



GUATEMALA HUMAN RIGHTS COMMISSION/USA

3321 12th Street NE, Washington, DC 20017 | 202-529-6599 | www.ghrc-usa.org

Fuego Volcano Eruption Update:

Golfers evacuated while poor died in superheated ash clouds, prosecutors announce investigation, and Congress initiates laws for impunity for crimes against humanity and illegal campaign financing

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Jackie McVicar, Guatemala
Annie Bird, Washington

Nine days have passed since the Fuego Volcano erupted, sending Guatemala into a state of calamity. Official statistics now put fatalities at 110, but on the ground reports suggest the number is much higher, entire communities were buried in the lahar, boiling ash, mud and gas. International and national rescue workers continue to search for the missing. Official sources cite 197 people reported missing. Some on the ground reports estimate that there could be thousands. [Government reports](#) indicate 3,858 people are still living in 17 shelters. Concerns remain that continued pyroclastic flow and lahar, combined with the onset of the raining season, is making rivers grow to dangerous levels.

The number of people killed may never be clarified; entire villages disappeared and local sources report that the number of households in them were much higher than official statistics indicate. Damages to infrastructure and crops, particularly the coffee, corn and bean plots that cover Fuegos' flanks, have been very significant. It is estimated that over 1,700,000 people have been affected.

At 6am on Sunday, June 3, the National Institute of Seismology, Volcanology, Meteorology and Hydrology [INSIVUMEH], the Guatemalan government scientific research agency charged with monitoring Guatemala's four active volcanoes, issued a statement that an eruption of the Fuego volcano was in progress; the agency had already issued a similar statement the previous day. Five more updates ensued in which INSIVUMEH called on the agency responsible for issuing alerts, the National Coordinator for Disaster Reduction [CONRED], to do so. CONRED did not issue an alert, an orange alert, until 4:18 pm. Critics say it should have been a red alert to immediately evacuate. In any case, by that time it was too late for the majority of the victims, the communities of San Miguel Los Lotes or El Rodeo were all but destroyed. [See photos by Daniele Volpe here.](#)

No evacuations

Villages received no warning of the imminent eruption before they were engulfed in superheated ash. Though a local CONRED staff person was reportedly killed by these *pyroclastic clouds* enroute to visit threatened communities, the large-scale mobilization of the military foreseen in recent training exercises never materialized. Just a few weeks before, April 16 to 27, 2018, the U.S. Southern

Command's [Joint Task Force Bravo](#), the Guatemalan Army and the different institutions that comprise CONRED, simulated a response to an eruption of the Fuego Volcano.

The successful evacuation of over 300 guests and employees of the La Reunion Hotel in Sacatepequez has led to profound concern as to why devastated marginalized villages had not also been evacuated. [Evelyn Ordonez](#), Manager of the La Reunion Hotel in Sacatepequez explained in a [June 10 interview on Canal Antigua](#) that the Hotel had downloaded alerts from INSIVUMEH at 10am Sunday, June 3, and after watching the progress of the eruption, at 11:30am, hotel management decided to evacuate. While refuting [Mexican journalists reporting](#) that the Hotel received privileged information that poor villagers did not, she emphasized the decision was based on common sense; no government authority suggested they evacuate. The question remains, if a hotel manager had the common sense to evacuate, why did CONRED not display similar common sense?

When [journalists questioned](#) why poor communities were not evacuated like the luxury hotel. CONRED's Executive Director Sergio Cabañas replied "Who evacuated the rich people on the golf course? No one. Who evacuated the poor people? No one." Other CONRED officials explained they depend on area residents to self evacuate, and were even perceived to criticize victims, who had received no warnings, for not deciding to evacuate on their own. But questions about their failure to communicate with villages did not seem to impact the agency's actions; on June 6 [Guatemalan newspapers reported](#) that 10,000 people in communities less than 15 kilometers from Fuego's crater had still not received any orientation from government authorities despite ongoing volcanic activity. They feared continued eruptions, and that their only evacuation route would be closed by the swelling rivers.

Disaster prevention chiefs unqualified; criminal investigations announced

Neither the Executive Director of CONRED, nor his two sub-secretaries have experience in disaster prevention, according to [El Periodico](#), which reports that when President Jimmy Morales named Sergio Cabañas as CONRED Executive Director in June 2016, he had no experience in public administration or risk and vulnerability management, as required by the laws that govern the agency. The appointment of Cabañas came as the Morales Administration restructured the agency and replaced the technical cadres with members of the military. According to El Periodico, Cabañas has honorary degrees in risk management, and has been known to sign documents as "Doctor" but has not undertaken the academic preparation required to earn the degrees. Both sub-secretaries working with Cabañas also lack the required experience and qualifications for their positions.

Attorney General Consuelo Porras [announced](#) that the Public Prosecutor's Office would begin a criminal investigation into [negligence](#). She instructed prosecutors to "initiate an investigation of the case and establish if the protocols necessary to permit prudent and opportune decision making were activated."

The lack of action by Cabañas and his team, and the response to the disaster across government agencies, has generated widespread national repudiation. A torch-lit march organized by the University Students' Association on Saturday - five days after the eruption - [saw thousands](#) of Guatemalans take the streets to demand the resignation of the President while mourning the

disappeared and deceased. Immediately following the disaster, reports from borders and neighboring countries emerged that aid was not allowed into the country and community volunteers, firefighters, churches and NGOs began providing on the ground support. On Wednesday, the government announced that the military would be responsible for distribution of goods from the collection centres, a decision that was immediately denounced by human rights and civil society organizations for their implication in human rights violation and corruption.

Shock Doctrine Legislative Initiatives: Congress' first priority during the disaster, immunity for crimes against humanity and illegal campaign financing and outlawing gay marriage

While the Congress of Guatemala officially announced a 30 day State of Calamity following the disaster, a number of congressional committees met to look at reforms to national laws. The Commission on Legislation and Constitutional Points voted in favor of controversial initiatives, which approves initiatives to be presented to the Assembly, has passed a series of controversial initiatives.

Amendments were proposed to modify the National Reconciliation Law passed during the Peace Process in the early 1990s. The provisions would limit the ability to punish crimes against humanity. Referring to the changes, Fernando Linares Beltranena, PAN party congressman, said that amnesty would be given to everyone involved in Guatemala's internal armed conflict and that the changes should be retroactive, implying it should be applied to those recently convicted in the Molina Theissen case. Prior to being elected to congress, [Linares Beltranena](#) was a lawyer who defended high ranking military officers, drug traffickers and businessmen while also representing people responsible for illegal child adoption.

On the same day, the law initiative called "Law for the Protection of Life and Family" was approved, the law makes abortion criminally punishable, prohibits union of same sex couples, and makes changes to curriculum referencing sexual diversity.

Also that on June 8, an "Extraordinary" Congressional Commission approved [previous rejected](#) reforms to Article 407 "N" of the criminal code, which deals with illicit campaign funding. Eleven of the 16 people who make up the Commission approved changes that would lower the penalties for the crime to 1-3 years of jail time (commutable) and a fine of 20,000-100,00 Quetzales (\$2600-\$13,500) which critics say is not sufficient to be a deterrent. President Jimmy Morales and his party, FC-Nacion has been repeatedly accused of receiving illegal donations during the 2015 electoral campaign. In 2007, the Public Prosecutor asked for an impeachment to strip him of immunity and allow for a proper investigation, a request that was denied by Congress.

Last week a law to restrict non governmental organizations passed Congressional Committee and was presented in the assembly yesterday, June 11, for its first reading. Human rights organizations say this law would severely limit their ability to conduct their work.

Read more on the changes to the law in NACLA - [Fighting Impunity, Seeking Justice in Guatemala](#)