

Political Violence and the Guatemalan CICIACS

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This bulletin is based on a presentation of the same title delivered at CERLAC by Simon Helweg-Larsen on March 7, 2006. Simon was then a Master's candidate in Social and Political Thought at York University. He conducted research in Guatemala on the Commission for the Investigation of Clandestine Groups and Illegal Armed Organizations (Comisión para la Investigación de Cuerpos Ilegales y Aparatos Clandestinos de Seguridad, CICIACS) during the summer of 2005, interviewing members of human rights organizations and government agencies involved in the process. In this seminar, he discussed efforts to create the CICIACS commission, placing this process within the wider themes of peace accord non-implementation and post-war political violence. Now writing under his married name, Granovsky-Larsen, Simon is a PhD candidate in York's Political Science department.



Political violence is on the rise in Guatemala, including hundreds of threats and attacks against human rights defenders during the last five years. Yet while the Guatemalan government has failed to reform the justice and security sectors to adequately address this situation, local human rights organizations initiated the creation of an

international commission to investigate the attacks in 2004.

Between 2002 and 2004, Guatemalan non-governmental organizations attempted to create a commission that would investigate post-war attacks against human rights defenders, an initiative that was eventually defeated following opposition from the Constitutional Court. Despite this defeat, the CICIACS process nevertheless left an impression on Guatemala's political climate.

The immediate roots of political violence in Guatemala can be found in the country's thirty-six year armed conflict. Between 1960 and 1996, over 200,000 Guatemalans were killed and one million were displaced due to a systematic campaign of state terror. This culminated in genocide against the indigenous Mayan peoples, especially from 1978-1983 when at least 660 indigenous villages were destroyed and saw their populations massacred.

While a counterinsurgent war against leftist guerrillas explained much of the ruling military factions' conduct, and certainly all of the justification for their actions, their tenure controlling the Guatemalan state during this era must also be understood as providing personal power and wealth to a select few. Accompanying the re-composition of the intelligence, security, and judicial sectors along political-military lines was an erosion of

public institutions by nascent criminal networks operating within the military governments. The subsequent enrichment and emergence of a new elite class of military-dominated organized criminals upset traditional Guatemalan power distribution in a political reshuffling that remains unsettled to this day.

It is within this context that the recent wave of violence against human rights defenders must be understood, as these attacks began following the 2000 presidential election of a political party dominated by the criminal-military elite. Alongside the symbolic defeat of the Peace Accords in a 1999 constitutional referendum, the electoral return of military interests created a permissive climate for those who would use violence to protect criminal activity and legal impunity.

Whereas just one attack on a human rights defender was recorded in 1997 and twelve cases were noted in 1999, this number jumped to 61 in the year 2000. The number of attacks increased again to 81 the following year and to 115 in 2002. This number has continued to rise annually, reaching 224 cases in 2005. The definition of an attack, as used by human rights activists in Guatemala, includes threats, intimidation, property damage, theft, and legal persecution, as well as murder, kidnapping, torture, and other physical violence. Threats and intimidation constitute the largest

number of attacks, but backed up as they are by the fifty-nine murders of activists between 2000 and 2005, such threats are taken seriously.

Human rights activists have identified patterns in the attacks, which most frequently target people whose work focuses on the military, landowners, business owners, or the government. These also tend to be carried out in cycles, with months of few instances followed by periods of near-daily attacks. The cyclical nature of the attacks appears to respond to specific political events and activities. Activists are targeted, for example, in the days before publishing a report or during their participation in a court case. Activists also suggest that these cycles are intended to generate terror within the human rights community, as any period of apparent calm will surely be followed by a fresh wave of violence.

Targeting specific types of activities and corresponding with political events, the attacks against human rights workers appear to be coordinated rather than spontaneous, and to flow from consistent sets of actors. While there are no claims that a single group has carried out the hundreds of attacks, there is enough consistency between the cases to suggest a high level of organization. However, with next to no official investigation having been conducted, very little information exists on the sources of these forms of aggression.

After a second year of heightened attacks in 2001, a group of six Guatemalan human rights organizations responded to the situation by composing the first draft of a document that proposed an investigation into the violence. The text described a process of investigation that would produce a

report on the armed groups responsible for attacks against human rights defenders. This report would then be given to the public prosecutor's office, which would consider initiating criminal prosecution of those identified by the CICIACS.

After the United Nations became involved in drafting a final agreement in 2003, however, the CICIACS took on a new form: one that was more powerful, independent, and with a much more ambitious mandate. In an effort to bypass the largely ineffective public prosecutor's office, the United Nations proposed the creation of the CICIACS as an international body operating within Guatemala and vested with legal powers of investigation and prosecution. Instead of simply producing a report on the activities and identities of people behind the attacks, the joint Guatemalan and international CICIACS team would act as a body of criminal prosecution and carry its own investigations through the legal system. It was also agreed that CICIACS investigators would have unobstructed access to all state institutions.

However while this enhancement of the CICIACS was considered necessary in order for a thorough and effective investigation to be carried out, the changes also doomed the commission to failure. After having been signed by the government and the United Nations, the CICIACS awaited approval by the Guatemalan Congress. However, the combination of an anti-CICIACS media campaign, a lack of governmental political will, and an ineffective promotion of the commission facilitated its rejection by Guatemalan lawmakers.

The argument upon which the CICIACS was opposed revolved

around political sovereignty and centered on inconsistencies with the Guatemalan Constitution. Local NGOs and a United Nations legal team argued that those inconsistencies would be overridden by the adoption of the CICIACS as an international treaty, but these arguments nevertheless formed the reasoning of a non-binding Constitutional Court opinion opposing the commission. A congressional decision followed suit, leaving the CICIACS officially defeated by mid-2004.

This rejection signaled the end of the CICIACS as imagined by its original authors. The Guatemalan government has recently released another draft of the commission, this time written without the participation of the human rights community. Its proposed powers and mandate, however, fall far short of the United Nations version of the CICIACS, and many local organizations doubt its potential effectiveness. Despite the abrupt conclusion and unfortunate failure of the original CICIACS commission, however, the process through which it was proposed in itself had significant political impact, both positive and negative.

First of all, some human rights workers believe that the CICIACS process strengthened the very armed groups and supporting actors that it intended to rein in. Right-wing factions were successful in stopping the implementation of an international agreement signed between the United Nations and the government of Guatemala, demonstrating the highest level of perceived impunity to parties responsible for the violence. Attacks did increase significantly in the year following the collapse of the commission, but a number of other factors make the assumption

of CICIACS responsibility for this difficult to judge.

On the other hand, the CICIACS process brought the issue of illegal armed groups and attacks against human rights defenders to national attention, in itself a victory for the social movements proposing the commission. In the process of negotiating the CICIACS and eventually agreeing to its creation, the Guatemalan government recognized both the existence of these armed groups and their possible connections within state institutions, as well as the government's obligation to combat these.

Finally, the CICIACS process can be understood as reflecting a moment in post-war Guatemala when violence was on the rise, the peace accords showed no sign of becoming reality, and the need for new responses had become apparent. Coming from grassroots organizations and responding to their experience of post-war violence, the CICIACS represented perhaps the first such proposal, addressing violence from outside of the blueprint of the peace accords yet without straying from their agenda. At the heart of the CICIACS attempt was a belief in the necessity of combating impunity as a first step towards reversing trends of post-war violence. And while its final impact in the shape of an eventual investigative commission remains to be seen, the CICIACS process and the human rights movements that brought it to life have helped focus attention on the importance of countering impunity.



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