

Rights Action
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info@rightsaction.org

US Government To Pressure Guatemala To Ensure Fair Trials For War Crimes And That Chixoy Dam Reparations Are Paid

“It is interesting that the United States insists on prosecuting [Guatemalan] military officers for human rights violations when [the US] itself was deeply involved in the civil war in Guatemala. However, this is not the time for recriminations. The topic should be approached with careful diplomacy.”

US citizens can pressure their Senators and Members of Congress to comply with the December 17, 2014 Consolidated Appropriations Act.

United States Requires Prosecution of Military Officers for Human Rights Violations

http://www.prensalibre.com/noticias/politica/EE-UU-pide-juzgar-a-militares-por-abusos_0_1274872659.html

[Translated for Rights Action by Rosalind Gill]

US aid to Guatemala is once again at risk, following approval of the Consolidated Appropriations Act on December 17. The Act stipulates that aid to Guatemala is conditional on granting of reparations advances to victims of the Chixoy hydroelectric dam, prosecution of military officers for violations of human rights and withdrawal of military support in internal security.

GUATEMALA CITY - The United States has placed restrictions on its aid to Guatemala, for a second year. In 2013, besides imposing conditions regarding fulfillment of the Chixoy dam Reparations plan, the US government requested acceleration of the adoption process of Guatemalan children by American families. The new law reiterates the Chixoy conditions and as well, according to the State Department, Foreign Operations and Related Programmes, includes two restrictions regarding the Guatemalan military.

The Regulations

2015 assistance programmes require the World Bank and the Inter-American Development Bank to submit a report to the House Appropriations Committee, “within 90 days, describing measures adopted in the 90 day period by aid institutions and the Government of Guatemala to implement the Reparation policy for communities impacted by the construction of the Chixoy hydroelectric dam whose human rights were violated.” (Consolidated Appropriations Act - 378-2014)

The agreement lays out a time line for the Government of Guatemala to develop and implement a proposal for progressive reduction of armed forces presently supporting the Police in citizen security activities, as stated in section 7045.

It also stipulates that Foreign Military Financing Programme funding allocated to aid the Guatemalan military will be contingent on approval by the Secretary of State in its reports to assistance committees.

As stipulated by the new law, the Government of Guatemala is to implement a credible plan to train responsible professionals in the Police force and put an end to the participation of the military in maintaining internal security.

The United States also requires that judicial authorities investigate and prosecute active and retired military officers who are suspected of committing grave violations of human rights. “The Military must cooperate fully in these investigations, working with the Inter-American Commission on Human Rights and the International Commission on Impunity Against Guatemala. Investigators and witnesses must be given access to documents, archives, forensic test results and other relevant information.”

Satisfaction

Carlos Chen, representative of the communities impacted by the construction of the [World Bank and IADB’s] dam in 1978, stated that US support is very important to ensure that the Reparations plan is implemented. “US support is very important because we have been informed that the Government intends to divide the first disbursement into four payments. We are opposed to this because they are trying to treat it as part of the National Reparations Programme, which is distinct from the Reparations Plan.

According to Juan de Dios García, who represents the communities impacted by Chixoy, they are hoping that in early 2015, a committee will be formed to oversee implementation of the plan. “We gained support from the United States through lobbying with authorities of that country. This is vital to our communities because it means that an international organization is overseeing fulfillment of the measures laid down in the accord.”

The Process

Ismael Cifuentes, spokesperson for the Military, stated that the Citizen Security Squadron, with some 4,500 soldiers, was created in 2006 after declaration of partial military mobilization that saw many soldiers forced to leave the military. He added that contracts were then given to the disaffected trained soldiers.

According to Cifuentes, “Although the squadrons depend administratively on the Military, they merely have a contract and do not form part of the armed forces.”

“With regard to the US petition against the armed forces he said: “The Military has not taken a position on this. These are State level decisions. A position taken by the US should be responded to by the Government of Guatemala.”

Political analyst Hans Quevedo says that the Government should know how to respond adequately to requirements imposed by the US and ensure that they maintain good relations with that country, given its importance as a trade partner.

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Stance Taken by the US - “These provisions are not new”

Jorge Ortega, spokesperson for the President, stated that the Reparations Plan for communities impacted by the Chixoy hydro-electric dam, built in 1978, is a commitment from the State and expires on December 31, 2029. Over those 15 years, one billion, 200 million Quetzales will be paid out. There is a whole process in place to compensate the impacted communities; it is a long-term commitment.”

With respect to restrictions on US military aid to Guatemala, laid down by the Consolidated Appropriations Act, Ortega commented that these provisions “are not new, they have been in place for years.”

With regard to reducing the number soldiers affected to internal security he said the following. “The Military started supporting internal security in 1995, as a temporary initiative. Little by little, they will withdraw from this role. As the Police force is modernized and professionalized, the citizen security squadrons will disappear.

Regarding the requirement to prosecute military officers, Ortega said that this is a matter of “procedures to ensure that necessary evidence is made available and that military officers are brought before the courts to prove if human rights were violated.”

Second Law

Chronology of Events since the Prensa Libre reported on the first Act passed by the United States in late 2013.

- 17-01-2014 Regulation: The President of the United States sanctions the Consolidated Appropriations Act, 2014, which includes restrictions on military aid to Guatemala.
- 05-02-2014 Negative Response: The Government disregards the Reparation agreement of 2010 and President Pérez Molina fails to respond to international pressure.
- 14-10-2014 Reparations Plan: The Government and representatives of 11, 383 individuals from 33 impacted communities agree on a procedure for disbursement of reparations - Q107 million per year.
- 06-11-2014 The Agreement is published: The Executive publishes government agreement 378-2014 in the Diario de Centro América . The agreement approves public policy on reparation for communities affected by Chixoy.
- 17-12-2014 The Law is passed: The US approves the Consolidated Appropriations Act, which requires prosecution of military officers for violations of human rights and reduction of the number of soldiers affected to citizen security.

Rios Montt and the “Genocide Trial”

2015 US Appropriations Act Maintains Restrictions On US Military Aid To Guatemala

by NISGUA (Network in Solidarity with the People of Guatemala), 16 January 2015

http://upsidedownworld.org/main/index.php?option=com_content&view=article&id=5186:2015-us-appropriations-act-maintains-restrictions-on-us-military-aid-to-guatemala&catid=35:news-briefs&Itemid=68

When President Otto Pérez Molina was elected in 2012, he came with an agenda to fully reinstate US military aid and end the restrictions on funding to Guatemala in place to varying degrees since the Carter administration implemented a direct security aid ban in 1977.

Even before the Peace Accords were signed in 1996, the outright ban on military assistance to Guatemala had progressively weakened, with restrictions loosened for military training and other areas of military support. In 2005, the ban on US military sales to Guatemala was lifted. Yet despite these changes and much to Molina's chagrin, certain human rights conditions continue to prevent the unrestricted flow of military aid to Guatemala.

Pérez Molina is the first ex-military officer to take power in a civilian government since 1987, and an increase in military presence has been felt throughout the country. Despite his efforts, the US Appropriations Act released in November 2014 for the fiscal year ending September 2015 continues to maintain human rights conditions. The bill requires that the Guatemalan government show progress in the implementation of reparations for communities affected by the construction of the Chixoy dam. It also makes funding dependent on the government building an effective civilian police force separate from the military, and fully cooperating in trying former and current military suspected of committing gross violations of human rights.

On May 10th, 2013, ex-president Ríos Montt became the first former head of state in the world to be tried and convicted in a national court for crimes against humanity and genocide. The case took more than 12 years to go to trial, and included the testimonies of more than a hundred eyewitnesses and experts. However, just ten days later, the Constitutional Court made what many consider an illegal ruling, effectively annulling the verdict. Now, more than a year and a half later, the retrial remains stalled after the presiding judge for the new tribunal was recused at the last minute by Montt's defense.

The US Embassy in Guatemala supported the genocide case during the first trial, bringing diplomatic attention by attending the public hearings and publishing press releases calling for an independent judicial system and speedy due process. Likewise, Embassy officials announced they were observing the second trial and were present for the opening hearing on January 5th.

While Pérez Molina has loudly denounced the Embassy for its public stance on this high-profile case, its international presence has been important to survivors, witnesses and their legal teams.

But as the Guatemalan Center for Independent Media (CMI) points out, the reasons behind the Embassy's support for the case are complex and multi-faceted. When Montt was initially convicted, a strong case could have been made that the Guatemalan judiciary had successfully tried one of its highest-ranking former military with the support of the Guatemalan state,

showing advancement on one of the main conditions of reinstating US military aid. However, since the Constitutional Court annulled the verdict and there is currently no clear timeframe or process for the resumption of the retrial, this same argument no longer applies. Although the appropriations bill makes no mention of specific crimes, it essentially ties the lifting of restrictions to the advancement of the biggest and most emblematic case currently before the judicial system - the Ixil genocide case.

US military restrictions only go so far

In 2008, the Bush administration modeled the highly controversial Plan Colombia to launch the Mérida Initiative - a plan that provides training, equipment and intelligence to Mexican and Central American security forces to address key security issues such as drug trafficking, gang violence and judicial reform. As part of the Mérida Initiative, the Central American Regional Security Initiative (CARSI) was formed and was later expanded under the Obama administration. Since its inception, more than \$800 million in funding has been given to Central America under Mérida/CARSI, and the Appropriations Act for FY2015 allocates an additional \$130 million to the region for this year - \$57 million earmarked for Guatemala alone.

Specifically, the funds are designated to increase border security between Mexico and Guatemala and expand economic and social development in the regions where most unaccompanied and undocumented minors travelling to the US originate and where significant gang activity occurs. The funds are also designated to support facilities that address the need for safe repatriation and reintegration of minors, combat human trafficking, and promote judicial and police reform with a particular focus on strengthening judicial independence and community policing.

There is no doubt that the US Embassy has played a role in helping to promote the progression of the genocide case through a variety of measures, and that the ongoing restrictions included in the Appropriations Act are an additional pressure point. It is also clear, however, from the Mérida/CARSI Initiative and other US sources of funding for military support in Guatemala, that the northern country's foreign policy in the region privileges a military solution to narco-trafficking and undocumented migration. What's more, a strong judicial system certainly bodes well for North American extractive companies in the region and other foreign investors looking for stability. The US' support for the very structures that have led to the problems they now want to eradicate is well documented.

Contradictions in US foreign policy are certainly not new

But while the advancement of the genocide case is essential, as long as the former-general-turned-president Pérez Molina stays in power, major concerns exist for what reinstating unrestricted US military aid to Guatemala could mean for communities, human rights defenders and civil society organizations already experiencing a heavy-handed response to their work against impunity and in defense of territory.

During the last two years alone, Molina has enacted two states of siege - a measure likened to marshal law - almost exclusively under the guise of combating narco-trafficking. Under the states of siege, communities found themselves with many of their constitutional rights suspended, dozens of leaders arrested without charge and a major increase in the presence of military checkpoints and patrols. All of the places where a state of siege has been implemented

are host to large-scale resistance movements where communities are organized against the presence of transnational extractive projects.

It remains to be seen what will transpire over Pérez Molina's final year in office. Although the US currently provides training and support to the Guatemalan military, the restrictions in the Appropriations Act continue to give human rights organizations a glimmer of hope that the US will not resume its unrestricted support for military aid to Guatemala.

Get Informed / Get Involved

- Speakers: Invite us to give educational presentations in your community about these issues
- Educational Delegation: Form your own group or join one of our educational-solidarity delegation seminars to Guatemala and Honduras to learn more about these issues and struggles
- Daily News: Start viewing, reading regularly: www.democracynow.org / www.upsidedownworld.org / www.dominionpaper.ca / www.rabble.ca /

Say No To 'International Business As Usual And Impunity'

The U.S. and Canadian governments, the World Bank and Inter-American Development Bank, and North American companies and investors (including public pension funds like Social Security and the Canada Pension Plan) maintain profitable economic and military relations with the Guatemalan and Honduran elites, turning a blind eye to death and suffering by drought, repression, violence and impunity that are the norm in both countries.

It is very difficult to hold our companies, investors, governments and international "development" banks accountable when they contribute to and benefit from human rights violations and environmental and health harms in other countries.

Send, and keep on sending copies of this information, and your own letters, to your own elected politicians (MPs, Congresspersons, Senators), to your media, and to your own pension and investment funds, asking: Why our governments, companies and investment firms do nothing about the deep, endemic poverty, repression and violence, and environmental and health harms associated with North American businesses, while benefiting from these economic relations with the Guatemalan and Honduran political, military and economic elites?

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