

GUATEMALA

The Civil Defence Patrols Re-Emerge

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Proposals to recompense the members of the *Patrullas de Defensa Civil* (PAC), Civil Defence Patrols, for their service as paramilitary civilian militias during Guatemala's long-term civil conflict have aroused renewed concern in Guatemala both about the impunity these civilian militias have enjoyed for the abuses they committed during the internal armed conflict and at reports of their re-emergence to commit new abuses.

During the conflict, which shook Guatemala over a period of more than thirty years, the patrols served as civilian adjuncts to the Guatemalan army. They were formed at military behest and operated under military orders. Service in them was obligatory, and some of those who carried out the abuses were coerced into doing so, under threat of death to themselves and their families if they did not participate.

The patrols were to have been discontinued under the 1996 Peace Accords which ended the conflict, but in fact have continued to operate in various areas of the country and have been allegedly responsible for new abuses. A number of these abuses are catalogued in the appendix to this document. In the course of 2002, former patrol members have been particularly vehement in demanding recompense for the service they rendered while serving in the patrols.

Amnesty International is concerned at the impunity which members of the patrols have enjoyed for the abuses in which they participated during the conflict years and at the reports of renewed abuses by them. It believes that all victims of human rights abuses should receive reparations for the abuses they suffered and that all perpetrators of human rights abuses should be brought to justice. It is concerned that the current demonstrations by former civil patrollers asking for payment for their service in the patrols, and apparent efforts to meet the patrollers demands by the current government, are contrary to the intentions of the Peace Accords and may signal official acceptance of the re-emergence of the patrols and the new abuses attributed to them.

AI is also concerned at the possible social and political implications of the re-emergence of the patrols: Guatemalan human rights observers have suggested that this apparent official tolerance of the renewed illegal activities of the patrols reflects the links between the current ruling party, the *Frente Republicano Guatemalteco* (FRG), Guatemalan Republican Front and the patrols, and may be related to the FRG's desire to have the support of former patrollers in the upcoming elections, scheduled for 2003.

BACKGROUND

Formation of the civil patrols

The PAC were initiated in 1981 under the Presidency of General Romeo Lucas García, (1978-1982). They were comprised of male *campesinos* (peasant farmers) primarily from rural Guatemala and were charged by the army to act as their civilian adjuncts and ‘protect’ their communities from the armed opposition, grouped together as the *Unidad Revolucionaria Nacional Guatemalteca* (URNG), Guatemalan National Revolutionary Unity. Ostensibly the patrols were spontaneously and voluntarily formed but in fact, in many areas of rural Guatemala, service was obligatory for all males between approximately 16 and 60 years of age, often under threat of severe penalty or death. Trained and armed to differing degrees by the military, the Patrols were to search for and confront the armed opposition forces, thus inevitably implicating the civilian population in the internal armed conflict. The Patrols also served as a system of alternative authority and control directed by the military – which remains in place today – and as a system of forced labour, allowing the regular military force to concentrate its efforts on the counterinsurgency. In some areas, the authority lent the patrols by virtue of military support for them allowed them to settle old scores and eliminate traditional enemies for reasons totally unrelated to the civil conflict.

Between their emergence in 1981 and 1995, when the government of President Ramiro de León Carpio called for them to be dismantled - a statement which did not, however, represent a legal framework for the disbanding of the PAC - numbers in the civil patrols ranged from between 500,000 and one million individuals.

Abuses by the civil patrols during the civil conflict

Whilst in existence, the patrols were responsible for many thousands of abuses: The *Recuperación de la Memoria Histórica* project, (Recuperation of the Historical Memory Project), the report of the *Oficina de Derechos Humanos del Arzobispado de Guatemala* (ODHA), Archbishop’s Human Rights Office, into Guatemala’s internal armed conflict attributes over 90% of the documented cases of human rights violations to the Guatemalan armed forces and their civilian adjuncts, the military commissioners¹ and the civil patrols.² Of those cases registered by REMHI, the PACs themselves were implicated independently in 1,731

¹ Though civilians, military commissioners served under army discipline. During the conflict they had law enforcement and intelligence functions, acting as the “eyes and ears” of the military in rural communities, and often serving as intermediaries between the army and the communities. They also frequently led the civil patrols.

² The military was implicated in 90.52% of registered massacres, acting alone in 55% of these events; the remaining massacres took place with the support of the PAC and the military commissioners. (ODHAG 1999: 134-135). The CEH documented that the PAC committed 12% of all human rights violations during the conflict (1999).

incidents of human rights violations (a total of 3,424 victims) and in 1,799 incidents in combination with the military (a total of 10,602 victims), including participation in 342 massacres.

Despite formal abolition the Patrols continue to operate

The Patrols were legally abolished in July 1996 after a declaration by General Julio Balconi, then Minister of Defence, and their demobilisation was an integral part of the Peace Accords signed in December 1996 between the government and the then armed opposition. However, the PAC and the military commissioners have retained their close ties with the military and continue to carry out human rights violations, including threats, intimidations, lynchings and murders. An appendix to this action gives a selection of incidents attributed to the Patrols since they were formally to have been abolished in 1996.

Furthermore, these groups and individuals have been instrumental in perpetuating networks of social control and intelligence gathering in communities. They have also maintained positions of authority within many communities, and as a result have allegedly benefited disproportionately from state funds and development projects.

Patrollers seek compensation

The re-emergence of the patrols took an alarming new turn in the middle of June this year, 2002, when former civil patrollers blockaded the ancient Mayan ruins of Tikal in the jungle of the Petén, holding foreign tourists hostage and demanding compensation for their forced participation in the PAC during the internal conflict. This was the first in a series of continuing demonstrations and activity that has been aimed at securing material compensation for the PAC.

By August 2002, the initial mobilisation of ex-PAC in the Petén in June had been followed by mobilisations of at times up to 20,000 ex-patrollers throughout Guatemala. The departments where demonstrations have taken place include Mazatenango, Alta Verapaz, Quetzaltenango, Sololá, San Marcos, El Quiché, Chimaltenango, Jutiapa, Totonicapán and Huehuetenango. The patrollers' actions are allegedly organised by officials in the Asociación de Veteranos Militares de Guatemala (AVEMILGUA), the Association of Guatemalan Military Veterans, a conservative organisation that represents the interests of former soldiers and ex-civil patrollers.

Government response to compensation demands

As the PAC compensation demonstrations gathered force in August 2002, President Alfonso Portillo (2000 - date) quickly agreed to meet the ex-patrollers to discuss their demands for

reparations, something that the government has not done for the tens of thousands of civilian victims of the Guatemalan military and the PAC. It has been stated by various government sources that the groups may receive up to \$20 million in compensation, amounting to around Q. 25,000 per person. It has also been reported that the government intends to propose further development projects to the patrollers as part of their reparations package. Various means to finance such reparations have been suggested including the imposition of a new tax and the introduction of Euro-Bonds. President Portillo has announced that the payment might take place on 15 September – seemingly a symbolic gesture to mark the celebrations of Guatemala's Independence Day. The proposal for payment to the ex-civil patrollers has yet to be sent to Congress.

FRG's receptivity to compensation demands linked to its ties to the PAC?

Non-governmental groups in Guatemala suggest that the renewed demands for compensation for the PAC must be evaluated alongside their historic relationship with the FRG and the coming elections.

Currently, the FRG has a majority in Congress, which is presided over by General Efraín Ríos Montt, with whom the PAC are said to have particularly close links. General Ríos Montt was a founder member of the FRG and as president of Congress, is widely held to be the real power behind the current government of President Portillo. The General was military strongman during one of the most brutal phases of the Guatemalan army's scorched earth counter-insurgency campaign (March 1982-August 1983).

During that period, tens of thousands of non-combatant indigenous men, women and children were killed in hundreds of army massacres, often preceded by torture including rape, in many of which the PAC actively participated. The policy targeted civilians in order to annihilate the guerrillas' social base in rural Mayan communities in the west and northwest highlands. General Ríos Montt was the architect and implementor of this policy.

Currently, he, and several other former members of his military command and that of his predecessor as military strongman, General Romeo Lucas García (1978-1982) are facing legal proceedings both in Guatemala and abroad for genocide and crimes against humanity for acts committed under their command during the conflict years (see *Guatemala's Lethal Legacy: Past Impunity and Human Rights Violations* - AMR 34/001/2002).

Yet General Ríos Montt nonetheless has announced that he intends to contest the upcoming elections, despite the fact that as a participant in a former military coup, he is constitutionally prohibited from doing so. In the meantime, as Congressional President, he is considered to hold the power to ensure that he and hardline military officers, and ex-civil patrollers at the local level, still impose their authority and remain immune from efforts to bring about justice for past crimes.

This gives rise to concern that the continued presence of ex-patrollers in positions of local authority, and reports that the PAC constitute the FRG's base in rural Guatemala, will be factors the party is likely to exploit and encourage as elections approach in 2003.

Similar reports were in fact received with regard to the previous elections in 1999. According to a recent article in the British newspaper the *Guardian*, a PAC spokesperson told its reporter that General Rios Montt first promised to pay "compensation" to the PAC only a few months before those elections. For his part, Edgar Gutiérrez, the present *Secretario de Asuntos Estratégicos*, Secretary of State for Strategic Issues, stated in an interview with the Guatemalan newspaper Siglo XXI that the first demand of compensation from ex-civil patrollers was received by the FRG government in 2000, and was settled in February 2001 with the provision of an agreement for a development project to those concerned (Siglo XXI 19/08/02).

It is in this context that alleged abuses by civil patrols in recent years and the current debate about their compensation must be viewed.

Opposition to compensation

Many sectors and organisations spanning the political spectrum in Guatemala have denounced the idea of payment to the ex-PAC. Opposition has come from widely varying bodies, from the Guatemalan Chamber of Commerce, and the Comité Coordinador de Asociaciones Comerciales, Agrícolas, Industriales y Financieras (CACIF), the Coordinating Committee of Commercial, Agricultural, Industrial and Financial Organisations – which represents the most conservative and powerful sectors in Guatemala -- to the URNG, now a legal political party, as well as various embassies and international organisations.

In general this broad-ranging opposition to any payment from the government to the PAC has been related to the principle that all victims of the conflict should be compensated. Human rights groups, including the *Centro para Acción Legal en Derechos Humanos* (CALDH), Centre for Legal Action in Human Rights, and ODHA have also argued that the civil patrols were instrumental in the atrocities of the internal armed conflict and therefore any payment to them would contravene the Peace Accords. ODHA further adds that any payment to the PAC would be an insult to the dignity and memories of the victims.

In this regard, according to the CEH report *Memory of Silence*, victims of the conflict are defined as those who did not take part in the violations and violence that characterised it. This definition would thus appear to eliminate members of the PAC from consideration as victims. However, since many individuals, including members of local and national human rights organisations, were forced to serve in the PAC, in fear for their own or their families' lives, any process attempting to distinguish between victims and perpetrators would be highly complex

while any decision to compensate certain groups and not others will also be riven with difficulties and potentially explosive tensions.

It is also clear however that in addition to principled opposition to the compensation proposals, some political capital is to be had from opposing any such actions by the FRG, particularly in the context of the upcoming elections. Therefore, not surprisingly perhaps opponents of the FRG proposals also include political opponents from a number of other political parties, including its predecessor in office, the *Partido de Avanzada Nacional* (PAN), the Party of National Advancement, under whom the peace process was completed and the final peace accord signed.

AI's Concerns regarding the compensation debate:

As regards the current debate in Guatemala, as to whether former members of the PAC civilian militias should be compensated for their enforced service in the patrols during Guatemala's long-term civil conflict, AI reiterates its position that it strongly supports implementation of the human rights-related recommendations of the 1996 Peace Accords and of the Historical Clarification Commission, (CEH), established under the terms of the Accords, relevant to this issue. Its specific concerns on the reparations issue may be summarized as follows:

Reparations

AI believes that all victims of human rights abuses and their families, including women who suffered sexual assault in the context of the conflict should receive compensation. This was recognised as the duty of the State under the Peace Accords, yet no such plan has been implemented despite the fact that a proposal for a *Plan Nacional de Resarcimiento*, National Reparations Plan, was put forward by sectors of civil society in 1999. Moreover, local human rights groups suggest that any recompense to former patrollers, regardless of their possible involvement in human rights abuses, would actually sideline the National Reparations Plan - a proposal by a group of non-governmental organisations, framed within the recommendations of the CEH, to compensate victims of the internal armed conflict. They suggest that by compensating perpetrators of human rights violations, the FRG would send a clear sign to Guatemalan society of its tacit acceptance and approval of their past actions and of their present destabilizing activities.

Impunity

The CEH also recommended that special commissions be established to investigate the conduct of state military and security officials in service during the armed conflict, and that appropriate steps be taken regarding violations of internationally accepted human rights standards. This has not happened and AI remains convinced that it is essential to identify those who ordered and

carried out the atrocities of the conflict years and bring them to justice, as an essential step in returning the society to the rule of law and creating the firm and lasting peace called for in the Peace Accords.

AI is aware that members of patrols were themselves amongst the victims of abuses. Not only was conscription into the patrols forcible, but the involuntary members of them were often themselves victimised if they refused to serve or to carry out specific acts ordered by the army.

However, as the CEH found that the PACS were responsible for 12 % of all human rights violations committed during the conflict. AI urges that inquiries into their conduct during the conflict should also be initiated, and that any member of a civil patrol found to have committed human rights violations should be held accountable for their crimes.

Failure to dismantle the patrols as called for in the Peace Accords

Under the 1996 Peace Accords which formally ended the civil conflict in Guatemala, the PACs were to have been dismantled. Instead, AI is concerned that local PAC networks have resorted to violence and intimidation to maintain social and political domination in their communities, and remain a virtual alternative power structure in rural Guatemala. Any encouragement to re-activating one of the key institutions of the counterinsurgency also contravenes the recommendations of the CEH and REMHI reports regarding the demilitarization of the country, and would in effect contribute to the very opposite, the re-militarization of Guatemala.

New abuses by the civil patrols

As detailed in this document and its appendix, AI is concerned at increasing reports of new abuses carried out by civil patrols. It urges that all such abuses be investigated and their perpetrators brought to justice.

Possible political and social effects of legitimizing the patrols

Compensation to civil patrols could appear to legitimize these paramilitary groups which were responsible for documented involvement in human rights abuses and atrocities. It could thus play a role in strengthening their resurgence, and consolidating their power at local level, both institutionally and informally, developments which could re-ignite old conflicts and divisions.

Victims of the conflict and human rights defenders seeking to indict the perpetrators of both past and present crimes could then, it is feared, be subject to further intimidation and attacks, highly damaging to the attempts to create the firm and lasting peace called for in the Peace Accords.

Moreover, the links between the FRG and the PAC network further demonstrate the weakness and fragility of political society in Guatemala, particularly if the FRG is, as it appears, linked to the resurgence in an effort to mobilise its electorate.

It is within this context – namely the upcoming elections and the historical relationship between powerful political figures in the FRG and the PAC – that the continued political violence and political activity of the civil patrols described above has occurred. AI is therefore concerned that extreme care be taken in formulating and implementing any such compensation program to ensure that no encouragement is given to reactivation of the patrols, and that tensions are not exacerbated between former civil patrollers and others who advocate recompense to them for their service in the patrols, and other sectors of society who oppose the compensation proposals.

APPENDIX: Abuses by the Civil Patrols in Recent Years

1996

On 1 April 1996, Julio Ixmatá Tziquin, human rights activist and indigenous leader, was attacked by ex-military commissioners, ex-members of the PAC, and the local mayor of Guineales, Santa Catarina Ixtahuacán, Sololá. The incident took place on the same day that Ixmatá Tziquin was due to assume the post of head of the municipal police, after being elected by the community.

1997

Between December 1996 and July 1997, there were two occupations by 3,000 ex-PAC of the installations of the company Basic Resources in the North of Petén. Basic Resources is an oil company with ties to the Guatemalan military, which may suggest why the ex-patrollers chose to occupy their offices. The group was demanding compensation of Q. 60,000 for their forced participation in the internal armed conflict. However, Raquel Zelaya, the then coordinator of the Secretaría de la Paz (SEPAZ), the Peace Secretariat - a government body charged with monitoring the implementation of the peace process - rejected any payment by the government on the grounds that they could not be compensated because they had formed the PAC voluntarily. On 15 September, the *Comisión de Derechos Humanos de Guatemala* (CDHG), Guatemalan Human Rights Commission - which was one of the first human rights organisations in modern-day Guatemala and has historically had close links with the URNG - condemned intimidations carried out by ex-PAC in Cantón Paxot, Chichicastenango, El Quiché. A month later, on 28 October, El Consejo Nacional de Desplazados de Guatemala (CONDEG), the National Council of the Displaced of Guatemala - an organisation that represents displaced peasants - accused the mayor of Chajul, El Quiché of taking part in and profiting from the activity and threats of armed ex-PAC.

1999

In April 1999, a crowd of 600 former patrollers and peasants marched upon Huehuetenango prison. They forced their way into the prison, attacked prison guards and then released 12 former patrollers serving 25 years for the murder in of indigenous land activist Juan Chanay Pablo in 1993 (described above) (see AMR 34/16/99).

On 25 September, in San Juan Comalapa, Chimaltenango, after a political meeting, the vice-presidential candidate of the slightly left of centre Guatemalan political party, *Alianza Nueva Nación* (ANN), New Nation Alliance, Vitalino Similox, was confronted by 40 ex-military commissioners armed with machetes. The event was denounced to the authorities and the ties between the group and the military condemned. However, Douglas Barrera, the then chief of the *Departamento de Información y Divulgación del Ejército* (DIDE), the Army's

Department of Information, denied these links. Membership of the ANN argued that the local resurgence of the PAC was a political ploy of the FRG.

2000

Eight local residents were lynched in Xalbaquiej, Chichicastenango, El Quiché by former civil patrollers in July in an act that was reportedly a façade for politically motivated murders. The victims had begun a legal suit against the patrollers for the massacre of their relatives in 1993. The patrollers allegedly acted with the support of local officials linked to the FRG. Whilst the police announced that they would be seeking three arrest warrants, the leaders of the attack had reportedly already fled the area.

In the same year in Baja Verapaz, three former civil patrollers were found guilty of two deaths and sentenced to the death penalty, later commuted to 50 years' imprisonment. However, following the verdict, relatives of the condemned men took a local judge hostage in protest. They were not prosecuted. According to a trial observer from Amnesty International, former patrollers broke into the court during the trial, and intimidated and threatened officials and witnesses through loud-speakers, forcing suspension of the court session.

In October, members of the *Frente de Pobladores de Guatemala* (FREPOGUA), Shantytown Dwellers Association, went on a hunger-strike outside the President's official residence. They were demanding government housing programs for homeless people. After being shot at from a passing car, the staff of the said organisation were attacked by former PAC members.

2001

During 2001, there were continued accounts of the resurgence and renewed activity of the civil patrol network throughout the country, including instances of lynchings in different areas of the department of El Quiché and the department of Baja Verapaz.

In June, two indigenous communities were attacked by assailants described as former members of the civil patrols (see UA 168/01, AMR 34/24/2001).

On 22 June, peasant leader Carlos Morales was attacked and five others were taken hostage, although later released, by ex-PAC members and ex-military commissioners in the community of Repollaso Juquinay, Baja Verapaz department.

Three days later, around 30 heavily armed former civil patrollers raided the community of Los Cimientos, El Quiché, and reportedly raped three women and destroyed 86 houses. They also kidnapped seven children, returning them the next day. As a result 90 families fled the community.

On 28 June, in another incident possibly related to the activity of former civil patrollers, Domingo Ux Quizán, a well-known community leader was shot and killed in Santa Maria Tzejá, El Quiché department by gunmen. Santa Maria Tzejá is one of the communities involved in the legal suit brought by survivors of a number of massacres, grouped together as the *Asociación de Justicia y Reconciliación* (AJR), Association for Justice and Reconciliation, against former members of the military high command of the governments of General Lucas García and General Ríos Montt. Both generals are themselves charged with genocide and other crimes against humanity. In July, indigenous human rights defender Anselmo Roldán, the President of the AJR, was attacked and stabbed in the community of Cuarto Pueblo, Playa Grande, Ixcán. His attacker fled to a house belonging to members of the ruling FRG party (see UA 192/01 AMR 34/027/2001).

In the same year, witnesses in other rural communities involved in the genocide case being, were threatened by former civil patrollers.³ They were told “Forget the bones, if you want to complain about what happened here in the village, you’re going to go through the same thing again.”

³ The AJR has filed the two legal suits with the assistance of its legal representative, the human rights organisation CALDH (see *Guatemala’s Lethal Legacy: Past Impunity and Human Rights Violations* - AMR 34/001/2002).