



GUATEMALA HUMAN RIGHTS COMMISSION/USA

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

No Relief in Sight:

Alejandro Giammattei, a new face backed by the same old criminal networks

January 15, 2020

GHRC

President-elect Alejandro Giammattei took office yesterday in Guatemala City. He was never expected to win. After three unsuccessful presidential bids, Giammattei made the runoff Presidential election in August by just one percentage point and only after three candidates had been eliminated through legal actions. His only experience in public office was a 2004-2008 stint as National Prisons Director. In 2010, he was charged with the extrajudicial execution of seven inmates under his watch. Though others indicted on related charges were convicted, charges against Giammattei were eventually dismissed by a judge who was later sanctioned as a result of corruption charges, though not in relation to Giamatti's trial.



Alejandro Giammattei became Guatemala's president January 14; he is a champion of retired military officers and extractive industries.

Giammattei comes to the presidency backed by a group of hard-line former military officers reportedly associated with the sector that opposed the peace process that ended Guatemala's 36-year civil war. Many are also associated with industries that extract resources from rural communities – often with US, Canadian and European investment - a sector Giammattei has pledged to promote. Some are active members of organizations that have promoted dozens of malicious lawsuits intended to stop the work of public prosecutors, judges, experts, and human rights defenders who contribute to ending impunity for corruption, ongoing human rights abuses, and crimes against humanity carried out during Guatemala's civil war.

Giammattei won 13.9% of the votes in the June 16, 2019 general election, taking second place to former first lady Sandra Torres' 25.53%. He came in just 2.5% ahead of Thelma Cabrera - the highest polling indigenous presidential candidate ever, who reported very serious problems during her campaign, including murders of party leadership - and just 1% ahead of a career diplomat. Giammattei then won the August 11th run-off with just under 58% of votes.

The same day, Giammattei announced most of the members of his cabinet, but didn't divulge the names of key security appointments. Then, during an October 25 regional security conference in El Salvador, retired Air Force General Roy Dedet announced who would be appointed Secretary of Defense, Interior Minister, and the National Security Council. Though Giammattei confirmed the announcement days later, the fact that such an important announcement was made while Giammattei was visiting Taiwan left Guatemalan news analysts speculating that Dedet was the power behind the presidency.

What Peace Accords?

A key player in Giammattei's campaign, Dedet announced that he would become Giammattei's National Security Advisor, and that he was in charge of the presidential transition. He attributed authorship of the new administration's security strategy to former General Gustavo Adolfo Diaz Lopez, best known for leading a failed coup in 1988 of hard-line officers opposed to the peace process, the "Mountain Officers." Guatemalan press reported that, when asked if the appointment of former military officers to public security positions was a violation of the 1996 Peace Accords, Giammattei replied, "What peace accords? The peace accords have been violated."

The war has not ended for networks of military officers active during the genocide. Not only do they undermine democracy in order to maintain impunity for the most heinous crimes against humanity imaginable, but they continue to exploit the spoils of war, concessions to water and mineral rights, and land titles obtained through corruption and violence. Thousands of residents of rural communities seeking respect for their land and resource rights are targeted by false prosecutions that violate their fundamental rights, while political opposition has been targeted in killings bearing the hallmarks of death squad operations.

On January 6, an umbrella organization of associations of former military officers actively working to achieve impunity for appalling crimes made a statement denouncing the date as the four year anniversary of the "cowardly" arrest of 18 military officers on crimes against humanity charges related to the CREOMPAZ and Molina Theissen cases. The organization voiced support for Giammattei, and echoed his assessment that the peace "agreements have been violated" but went on to elaborate, "by terrorist criminals and that have served as a political, ideological flag for the perverse persecution against the military, military commissioners and civil self-defense patrollers."

The expected National Security Council appointments include former military officers with terrible human rights records and credible allegations of close relationships with members of organized crime networks. The proposed Interior Minister, charged with overseeing law enforcement, is former general Edgar Godoy Samayoa. Press reports he has been a close

associate of one of the most notorious organized crime figures in Guatemala, Luis Francisco Ortega Menaldo- during the campaign, Giammattei used a helicopter registered to a company owned by Ortega Menaldo. The anticipated Vice Minister of Security Elmer Anibal Aguilar Moreno has been criticized in the press for his close relationship to members of the Zeta crime syndicate.

Dedet himself was named during the trial of three military officers convicted of Bishop Juan Jose Gerardi's 1998 murder. Bishop Gerardi was killed following the publication of the Catholic church's truth commission that reported atrocities committed during Guatemala's 36-year civil war. A witness testified that Dedet, a member of then President Alvaro Arzu's Presidential Guard (*Estado Mayor Presidencial* - EMP), coordinated protection for Captain Byron Lima Oliva, convicted of the murder in 2001 alongside his father Coronel Byron Lima Estrada and intelligence Sargent Obdulio Villanueva. All three convicted murderers were fellow members of Arzu's EMP. Byron Lima grew to influence significant control of the prisons through corruption networks. In October 2017 prosecutors requested removal of former president Arzu's immunity so he could face corruption charges for facilitating "phantom salaries" from Guatemala City's municipal budget to imprisoned Byron Lima Oliva and Obdulio Villanueva's widow; Villanueva was beheaded in jail in 2003. The request was initially denied. Arzu died before the prosecutor's appeal was reviewed.

The EMP was a military institution responsible for protecting the president. Considered the power behind the presidents, in compliance with the 1996 peace accords, the EMP was closed, replaced by the SAAS in 2003. In 2008 the National Security Council (CNS) was created. Comprised of top-level security related presidential appointees, it assumed many of the functions of the defunct EMP. The CNS maintained a low profile, but gained visibility on September 4, 2018 when the administration of President Jimmy Morales announced the CNS had barred Ivan Velasquez - then Commissioner in charge of the International Commission Against Impunity in Guatemala (CICIG) - entry into Guatemala, a move the Constitutional Court ruled illegal. In December Giammattei announced his intention to close the SAAS.

Giammattei's appointees promote impunity, weaken the justice system

Guatemalan press also reports that Dedet and Godoy are both active members of the Foundation Against Terrorism, an organization which has used its influence within the judiciary to promote malicious, false prosecutions of human rights defenders-- and even internationally acclaimed public servants such as prosecutors with the Office of Special Prosecutor for Human Rights. Many defenders have spent years in preventive detention or have pending arrest warrants, illegal reprisals for their efforts to use the justice system to prosecute human rights abuses.

Just yesterday, the day of the inauguration, trial began of internationally renowned land rights defender Daniel Pascal on slander charges promoted by the Foundation, a case which the International Federation for Human Rights has called an infringement on freedom of expression that places the human rights defenders at risk, noting procedural anomalies in the process. The charges against Pascual stem from a press conference following a January 2013 violent attack

against him in which Pascual cited incendiary publications by the president of the Foundation Against Terrorism as contributing to the attack.

In another prominent case, the chief prosecutor in charge of Guatemala's internationally renowned Human Rights Prosecutors Office, Orlando Lopez was removed from his position, arrested and held in prison after the Foundation Against Terrorism formally joined in the prosecution of a traffic accident. The Foundation's participation in the case is illegal as it bears no relevance to its mandate. After the Foundations involvement, the treatment of the case showed irregularities. Lopez led the January 6, 2016 arrest and prosecution of 18 former military officers on charges of crimes against humanity, and also led the prosecution of Efraim Rios Montt on genocide charges. Lopez had been subjected to many previous attempts of malicious prosecution by the Foundation, his colleague, the Chief of the Prosecutor's Office against Impunity (FECI), CICIG's national counterpart, has been subject to approximately 80 complaints, as have many of their colleagues, judges, forensic experts and human rights defenders. Lopez's case is expected to go to trial early this year.

Reorganization and weakening of State agencies that protect human rights and combat impunity is another tactic that has been aggressively pursued by the administration of outgoing president Jimmy Morales and it is feared that Giammattei will continue along this path. The Office of the Special Prosecutor for Human Rights is being divided into three smaller prosecutors' offices, a measure that could weaken the office. This office has been key not only to prosecution of crimes against humanity, but also resolving malicious prosecution of rights defenders. Other key institutions targeted include the Constitutional Court, the Supreme Court, the office of Human Rights Ombudsman (PDH) Jordan Rodas, the Secretariat of Peace charged with implementing the 1996 peace accords, and the Peace Archives from the former police headquarters.

In the most notorious institutional change, the Morales administration ended CICIG's mandate on September 3, 2019, after attempting an illegal, summary closure. While FECI is expected to continue prosecutions started under CICIG, it is greatly weakened without the presence of CICIG. Many important cases are currently being prosecuted by FECI, including one that involves Giammattei.

Four trials in three countries show extrajudicial killings happened under Giammattei

In one of CICIG's first prosecutions, on August 9, 2010 an arrest warrant was issued against Giammattei on charges of extrajudicial execution related to violent deaths in the Pavon prison on September 25, 2006 while he was the National Director of the Penitentiary System. His then assistant and three police officers were arrested that day, but Giammattei, apparently alerted, had requested political asylum days before in Honduras' embassy in Guatemala. His request was denied, so on August 13, 2010 he was taken into detention on the Mariscal Zavala military base.

Giammattei was held until May 11, 2011 when judge Carol Patricia Flores dismissed charges against him and the four others in the same indictment, citing a lack of evidence. Two of the three police officers were later convicted on related charges. Just a few months later, Judge Flores lost, but later recovered on appeal, immunity from prosecution on charges of money laundering, illegal enrichment and breach of duty in an unrelated case but was sanctioned.

In the same case arrest warrants were issued for National Police Director Erwin Sperinsen fled to Switzerland, then Interior Minister Carlos Vielman fled to Spain, and the former Deputy Director of the National Police, Javier Figueroa, fled to Austria. All requested political asylum. Each country refused extradition, but instead conducted trials in Switzerland, Austria and Spain.

Former National Police Director Erwin Sperinson was convicted and sentenced to 15 years in Swiss prison for his role in the September 2006 murder of seven inmates. Vielman and Figueroa were acquitted in Spain and Austria respectively. Observers note that Swiss prosecutors conducted the most thorough investigation, whereas Austrian and Spanish prosecutors did not travel to Guatemala. The Spanish court found that extrajudicial executions had occurred in Pavon but Vielman's involvement was not proven. Four police officers were convicted for those killings in Guatemala on August 8, 2013, including Police Director, Victor Hugo Soto Dieguez.

Vielman returned to Guatemala in April 2017. On October 29, 2018 he was arrested and charged in the murders of two escapees and one bystander, and the torture of two escapees, all distinct cases from those tried in Spain, but connected to the same death squads. Judge Claudette Dominguez charged Vielman in the torture case but not the murders, granting him conditional release on bail. That case is pending trial, prosecuted by FECl. Judge Dominguez's independence has been questioned in other high-profile human rights cases. Most recently her ruling to dismiss charges of mass rape by civil patrollers against indigenous Achi Maya women during the civil war was overturned on appeal by the victims.

Death Squads Connect Politicians and Drug Traffickers

The Pavon Case was just one in a series of killings that prosecutors attribute to death squads operating with the knowledge of top-level government security appointees between 2005 and 2007. Evidence suggested specific inmates were targeted, that killings were not the result of excessive force during clashes. Subsequent killings by the same death squads suggest the motivates may have been disputes between drug networks; they happened as the Zetas moved into Guatemala; control of prisons is critical to drug networks.

The death squads were led by Victor Soto Dieguez, convicted in the Pavon case, and also allegedly by Victor Rivera, a Venezuelan security advisor to Interior Minister Vielman who first came to Central America to collaborate with the CIA in the Contra supply operation. Rivera and Soto allegedly played a role in the February 20, 2007 murder of three El Salvadoran representatives to the Central American Parliament (Parlecon), and their driver. Guatemalan congressman Manuel de Jesús Castillo Medrano was convicted of the murders in 2010. An arrest warrant is pending for former Salvadoran congressman, Roberto Silva, who allegedly ordered the killings. Four police officers associated with Rivera and Soto were arrested as material authors in the case in 2007, but they were murdered in preventative detention just three days after their arrest.

Manuel Castillo was murdered in prison this past December 16, 2019. Roberto Silva, his alleged accomplice, was deported to El Salvador from the United States on January 8, 2020 after fighting deportation since 2007. He faces corruption and money laundering charges in El Salvador, and

the Parleccen murder charges in Guatemala. On January 13, 2020, Giammattei claimed he had learned of a plan to assassinate him during yesterday's inauguration, a scheme he related to Castillo's murder.

While Giammattei's direct involvement in extrajudicial executions during his term as National Prison Director was never proven, it has been proven in courts in Switzerland, Spain and Guatemala that death squads killed inmates under his watch. The appointments he has announced for key security positions, men who justify the most extreme degradation of human life, give rise to serious concern that more atrocities could happen during his term as president.