early 1994, Cifuentes hired a director for a new special unit to investigate human rights violations, including extrajudicial executions, disappearances, and torture. The office had not become active, however, by the time Cifuentes was removed in March 1994.

Some initial positive results were the intervention of the National Police in August 1993 to save the life of Joaquín Jiménez Bautista, a refugee who returned to his village of Todos Santos, Huehuetenango, only to be captured and beaten by the civil patrols, who accused him of committing atrocities as a guerrilla commander in the early 1980s. Jiménez would undoubtedly have been lynched were it not for the intervention of an official of the governmental refugee authority, CEAR, and the police, who ultimately turned him over to the local human rights ombudsman. The police also took decisive action on September 23, when a prison riot resulted in the escape of Noel de Jesús Beteta, the convicted murderer of internationally known anthropologist Myrna Elizabeth Mack Chang. Police captured Beteta and fourteen other convicts out of the thirty-seven who broke out the same day.

Nonetheless, the police consistently failed to take effective action in other areas such as executing arrest warrants for members of the police and civil patrols accused of human rights violations. According to Casa Alianza, a branch of the New York-based Covenant House which operates a refuge and legal clinic for street children in Guatemala, there are more than a dozen outstanding arrest warrants for police agents accused of violence against street children. The fugitive officers have apparently left the police force, but little effort has been expended to track them down and bring them to trial. Of the fifteen civil patrollers for whom arrest orders were issued in September 1993 for the shooting of demonstrators in Colotenango, Huehuetenango, on August 3, only two have been detained. The police have not attempted to arrest the others in their community for fear they would be overwhelmed by the patrols, government officials have told Human Rights Watch/Americas. Nor have the police detained several civil patrol chiefs from Joyabaj whose arrest was ordered in July for the April 30, 1993 murder of human rights activist Tomás Lares Cipriano or patrollers from San Pedro Jocopilas wanted for the June 1993 murders of Francisco Ajmac Ixcoy and Juan Patzan Pérez (see Chapter III).

At the same time, the police have continued to commit acts of brutality

against street children in Guatemala City, as described in Chapter V.

### *Archivos*

On August 5, President de León Carpio announced the dissolution of the Presidential Security Directorate, a notorious intelligence unit commonly known as "Archivos." Archivos forms part of the Estado Mayor Presidencial (Presidential General Staff), a large security apparatus operating from the presidency, and has for decades been identified as a command center for political repression. The trial and conviction of Noel de Jesús Beteta, an Archivos specialist, for the murder of Myrna Mack opened a window into the secretive world of Archivos and made the unit synonymous with repression in public opinion.<sup>1</sup> This impression was reinforced in March 1993, when a secret office of Archivos was discovered in the General Post Office in Guatemala City, used to intercept mail.

Although Archivos's dissolution was undoubtedly related to its criminal activities, the president never made such a link explicit. When the Myrna Mack Foundation, a human rights group formed by the sister of the slain anthropologist, called for an investigation into Archivos's repressive activities, its demand went unheeded. Nor is it clear that Archivos's illegitimate activities will stop. They may simply be launched from a different location.

According to the Guatemalan newsweekly *Crónica*, the extensive files Archivos kept on citizens and used as the basis for composing death lists were transferred to military intelligence (known as G-2 or D-2),<sup>2</sup> despite a popular clamor that they be made available to the public. President de León Carpio responded to these concerns saying that "there are no documents in the now defunct 'Archivo'...if there ever were documents, it is logical to believe that they have been destroyed."<sup>3</sup> Defense Minister Gen. Mario Enriquez Morales told Human

---

<sup>1</sup> For a detailed discussion of Archivos and its role in political repression over the years, see Americas Watch, "Clandestine Detention in Guatemala," *News From Americas Watch*, vol. V, No. 2 (New York: Human Rights Watch, March 1993).

<sup>2</sup> G-2 was officially renamed D-2 during the government of President Vinicio Cerezo Arévalo (1986-1991); nonetheless, the old name is more widely used.

<sup>3</sup> Inforpress Centroamericana, "Guatemala: Human Rights Still a Major Issue," *Central America Report*, vol. XX, No. 35 (Guatemala: September 17, 1993), p. 275.

Rights Watch/Americas that making the files public "is not permitted." Later, however, he amended his statement to say that there were no files of interest to the public in the defunct unit.<sup>4</sup> A military spokesman, Otto Noack Sierra, told Human Rights Watch/Americas that the only files housed in Archivos were those pertaining to individuals who had been given Archivos credentials.<sup>5</sup>

However, in 1992, Human Rights Watch/Americas learned from a diplomat close to the Guatemalan military that Archivos maintained more extensive files on people than does the regular army intelligence service, known as G-2. This source stated that Archivos kept computer files on everyone who applied for a passport or driver's license. Like Archivos, G-2 has a long history of involvement in political repression. If the Archivos intelligence files have indeed been transferred to G-2, it will only strengthen that branch's repressive capabilities—that is, it will be no improvement at all.

The Estado Mayor Presidencial went through many name changes over the years, but its role in political repression has been documented at least since it was identified by Amnesty International in 1981 as the "center of the Guatemalan Government's program of 'disappearances' and political murder."<sup>6</sup> By allowing the army to take control of the files, the de León Carpio government missed an important opportunity to bring to light the abuses of the defunct unit and to prosecute those responsible, an action which would have deterred some of the violent abuses that continue to terrorize Guatemalans.

Moreover, there was no effort to screen the police personnel who worked in Archivos before transferring them back to the ranks of the National Police, complicating efforts to create a professional police force. Those agents who served in the defunct unit ought to be thoroughly investigated to determine whether there exists evidence to support criminal prosecutions for human rights violations. Only those found to have no past history of abuse should be entrusted with the mission of law enforcement and protection of the citizenry.

### *Public Ministry*

---

<sup>4</sup> Interviews in Washington on January 25 and 27, 1994.

<sup>5</sup> Interview in Washington, October 5, 1993.

<sup>6</sup> Amnesty International, *Guatemala: A Government Program of Political Murder*, (London: 1981), pp. 7-9.

The government of Jorge Serrano Elías was the first Guatemalan government to initiate an aggressive program of investigations and prosecutions of human rights violations. This was due mainly to the work of activist Attorney General Acisclo Valladares, who was subsequently removed from office on allegations of corruption—of which he was eventually acquitted. Valladares was replaced by Edgar Tuna Valladares (no relation), who adopted a radically different approach, pursuing trumped-up charges against human rights activists and backing away from prosecutions of those who carried out abuses. Under the new government, Tuna Valladares has been replaced with Telésforo Guerra Cahn, best known as a close friend of the president. Guerra Cahn has removed several individuals believed to have close ties to the Estado Mayor Presidencial who had joined the Public Ministry during his predecessor's tenure, but he has resumed the passive attitude typical of his office regarding investigations and prosecutions of human rights violations. This passivity is a gift to human rights violators and severely undermines the government's claim to represent a break from the past.

Guatemala is in the process of overhauling its court system to begin using oral instead of written trials in both Spanish and indigenous languages. A new code of criminal procedures is scheduled to come into effect in July 1994. Part of the reform package involves transformation of the Public Ministry into two separate entities—a prosecutor's office (*fiscalía general*) with a large investigative unit and an Attorney General's office (Procuraduría de la Nación). The directors of these new offices are to be designated in the coming months. The effectiveness of the reforms will depend to a large extent on the political will of senior civilian and military leaders, and the naming of individuals to these posts who are determined to investigate human rights violations. Given the disappointing performance of the current attorney general, there is reason to fear that this political will may be lacking.

### **The Peace Process**

On March 29, 1994, the government and the guerrilla coalition URNG reached a long-delayed agreement on human rights as part of their global negotiations for an end to the armed conflict that has spanned three decades. (The text of the accord is included as an appendix to this report.) Peace talks have occurred off and on since the government of Vinicio Cerezo, but have yet to reach a final accord. The new agreement includes a calendar for further discussions

which foresees the signing of a comprehensive peace accord in December 1994.

The human rights agreement is promising on several fronts, including the following:

◆ It calls on the United Nations Secretary-General to organize a human rights verification mission which will monitor the human rights situation with a one-year renewable mandate, make recommendations to both sides based on its observations, and provide reports to the Secretary-General which may then be made public. The presence of a human rights verification team in El Salvador as part of the overall accord between the government and guerrillas there has made a significant contribution to improving the human rights situation. Human Rights Watch is convinced that enhanced monitoring of human rights holds the potential for greatly improving the Guatemalan situation as well.

◆ The agenda for the verification team includes strengthening of domestic human rights monitoring institutions, an important effort for the long run, as the U.N. team's stay will be temporary.

◆ The government, in signing the accord, has vowed not to promote an amnesty for those who have violated human rights.

◆ The government promises to modify its penal code to include as "crimes of special gravity" forced disappearances and extrajudicial executions, and to press for their recognition as "crimes against humanity" within the international community.

◆ The government promises to take "special protective measures" on behalf of human rights activists and to investigate exhaustively any acts of persecution they may suffer.

The accord also repeats the ambiguous text of a partial accord reached in August 1992 by the guerrillas and the Serrano government about the civil patrols in which the government promised not to promote the organization or arming of new patrols "provided that there is no reason for it to do so."<sup>7</sup> The accord

---

<sup>7</sup> Comprehensive Agreement on Human Rights, Article V(5), published in English as an Annex to United Nations Secretary-General, "Letter dated 8 April 1994 from the Secretary-General to the President of the General Assembly and to the President of the Security

**calls on the human rights ombudsman to verify whether or not members of the civil patrols have been coerced into participating and whether they have committed crimes or violated human rights. Human Rights Watch/Americas considered this accord on the civil patrols a positive, albeit limited, step towards addressing the serious human rights problems presented by the patrols at the time it was first announced. However, the impact of the accord has been negligible in the year and a half since it was signed. The continuation of serious human rights abuses by the patrols and the lawlessness with which they operate, intimidating witnesses, judges, and even the police, make clear that more drastic measures are necessary. Human Rights Watch/Americas remains convinced that the patrol system as currently constituted has so thoroughly become a repressive tool of the army that it should be dissolved. If it is impossible to take this step immediately, we urge the dissolution and disarming of those patrols which are known to have committed human rights abuses with impunity, as outlined in the next chapter.**

## II

### CIVIL PATROLS

The majority of violent abuses of human rights during the period covered by this report have been committed by members of the civil defense patrols, known officially as the Voluntary Self-Defense Committees. Eradicating their abuses and diminishing the excessive power the patrols exert in rural areas may be the most urgent human rights challenge facing the government of Ramiro de León Carpio, a man who previously earned a reputation as an outspoken critic of the patrols' abuses. So far, the administration's record in this area has been disappointing.

Although the civil patrol system has precedents in earlier periods of Guatemalan history, the current system developed as army counterinsurgency strategy in 1982 under the military government of Efraín Ríos Montt. The patrols were conceived by military officers as a way to consolidate army control over remote mountain hamlets—some 400 of which were razed in the army's scorched earth campaign of the early 1980s.

Hundreds of thousands of mostly indigenous men were recruited for unpaid patrol duty beginning in 1982, with those as young as ten and as old as seventy required to perform twelve to twenty-four-hour shifts weekly or every two weeks. Patrol duties include surveillance of streets and outlying areas, stopping strangers entering the village and reporting regularly to the local army commander, conducting sweeps of mountain areas in search of guerrillas, and performing menial labor for the army such as chopping wood and carrying it to military bases or standing guard over road machinery. In addition, the patrols have been forced to do the army's dirty work, capturing and killing hundreds of villagers whom the army had identified as subversives.

Guatemala's 1985 Constitution for the first time made participation in the civil patrols voluntary (Article 34), and by 1988 a grassroots movement had developed to support peasants who wanted to resign from patrol duty. The movement has been brutally repressed by the army and civil patrol leaders,<sup>8</sup> and

---

<sup>8</sup> See, for example, Americas Watch, *Persecuting Human Rights Monitors: The CERJ in Guatemala*, (New York: Human Rights Watch, May 1989); and The Robert F. Kennedy Memorial Center for Human Rights, *Persecution by Proxy: The Civil Patrols in Guatemala*, (New York: 1993).

those who refuse to patrol continue to suffer serious consequences, from threats to forced displacement to assassination.<sup>9</sup>

Since the early 1980s, the civil patrols have been responsible for massive human rights violations, and the exhumations of clandestine cemeteries in recent years have begun to yield forensic corroboration to the substantial testimony collected by human rights groups about patrol massacres. In recent years, patrol violence has been intense in the villages surrounding San Pedro Jocopilas, Joyabaj, Chajul, and Colotenango, as well as several communities linked to the municipality of Chichicastenango.

---

<sup>9</sup> For an early history of the civil patrols, see Americas Watch, *Civil Patrols in Guatemala*, (New York: Human Rights Watch, August 1986).

In some cases, evidence has shown that civil patrols committed abuses on army orders; in other cases they have appeared to act on their own initiative.<sup>10</sup> Although the patrols were organized by the army and legally form part of the military reserves,<sup>11</sup> the army portrays them as spontaneous self-defense organizations for which it bears no responsibility. Soldiers arm, train, and supervise the patrols yet make no visible attempt to discipline members who commit abuses. This enables the army to use the patrols as a form of political control, while deflecting human rights scrutiny from the army.

Because the patrols are widely seen as an extension of army power, they are widely feared.<sup>12</sup> Local civilian authorities, including judges and municipal leaders, fear patrollers and have suffered persecution when they acted contrary to the patrollers' interests.<sup>13</sup> In cases where judges have dared issue warrants for

---

<sup>10</sup> See, for example, Americas Watch and Physicians for Human Rights, *Guatemala: Getting Away With Murder*, (New York: Human Rights Watch, August 1991); and Americas Watch, "Guatemala: Army Campaign Against Rights Activists Intensifies," *News From Americas Watch*, May 1990.

<sup>11</sup> Government Accord Number 222-83, published in the *Diario Oficial* on April 14, 1983, created the National Office of Coordination and Control of Civil Self-Defense (Jefatura Nacional de Coordinación y Control de la Autodefensa Civil) and stated, in its preamble, that "the Army of Guatemala organized the Civil Self Defense Patrols." Decree Law 19-86, published in the *Diario Oficial* on January 10, 1986, states in its first article that the civil patrols formed part of the military reserves and "should be assisted and coordinated by the Ministry of Defense."

<sup>12</sup> In March 1994, Human Rights Watch/Americas and the Archbishop's Human Rights Office interviewed one woman who reluctantly talked to us about her husband's activities in "the army" and about her fears that he would harm her or her children if he found out that she had talked to members of a human rights organization. When we sought clarification, she acknowledged that he was not a soldier, but rather the leader of the local civil patrol. Nonetheless, she saw no more than a semantic distinction between the patrols and the army.

<sup>13</sup> See, for example, The Robert F. Kennedy Memorial Center for Human Rights, *Persecution by Proxy*; International Human Rights Law Group, *Maximizing Deniability: The Justice System and Human Rights in Guatemala*, (Washington: July 1989) pp. 40-50; Americas Watch and Physicians for Human Rights, *Getting Away With Murder*, pp. 35-36.

the arrest of patrollers, the police often fail to detain them for fear of being overwhelmed. Government officials have told Human Rights Watch/Americas that the police cannot, for example, enter Colotenango to arrest thirteen patrollers wanted in connection with the August 3 murder of a demonstrator and wounding of two others. Officials have also admitted that the same fear hinders the arrest of patrollers wanted for the murder of peasant rights campaigner Tomás Lares Cipriano from Joyabaj. These fears are not without foundation. In 1991, police twice entered the patrol-dominated village of Chunimá to arrest two patrol leaders wanted for a string of murders of human rights activists, but were chased out by hundreds of patrollers who were awaiting them.<sup>14</sup> It was only after the Inter-American Court of Human Rights demanded that Guatemala appear at a hearing to explain why it had not arrested the patrollers and what steps it was taking to protect those monitors threatened by the patrols, that the army—not the police—flew into the community by helicopter and arrested the two patrollers. The army's police force, the Mobile Military Police (PMA), is legally empowered to carry out arrests upon orders from a judge and could detain those wanted in the Colotenango and Joyabaj cases without fear. Human Rights Watch/Americas has repeatedly urged military commanders, including Defense Minister Mario Enríquez Morales, to order the PMA to carry out these arrests, but no action has been taken as of this writing.<sup>15</sup>

Human Rights Watch/Americas has long argued that the civil patrols should be disbanded; both because the government has failed to guarantee their voluntary nature and has notoriously failed to protect those who choose not to patrol from reprisal, and because the patrols systematically abuse human rights and act above the law. The existence of the patrol system is a major obstacle to the establishment of civilian authority in rural areas and a central anti-democratic feature of rural life. The United Nations Independent Expert for Human Rights designated to monitor Guatemala has also repeatedly called for the patrols' dissolution, as has the Inter-American Commission of Human Rights. And in February 1994, Human Rights Ombudsman Jorge Mario García Laguardia sent a formal request to the human rights commission of the Guatemalan Congress for the derogation of Decree Law 19-86, the legal authority under which the patrols

---

<sup>14</sup> Americas Watch and Physicians for Human Rights, *Guatemala: Getting Away With Murder*, pp. 35-36.

<sup>15</sup> Interview with General Enríquez, Washington, D.C., January 25, 1994.

now operate.

Nonetheless, the army has made clear that it will only consider disbanding the patrols as part of an overall peace agreement with the guerrillas.<sup>16</sup> Since assuming the presidency, de León Carpio has echoed the army's position and has surprisingly emerged as an enthusiastic patrol supporter. Shortly after the patrols fired on unarmed demonstrators in Colotenango in August, killing one and leaving two wounded, the president appeared there at a patrol rally and vowed his support for the patrols, waving a patroller's rifle in the air for emphasis.<sup>17</sup> Although he has called for prosecutions of those responsible for abuses, a combination of negligence and fear has brought judicial proceedings to a crawl in most of the known cases. One exception is the conviction and sentencing of the Chumimá patrol chiefs, described in Chapter IX.

On January 17, 1994, President de León Carpio wrote to President Clinton outlining his plans for the patrols. He noted that the human rights ombudsman is in charge of verifying whether participation in the patrols is voluntary or not and reiterated that patrollers are free to resign if they choose to do so. He also expressed his commitment to investigating and prosecuting those patrollers who carry out human rights violations. Furthermore, he stated:

**The government of Guatemala has issued orders so that those Defense Committees may be converted into Peace and Development Committees, independent of military control. These Committees will not have a defense function. We hope to be able to accelerate this process with greater impetus in the areas not constantly threatened by armed groups. Once peace is achieved, there will be no reason for the Self-Defense Committees to continue, and these can reconstitute themselves as Development Committees, as is already happening in some**

---

<sup>16</sup> General González Taracena, chief of the military general staff (Estado Mayor de la Defensa) told Human Rights Watch/Americas he considered the ombudsman to be acting in "good faith" but insisted that the patrols are a vital mechanism for people to defend themselves from the guerrillas. (Interview in Guatemala City, March 15, 1994).

<sup>17</sup> Tim Golden, "Guatemala Chief, Fighting Corruption, Demands Congress Quit," *New York Times*, September 1, 1993.

areas...<sup>18</sup>

**Human Rights Watch/Americas visited the Nebaj area in El Quiché in March 1994, where civil patrols have recently been renamed committees of peace and development. Although the military commander has instructed patrollers to refer to themselves by the new name, there seems to be no other difference in the operation of the Nebaj patrols. They are still armed by the army, still report to the army, and receive instructions from the army. In February 1994, the commander of the military detachment in Nebaj instructed patrollers to monitor closely the activities of the Catholic Church in their villages and report to the army, according to church sources.**

**Human rights leaders in Guatemala have expressed concern that even were the army to disarm the so-called peace and development committees, they would continue to have a fundamentally repressive character, as they would continue to collect intelligence for the army and guide its local repression. Moreover, civilian and military officials have explained that the committees will be used to channel development aid into rural communities—aid that will be delivered through the army. As Human Rights Ombudsman García Laguardia pointed out to Human Right Watch/Americas in March 1994, this would perpetuate army control in areas which ought to be the purview of the civilian government, such as development.**

**In a speech before the fiftieth session of the United Nations Human Rights Commission in Geneva in early 1994, Bishop Juan Gerardi Conedera expressed the objections of the human rights community to the president's initiative on the civil patrols:**

**Having arisen for the purposes of counterinsurgency, [the patrols'] eventual conversion to development committees implies the risk that the culture of authoritarianism will become consolidated and will dominate life in rural areas and that the context of the armed conflict will draw lines between the supposed conquered and conquerors within the communities.<sup>19</sup>**

---

<sup>18</sup> Human Rights Watch/Americas translation.

<sup>19</sup> Human Rights Watch/Americas translation.

**Human Rights Watch/Americas has no objection in theory to voluntary participation in development committees. Nonetheless, we are concerned that the committees may be used for allocation of state resources for the exclusive benefit of their members, in violation of international standards against discrimination. We are also concerned that the channelling of economic benefits through the development committees might be used as a form of coercing peasants into participating, in violation of freedom of association. Moreover, in a democracy, military structures should be under effective control and supervision of civilian authorities, a notion which has been turned on its head by the civil patrols. We are concerned that the development committees will perpetuate this imbalance.**

**The most urgent task remains removing weapons issued by the army from the hands of the civil patrols. This task is particularly urgent in communities where they have carried out violent abuses with army-issued weapons and paralyzed, through intimidation and relying on their association with the army, civilian authorities. Nonetheless, the army appears reluctant to disarm patrols, even when they have carried out serious abuses against fellow villagers, because it values the patrols as a counterinsurgency tool. After a string of bloody murders by the civil patrols of Xemal, a village in the municipality of Colotenango, a group of Xemal residents wrote to Defense Minister Mario Enríquez Morales asking for the immediate dissolution of the Xemal patrols, removal of their army-issued weapons, and the prosecution of those responsible for human rights violations. General Enríquez wrote the villagers on January 13, 1994, stating that neither he nor the president had the authority to respond to their pleas. They could not dissolve the patrol, he stated, because to do so would violate the patrollers' freedom of association; nor could the army or the president involve themselves in the prosecution of those responsible for abuses, because to do so would violate the independence of the judiciary. Enríquez did not respond to the villagers' request that the army disarm the Xemal patrols, which the army clearly has authority to do.**

**Guatemalan military officers have told Human Rights Watch/Americas of two cases in which the army disarmed patrols known to have committed abuses. The army retrieved weapons from the patrols in the village of Guineales, in the department of Sololá in 1992 after the patrollers engaged in a public dispute with the civilian authorities in the municipality of Santa Catarina Ixtahuacán. Col. Rodolfo Figueroa Rojas told Human Rights Watch/Americas that the army had also taken the arms from a patrol which reportedly had robbed**

buses on the Pan-American Highway near the popular tourist destination of Chichicastenango.<sup>20</sup> These are, however, exceptions that serve to prove the rule. The army should, as an immediate step towards ending violent abuses by civil patrols, remove army-issued weapons from the patrols responsible for the abuses described in this report and dissociate itself from those patrols so that they may not continue to act under color of the authority bestowed upon them by the military.

---

<sup>20</sup> Interview in Santa Cruz del Quiché, June 26, 1993.

### III

#### EXTRAJUDICIAL EXECUTIONS

Guatemala's military and police forces and civil patrols have developed a well-deserved notoriety for human rights violations including disappearances and extrajudicial executions, massacres, and torture. Although the number of these abuses in recent years has declined markedly as the guerrilla war of the 1980s has waned, those responsible have never been investigated or prosecuted (with a few exceptions described in Chapter IX). And while the incidence of violent abuses clearly attributable to the security forces may have declined, disappearances, assassinations, and threats continue to be carried out with near-complete impunity by members of the civil patrols and paramilitary groups. Some violations may be the work of soldiers allied with the hardline officers whom President de León Carpio has displaced from the military high command. The government's failure to investigate and prosecute these shadowy elements has allowed violence to proliferate. And while the relatively moderate military officers who now occupy the high command may not be involved in political assassinations and disappearances, they are clearly unwilling to use their formidable intelligence capabilities to help identify and prosecute those who are.

In the year since Ramiro de León Carpio became president, the vast majority of violent abuses of human rights have been committed by the civil patrols or by plainclothes agents whose sophisticated coordination, surveillance, intelligence, and general *modus operandi* suggest a link to the security forces. The government has yet to conduct a successful investigation into any of these covert acts of political terror, nor has it demonstrated a strong commitment to prosecuting those responsible for abuses which occurred before it came into office (see below).

There are no definitive statistics measuring political violence in Guatemala, largely because of the formidable obstacles to human rights investigations presented by the overwhelming climate of intimidation and fear and the remote and inaccessible terrain throughout much of the republic. Nonetheless, statistics compiled by the Human Rights Office of the Archbishop of Guatemala, which culls a variety of sources including news reports and the office's own investigations, provide a sense of general trends, and indicate a worsening picture in 1993 and 1994 compared with 1992.

The Human Rights Office recorded 248 extrajudicial executions in 1993, up from 204 in 1992. In the first four months of 1994 alone, the Archbishop's office

recorded 108 extrajudicial executions. The period of de León Carpio's government has also been noteworthy for high-profile assassinations—such as that of the president's cousin, the publisher and politician Jorge Carpio Nicolle, and Constitutional Court President Epaminondas González Dubón—whose chilling message reverberates throughout the country.

What may have been a rare opportunity to crack the army's secret terror network was lost in October 1993, when two soldiers serving terms at the Pavoncito Prison in Guatemala City for the 1990 murder of U.S. citizen Michael Devine publicly stated that they had belonged to army death squads and were willing to provide evidence regarding the location of clandestine cemeteries and detention centers in the department of El Petén and to identify the intellectual authors of the murders of Devine and Guatemalan anthropologist Myrna Mack. The soldiers, joined by a civilian inmate serving time for unrelated offenses, wrote a letter to President de León offering to provide him with evidence in exchange for a reduction in sentences.<sup>21</sup>

On October 11, the soldiers, Tiburcio Hernández and Francisco Solbal Santay, held a press conference inside the Pavoncito prison and said they formed part of a fourteen-member death squad directed by military intelligence and operating from the Santa Elena military base in the department of El Petén. They said they had killed approximately fifty people between 1987 and 1991 after interrogating them under torture. Santay offered to lead the press to a clandestine cemetery inside the Kaibiles training school in the Petén, where he said over 200 bodies were buried. The soldiers said that the political killings they had participated in, including the Devine murder, were ordered by the army high command.<sup>22</sup>

Human Rights Watch/Americas interviewed Hernández, Solbal, and their fellow inmate Jorge Lemus on October 12 at Pavoncito in private. The soldiers repeated the information they had given the press and said that an officer from

---

<sup>21</sup> The letter also bore the name, but not the signature, of Noel de Jesús Beteta, the sergeant convicted for the murder of Myrna Mack. A fifth prisoner who signed the letter to the president, Oliverio Orellana Valdez, subsequently refused to talk about the issue.

<sup>22</sup> Trish O'Kane, "Guatemalans Tie Military to Death Squads," *San Francisco Chronicle*, October 12, 1993.

the Estado Mayor Presidencial had visited them and offered them more than US\$50,000 each in exchange for their silence, threatening them with death if they talked.

On October 13, Hernández and Solbal publicly retracted their statements, telling the press that fellow inmate Lemus had "threatened" them into inventing the account, offering to share with them the proceeds he hoped to get from winning a journalist award based on their story.<sup>23</sup> This explanation is hard to believe, considering the tremendous risks the soldiers undertook in publicly accepting responsibility for dozens of disappearances and political murders, while implicating the high command of the army as intellectual authors, all for the promise of prize money from an article which had yet to be written by a convicted car thief with no evident journalistic credentials. Lemus insisted that the soldiers' retractions were a result of pressures from the army.

Concerned that this may have been the case, Human Rights Watch/Americas wrote to President de León Carpio on October 15, 1993, asking him to guarantee the inmates' security and to investigate the circumstances behind their abrupt retraction. Further, we urged the government to investigate thoroughly the prisoners' original declarations, whose gravity warranted a serious government response. We received no response to our letter.

Although the Interior Ministry commendably allowed the press and human rights investigators free access to the prisoners, it appears to have failed to protect them from intimidation and bribery. The threats reportedly delivered by an intelligence agent identified as a Captain Sosa Díaz were followed by the mysterious murders of four prisoners at the preventive detention center in the capital's Zone 18. Although the government initially claimed the four had committed suicide, forensic investigators later ruled the deaths were caused by drugging with barbiturates followed by strangulation with a thin cord and hanging with towels. Three guards and a nurse have been detained and charged with murder in connection with the deaths of the four prisoners, Moisés Tun Toc, Antonio Castillo Méndez, José Morales Campos, and Oliveria Angel Echeverría.<sup>24</sup>

---

<sup>23</sup> "Ex especialistas se retractan de acusaciones contra el ejército," *Siglo Veintiuno*, (Guatemala City: October 14, 1993).

<sup>24</sup> Amnesty International, "Medical Concern: Killing of Four Prisoners, Guatemala," AMR 34/83/93; and Memorandum No. 44-94 from Attorney General Telésforo Guerra Cahn to Human Rights Watch/Americas, March 17, 1994.

Although the motive for the killings has not been established, two of the victims' cells were on either side of Noel de Jesús Beteta, whose name appeared on the letter to the president as one of the prisoners offering information about military death squads. This has aroused concern that the slayings may have been intended to intimidate prisoners with information to reveal.

#### **Tomás Lares Cipriano, Killed by Civil Patrollers**

Joyabaj is a town of some 20,000 inhabitants strategically located in the corridor between the departments of Quiché, Baja Verapaz, Chimaltenango, and Guatemala. Its population is mostly Quiché Indian. In the early 1980s, the army and the guerrillas fought for control of the municipality. As in other conflictive communities, the civil patrols were organized to solidify army control. Since 1982, the Joyabaj patrols have been led by Leonel Ogaldez García, who reportedly played a major role in the murders and disappearances of hundreds of indigenous peasants during the years 1982-85. Guerrilla activity ended in the municipality by 1987, according to the Archbishop's Human Rights Office, but the patrols have continued to intimidate and persecute those considered insufficiently loyal to the army.<sup>25</sup>

In 1993, civil patrollers unleashed an aggressive intimidation campaign against those participating in a grass roots movement to resign from patrol duty.

At approximately 11:00 A.M. on April 30, 1993, fifty-seven-year-old Tomás Lares Cipriano was ambushed and slain by civil patrollers as he walked on a path between the hamlets of Cruz Chich and Chorraxá in the municipality of Joyabaj. Lares had been an activist with the human rights organization CERJ and the Committee for Peasant Unity (CUC) who, along with several others from his village, had resigned from civil patrol duty in February 1993. Since that time, Lares had organized demonstrations against military pressure to patrol in the main square of Joyabaj and had received death threats from local civil patrol leaders.<sup>26</sup> A February 25 demonstration organized by Lares, at which hundreds of patrollers publicly resigned from the patrols, received widespread press coverage and

---

<sup>25</sup> Oficina de Derechos Humanos de Arzobispado de Guatemala (ODHAG), *Informe Anual 1993* (Guatemala City: 1994), pp. 338-339.

<sup>26</sup> Lares had also received threats during previous years from the local civil patrol leaders because of his CERJ membership.

provoked then-Defense Minister García Samayoa to accuse the demonstrators of being manipulated by the guerrillas.<sup>27</sup> Alarmed by García Samayoa's statement, CUC leaders brought Lares and other former patrollers to Guatemala City to explain the decision to resign from the patrols to government officials and the press and to seek protection for those who resigned. Nonetheless, soldiers, military commissioners,<sup>28</sup> and patrol leaders began visiting the hamlets whose men had resigned from the patrols to warn that failure to patrol would bring a repetition of the violence of the early 1980s, according to the CUC.<sup>29</sup>

Lares led another demonstration in Joyabaj on April 29, the day before he was murdered.

Those who knew Lares remember him as someone who placed such a high value on the Constitution that he carried it with him at all times, using a plastic bag to protect it from the frequent Quiché rain showers.

Lares had repeatedly sought protection from the state because of the threats he had received. Earlier in 1993, he filed a complaint with the representative of the human rights ombudsman in Santa Cruz del Quiché after receiving threats from local patrollers. The ombudsman's representative directed the police to offer him protection, an order which was ignored.<sup>30</sup>

On March 26, the Human Rights Office of the Archbishop of Guatemala presented a *habeas corpus* petition to the Supreme Court on behalf of Tomás Lares and several others who had been threatened after resigning from the patrols.<sup>31</sup> The archbishop's office urged the court to ensure that immediate steps

---

<sup>27</sup> "CUC: Tres mil patrulleros renunciarán hoy en Joyabaj," *Siglo Veintiuno*, February 25, 1993.

<sup>28</sup> Military commissioners are civilians who perform intelligence and recruitment functions for the army.

<sup>29</sup> "Nuevo Atentado Contra La Sociedad Civil," Comité de Unidad Campesina, press release, May 4, 1993.

<sup>30</sup> Human Rights Watch/Americas interview with attorney Oscar Cifuentes Cabrera, representative of the human rights ombudsman in Santa Cruz del Quiché, June 25, 1993; and interview with National Police chief of Joyabaj, June 26, 1993.

<sup>31</sup> The petition was based on article 263 of the Constitution which holds that "whosoever is illegally imprisoned, detained, or restrained in any other way from the enjoyment of his/her

were taken to protect Lares and the others under threat.<sup>32</sup>

Although habeas corpus is designed to provide urgent and immediate relief, the archbishop's office did not receive a reply until May 19, nearly two months after the writ was filed and three weeks after Lares had been assassinated. In a resolution dated May 11, the Second District Court of Santa Cruz del Quiché declared the petition unfounded on the grounds that the victims were not detained and "could not be located in any place."<sup>33</sup> If the judge had expeditiously directed an inquiry to the civil patrols regarding the threats, it is possible that Lares might still be alive today. Clearly this case marks a dramatic failure of the government to guarantee the rights of citizens threatened by the civil patrols.

Lares is the twentieth member of the CERU to be murdered or disappeared by the security forces or civil patrols since the group was formed in July 1988 (see Appendix B). In only one of these cases has the government prosecuted those responsible (see below, Chapter IX). Lares's slaying also forms part of a systematic pattern of persecution of those who resign from the patrols, despite the constitutional guarantee against forced patrolling (Article 34). General García Samayoa's statement after the February 25 demonstration Lares organized, that those resigning from patrol duty were manipulated by the guerrillas, provided a green light for the patrollers who eventually killed him.

Although no witnesses to the assassination have come forward, one has testified that he was walking a few minutes behind Lares on the trail and recognized some local civil patrollers leaving the area where Lares had just been killed. An exhumation of the body on June 29, 1993, revealed that Lares had been shot five times, his throat slit, and his right ear cut off.<sup>34</sup> In late July, the district

---

individual liberty, or who suffers ill-treatment...has the right to request his/her immediate presentation before the courts of law whether with the goal of having his/her liberty guaranteed, making the ill-treatment stop, or stopping the duress to which he/she has been subjected" [Human Rights Watch/Americas translation].

<sup>32</sup> Habeas corpus petition presented by the Human Rights Office of the Archbishop of Guatemala to the Supreme Court of Justice, March 26, 1993.

<sup>33</sup> Despacho Penal-Exhibición Personal No. 16-93 a favor de Tomás Cipriano Larez (sic), May 12, 1993.

<sup>34</sup> July 16, 1993 memorandum of Anna Marie Gallagher of the Washington-based Center for

court in Santa Cruz del Quiché issued warrants for the arrest of Leonel Ogaldez García, the longtime chief of all the patrols in the villages surrounding Joyabaj; Santos Chich Us and Catarino Juárez, the first and second in command of the patrols in Chorraxá respectively; Santos Tziq, Diego Granadillo Juárez, and two other patrollers. Diego Granadillo Juárez was detained by the police but released after two days when his lawyer presented an alibi. Leonel Ogaldez García appeared voluntarily in court on August 9 but was released the same day on an alibi, despite the fact that his alleged responsibility was as intellectual, not material, author. Patroller Catarino Juárez was captured on August 3 and released August 5 on recognizance (*bajo caución juratoria*) despite ample evidence that he had threatened to kill Lares. The other patrollers have never been detained, although orders for their arrest were issued in July 1993. Bullet shells found at the site were identified by the police as .30 caliber, the kind used in M-1 rifles, and .22 caliber, used either in a rifle or a revolver. Both ammunitions are typically used by civil patrols.

Ogaldez García and the patrols in Joyabaj's mountain hamlets are widely feared. On June 19, 1993, Ogaldez García frightened Joyabaj residents as he repeatedly tried to kill two Joyabaj men against whom he bore a personal grudge. At the heart of the dispute was control over the municipal government and its resources. According to testimony provided to a district court judge in Santa Cruz del Quiché by the victims, they have opposed efforts by Ogaldez García to force the mayor of Joyabaj and the town council (*corporación municipal*) to resign, prompting the patrol chief's hostile actions.

At 4:00 P.M. on June 18, Ogaldez García, who was driving through town, pulled out his pistol, loaded it, and pointed it at Erwin Alvarado Estrada, vowing to kill him. Protests from Ogaldez's wife at that moment, prevented him from shooting.

About forty five minutes later, Ogaldez approached Alvarado and Aurelio Cabrera Méndez at a building belonging to Cabrera, also in Joyabaj. Without saying a word, he began to shoot with a 30/30 carbine, but because he slipped, Alvarado and Cabrera were able to run into a house without injury. Ogaldez continued firing at the house and then shot more than fifty bullets into the car the two men had been driving, using the 30/30 carbine, a nine millimeter pistol, and a .12 caliber rifle. For more than an hour, Ogaldez continued firing at the houses in the neighborhood. Later he began shouting all over town that he had killed

**Cabrera and Alvarado. He went to Alvarado's home, trained his rifle at Alvarado's father, and told him he had killed his son Erwin.**

**Erwin Alvarado and Aurelio Cabrera sought refuge at the Joyabaj police station until midnight and then went to sleep at a friend's house, returning to the police station the next morning. At about 7:00 A.M., a patroller named Eder Peña found Alvarado and Cabrera at the police station and told them: "What a shame the man didn't do his work well, but I will do it well," an apparent reference to Ogaldez's failure to kill them.<sup>35</sup> Alvarado and Cabrera have since agreed to drop all charges against Ogaldez, who during a meeting at the military base in Santa Cruz del Quiché agreed to pay for the damages to their car.**

**Also in 1993, death threats from the civil patrols forced the Catholic priest in Joyabaj, Father Juan Antonio Vásquez Leal, to leave the country for several months. Vásquez had promoted development programs with indigenous organizations in Joyabaj and, during one homily, preached that indigenous and non-indigenous people are equal. Patrol chief Ogaldez reportedly complained about the homily to the military base in Santa Cruz del Quiché and called several meetings of patrollers to plan the priest's assassination.<sup>36</sup>**

### **Massacre in San Pedro Jocopilas by Civil Patrollers**

**San Pedro Jocopilas has been the site of frequent political violence, in many cases attributable to the civil patrols, who are the law of the land. Three CERU members, José Vicente García, Mateo Sarat Ixcoy, and Celestino Julaj Vicente, were killed there, apparently by the patrols, in 1990 and 1991.<sup>37</sup> Criminal violence is also rampant in the area. In February 1993, the civil patrols declared a curfew in the area beginning at 6:00 p.m, although they have no legal authority to do so.<sup>38</sup>**

**On May 1, 1993, civil patrols shot dead ten people in San Pablo, a hamlet**

---

<sup>35</sup> Complaint filed with Juez Segundo de Primera Instancia, Santa Cruz del Quiché, June 21, 1993, by Aurelio Cabrera Méndez and Erwin Alvarado Estrada.

<sup>36</sup> ODHAG, *Informe Anual 1993*, p. 342.

<sup>37</sup> See Americas Watch, "Guatemala: Rights Abuses Escalate as Elections Near," November 8, 1990, p. 9; and Appendix B of this report.

<sup>38</sup> ODHAG, *Informe Anual 1993*, p. 348.

of San Pedro Jocopilas. The May Day massacre appears to have no political connotation, but rather to be a case in which the local civil patrols acted as judge, jury, and executioner in a summary trial of a group of alleged common criminals. There has been no apparent progress in the judicial investigation of the case and those who traveled to the site to collect testimony reported that a pervasive fear of the civil patrols has virtually paralyzed the investigation.

Four of the victims of the May Day massacre were identified as María Lux, José Ramos Baten, Santos Enrique Pui López, and Julio César Ajanel Vásquez. The other six—one pregnant woman and five men—were buried as "XX," or John Doe.

According to the Archbishop's Human Rights Office, María Lux's troubles began when her husband began an affair with a neighbor named Basilia López Chanchabac in 1992, whose husband, Luis López Acabal, killed Lux's husband out of jealousy. Lux's family fled to the capital, but returned to their home in April 1993. A son of María Lux developed a reputation for criminal activity in the area.<sup>39</sup>

On April 30, a group of individuals wearing ski masks robbed the home of Luis López Acabal and raped his wife, daughter, and daughter-in-law. Although the assailants were hooded, the victims recognized one of them as the son of María Lux. On May 1, López's wife's son gathered together the civil patrols from the hamlets of Las Pozas, La Primavera, Patsojon, and Las Rosas. Several hundred strong, the patrollers set out after the band of criminals. At about noon, the patrollers captured the purported assailants at María Lux's house in San Pablo and summoned the police from Santa Cruz del Quiché. Although the police offered to take custody of the ten detainees, the patrollers refused, and proceeded to execute all ten.<sup>40</sup>

The police have publicly insisted that they only reached the scene *after* the victims were killed and have suggested that they died in crossfire, not by execution. The army has reported a similar version of events. In an interview with Human Rights Watch/Americas, Colonel Rodolfo Figueroa Rojas insisted that the victims were not killed by patrollers, but rather by citizens enraged at the constant depredations of common criminals, contradicting witness testimony provided to

---

<sup>39</sup> ODHAG, *Informe Anual 1993*, pp. 348-349; and "Y su palabra es la ley," *Crónica* (Guatemala City: May 14, 1993), p. 23.

<sup>40</sup> ODHAG, *Informe Anual 1993*, p. 349; "Y su palabra es la ley," *Crónica*, p. 23; and Human Rights Watch/Americas interview with Oscar Cifuentes Cabrera, representative of the human rights ombudsman in Santa Cruz del Quiché, June 25, 1993.

human rights investigators.<sup>41</sup>

The available evidence does not support the notion that the victims died in a firefight. First, none of the attackers was killed or injured. Moreover, the Archbishop's Human Rights Office reported that the forensic doctor who examined the bodies said they had been shot at close range.<sup>42</sup> One of the bodies was found at the foot of an oak tree, six others were found in front of the house, and three inside. Fourteen M-1 cartridges and five carbine shells were found at the scene, as well as a .38 special revolver, a .22 rifle, and two grenades.<sup>43</sup>

Ramiro de León Carpio, human rights ombudsman at the time of the massacre, demanded that the Serrano government conduct an exhaustive investigation to determine criminal responsibility. Nonetheless, one year later there has been no movement in the case.<sup>44</sup>

#### **Murders by Civil Patrollers in Amatitlán**

On June 14, 1993, members of the San Pedro Jocopilas civil patrols allegedly murdered Francisco Ajmac Ixcoy and Juan Patzán Pérez after picking them up at the store where they worked in Amatitlán. The victims and the alleged murderers were all from San Pedro Jocopilas and knew each other there. Two men, Juan Acabal Patzán and Francisco Grave Tum, have been detained in the case.<sup>45</sup> Arrest warrants issued for two others—Isidro Mendoza Acabal and Lorenzo

---

<sup>41</sup> Interview in Santa Cruz del Quiché, June 26, 1993.

<sup>42</sup> ODHAG, *Informe Anual 1993*, pp. 350-351.

<sup>43</sup> Information provided by the Presidential Coordinating Commission on Human Rights (COPREDEH), Guatemala City. COPREDEH was set up during the Serrano administration to coordinate the executive branch's human rights policies and to respond to inquiries on human rights from the international community.

<sup>44</sup> "Derechos Humanos exige que se investigue masacre de Quiché," *Prensa Libre*, (Guatemala City: May 5, 1993).

<sup>45</sup> According to the family of one of the victims, Juan Acabal Patzán is a patroller in the hamlet of Xoljuyup of San Pedro Jocopilas. Francisco Grave Tum reportedly boasted before his capture that he worked for army intelligence, G-2. Since his detention, however, he has denied any connection with the army. According to Francisco Ajmac's father, violence has

Mendoza Ordóñez—have not been carried out, although they were issued on July 6, 1993. The latter two have been identified as the patrol chiefs of the hamlet of Xoljuyup, San Pedro Jocopilas.

The following account of the murders is based on Human Rights Watch/Americas interviews in March 1994 with the relatives of Francisco Ajmac Ixcoy, a witness to their capture by the alleged murderers, the attorney for the Ajmac family, and civilian and military officials knowledgeable about the case.

On June 6, Francisco Ajmac Ixcoy received a phone call at the store where he was working in Amatitlán from Juan Acabal Patzán, who said he had a private message for Ajmac and needed to meet with him. Acabal Patzán warned him not to tell anyone about their intended meeting, but Ajmac later described the call to his father. Juan Patzán Pérez accompanied Francisco Ajmac, and a witness saw the two being picked up by men driving two vehicles without license plates at about 7:00 on the evening of June 14. The witness identified the vehicles' occupants as Juan Acabal Patzán, Francisco Grave Tum, Isidro Mendoza, and Lorenzo Mendoza Ordóñez, the San Pedro Jocopilas patrollers. The next afternoon, the bodies of Francisco Ajmac Ixcoy and Juan Patzán Pérez were found at kilometer 29 of the Pacific highway. The two had been shot to death; .45 caliber shells were found near the bodies.

This case has no apparent political connotation, but may be an example of murders for hire by the San Pedro Jocopilas patrols. According to Francisco Ajmac Ixcoy's father, his son had been threatened by the brother of his ex-girlfriend who was enraged that Ajmac had refused to marry his sister, who also lived in a hamlet of San Pedro Jocopilas. "You will see that you are not going to live long," the brother reportedly warned Ajmac. Ajmac's family is aware of no other possible motive for their son's slaying. Pérez Patzán may have been killed because he was accompanying Ajmac to a meeting which the latter had been warned was secret.

#### **Murder of Jorge Carpio Nicolle and Companions by Civil Patrollers**

On July 3, 1993, Jorge Carpio Nicolle, a former presidential candidate and prominent publisher, was murdered in a highway assault on the road between Los

---

diminished dramatically in San Pedro Jocopilas since Acabal Patzán and Grave Tum were arrested.

Encuentros and Chichicastenango, in the department of El Quiché, apparently by elements of the San Pedro Jocopilas civil patrols. Also slain were Juan Vicente Villacorta, an organizer for the political party Carpio headed, the National Union of the Center (ucx); Alejandro Avila Guzmán, ucx campaign coordinator; and bodyguard Rigoberto Rivas. Sixteen-year-old Sidney Shaw was seriously injured.

In addition to being one of the most prominent political figures in Guatemala, Jorge Carpio was the first cousin of President Ramiro de León Carpio. His assassination ended with a jolt the euphoria that followed civil society's reversal of then-President Serrano's attempted coup. The initial police investigation of Carpio's murder, conducted under the supervision of the holdover police director from the Serrano government, has been widely recognized as flawed, leading to suspicions of a coverup. Although a dozen suspects were detained within days of the massacre, the four who were eventually indicted appear to be innocent. When Mario René Cifuentes assumed leadership of the police, he began a new investigation.

In February 1994, the Archbishop's Human Rights Office said in a press conference that it had evidence that members of the military-organized civil patrols were responsible for the slayings, based on credible information also received by Human Rights Watch/Americas. We are gravely concerned that the replacement of National Police Director Cifuentes, Interior Minister Ortiz Moscoso, and Vice Minister Reyes Calderón by a team allied with the army will make it unlikely that an independent investigation will be pursued.

The motive for the slayings has remained a source of controversy. The military has argued that the Carpio slayings resulted from a botched robbery attempt, an analysis rejected by Carpio's family. Dozens of highway robberies have been committed in the area where Carpio was slain in recent years, but the assailants have rarely killed their victims.

Members of the family who were with Carpio at the time he was slain have provided the following account of the incident to Human Rights Watch/Americas and the press:

On the evening of July 3, a caravan of two vehicles was forced to stop by about twenty-five to thirty masked men wearing black ski masks and carrying a variety of weapons, including sidearms, M-16s, and Galils, at kilometer 141 on the highway between Los Encuentros and Chichicastenango, a place known as the Molina el Tesoro bridge. The armed men approached the first car—a van driven by Ricardo Sanpedro in which Carpio was riding with his wife (Marta Arrivillaga de Carpio), Mario López, Juan Vicente Villacorta, and Sidney Shaw, Sr.—and ordered two of its occupants, Sanpedro and López, to get out and give up their weapons.

Upon recognizing Jorge Carpio, one of the men reportedly said, "You're Jorge Carpio, we are going to kill you."<sup>46</sup>

A second group of assailants had surrounded the second vehicle, a pickup truck, and ordered its occupants to get out. Then they fired on all three, killing Alejandro Avila, Rigoberto Rivas, and gravely wounding sixteen-year-old Sidney Shaw, Jr.

The men surrounding the Carpio van searched Juan Vicente Villacorta and, as another vehicle approached, shot him point blank, also firing at the approaching vehicle. Again they asked the occupants of the van for weapons and, when told that they had none, demanded money. Carpio and two others put together about 1,500 *quetzales* (approximately US\$278) which they gave to the men, who also took two knives, a watch, a ring, and a pair of glasses. They did not take the gold chains Carpio and two others were wearing, nor the earrings, rings, or purse that Marta Arrivillaga de Carpio had with her. Nor did they search the vehicles and take the suitcases or sound equipment stored there. According to the Carpio family, the assailants never discovered the two weapons which were hidden under the front seat of the pickup.<sup>47</sup>

The apparent chief of the group then gave the order to kill Carpio, upon which one of the men shot him three times.<sup>48</sup> The bullets hit Carpio in the groin and the left gluteal.<sup>49</sup> He died at the hospital in Santa Cruz del Quiché later that night.

Two days later, the defense minister, Gen. Mario René Enríquez, blamed the quadruple assassination on ex-guerrillas, a theory denied by the guerrillas and quickly abandoned by the government.<sup>50</sup> Two groups of suspects totaling twelve men were picked up in connection with the case, but only four Marcelino

---

<sup>46</sup> Speech given by Marta de Carpio before the United Nations Human Rights Commission, Geneva, reprinted in *El Gráfico*, (Guatemala City: March 4, 1994).

<sup>47</sup> Interview with Marta Arrivillaga de Carpio and Karen Fischer de Carpio, Guatemala City, March 16, 1994.

<sup>48</sup> Letter from Karen Fischer de Carpio, published in *Crónica*, July 23, 1993, p. 7.

<sup>49</sup> ODHAG, *Informe Anual 1993*, p. 382.

<sup>50</sup> *Prensa Libre*, July 6, 1993; *Siglo Veintiuno*, July 6, 1993; cited in ODHAG, *Informe Anual 1993*, p. 376.

Tuy Taniel, Nazario Tuy Taniel, Jess Cuc Churonel, and Tomás Pérez y Pérez, were indicted. Yet there appears to be no evidence connecting them with the crime. Paraffin tests conducted on the suspects by the National Police produced negative results; none of the stolen objects, nor any weapons corresponding with the bullets recovered from the bodies, were found on the suspects.<sup>51</sup>

Tomás Pérez y Pérez, a cuc member, was reportedly beaten during his detention and questioned about leaflets found in his home regarding the Guatemalan activist and Nobel Prize winner Rigoberta Menchú, and about his participation in the exhumation of twenty-seven bodies from a clandestine cemetery in Chontalá in 1991. The nature of the questions suggests that Pérez's arrest had little to do with the Carpio murder and did bear direct relation to his political activities.

Although civilian investigators have wavered in their assessment of the motive for the crime, the military has steadfastly maintained that the motive was robbery, not political assassination. The military has repeatedly stated that Carpio was not expected to be traveling to Chichicastenango that night, but was planning rather to spend the night in Panajachel, thus ruling out the possibility that the assassination was planned beforehand. However, the family has clarified that the Carpio caravan was indeed expected in Chichicastango at a public event and that the only change in its schedule was that they had spent longer than planned in Tonicapán and were about a half-hour late.

The military has argued that Jorge Carpio would not have been an inviting target for political assassination, because the ascension of his first cousin, Ramiro de León Carpio, to the presidency legally barred him from being elected to that post. Gen. Víctor Augusto Vásquez Echeverría, commander of Military Base #20 in Santa Cruz del Quiché, argued in a March 15, 1994 interview with Human Rights Watch/Americas that the assailants only began firing after one of them noticed two weapons stored in the pickup driven by Carpio's bodyguard, Rigoberto Rivas. The presence of the weapons made them think their captives were army officers, Vásquez said, so they decided to kill them. (As noted above, witnesses among the Carpio family deny that Rivas's weapons were found by the assailants.) The armed men had assaulted another vehicle shortly before attacking the Carpio caravan, Vásquez added, which they would not have done were they planning to assassinate Jorge Carpio. Nonetheless, the fact that the

---

<sup>51</sup> Interview with Marta Arrivillaga de Carpio and Karen Fischer de Carpio, Guatemala City, March 16, 1994.

Carpio caravan was behind schedule may account for the assault on a vehicle crossing the Molino el Tesoro bridge at the time Carpio was expected to cross.

Among the factors contributing to the theory that the killings were politically motivated is the fact that Jorge Carpio had recently angered then-Defense Minister Domingo García Samayoa by refusing to mobilize the large UCN voting block in the congress in favor of an amnesty for crimes connected to Serrano's coup attempt. García Samayoa and other military leaders, along with those civilians who supported Serrano's coup, faced possible criminal prosecution in the absence of an amnesty. In addition, some of Carpio's journalistic activities may have contributed to the fall from power of Gen. Roberto Perussina, who occupied the Defense Ministry for less than a month. García Samayoa and Perussina are leaders of a hard-line military faction more willing to use violence for political ends than the line represented by current Defense Minister Gen. Mario Enríquez.

The clumsy initial police investigation, the paralysis in the subsequent investigation, the apparent military threat to the life of one of the alleged perpetrators, and the army's insistence—based on misstatements of fact—that the motive was common crime, suggest that the army is not interested in a serious investigation and may be trying to hide its own links to the crime.

### **Slayings in Colotenango**

#### *Los Naranjales*

On August 3, 1993, civil patrollers in the hamlet of Los Naranjales in the municipality of Colotenango, department of Huehuetenango, fired on a group of peaceful demonstrators protesting patrol abuses in the area. The Colotenango demonstration had been organized by three grass roots organizations, the CUC, the National Coordinating Committee for Guatemalan Widows (CONAVIGUA), and the National Council of Displaced Persons of Guatemala (CONDEG). Juan Chanay (or Chanay) Pablo, sixty-four, was shot dead, and Miguel Morales Mendoza, nineteen, and Julia Gabriel Simón, sixteen, were injured and hospitalized. In all, the patrollers were said to have fired some fifty to sixty shots at the demonstrators.<sup>52</sup> The patrollers also attacked Belgian citizen Karel Louisa Jan Op De Beeck in his

---

<sup>52</sup> Human Rights Watch/Americas interview with secretary of the Justice of the Peace, Colotenango, September 18, 1993.

car, hitting him, breaking his car windows, and puncturing two of its tires. Although the demonstrators sought assistance from a Treasury Police post, the police agents refused to help.<sup>53</sup>

Several witnesses testified to the human rights ombudsman that none of the demonstrators had arms. Op De Beeck told the ombudsman that Juan Chonay, the demonstrator who was killed, was not armed. Nonetheless, when the justice of the peace formally collected the body some ten hours after the slaying, he found among his belongings a .22 revolver and a fragmentation grenade.<sup>54</sup>

On August 26, Human Rights Ombudsman Jorge Mario García Laguardia issued a report condemning the civil patrols of the villages of Kemal, La Barranca, and the municipality of Colotenango for the murder of Juan Chonay and the injuries suffered by the other three victims. The report faulted the Treasury Police for failing to provide assistance to the victims, noting that Article 13 of the law governing the Treasury Police requires agents "to provide immediate help and protection to any person who so requests."<sup>55</sup> The ombudsman also held the commander of Military Zone #19 in Huehuetenango, Col. Luis Felipe Miranda Trejo,<sup>56</sup> and Defense Minister Enríquez responsible for failing to control the civil patrols.<sup>57</sup> The ombudsman noted that on three occasions he had queried first Col. Trejo and then the Defense Ministry to get their version of events, but had received no reply, even though the law establishing the office of the human rights ombudsman requires all governmental authorities to collaborate and provide information for the ombudsman's investigations (Articles 24 & 25 of the law

---

<sup>53</sup> Human Rights Ombudsman, EXP-REF.HUE-26-93/D.I., (Guatemala City: August 26, 1993) p. 1.

<sup>54</sup> ODHAG, *Informe Anual 1993*, p. 371.

<sup>55</sup> Exp-Ref.Hue-26-93/D.I. of the Human Rights Ombudsman, August 26, 1993, p. 6.

<sup>56</sup> Col. Miranda Trejo was briefly detained in May 1993 when Capt. Hugo Contreras, the convicted mastermind of the June 1990 murder of U.S. citizen Michael Devine, escaped from the Guatemala City barracks commanded by Miranda Trejo. Ultimately, Miranda Trejo's "punishment" for allowing Contreras to escape was a transfer to Huehuetenango. Nonetheless, on October 1, 1993, Miranda Trejo was promoted to general. ("Como castigo, un ascenso," *Crónica*, October 8, 1993, p. 12.)

<sup>57</sup> Exp-Ref.Hue-26-93/D.I., pp. 5-6.

establishing the Human Rights Commission of the Congress and the human rights ombudsman).<sup>58</sup>

Warrants were issued on September 9 for the arrest of fifteen patrollers in connection with the shootings, but only two have been detained eight months later. Officials say the police fear entering the communities to try to arrest the patrollers. Yet this fear on the part of the National Police, an undermanned and ill-equipped force, does not explain the failure of the army-run PMA to carry out the arrests. The press reported that two of the patrollers wanted for the slayings had taken refuge in the military base in Huehuetenango after patroller Juan Pérez Godínez was detained January 14, 1994. This information, combined with the fact that the PMA has for seven months ignored the judge's order to arrest the patrollers, is strong evidence of military obstruction of justice in this case.

More alarming still, two of the villagers who have pressed charges against the patrollers for the shootings were themselves detained on April 22, 1994, in what appears to be an effort to intimidate them. They are being held in connection with the September 15, 1993 slaying of Xemal patrol chief Efraín Domingo Morales, described below. But at the time of Morales's murder, according to the Archbishop's Human Rights Office, the two men—Arturo Federico Méndez Ortiz and Alfonso Morales Jiménez—were participating in a literacy activity about seven hours away from the scene of the crime. The August 3 demonstrators had been provoked by a rash of abuses attributed to the Colotenango patrols. Among these was the May 21 illegal detention of the Huehuetenango representative of the human rights ombudsman, who had traveled to the village of Llano del Coyote to investigate patrol abuses.

Another source of community outrage was the July 5 machete slayings of Santiago Domingo Sánchez, Pascuala Sánchez Domingo, and Juan Domingo Sánchez, in the hamlet of Los Chorros, Xemal, reportedly by patrollers who had twice previously threatened the family because Santiago Domingo Sánchez did not patrol.<sup>59</sup> According to the Archbishop's Human Rights Office, two of the victims

---

<sup>58</sup> *Ibid.*, p. 4.

<sup>59</sup> A note was left on one of the bodies saying that the victims were members of the URNG. Human Rights Watch/Americas interview with secretary of Justice of the Peace in Colotenango, September 18, 1993; and with Alberto Godínez, cuc representative in Xemal, March 19, 1994.

had been beaten at a patrol meeting on April 11, 1993.<sup>60</sup>

The civil patrol chief of the Colotenango hamlet of Kemal, Efraín Domingo Morales, was murdered on September 15, 1993, most likely in retaliation for the August 3 shootings and other patrol abuses. It is unclear who was responsible. He was participating in an independence day march at a school in San Ildefonso Ixtahuacán when two unidentified men approached him and shot him in the head. Several people pursued the assailants, who fled on foot, but were unable to apprehend them.<sup>61</sup>

The patrols continued to function as before. On September 26, 1993, Andrés Godínez Díaz and his wife, María Pérez Sánchez, who had both participated in the August 3 demonstration, left their home in Kemal to tend to their crops. They were found dead that afternoon, from knife and gunshot wounds. Witnesses reportedly saw Remigio Domingo Morales—brother of the recently slain patrol chief, Efraín Domingo Morales—and other patrol members leaving the area where the bodies were discovered.<sup>62</sup> Natividad Godínez Pérez, the daughter of the couple, filed a complaint with the Huehuetenango representative of the human rights ombudsman on April 19, stating that Efraín Domingo Morales, Remigio Domingo Morales, Jacobo Domingo, and other patrollers had entered their house armed on April 11 at 8:00 A.M. demanding that the family show them where they were hiding weapons. Finding nothing, they threatened Natividad and left, only to return at midday with patrollers from La Barranca to conduct another illegal search.

---

<sup>60</sup> ODHAG, *Informe Anual 1993*, p. 368.

<sup>61</sup> The background to the violent events of 1993 in this area is filled with irony, as several of the individuals identified as the perpetrators of patrol violence in 1993 (Efraín Domingo Morales and Remigio Domingo Morales) were themselves the victims of patrol abuses three years earlier. Human Rights Watch/Americas and the Archbishop's Human Rights Office interviewed Efraín Domingo Morales in 1990 after his brother, Remigio Domingo Morales, and another youth had been viciously stabbed and beaten by the Kemal patrollers and then left for dead, a crime which brought no punishment despite the presence of many witnesses. The head of the patrols at that time was Alberto Godínez, who now leads the anti-patrol movement as the civic organizer in Kemal. (See Americas Watch, "Guatemala: Rights Abuses Escalate as Elections Near," *News From Americas Watch*, (Human Rights Watch: November 8, 1990), pp. 10-11.) The Kemal patrol was later disbanded and then formed again in 1992, this time with Efraín Domingo Morales as its head.

<sup>62</sup> Interview with Archbishop's Human Rights Office, Guatemala City, October 5, 1993.

### Lucas Pérez Tadeo

According to reports by then-Ombudsman de León Carpio and the Archbishop's Human Rights Office, Lucas Pérez Tadeo was found dead with signs of torture and strangulation on September 3, 1992, in the hamlet of Guaxacaná in the municipality of Nentón, Huehuetenango. His murder caused anxiety among refugees in Mexico whose return to the Nentón area was at the time scheduled for early 1993. It also came in the context of growing tensions between residents of the neighboring villages of Guaxacaná, Trinidad, and Las Palmas, and the military base in Las Palmas. According to the Archbishop's Human Rights Office, a major from the base had threatened to wipe out the communities as a result of increased guerrilla activity even before the murder of Pérez Tadeo.<sup>63</sup>

Pérez Tadeo left his house at about 6:00 P.M. on August 31 to attend a meeting of civil patrollers to discuss the introduction of electric light to the town, after which he intended to visit his plot of land because of problems he was having with some pigs who were damaging his crops. When he did not return, his family informed the local civil patrol, of which Pérez Tadeo was a member, and a fruitless search ensued. When they reached his plot, they noted many footprints which the patrollers described to the ombudsman as those of soldiers' boots.<sup>64</sup>

Although there were no witnesses to Pérez Tadeo's capture, several witnesses told the ombudsman that a military checkpoint had been set up about eight kilometers from the village in an area called Titulín. The soldiers were seen leaving the area at about 6:30 P.M. on August 31, precisely the time of Pérez Tadeo's disappearance. Found near the body were several items typically used by soldiers, including empty food cans, olive green nylon bags, and a piece of rope entwined with black shoe or boot laces.

On September 7, an army officer from the Las Palmas barracks identified as Second Lt. (*subteniente*) William López Chay went to the school in Guaxacaná where he told a teacher that it was inadvisable to blame the army for Pérez Tadeo's death. An officer also visited Pérez Tadeo's family, warning them that they should leave the situation as it was before Pérez Tadeo's death and that it would

---

<sup>63</sup> ODHAG, *Informe Anual 1992*, p. 157.

<sup>64</sup> Human Rights Ombudsman, Ref. Exp. Hue. 11-92/D.I., March 18, 1993; and ODHAG, *Informe Anual 1992*, pp. 157-158.

cost them a lot of money to bring members of the army to trial. Later, the military gave relatives food and money. Shortly thereafter, all the military personnel at Las Palmas were transferred away, as frequently occurs after soldiers have been involved in human rights violations.<sup>65</sup>

The ombudsman's report found soldiers of the Las Palmas barracks directly responsible for the torture and murder of Pérez Tadeo. Nonetheless, Human Rights Watch/Americas was unable to ascertain if any judicial action has been taken in his case. Brigadier General José Luis Quilo Ayuso, in response to a query by the ombudsman, denied army involvement in the slaying.<sup>66</sup>

### **Epaminondas González Dubón**

On April 1, 1994, Guatemala's highest judicial authority was slain by automatic weapons fire as he returned home from a Holy Week celebration. Epaminondas González Dubón, sixty-two, was president of the five-member Constitutional Court, established in the 1985 Constitution as the ultimate arbiter of constitutional disputes. Although the government is interpreting the case as common crime, this theory appears highly unlikely.<sup>67</sup> The respected attorney had gained widespread recognition in May 1993, when the Constitutional Court issued three successive rulings that helped unravel President Serrano's presidential coup (see Appendix A). The first ruling declared the coup unconstitutional and without legal effect; the second called on the army to enforce the first; and the third declared that Gustavo Espina, who with the support of then-Defense Minister José Domingo García Samayoa sought to replace Serrano as president, was barred from office because of his participation in the coup.

---

<sup>65</sup> Human Rights Ombudsman, Ref. Exp. Hue. 11-92/D.I., March 18, 1993; and ODHAG, *Informe Anual 1992*, pp. 157-158. Soldiers were also transferred immediately after the massacre of Tzutzuhil Indians at Santiago Atitlán in December 1990 (Americas Watch and Physicians for Human Rights, *Getting Away With Murder*, pp.53-64).

<sup>66</sup> Human Rights Ombudsman, Ref. Exp. Hue. 11-92/D.I.

<sup>67</sup> Colonel Mérida, the new vice minister of the interior, called police investigators hours after the slaying to instruct them to treat the case as common crime, according to a source close to the police.

Recent or pending decisions facing the Constitutional Court at the time of the assassination included:

◆ An expected ruling from the Constitutional Court on an aspect of the murder case of Myrna Mack was imminent at the time of González's assassination. On February 9, 1994, the Supreme Court overturned an appeals court decision which had closed the case without investigating the responsibility of the intellectual authors of the crime, for which Sergeant Beteta is serving a twenty-five-year term. Beteta's superiors at the Estado Mayor Presidencial at the time of the Mack assassination were Gen. (r) Edgar Augusto Godoy Gaitán, Maj. Juan Valencia Osorio, and Maj. Juan Guillermo Oliva Carrera. These officers presented an appeal to the Constitutional Court, arguing that the Supreme Court's ruling was unconstitutional.

◆ The week before González was murdered, the court had ruled that changes in the electoral law proposed by the congress were unconstitutional.

Whatever the motive for the slaying, its impact has been devastating to the image Guatemala had gained a little less than one year earlier when the constitutional crisis provoked by Serrano's attempted coup was resolved by peaceful means and adhering to constitutional formulas. The image of a country where the rule of law was beginning to take hold has been shattered.

### **Felipe León Nas**

The murder of catechist Felipe León Nas and subsequent persecution of his colleague Josefa Macaria Calel illustrates two elements common to many human rights cases in Guatemala: how deeply fear runs and how persecution can follow people who flee to different parts of the country.

Felipe León Nas and Josefa Macaria Calel worked in Catholic Action in the town of Chiché, in the department of El Quiché. In 1992, they led an association of young catechists, which caused them to receive death threats. Although Calel gave up her activism, León formed an improvement committee in his village and also developed a literacy project together with the National Literacy Campaign (CONALFA). On December 27, 1993, five armed men shot León dead in front of the town hall (*salón municipal*) of Chiché, just a few meters from the National Police station. Although the shooting took place in plain view of several people, none would provide testimony for fear of reprisals.

**In early December 1993, an unknown man went to Cael's house asking for her, causing her to flee to Guatemala City. Several times afterwards, unknown men came looking for her. In Guatemala City, Cael found a job as a domestic servant and began attending night school. On January 20, 1994, two strange men called her by name and let her know they had been following her for days. They warned her that her life was at risk and that she should quit her job because she was exposing her employers to danger as well. Cael again had to flee.<sup>68</sup>**

---

<sup>68</sup> ODHAG, Urgent Action, February 1, 1994.

## **IV**

### **DISAPPEARANCES, TORTURE AND ARBITRARY DETENTIONS**

That the Guatemalan military has a practice of clandestine detention of those suspected to have links with the guerrillas has been demonstrated over the years by the testimony of survivors. In our March 1993 newsletter "Clandestine Detention in Guatemala," Human Rights Watch/Americas<sup>69</sup> described several cases that occurred between 1990 and 1992. The military has denied responsibility for each case, and civilian government officials have shied away from thorough investigations. In the 1992 case of the Maritza Urrutia, held by the security forces for eight days, for example, the army insisted that the victim had simply gone into hiding in order to leave the guerrilla movement, despite the fact that several people had witnessed her abduction. Ramiro de León Carpio, human rights ombudsman at the time of Urrutia's disappearance, issued a report stating that she had been the victim of a forced disappearance. He held the government responsible for its "failure to control repressive groups which continue to act outside of the law."<sup>70</sup> Since publication of our report, the trend appears to have worsened. The Archbishop's Human Rights Office recorded forty-five disappearances in 1993 and twenty-three in the first four months of 1994, compared with eleven in 1992.

#### **Unresolved Disappearances**

##### *Efraín Bámaca Velásquez*

Despite Ramiro de León Carpio's condemnations of disappearances as ombudsman, his government has failed to investigate seriously allegations of clandestine detention since coming to office. President de León Carpio and Defense Minister Enríquez have repeatedly denied that the military maintains

---

<sup>69</sup> Formerly Americas Watch.

<sup>70</sup> Ramiro de León Carpio, Human Rights Ombudsman, "La verdad acerca del caso de Maritza Urrutia," final installment of three articles published in *Prensa Libre*, October 17, 1992.

clandestine prisons, although this denial perhaps does not address the question of whether the army holds victims secretly inside *regular* military barracks, as appears to have been the practice. Particularly disappointing in this regard has been the government's response in the case of Efraín Bámaca Velásquez, a URNG combatant who disappeared after a firefight with the army on March 12, 1992, in the hamlet of Montúfar, which lies in the municipality of Nuevo San Carlos in the department of Retalhuleu.

On April 24, 1992, the URNG wrote to then-Ombudsman de León Carpio about the disappearance of Bámaca, also known by his alias, Commander Everardo. The letter notes that the military had publicly stated, and the press repeated, that an unidentified guerrilla had fallen in combat in Montúfar on March 12. It also notes reports that a body which supposedly belonged to the fallen guerrilla was buried in the cemetery in the city of Retalhuleu shortly after the confrontation. Other versions, the letter noted, hold that the army had captured a live guerrilla commander during the firefight and was holding him secretly, torturing him to elicit information. The letter gave a terse physical description of Bámaca, including his height, eye color, and complexion (described simply as *morena*, or dark).

On May 11, 1992, de León Carpio wrote back to the URNG, giving a detailed description of a body found in Montúfar on March 13, including what he was wearing, his weapons and ammunition. The deceased "supposedly...shot himself in the mouth," the letter stated. According to Bámaca's wife, American attorney Jennifer Harbury, the physical description contained in de León Carpio's letter corresponds with her husband's characteristics.

The URNG then pressed for an exhumation of the body buried in Retalhuleu to determine whether or not it was Bámaca. The guerrillas also requested forensic photographs of the guerrilla found dead at Montúfar, to which the army responded that none had been taken, according to Harbury. An exhumation set for May 20, 1992, was interrupted by then-Attorney General Acisclo Valladares, who according to Harbury (who was present), protested that the proceeding had not been authorized by his office.<sup>71</sup>

In February 1993, two guerrillas provided written testimony on this case to the United Nations Human Rights Commission in Geneva, claiming that they had

---

<sup>71</sup> Interviews with Harbury in Washington, D.C., 1992.

escaped from clandestine detention by the Guatemalan army. One of them, Santiago Cabrera López, alias Carlos, said he had seen Bámaca in custody as recently as July 1992, four months after his disappearance. He said that Bámaca was brought to the army infirmary in the same base where Cabrera López was being held in San Juan de Loarca in the department of San Marcos. He saw him strapped to a table, stripped to his underwear, badly swollen and with an arm and a leg in handages. He spoke in a strange voice, Cabrera said, as if he were drugged. Human Rights Watch/Americas cannot verify the accuracy of Cabrera López's statement, but we note that it is consistent with the evidence of a practice of secret detention at various military barracks and the use of torture to obtain information. According to Cabrera López and his companion, Jaime Adalberto Augustín Recinos, the army secretly detains dozens of captured combatants, torturing them so that they will provide ongoing collaboration in the counterinsurgency effort.

It is worth noting, in this regard, the arrest in September 1993 of a wounded guerrilla who was subsequently turned over to police custody. This is the first known case of a captured combatant being turned over alive in thirteen years. The fact that such an arrest had not been reported in the past strongly indicated a practice of clandestine detention or execution of injured or captured combatants.

A habeas corpus petition filed by Harbury in February 1993 was shelved by the Supreme Court. A court clerk told Harbury that the case was closed after a judge failed to find Bámaca in public prisons in Guatemala City, even though Guatemalan law requires that the investigation for a disappeared individual be actively pursued until the victim is found.<sup>72</sup>

---

<sup>72</sup> *Ley de Amparo, Exhibición Personal y de Constitucionalidad, Decreto No. 1-86, Título III, Articles 82-113. Articles 109 and 110 are particularly relevant:*

**Article 109:** Inquiry in the case of disappeared persons. If as a result of the measures undertaken it becomes apparent that the individual in whose favor the habeas corpus petition was presented has disappeared, the court will immediately order an investigation into the case.

The police authorities are required to inform the court, the human rights ombudsman, and the interested parties regarding the investigations carried out, which should be constant until the whereabouts of the disappeared person are firmly established, for its part, the Court of Habeas Corpus will issue a report about its work and any new information that appears to the Supreme Court of Justice.

**Article 110:** Discretionary Dismissal and Dismissal with Prejudice: The habeas

The new government agreed to exhume the body buried at Retalhuleu, at Harbury's request. The August 17, 1993 exhumation made clear that the alleged guerrilla buried there following the firefight in Montúfar was not Bámaca, reinforcing suspicions that he had been captured and secretly detained by the army.

Human Rights Watch/Americas raised the Bámaca case and other instances of clandestine detention with representatives of the presidential human rights commission (COPREDEH) during an October 5, 1993 meeting in our Washington office. The government's representatives denied that Bámaca had been detained, saying they were mystified about his whereabouts. They noted that they had offered Harbury access to any military base where she believed her husband was being held, but insisted that the responsibility lay with her to provide evidence as to where he was detained.

This response is a grave breach of the state's responsibility to investigate crimes of violence. There is *prima facie* evidence that Bámaca was detained and made to disappear by the army; this evidence has not been refuted by the government, but simply ignored. The government's only action to date on the case—the exhumation of the body in Retalhuleu—only served to strengthen evidence that Bámaca was the victim of a forced disappearance.

Otto Noack Sierra, President de León Carpio's personal representative at COPREDEH, said that the only reason the government had ever thought that Bámaca was the guerrilla buried in Retalhuleu was the detailed physical description provided by the URNG. However, as noted above, it was then-Ombudsman de León Carpio who provided the accurate physical description of Bámaca, saying that a guerrilla of those characteristics had been found dead, having apparently shot himself in the mouth, the day after the engagement in Montúfar. The government has not yet explained how de León Carpio got this physical description, which corresponds with Bámaca but not with the body buried in Retalhuleu.

Noack Sierra said the government had not investigated the allegations of Cabrera López, the ex-combatant who claimed to have seen Bámaca and other captured guerrillas in army detention, because he had not traveled to Guatemala to appear in court. Such serious allegations, which coincide with evidence of a longstanding practice of clandestine detention and torture, ought to be investigated thoroughly by the government *de officio*. Cabrera López has good

---

corpus procedures may not be dismissed nor dropped as long as the detained, aggrieved, or disappeared person is not found. (Translation by Human Rights Watch/Americas.)

reason to fear for his life should he return to Guatemala. Attorney Jorge Cabrera, executive director of COPREDEH, said that the accusations of clandestine detention had been investigated in 1993 during the term of former president Jorge Serrano. He conceded, however, that the extent of the investigation had been nothing more than an inquiry with then-Defense Minister García Samayoa, who denied the allegations.

Acting on a complaint filed by attorney José Pertierra and the Guatemalan Human Rights Commission based in Mexico, the Inter-American Commission on Human Rights wrote to the government on October 15, 1993, requesting that urgent "provisional measures" be taken to guarantee the rights of those detained. Specifically, the commission called on the government to:

a) give explicit orders reminding the security forces of their obligations with respect to captured combatants or criminals;

b) create or strengthen control mechanisms regarding those detained in combat to make sure that they are processed according to the law and provided with all the rights afforded them under domestic and international law;

c) conduct a "serious and effective" investigation of the Bámaca case and the others named by the two escaped guerrilla detainees who provided written testimony to the U.N. Human Rights Commission, with the involvement of independent experts to guarantee the impartiality of the investigation;

d) include in the investigation a study of the existence and past and present use of clandestine detention centers;

e) place any individuals currently held in clandestine detention at the disposition of the appropriate judicial authorities immediately and guarantee them their rights; and

f) provide legal services to any former guerrillas now serving in the armed forces to determine whether or not they are doing so voluntarily.

The government responded to the commission in writing, arguing that its request for provisional measures was "unnecessary and unfounded" given that "there does not exist in Guatemala any jail or detention center which is not official and public."

*Mario López Gabriel and Mariano Gómez Ramos*

On February 4, 1994, in the hamlet of Tuixiquel-Xemal in the municipality of Colotenango, Huehuetenango, two men disappeared after leaving the house of one of them at about 7:00 P.M. Neighbors reported hearing shots, but did not go out until the next morning for fear of the patrols in the area, who have a reputation for shooting indiscriminately after dark. The victims, Mario López Gabriel and Mariano Gómez Ramos, have not reappeared, nor have their bodies been found. Both men patrolled, although Mario López was from Ica and did his patrol duty in Concepción Huista. His father-in-law, Mariano Gómez, patrolled in La Barranca. Several local sources told Human Rights Watch/Americas that Mario López was a member of the cuc, although his mother-in-law denied this in an interview with the Huehuetenango representative of the human rights ombudsman. The ombudsman's representative tried to conduct an on-site investigation of the disappearances, but reported later that "it was impossible to interview anyone, much less approach the house of one of the disappeared because the members of the PAC (civil patrol) of that region (Xemal) impeded us in a threatening way."<sup>73</sup>

*Francisco Cipriano Guarcas*

On October 19, 1993, a member of the Mutual Support Group (GAM) from the Chichicastenango hamlet of Semajá II was kidnapped by members of the civil patrols of his village, according to the GAM.<sup>74</sup> Cipriano was last seen being led away with his hands tied by the patrollers inside the Guatemala City bus terminal. Since his disappearance, the GAM has reported that his relatives in Semajá II have received threats.

**Arbitrary or Clandestine Detention and Torture***CERJ Members Tortured in Chiul*

---

<sup>73</sup> Memorandum from Tibaldo Ricardo Gámez López, March 15, 1994.

<sup>74</sup> The GAM, or Grupo de Apoyo Mutuo, is Guatemala's oldest human rights organization. It was formed in 1984 by relatives of the disappeared.

Several victims of clandestine detention who survived the experience later described having suffered torture at the hands of their captors.<sup>75</sup> On May 8, 1993, three members of the human rights organization CERJ were tortured by soldiers at the army outpost in Chiul, department of El Quiché. Although the army officer responsible, Capt. Aníbal Roberto Landaveri Martínez, was convicted of battery by a military court, his sentence was suspended.<sup>76</sup> This decision is shocking, given the gravity of the crime committed by the officer.

CERJ member Pablo Itzep Hernández was walking towards his community of Xequiquel from the municipality of Cunén when he ran into Captain Landaveri, who had with him CERJ members Cruz Lux Hernández and Manuel Batén Hernández. The captain invited Itzep to join them at the military post where he would provide them with some building materials. However, once they arrived at the stockade, he put each of them in a separate room. Each was tortured and interrogated about their activities with human rights groups—including the office of the government's then-human rights ombudsman, now-President Ramiro de León Carpio—which the captain described as linked to the guerrillas. According to the CERJ, each of the three men was severely beaten and burned with flaming torches, a fact which was confirmed by Col. Rodolfo Figueroa Rojas, second in command at the Santa Cruz del Quiché military base, during a June 26, 1993 interview with Human Rights Watch/Americas.

Members of the CERJ in Xequiquel and nearby hamlets have suffered repeated harassment by the army, civil patrols, and military commissioners in the area. In May 1991, for example, Pablo Itzep Hernández and five other CERJ members from Xequiquel were illegally detained by the civil patrol commanders and military commissioners in the local school house for four days. Afterwards, the patrollers and military commissioners took the six men to the military base in Santa Cruz del Quiché, where they forced them to sign confessions of guerrilla activities under threat of death. They were released on May 29. On June 6, 1991, CERJ leader Amílcar Méndez Urizar took Pablo Itzep Hernández to the capital for a meeting with then-President Jorge Serrano Elías. Upon hearing of the illegal

---

<sup>75</sup> See Americas Watch, "Clandestine Detention in Guatemala," March 1993; and Americas Watch, *Messengers of Death: Human Rights in Guatemala*, (New York: Human Rights Watch, 1990) pp. 47-54 for descriptions of cases since 1989.

<sup>76</sup> U.S. Department of State, *Country Reports on Human Rights Practices for 1993*, (Washington: U.S. Government Printing Office, February 1994) p. 449.

detention and threats, President Serrano promised to investigate and to guarantee Itzep's safety. Nonetheless, when Itzep returned home the next day, he was immediately detained by the civil patrol commanders and military commissioners. They kept him in the school for another night and demanded to know where he had been. When the local representative of the human rights ombudsman, Oscar Cifuentes Cabrera, accompanied by Itzep's son Erick and two human rights workers, went to Chiul (a village near Xequiquel) to investigate hundreds of patrollers amassed and shouted threats at the detainees' son and Cifuentes, whom they accused of being guerrillas. Itzep was released, but his son was forced to flee, and patrollers stoned the ombudsman's car as they attempted to leave.<sup>71</sup>

*Guillermo Aníbal Mendoza García*

According to testimony taken by the Archbishop's Human Rights Office, Guillermo Aníbal Mendoza García, a twenty-four-year-old carpenter living in Guatemala City, was twice detained and tortured in 1992 and 1993 after unidentified individuals tied a bomb to his chest and sent him into a restaurant.

Mendoza García told the Archbishop's office that he was forced into a car by an armed man dressed in civilian clothes as he was walking along the Olympic bridge in Guatemala City at 7:00 A.M. on May 13, 1992. Three men were inside the car, and one of them opened Mendoza's shirt and tied an explosive to his chest. He instructed Mendoza to enter the Pollo Campero restaurant, say nothing, and wait fifty minutes. They dropped him off some twenty-five meters away from the restaurant and drove off. Mendoza entered the restaurant, asked for the manager, and told him he had a bomb. The manager emptied out the restaurant and called the firemen and National Police. Police agents took the bomb off of Mendoza and deactivated it. Mendoza fainted and was taken to the San Juan de Dios Hospital. From there, the police had Mendoza transferred to the Military Hospital in Zone 10. There he was interrogated by two soldiers who beat him and threatened him, seeking information about the men who gave him the bomb. They handcuffed him and took him to a separate room where they beat him and forced him to sit in a metal chair which they then connected to an electric current, giving him several

---

<sup>71</sup> The Robert F. Kennedy Memorial Center for Human Rights, *Persecution by Proxy: The Civil Patrols in Guatemala*, (New York: 1993), pp. 30-31; Memorandum to Human Rights Watch/Americas from CERJ volunteer Alice Jay.

shocks. The same day, he was turned over to the National Police. After three days of detention, he was presented to a judge who freed him after questioning him.

On June 24, 1993, Mendoza was again kidnapped and forced into a vehicle by unidentified men as he walked along Roosevelt Avenue in the capital. The men blindfolded him and interrogated him inside the vehicle, asking what he had been doing since the incident with the bomb. Displeased with his answers, they burned him with lit cigarettes. Mendoza denied having been the individual involved in the bomb incident. After driving for several hours, the car stopped and the men dumped Mendoza in a deep ravine at the side of the road.

In addition to providing testimony to the Archbishop's Human Rights Office, Mendoza was examined by a doctor who corroborated the description of the tortures he suffered. He also provided testimony to a judge in Guatemala City; nonetheless, there has been no progress in his case.<sup>78</sup>

#### *Joaquín Jiménez Bautista*

The arbitrary detention and near-lynching of Joaquín Jiménez Bautista by civil patrollers in the village of Todos Santos Cuchumatán, Huehuetenango, on August 27, 1993, illustrates the convergence of several of Guatemala's fundamental human rights problems—such as the power and arbitrary authority exercised by the civil patrols and the treatment of alleged combatants after capture—as well as the de León Carpio government's efforts to promote respect for the rule of law.

Joaquín Jiménez Bautista traveled to Guatemala from Mexico in late August 1993 with a refugee delegation making preparations for their repatriation. When he arrived at Todos Santos on August 27, Jiménez was detained by members of the civil patrols, who accused him of committing atrocities in the area as a guerrilla commander in the early 1980s. In addition to dozens of patrollers, members of the community also converged on the patrol post to accuse Jiménez. Patrollers and others beat Jiménez, some with iron bars. Early in the evening, a few military officers in plain clothes arrived and urged the patrollers to turn him over to the army, but they refused. After the officers left, the beatings continued and the patrol chief announced that Jiménez would be executed in the morning. At approximately 3:00 in the morning on the 28th, Oscar Orellana of the government's Special Commission for Attention to Refugees (CEAR) arrived and insisted on

---

<sup>78</sup> ODHAG, *Informe Anual 1993*, p. 358-368.

seeing Jiménez. The patrollers refused to let him in and hit him several times, but Orellana persevered until 5:10 A.M. at which point he was allowed to see Jiménez. At 6:00 A.M. about seventy police and soldiers came and took Jiménez to the police station in Huehuetenango, effectively saving his life. At 9:30 A.M., a CEAR doctor examined Jiménez and determined that he had bruises on his arms, head, and eyes. On August 29 at midday, the police turned Jiménez over to the human rights ombudsman's representative without charges. He was returned to Mexico by 2:00 that afternoon.<sup>79</sup>

Human Rights Watch/Americas is not in a position to verify whether or not Jiménez was a combatant responsible for abuses in the early 1980s, which the government is obliged to investigate and prosecute. Nonetheless, the civil patrols have no legal authority to detain people, much less try them and execute sentences. The intervention of Oscar Orellana of CEAR, as well as the police and soldiers who transferred Jiménez to the police, where he was apparently well treated, was exemplary. Human Rights Watch/Americas strongly urges the government to investigate and prosecute those responsible for the arbitrary detention, beating, and threats against Jiménez. Failure to do so would condone the patrollers' illegal actions.

A discussion of this case with Gen. Julio Balconi Turcios of the Center for Military Studies in Guatemala City cast light on the army's attitude towards those it suspects of guerrilla activities. In an October 1993 interview with Human Rights Watch/Americas, Balconi rejected the idea that the Todos Santos patrollers should be punished for violating Jiménez's rights, stating that he "lost" his rights when he joined the guerrillas. General Balconi was unable to cite any provision of Guatemalan law to support his position. Indeed, all individuals, including those responsible for serious crimes, enjoy basic human rights under Guatemalan law, including the right to freedom from arbitrary arrest and the right to physical integrity. A judicial investigation into the arbitrary detention and beating of Joaquín Jiménez Bautista has been formally opened, but appears to be dormant.

### *Trade Unionists*

---

<sup>79</sup> Information based on interviews with Jiménez, a Canadian who accompanied him, refugee officials, the second-in-command in the Huehuetenango military base, Major Cruz Minera of the Huehuetenango base, and General Julio Balconi Turcios of the Center for Military Studies; as well as documents provided by the office of the human rights ombudsman of Huehuetenango.

Several trade union activists have been the victims of temporary kidnappings in apparent reprisal for their political or trade union activities. In the cases described below, it is not clear who was responsible for the detentions. However, the methods of operation in each of the cases are similar to those used by the security forces and suggest coordination and professionalism typical of the security forces. In none of the cases described below have any of the perpetrators been identified or prosecuted.

*Elizabeth Recinos Alvarez de León*

Elizabeth Recinos Alvarez de León was an active member of the union at the San Vicente Hospital for the treatment of tuberculosis in Guatemala City. During the student demonstrations in May 1993 and the subsequent constitutional crisis of May 25-June 5, Recinos stood out as a visible organizer of protests in front of the National Palace, leading demonstrators to shout slogans against police violence and corruption. Human Rights Watch/Americas interviewed Recinos in the San Vicente Hospital, where she was recuperating under police guard from injuries sustained during her kidnapping.

At about 2:30 A.M. on June 5, 1993, the day that Ramiro de León Carpio was sworn in as president, Recinos and a colleague, Eluvia de Salam, left the Congress building where they had been demonstrating. They noticed two men following them. They tried to evade the men by entering a restaurant, and finally prevailed upon a night watchman at a warehouse to let them hide there until dawn.

On Thursday, June 17, Recinos and Salam were kidnapped as they were leaving the Hogar Rafael Ayau, on the corner of 17th Street and 4th Avenue in Guatemala City's Zone 1 by men driving two vehicles with smoked glass windows. The men forced Recinos into the first car and Salam into the second. Recinos was blindfolded. She described the car as luxurious, with carpeting on the inside. The men drove her for what seemed like three or four hours; Recinos noticed the climate becoming hotter and the air-conditioning being turned on. When they arrived, it was dark and her captors locked her into a very small room with a straw roof, mud brick floor, adobe walls, and a foul-smelling toilet. In the mornings, she heard cows, roosters, and chickens, and at night, bats and crickets.

She was kept blindfolded throughout her captivity. They passed her beans, coffee, and acidic tasting water, which made her feel nauseated, sleepy, and drugged. About three times they interrogated her, always bringing the bitter tasting water which made her feel sick and lose sense of time. Only one of the men

asked her questions, and in general, communication was kept to a minimum. Her interrogator repeated the same questions: "Sing me the song [referring to her sloganeering]; I want you to tell me which of us are the corrupt ones."<sup>80</sup> They slapped her face, kicked her in the back with their boots on, and jerked her head back.

On June 21, at about 6:00 P.M., her captors dropped her off in Sanarate, in the department of El Progreso, in front of the home of her companion, Eluvia de Salam, who had been released the same day she was detained. Recinos was disoriented and panicked when friends tried to put her in a car to take her to a clinic in Sanarate. She had to be sedated. She had two broken ribs and later suffered internal bleeding due to damage to her liver. She is currently outside the country, in the care of a center for the treatment of torture survivors.

Union members filed a habeas corpus on June 17 with a local justice of the peace and also filed complaints with the office of the human rights ombudsman, the attorney general's office, and the National Police. A National Police spokesman was quoted in *El Gráfico* as saying that Recinos had most likely faked her kidnapping. The union's actions did not receive any official response until their case was presented to the president's general secretary, Héctor Luna Troccoli, on the morning of June 21. At 5:00 P.M., members of the union spoke to Luna again, according to Raúl Vicente González, associate secretary general of the union; at that time, Luna assured them that they were on the trail and Recinos would be found.

In addition to being followed after the demonstrations in early June, Recinos had been aware on previous occasions that she was under surveillance, according to the Archbishop's Human Rights Office. On May 11, she represented her union at the wake for Abner Orellana, a student who was shot during street protests a few days earlier. A man believed to be a plainclothes police informant was present at the wake. Later that day, Recinos participated in a press conference held by secondary students, reading a statement from her union regarding Abner Orellana's death. Riot police who had surrounded the funeral home during the press conference detained Recinos and a companion, Marta Ortiz, inside their radio patrol car. They began asking them questions about their teaching activities, mistakenly assuming that they were teachers because of their participation in the press conference given by the secondary school students

---

<sup>80</sup> *Cántame la canción. Quiero que me digas quienes somos los corruptos.* Interview with Elizabeth Recinos, San Vicente Hospital, Guatemala City, June 29, 1993.

association. They asked Ortiz for money, and when she said she had none, they beat her and insulted her. The women were eventually taken to the 2nd Precinct and were released the next day after paying a fine for being drunk and disorderly.<sup>81</sup>

Eluvia de Salam and her husband, as well as Recinos's son, received threats on several occasions after the kidnapping.

*Walter Manuel Najera Molina*

Walter Manuel Najera Molina is a leader in the union of the Coca Cola bottling plant in Guatemala City, which since the 1970s has led the nationwide movement for workers' rights and has suffered periodic waves of severe repression, including the murder of more than a dozen union organizers. In February 1992, his wife, Aura Carolina Pineda Villagrán, was kidnapped, beaten and interrogated about her husband's union activities. She was forced to drink a bitter-tasting substance which made her fall asleep.<sup>82</sup> She was released the next day with the warning that her husband would be killed if he did not give up his union activities and that she would not live to tell about it if she turned around to look at her kidnappers.<sup>83</sup>

On July 11, 1993, at about 6:00 P.M., Walter Nájera was approached by a yellow Mazda with smoked-glass windows in the park in his neighborhood of Mixco's Zone 6, outside Guatemala City. Without saying a word, two men got out and forced Nájera into the back of the car, face down on the floor. One of the men put his feet on Najera's neck and the other on his legs so that he couldn't move. For about three and a half hours, the men drove him around while interrogating him about the union movement and supposed links between union leaders and the guerrillas. They beat him with what felt like the butt of a pistol during the interrogation. Finally they left him in Ciudad San Cristóbal, on the outskirts of

---

<sup>81</sup> ODHAG, *Informe Anual 1993*, p. 352.

<sup>82</sup> Other victims of clandestine detention described in this report—including Aura Pineda's husband, Walter Najera; unionist Elizabeth Recinos; Cirilo Malchic Ragway; and Sara Elisa Corado López de Medina, whose case is described in Chapter VII—reported being forced to drink a strange liquid which made them feel drugged.

<sup>83</sup> ODHAG, *Informe Anual 1993*, pp. 386-387.

Guatemala City, warning that if he turned around to look at them, he would "pay the consequences." Nájera received several anonymous phone calls threatening him with death after his release. He also noted men on motorcycles watching his home.<sup>84</sup>

*Cirilo Malchic Raguay*

Cirilo Malchic Raguay has been a member of the Union of Road Workers of District I (Sindicato de Trabajadores de Caminos del Distrito I) for four years. Since September 1991, he has had a leadership position. He and some of his neighbors in Palín, Escuintla, had in 1991 organized protests against a public works project which would have flooded their neighborhood. Afterwards he received death threats and shots were fired at his house. In May and June 1993, he participated in several demonstrations against Serrano's coup and in favor of a purge of state agencies. In June, men came looking for him in his neighborhood. On July 23, as he was waiting on the highway for a bus to Escuintla, a dark blue Nissan with no license plates and smoked-glass windows pulled up. A man got out and told him to give up his union activity and leave the country in forty-eight hours. On July 25, as he left his house for work at 6:30 A.M., a car came up behind him and a person whom he could not see grabbed him and threw him inside. They blindfolded him and put him on the floor. They drove for five or six hours and then placed him inside a small cinder-block room which smelled of blood. There they removed the blindfold and tied his shoulders to the wall and his feet together. Over the course of several days, they interrogated him about his union and its executive committee members and wanted to know who had pressured him into making accusations against Serrano and other government officials. They threatened to kill him along with his family and fellow workers. After each interrogation, they gave him a drink which made him feel sleepy and tipsy. Finally, they loaded him into a car and dropped him off on the road between Patulul and San Lucas Tolimán.

---

<sup>84</sup> Ibid.

## V

### **POLICE BRUTALITY AGAINST STREET CHILDREN**

**Guatemala City has a large population of children and adolescents who live on the streets; many of them engage in petty thievery and sniff shoe glue to dull hunger pains. These children continue to suffer serious abuses at the hands of the National Police, as well as private security guards, although the number of abuses committed by the police appears to have declined during the de León Carpio government.**

**There have been a few prosecutions in such cases of violent abuse—mostly as a result of the tireless efforts of Casa Alianza, a branch of the New York-based Covenant House—but the vast majority of these violations go unpunished. Ever since thirteen-year-old Nahaman Carmona López died as the result of a vicious beating by uniformed police officers in March 1990, Casa Alianza has launched a vigorous effort to seek redress for abuses against street children through the criminal justice system. While four policemen who brutalized Carmona were eventually convicted and sentenced to terms of ten to fifteen years without parole, those responsible for equally disturbing cases, such as the kidnapping, torture, and murder of four children whose bodies were discovered in the Bosque San Nicolás in June 1990, have not been brought to account.<sup>85</sup> Moreover, the officers convicted of murdering Carmona López have not paid civil damages to the family, which formed part of their sentence. Meanwhile, eighteen arrest warrants obtained by Casa Alianza, mostly against members of the police who abused street children, have not been executed. Some of the warrants are two years old.**

**The following are samples of the pattern of abuse inflicted on street children by the police, according to Casa Alianza:**

**◆ On January 15, 1993, street children Mynor Velásquez Ayala (fourteen), Omar Ruano (twelve), and Byron Castillo (fifteen) were walking in the Concordia Park; they were approached by two men in civilian clothes who started punching them. The boys ran away, but Mynor tripped, and the two men caught him and punched him in the stomach and face. They picked up the slight**

---

<sup>85</sup> See Americas Watch and Physicians for Human Rights, *Guatemala: Getting Away With Murder*, pp. 45-53.

boy and threw him so that he cut his left arm badly on the corrugated iron roof of a small building. The two men ran off and the boys went to Casa Alianza's refuge, where Mynor received medical treatment. All the boys recognized the two men since they had previously seen them in National Police uniforms.

◆ On March 14, 1993, street children Julio Reyes Siqui (fifteen) and Roberto Caal (sixteen) were walking along 6th Avenue "A" between 15th and 16th streets in Guatemala City when they were stopped by two men in plain clothes and asked for their identity documents. They did not have their birth certificates. The men grabbed the boys and started walking them towards the National Police headquarters, saying they would take them to jail. As the boys struggled to free themselves, one of the men, who was smoking, inflicted twenty-nine cigarette burns on the left arm and hand of Julio before letting him and Roberto go with the threat of future incarceration. The burns were serious and merited an overnight stay in the hospital, according to a doctor at San Juan de Dios, but Julio left, and in fear, fled to Honduras.

◆ On August 8, 1993, street children Juan Carlos Calderón, Henry Molián, and Francisco Tziac were sleeping across the street from the Casa Alianza refuge at 8th Avenue and 13th street in the capital's Zone 1, when three uniformed members of the National Police found them. The agent in charge wore badge number 2117. The policemen searched the children and took from them two glass jars containing shoe glue and some cash. They poured the glue on the children's heads and faces, according to Casa Alianza counselor, Byron Muñoz, who witnessed the incident. The policemen threatened Muñoz when he asked them to stop. After Muñoz brought the Casa Alianza supervisor to witness the abuse, the policemen withdrew. On February 22, 1994, then-National Police Director Mario René Cifuentes wrote to Casa Alianza that the police office of professional responsibility had investigated the case and determined, based on the denials from the officers involved, that the police agents had not committed a crime.

◆ On March 14, 1994, at about 3:00 A.M., Carlos Antonio Rodríguez (seventeen), Alexander Rodríguez (nineteen), and Luis Arnoldo Vásquez (eighteen) were walking along 9th Avenue at 17th St. in Zone 1 when three uniformed National Police agents stopped them, demanding money. According

**to the victims, one of the policemen, known to them as "El Canche," hit Luis Aroldo Vásquez in the face with his pistol. The youths fled, and were pursued by the police. El Canche reportedly fired at Vásquez, hitting him in the left shoulder.**

## VI

### VIOLATIONS OF THE LAWS OF WAR BY INSURGENTS

The standards set forth in Common Article 3 of the four Geneva Conventions of 1949 explicitly address internal armed conflicts. Human Rights Watch/Americas applies these standards where insurgent forces do not exercise formal, consistent control over population or territory, as is the case in Guatemala.<sup>86</sup>

The guerrilla forces which together form the URNG have seen their battle strength tremendously weakened since the army's scorched earth campaigns of the early 1980s. Over the past year, the guerrillas have carried out targeted assassinations, recruitment of minors, and indiscriminate attacks, in violation of international humanitarian law. The following cases occurred over the course of the past eighteen months:

◆ Guerrillas were apparently responsible for the assassination of Teófilo López Castillo, chief of military commissioners in Palín, in the department of Escuintla, who was killed inside his home on January 19, 1993;<sup>87</sup>

◆ Guerrillas may have been responsible for the execution-style murder of the leader of the widely feared Kemal civil patrols in the municipality of Colotenango, Efraín Domingo Morales (see Chapter III), judging from past guerrilla practice of targeting for assassination individuals who inspire fear and resentment in their communities. Domingo Morales was participating in an independence day parade at a school in Ixtahuacán.

◆ Guerrillas fired on a truck filled with ten civilians transporting construction materials on the road between Nebaj and Chajul, in the department of El Quiché, on March 11, 1994, injuring nineteen-year-old Gaspar Pacheco Pérez, according to the Catholic Church Legal Office of Chajul and the *Asociación Chajulense Va'l Vaq Q'uyol*.

---

<sup>86</sup> Protocol II of 1977, which is a more detailed instrument covering internal conflicts, contains rigorous requirements as to control of population and territory by an insurgent force. Essentially, Protocol II requires that the insurgents replace state authority in areas they control and function as an alternative state.

<sup>87</sup> ODHAG, *Informe Anual 1993*, p. 318.

◆ There were three incidents in 1993 in which child soldiers from the guerrilla's ranks were killed or captured in combat. On March 18, a thirteen-year-old known as Ramiro was wounded and captured in Chisec, Alta Verapaz. He was turned over to a representative of the human rights ombudsman. On April 17, a minor known as Pascual was killed in combat in Chaal, Alta Verapaz. On June 26, a thirteen-year-old named Mario Ixcal, who had been recruited by guerrillas, was captured in La Libertad, El Petén.<sup>88</sup>

---

<sup>88</sup> ODHAG, *Informe Anual 1993*, p. 319.

## **VII**

### **FREEDOM OF EXPRESSION**

**With the exception of the censorship imposed during Jorge Serrano's short-lived coup d'etat of May 1993, restrictions on freedom of expression and freedom of the press in Guatemala are not formally adopted by the government. Journalists, human rights activists, and members of popular organizations know they have stepped over the boundaries of permissible discourse when they receive a death threat, or their house is put under surveillance, or they or their families are subjected to violent attack. Twice during 1993, self-styled "death squads" distributed hit lists with the names of human rights workers, journalists, trade unionists, and some government officials who would be killed if they did not leave the country. The government of President de León Carpio, like its predecessors, has failed to investigate and prosecute those responsible for such attacks, despite the fact that they form a consistent pattern and severely limit the development of civil society.**

**There is a sense that the political space for public debate of subjects previously considered off-limits—like human rights, land reform, or the army's counterinsurgency tactics—has increased under the current administration, most likely because of a tone of openness set by government officials and certain military leaders. At the same time, the threats, harassments and violence aimed at limiting political space have escalated noticeably. The Archbishop's Human Rights Office recorded 359 threats in 1993 and seventy-three in the first four months of 1994, up from eighty-two for all of 1992.**

**Below is a sampling of cases of the limits placed on freedom of expression. (Persecution of those assisting repatriated refugees and the displaced is discussed in Chapter VIII.)**

#### **Persecution of Human Rights Monitors**

**In Guatemala, human rights groups formed many years after their counterparts in other countries of the region because of military violence against all who attempted to organize them. They have taken hold in recent years due to an opening of political space and the extraordinary courage of their members, who have persisted despite continued violence against them. Appendix B of this report lists thirty-two individuals who have been murdered or disappeared because of their human rights activities in Guatemala since 1974.**

*The CERJ*

The Quiché-based Council of Ethnic Communities Runujel Junam (CERJ), which has been actively supporting highland communities whose men resign from the civil patrols, has come under fierce repression since its founding in 1988. As noted in Chapter III, the murder of Tomás Lares Cipriano marked the twentieth time that the security forces or civil patrols have killed or disappeared a CERJ member because of his or her human rights activism. During President Serrano's term, both Serrano and Defense Minister José Domingo García Samayoa frequently attacked the CERJ and its director, Amílcar Méndez, as aligned with the guerrillas, thereby dramatically increasing the risks they faced. Neither President de León Carpio nor his defense minister have engaged in such smear tactics. Moreover, General Enríquez seems to represent a group within the army which is genuinely capable of distinguishing between Guatemala's armed and unarmed opposition, which is undoubtedly an improvement.

Nonetheless, the psychological warfare against the CERJ continues, and not all military officers are as circumspect in their public statements as General Enríquez. When a warehouse in Santa Cruz del Quiché where judicial files were stored burned down in January 1994, General Vásquez, commander of the Zone 20 military base in Santa Cruz, suggested that "perhaps the guerrillas wanted to destroy the proceedings which affect Amílcar Méndez...thinking that the files were in that warehouse," referring to a trumped-up case against Méndez for which he was acquitted last year.<sup>89</sup> Human Rights Watch/Americas expressed its rejection of this kind of inflammatory and baseless statement in meetings with military officials in March 1994.

Armed individuals broke into the CERJ office in the capital, stole documents, and destroyed office equipment in May 1993, saying they were looking for CERJ leader Justina Tzoc Chinol. Amílcar Méndez continues to receive anonymous telephone threats which go uninvestigated by the authorities, even though he has reported most of the incidents and offered to cooperate in any investigation. Méndez's daughter was assaulted on her way to school in January

---

<sup>89</sup> "Comandante militar acusa de tendencioso a juez de Quiché," *Siglo Veintiuno*, January 21, 1994; and Human Rights Watch/Americas interview with General Vásquez, Guatemala City, March 15, 1994.

1994, and as noted in Chapter IV, CERJ members in Xequiquel, Cunén, were detained and tortured in a military base while being questioned about their human rights activities.

Two families from the village of Panquiac, in the municipality of Chichicastenango, El Quiché, were forced to flee their village in 1993 after receiving death threats from the civil patrols.<sup>90</sup> The patrollers began to view Jerónimo Morales Tiriquiz as a troublemaker when he became the first one in his village to give up patrolling in 1992. Morales Tiriquiz and his friend, Tomás Suy Cañil, both joined the popular movement, becoming active in the CERJ and CONAVIGUA. The patrol chiefs and local military commissioners called Morales Tiriquiz to a meeting in February 1993, asking when he would resume patrolling. He responded that patrolling was a waste of time, which prompted them to call him a guerrilla. They added, according to Morales Tiriquiz, that he was participating in popular organizations, therefore he *must* be a guerrilla.

On June 2, the patrol chiefs and former chiefs again called Morales Tiriquiz to justify his actions before them. This time they wanted to know why he was working with CONAVIGUA and a group called Quiché Network (Red Quiché), collecting signatures for a bill regulating military recruitment. Morales had collected twenty-five signatures in his hamlet, and one of his neighbors had complained to the civil patrol chief, he said. The discussion quickly became heated and one of the chiefs threatened to hit Morales, but was restrained by the latter's wife. Another chief vowed that one day, they would kill Morales. They also mentioned Tomás Suy Cañil as involved with the guerrillas "games" (*mañas*). From that day on, the families of the two men were under constant surveillance by the patrols and they found themselves shunned by their neighbors. On June 10, the two families fled their village and moved to the CERJ office, where they remained for several months before returning to Panquiac.

### *The GAM*

The Mutual Support Group for the Reappearance Alive of our Relatives, (GAM), also suffered persecution in this first year of the de León Carpio government. As noted in Chapter IV, GAM member Francisco Cipriano Guarcas

---

<sup>90</sup> This account is based on interviews with Jerónimo Morales Tiriquiz, Tomás Suy Cañil, and Oscar Cifuentes Cabrera, representative of the human rights ombudsman, in Panquiac and Santa Cruz del Quiché, June 25, 1993.

was disappeared in October 1993. A few days later, the GAM office in Guatemala City's Zone 1 suffered a break-in in which all of its files and office machinery were stolen. GAM leaders Nineth Montenegro and Mario Polanco received repeated telephoned death threats and on December 10, after participating in a demonstration marking International Human Rights Day, Polanco was kidnapped for two hours by five heavily armed men wearing army boots, according to the GAM. The men forced him into their car and drove him around, interrogating him about his work, beating him, and leaving him unconscious in another part of the city.

#### *The AGJ*

The Association of Guatemalan Jurists (AGJ) is a collective of attorneys based in Guatemala City who handle human rights cases. Fernando René de León Solano, an AGJ member, noticed that he was under surveillance by two military men in plain clothes in early July 1993. When trade unionist Walter Najera was kidnapped a few days later, his captors questioned him about Fernando de León, whom they claimed had ties to the armed opposition (see Chapter IV). On the evening of July 20, the same two men who had been watching de León previously approached him as he left his office in Guatemala City's Zone 1; they desisted when he quickened his pace. The next day, a woman, claiming to represent an undertaker, visited his office, and said she had been told that a funeral service was needed for Fernando de León. The AGJ received a similar visit on July 23.<sup>91</sup> On September 10, 1993, a bomb exploded at the AGJ office, causing damage to files and office furniture.<sup>92</sup>

#### *The Human Rights Commission, Chel*

Since 1991, several dozen inhabitants of the village of Chel, in the municipality of Chajul, Quiché, formed a human rights commission. Civil patrols of Chel, led by Rubén Cruz López, have persistently harassed members of the human rights commission. Soldiers have occupied Chel since February 1993, intensifying the persecution. In July 1993, patrol chief Rubén Cruz

---

<sup>91</sup> Amnesty International, Urgent Action Appeal, 246/93.

<sup>92</sup> Amnesty International, Urgent Action Appeal, 322/93.

threatened to kill Pedro Bop Caba because of his membership in the human rights commission. In August, Cruz attacked Pedro de León Corio, another commission member. On January 1, 1994, at 6:00 A.M., Cruz and two other patrollers again attacked de León Corio, hitting him in the face and all over his body, and demanding to know why he was studying the Constitution and human rights, according to a member of the commission interviewed by Human Rights Watch/Americas.

Also in January 1994, the commander of the troops in Chel threatened to kill all the members of the human rights commission, according to the Archbishop's Human Rights Office. On April 1, the army commander threatened seventeen-year-old human rights commission member Pedro Bop del Barrio with his firearm. Eight days later, the same officer and the patrol commander fired their weapons outside the village, for which they later accused the guerrillas.<sup>93</sup> (The members of this commission have also suffered persecution from civil patrol leaders angered by their failure to impede the movement of "Communities of Population in Resistance" members through Chel, as described in Chapter VIII.)

### **Persecution of Journalists**

During Jorge Serrano's short-lived coup d'etat, the press came under censorship and harassment, as described in Appendix A. Acts of defiance by newspapers, which used various measures to frustrate or mock their censors, became rallying points for the movement in favor of constitutional government. Nonetheless, the press, particularly those journalists who take on difficult issues such as human rights and military affairs, continues to suffer harassment and persecution, as demonstrated by a sampling of the cases which have occurred recently:

◆ The July 1993 murder of newspaper publisher Jorge Carpio Nicolle is discussed in Chapter III.

◆ In March 1994, the so-called National Anticommunist Committee issued written death threats to journalists Haroldo Sánchez, Carmen Aída

---

<sup>93</sup> ODHAG, Urgent Action, April 18, 1994; interviews, Legal Office of Chajul (a joint project of the Asociación Chajulense and the Catholic parish of Chajul), March 1994.

Ibarra, and *Siglo Veintiuno* publisher José Rubén Zamorra, giving them a deadline to leave the country or be slain.<sup>94</sup>

◆ Also in March, journalist Adolfo Barrera was forced to flee the country after escaping an attempted abduction and suffering a grenade attack on his house.<sup>95</sup> His brother, Byron Barrera, was seriously wounded and his wife slain in an assassination attempt in 1990.

◆ On Saturday, April 9, 1994, unidentified men kidnapped Sara Elisa Corado López de Medina, the wife of journalist Juanquín Medina. López de Medina was heading for a bank in Guatemala City's Zone 1 when the men forced her into their vehicle and drove her to an unknown destination. There they interrogated her about her husband's journalistic activities, forcing her several times to drink something which made her dizzy and later made her fall asleep, according to the Archbishop's Human Rights Office. She was released April 11 in Zone 7. Juanquín Medina works for the weekly magazine *Tinamit*, which has suffered frequent harassment for its anti-military line.

◆ On April 14, 1994, Rafael Aragón Ortiz, marketing director for the daily *Prensa Libre*, was kidnapped for several hours by a group of heavily armed men. The men reportedly drove him to another city and forced him to write a message criticizing the de León Carpio government.<sup>96</sup>

---

<sup>94</sup> "García Laguardia: Hostigan a la prensa nacional," *El Gráfico*, March 14, 1994.

<sup>95</sup> April 18, 1994 letter to President de León Carpio from William A. Orme, Jr., Committee to Protect Journalists, New York City.

<sup>96</sup> *Ibid.*

## **VIII**

### **FORCED MIGRATION AND RETURN IN RURAL GUATEMALA**

The armed conflict and brutal widespread repression of the early 1980s led to the large-scale displacement of the civilian population. Through massive violations of the right to life, torture, destruction of crops, and the burning of entire villages, the Guatemalan army sought to isolate the URNG from its real or potential civilian support base. Hundreds of thousands of rural Guatemalans, mostly Mayan Indians, were forced to flee their homes and villages to seek refuge in unsettled mountain and jungle regions, neighboring towns or the capital. Over 100,000 refugees crossed into southern Mexico, where approximately half have received assistance and protection from the United Nations High Commissioner for Refugees (UNHCR). The problem of vast population displacement is currently on the agenda of negotiations between the Guatemalan government and the URNG.

In recent years, an increasing number of Guatemalan refugees and displaced persons are opting to go home in spite of continuing conflict and persistent, serious human rights violations. The decision to return in such circumstances is complex and varies from community to community. And far from being a consequence of pacification and respect for human rights, return has occurred to areas that continue to be the most conflictive in the country. Likewise, the method of return differs; for example, organized refugees in Mexico have opted for a collective, public process, while other displaced persons have chosen to return quietly, in family groups.

The January 1993 return of approximately 2,400 refugees to the Ixcán region in northern El Quiché province attracted international attention. This organized return, and those that have followed, were the result of an October 1992 accord between the Serrano administration and refugee representatives to formalize mechanisms for the repatriation of tens of thousands of Guatemalans still in Mexico. Displaced persons in Guatemala, not privy to the international status and protection afforded their refugee counterparts, have also taken steps to reclaim their lands and rebuild their villages in recent years. Their efforts, like those of returning refugees, have had mixed results.

Guatemalan Communities of Population in Resistance (*Comunidades de Población en Resistencia*, CPR) are organized communities of approximately 20,000 displaced persons, living in remote areas of guerrilla influence, outside of the government's direct control.<sup>97</sup> As recently as early 1993, the army targeted the CPR during the course of military offensives in violation of international law governing the protection of civilians in situations of armed conflict; such attacks resulted in destruction of civilian property and further displacement. Currently, the CPR of the Ixcán and Sierra are establishing open settlements in the context of dialogue with the de León Carpio's government.

The Guatemalan government has attempted to interpret refugee return as an indicator of enhanced respect for human rights, yet return has proved to be a risky undertaking. The difficulties encountered by refugees and displaced persons, exercising their rights to return and to fair compensation for losses incurred during their forcible and prolonged displacement, reflect a climate of social polarization and abuse of human rights:

◆ Ongoing armed conflict between the army and the URNG. Civilian populations have been targeted in the course of military operations in violation of international humanitarian law.

◆ Blanket army control and authority in rural areas. This is furthered by weak or non-existent civilian government presence in those areas.

◆ Continuing human rights violations by the civil patrols. Such violations, including threats, beatings, and murder, have resulted in

---

<sup>97</sup> The CPR are organized into three regional groups: the CPR-Ixcán in the jungle region near the Mexican border and the CPR-Sierra in the highlands of the Ixil Triangle, both in the El Quiché province, and the CPR-Petén. See the section on the CPR below.

recent cases of displacement.

◆ Extreme polarization of Guatemalan society. The army has promoted divisions and fear in areas affected by returning populations, creating the potential for outbreaks of communal violence.

◆ Impunity for past and ongoing human rights and international humanitarian law violations. For returnees, this has meant encountering the perpetrators of violence against them still in positions of authority, perpetuating a local structure in which they continue to be victimized.

◆ Continuing threats and intimidation of human rights monitors and other nongovernmental institutions. This has reduced the ability of Guatemalan and international nongovernmental entities to work with these populations.

Refugees and displaced persons fled acute repression, and have returned to find it has merely settled into a chronic state. The government's willingness and ability both to uphold the right to return of these populations and to address their right to fair compensation, as well as its efforts to discourage and prosecute violations, are more appropriate indicators of increased observance of human rights principles than the fact of return. The difficulties already experienced by different groups of displaced and returning populations should be carefully evaluated as the broader implications of civil patrols, militarization, and impunity are debated during the course of the peace negotiations currently underway.

### **Repatriation and Continuing Armed Conflict**

#### *Refugee flight and individual return*

More than 100,000 Guatemalans sought refuge in Mexico between 1980 and 1983. Approximately 46,000 of these were officially recognized by the UNHCR and the Mexican government and have lived for over a decade in settlements in three southern provinces of Mexico: Chiapas (24,650), Quintana Roo (7,800), and Campeche (11,000). An equal, and perhaps larger, number of Guatemalans are unrecognized or

dispersed refugees, concentrated mainly in Chiapas. Undocumented and unassisted, they generally blend in with Guatemalan seasonal migrants in Mexico and Mexican farmers.<sup>98</sup>

Individual (or family group) repatriation of Guatemalans from Mexico began to occur in 1984 and has continued at a slow but steady rate since then.<sup>99</sup> The UNHCR opened an office in Guatemala City in 1987 to facilitate the voluntary repatriation of Guatemalan refugees. Some repatriates have been officially processed and assisted by the governmental Special Commission for Assistance to Refugees and Displaced (CEAR). Others have returned as they left, anonymously and unassisted. Individual repatriates have tended to disperse to their various destinations once in Guatemala, making assistance and monitoring difficult and sporadic.

*The October 1992 Accord*

In 1987, refugees in Mexico began to organize themselves into what eventually became the Permanent Commissions of Guatemalan Refugees in Mexico, made up of representatives from each refugee settlement in the three states.<sup>100</sup> Their purpose has been to negotiate and promote organized, collective returns of refugees to Guatemala and to insert themselves into groups of civil society seeking increased participation in the peace negotiations between the government and the URNG.<sup>101</sup> Some dispersed refugees in Chiapas have formed the

---

<sup>98</sup> This number might be much greater if undocumented Guatemalans in Mexico City were included. For historical background on Guatemalan refugees in Mexico, see Beatriz Manz, *Refugees of a Hidden War* (New York: State University of New York Press, 1988).

<sup>99</sup> As of August 1993, CEAR had assisted a total of 11,916 repatriates (including the collective return to Victoria.) Council of Development Institutions (COINDE), *Diagnóstico sobre Refugiados Retornados y Desplazados de Guatemala*, (Guatemala City, August 1993), p. 27.

<sup>100</sup> Hereinafter "permanent commissions."

<sup>101</sup> Guatemalan refugees refer to their organized, collective process as "returns," as distinguished from individual UNHCR/CEAR-assisted "repatriations." This terminology will

Association of Dispersed Guatemalan Refugees (ARDIGUA), which has worked closely with the permanent commissions in planning the return of unrecognized refugees.<sup>102</sup>

A complex and protracted negotiation process resulted in the October 1992 accord between the permanent commissions and the Guatemalan government represented by CEAR. The seven points of the accord follow with a summary of the provisions contained therein:

I. The parties recognize that the return of the refugees must be a voluntary, individually expressed decision, carried out in a collective and organized manner under conditions of security and dignity.

II. The parties recognize the right to freedom of association and organization of the returnees. This clause includes the right not to "associate or form part of groups or associations of self-defense or the like, by virtue of the provisions of Article 34 of the Political Constitution of the Republic of Guatemala." It also stipulates that returnees will be exempted from obligatory military service for three years.

III. The parties agree to accompaniment of the returning refugees by Guatemalan and international religious, human rights, and development organizations, including governmental, inter - and nongovernmental entities.

IV. The parties recognize freedom of movement within the country, and the freedom to leave and enter the country, for the returnees and members of the permanent commissions. Here a November 1991 Letter of Understanding between then-President Serrano and the UNHCR is cited, which states that the returnees "can and will be able to choose freely, without pressure, the place where they wish to

---

be used for the purpose of this report.

<sup>102</sup> **The permanent commissions are organizationally divided by geographic region. The northwest sector plans returns to El Quiché and Huehuetenango. The northern sector plans returns to El Petén, and the southern sector, those to the southern coastal region.**

reside whether that be individually, in family groups, or as a collective or community." This clause also commits the Guatemalan government to provide the necessary identity documentation that all Guatemalan citizens are required to possess and carry at all times.

V. The parties recognize the right to life and integrity of the person and of the community. This clause recognizes the basic political and civil rights of the returnees. Significantly, it states that the government "continues to recognize the civilian and peaceful nature of the returns and of the returnee population."

VI. The parties agree to mechanisms for providing access to land creating mechanisms for land acquisition or recovery, based on the varying and complex situations of different returnees. It includes provisions for those possessing land titles or deeds, landless returnees, cooperative members, and returnees who formerly farmed municipal lands.

VII. The parties agree to mechanisms for mediation and monitoring. This clause formally establishes mechanisms for mediation and verification of the accord through the creation of three structures: 1) a mediation commission, including a representative of the Catholic Bishops' Conference, the human rights ombudsman, the UNHCR, and the nongovernmental Guatemalan Human Rights Commission 2) a verification commission, including the human rights ombudsman, a representative of the Bishops' Conference, and a delegate of the United Nations Independent Expert for Human Rights, and 3) The International Group for Consultation and Support of the Return Process (GRICAR,) which comprises representatives of the embassies of Sweden, Canada, France, and Mexico, a representative of the International Council of Voluntary Agencies, and a representative of the World Council of Churches.

*The context for return*

The signing of this accord marked the first time in the hemisphere that refugees voluntarily returning to a country with an unresolved armed conflict have done so within the framework of a

bilateral agreement with the government. The political-military context in Guatemala during 1992 and 1993 did not lend itself to refugee repatriation. The first organized returns occurred when the peace talks between the government and the URNG were stalled over, among other things, the contents of a human rights agreement. The issue of populations dislocated by the violence was on the negotiation agenda, but agreement was not imminent.

Meanwhile, human rights and popular organizations were coming under increasing attack. During the final months of 1992, there was a spate of official and anonymous accusations and threats against human rights activists, some of whom were involved in facilitating refugee return. For example, the directors of the Archbishop's Human Rights Office, the CERJ, and the Center for Investigation, Study and Promotion of Human Rights (CIEPRODEH) were accused in official statements of having links to the guerrillas. The Association for the Advancement of Social Sciences (AVANCSO), the principal nongovernmental organization conducting research into the situation of refugees and displaced persons, has also received numerous threats.

Concurrent with the government's official recognition of the "civilian and peaceful nature of return," then-Defense Minister José Domingo García Samayoa made numerous statements accusing the returning refugees of having guerrillas among them and of having strategic links to the URNG. In a December 1992 press conference, Gen. García Samayoa named David Holiday, then-Human Rights Watch/Americas representative for Central America, in a statement regarding alleged links between the refugees in Mexico, the Communities of Population in Resistance (CPR), and the URNG.<sup>103</sup>

In November and December 1992, the Guatemalan army conducted a military offensive in the Ixcán that sent hundreds of displaced persons of the CPR into southern Mexico for seeking temporary refuge and resulted in substantial damage and theft of civilian and church property. These incidents raised questions about the

---

<sup>103</sup> In a strongly worded letter dated December 23, 1993, Human Rights Watch/Americas protested the defense minister's insinuations regarding its representative, as well as similar incidents of slander against Guatemalan human rights groups.

government's stated commitment to protecting civilians from army attack, just as returnees were preparing to return to the area. Ironically, this offensive, and a similar operation launched in February 1993, made the Ixcán region a receiver and producer of refugees at the same time.<sup>104</sup>

*The murder of repatriated refugees*

Lucas Pérez Tadeo, a former refugee, was found tortured and murdered, apparently by the army, in September 1992 in Guaxana, Nentón, an area designated for refugee return.<sup>105</sup>

On March 5, 1993, José María Hernández, who repatriated in 1987 from El Tesoro refugee camp in Honduras, was found dead of a machete wound, his body left in a ravine, after being invited out for drinks with people from Laguna de Cayur, municipality of Olapa, in Chiquimula department. Church sources interviewed by the Archbishop's Human Rights Office in the course of their investigation, attributed his death to military commissioners in Cayur, under orders from the local army detachment.<sup>106</sup>

*The 1991 return to Yalpemech*

Seventy-seven families who had been living in the El Tesoro refugee camp in Honduras repatriated to Guatemala in 1991. The Guatemalan government purchased the Yalpemech farm from a former president, retired Gen. Romeo Lucas García; families who had lived and worked on the farm for decades were joined by relocated displaced families and ultimately by the returning refugees. The different groups of relocated and repatriated communities, also divided by ethnic identity

---

<sup>104</sup> For a detailed discussion of this, and later military operations, see the CPR discussion below.

<sup>105</sup> For a detailed description of this case, see Chapter III.

<sup>106</sup> Interview with the staff of the ODHAC and according to their file notes, Guatemala City, October 29, 1993.

and religion, occupied different sectors, or *polígonos*, of the farm. The UNHCR, the Catholic Diocese of Cobán, and other Guatemalan nongovernmental organizations have worked with the returnees and displaced families.

The experience of Yalpemech provided early indications of the challenges presented by refugee return in the context of ongoing armed conflict and set a precedent for some of the important provisions later incorporated into the October 1992 accord. Rivalries and discord erupted over land and perceptions that returning refugees received favorable treatment relative to other displaced persons. In some instances, inter-community land struggles resulted in the destruction of crops. In another specific case, one community blocked the installation of potable water in another, until it was guaranteed for all.

Distrust also deepened as URNG activity in the area increased during 1992. On June 2, 1992, the URNG occupied the farm and held an obligatory meeting. During that period there were cases of battles between the army troops and guerrillas within a few kilometers of the farm. Some residents blamed the returnees for the heightened URNG presence, particularly because the latter had resisted strong army pressure to form a civil patrol. In early 1993, five military commissioners from Yalpemech were kidnapped and held for several hours, and one for several days, before being released; the commissioners reported that they had been held by the URNG. This incident only heightened suspicions against the returnees.

The Association for Development in Central America (ADEPAC) has worked in Yalpemech since the return of the refugees and is also providing technical assistance in assessments and land visits taking place to plan collective returns from Mexico to the Verapaces and the Petén.<sup>107</sup> ADEPAC human rights promoters have been subjected to threats and accused of working with the "subversives," and have been followed and intimidated by soldiers and military commissioners in Yalpemech.

In a November interview with Human Rights Watch/Americas, ADEPAC director Juan Quiñones attributed increased harassment of

---

<sup>107</sup> Ironically, as in the case of Yalpemech, lands available for purchase for refugee return include some of the extensive properties of former president Lucas García, who presided over some of the violence and displacement of the early eighties.

ADEPAC promoters in part to the organization's work on refugee return in the still-conflictive departments of Alta and Baja Verapaz, and El Petén. Since December 1993, Quiñones has received repeated anonymous death threats which are discussed at greater length below.

**Guatemalan Repatriation from  
Mexico during 1993**

*Jan. 1993: Return to Victoria 20 de enero: 2,471*

*Dec. 1993: Return to Pueblo Nuevo, Ixcán : 1,356*

*Jan. 1994: Return to Nentón, Huehuetenango: 980*

*Jan. 1993-Jan. 1994: Individual repatriations: 1,166*

*Victoria 20 de enero*

The January 20, 1993 return of approximately 2,400 refugees to Polígono 14, in the Ixcán region of the Quiché province, took place in a general atmosphere of tension and distrust. Last-minute discord over the route and the size of the caravan delayed the return and resulted in

refugees setting off on foot for Guatemala in protest. One returnee, a catechist, told Human Rights Watch/Americas: "The Defense Minister said that we were guerrillas and that even the children were armed. And that's why we told the Government that we had to enter through the capital. We didn't want to be described as guerrillas and then come in all hidden."<sup>108</sup> An emergency meeting between the refugees and CEAR, facilitated by the mediation commission and GRICAR, resulted in a January 12 agreement that permitted the return to proceed as the refugees had originally planned. Nonetheless, by the time the return was completed, fortunately without serious incidents, dialogue had broken down entirely.

Upon arrival at Polígono 14, the returnees promptly renamed their community Victoria 20 de enero. For some returnees, the settlement was considered temporary; cooperative members planned to move eventually to Ixcán Grande, and some landless families were to be resettled after available lands were identified.<sup>109</sup>

From the start, Victoria returnees complained of army troop movements and helicopter night flights over the community. According to one returnee, the helicopters were sometimes "so low you could hit them with a slingshot;" the overflights terrified the community which associated them with the violence of the early 1980s. The army justified troop movements and helicopter overflights as routine traffic between the military base in Playa Grande and army posts throughout the Ixcán. According to international officials close to the process, however, the army no doubt appreciated the opportunity to intimidate the refugees at the same time.

On February 15, 1993, returnee Angel Pedro Juan was injured by a "scarecrow" explosive on Victoria lands. This incident raised the specter of two serious problems for returning refugees. An investigation of the

---

<sup>108</sup> Interview in Victoria, March 13, 1994.

<sup>109</sup> A year after this return, the relocation of many of the returnees in Victoria had not occurred, held up by armed conflict on cooperative lands and a laborious process of acquiring other lands for the relocation of some returnees. The community still depends heavily on outside assistance. In the first months of the return, more than a dozen children died of preventable diseases.

incident by representatives of the mediating commission, GRICAR, and CEAR revealed a marijuana field guarded by the explosives; nearby, the group found discarded objects such as batteries and food containers, some labeled Guatemalan Army, indicating the recent presence of soldiers.<sup>110</sup>

As recently as March 1994, residents of Victoria denounced troop movements on their lands resulting in the partial destruction of their bean crop. According to a March 16 communication from the community, the army patrol offered to pay for the lost crops but instructed the returnees to inform the army when they are preparing to plant.

Nearly one year passed before the second and third returns occurred in December 1993 to Pueblo Nuevo, Ixcán, and in January 1994 to Nentón, Huehuetenango. In late May 1993, the immediate problem of the breakdown of dialogue between CEAR and the permanent commissions was overtaken by a larger crisis in the form of President Serrano's rupture of the constitutional order, described in Appendix A. All repatriations were suspended by the UNHCR and the refugees themselves during the crisis. The leadership of governmental institutions directly involved in mediating and facilitating refugee return, including CEAR and the human rights ombudsman's office, were directly affected by the crisis.<sup>111</sup> Repatriations would only proceed after the reconstitution of the government under President de León Carpio.<sup>112</sup>

---

<sup>110</sup> The refugees, fearing they could be accused of involvement in drug cultivation, demanded that the government identify and destroy all marijuana fields and remove all explosives from the area. The issue of how these tasks would be accomplished was not resolved until months later after the appointment of President de León and the restructuring of CEAR.

<sup>111</sup> For example, CEAR's highest authority was Serrano's vice-president, Gustavo Espina Salguero. As human rights ombudsman, Ramiro de León Carpio had played an important role in both the mediating and verification commissions.

<sup>112</sup> President de León Carpio's replacement of CEAR director Sergio Mollinedo with respected academic José Mauricio Rodríguez Wever resulted in a marked improvement in the relationship between CEAR, the permanent commissions, and other institutions

The New Year's Day uprising in Chiapas, Mexico adversely affected the refugees' planned returns for 1994. For several weeks, refugees were confined to their camps to avoid becoming embroiled in the conflict. After several Mexican government statements charging foreign involvement in the uprising, the UNHCR published a statement affirming the refugees' protected status and their neutrality with respect to the armed conflict.

*The Ixcán Grande cooperative*

The Ixcán Grande agricultural cooperative was formed in the 1960s by Maryknoll missionaries who led the colonization of the Ixcán jungle. Ixcán Grande is actually composed of five smaller cooperatives: Resurrección, Cuarto Pueblo, Los Angeles, Mayalán, and Xalbal. A decade of conflict, refugee flight, and relocation left the Ixcán Grande cooperative in a confusing and volatile situation.

The original cooperative members scattered during the scorched earth campaign and massacres of the early 1980s; many became refugees in Mexico or joined the nomadic CPR. Some remained displaced only temporarily and returned early on to the southern area of the cooperative. These were joined later by more than 200 families relocated there by the army. More than half of the extensive cooperative lands are still the site of frequent armed conflict; as one international official said, "The Ixcán is where the struggle and the peace process are playing out, where peace will be found. It is going to be violent."<sup>113</sup>

*The return to Pueblo Nuevo*

The return of approximately 1,300 Ixcán Grande cooperative members from Mexico to Pueblo Nuevo village (also known as Tercer Pueblo), was contingent upon the removal of a military base located on the communal center of the cooperative and an assessment of the danger

---

**involved in the return process.**

<sup>113</sup> Interview, Campeche, Mexico, October 26, 1993. The official asked not to be identified.

posed by mines and other explosives believed to be in the still-conflictive area.

In an October 12, 1993 agreement between the government and the refugees, CEAR committed to the withdrawal of any army installations from lands designated for refugee return. The army's willingness to undertake such a move was not immediately evident. Defense Minister Mario Enríquez called the permanent commissions, CEAR, the UNHCR, and the Mexican government organization for refugees (COMAR) irresponsible for trying to return refugees to a "red zone" with "subversive presence."<sup>114</sup> On December 13, Vice President Arturo Herburger Asturias said, "It is lamentable that refugees returning from Mexico insist on living in a very dangerous area of the country; therefore, it is probable that the stories are true which claim that they are being manipulated by the URNG."<sup>115</sup> With the issues of the army garrison and the mines still pending, the refugees returned on December 9, 1993, settling temporarily in Veracruz on lands adjacent to Pueblo Nuevo. On December 10, Defense Minister Enríquez announced that the army would move its base from the town center, but did not specify when, or to where. On December 12, returnees, with international accompaniment, went to the army base and demonstrated, presenting the commander with a letter calling for the removal of the base.

Observers from CHRLA's Guatemala team reported that the demonstration was peaceful. Nonetheless, in public statements, the army accused the international observers of provocation, and described the demonstration as part of a URNG strategy. In other statements, the army speculated about the real agenda of the foreigners and accused them of being drug users.

President de León Carpio, echoing army statements, said that he would investigate the role of international personnel in acts of provocation against the army.<sup>116</sup> Then-Foreign Relations Minister Arturo

---

<sup>114</sup> "Una irresponsabilidad ocupar Tercer Pueblo," *El Gráfico*, November 26, 1993.

<sup>115</sup> *La Hora*, December 13, 1993. Translation by the Center for Human Rights Legal Action (CHRLA), based in Washington and Guatemala City, in a December 20, 1994 memorandum to members of the U.S. Senate and House of Representatives.

Fajardo Maldonado said of the international presence, "[w]e are going to investigate them and if there are any anomalies, we will expel them."<sup>117</sup>

While Human Rights Watch/Americas recognizes the right of the government to regulate the presence of foreigners in its territory, such verbal attacks jeopardize the safety of legally admitted visitors in Guatemala whom the government has a duty to protect. If the government has reason to believe that a foreigner has violated Guatemalan law, including immigration law, then it should investigate and prosecute such cases lawfully. Otherwise, such commentary does little more than expose both the refugees and international humanitarian workers who are legally in Guatemala to harassment and threats.

Further, such statements violate the rights of these foreigners to freedom of expression and association. States are obliged to afford these rights to everyone in their territories, not only to nationals; we object to arbitrary actions that in effect deprive them of these fundamental rights or otherwise deprive them of due process.

#### *The return to Nentón*

Addressing the land situation of returning refugees has proved to be a cumbersome and confusing process. The October accord specifies mechanisms for resolving the land situation for different returnee groups. Rightly, the government has advised the refugees that the land issue should be settled prior to returns to avoid temporary settlements and assure the rapid integration of returnees. Yet resolution of the land issue has become the principal cause of extended delays in scheduled returns.

Refugees planning their return to Nentón, which originally was to have occurred jointly with the Victoria group, opted to postpone their

---

<sup>116</sup> *Siglo Veintiuno*, December 14, 1993. As cited in CHRLA memorandum, December 20, 1993.

<sup>117</sup> *La República*, December 14, 1993. As cited in CHRLA memorandum of December 20, 1993.

move until the land issue was resolved. Given the land bottleneck in Victoria, this decision seemed wise, yet it delayed the return for a year as uncontrolled speculation caused the price of land to skyrocket, and negotiations and extension of credit for the purchase proceeded slowly.

As the process dragged on, refugees who had packed their belongings and refrained from planting in anticipation of the return were left living in even more precarious circumstances than before and required additional humanitarian assistance. This group was finally able to secure land in Chaculá, Nentón, and approximately 980 people safely returned in early January 1994 in the midst of the Chiapas uprising.

By establishing mechanisms for land acquisition or recovery, the October accord provides a framework for collective compensation for losses incurred by the refugees during their forcible displacement. Human Rights Watch/Americas does not take a position on land tenancy issues in general. However, the Guatemalan government should honor its commitment in the October accord to resolve the land situation for returning groups as expeditiously as possible, since this point is fundamental to the right of refugees to return and to be compensated.

### **Human Rights and Refugee Return**

While de León Carpio's ascendancy to the presidency opened up political space for the return process, the situation in rural areas changed little. The organized return of Guatemalan refugees challenges the political and military status quo in rural areas. First, the location and allegiance of civilian populations are still of utmost concern to both the Guatemalan army and the URNG, particularly as control of territory and population take on increasing significance at the negotiating table. Second, while helpful in improving the government's image abroad, refugee return disrupts the carefully reconstructed rural society through which the army successfully contained the insurgency at the cost of tens of thousands of lives.

In this context, the return process has served to underscore human rights problems endemic to Guatemalan rural society. The major refugee-producing regions, such as the Ixcán, are still the most conflictive of the country. Army violations of human rights and of international humanitarian law continued to plague displaced civilians organized in

the CPR in the Ixcán during 1993.<sup>118</sup> In addition, civil patrol violence has produced recent cases of displacement of Guatemalan families.<sup>119</sup>

The civilian government, historically weak in rural areas, has been completely absent in some regions for the duration of the war. As these areas are opened up by the return of refugees and displaced persons, the ability of civilian institutions to establish and exercise their authority will be fundamental in overcoming militarized forms of governance and social polarization.

*Army-fomented hostility to returning refugees*

Thus far, the Guatemalan army has refrained from directly attacking the returnee communities. Nonetheless, it has responded to the return movement from a counterinsurgency perspective, by seeking to isolate and stigmatize returnees. In its efforts to prevent what it perceives as the strategic consolidation of returnee communities that it considers the social base for the guerrillas, the army has also jeopardized the security of the returnees and the possibility for their reintegration into Guatemalan society.

International and Guatemalan institutions involved with the return process are concerned by the army's repeated attempts to sow fear and hostility toward refugees in planned return areas. The current director of CEAR, José Mauricio Rodríguez Wever, told Human Rights Watch/Americas that his office has been deluged with letters from communities opposing refugee return to their area.

The problem is that returnees are seen as subversives and the community has been taught to defend against subversives. The civil patrol strategy was a military strategy through the civilian population. Now the military strategy is embedded in the

---

<sup>118</sup> See below for a discussion of violations of the laws of war affecting civilians of the CPR in the Ixcán.

<sup>119</sup> See Chapter VII for discussion of families from Panquiac displaced because of threats from civil patrols.

civilian population.<sup>120</sup>

Raúl Hernández of the Episcopal Conference of Guatemala said that the Catholic church is deeply concerned by this problem:

We have received numerous complaints from the permanent commissions and the returnees in Victoria that the army has been working in neighboring communities to keep them from relating to the refugees. Our parishes inform us that the attitude of the army continues to be hostile to the return. The Church has been working very hard to combat this.

A flyer produced and distributed in the Quiché by the so-called Association of Peasants of the Ixcán features a drawing of a family, arm-in-arm with an army soldier, with a church in the background. The caption reads in part:

To live in Harmony with God and the Authorities  
is to live in Peace  
Brother Peasant  
Remember that he who opposes the authorities  
goes against God.

The UNHCR, nongovernmental organizations, and the Catholic and Protestant churches working with the return process continue to try to counteract this army-fomented polarization. Through local parishes, the churches have worked to educate residents about refugee return. The UNHCR has used the radio to sensitize receiving communities. In general, the churches, nongovernmental organizations, and the UNHCR have promoted projects that benefit both the returnees and the receiving communities to diminish rivalries and avoid addressing the needs of returnees at the expense of other impoverished villagers in these areas.

*Attacks on nongovernmental organizations*

---

<sup>120</sup> Interview in Campeche, Mexico, October 27, 1993.

The strong participation of the international community and Guatemalan civil sector institutions has provided returning refugees with a safety net not enjoyed by other Guatemalans. However, many of these institutions have found that their work with refugees and displaced persons has put them at risk.<sup>121</sup>

As stated earlier, during the first collective return from Mexico, the defense minister and civilian government officials, including the former director of CEAR, made numerous statements linking the returning refugees with the URNG. While such statements have been less frequent under the de León Carpio administration, the December 1993 statements by President de León Carpio and Vice-president Herberger echoed the style of the previous administration by linking the refugees to the URNG and alleging illegal acts on the part of foreigners accompanying them.

Human Rights Watch/Americas is not in a position to ascertain the veracity of such allegations and respects the government's right to investigate and prosecute illegal activities on the part of its citizens and foreigners in Guatemala. However, public statements such as those cited here only expose the individuals involved to danger and contribute to a climate of fear and distrust directed at returning refugees.

Guatemalan and international nongovernmental organizations have also received anonymous death threats related to their work with refugees and displaced persons.<sup>122</sup> Shortly after the January return to Victoria, Peace Brigades International, a nongovernmental organization providing accompaniment to returning refugees and other Guatemalan organizations, received a telephone threat warning them "not to go too far."

Then, on March 27, 1993, the names of twenty-four individuals appeared on a death threat given to the local press accusing them of links

---

<sup>121</sup> **The role of these Guatemalan and international entities is prominently included in the text of the October accords.**

<sup>122</sup> **Human Rights Watch/Americas is also aware of threats received by other international entities involved with refugee return who have opted not to publicize the incidents.**

to the URNG and warning them to stop their work, leave the country, or suffer the consequences. Included on the list were several Guatemalans and one American belonging to nongovernmental organizations working with returning refugees and displaced persons; others listed were journalists, labor union members, student activists, and a United Nations official.

Similar threats occurred under the de León Carpio administration. Beginning on December 25, 1993, Juan Quiñonez, director of ADEPAC, received seven anonymous death threats, one delivered to his home and others communicated by telephone, signed by the "Guatemalan Anticomunist League (*Liga Anticomunista Guatemalteca*)." On February 1, 1994, Human Rights Watch/Americas wrote a letter to President de León Carpio expressing concern for Mr. Quiñonez's safety and urging the government to investigate this case.

Another death threat was delivered to him on March 28, in a facsimile transmission. Also signed by the Guatemalan Anticomunist League, it said, "we know that the communist Juan Quiñonez, militant of the terrorist URNG has returned," and said that it would not be responsible for what happened to him.<sup>123</sup> Human Rights Watch/Americas sent a second letter on April 12, 1994 reiterating its concerns. To date we have received no response from the Guatemalan government.

Since April 7, 1994, Pedro Antonio Asturias Ruíz, a U.S. citizen working as a consultant to the permanent commissions, has received several telephone death threats at the home of his uncle. Armed men have also come to his office looking for him.

In addition, death threats have been received by the conference of Evangelical Churches (CIEDEG) and the Catholic Conference of Religious of Guatemala (CONFREGUA). On April 16, 1994, an anonymous letter was delivered to the CIEDEG office accusing both Conferences of working in solidarity with the URNG and of responsibility for the

---

<sup>123</sup> ADEPAC is a member of the Coordination of Nongovernmental Organizations for the Accompaniment of Victims of the Internal Armed Conflict (*Coordinación de ONGs y Cooperativas para el Acompañamiento de la Población Damnificada por el Conflicto Armado Interno* hereinafter "*Coordinación*"), and has been working with displaced persons and returning refugees in Alta and Baja Verapaz and El Petén.

terrorism in the country. The letter warned them to renounce their terrorist activities or suffer the consequences.

On April 25, 1994, Human Rights Watch/Americas wrote to the President of Guatemala expressing serious concern for the security of these and other threatened individuals and institutions. (See Chapter VII.) The ability to monitor and assist returning refugees and displaced persons is essential to ensuring respect for their rights. The government of Guatemala should investigate thoroughly all incidents of threats or attacks on these organizations and prosecute those responsible. It should also publicly declare its support of the work of human rights, humanitarian, and development organizations and take all necessary measures to protect their integrity.

On August 27, 1993, Joaquín Jiménez Bautista, a refugee leader of ARDIGUA, travelled from southern Mexico to Guatemala with a delegation assessing the land situation. When visiting his hometown in Todos Santos, Huehuetenango, he was detained and beaten by civil patrols. He was eventually returned to Mexico. See Chapter IV for a discussion of his case.

#### *Explosives and contraband*

The detection in February of marijuana fields in Victoria exposed the broader problem of drug cultivation and trafficking in Guatemala. Drug activity typically benefits from the cover of conflictive, abandoned areas. One international official close to the return process, who preferred not to be identified, believes that some of the threats received by organizations working on refugee return are attributable to drug traffickers whose operations may be threatened as returning refugees open up formerly abandoned areas. A similar situation involving illegally harvested lumber in El Petén is likely to present security problems for refugees planning to return to that region.

The February incident also drew attention to the presence of mines and explosives in designated return areas which should be removed or detonated by a systematic sweep of the area, with the agreement and cooperation of both parties to the conflict.<sup>124</sup> In the

---

<sup>124</sup> **The Human Rights Watch/Arms Project is currently engaged in efforts to ban the use of land mines worldwide. See The Arms Project and Physicians for Human Rights,**

interim, the UNHCR has collaborated with UNICEF on a community awareness campaign. The nongovernmental organization International Physicians for the Prevention of Nuclear War will also launch a three-part campaign to deepen the explosive awareness initiative, establish a systematic way of marking areas where explosives are found or which are believed to be dangerous, and detonate all explosives encountered in designated return areas.

### Internally Displaced Persons

The situation of hundreds of thousands of people internally displaced during the early 1980s continues to be a sensitive and dangerous topic in Guatemala. Displaced persons are particularly vulnerable in that they do not have the benefit of international protection like their refugee counterparts who crossed national borders. They live in a wide range of circumstances, from organized Communities of Population in Resistance (CPR) subsisting in conflictive areas (see below), to those living in model villages organized by the army during the strategic rural restructuring of the eighties. Others fleeing repression in the countryside swelled the slums of departmental capitals and Guatemala City.

Rural displaced persons living in the capital are disadvantaged by language and cultural barriers that limit their ability to live a normal life and participate in society. Many displaced persons also lack identity documents, further compounding their isolation and inhibiting their ability to find work, enroll their children in school, or carry out any other legal or official procedure. Internal displacement has also added to the ranks of Guatemala's street children. In the countryside, displaced families have been subjected to restrictions of basic freedoms, obligatory participation in civil patrols, and repressive army responses to attempts to organize independently.

Nongovernmental organizations have found it dangerous, and in

some cases impossible, to work with internally displaced populations, particularly in conflictive areas still subject to tight military control. Organizations that have attempted to do so have suffered attacks and threats. Myrna Elizabeth Mack Chang, an anthropologist, was killed in September 1990 because of her field work studying displaced populations such as the CPR. Her organization, AVANSCO, the principal social science organization studying displaced and refugee populations, has suffered continuous threats to its work. Until 1990, Guatemalan nongovernmental organizations were unable to work in some conflictive areas including the Ixcán, the Ixil Triangle, and parts of Huehuetenango. In recent years, these groups have cautiously begun to expand their work with war-affected populations, but not without difficulty.

The National Council of Displaced Guatemalans (CONDEG), founded in September 1989, is a grassroots organization representing displaced populations in thirteen departments. CONDEG is currently working with fourteen communities displaced by violence, and in some cases by poverty. Since August 30, 1993, CONDEG has supported 150 displaced families who took over lands of the National Housing Bank (BANVI) and opened negotiations with CEAR to legalize their situation. CONDEG announced the land takeover, calling it "The First Settlement of Internally Displaced Persons, Mario Antonio Díaz." Since then, CONDEG has reported that men in civilian dress, armed and wearing military-style boots, have entered the community on a number of occasions asking for the CONDEG leaders while firing shots in the air and threatening residents. On October 20, 1993, men in civilian dress arrived at the settlement at 3:00 A.M., asking "Where is Lorenzo (of CONDEG), and saying, "where are the leaders here, we're going to bust their asses."<sup>125</sup> While Human Rights Watch/Americas does not take a position on rightful ownership of land in these cases, the fact that the families involved have been harassed and threatened is of great concern.

Several CONDEG members have been assassinated or disappeared since its founding. On May 3, 1990, national leader Luis Miguel Solis Pajarito was disappeared. On December 4, 1990, Ventura Alvarez Pérez, a radio correspondent from Quiché who had been displaced and was living in Guatemala City, was captured in front of his wife by men in

---

<sup>125</sup> Interview with Lorenzo Pérez Mendoza of CONDEG, Guatemala City, October 29, 1994.

civilian dress and never seen again. On July 12, 1991, a local CONDEG activist in Izabal, Mario Antonio Díaz, was assassinated by men who came to his house. On July 14, 1991, Luciano Lux Ventura was kidnapped by men in civilian dress; his mutilated body was found two days later. On April 19, 1992, CONDEG leader Lorenzo Pérez Mendoza was attacked by five armed men in civilian dress in Zone 19 of Guatemala City. He was beaten, strangled, and left for dead.<sup>126</sup>

More recently, on January 17, 1994, Miguel Quiej Pu, a founding member and part of the executive committee of CONDEG, reported the disappearance of his brother, Lorenzo Quiej Pu, also a founding member of the organization. His family reported the case to the National Police, and searched the morgues and hospitals. The following day, Miguel Quiej Pu filed a writ of habeas corpus on behalf of his brother.<sup>127</sup> Nevertheless, Lorenzo Quiej Pu remains disappeared as of this writing.

On several occasions in early 1993, CONDEG members received threatening phone calls: one caller advised them, "take care because soon you'll be resting in peace." On October 23, 1993, the CONDEG offices were ransacked and files, documents, and money stolen. According to members of CONDEG's leadership, the police did not investigate the incident.

Human Rights Watch/Americas visited several communities of internally displaced persons during 1993. The myriad problems facing Guatemala's displaced populations are beyond the scope of this report. However, the experiences of these communities illustrate how the wounds inflicted by the army's scorched earth campaign still fester, and are perpetuated by the continued coexistence of victims and victimizers, without any process of justice for the perpetrators of horrendous crimes.

#### *The Communities of Population in Resistance*

The Communities of Population in Resistance (CPR) are nomadic groups of displaced persons who, after fleeing the army's scorched earth

---

<sup>126</sup> Interview with Lorenzo Pérez Mendoza and two other CONDEG leaders, Guatemala City, October 29, 1993.

<sup>127</sup> Urgent Action from the Archbishop's Human Rights Office, January 19, 1994.

campaign of the early 1980s, remained in the jungle and remote highland regions of the northern El Quiché and El Petén provinces, in order to avoid the insidious net of army control and rural restructuring which formed the second stage of the anti-guerrilla campaigns. The CPR's existence was for many years clandestine and tenuous, with entire communities living in constant flight from military offensives.

After their initial flight, some displaced persons of the CPR sought refuge in Mexico while others, hunted by the army and unable to find subsistence or protection behind guerrilla lines, eventually turned themselves in to the Guatemalan authorities. Others continued to live clandestinely in the mountains and jungles until they publicly announced their presence as displaced civilians in conflictive zones in 1990 and 1991 and soon after, opened an office in the capital. The CPR form part of the broader popular opposition movement in Guatemala.

During the eighties, the Guatemalan army's counterinsurgency strategy was notorious for actively targeting civilians in its campaign of horrendous massacres, scorched earth, detention and torture. Even after the CPR publicly asserted their existence in conflictive areas, they continued to be subjected to army attack. In 1992 and the first half of 1993, there were several army attacks on the houses, crops and the belongings of the CPR; during army operations, entire communities fled into the jungle, in some cases crossing into Mexico for temporary refuge.

*Violations of the Laws of War affecting the CPR in the Ixcán*

On July 25, 1992, the Guatemalan army bombed the environs of the CPR community of Los Angeles. Ricardo Falla S.J., a priest assigned to the communities by the El Quiché diocese, was present. According to his eyewitness account, scores of villagers were present when two bombs fell among the houses but did not explode. That night, the villagers fled into the jungle. On July 27, a second attack resulted in the destruction of several houses. According to Fr. Falla, there were no battles in the area of Los Angeles at the time, although he could hear combat in the distance. Human Rights Watch/Americas recognizes the Guatemalan army's right to pursue legitimate military targets. However, in response to our request for an explanation of this and other incidents, evidencing possible violations of the laws of war, the Guatemalan army limited itself to denying that it has the firepower to cause such destruction (see

below).

During an army offensive in November and December 1992, troops reportedly burned approximately one hundred houses, a school, a church, and other community property in Cuarto Pueblo I and II. Poultry, stored grains, clothing, and household items were destroyed. CPR residents fleeing aerial attacks and the advancing troops crossed the border into Mexico, remaining there for several days.

During the same operation, the army entered the Los Angeles community and found items belonging to the Catholic church and Fr. Falla. The soldiers destroyed religious vestments, baptismal and marriage certificates and the like. The army confiscated Fr. Falla's personal documents and writings and used them to launch a baseless defamation campaign accusing him of being a guerrilla commander.<sup>128</sup> In a December 24, 1992 press conference, then-Defense Minister García Samayoa pronounced the operation a success stating that there were "no casualties of civilians, as they call unarmed persons, although they were hit hard in their camps...." At the same time, the defense minister referred to Fr. Falla as an "ideologue of the guerrillas," a charge that was to be repeated often, although never supported with evidence.

In late February 1993, just weeks after the arrival of the Victoria returnees on the opposite bank of the Xalbal River, the army launched another offensive that caused the seven CPR-Ixcán communities to flee their settlements and hide in the jungle. In March, more than 700 people fled into Mexico in the wake of aerial attacks and advancing troops.

More than once, the Guatemalan army followed the fleeing population into Mexican territory, where on one occasion, they ran into Mexican troops and the UNHCR and were obliged to make a hasty retreat.<sup>129</sup> On March 3, Baltazar Jiménez Marcos, Telésforo López, and

---

<sup>128</sup> Fr. Ricardo Falla is the author of a number of books, including *Massacres of the Jungle* (Masacres de la Selva), originally published in Spanish in 1992 and recently translated into English, chronicling the army massacres of thousands of Guatemalan Indians in the Ixcán region. After the December incident, Fr. Falla left the CPR at the request of the diocese, for his own protection and that of the communities.

<sup>129</sup> The Mexican government extended temporary worker visas to the Guatemalans, who did not request refugee status, asserting that they would return home as soon as the army pulled out of the area. Local nongovernmental organizations provided

fifteen-year-old Rudy Isaías López of Cuarto Pueblo were seriously injured by a mine of unknown origin when they reentered Guatemala to search for food.<sup>130</sup> The offensive continued into late April, and it was not until early May that CPR residents began to return to Guatemala.

In a May 4, 1993 letter to then-President Jorge Serrano, Human Rights Watch/Americas denounced the destruction of civilian dwellings and property as violations of the laws of war and requested that the government investigate each case and punish those responsible. On February 14, 1994, Human Rights Watch/Americas received a letter from the Defense Attache of the Guatemalan Embassy in Washington D.C., Col. Benjamín Godoy Burbano, addressing the concerns raised in the May 4 letter and reiterated on numerous occasions. The following are excerpts from that letter.<sup>131</sup>

[C]ommunities of Population in Resistance [is] the term with which they have been introduced by the terrorist organization that controls them, holds them captive, and manipulates them with the objective of having them serve as a buffer between government army units and the camps where they take refuge, train and mobilize toward the points where they commit terrorist acts...with the objective of manipulating national and international public opinion, and diverse national and international organizations, such as your own....

[The] minister of national defense has referred to these population groups as 'populations retained or held captive by the terrorists....' [I]t is also true that in early 1993, the minister of national defense reiterated specific directives to maximize the

---

**humanitarian assistance to the families, and the UNHCR monitored their situation.**

<sup>130</sup> **For a detailed chronology of the February through May offensive based on witness testimony, see the Center For Human Rights Legal Action (CHRLA) Memorandum "Situation of the Communities of Population in Resistance Since January, 1993." Washington D.C., September 13, 1993. Hereinafter CHRLA Memorandum.**

<sup>131</sup> **Translation by Human Rights Watch/Americas.**

protection of the members of these communities when they succeed in escaping the control of their captors...or when there is access to them (when they have been abandoned by the terrorists).

These directives have informed military actions throughout the conflict, and the Guatemalan army has been very careful not to affect the defenseless civilian population such as that referred to in the present case. Specifically in the regions...referred to in your letter of May 1993, multiple efforts have been made, and no resource or method spared, to liberate said communities from the control that is exercised over them.

In your letter of that date, you mention bombardments and artillery attacks. As you know, these regions are among the most remote and abandoned of the country....These conditions have never permitted the transport of heavy artillery, and the material possessed by the Guatemalan army...does not have the range or the lethal capacity that could affect the isolated jungle regions where these groups might be found.

[Y]ou mention a mine explosion, of unknown origin, which wounded three Guatemalans...the Guatemalan army does not possess mines or explosives traps of any kind and never has. In contrast, the insurgency has these articles....

Since the EGP decided to make public said population groups (CPR) as one more element of their war of information and manipulation of public opinion...orders [have been emitted] from the Defense Ministry to avoid any action which could be exploited by the insurgency.<sup>132</sup> It is possible that in the execution of duties imposed by the EGP, the...CPR could have been caught between military units and insurgent groups that have harassed them....

---

<sup>132</sup> **The Guerrilla Army of the Poor (EGP) is one of the four factions of the URNG.**

To date, the Guatemalan government has provided no credible evidence to suggest that the CPR are involved in actions that would prejudice their status as civilian, noncombatant populations. In fact, the Guatemalan army itself does not accuse them of direct involvement in the hostilities, referring to them instead as "captive" and "manipulated" populations.

Consequently, Human Rights Watch/Americas finds the Guatemalan army's explanation of military operations resulting in substantial destruction of civilian property unsatisfactory. The existence of "directives" governing the treatment of civilians in war zones (copies of which Human Rights Watch/Americas has repeatedly requested and never received) are not a substitute for a thorough investigation of documented reports of these violations. Furthermore, whether or not the Guatemalan army can transport its heavy artillery through the jungle is of no consequence to reports of destruction caused by aerial attacks on civilian population centers, or the burning, theft, and destruction of civilian property, livestock, and foodstuffs by ground troops.

Under the de León Carpio administration, military operations have not resulted in loss of life or extensive damage to civilian property in these communities, but the government still has not investigated or prosecuted those responsible for past incidents.

*Human Rights Violations Against the CPR-Sierra*

The army and the civil patrols have frequently violated the constitutional rights of residents of the CPR-Sierra to freedom of movement, freedom of association, and the ability to engage in commerce with neighboring towns and villages. In endeavoring to exercise these rights, for example by buying and selling goods or visiting family members in other villages, CPR-Sierra residents have suffered assaults, detention, threats, and intimidation from the army and the local civil patrols.

According to Hugo Mejía, director of the Nebaj office of the human rights ombudsman, the area is dangerously divided. People who travel back and forth in those villages are distrusted by both the army and the URNG. The army considers them guerrillas, and guerrillas assume anyone seen shaking hands with a soldier is an army spy. The Nebaj office of the human rights ombudsman has found it difficult to extend its

presence to towns like Chel and Chajul, which borders on CPR areas, due to threats and accusations from the army and civil patrollers.<sup>133</sup>

In February 1993, Guatemalan and international activists, religious workers, and human rights monitors traveled by land to the CPR-Sierra in a public display of support for the communities. Civil patrollers in Chajul and Chel attempted to obstruct the visit, threatening those who came in contact with the delegation; afterward, soldiers in Nebaj questioned and threatened some of those who associated with the delegation.<sup>134</sup> On March 5, 1993, soldiers in Chel intercepted CPR residents returning to their community, interrogated them, and prohibited their passage, obliging them to return to their communities by a circuitous route.<sup>135</sup>

One member of the delegation, Carlos Ranferí Gómez, was shot and seriously wounded and had his video camera stolen by armed men who assaulted a commercial bus on which he was returning from the trip. A report by the Totonicapán representative of the human rights ombudsman found Gómez to have been a victim of common crime, although Gómez and his companion, Nery Barrios say the witnesses who spoke to the ombudsman's representative contradicted what they had told Barrios at the time of the incident.

Chel civil patrollers, led by patrol chief Rubén Cruz López and his brother Aurelio, have repeatedly harassed CPR residents and obstructed commerce and travel between them and residents of Chel. In an April 20, 1993 incident, members of CPR-Sierra villages went to Chel, only to be told by residents there that they had been prohibited from buying or selling their products. Patrollers gathered and began throwing rocks at the visiting CPR residents, injuring several as well as a British journalist accompanying them. One CPR resident testified that they were "insulted, threatened and assaulted" by civil patrollers Aurelio and Rubén Cruz, who said CPR members were guerrillas, beat him, and tried

---

<sup>133</sup> Interview in Nebaj, November 3, 1994.

<sup>134</sup> CHRLA Memorandum; Representatives of CHRLA participated in the land delegation to the CPR-Sierra and Ixcán.

<sup>135</sup> Ibid.

to put a grenade in his backpack.<sup>136</sup>

According to a civil patroller who witnessed the incident, on June 27, 1993, Pedro de León Corio, Pedro Bop Caba, Pablo Bernal Mendoza, Pedro Bop Escobar, and Gaspar Caba Laínez, all members of the civil patrol of Chel, were beaten and threatened with death by patrol chiefs Rubén and Aurelio Cruz for refusing to participate in actions against CPR-Sierra residents.<sup>137</sup>

In August, a Guatemalan newspaper reported that Gaspar Caba Laínez and Pedro Bop Escobar of Chel had asked for protection from the Archbishop's Human Rights Office due to death threats they had received from patrol chief Rubén Cruz López and a second lieutenant known as "Cachillo." Caba Laínez and Bop Escobar said that they had been obliged to repress residents of the CPR in Caba, and that nine other patrollers were in the same situation. They were threatened with death if they did not obey the orders. They further denounced that in the last three years, Rubén Cruz López had killed three people in Chel for refusing to form part of the civil patrols.<sup>138</sup> See Chapters VII and IX for a description of other incidents against these and other Chel residents.

On September 4, 1993, civil patrollers Antonio Bernal Morales and Cipriano Antonio Bernal Morales of Jua, Chajul, reported to the Nebaj representative of the human rights ombudsman that the Commander of the Chel military base obliged them to obstruct the passage of persons travelling from the CPR to Chajul. They were threatened and insulted when they refused. The two also reported that the same commander told them that the human rights ombudsman is a guerrilla and that anyone who collaborates with the ombudsman would be run out of town.<sup>139</sup>

---

<sup>136</sup> **Testimony given to the Nebaj representative of the human rights ombudsman's office, May 1993.**

<sup>137</sup> **Ibid.**

<sup>138</sup> **"Patrollers Denounce that they are forced to repress CPR." *Siglo Veintiuno*, August 24, 1993.**

<sup>139</sup> **Interview with Hugo Mejía, Nebaj office of the human rights ombudsman, November 1993, and testimony received by the office on September 4, 1993.**

Leonardo Soto and Feliciano Ixcoy Lux, the first and third commanders of the civil patrols of the Estrella Polar farm, denounced on September 4, 1993, that for the past two months they had been under orders from a lieutenant of the military base in Chel to take hatchets to knock down trees to obstruct the passage of people coming from the CPR. The lieutenant removed the two men from their positions as first and third civil patrol commanders on August 5 for refusing to comply with his orders.<sup>140</sup>

On May 2, 1993, CPR resident Pedro Itzep Batén (seventeen), was illegally detained and interrogated for fifteen days in the military garrison in Chiul, where he had been visiting family.<sup>141</sup>

On May 7, 1993, soldiers detained and interrogated several CPR residents travelling on a road between Xeputul and Uspantán. They were held for several hours during which time some were strip-searched by soldiers seeking scars indicative of combat.<sup>142</sup>

On May 17, Manuel López, a CPR resident from Santa Clara, was detained by patrollers in Santiago Ixcán and interrogated for seventeen days at the Playa Grande military base before being released.<sup>143</sup>

On May 23, 1993, Pedro Brito, an employee of the Amachel mayor's office, disappeared. He was last seen by his wife, Lorenza Jacinto, leaving for his fields at 11:30 A.M. The report added that there was a skirmish between army troops and guerrillas that day and that Brito was presumed to have been captured by the URNG.<sup>144</sup>

The CPR of the Sierra and the Ixcán announced in 1993 their decision to establish open, stable settlements. They have since entered into dialogue with the Guatemalan government, seeking official recognition as "legitimate," noncombatant populations, and requesting

---

<sup>140</sup> *Ibid.*

<sup>141</sup> *Memorandum, CHRLA.*

<sup>142</sup> *Ibid.*

<sup>143</sup> *Ibid.*

<sup>144</sup> *Testimony received by the Nebaj office of the human rights ombudsman, June 1993.*

international accompaniment and assistance.

The initiation of a dialogue process through which the protection and assistance of CPR residents would be enhanced is encouraging. Nonetheless, the obligation of both the Guatemalan government and the URNG to protect and respect the constitutional rights of noncombatant populations in areas where military operations occur, are in no way contingent upon the progress or results of such dialogue, and should be adhered to at all times.

*The Displaced of Nebaj in the Quiché*

Displaced persons of the Ixil triangle are survivors of the Guatemalan army's counterinsurgency strategy to wrest control of the region from the URNG by separating it from its civilian support base through displacement, massive killings, and disappearances.<sup>145</sup> The resulting flood of displaced persons, far from being merely a by-product of the war, was considered by the army to be an important element of efforts to consolidate the region politically and militarily. Displaced persons routed from the mountains by soldiers or civil patrols, or who voluntarily turned themselves in to the army months or years after their initial flight, were processed and resettled by the army and later with the assistance of CEAR. This usually entailed a lengthy period of detention and interrogation, re-education, and resettlement in so-called model villages. The latter were artificially constructed settlements, centralized for optimum population control; basic civil liberties including freedom of movement, association, and expression were strictly curtailed, and the ability to work restricted.

Displaced persons in model villages were also obliged to take part in civil patrols which, in addition to other unremunerated tasks, were ordered to capture fellow villagers still roaming the mountains, or to burn crops in order to starve people into turning themselves in. "Manuel," a thirty-three-year-old Ixil farmer from a village outside of Nebaj recounted his experiences to Human Rights Watch/Americas:

---

<sup>145</sup> The term "Ixil triangle" refers to the area of the Quiché province between Nebaj, Cotzal, and Chajul, populated primarily by Ixil Indians.

Army control was always very strong. We had a civil patrol and were forced to participate. I was in the patrol. The army ordered us to destroy the cornfields that the refugees cultivated in the mountains. They forced us to pull up all their crops and destroy everything. It hurt me a lot, because corn is our food, our life. I felt ashamed. I didn't cut it down. The army got mad at me and said I was a guerrilla. We didn't have anywhere to go to denounce this.<sup>146</sup>

In recent years, displaced people living in model villages in the environs of Nebaj began to try to return to their original villages. From the army's point of view, the region was sufficiently stabilized to permit a certain slackening of the rules. By the early 1990s, some model villages began to dissolve as their residents trickled back to their places of origin.<sup>147</sup> At the same time, the army has expanded its control by insisting that returning villagers form civil patrols in their places of origin.

The March 1992 opening of an auxiliary office of the human rights ombudsman in Nebaj, and the international presence in the region through the United Nations Development Program for Refugees, Displaced and Repatriates in Central America (PRODERE), heightened the confidence of displaced persons anxious to return home for good. Nevertheless, return is still a fragile and risky undertaking. For example, PRODERE is scheduled to withdraw from the Ixil triangle in mid-1994. A Guatemalan working with PRODERE reported that the civil patrols and the army have commented that when PRODERE pulls out, those who collaborated with the program will have problems. Villagers interviewed

---

<sup>146</sup> Interview in Batzuchil, Nebaj, November 4, 1993.

<sup>147</sup> According to Bishop Julio Cabrera of the Quiché diocese, some families are returning, with great trepidation and little or no assistance, preferring to resume their daily lives without attracting undue attention. Unlike other more public return processes, these families seek safety through anonymity. The bishop's reluctance to even name areas where such returns were occurring was testimony to the fear associated with such return.

confirmed those threats. According to a returnee from Batzuchil:

The civil patrol chiefs in Tzabal accuse us of being guerrillas. They say that when the human rights [institutions] go, they are going to finish us off. The army even says that PRODERE is with the URNG. Many who don't know better, they are afraid of the human rights office and PRODERE.

From the outset, the army is the final arbiter in deciding whether displaced persons petitioning to return to a certain village may do so. Allegiance to the army is manifested by the returnees' willingness to form civil patrols once in their respective villages.<sup>148</sup> The patrollers, in turn, report all suspicious people or activities to the army. The first step for inhabitants of a particular village whom wish to return is the formation of a committee which will approach the army detachment commander either in Nebaj or in Santa Cruz del Quiché to request permission to return to their village.<sup>149</sup>

Although United Nations staff in the area and the local representative of the human rights ombudsman's office pointed out that military authorization was not necessary in order to return, and that it would be unconstitutional if it were, residents of several villages insisted that they had obtained the required army permission before returning. Having lived for a decade under strict military control, these villagers had yet to experience any fundamental change in the army's supervision of civilian affairs. The minority of villages which have not formed a civil patrol have been pressured by the army and neighboring patrollers. When Human Rights Watch/Americas asked a villager from Las Pilas if he patrolled voluntarily, he immediately said yes. When asked why he patrolled, he said, "If you don't the army comes to punish you." (*Si no, llegan los ejércitos a castigar a uno.*) A leader from Canaquil said residents were denounced as guerrillas by the patrols and the army until they

---

<sup>148</sup> This occurs despite the fact that under the Guatemalan Constitution, civil patrol service must be voluntary. See Chapter II.

<sup>149</sup> Village community councils are often structured according to the traditional Ixil hierarchy of elders (*principales*).

decided to form a civil patrol.

Forty-six families have returned to Batzuchil, a village outside of Nebaj that was razed by the army in the early eighties. They reported constant harassment and threats from neighboring civil patrollers and the army in Nebaj, stemming from their resistance to forming a patrol. The participation of some residents in popular movement groups or community development projects such as those offered by PRODERE, and the fact that the president of the community council recently returned from the CPR, have deepened the patrollers' antipathy toward the villagers. A community leader described ongoing harassment by the army and the strong civil patrol of Tzalbal, a neighboring village:

Months after our return, the army came to threaten us several times because we didn't have a civil patrol. In September 1993, thirty-five soldiers came to our village because we were having meetings with PRODERE. People in the village up the road [Tzalbal] have a patrol and they have denounced us to the army as guerrillas. The patrol chief controls all the people there. The patrollers went house to house asking about our meetings, what we talk about. I wasn't home at the time, but the neighbors told them the meetings were about potable water. The patrollers said that we were "CPR" and said that we had to reorganize the civil patrol.

In October 1992, just after a visit to the village by then-Human Rights Ombudsman Ramiro de León Carpio, about ninety soldiers came to our community. They tore up our papers, PRODERE literature, and posters about human rights. They kicked open the door to my house and searched it. They opened the bags of grain; later, we couldn't eat the grain because we feared the soldiers had poisoned it. We filed a complaint at the office of the local representative of the human rights ombudsman. The patrollers come around every week or two. They make comments that make us afraid. They threaten to kidnap someone.<sup>150</sup>

---

<sup>150</sup> Interview in Nebaj, November 4, 1993.

Another community leader said, "They have a file on us now, we are a suspect population. The pressure is always there."<sup>151</sup>

A fifty-seven-year-old widow said her four children and a son-in-law were all killed in the early 1980s. A son and daughter were taken away and killed by the URNG in December 1981. In February 1982, another daughter was taken off a bus by soldiers in Chiul and never seen again.<sup>152</sup> In September 1983, her youngest son was captured by the army and disappeared. She returned to Batzuchil in 1992.

I joined CONAVIGUA two years ago because of hopes that I might find my youngest son. But the army doesn't like it. The patrol chiefs say they are going to get us, but we are not doing anything wrong. We don't belong to the guerrillas.

This widow said that the army's accusations increased toward the community and toward CONAVIGUA after the August 1993 kidnapping and disappearance by the URNG of an ex-guerrilla turned army intelligence agent, which occurred just outside of Nebaj.

#### *The Displaced of Río Negro*

Río Negro, an Achi village in the municipality of Rabinal, Baja Verapaz, was completely abandoned by mid-1982 after four massacres in which more than 200 villagers were killed by civil patrollers from nearby Xococ and the army. The exhumation of the site of the March 13, 1982 massacre of Río Negro women and children was taking place when Human Rights Watch/Americas interviewed displaced villagers currently living in Pacux, a poor neighborhood of Rabinal.

At the request of the community, the interviews did not take place in Pacux. Residents feared that military commissioners living there

---

<sup>151</sup> Interview in Nebaj, November 4, 1993.

<sup>152</sup> The daughter's husband had previously been assassinated by the URNG, leaving this widow with three grandchildren.

would report to the army the names of those who talked to the Human Rights Watch/Americas delegation. One villager told us privately:

They still instill fear in us. They are the kings of Pacux, we are terrified. These four commissioners killed a lot of people here in Rabinal, here in the park. The people here know who is who. They continue to threaten us. People were afraid to tell you this because they are threatened. Behind our backs they speak badly, that...[we] are guerrillas.<sup>153</sup>

These villagers, living in significantly worse circumstances than before their displacement, are anxious to return to Río Negro. Villagers and Catholic church sources working with the community said that a successful and safe return is contingent upon the results of the exhumations currently underway and the identification and punishment of those responsible for the killings. Thus far, the authors of the Río Negro massacres have enjoyed absolute impunity. After ten years, a paralyzing coexistence between victims and victimizers persists, in which the former live in fear, and the latter maintain unchallenged power and status in the area.

A priest familiar with the situation who asked not to be identified told Human Rights Watch/Americas; "People are waiting under threats to see the effect the exhumations have... They want to go back to their homes, but are still threatened by the same people." Twenty families have signed up to return and thirteen houses have already been built. Others have gone to Río Negro to work the land, but are too afraid to sleep there.

The neighboring village of Xococ is twelve kilometers from the settlement of displaced persons in Pacux, Rabinal. One resident described the situation:

We always see the people from Xococ, but they still consider us

---

<sup>153</sup> Interview in Rabinal with a catechist from the village, November 7, 1993. This man returned to talk with Human Rights Watch/Americas privately, and with visible fear, to say that a military commissioner had joined the groups of displaced villagers gathered to meet with our delegation. [Herein, Interview in Rabinal.]

subversive. Now some of our neighbors are working in Río Negro, and they have to return by way of Xococ. As they pass, the patrollers will come out and say, "the guerrillas are passing by." The military commissioners report to the military post whenever Río Negro people go by. They report our movements. There were twenty-five patrollers [during the time of the massacres]; they are still there, with the same commander and the soldiers backing them.<sup>154</sup>

During the late 1970s, the situation in the region polarized as guerrilla activity increased and the military responded.<sup>155</sup> A Catholic church worker in Cobán said that political polarization was superimposed on existing rivalries, including a history of friction between Río Negro and the neighboring village of Xococ over adjacent lands in the area. Compounding the differences, some people in Río Negro were involved with peasant associations such as the CUC while military commissioners in Río Negro served as spies, pointing out to the army those believed to be involved in political activities. Meanwhile, villagers of Xococ had formed a strong civil patrol and generally supported the Army.

In addition to problems with their neighbors, Río Negro villagers were to be displaced by the construction of a hydroelectric plant that would flood some of the village's lands. An agreement was allegedly reached between the community and the national electricity institute (INDE), involving the provision of housing in Pacux and lands to compensate those flooded. However, villagers still opposed relocating and believe their opposition was partially responsible for the violence visited upon them later.

Community leaders recounted the March 1980 murder of seven people in the chapel of El Oratorio, a hamlet of Río Negro. As one recalled:

---

<sup>154</sup> Interview in Rabinal, November 7, 1993

<sup>155</sup> See, Americas Watch, *Guatemala: A Nation of Prisoners*, (New York: Americas Watch Committee, January 1984) pp. 104-118, for a lengthy discussion of repression in Rabinal during the early eighties.

On March 4, 1980, the army killed seven people, including my father. The military commissioners of Río Negro fingered us, because we didn't want to leave our lands. They went to Rabinal to denounce us as guerrillas to the army. [The commissioners] had already moved to Pacux. They would go with the army to Río Negro with their faces covered and wool caps on; they were spies (*conocedores*) who would point people out. They (the commissioners) live in Pacux among us.<sup>156</sup>

In 1982, three massacres occurred that ultimately resulted in the complete abandonment of Río Negro. As one villager put it, "The people of Xococ wanted us to leave, so they called us guerrillas. The guerrillas attacked Xococ, so Xococ responded by attacking our village."<sup>157</sup>

On February 13, 1982, seventy-seven Río Negro men were killed after being summoned to Xococ by the patrollers and the army. The following account was given by a Río Negro resident:

I was eighteen in February 1982. When we were called [to Xococ], my father went alone; he had a feeling about it, told me not to go. They never came back from Xococ. That was when they killed them, all seventy-seven, including my father. It was the civil patrol from there. When they didn't come back I left the village. They killed my mother in May [1982] with the others. I was told that they took my mother in a helicopter with my two brothers and two sisters. I haven't heard anything about her since. I want to know. A younger brother and I are the only ones left in my family. We haven't gone back [to Río Negro] yet for this same fear.<sup>158</sup>

On March 13, 1982, civil patrollers from Xococ and soldiers

---

<sup>156</sup> Interview with catechist.

<sup>157</sup> Interview in Rabinal, November 7, 1993.

<sup>158</sup> Interview in Rabinal, November 7, 1993.

raped and murdered scores of Río Negro women and children. One woman, now twenty-seven, escaped the massacre by rolling down an embankment and running away:

People were in their houses, mostly women, a lot of the men had already been killed in Xococ. My uncle and my grandfather were killed there. They told us that we were going to be "dancing" like we did with the guerrillas. They killed my mother, my thirteen-year-old sister, and my four-month-old baby. They killed the people by beating them to death with sticks. The people were crying, begging God to help them. They raped all of the poor girls. Two others and I escaped, the men fired at me as I ran. There were about twenty-five patrollers. I found my husband and my father. My father didn't believe what had happened, that my mother and all the others were dead; until he went to see it he didn't believe me. We lived in the hills and afterward in Pacux. People also died there in the hills.<sup>159</sup>

The court-ordered exhumation in 1993 of a clandestine cemetery in Río Negro uncovered 144 sets of remains of women and children; the females were found undressed below the waist.

After the massacre, members of the civil patrols took eighteen children between eight and ten years old to Xococ to use them for free labor. Two years later, when members of the community came out of the hills and turned themselves in to the authorities, the families of these children discovered that they were in Xococ and later got them back with assistance from the local mayor. One of these children recounted his experience to Human Rights Watch/Americas:

I was nine years old when they killed the women and took me to Xococ. They took eighteen of us in the end to work for them. I lived with a man named Juan Alvarado for two years and if I didn't do exactly what they said they hurt me. When my mother turned herself in she tried to get us back. [The patrollers] said if we went with our mothers we would die because they had to

---

<sup>159</sup> Interview in Rabinal, November 7, 1993.

finish off all those people. They threatened us, but we went anyway. They used to talk about what they had done to us. They had even changed our names so our families wouldn't find us. They called me "Alberto."<sup>160</sup>

In addition to the killings, the Xococ patrollers stole everything of value, including about 1,500 cows and mules, clothes, etc. They burned the village down, including the water pump.

On May 14, 1983, the army killed thirty-eight people in Los Encuentros and took thirty-five more off in a helicopter, never to be seen again. The people from Xococ participated in the killings, together with the army, according to the survivors.<sup>161</sup>

Villagers displaced from Río Negro spent one and a half years hiding in the hills and planting crops in remote areas which patrollers often cut down in attempts to starve displaced persons out of the mountains. In late 1983, after more than a year of living in perpetual flight from the army, they decided to turn themselves in to the authorities and seek amnesty. They were interrogated by the army and later resettled in Pacux. Villagers interviewed said Jose Iboy Osorio, Simeon Cheng López, and Pedro Cheng López were separated from the rest and killed after turning themselves in.

After a decade of displacement the decision to return has turned on cost-benefit analysis in which villagers weigh the relative safety of silence and substantial economic disadvantage in Pacux, against returning to the fertile but physically isolated Río Negro, where unresolved political and economic rivalries, combined with the state's complete failure to prosecute and punish their victimizers, still threaten their physical safety.

The situation facing the displaced of Río Negro is clearly linked to the broader problem of impunity for the massacres that decimated their village. The exhumations, and the possibility they represent for identifying the perpetrators and bringing them to justice, will have a decisive impact on the future of these survivors.

---

<sup>160</sup> Interview in Rabinal, November 7, 1993.

<sup>161</sup> Interview in Rabinal, November 7, 1993.

In an April 1994 document called "The Testimony of Río Negro," and circulated by the Sectors Created by the Repression and Impunity,<sup>162</sup> the displaced of Río Negro identify Carlos Chen Gómez and Francisco Alvarado as the patrol leaders in Xoxoc responsible for the massacres. In the document they call for the creation of a Truth Commission and accountability for the crimes committed against them.<sup>163</sup>

*The right to return and to compensation*

The problem of massive populational displacement in Guatemala is the result of actions by the Guatemalan government that are illegal under international and domestic law: violations of the right to life; torture; willful destruction of homes, property, and foodstuffs; and the like.<sup>164</sup> Forcible displacement was part of the government's strategy to isolate and defeat the URNG. Thus, the government has incurred an obligation to uphold the right of these groups to return to their places of origin and be compensated for losses incurred. Article 40 of the Guatemalan Constitution provides:

only in the case of war, public calamity or serious disturbances of the peace, can property be occupied, interfered with, or expropriated without previous compensation, but this [compensation] should be made immediately upon termination of the emergency.<sup>165</sup>

---

<sup>162</sup> **The Sectors Created by Repression and Impunity include popular organizations of war victims and their families such as CONDEG, CONAVIGUA, GAM, CPR, and CERJ.**

<sup>163</sup> "La Historia de Río Negro, Rabinal, B.V.," April 1994.

<sup>164</sup> **For a discussion of international law and the treatment of civilians in a situation of armed conflict, see Americas Watch, *The Civilian Toll 1986-1987: Ninth Supplement to the Report on Human Rights in El Salvador* (New York: The Americas Watch Committee, August 1987), pp. 87-102.**

<sup>165</sup> **These rights are also found in Article 8 of the Universal Declaration of Human Rights, which guarantees the right to an effective remedy for acts violating the fundamental rights granted by the Constitution or by law. Article 3 of the International Covenant on**

Human Rights Watch/ Americas does not take a position in general about land tenancy issues. However, the land issue takes on a fundamental significance in upholding the right to return and compensation of primarily rural displaced persons and refugees. In some instances, the government's failure to act efficiently to uphold these rights, or to resolve land disputes, has exacerbated inter-community tensions that have threatened to erupt into violence.

These problems are compounded by decades of poorly maintained records, including deeds and property titles, and the spontaneous or army-supervised relocation of families onto lands left behind by refugees and displaced persons. In some cases, the problem of compensation extends to the resettlement of these relocated families to make way for returning property owners, including cooperative members. The following cases illustrate the need for all parties to address the issue of return and compensation in a fair, efficient, and peaceful manner.

*The displaced of Los Cimientos*

In 1982, approximately 106 families were forcibly displaced from Los Cimientos, Chajul, in El Quiché province during the scorched earth campaign of the early 1980s. Most are living in Chiul and its environs, south of Nebaj. In 1985, community members began to petition the government and the army for permission to return to their lands. A forty-five-year-old father of nine who left Los Cimientos in 1982 reported:

The soldiers came to say we should abandon the lands. They said they had to sweep the whole mountain (*barrer todo esta montaña*) and if [we] weren't them [the URNG] we should

---

**Civil and Political Rights also provides for the right to effective remedy, and Article 21 of the American Convention on Human Rights refers to just compensation for an individual deprived of property.**

abandon the area. They burned all of Cotzal, and in other villages they burned the houses and the people too.<sup>166</sup>

Another displaced resident grew coffee, sugar cane, and corn in Los Cimientos and owned three buildings and expensive machinery, described the situation as follows:

In 1982, everyone left. The soldiers came and told us to get out of there. It was pure terror. They were killing people there. If we had stayed we would have been massacred too. Now my children have to work as street vendors in the capital. I rent land to farm here. My property title in Cimientos is from our grandfather, Pedro Itzep López; we have to return, because it's ours.<sup>167</sup>

In 1990 the army built a military base on Los Cimientos lands and with the mayor of Chajul arranged for the relocation of fifty new families instead of allowing the return of the rightful owners of the land.<sup>168</sup>

According to Hugo Mejía of the human rights ombudsman's Nebaj office, the displaced persons' ownership of the lands is clear. The armed conflict has become the principle obstacle to their return: the land is adjacent to still-conflictive CPR areas, and the fifty pro-army families living there have formed a strong civil patrol.<sup>169</sup>

The legal battle that has dragged on for years appears to be little

---

<sup>166</sup> Interview in Santa Cruz del Quiché with a displaced person from Los Cimientos, November 2, 1993.

<sup>167</sup> Interview in Batzulá (also spelled Vatzulá) Chiul with displaced residents of Los Cimientos, November 2, 1993.

<sup>168</sup> Since 1909 when the President of Guatemala gave the lands to the ancestors of those currently displaced, there has been a history of problems with the municipality of Chajul over actual ownership.

<sup>169</sup> Interview in Nebaj, November 4, 1993.

more than a bureaucratic smokescreen hiding the root problem of military imperatives and political will. Displaced persons trying to visit there have been met with the threat of violence: "Those fifty families have their civil patrol with weapons from the army. So we can't go there until its resolved."<sup>170</sup>

The inability of the displaced from Los Cimientos to return to their lands has created great economic hardship and family separation among what was a self-sustaining community. Most men now migrate to the southern coast for seasonal labor, since what they can rent in Batzulá, Chiul is insufficient.

United Nations Independent Expert Christian Tomuschat visited displaced villagers from Los Cimientos in 1992. In his report he warned:

Since Guatemala does not have land registers for the whole country, and since property has frequently been allocated to more than one owner, possession...and physical force, tend to be the decisive factor in resolving land disputes. This situation is very unsatisfactory and in the future could constitute another threat to political stability in the country.<sup>171</sup>

Human Rights Watch/Americas learned that in March 1994, nine years after the initial petitions by the community, the army finally removed its installations from Los Cimientos lands. However, according to the displaced families their return still depends on the ability of the government and all affected parties to work out an arrangement regarding the fifty relocated families. The additional issue of compensation for the destruction and loss of property of the displaced families is also unresolved. To date, the relocated families are still armed, and the displaced of Cimientos remain in Batzulá, Chiul.

---

<sup>170</sup> **Interview in Batzulá, Chiul with displaced residents of Los Cimientos, November 3, 1993.**

<sup>171</sup> **"Report by the independent Expert, Mr. Christian Tomuschat, on the situation of human rights in Guatemala, prepared in accordance with paragraph 13 of Commission resolution 1992/78," (E/CN.4/1993/10) paragraphs 216-218. (Translation by Human Rights Watch/Americas.)**

*The case of Chupol*

In a similar case, twenty families were displaced without compensation from their property in the town of Chupol, Chichicastenango, in 1984-1985, by the construction of an army base. These families have since been obliged to rent farmlands nearby to subsist.<sup>172</sup> Ten of the families have been petitioning the government to recover their property for more than two years.<sup>173</sup>

CEPADEL, a legal aid group of the Unidad de Acción Sindical y Popular (UASP), reported that the army and civil patrols have harassed the petitioning families to discourage them from pursuing the case. In May 1993, soldiers fired on CEPADEL members when they went to Chupol to take pictures of the base as evidence supporting the displaced persons' claims.

The petitioners' position is that "during the past eight years...the motives which gave rise to your installation in our area have disappeared...the military presence creates fear among the population, due to the situation which prevailed a few years ago."<sup>174</sup> Petitions presented by the community to then-President Serrano on April 24, 1993, and President de León Carpio on July 13, 1993, were referred by both presidents to the Ministry of Defense.

According to CEPADEL, the commander of Military Zone 14 offered the sum of 250 quetzales (about U.S. \$50) to each family as compensation, but said he couldn't remove the base for security reasons. However, in a June 23, 1993 statement to the human rights ombudsman's

---

<sup>172</sup> The information here is based on reports by the human rights ombudsman's office in Santa Cruz del Quiché, interviews with CEPADEL members working on the case, and information provided by CHRLA in a November 1, 1993 memorandum.

<sup>173</sup> The other ten are reportedly too afraid to get involved.

<sup>174</sup> Formal petition dated April 27, 1993, addressed to the president, the defense minister, the human rights ombudsman, the Inter-American Commission on Human Rights, and Military Zone 14, signed by Manuela Mejía Tol, María Xon, José Lares Mejía, Tomás Lares Mejía, Senior and Junior, Gaspar Mejía Tol, and Tomás Pichol Galel.

office in Santa Cruz del Quiché, the army defended its presence "in light of the crimes and assaults which occur in the region, with the objective of safeguarding the integrity of the residents and to protect tourism which provides revenues for the country."

In a previous communication on June 4, 1993 to the human rights ombudsman's office, Col. Guillermo Pimental Recinos of Military Zone 14 agreed to negotiate compensation, but cited the same reasons for not removing the army base. Attached to the letter was a list of crimes and assaults, most targeting passing vehicles, that had occurred between March and May 1993 on or near the Pan-American highway over a span of some ninety kilometers.

The displacement of the Chupol families and the installation of the military base occurred during a period of armed conflict in the immediate area, which arguably could justify the actions taken. However, the army is now defending its continued presence on the lands based on the incidence of common crime in the general area and the need to protect tourism, neither of which are normal army functions. If those are legitimate reasons for army confiscation of private property, then a large percentage of Guatemalan citizens may be at risk, given the current crime rate.

In recognition of the right of displaced persons to return and be fairly compensated, the government should expeditiously arrange for the return of the property to its rightful owners or provide proper compensation for it. It should also put a stop to army and civil patrol threats jeopardizing the displaced families' attempts to pursue their claim to the land.

*The return of cooperative members to Santa María Tzejá*

Cooperative members from Santa María Tzejá, also in the Quiché province, are among those currently organizing their return from Mexico. Their plans to return raise the problem of resettlement and compensation for approximately sixty families relocated onto the cooperative by the army in the early 1980s. A cooperative member interviewed in Mexico described their situation:

There were 125 families in the cooperative before the violence.

During 1982 and 1983, everyone left.<sup>175</sup> The army burned all the cooperative buildings and houses down. Many stayed in the mountains, subsisting initially on crops planted in fields more remote from the cooperative center. Sixty of the displaced families returned after several months to seek amnesty. Later, the army relocated sixty new families onto our lands.<sup>176</sup>

In order to return, Santa María cooperative members in Mexico sent a delegation accompanied by the UNHCR to talk with the members who had stayed there. They decided to schedule an extraordinary assembly of the cooperative on September 23, 1993. This caused the families relocated there by the army to oppose the return, fearful of losing lands they had farmed and invested in for a decade. During the assembly three messages containing bomb threats were delivered to the assembly organizers. The relocated families have reportedly expressed their willingness to leave if they are properly compensated.

---

<sup>175</sup> See Ricardo Falla, *Massacres of the Jungle* (Boulder, Colorado: Westview Press, 1994) for an account of the violence in Santa María Tzejá and other villages in the Ixcán.

<sup>176</sup> Interview in Campeche, Mexico, October 26, 1993.

## **IX**

### **PROSECUTIONS**

**Guatemala's human rights disaster has long been perpetuated by the state's failure to investigate and prosecute those who commit human rights abuses. Since 1986, civilian governments facing pressure from the international community have made only limited attempts to prosecute abusers, with some token successes and many more notorious failures. The Serrano government's activist attorney general, Acisclo Valladares, stood out for his efforts to prosecute human rights abusers, but he was forced from office on trumped-up corruption charges. The cases which have produced convictions during President de León Carpio's first year were each initiated under Valladares' tenure as attorney general. Since Valladares' ouster, the attorney general's office has shown little interest in breaking the cycle of impunity.**

**Nonetheless, domestic human rights organizations have increasingly challenged the patterns of inaction, intimidation, and fear which characterize the judicial system. And while the response to these pressures has been disappointing, some achievements can be measured. They can be found, for example, in rural communities where autocratic civil patrol leaders have demonstrated newfound restraint after receiving a judicial summons. A March 1994 visit by Human Rights Watch/Americas to several communities in El Quiché and Huehuetenango, where abuses by civil patrollers had been frequent, found a tense calm in places where some judicial action—albeit half-hearted—had been taken against violators. In Joyabaj, for example, there has been at least a pause in the violence by civil patrollers since several were detained or questioned in connection with the murder of Tomás Lares Cipriano (see Chapter III). Nonetheless, as noted in Chapter III, that prosecution has been hobbled by the unwillingness of the police to arrest several patrollers and the inexplicable decision of the judge to release on an alibi the man who is believed to have ordered the crime. (Other paralyzed prosecutions are also discussed in Chapter III.)**

**Similarly in San Pedro Jocopilas, where patrollers have become notorious even by Guatemalan standards for a string of murders spanning several departments, residents told Human Rights Watch/Americas that the violence appears to have declined since two patrollers were detained in connection with the murder of Francisco Ajmac Ixcoy and Juan Pérez Patzán in**

August 1993 (see Chapter III).<sup>177</sup> And the once violent village of Chunimá has not experienced further bloodshed since its two patrol chiefs were detained in August 1991 for a killing spree against local human rights activists. In Guatemala City, the prosecutions of police officers won by Casa Alianza in cases where street children suffered violent abuses have measurably reduced the incidence of abuse by the security forces.

The continued high level of abuses overall shows how limited is the impact of token prosecutions; nonetheless the local situations illustrate the clear connection between prosecutions and improvements in the human rights situation. Judicial punishment of those who commit human rights violations is the single most effective means to prevent their reoccurrence.

At the same time, an examination of the difficult journey of any human rights case before the courts is a road map of investigative, prosecutorial, and judicial failures, with intimidation by the army, police, or civil patrols the constant impediment to success. In addition to such dramatic cases as the Las Naranjales shootings and the murder of Tomás Lares Cipriano discussed in Chapter III, the following cases illustrate some of the rare successes and common failures of prosecutions of human rights cases:

*Chunimá.* July 6, 1993, the Ninth Appeals Court in Antigua Guatemala sentenced the former civil patrol chiefs of the village of Chunimá to thirty-year prison terms and 10,000 *quetzales* in damages to the relatives of two CERJ members whom they shot dead and to a third victim whom they shot and seriously wounded. The ruling against Manuel Perebal Ajtzalam III and Manuel León Lares for the slayings of CERJ members Manuel Perebal Morales, Juan Perebal Xirum and the wounding of Diego Perebal León, overturned their

---

<sup>177</sup> Nonetheless, the United Nations Independent Expert for Guatemala, Mónica Pinto, reported the murder of fourteen-year-old Francisco Soc Chivalán at the hands of the San Pedro Jocopilas patrols on October 24, 1993. (Report of the Independent Expert, Mónica Pinto, on the Situation of Human Rights in Guatemala, prepared in keeping with Resolution 1993/88 of the Commission, paragraph 94.)

acquittal by a trial court in 1992.

The verdict is exemplary, although marred by the fact that nine months later, the damages have still not been paid to the victims' families.<sup>178</sup>

The perpetrators have, moreover, escaped prosecution for other crimes in which they are implicated. Two of the CERJ members had testified before a judge that Perebal Ajtzalam III had participated in the October 6, 1990 abduction of Sebastián Velásquez Mejía, the most outspoken human rights activist in Chunimá, who was found dead two days later. Although Perebal Ajtzalam III had been charged with the murder of Velásquez Mejía, charges were later dropped. Chunimá patrol chiefs also have not been charged with the slaying of GAM member Diego Ic Suy, shot dead in the Guatemala City bus terminal on December 10, 1990, shortly after witnesses saw him being followed by Perebal Ajtzalam III and León Lares.

*Cajolá.* On July 30, 1993, a district court sentenced the third-in-command of the National Police, Inspector General Mariano Mazariegos, and four junior officers to three years and nine months in prison for violently breaking up a peaceful, lawful demonstration carried out a year earlier in front

---

<sup>178</sup> Before this conviction, the Chunimá case was a notorious illustration of the failures of the system to prosecute civil patrollers responsible for abuses. Judge Roberto Lemus first issued a warrant for the arrest of Perebal Ajtzalam III on January 21, 1991, yet the police failed to take action. On February 17, 1991, Perebal Ajtzalam III, Manuel León Lares, and four other men shot Perebal Morales, Juan Perebal Xirum, and Perebal León. The next day a judge issued another arrest warrant, which was again ignored by the police. After several U.S. lawmakers wrote to then-President Serrano about the case, he ordered the police to arrest Perebal Ajtzalam III and León Lares. When the police arrived in Chunimá on April 27, they were driven out of town by hundreds of armed patrollers who had been tipped off in advance. After CERJ leader Amílcar Méndez Urizar brought relatives of the Chunimá victims to see President Serrano in June 1991, the president was astounded to hear that the police had failed to arrest the patrollers. Once again he ordered the police to arrest the men, and once again they were repelled by the patrollers. Human Rights Watch/Americas and the Center for Justice and International Law then appealed to the Inter-American Commission for Human Rights of the OAS to seek an injunction from the Inter-American Court of Human Rights for protection of other Chunimá witnesses and human rights monitors, including the patrol chief's attention. On August 1, 1991, the day that the government of Guatemala had to appear before the Inter-American Court on the case, the army arrested the patrollers.

of the National Palace by a group of peasants from Cajolá, Quezaltenango who were demanding government action regarding a land dispute.

**Julio Cu Quim:** On April 10, 1992, a combined police and military task force known as "Hunapú" engaged in an altercation with a group of university students preparing for the traditional satirical parade called the *huelga de dolores* in Guatemala City; the police fired on the students, killing Julio Cu Quim and injuring six others. Separate trials were initiated, in civilian court jurisdiction for the agents of the National and Treasury Police, and in military court jurisdiction for the Mobile Military Police (PMA). The civilian trial court sentenced five National Police agents and one Treasury policeman to sentences of twelve years and eight months in prison, and acquitted fifteen other policemen. The military court sentenced the PMA agents to four years and ten months.<sup>179</sup>

On August 17, 1993, the third appeals court (*Sala Tercera de la Corte de Apelaciones*) stiffened the sentences against the National and Treasury Police agents to thirty years, and also convicted those previously acquitted. The convicted men have filed an appeal (*recurso de casación*) with the Supreme Court.

**Myrna Mack:** On February 12, 1993, a trial judge convicted army specialist Noel de Jesús Beteta, of the Archivos section of the Estado Mayor Presidencial, of the September 1990 murder of anthropologist Myrna Elizabeth Mack Chang and sentenced him to twenty-five years in prison. (An additional five years was added to his sentence for injuring a minor in an unrelated case.)

The nature of the crime made it clear that Beteta did not act on his own, but rather on orders from superiors in the army. Beteta and another man had stabbed Mack to death after at least two weeks of surveillance because of her anthropological work on the "Communities of Population in Resistance" (see Chapter VIII); later the police investigator who produced the evidence implicating the army was murdered, and there followed an orchestrated campaign of intimidation against witnesses, prosecutors, and the judicial officers involved. Nonetheless, the trial court, and subsequently the appeals court, ruled to close the case against Beteta's superiors in the Estado Mayor Presidencial. This decision was reversed in a February 1994 decision by the

---

<sup>179</sup> Gobierno de Guatemala, *Acciones en el Campo de Derechos Humanos 1993*, (Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos), p. 22.

Supreme Court, which instructed the trial court to reopen the investigation into the possible responsibility of retired Gen. Edgar Godoy Gaitán, Maj. Juan Valencia Osorio, Maj. Juan Guillermo Oliva Carrera, and others. These officers then presented an appeal to the Constitutional Court, seeking to strike down the Supreme Court ruling. The Court was scheduled to take up the matter when its president, Epaminondas González Dubón, was murdered (see Chapter III).

Meanwhile, the murder of National Police Homicide Director José Miguel Mérida Escobar, who developed the evidence which showed that the Estado Mayor Presidencial killed Mack for political reasons contradicting the Serrano government's efforts to portray the slaying as common crime), remains unsolved.

*Ciudad Peronia:* Soldiers Nicolás Gutiérrez Cruz and Eliseo Suchité Hernández were convicted by a military court and sentenced to thirty-year terms for the January 1992 slaying of four members of an indigenous family—including a nine-year-old boy—living in Ciudad Peronia, in the municipality of Villa Nueva, outside Guatemala City. Although a witness told Human Rights Watch/Americas that more than two soldiers were involved in the massacre, no others were ever charged. Before being sentenced, both men escaped from the military barracks in Guatemala City where they were being held, and only Gutiérrez Cruz was recaptured. After an appeal by the attorney general's office, the Fourth Court of Appeals imposed the death sentence. Appeals by Gutiérrez Cruz's attorney to both the Supreme Court and the Constitutional Court failed, but in October 1993, President de León Carpio commuted Gutiérrez's sentence to thirty years in prison.

*Chel:* On December 30, 1990, three villagers from Chel, which belongs to the municipality of Chajul in El Quiché, were kidnapped by members of the Chel civil patrol, lead by Rubén Cruz López. The three victims—Gaspar Caba Santiago, Nicolás Bernal Mendoza, and Miguel Cobo—were targeted because of their refusal to participate in the civil patrols, even though by law participation is supposed to be voluntary. On January 20, 1991, their bodies were left in a hole just east of the village Xaxmoxan, near Chel. The town mayor of Xaxmoxan discovered the bodies when he saw dogs dragging the remains from the hole. The mayor of Chel, patroller Juan Escobar Pacheco, warned Xaxmoxan's mayor not to say anything about the matter and later, with assistance from two police men from Chajul, Escobar buried the bodies in another spot.

On October 8, 1993, justice of the peace Luis Montufar, court secretary Héctor Mendizabal, and Dr. Fredy Velásquez exhumed three bodies from a clandestine cemetery. The bodies were identified as belonging to Nicolás

**Bernal Mendoza, Miguel Cobo, and Gaspar Caba Santiago. Although warrants were issued for the arrest of Rubén Cruz and five other patrollers in late July 1993, the warrants were revoked by the judge when Cruz finally appeared in court four months later claiming, in contradiction to other evidence before the court, that the victims had died in a firefight with the guerrillas.<sup>180</sup>**

***Michael Devine.* Although Capt. Hugo Contreras, one of the intellectual authors of the June 1990 slaying of U.S. citizen Michael Devine, was convicted in May 1993, he escaped from the Mariscal Zavala military barracks shortly thereafter and has not been recaptured. Far from being sanctioned for allowing the escape, the commander of the barracks, Luis Miranda Trejo, has since been promoted to general and now commands the military base in Huehuetenango.**

---

<sup>180</sup> Interviews with Legal Office of Chajul, March 1994; interviews with ODHAG, April-May 1994.

## **X**

### **U.S. POLICY**

**The Clinton administration played a critical role during the constitutional crisis which followed Jorge Serrano's assumption of dictatorial powers in May 1993. Two days after Serrano's coup, the State Department announced a suspension of all security assistance, military and police training and joint military exercises, as well as all economic assistance channelled through the government. Moreover, the State Department warned that it would most likely cancel trade benefits for Guatemala under the Generalized System of Preferences and that it would consider opposing loans to the government in international financial institutions unless constitutional government were restored. And in conversations with the military leadership during the unstable interval after Serrano had been forced out but before a constitutional mechanism for choosing the next government had been found, U.S. diplomats helped persuade the military not to assume power directly. The Clinton administration's masterful handling of the crisis gave important political space for Guatemalan civil society to reestablish constitutional government.**

**In the year that has ensued, U.S. policymakers have walked a fine line of nurturing the new government and the current military leadership while playing a strong role in advocating human rights. Thus, economic support funds (technically designated "security assistance," since they are cash grants, and therefore fungible), and military and police training and joint military exercises have been resumed, yet military assistance, including several million dollars worth of equipment held in the "pipeline" since December 1990, remain in suspension. In July 1993, a suspension of sales of defense articles to the Guatemalan government which had been in effect since December 1990, was lifted for those articles classified as "non-lethal," such as night vision goggles or patrol boats.**

**Amb. Marilyn McAfee has adopted a high profile on human rights, while at the same time presenting herself as a friend of the government and current military leadership, something the unusual circumstances of the moment make possible. McAfee's public statements and symbolic gestures in support of human rights—such as high profile visits to victims of human rights violations—as well as the embassy's warm embrace of the human rights community, set an example to be emulated by U.S. diplomats around the world.**

**At the same time, Human Rights Watch/Americas has differed with U.S.**

policy on the degree to which the current military leadership should be cultivated. Joint military exercises by U.S. National Guard units and the Guatemalan army in rural areas present the problem of boosting the image of the army in areas where its power remains excessive and where memories have not faded of the scorched earth policies of the 1980s. U.S. proponents of the joint exercises argue that contacts between the U.S. and Guatemalan military institutions will instruct the latter in how a strong army can operate under civilian control. Nonetheless, the United States should be sensitive to the symbolism of its actions and their impact on local conditions, especially since the officers responsible for scores of massacres in the areas where the civic actions are taking place have never been investigated or punished.

The issue of commercial arms sales to the government and private sector ought to be reviewed. Although sales to the government were suspended along with military aid in 1990 because of human rights violations, sales to the Guatemalan private sector—including arms and ammunition—have never been stopped. On July 8, 1993, the Clinton administration lifted the ban on sales of what are classified as non-lethal defense articles to the government, with decisions to be made on a case-by-case basis. This action was taken as part of an effort to reward the officer corps for its handling of the crisis sparked by Serrano's coup in 1993. Nonetheless, the cases documented in this report illustrate a continuing pattern of grave human rights violations by the military-organized civil patrols and the consistent refusal of the army to exert any kind of discipline over the patrols or to confiscate army-issue weapons from those who have repeatedly used them to abuse the rights of others. We urge the Clinton administration to pursue all avenues to ensure that the army exerts control over the civil patrols, including considering the suspension of all sales of military items to the government and private sector. At the very least, we would urge the administration to make its policy on sales to the private sector consistent with its policy on sales to the government by banning the sale of lethal defense articles. This is particularly urgent given the proliferation of death-squad-style murders and kidnappings in recent months, in which U.S.-made arms may have been used.

During the Serrano government, the State Department proposed to spend \$5 million in administration of justice assistance to help the courts and prosecutors convert from a written to an oral trial system. While the reforms being promoted are important ones, Human Rights Watch/Americas objected to assistance to the attorney general's office, which at the time was showing greater interest in prosecuting human rights monitors than those who violated

**human rights. Moreover, the office's investigative institute had been infiltrated by the Estado Mayor Presidencial. As noted in Chapter I, President de León Carpio's attorney general has been ineffective in prosecuting human rights violations, but has removed from his office several individuals linked to the EMP.**

**Under its new (but not yet legislated) charter, the attorney general's office will assume greater investigative functions, seeing a massive increase in its investigative staff. Because of the danger of a new infiltration of the office, we urge the administration to release the suspended aid to the attorney general's office on the condition that applicants for investigative positions be carefully and publicly screened to ensure that no one with a record of human rights abuse, or with past employment in any of the military intelligence agencies, will be employed in the new structure.**

## **XI**

### **UNITED NATIONS INDEPENDENT EXPERT**

**The United Nations Human Rights Commission has been examining the human rights situation in Guatemala since 1979. Between 1982 and 1986, the Human Rights Commission had assigned Guatemala a special rapporteur, placing it in the category for the world's most serious human rights offenders. After a civilian government was established in 1986, the commission assigned Guatemala to the category of advisory services, to offer advice in improving the human rights situation. In 1990, the commission approved the appointment of an "independent expert" for Guatemala—who would continue to provide advisory services but also prepare a detailed public report on the human rights situation. Being assigned a special rapporteur bears a stigma that successive Guatemalan governments have lobbied hard to avoid. The desire to avoid this condemnation has motivated each administration to strive to comply with the recommendations of the independent expert, at least on paper.**

**Upon assuming office in June 1993, the de León Carpio government based its human rights agenda on the recommendations of the U.N. independent expert, Christian Tomuschat. The principal recommendations in his report of December 1992 included the following:**

**◆ The joint civilian-military anti-crime unit known as Hunapú should be dissolved;**

**◆ A "strict organizational separation" should be established between the military and police. The various police departments should be headed by civilians, not military officers;**

**◆ The police should be in charge of intelligence matters which are not strictly military in nature; the military intelligence service (G-2) should be reviewed to ensure that it complies with "democratic norms;"**

**◆ The Estado Mayor Presidencial should be replaced by a civilian institution composed of presidential advisors;**

**◆ A special unit should be established within the National Police for the investigation of politically motivated crimes such as extrajudicial**

**executions and disappearances;**

◆ **Military tribunals should judge only violations of the military code in which both the victim and perpetrator are military;**

◆ **The armed forces should "radically change its practices" in terms of investigating and disciplining its members who commit human rights violations;**

◆ **the civil patrols should be abolished;**

◆ **the government should investigate military phone tapping and intervention of correspondence and present a detailed report to the congress; and**

◆ **the government should stop using the term "subversive"— which the report called "highly pernicious"—to apply to its political opponents. No one engaged in political debate should be stigmatized by this term. While the government has a right to defend its positions, it should recognize that groups of civil society have a right to oppose them.<sup>161</sup>**

**The government took several steps in its first weeks in office to comply with the recommendations. As noted in previous chapters, the Archivos section of the Estado Mayor Presidencial was abolished; military advisors were forced out of the National Police and civilians appointed to head all departments; the Hunapú task force was replaced by a purely civilian unit; a special unit was created within the National Police to investigate violent human rights abuses; and the government for the most part dropped the practice of characterizing those who opposed its policies as subversive. Finally, the president announced his intention to convert the civil patrols into "peace and development committees."**

---

<sup>161</sup> "Report by the independent Expert, Mr. Christian Tomuschat, on the situation of human rights in Guatemala, prepared in accordance with paragraph 13 of Commission resolution 1992/78," (E/CN.4/1993/10) paragraphs 236-278.

**As noted throughout this report, however, these initial positive steps have since lost much of their meaning as other measures have been taken to reduce or eliminate their impact. The intelligence files of Archivos have reportedly been transferred to military intelligence, which only strengthens its repressive capabilities; the Estado Mayor Presidencial, meanwhile, has not been converted into a civilian body; the demilitarization of the police has been placed in jeopardy by the firing of those officials who were committed to reform and their replacement with men closely identified with the army; the president has recently reassigned military units to crime control; the police unit assigned to investigate political crimes has not become active; and the first "peace and development committees" look identical to the civil patrols.**

**With respect to refugees, displaced, and returning populations, Tomuschat called on the armed forces to establish clear rules of engagement so as to avoid harm to the civilian population in disputed zones, following the norms established in Protocol II Additional to the Geneva Conventions of August 1949. There have been few reports of military operations resulting in destruction of civilian property since President de León Carpio assumed office. However, the government has not clarified the norms governing military operations, nor has it investigated in a satisfactory manner credible reports of attacks on civilian objects—such as dwellings and crops—which occurred during late 1992 and the first half of 1993.**

**At the same time, some of Tomuschat's recommendations were ignored altogether: the government did not send a report to the congress on the violation of correspondence or phone tapping by the army, and human rights violations by members of the military continued to be prosecuted in military tribunals, where the inherent conflict of interest has obstructed effective law enforcement.**

**On January 20, 1994, the new independent expert for Guatemala, Mónica Pinto, released a report which added several new recommendations, including the following:**

**◆ The office of the human rights ombudsman should be strengthened by opening new offices in conflictive zones; the investigative staff who were removed because of their links with military intelligence should be replaced with neutral investigators; and a law should be adopted which would enable the ombudsman to act as a prosecutor in criminal cases;**

◆ Given the advances achieved in the peace process and the consolidation of constitutional government, the army ought to reduce its size; as part of an overall reduction in troops, the military should look towards the abolition of the institution of military commissioners, whose principal responsibility is recruitment, but who have repeatedly engaged in human rights violations;

◆ Pinto reiterated Tomaschut's recommendation about creating a civilian intelligence structure, adding that the files of military intelligence ought to be turned over to this new civilian authority;

◆ The militarization of the Estado Mayor Presidencial should be reduced;

◆ The civil patrols should be dissolved. While the means for their dissolution are being adopted, the government should create no new patrols; require the military to exercise discipline in the ranks of existing patrols; and disarm those which have committed abuses, e.g. in Colotenango, Joyabaj, and San Pedro Jocopilas;

◆ The state should investigate and resolve the human rights abuses of the past and should provide civil reparations to the victims. The society has a right to have the truth of what it has experienced come to light;

◆ The government should urgently pursue dialogue with the CPRs so as to acknowledge their status as noncombatant populations and to end all harassment against them; and

◆ The state should assume the provision of services to communities of repatriated refugees which are currently being covered by inter-governmental and private organizations.

## **XII**

### **CONCLUSIONS AND RECOMMENDATIONS**

#### **Conclusions**

◆ **One year after Ramiro de León Carpio, the respected human rights ombudsman, assumed his nation's highest office, serious human rights violations, including extrajudicial executions, torture, and disappearances continue with impunity. Statistics gathered by domestic human rights monitors show increasing levels of political violence and threats.**

◆ **Several laudable reforms undertaken by the government in its initial months lost their impact by the end of the year. Of concern has been a reversal in the process of demilitarizing the police; facing pressure from a rising crime wave, the government fired the team of officials in the police and interior ministry who were committed to keeping law enforcement in the hands of civilians. These officials have been replaced by a team which includes an active duty military officer. Meanwhile, the army has once again been deployed for crime control in urban areas.**

◆ **The government has failed to address the serious human rights violations committed by the civil patrols, and has not acted to protect those wishing to exercise the right *no*to join the patrols. Murders, harassment, and threats by the civil patrols go unpunished; in at least three recent cases the police and military police have failed to act on arrest warrants for patrollers that are several months old. In addition, pressure to form new patrols has been exerted upon displaced persons returning to their original villages.**

◆ **The president has succeeded in consolidating in the army high command officers committed to constitutional government and more open to human rights considerations than the officers who preceded them. Nonetheless, disgruntled elements within the military are widely credited with some of the spectacular acts of violence which have occurred since de León Carpio's inauguration, and they are protected by institutional solidarity and the government's failure to investigate aggressively those crimes. Violations of international humanitarian law governing the treatment of protected**

populations during an internal armed conflict diminished under de León Carpio. However, his administration has not investigated past violations nor responded in a satisfactory way to inquiries about such cases.

◆ Indeed, there is a generalized breakdown in the capacity or will of state institutions to investigate human rights violations. National Police investigations are thwarted by renewed military control, while investigations by the attorney general's office have been lackluster. Meanwhile, the new human rights ombudsman, Jorge Mario García Laguardia, has not rebuilt the investigative staff of his office, after many investigators were dismissed towards the end of de León Carpio's tenure. Dr. García Laguardia has told Human Rights Watch/Americas that he does not believe his office should take on investigations as it did under de León Carpio.

◆ The failure to investigate and punish those responsible for human rights violations is the fundamental reason for their persistence. The impunity enjoyed by perpetrators of human rights violations perpetuates a climate of repression in areas where victims and their victimizers necessarily coexist. In areas where prosecutions have been initiated, even when they are half-hearted, the perpetrators of human rights abuses have begun to act with more restraint.

◆ Nonetheless, during President de León Carpio's first year, there have been important decisions in cases of human rights violations which occurred before he came to office, such as the thirty-year sentences handed down for two civil patrollers from Chunimá for the murder of two and wounding of a third human rights monitor.

◆ An agreement reached in March 1994 by the government and the guerrillas regarding human rights holds the promise of substantially improving the human rights situation. Significantly, the agreement calls for the immediate establishment of a United Nations human rights verification team. This could promote restraint on the part of security forces and civil patrols, particularly in rural areas where they are accustomed to operating without international scrutiny. It could also contribute to a climate more conducive to returning refugees and internally displaced persons.

◆ The mission has been assigned the important task of finding ways to strengthen the domestic human rights structure; this undertaking may be difficult, however, if the governmental institutions lack the will to investigate effectively.

◆ In the agreement, the government promises not to promote an amnesty for human rights violations. Discussions are pending on the formation of a commission to document and officially acknowledge the human rights violations and violations of international humanitarian law which occurred during the armed conflict.

◆ There have been contradictory developments regarding freedom of expression. On the one hand, the openness of the government towards civil society has widened the political space for organizing. Yet on the other hand, the psychological war of harassment, assaults, threats, kidnappings, and torture targeted at popular organizations, human rights monitors, labor unionists, and journalists by self-styled death squads, which operate with the acquiescence, if not the complicity, of the security forces, appears to have intensified. Such attacks have also been directed toward displaced persons and returning refugees, as well as the organizations monitoring and assisting them. The government has made no serious effort to investigate any of these cases.

◆ Guerrilla forces have committed violations of international humanitarian law including assassinations, indiscriminate attacks, and recruitment of minors.

### **Recommendations**

◆ The president should renew his government's commitment to building an effective, civilian-controlled national police force. He should take all steps possible to staff the Interior Ministry and the National Police with individuals committed to investigating human rights violations and to insulating the police, especially its investigators, from military influence.

◆ The army should dissolve the civil patrols. In the absence of such a measure, the army should exercise strict control over existing patrols, and should immediately confiscate army-issued weapons from those groups

responsible for human rights violations, such as the patrols surrounding the municipalities of San Pedro Jocopilas, Joyabaj, Chajul, and Colotenango, as well as several communities in the municipality of Chichicastenango. Further, if the army does not disband entirely the abusive patrols, it should dissociate itself from them so that they may not continue to act under the color of authority bestowed on them by the military. The army should immediately desist from requiring returning displaced populations to patrol.

◆ The government should take immediate action to execute arrest warrants which are several months or even years old against civil patrollers and police officers accused of human rights violations. In cases where the police are afraid to confront the patrollers, the Mobile Military Police should be deployed under judicial authorization.

◆ In keeping with Article 13 (c) of Decree Number 54-86 creating his office, the human rights ombudsman should rebuild and strengthen the investigative capability of his office, and that of its regional offices. The investigations carried out by the office of the human rights ombudsman in the past have provided an important counterweight to official inaction in human rights cases. This role should be enhanced by legislative changes giving the ombudsman authority to act as a prosecutor in human rights cases.

◆ The government should support the establishment of a commission to document and officially acknowledge the human rights violations and violations of the laws of war committed by both parties to the armed conflict. The commission should be given adequate time and staff to produce a comprehensive report. It should have full access to all relevant documents held by government or military institutions, as well as access to individuals and locations. In addition to documenting the history of abuses over the past three decades, the report should: a) produce evidence which could contribute to the prosecution of such cases in the courts; and b) provide information to satisfy the needs of thousands of Guatemalans to know what became of loved ones who "disappeared."

◆ The government should respect the right to return of refugees and displaced persons and make arrangements for proper compensation for losses incurred during the period of displacement. Provisions similar to those in the October 1992 refugee accord should be considered for other groups of

displaced persons. Such include provisions include group protection and monitoring, exemption from military service, and mechanisms for their safe and speedy reintegration.

◆ The government and military should provide full cooperation to the United Nations verification team and should discipline any officials who obstruct their work.

◆ The United Nations and Guatemalan government should work together, in consultation with nongovernmental human rights groups, to create a permanent infrastructure for the effective investigation of human rights violations which will outlast the U.N. presence.

◆ In expanding the investigative staff of the attorney general's office, the government should publicly screen job applicants to ensure that no one with a record of human rights abuse, or with past employment in any of the military intelligence agencies, will be employed in the new structure.

◆ The government should do its utmost to comply with the human rights recommendations of United Nations Independent Expert Mónica Pinto.

## **APPENDICES**

### **APPENDIX A**

#### **Chronology of Events During Constitutional Crisis May - June 1993**

##### **May 25**

◆ **President Jorge Serrano Elías announces the dissolution of the Congress, the Supreme Court, and the Court of Constitutionality, suspends key articles of the Constitution, and orders the Supreme Electoral Tribunal to organize new congressional elections to be held in 60 days. Police units place presidents of the Congress and the Supreme Court under house arrest; security forces surround the home of Human Rights Ombudsman Ramiro de León Carpio as well, but he escapes and gives a press conference denouncing the coup.**

◆ **Court of Constitutionality, presided over by Judge Epaminondas Gonzalez Dubón (who would be assassinated on April 1, 1994), declares Serrano's action unconstitutional and without legal effect.**

◆ **Many sectors of civil society express opposition to Serrano's measures, including the Bar Association, the Union of Judicial Workers (*Sindicato de Trabajadores del Organismo Judicial*, STOJ), the popular and trade union organizations grouped under the *Unidad de Acción Sindical y Popular* (UASP), and the leading business organization, the *Comité Coordinador de Cámaras Comerciales, Industriales y Financieras* (CACIF).**

◆ **Permanent Council of Organization of American States meets in Washington to discuss the crisis. Issues resolution calling for a return to constitutional rule and full respect for human rights in Guatemala. Requests that foreign ministers of the OAS meet to discuss the crisis and that Secretary General Joao Baena Soares lead a fact-finding mission to Guatemala.**

##### **May 26**

◆ **Censorship imposed on press, radio stations forced to join official channel.**

**Television channels 11 and 13 are closed by security forces for having broadcast interviews with Ramiro de León Carpio and Nobel Prize Laureate Rigoberta Menchú denouncing the coup.**

◆ **Social Democratic Party pulls out of government.**

#### **May 27**

◆ **Clinton Administration announces a series of measures to punish the Serrano regime, including the suspension of all security assistance, military and police training and joint military exercises, and economic assistance channeled through the government. Moreover, it warns that it may cancel trade benefits under the Generalized System of Preferences and it may oppose loans to Guatemala from international financial institutions if constitutional government is not restored.**

◆ **Members of the STOI demonstrate and are repressed by the security forces. Some are detained and later freed.**

◆ **Helen Mack and Rigoberta Menchú lead a demonstration presenting Serrano with a petition from popular organizations calling for a return to constitutional government.**

◆ **Guatemala's Ambassador to Washington, Edmond Mulet, announces his resignation and dedication to restoring constitutional government.**

◆ **Some newspapers circulate with sections blackened by censors. Others do not circulate.**

#### **May 28**

◆ **Security forces raid the installations of the news weekly, *Crónica*.**

◆ **Popular organizations meet with CACIF to discuss solution to the crisis.**

#### **May 29**

- ◆ OAS mission arrives to negotiate with Serrano.

### **May 30**

- ◆ Negotiations in National Palace involving the church, CACIF, popular organizations, diplomatic corps, government, and military high command.

### **May 31**

- ◆ Courts of Constitutionality issues communiqué calling on Defense and Interior Ministries to enforce its resolution of May 25 making the coup null and void.
- ◆ Ramiro de León Carpio announces the closing of the office of the Human Rights Ombudsman because of the establishment of an unconstitutional regime.
- ◆ Reporters and publishers demonstrate in front of the National Palace to protest censorship.
- ◆ The daily *Siglo Veintiuno* (Twenty-first Century) publishes a dozen pages of blank space where both national news and editorials were to have appeared and changed its masthead to read *Siglo XIV* (Fourteenth Century) to protest censorship.
- ◆ Unidentified men in a vehicle with polarized windows machine gun the offices of the Mexican television news agency, Eco.

### **June 1**

- ◆ During a news conference in the National Palace, Defense Minister Domingo García Samayoa announces that Serrano has "opted to abandon his post" and that he would be succeeded by his vice president, Gustavo Espina. Espina had already presented his resignation, however, and would govern only until the congress could convene to accept his resignation, García Samayoa said. Serrano reportedly tries to bribe members of Congress to gather a quorum in his support.

**June 2**

◆ Contradicting the announcement made by García Samayoa the day before, Espina announces that he will complete Serrano's term as president and denies that he had ever signed a resignation. García Samayoa says that he had committed a mistake in announcing that Espina had resigned and announced the army's support for Espina's presidency.

◆ The *Instancia Nacional de Consenso* (INC), a group representing diverse institutions of civil society formed to press for a resolution to the constitutional crisis, calls for Espina to be prosecuted for violating the Constitution. The Attorney General initiates impeachment proceedings against Espina and requests Serrano's extradition from Panama, where he has fled.

**June 4**

◆ The Court of Constitutionality issues a ruling declaring that the presidency and vice presidency are legally vacant. The Congress is ordered to designate a new president and vice president within 24 hours.

**June 5**

◆ The second OAS mission arrives.

◆ The Congress votes to install Ramiro de León Carpio as president; Arturo Herbruger, the former head of the Supreme Electoral Tribunal is selected as vice president.

**APPENDIX B****HUMAN RIGHTS MONITORS KILLED OR DISAPPEARED  
IN GUATEMALA  
1974 - MAY 1994**

**Edmundo Guerra Theilheimer:** organizer of the Committee of Relatives of the Disappeared of the University Students Association (AEU) at the University of San Carlos, shot dead at the university legal aid center by plainclothesmen on March 10, 1974.

**Irma Flaquer:** founder of the National Commission for Human Rights, abducted and disappeared by security forces in Guatemala City on October 16, 1980. Her 23-year-old son Fernando was killed by the security forces in the incident.

**Héctor Gómez Calito:** a founding member of the Mutual Support Group (GAM), abducted, tortured, and murdered on March 30, 1985.

**Rosario Godoy de Cuevas:** also a founding member of the GAM, Godoy was killed with her 21-year-old brother and two-year-old son on April 4, 1985. The victims were found dead inside their car at the bottom of a ravine known as a body dump near Amatitlán. Evidence, including signs that Godoy had been raped and molested and Augusto tortured before death, strongly discredited the official story that the death was accidental.

**Valerio Chijal:** a member of the rural Council on Ethnic Communities "We Are All Equal" (CERJ), Chijal was shot dead in the hamlet of Agostadero in the municipality of San Andrés Sajcabajá, El Quiché, on September 2, 1988. Shortly before his death, Chijal received a warning from the local civil patrol commander and military commissioners against participating in groups like the CERJ.

**Pedro Cumes Pérez:** a CERJ member seeking to organize a local chapter in the department of Suchitepéquez, Cumes Pérez was abducted by soldiers on the San Julián plantation and taken to the military garrison at Patulul on September 11, 1988. A writ of *habeas corpus* was filed on behalf of Pérez, but he remains disappeared.

**Luis Ruiz Luis:** a CERJ member who had recently participated in a CERJ rally, Ruiz was abducted with Macario Pu Chivalán from the Trinidad Miramar plantation near Patulul, Suchitepéquez, by soldiers on April 1, 1989. Several writs of habeas corpus were filed on his behalf, but he remains disappeared.

**Macario Pu Chivalán:** a CERJ member who had recently participated in a CERJ rally, Pu Chivalán was abducted with Luis Ruiz Luis from the Trinidad Miramar plantation near Patulul, Suchitepéquez, by soldiers on April 1, 1989. Several writs of habeas corpus were filed on his behalf, but he remains disappeared.

**Nicolás Mateo:** a CERJ member who had recently participated in a CERJ rally, Mateo was abducted with Agapito Pérez López from the Trinidad Miramar plantation near Patulul, Suchitepéquez, by soldiers on April 7, 1989. Several writs of habeas corpus were filed on his behalf, but he remains disappeared.

**Agapito Pérez López:** a CERJ member who had recently participated in a CERJ rally, Pérez was abducted with Nicolás Mateo from the Trinidad Miramar plantation near Patulul, Suchitepéquez, by soldiers on April 7, 1989. Several writs of habeas corpus were filed on his behalf, but he remains disappeared.

**Aurelio Lorenzo Xicay:** a GAM member kidnapped in Guatemala City on July 22, 1989, by four armed plainclothesmen with closely cropped hair, Xicay's body was found on July 24.

**María Rumalda Camey:** a GAM member, Camey was kidnapped by armed plainclothesmen at 5:10 A.M. on August 15, 1989, from her home in Escuintla. Although writs of habeas corpus were filed on her behalf, she remains disappeared. Later on the day that Camey was kidnapped, the Guatemala City headquarters of the GAM, where her children had sought refuge, was severely damaged by an explosive device thrown inside.

**María Mejía:** a member of the CERJ and the National Coordination of Guatemalan Widows (CONAVIGUA), Mejía was murdered in her home in the hamlet of Parraxtut Segundo Centro, in the municipality of Sacapulas, El Quiché, by men her husband recognized as local military commissioners on March 17, 1990. Her husband, **Pedro Castro Tojín**, was also shot and left for dead.

**José Wicento García:** the CERJ representative from the hamlet of Chuitzalic, in the

municipality of San Pedro Jocopilas, El Quiché, García was shot dead by two armed men as he walked to the hamlet La Montaña with his wife, infant son, and mother-in-law on April 10, 1990. García had been threatened by a local military commissioner because of his participation in the CERJ.

**José María Ixcaya:** a founding member of the CERJ, Ixcaya was shot dead by three men in civilian clothes believed to be civil patrollers as he left the hamlet of La Fe, in the village of Pujujil, Sololá, to attend a May Day demonstration in Guatemala City. The perpetrators are believed to have acted at the behest of the civil patrol chief in a nearby hamlet, who had threatened to kill him on several occasions.

**Luis Miguel Solís Pajarito:** a leader of the Consejo Nacional de Desplazados (CONDEG), Solís Pajarito disappeared on May 3, 1990, after leaving the CONDEG office. Days before, he had suffered an apparent abduction attempt and had subsequently been followed. CONDEG was formed in 1989 to defend the rights of Guatemala's internally displaced population. Solís Pajarito's wife, Rosa Pu Gómez, is a member of the GAM.

**Pedro Tiu Cac:** a CERJ member from the Chajab area of the hamlet of Racaná, Santa María Chiquimula, Tiu Cac was kidnapped by a group of about ten armed plainclothesmen, who reportedly identified themselves as investigations police (*judiciales*), at about 8:00 A.M. on July 2, 1990. On July 4, Tiu Cac was found dead, reportedly with signs of blows and bullet wounds, in the hamlet Chicox, San Francisco El Alto, Totonicapán. On October 2, 1990, a group of plainclothesmen abducted José Pedro Tiu Chivalán, son of Pedro Tiu Cac, from his home in Chajab as he was eating dinner with his wife and four young children. His body was found on October 5, 1990. Weeks before he was slain, Tiu Chivalán had allowed his house to be used for a meeting of the widows' rights group, CONAVIGUA. Shortly thereafter, local military commissioners came to the house and interrogated family members about the meeting. In both the case of Pedro Tiu Cac and José Pedro Tiu Chivalán, writs of habeas corpus were filed after their kidnappings to no avail.

**Samuel de la Cruz Gómez:** At about 3:00 A.M. on July 12, 1990, a group of about seventeen armed men kidnapped Samuel and his younger brother Genaro from their home in the village of Chimatzatz, in the municipality of Zacualpa, El Quiché, and took them away on foot. After about twenty minutes, the men freed

**Genaro.** A group of neighbors pursued the kidnappers for several hours. At about 7:00 A.M., the kidnappers fired on the neighbors, wounding two. The neighbors later saw the kidnappers meet up with army soldiers. A writ of habeas corpus has been filed, but Samuel de la Cruz Gómez remains disappeared.

**Myrna Mack:** an anthropologist, founding member of the Asociación Para el Avance de las Ciencias Sociales de Guatemala (AVANCSO), and consultant for the Inter-American Institute of Human Rights, Myrna Mack was stabbed to death upon leaving the AVANCSO office in Guatemala City on September 11, 1990. Mack was Guatemala's foremost researcher on the condition of the internally displaced population in the departments of El Quiché and Alta Verapaz, and a tireless advocate of the rights of this marginalized population.

**Sebastián Velásquez Mejía:** On October 6, the CERJ delegate in the village of Chunimá, in the municipality of Chichicastenango, El Quiché, was kidnapped from kilometer 110 of the Pan American Highway by a group of men driving a grey pickup truck which reportedly belonged to the army. The local civil patrol chief was seen indicating Velásquez's whereabouts to one of the kidnappers moments before he was captured. Velásquez was found dead in Guatemala City on October 8, 1990.

**Mateo Sarat Ixcoy:** A CERJ member from the hamlet of San Pedro, in the municipality of San Pedro Jocopilas, El Quiché, Sarat Ixcoy was found dead in the hamlet of La Montaña on October 29, 1990. The body was nearly decapitated and showed multiple stab wounds. Circumstantial evidence suggests that Sarat Ixcoy, like his brother-in-law, José Vicente García, was killed by local civil patrol chiefs.

**Diego Ic Suy:** a GAM member from Chunimá, Ic Suy was shot dead by masked men in the Zone 4 bus terminal in Guatemala City on December 10, 1990. He had complained of surveillance by the patrol chiefs of Chunimá before his death.

**Juan Perebal Xirúm:** a CERJ member from Chunimá, Perebal Xirúm was shot dead by six gunmen as he walked with two sons towards Chupol on February 17, 1991. One of his sons also died in the attack; the other was left paralyzed. Members of his family had been threatened repeatedly by the local civil patrol chiefs. Diego Perebal León, the son who survived, identified two of the gunmen as the local civil patrol chiefs.

**Manuel Perebal Morales:** a CERJ member from Chunimá, Perebal Morales was shot dead in the same incident described above.

**Camilo Ajuquí Jiménez:** a CERJ member from Potrero Viejo, in the municipality of Zacualpa, El Quiché, Ajuquí Jiménez was stabbed to death by three unidentified men who dragged him from his house at about 8:30 p.m. on April 14, 1991. Civil patrol chiefs and military commissioners in Potrero Viejo have repeatedly threatened to kill CERJ members in the community.

**Celestino Julaj Vicente:** a 29-year-old CERJ delegate from Chuitzalic, in the municipality of San Pedro Jocopilas, El Quiché, Celestino Julaj Vicente was shot dead by a gunman dressed in olive green as he walked home from a festival in San Pedro Jocopilas at 11:30 p.m. on June 28, 1991. About six weeks before the murder, the civil patrol chiefs of San Pedro Jocopilas had reportedly vowed in a meeting to kill any CERJ members who attended the June 28 festival.

**Santos Toj Reynoso:** a participant in many CERJ activities along with his uncle, Santos Toj Reynoso was abducted by unidentified men in Guatemala City on May 26, 1991. A body whose clothes and physical appearance reportedly matched that of Toj Reynoso was found in a dump on the outskirts of the city three days later. On May 6, 1991, civil patrollers had expelled Toj Reynoso and his uncle from their village, Cruzché IV, in the municipality of Santa Cruz del Quiché, because of their human rights activism.

**Esteban Tojín:** a CERJ member from Cruzché II, Tojín disappeared on March 13, 1992, after receiving repeated threats from civil patrollers and members of military intelligence for his opposition to the patrols.

**Tomás Lares Cipriano:** an active member of both CERJ and CUC, Lares, 57, was tortured and murdered near his community of Chorraxá, Joyabaj, on April 30, 1993. He had been repeatedly threatened by the civil patrol chiefs of Joyabaj and Chorraxá and had led a demonstration against the patrols the day before his murder.

**Juan Chanay Pablo:** a 64-year-old member of CONAVIGUA, Juan Chanay was shot dead by civil patrollers as he participated in a peaceful demonstration against forced patrolling in the municipality of Colotenango, Huehuetenango, on August

**3, 1993.**

**Francisco Cipriano Guarcas:** a member of GAM from the village Semajá II of Chichicastenango, Cipriano Guarcas was kidnapped in the Guatemala City bus terminal on October 19, 1993. He was seen being led away with his hands tied by civil patrollers from Semajá II, according to the GAM. A habeas corpus petition was filed, yet Cipriano remains disappeared.

---

**APPENDIX C**





















