

# Guatemala

## Accountable Intelligence or Recycled Repression? Abolition of the EMP and Effective Intelligence Reform

### Introduction

The *Estado Mayor Presidencial* (Presidential General Staff, also translated as the Presidential Guard or Presidential High Command), and generally referred to as the EMP, has for many years served as one of Guatemala's most notorious intelligence agencies, implicated in many of the country's high profile human rights cases. Although officially tasked with providing security to the President and the Vice-President and their families, ample evidence shows that this unit, often working in collaboration with gangs of common criminals, has conducted surveillance and harassment of key human rights leaders and carried out acts of violence, including extrajudicial executions, since its inception.

The unit is not the only example of a military intelligence structure involved in human rights abuses during the country's long armed conflict. However, it has become emblematic of the many challenges faced when trying to convert military structures established to combat real or suspected adversaries under a national security doctrine, to democratic institutions capable of upholding a broader definition of security grounded in the respect for human rights.

Even prior to the signing of the 1996 Peace Accords, Amnesty International and other organizations and foreign governments had called for the EMP to be abolished. Since 1996, AI, the United Nations (UN) Mission to Guatemala (MINUGUA), a series of UN Rapporteurs and reports, the European Union (EU), the Consultative Group of major donor countries and institutions to the Guatemalan peace process (CG),<sup>1</sup> the

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<sup>1</sup> The Consultative Group is made up of the following countries and institutions, Argentina, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Italy, Japan, Mexico, Netherlands, Norway, Spain, Sweden, Switzerland, United Kingdom, United States, Central American Bank for Economic Integration, European Commission, the United Nations (UN) Food and Agricultural Organization, Inter-American Institute for Cooperation on Agriculture, International Committee of the Red Cross, International Labour Organizations, International Monetary Fund, International Organisation for Migration, Nordic Development Fund, Organisation of Ibero-American States, Organization of American States, Pan-American Health Organisation, Central American Integration System, UN Children's Fund (UNICEF), UN Development Program (UNDP) UN Economic Commission for Latin America and the Caribbean (ELAC), MINUGUA, UN Population Fund, World Bank, World Food Programme, Inter-American Development Bank. Portugal and Taipeh/China are observer countries.

United States (US) government, and other important international actors have all in turn pressed for implementation of the Peace Accords, stressing that the elimination of this notorious unit is a particularly significant component of compliance with the Accords.

While some progress has been made towards eliminating the EMP and replacing it with a civilian agency, this document describes some of the reasons these steps should be greeted with skepticism and concern, and suggests that simply replacing this structure with a new agency would constitute a woefully inadequate measure. What in fact is needed are fundamental reforms to the country's military intelligence structures.

Furthermore, the purported reforms to the EMP are being implemented in the context of a particularly grave deterioration in the Guatemalan human rights situation. Since mid-2000, a series of escalating attacks have targeted activists, journalists, judges, lawyers, and witnesses in key human rights cases, particularly those associated with the struggle to combat the prevailing impunity for past human rights abuses. Some have been harassed and intimidated, others tortured and killed. The gravity and frequency of these attacks, and the strong resemblance they bear to the tactics and patterns of military repression under past regimes, lends particular urgency to the need to dismantle the institutions responsible for violence and abuse while implementing measures to ensure that their replacements are regulated by civilian oversight and measures of institutional accountability.

### **A brief overview of the EMP**

The EMP was officially created in the early 1980s to absorb the intelligence functions of its predecessor, the *Servicios Especiales de Comunicaciones de la Presidencia de la República*, Special Communications Services for the Presidency, (commonly known as *La Regional*, the Regional), and consolidate them under presidential authority<sup>2</sup>. Its official name in 1982 was *Archivos Generales y Servicios de Apoyo a la Presidencia de la República del Estado Mayor Presidencial*, (AGSAEMP) General Information and Support Services for the President of the Presidential High Command, at which time it was assigned explicit counterinsurgency functions. A declassified cable from the United States (US), Central Intelligence Agency (CIA) from the period reports that "After the late October 1982 meeting, [name omitted] informed the agents of the AGSAEMP that they were free to apprehend, hold, interrogate and dispose of

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<sup>2</sup> Jennifer Schirmer. *The Guatemalan Military Project: A Violence Called Democracy*. University of Pennsylvania Press, 1998: 159.

suspected guerrillas as they saw fit.”<sup>3</sup> The same cable reports AGSAEMP involvement in rural military operations. And while it notes that “there is no specific information available to link the AGSAEMP to any extra-legal activities, there has been a steady increase of suspect right-wing violence over the past few months. Kidnappings, particularly of students and educators, have increased in number and bodies are again appearing in ditches and in gullies. ... Ambassador’s Comment: I am firmly convinced that the violence described [here] is government of Guatemala ordered and directed violence and not ‘right wing violence’ and that these were not ‘rightist hit squad executions’ but again executions ordered by armed services officers close to President Ríos Montt.”<sup>4</sup> As an intelligence unit officially linked to the President himself, the EMP was charged with gathering information about real or perceived political adversaries and presenting this information to the President, along with potential plans for the resolution of these threats.

During the transition to civilian rule under Vinicio Cerezo (1986-1991), some reforms were made to intelligence structures. A 1986 US government document, since declassified, reports that the military disbanded its Presidential Intelligence unit, better known as the *Archivos*, (Archives) before relinquishing power. Files from these units were purportedly turned over to military intelligence, known as D2. The document further noted that President Cerezo had created his own presidential security staff, charged only with security functions.<sup>5</sup> Although this document asserts that the so-called “*Archivos*” were separated from the presidential security staff, known as the EMP or Department of Presidential Security, a US Defense department document from 1989 mentions “the ‘*Archivo*,’ the Presidential security organization headed by Major Valencia Osorio and Captain Oliva,” suggesting the EMP may have been involved in acts of political violence in Guatemala City. The spate of violence discussed in the document includes bombings carried out against the offices of Peace Brigades International and the Guatemalan human rights group *Grupo de Apoyo Mutuo*, (GAM), Mutual Support Group.<sup>6</sup>

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<sup>3</sup> Central Intelligence Agency (CIA). Secret cable. February 1983. In: The Guatemalan Military: What the US files Reveal. The National Security Archive. George Washington University, 2000. See <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB32/23-01.htm>

<sup>4</sup> General Ríos Montt’s title at the time was actually Head of State.

<sup>5</sup> From Morton I. Abramowitz, Director of the US State Department’s Bureau of Intelligence and Research, to: Dave Durenbergere, chairman of the US-Senate Select Committee on Intelligence. July 1986. In: The Guatemalan Military: What the US Files Reveal. The National Security Archive. The George Washington University. 2000. See <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB32/31-01.html>

<sup>6</sup> Possible Guatemalan government involvement in recent capital violence. Defense Intelligence Agency (DIA). Joint Staff-Info Service Center. Department of Defense. Secret cable. August 31, 1989.

At the time, Juan Valencia Osorio was Chief of the Presidential Security Department of the EMP, and Juan Guillermo Oliva Carrera was its Deputy Chief. The role of both men in secret intelligence operations while working at the EMP was later scrutinized by the courts when both were tried, along with Gen. Edgar Augusto Godoy Gaitán, for their role in the 1990 extrajudicial execution of anthropologist Myrna Mack (see below). The evidence brought to light in these proceedings, as well as the record established through declassified documents and the testimony of survivors, witnesses, and others with direct experience of EMP operations attest to the fact that although its functions were officially limited to presidential security, the unit retained the counterinsurgency focus of its predecessors and indeed, was actively involved in some of the most egregious abuses of the 1990s.

### **EMP involvement in human rights abuses: illustrative cases**

#### *Myrna Mack Chang*

On September 11, 1990, Guatemalan anthropologist Myrna Mack Chang was stabbed to death outside the Guatemala City offices of the *Asociación para el Avance de las Ciencias Sociales*, AVANCSO), the Association for the Advancement of the Social Sciences, a social science research institute she had helped found. Mack's death was an apparent retaliation for her 1989 ground-breaking study documenting the suffering of the indigenous peasants in the aftermath of the military's counterinsurgency campaigns. Thanks in large part to the courageous and indefatigable efforts of Mack's sister, Helen Mack Chang, the case provides one of the few examples of prosecutorial success against those responsible for human rights abuses in the context of Guatemala's civil war. In 1993, Sergeant Noel de Jesús Beteta Alvarez, a specialist with the EMP's Department of Presidential Security, was convicted of the killing and sentenced to 25 years in prison. In 2002, three of Beteta's superiors, General Edgar Augusto Godoy Gaitán, Chief of the EMP, Colonel Juan Valencia Osorio, Chief of the EMP's Presidential Security Department, and Colonel Juan Guillermo Oliva Carrera, Deputy Chief of the EMP's Presidential Security Department, stood trial for murder, and Valencia Osorio was convicted. Valencia's conviction, as well as the acquittals of his two co-defendants, are currently under appeal. Helen Mack has also pursued justice through the Inter-American Court of Human Rights (IAC), which heard the case in February 2003.

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In: *The Guatemalan Military: What the US Files Reveal*. The National Security Archive. The George Washington University. 2000. See <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB32/31-01.htm>

From the beginning, the case was characterized by irregularities, incompetence and attacks against witnesses and professionals involved in the investigation. Valuable evidence was destroyed from the start when, despite the presence of the Police Chief, the murder scene was not properly protected. Eventually, two former members of the police criminal investigations unit gave eye-witness testimony that the victim had been under surveillance by army intelligence, including Beteta Alvarez. Police investigators considered that Myrna Mack was murdered because of her report on the displaced, but their conclusions were suppressed. It was only when their report finally became public much later that the Attorney General admitted the killing was political. In 1991, the police inspector responsible for the report, José Mérida Escobar, was shot and killed as he prepared to travel to testify before the Inter-American Commission on Human Rights (IACHR) on the case. His co-investigator fled the country.

In 1991, Beteta Alvarez was arrested in the USA for illegal entry and deported to face charges for the murder. By that time, 13 judges had handled the case; many withdrew for security reasons. Several witnesses withdrew their original statements following threats; several of Beteta Alvarez's fellow inmates in prison were killed, allegedly to intimidate him and any others from giving evidence about higher-ranking military officers ordering specific killings. Journalists covering the case were also threatened. Since it was formed to seek justice on the case, staff of the Myrna Mack Foundation, as well as lawyers, witnesses, and others collaborating in their efforts, have also been constantly threatened and harassed. Meanwhile, judges and officials from the Attorney General's office (*Ministerio Público*) repeatedly "lost" evidence, denied they were competent to hear the case and tried to restart proceedings under an obsolete penal code. Those prosecutors who were able to make progress on the case were reassigned to new duties and their requests for government documents repeatedly ignored, making progress on the case extremely difficult.

Despite these many obstacles, the 2002 proceedings against Godoy Gaitán, Valencia Osorio, and Oliva Carrera were historic. Not only did the conviction of Valencia Osorio represent the first successful prosecution of the "intellectual author" of a human rights crime in Guatemala, but the proceedings themselves provided an important glimpse into the operations of military intelligence and particularly the EMP during the conflict. The Court established that because Myrna Mack conducted research on a "sensitive topic" and worked with populations the Guatemalan military believed linked to the armed insurgency, a plan was created within the EMP, first to conduct constant surveillance of Myrna Mack and eventually to kill her. EMP resources and personnel were used to commit this crime and later to cover it up

through acts of intimidation and the tampering with or destruction of important documents. As the Court stated in its verdict, “It is clearly established that circumstances both prior to and subsequent to the violent death of the anthropologist Mack Chang, that it could only have been a product of a crime of institutional character which presented all the elements that accompany an intelligence plan such as: persecution, surveillance, extermination and subsequent elimination of evidence with the murder of one of the agents investigating the crime, Mr. Mérida Escobar, acts which carry with them the aggravating factors of cold-blooded, known premeditation, cruelty and an impulse of brutal perversity and typify the crime of murder.”<sup>7</sup>

Yet despite this ruling, on 7 May 2003, an appeals court judge absolved Colonel Valencia of the crime on the grounds of “insufficient evidence.” Reports indicate that the ruling that there was insufficient evidence to convict the colonel rested on the argument that no causal connection had been established between the order given by the defendant’s superior officer and the fact that the order had been carried out did not imply any causal link. According to the victim’s sister, Helen Mack, who has now fought for justice for 13 years, the judgment indicated that the military continued to rule in Guatemala. She announced her intention to appeal the acquittal.

*Bishop Juan José Gerardi*

Bishop Gerardi headed the Guatemalan Archbishopric's Human Rights Office, *Oficina de Derechos Humanos del Arzobispado de Guatemala* (ODHAG), and was the driving force behind the Catholic Church's Recuperation of the Historical Memory, *Recuperación de la Memoria Histórica* (REMHI), report on abuses committed during Guatemala's long civil conflict. On 26 April 1998, he presided over the release of the report to the public; two days later he was bludgeoned to death at his residence in an apparent retaliation for his leadership in human rights. In 2001, three military officers were convicted of his killing: Colonel Byron Disrael Lima Estrada, his son Captain Byron Lima Oliva, and Sergeant Obdulio Villanueva. Lima Oliva and Villanueva were both members of the EMP.

From the beginning, there were indications of EMP involvement in the crime. Witnesses reported that two known members of the EMP arrived at the scene of the crime even before police, and began taking pictures. When questioned, these men

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<sup>7</sup> Extracts from Unofficial English Translation of Court Decision of October 3, 2002. Third Trial Court for Criminal Matters, Drug and Environmentally-Related Crimes, Guatemala, 3 October 2002. provided in Lawyers’ Committee for Human Rights, *A Test of Justice in Guatemala: The Myrna Mack Murder Trial*. New York: LCHR, 2003.



claimed to be members of the National Civil Police (PNC), *Policía Nacional Civil*, although the head of the PNC arrived later and established that those in question were not PNC officers. These accounts of EMP presence at the scene were officially denied for a year before authorities were forced to acknowledge them; even then, the Defense Minister claimed that human rights advocate Helen Mack had called to request the EMP's presence, an allegation Mack instantly refuted.

Eyewitness testimony also implicated the EMP in the killing. One witness, a taxi driver who worked from the park near the parish house where Gerardi was killed, reported seeing a white car with military license plates parked outside around the time of the killing, and noted that a shirtless man with a military haircut was talking to its driver. The license plate of this car was later found to correspond to a vehicle registered to the EMP. Another witness, an EMP officer who oversaw the entrance and exit of all vehicles from the unit's headquarters – just blocks from the crime scene – and who was on duty the night of the killing, reported having seen suspicious activities that night, including a vehicle that matches the description offered by the taxi driver. Both witnesses went into exile following their testimony; the taxi driver was the victim of a botched kidnapping before his departure. An unrelated person who bought the witness' taxi, was later killed.

The verdicts in the Gerardi case represented a vitally important advance in the long-term battle against impunity in Guatemala. For the first time in the country's history, a Guatemalan court convicted military officers of a grave human rights abuse. Progress in the case was extremely difficult. From the very beginning, the crime scene was corrupted, and crucial evidence was tampered with or lost. Throughout the investigation, frivolous defense motions were repeatedly filed, and there was substantial interference by police, military and judicial personnel. A dozen witnesses or potential witnesses were killed in the course of the investigation. On the eve of the trial, a grenade was thrown at the residence of one of the judges. By the time the case reached the courtroom, nearly a hundred individuals had been threatened or attacked, including judges, prosecutors, and attorneys, and at least fifteen persons had been forced into temporary or permanent exile.

In issuing the guilty verdicts against the three military men and against the priest who lived in the same residence as Bishop Gerardi, Mario Orantes Nájera, as an accessory to the crime, the judges also ordered the Public Ministry to continue investigations of other EMP officials to determine who had planned and ordered the killing. Among those named in the decision were three high-ranking EMP officials: Colonel Rudy Vinicio Pozuelos, the former head of the EMP; Major Francisco Escobar Blass, the

second in command; and Eduardo Villagrán Alfaro, head of EMP services. At the time of this writing, there has been no progress in these investigations.

*Epaminondas González Dubón*

Judge Epaminondas González Dubón, President of Guatemala's highest judicial body, the Constitutional Court, died in an apparent extrajudicial execution in April 1994, when unidentified men fired on his car as he returned home to Guatemala City. Although there have been convictions in the case, grave doubts remain as to whether the real culprits and those who ordered the killing have been brought to justice.

Official obstruction has marred the enquiry from the beginning. Only hours after the judge was murdered, senior officials reportedly instructed the police to treat the case as a common crime, and it was duly announced that Judge González died in a failed car theft. Relatives remain convinced the crime was political, pointing to the anonymous telephoned death threats and funeral wreaths received by the judge the week before his murder and the men in a pick-up truck with polarized windows seen watching his home and neighborhood. They believe hard-line Guatemalan military officials ordered his death, because of their displeasure with some of Judge González' legal rulings concerning both political issues and human rights-related cases, including the extrajudicial execution of anthropologist Myrna Mack in 1990. In one such ruling made shortly before his death, Judge González cast the deciding vote to accept a US writ for extradition of an army lieutenant colonel wanted for drug trafficking. Nine days later he was killed and two days after that, the same court voted against the extradition. Papers relating to the original extradition decision "disappeared."

In 1996, a member of the Criss Cross gang of car thieves, the same gang eventually convicted for the crime, testified about the involvement of an EMP official. According to this testimony, the EMP member identified himself as a sub-lieutenant, used a car belonging to a named member of the EMP, provided gang members with false EMP credentials, paid Q325, 000 as the first installment for Judge Gonzalez' extrajudicial execution, and made another payment after the killing.

As the family continued to press to get to the bottom of the affair, court documents went "missing," and the lawyer for two brothers charged with the killing withdrew in 1996 after receiving death threats. Six people were eventually convicted in 1996, but were subsequently freed on appeal. One had already escaped, apparently with police connivance. The Appeals Court judges then reported receiving death threats.



Eventually, the Supreme Court reversed both decisions of the lower Courts, fined the judges for not having identified and corrected due process violations and returned the case to the first instance court for re-trial.

To revitalize the case, the victim's son became co-complainant (*querellante adhesivo*<sup>8</sup>) in 1997 and the Constitutional Court ordered the case reactivated. The victim's nephew was then attacked in circumstances similar to those in which his uncle died, in an apparent reprisal for the family's continued pursuit of the case.

Eventually, in 1998, two men were sentenced to 27 years and another to two years, non-commutable, for aggravated robbery. The escapee suspected as a material author of the killing remains at large. The intellectual authors of the murder also remain unpunished despite the naming by the Public Prosecutor's Office in 1997 of four ex-"narco-military" officials, still with the EMP in 1996, as those who ordered and contracted the car theft gang to kill Judge González.

## The Peace Accords Mandate Abolition

The abolition of the EMP is directly addressed in the Accord on the Strengthening of Civilian Power and the Role of the Army in a Democratic Society (or AFPC, by its acronym in Spanish), part of the series of Peace Accords which became final in 1996. The AFPC mandates that:

“To guarantee the security of the president, vice president, and their respective families, and the logistics support given to the activities carried out by the Presidency of the Republic, the President of the Republic will organize the appropriate organization by the powers invested in him, *to replace the presidential staff.*” (article 46, emphasis added)

This reform is part of a package of measures designed to readjust the structures of Guatemalan military intelligence. Created to respond to the peculiar exigencies of a

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<sup>8</sup> Guatemalan law authorizes the victim (or persons harmed) to initiate criminal proceedings or join those already initiated by the Public Prosecutor's Office, as "*querellante adhesivo*" or co-complainant. Any citizen or association of citizens can exercise this role when public officials or employees are accused of human rights violations or have committed crimes abusing their office. Human rights groups often use this technique to push forward prosecutions when state officials are incompetent or partial and most human rights cases which have made any progress would not have done so without the active participation of *querellantes adhesivos*.

counterinsurgency state shaped by Guatemala's national security doctrine, they are now to be replaced by structures and doctrines suitable for a postwar democracy grounded in respect for human rights.

Among other reforms contemplated in the AFPC, the Guatemalan government agreed to create civilian intelligence organs, among them the *Departamento de Inteligencia Civil y Análisis de Información* (DICA), the Department for Civil Intelligence and Information Analysis. This body was to be responsible for gathering information to be used in combating common and organized crime, through the means and within the limitations authorized by law and in accordance with respect for human rights (AFPC article 48). It was to operate under the authority of the Ministry of the Interior (*Ministro de Gobernación*) and the *Secretaría de Análisis Estratégico* (SAE), Secretary of Strategic Analysis, under the authority of the President, and was to be charged with anticipating, preventing, and resolving threats to the democratic state (AFPC article 49). The SAE is defined as strictly a civilian body, unable to carry out its own undercover investigations, and therefore reliant on information obtained by the DICA, the *Dirección de Inteligencia del Estado Mayor de la Defensa Nacional* (DIEMDN), the Intelligence Unit of the National Defence Chiefs of Staff – the only military intelligence body -- and on public sources.

The Accord also stipulates that these three organs – DICA, SAE, and DIEMDN, must respect the separation of intelligence and information-gathering with which they are charged, from the execution of operations in response to the information obtained. The latter is to be the responsibility of the government, not of its intelligence bodies. Furthermore, the government is charged with the responsibility of ensuring that there are no unauthorized networks or groups carrying out intelligence functions (AFPC 50-51).

Lastly, and very importantly, the Accords mandate the establishment of legislative bodies to oversee the work and budget of both civilian and military intelligence structures. In the AFPC, the Guatemalan government commits itself to the promotion of legislation in Congress to guarantee respect of human rights by intelligence bodies. This is to be accomplished first by establishing legislative oversight of intelligence through the creation of a specific Congressional commission for this purpose, and second, by regulating access to information on matters pertaining to military and national security affairs through the establishment of procedures for the classification and declassification of documents.

In summary, the provisions of the AFPC stipulate that the EMP's abolition must occur in the context of broader reforms to the structures of military intelligence. Not only must the EMP be eliminated and replaced with civilian structures, but important legislation must be passed to establish legislative oversight over *all* intelligence-gathering bodies and define provisions for civilian access to information. Furthermore, experts in intelligence reform have pointed to the need to adopt a clear legal definition of the ambit, structure, and functions of *all* intelligence structures in Guatemala, in order to lay the groundwork for successful and accountable functioning in the future.

### **Steps Toward Abolition**

The Portillo government has taken some steps toward compliance with the AFPC. Indeed, President Portillo made EMP abolition a campaign promise in 1999, and in his January 2000 inaugural address he repeated this commitment. Shortly after taking office, he initiated the process to replace the EMP with a civilian body, the *Secretaría de Asuntos Administrativos y de Seguridad de la Presidencia de la República* (SAAS), Secretariat of Administrative Affairs and Security of the Presidency, with no intelligence functions, and to create the civilian intelligence structure, the SAE, called for in the AFPC, to which he appointed longtime human rights advocate Edgar Gutiérrez as director. Since then, however, President Portillo's promises have been repeatedly broken or postponed.

According to the administration, 25% of the EMP's staff had been demobilized by the end of 2002, including the entire complement of the unit assigned to security for the Vice President. The SAAS has already assumed the role of providing security for the Vice President and his family; other officers are currently being trained to assume the role of presidential security. The most recently promised date for total EMP dissolution and replacement by the SAAS is November 2003.

At present, government intelligence in Guatemala is a complex structure comprised of the following units:

- Intelligence division of the DIEMDN
- SAE
- EMP (in process of being dismantled)
- SAAS -- *technically not an intelligence entity at all, merely a replacement for the EMP's presidential-security function*

- *Dirección de Inteligencia Civil y Análisis de Información* (DICAI), the Office of Civilian Intelligence and Analysis – yet to be created<sup>9</sup>

Critics have charged, however, that many of these reforms may be more cosmetic than real. Many of the EMP agents supposedly “demobilized” in December 2002 had been assigned to security detail at the National Palace, which now functions as a museum; their dismissal, therefore, has little bearing on the unit’s more nefarious intelligence functions. Others have pointed out that because the number of EMP personnel is kept secret, announcements that the numbers have been reduced cannot be independently verified. Furthermore, the administration has made little or no progress on other aspects of the reforms mandated in the AFPC, reforms which are necessary components of EMP abolition, and without which its abolition may be entirely meaningless.

## Reasons for concern

### 1. History of previous attempts at intelligence reform

In recent decades, virtually the entire history of Guatemalan military and paramilitary intelligence structures and attempts at their reform suggests a systematic and deliberate pattern of institutional behavior whereby following public calls for reform, abusive structures were concealed rather than abolished.

For example, at the end of 1995, the network of military commissioners was formally dissolved. Yet declassified US documents from the same period<sup>10</sup> reveal that as part of this “dismantling” process, the EMP and DIEMDN indicated that the military intelligence agency, the D2, intended to draw up a list of those commissioners who had been most “useful” and “collaborative” to the military. They were then to be provided by the *Departamento de Control de Armas y Municiones* (DECAM), Department for the Control of Arms and Munitions, with permits to carry weapons, as well as with ID cards which would allow them access to Army officers’ clubs and

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<sup>9</sup> The Constitutional Court has declared the *Acuerdo Gubernativo*, governmental accord, that established the DICAI to be unconstitutional, delaying this unit’s creation indefinitely.

<sup>10</sup> US. SouthComm [Southern Command] [Intelligence Summary for 13 September 1995. Defense Intelligence Agency. secret cable. In: *The Guatemalan Military: What the US Files Reveal*. The National Security Archive. The George Washington University. 2000. <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB32/48-01.htm>

other privileges. According to these same documents, such a system was designed to “retain” collaborators while enabling them to play an “invisible” role within the Army.

Similarly, the *Patrullas de Autodefensa Civil* (PACs), Civil Defence Patrols were slated for dissolution. Like the military commissioners, these units were used as a paramilitary intelligence adjunct to the army, expected to inform on the movements of any unknown persons in the area or any suspicious actions of fellow villagers, and in many areas constituted the “eyes and ears” of the Army, particularly in the indigenous highlands. Despite their formal dismantling in 1996, these structures have reemerged on the political scene in recent years, demanding payment for past services,<sup>11</sup> asserting their interests through aggressive public actions, and most disturbingly, participating in ongoing acts of harassment and violence against human rights defenders in the rural areas where the resurgent patrols operate. Of course, the PACs’ reemergence strongly suggests that they were never truly dissolved. (See *Guatemala: The Civil Defence Patrols Re-Emerge*,” AMR 34/055/2002).

The EMP has exhibited a similar unwillingness to dismantle its illicit structures, taking deliberate actions to undermine or circumvent political initiatives to reform the unit. Even before the Peace Accords were signed, President Cerezo, announced the dissolution of the unit as part of the country’s return to democracy, yet it continued to function. After taking office in 1993 then-President Ramiro de León Carpio announced the *Archivo*’s dissolution, but the following year then-EMP head General Otto Pérez Molina told the US-based human rights organization, Human Rights Watch, that only its operational arm had been suppressed, while intelligence activities continued.

This history of evasion and subterfuge despite public proclamations of reform gives supporters of human rights in Guatemala reason to demand additional assurances from the Portillo administration that the EMP’s projected abolition represents a significant reform of historically abusive structures of military intelligence. These additional assurances must take the form of accompanying legislation as mandated in the AFPC to ensure that means are established to ensure that any new bodies substituted for the

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<sup>11</sup> According to the Guatemalan press, as of mid-May 2003, more than 160,000 ex-patrollers had received Q1,747, the first of three payments which will eventually total Q5,241 per ex-patroller, under current government plans. In May 2003, notice of a governmental accord was made public, under which a national compensation program is to be created, to pay reparations to those who suffered human rights violations carried out by patrollers and the regular security forces during the conflict, but no such funds have as yet been distributed.

EMP operate with appropriate oversight and accountability, and that no illicit clandestine bodies continue to carry out any of its former functions.

## **2. The money trail**

There are still further reasons to be skeptical about the depth of Portillo's commitment to dismantling the EMP. There are disturbing indications that, far from diminishing in importance as might be expected for an agency on the verge of extinction, the EMP is receiving ever *more* financial support. In fact, under the Portillo administration, the size of the official EMP budget has steadily grown. And the extra-official portrait is even more worrisome: over the course of 2002, a dozen inter-agency transfers allocated resources originally devoted to other government dependencies, including those charged with important social spending priorities such as education and famine relief, to the EMP; these transfers resulted in the doubling of the budget officially allocated to the EMP in the national budget as approved by Congress. Rather than phasing out this notorious nest of human rights abusers, the government appears to be funneling it ever more resources, yet doing so through surreptitious mechanisms which circumvent the democratic processes of intelligence oversight emphasized in the Accords.

And along with more resources, the Portillo government has assigned the EMP additional functions, perhaps in an effort to legitimate its growing budget. Under the current administration, the EMP has administered programs providing school lunches in rural Guatemala; distributed fertilizers to cultivators; and reportedly, provided funds to pay for President Portillo's daughter's tuition at a prestigious English university. This obvious misuse of funds merely underscores the lack of accountability under which this institution continues to operate.

## **3. Connection to clandestine groups**

Since taking office, President Portillo has maintained close personal ties with several retired military intelligence officers widely reputed to have ties to organized crime. In 2002, Attorney General Carlos David De León announced that several of these retired officers were under investigation for their ties to the clandestine groups believed to be involved in acts of organized crime and politically-motivated violence against human rights defenders. Several of those under investigation have close ties to the EMP. Two are former Chiefs of the unit: General Francisco Ortega Menaldo, who headed the EMP under the administration of President Serrano Elías, from 1991 to 1993; and Colonel. Jacobo Salan Sánchez, whom Portillo named head of the EMP upon taking



office in 2000. Another of the five named by De León, General Manuel Antonio Callejas Callejas, is credited with the creation of the *Cofradia* or "brotherhood" of military intelligence experts which exerts influence over the government and military, and has occupied high-ranking positions in the EMP and other military intelligence structures throughout his career.

In May 2000, an investigation by the Guatemalan newspaper *El Periódico* revealed that Salan Sánchez, then-head of the EMP, coordinated an intelligence network based in the EMP but with connections extending into the DIEMDN, which carried out intelligence operations, including against the civilian intelligence body, the SAE. Reporters at *El Periódico* reported receiving death threats shortly after publishing their findings. The principal officers identified in reports as linked to this network were relieved of duty, and Salan Sánchez stepped down as head of the EMP in July 2000, but the full extent of connections between the EMP and clandestine networks of organized crime have never been investigated.

In March 2003, the Guatemalan government signed an agreement to create an international commission to investigate the operations of illegal armed groups in Guatemala. The commission will be called the *Comisión para la Investigación de Cuerpos Ilegales y Aparatos Clandestinos de Seguridad* (CICIACS), Commission for the Investigation of Illegal bodies and Clandestine Security Apparatus, and it is to be mandated *inter alia*, to investigate government ties to these shadowy entities. Indications that the EMP may be linked to such groups, both historically and currently, suggest that any formal dissolution of the EMP without substantive inquiries into the full extent of its collaboration with these clandestine gangs is likely to be ineffective.

#### **4. Lack of accountability in the dismantling process**

Whatever have been the attainments thus far of the ongoing dismantling process, AI is unaware of any steps taken to assess accountability of individual officers for past human rights abuses committed by the EMP, or to ensure that the officers now being recruited to the SAAS or other newly-created bodies are not linked to past abuses. Although there were four convictions of EMP officers for their involvement in the Gerardi and Mack cases, the convictions were the result of sustained, courageous pressure from relatives and local human rights organizations, rather than government initiatives. Beyond those two cases, there has been no systematic effort to identify others who may have been involved in these or other cases and hold them accountable as part of the reform process. Further, as we have seen, in both cases, the convictions

were appealed, with the Mack case conviction being reversed upon appeal in May 2003.

Furthermore, the Guatemalan press has published repeated articles alleging the “recycling” of large portions of EMP staff into the new civilian SAAS. The total lack of accountability in this process not only attests to the government’s ongoing reluctance to systematically bring those responsible for past abuses to justice, but also casts doubt on the seriousness of its commitment to ensure that the new SAAS or other structures not replicate the abusive behaviors of their predecessor.

#### **5. Lack of political will to implement reforms to ensure accountability and civilian oversight in future intelligence operations**

The lack of accountability in the dismantling process itself, and more importantly, the failure to promote legislation ensuring civilian oversight of all intelligence operations in the future, points to a basic unwillingness to acknowledge the deeper roots of the problems deeply embedded in the Guatemalan intelligence system. Abolishing the structure called the EMP while simply reassigning its personnel to other units which operate entirely outside the scrutiny of democratic checks and balances does nothing to root out individuals or attitudes associated with systematic violations of human rights nor to dismantle the broader structures of impunity which have allowed such behaviors to go unpunished thus far. It simply “recycles” the problem, repackaging it in a new acronym.

In recent years, there have been several such ill-fated attempts to achieve legislative oversight of intelligence functions. Despite mounting interest in the issue among Guatemalan civil society organizations, these efforts were dealt several setbacks in the late 1990s. First, after visiting EMP premises in an attempt to carry out an investigation of its alleged participation in telephone espionage, Congressional Deputy Héctor Klee Orellana died in April 1999 in an ambiguous incident, the exact circumstances of which have never been clarified. It appeared that he had committed suicide, but the then Human Rights Procurator accused military intelligence of having harassed him so aggressively following his attempt to inquire into the illegal activities of the EMP that he decided to take his own life. At the time, the rightist business-dominated *Partido de Avanzada Nacional* (PAN), National Advancement Party administration of then-President Alvaro Arzú (1996-2000) responded publicly that it rejected attempts to hold military intelligence structures accountable, because “they are confidential, and are very useful to the government... the PAN also does not endorse the creation of a legislative commission to hold security bodies accountable”

(“éstos son confidenciales y sirven mucho al gobierno.... el PAN tampoco comparte la creación de una comisión legislativa que fiscalice a entes de seguridad”).<sup>12</sup>

Efforts to establish civilian oversight suffered another blow when a number of proposed constitution reforms were rejected in a May 1999 referendum. These had included proposals to create a *Comisión de Inteligencia del Congreso de la República*, or Congressional Intelligence Commission. Among the measures contemplated in these proposed reforms was legislation prohibiting the Guatemalan military from involvement in domestic policing, as explicitly called for in the Peace Accords. The failure of the reforms therefore represented an important setback for demilitarization generally, and of the military intelligence structures. Nonetheless, on the last day of the legislative session in 1999, Diputado Antonio Mobil Beltetón of the left-leaning *Frente Democrático Nueva Guatemala* (FDNG), New Democratic Front of Guatemala, presented a bill called *Ley Reguladora de la actividad de inteligencia, el acceso a información y el secreto de Estado*, Regulatory Law for Intelligence Activities, Access to Information and State Secrets. This represented the first time in Guatemalan history that such a proposal had ever been discussed on the floor of the nation’s Congress.

Under the current military-dominated *Frente Republicano Guatemalteco* (FRG), Guatemalan Republican Front administration of President Portillo, there have been several attempts to establish legislative oversight over intelligence bodies. Beginning in 1999, under the project *Hacia una política de seguridad para la democracia*, Towards a democratic security policy, civil society organizations began to organize “*mesas de trabajo*,” working groups, to analyze civil-military relations. One such group was created in April 2000 to devote itself specifically to intelligence reform. After working for a year, in itself a measure of the strength of civil society’s interest in this topic, the group produced a series of proposals intended to serve as the basis for a legislative initiative on this topic. At the same time, three Congressional blocks (PAN, the *Unionistas*, and FRG) presented proposals to create legislative commissions to work on matters of intelligence, each with different deputies behind them. Yet neither the civil society proposals nor the Congressional initiatives were enacted into law.

Under the leadership of Edgar Gutiérrez, the SAE proposed important legislation to implement processes for citizen access to information, principally a *Ley de libre acceso a la información* or “Habeas Data,” Law of Free Access to Information or

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<sup>12</sup> From the Guatemalan newspaper *La Hora* 5 septiembre 1998

“Habeas data.” The proposed law was initially submitted to Congress in 2001, and has since had its requisite third reading at which point, a law would normally be presented for final approval by Congress. Yet, in April 2003, it was returned to Committee, amidst objections from opposition parliamentarians that FRG deputies had apparently amended 30 of the law’s 45 proposed articles, without making the amendments known to the rest of Congress. The opposition accused the FRG of having manipulated the legislative process in order to provoke their understandable objections, so that the government could then convince the Consultative Group’s May 2003 meeting that it was not the government that was at fault for the additional delay in approving the law. In the meantime, approval of the law has once again been delayed.

At the time of writing, there also appears to have been little progress towards implementation of another proposed law, the *Ley de clasificación y declasificación de la información estatal reservada* (Law of Classification and Declassification of Restricted State Information). Guatemala currently has no law that specifies what should be considered a State secret or a matter of national security; which authorities are authorized to regulate) what is and what is not classified information; and which are the mechanisms and procedures which should be utilised to adjudicate when prosecutions are obstructed by arguments of national security. Absence of such measures have impeded genuine human rights inquiries and have provided a shield of alleged national security concerns behind which agencies such the EMP have sheltered, to prevent human rights inquiries from identifying members of state security agencies responsible for human rights abuses.

Arturo Montenegro, who replaced Gutiérrez at the SAE in early 2003 told a March 2003 Amnesty International delegation that passage of both measures were “fundamental to efforts to strengthen democratic institutionalality.” Yet, given that the SAE is a dependency of the executive, and that both the executive and the legislature are controlled by the majority FRG party, it should not be difficult, given adequate political will, for the FRG to muster the simple majority of votes in Congress necessary to approve such motions or to garner support in Congress for more significant initiatives to regulate intelligence activities and subject them to legislative oversight.

Amnesty International believes that the total lack of progress in this regard can only be attributed to unwillingness on the part of the ruling party to genuinely press for such legislation. As a result, there is currently *no* legislative oversight of intelligence, *no* provision for freedom of information, and *no* legislative mechanism defining the

way intelligence bodies are to operate or the limits on their mandate, appropriate activities, or modus operandi (other than the guidelines established in the Accords but not yet enacted into Guatemalan law).

Among civil society actors, interest in this issue has continued strong; a number of proposals as to the precise forms that oversight might take have been made with the support of both activists and academic analysts. Some of these discussions and proposals have been underwritten by international support: in 2002, for example, US Agency for International Development (AID) funded a public-private initiative to develop specific proposals to reform state security and intelligence functions. This initiative and others like it demonstrate that there is no lack of awareness, interest, or informed discussion on this topic. There is simply a lack of political will to enact laws stemming from these discussions.

## **Conclusion**

Amnesty International and other members of the international community interested in supporting human rights in Guatemala are deeply concerned that the proposed reforms to the EMP may amount to very little. Given the seriousness of the concerns outlined above, it is no longer sufficient for the Guatemalan government to merely create a new presidential security apparatus. To comply with its own commitments as enshrined in the Peace Accords, the government must abolish the EMP while simultaneously taking steps to ensure accountability for past crimes committed by EMP and other military personnel. It must also establish civilian oversight over *all* military intelligence structures to protect against the institutional propensity for future crimes. For this to happen, clearly abolition must be accompanied by new legislation to address these needs. While the precise mechanisms contained in this accompanying legislation should be left to Guatemalan civil society and government to determine, to attempt EMP dissolution without such measures would not only be extremely unlikely to implement the intentions of the Peace Accords – it would be virtually meaningless.

### **AI's recommendations**

#### **To the government of Guatemala:**

AI believes it essential that the *Estado Mayor Presidencial* (EMP) Presidential General Staff unit must be completely dismantled as called for in Guatemala's 1996 Peace Accords and as repeatedly promised by successive administrations. For

government protestations that this is underway to be credible, a specific time-table must be made public as to when each stage of this process is to be completed and what it will consist of. The demobilization process should be verified by bodies independent of the military and the executive. New agencies to replace the EMP must be subject to civilian over-sight and accountability.

Parallel to the demobilization process, former staff of the EMP must be screened to establish which were involved in human rights abuses. The authorities must also take steps to ensure that such individuals are not reincorporated into the security forces and/or into any new intelligence agency. To this end, the authorities should set up an information system to ensure that no agent of the EMP dismissed because of possible involvement in a human rights violation is employed in other official departments on similar duties. Private security forces must also be monitored to ensure that former EMP members dismissed because of possible involvement in a human rights violations are not employed by such bodies.

Any members or former members of the EMP believed to have been responsible for a human rights violation must be brought to justice. Even prior to the abolition of the EMP, where there is evidence suggesting that any EMP agents were involved in human rights violations, such agents must be immediately suspended pending investigation into the allegations, and this decision made public. Superior officers must be held responsible for acts committed by personnel under their command when there are sufficient grounds to suppose that they could have prevented or punished these acts.

In the absence of any formal complaint against EMP officials involved in human rights violations by the victim or his/her relatives, the authorities must act *ex officio* in order to ensure that investigations may be initiated (and re-opened in cases where earlier investigations were not pursued or concluded), until the fate of the victim has been clarified, the circumstances of the violations clarified and the material and intellectual authors precisely identified.

When cases already brought before the Guatemalan courts have been left open against specific named members of the EMP, believed to have been responsible for ordering or carrying out specific abuses, proceedings should be initiated or resumed against these agents in the Guatemalan courts. Where there are pending warrants against any EMP or former EMP members in connection with human rights abuses, these should be carried out.



All EMP agents responsible for human rights abuses should be brought to justice in accordance with international standards for fair trial. This principle must be upheld in all cases, independently of where the perpetrators happen to be, the place where the crime was committed and the nationality of the victims or those responsible.

In both its screening and judicial processes involving the EMP, the authorities should make use of the relevant information collected both by the Guatemalan Church's Recuperation of the *Recuperación de la Memoria Histórica*, (REMHI) Historical Memory Project, and that compiled by *Comisión de Clarificación Histórica* (CEH), the Historical Clarification Commission, which operated under the aegis of the United Nations (UN).

Through the appropriate chain of command, the authorities should ensure the cooperation of the army in judicial investigations, making clear that the destruction of evidence, the obstruction of justice or threats against those involved in the proceedings will not be tolerated but will be considered a criminal offence. In particular, records of the EMP relating its past activities and personnel must be made available to the Courts in connection with human rights inquiries. The army must also cooperate with any other special bodies that come into being to enquire into past abuses in which EMP agents may have been involved. This must include the proposed *Comisión para la Investigación de Cuerpos Illegales y Aparatos Clandestinos de Seguridad* (CICIACS), Commission for the Investigation of Illegal bodies and Clandestine Security Apparatus

The authorities must also ensure that evidence collected in the course of judicial inquiries, past, current and future, into human rights violations carried out by EMP members are preserved, and that concealment, destruction or falsification of such information is punished by the law.

The authorities should ensure that when the EMP is disbanded, all military weapons in the hands of all former agents are recalled. This must include those who left the EMP before its final demobilization.

AI urges passage of the two proposed pieces of new legislation which would contribute towards the end of ensuring that any new agencies which absorb the legitimate intelligence functions of the EMP are subject to civilian over-sight and accountability. These are the *Ley de Acceso a la Información* or *Hábeas Data* (Law of Information or Habeas Data) and the *Ley de clasificación y declasificación de la información estatal reservada* (Law of Classification and Declassification of Restricted State Information). AI also urges that any further legislation necessary to secure these ends be implemented.

In the establishment of new agencies to absorb the legitimate intelligence activities of the EMP, care should also be taken to ensure that appropriate investigatory and disciplinary mechanisms are established from the inception of the new agencies, to ensure that its agents are unable to engage in the illegal activities, including human rights violations, carried out by the EMP. Programs in human rights training should also be offered from the inception of the new bodies to all those who are to serve in them.

The proposed CICIACS commission is to be mandated to look into the operations of shadowy clandestine security groups and apparatus to which the EMP is believed to be linked. AI urges that the authorities take timely steps to ensure that the proposed commission comes quickly into being, that its activities are not hindered and that its findings are acted upon.

Past experience clearly shows that attempts to bring members and former members of the EMP to justice for human rights violations places all those involved in the process, including witnesses, families and justice operators as well as those who report on these initiatives, in grave danger. AI urges that a genuine witness protection program be established to ensure that such persons are adequately protected.

Many victims of human rights violations carried out by EMP agents are believed buried in clandestine graves. AI urges that the Guatemalan authorities institute a government program of exhumations, to uncover the victims, collect any available forensic evidence for use in proceedings against the perpetrators, and return the victims to their families for burial. The methodology of the exhumations, autopsies and analysis of skeletal remains should conform to the model protocols proposed by the UN, based on the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions and on the Model Autopsy included in the UN Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

All persons who were victims of human rights violations at the hands of the EMP should be given adequate reparations. This should include mental health programs to address the trauma suffered by those subjected to human rights violations including rape carried out by EMP agents.

The Guatemalan State and military must publicly recognize the responsibility of the EMP for past human rights violations and must acknowledge the pain and trauma suffered by victims and their relatives.

Neither the government or the army should introduce any measures (legislative or administrative) which could prevent the facts being clarified regarding human rights violations committed by EMP agents, the prosecution of those alleged responsible,

their sentencing if they are found guilty, or adequate reparation for the victims. To this end, the government should repeal the relevant provisions of earlier amnesty laws, for example Decree Law 08-86. It should also take legal measures which clarify the Law of National Reconciliation of 1996 to ensure that this law does not allow members of the EMP and others who have perpetrated certain human rights violations, including extrajudicial execution, arbitrary detention, rape and sexual abuse, or other forms of cruel, inhumane and degrading treatment, to be exonerated from penal responsibility. As specified in international law, in no circumstances should any statute of limitations be established for such crimes; nor can any defense be accepted on the grounds of superior orders.

Measures must be instituted to ensure that budgetary procedures are transparent as regards funding of the intelligence activities of the agencies which take on the legitimate intelligence functions of the EMP. This is necessary to ensure that it will no longer be possible for additional funding to reach the intelligence agencies beyond those publicly declared, or for funds to be diverted to the intelligence agencies under the rubric of activities which do not properly lie within their sphere of activities, as has been the case with the EMP.

### **Special obligations of the Consultative Group**

The following recommendations are addressed at all second governments and to all inter-governmental organizations. In this context, AI believes that governments and institutions that are members of the Consultative Group have a special responsibility to press the Guatemalan authorities to abolish the EMP and to take the other steps recommended below. This obligation has been reinforced by the May 2003 meeting of the Consultative Group which found that despite the undertakings made by the Guatemalan government in its 2002 meeting with the Consultative Group, the past year had seen retrogression rather than progress in implementation of the Peace Accords, particularly as regards human rights protection, administration of justice and citizen security and called explicitly for the EMP to at last be abolished. AI concurs that abolition of the EMP, efforts to bring its members to justice for the human rights violations they committed, and steps to replace its legitimate intelligence functions with agencies that are accountable to and monitored by civilian agencies are a vital component of moving forward in all three of these important areas. It most strongly urges the CG to insist that the authorities at last deliver on their oft-repeated promises to put an end to this agency's operations.

Other recommendations of the CG's May 2003 meeting which reflect AI's concerns and are congruent with the recommendations which follow below were that steps should be taken to combat impunity and see that justice is done with respect to the abuses of the past; that allocations to the military budget should be handled with total transparency and that pending laws, (which would include the *Ley de libre acceso a la información* and *Ley de clasificación y declasificación de la información estatal reservada*) should be passed and implemented; and that a commission should be created to investigate clandestine security apparatus.

The CG also criticised the fact that compensation had been agreed for civil patrollers' service during the conflict and disbursement of monies for them initiated, while at that point, there was as yet no plan to compensate the victim of abuses carried out by the patrollers and other government agents. The CG also expressed its disappointment at the re-militarization of the country and its concern at the set-back to justice represented by the May decision by a Guatemalan appeals court to absolve the member of the EMP found guilty for the Myrna Mack killing.

Finally the Group called on all branches of government, civil society and the private sector to publicly re-commit themselves to implementation of the Peace Accords and for all sectors of Guatemalan society to agree a national plan to move forward in these areas. AI especially urges the Consultative Group to insist on the formulation of such a plan, with specific concrete indicators and time periods, as to which goals are to be attained and when, and how progress toward them is to be measured.<sup>13</sup> Otherwise, there is a real danger that by the time of the next Consultative Group meeting, which the Group's members agreed is to take place within the first six months of 2004, there will once again have been no improvement in the human rights situation in Guatemala.

### **Recommendations to second governments and international institutions**

AI urges that foreign governments and institutions continue to press the Guatemalan government to abolish the EMP and bring any EMP agents involved in human rights abuses to justice. Foreign government and institutions should also press the Guatemalan authorities to ensure that any agencies which replace its legitimate intelligence functions are subject to civilian over-sight and monitoring. Donors should ensure that cooperation monies are directed towards implementing the aims of the 1996 Peace Accords, and that no such funding is directed towards any agencies which replace the EMP without being subject to adequate civilian monitoring and control.

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<sup>13</sup> AI's own suggested benchmarks/indicators to monitor and press for progress in human rights-related areas in Guatemala are given in the document of that name, (AMR 34/067/2002).

The proposed CICIACS commission is to be mandated to look into the operations of shadowy clandestine security groups and apparatus to which the EMP is believed to be linked. AI urges international support for the proposed Commission, including as regards protection for those who form CICIACS and those who assist them in their inquiries.

As many victims of human rights violations carried out by the EMP are believed to be buried in clandestine graves, AI urges that donor governments and agencies urge the Guatemalan government to establish a government exhumations program and asks that donor governments and agency support both this program and the independent exhumation programs carried out by Guatemalan non-governmental organizations with financial assistance, training programs and loan of qualified experts. As noted above, the methodology of the exhumations, autopsies and analysis of skeletal remains should be in accord with appropriate international standards and protocols.

Second governments who offer training to Guatemalan police and military should ensure that no such individuals were previously members of the EMP responsible for human rights abuses.

AI also urges donor governments and agencies to support human rights training programs for all those who are to serve in new bodies which absorb the legitimate intelligence activities of the EMP.

Where EMP members involved in extrajudicial executions, “disappearances,” torture or other human rights violations have fled abroad, foreign governments should collaborate with any efforts to extradite them to stand trial in Guatemala or to bring them to justice under the doctrine of universal jurisdiction, which dependent on the circumstances of the case, authorizes or requires that states exercise national jurisdiction regardless of where the crime has been committed or the nationalities of the victims and perpetrators.

AI urges that foreign governments press the Guatemalan authorities to create a genuine witness protection program, to ensure that all those involved in efforts to bring members or former members of the EMP to justice for human rights violations are adequately protected, including witnesses, families and justice operators. AI urges that foreign governments offer financial support and/or training for such programs. Where such persons feel they cannot be protected in Guatemala, AI urges that foreign

governments offer them asylum in compliance with the UN's 1951 Convention Relating to the Status of Refugees.

AI urges foreign governments support reparations programs, including as regards mental health, for those who suffered human rights violations carried out by the EMP.



## GLOSSARY

<b>AFPC</b>	<i>Acuerdo sobre fortalecimiento del poder civil y función del ejército en una sociedad democrática</i> , Accord on the Strengthening of Civilian Power and the Role of the Army in a Democratic Society
<b>AGSAEMP</b>	<i>Archivos Generales y Servicios de Apoyo a la Presidencia de la República del Estado Mayor Presidencial</i> , General Information and Support Services for the President of the Presidential High Command
<b>AID</b>	US Agency for International Development
<b>AVANCSO</b>	<i>Asociación para el Avance de las Ciencias Sociales</i> , the Association for the Advancement of the Social Sciences
<b>CICIACS</b>	<i>Comisión para la Investigación de Cuerpos Illegales y Aparatos Clandestinos de Seguridad</i> , Commission for the Investigation of Illegal bodies and Clandestine Security Apparatus
<b>D2</b>	Military intelligence agency
<b>DECAM</b>	<i>Departamento de Control de Armas y Municiones</i> , Department for the Control of Arms and Munitions
<b>DIA</b>	United States (US) Department of Defence Intelligence Agency
<b>DICAI</b>	<i>Departamento de Inteligencia Civil y Análisis de Información</i> , Department for Civil Intelligence and Information Analysis.
<b>DICAI</b>	<i>Departamento de Inteligencia Civil y Análisis de Información</i> , Department for Civil Intelligence and Information Analysis
<b>DIEMDN</b>	<i>Dirección de Inteligencia del Estado Mayor de la Defensa Nacional</i> , the Intelligence Unit of the National Defence Chiefs of Staff
<b>EMP</b>	<i>Estado Mayor Presidencial</i> , Presidential General Staff, also translated as the Presidential Guard or Presidential High Command
<b>FDNG</b>	<i>Frente Democrático Nueva Guatemala</i> , New Democratic Front of Guatemala (political party)
<b>FRG</b>	<i>Frente Republicano Guatemalteco</i> , Guatemalan Republican Front (political party)
<b>GAM</b>	<i>Grupo de Apoyo Mutuo</i> , Mutual Support Group, a Guatemalan human rights organization
<b>IAC</b>	Inter-American Court of Human Rights
<b>IACHR</b>	Inter-American Commission on Human Rights

<b><i>La Regional</i></b>	The Regional, common name for the <i>Servicios Especiales de Comunicaciones de la Presidencia de la República</i> , Special Communications Services for the Presidency,
<b>MINUGUA</b>	<i>Misión de Verificación de las Naciones Unidas en Guatemala</i> , United Nations (UN) Human Rights Verification Mission in Guatemala
<b>ODHAG</b>	<i>Oficina de Derechos Humanos del Arzobispado de Guatemala</i> , Human Rights Office of the Archbishopric of Guatemala
<b>PACs</b>	<i>Patrullas de Autodefensa Civil</i> , Civil Defence Patrols
<b>PAN</b>	<i>Partido de Avanzada Nacional</i> , National Advancement Party (political party)
<b>PNC</b>	<i>Policía Nacional Civil</i> , National Civil Police
<b>REMHI</b>	<i>Recuperación de la Memoria Histórica</i> , Recuperation of the Historical Memory Project (of the Guatemalan Catholic Church)
<b>SAAS</b>	<i>Secretaría de Asuntos Administrativos y de Seguridad de la Presidencia de la República</i> , Secretariat of Administrative Affairs and Security of the Presidency
<b>SAE</b>	<i>Secretaría de Análisis Estratégico</i> , Secretary of Strategic Analysis
	<b><i>Servicios Especiales de Comunicaciones de la Presidencia de la República</i></b> , Special Communications Services for the Presidency, (commonly known as <i>La Regional</i> , the Regional)