Guatemala's Past Casts an Ominous Shadow

Lauren Carasik

Western New England University School of Law, Carasik@law.wne.edu

Follow this and additional works at: http://digitalcommons.law.wne.edu/media

Part of the Human Rights Law Commons

Recommended Citation

Guatemala's Past Casts an Ominous Shadow, ALJAZEERA ENGLISH (October 19, 2012).

This Editorial is brought to you for free and open access by the Faculty Publications at Digital Commons @ Western New England University School of Law. It has been accepted for inclusion in Media Presence by an authorized administrator of Digital Commons @ Western New England University School of Law. For more information, please contact pnewcombe@law.wne.edu.
Guatemala's past casts an ominous shadow

Guatemala is still plagued by widespread violence, grinding poverty, and the marginalisation of indigenous population.

Last Modified: 19 Oct 2012 10:48

“In the wake of Perez Molina's inauguration, human rights advocates have sounded alarm bells about the increased militarisation of Guatemala under his watch,” says author [EPA]

On October 4, 2012, eight indigenous Guatemalan protesters from the rural Totonicapán region were slain and many others injured at the hands of the Guatemalan military. Their offence was peacefully obstructing the Pan American highway, objecting to Constitutional changes proposed without adequate consultation, escalating energy prices under the newly privatised electric company and a new government requirement increasing the professional training requirements for teachers.

Sixteen years after the Peace Accords ended its bloody internal conflict Guatemala is still plagued by widespread violence, impunity, grinding poverty, structural inequality and the marginalisation of its majority indigenous population.

http://www.aljazeera.com/indepth/opinion/2012/10/2012101173514632802.html
Many human rights advocates decried the 2011 election of former general Otto Perez Molina on his "iron fist" anti-crime platform, underscoring his role as head of military intelligence during the periods of particular brutality in the Ixil Triangle. Observers long concerned about the potentially repressive tactics of a government under President Perez Molina were horrified about the death of peaceful protesters, reminiscent of the atrocities committed during Guatemala's internal conflict from 1960-1996.

After initially issuing a denial that the military forces were armed with anything but teargas, Otto Perez Molina was forced to change his position and concede that the military did indeed fire on protesters, stating that it was only after the protesters attacked. Guatemalan Foreign Minister Harold Caballeros evinced his indifference to the deaths by observing that given the violence in the country generally, "it's not something that we should make a big deal about". It is hard to imagine he would express such a sentiment if the victims were well-heeled urban Ladinos.

This tragedy did not occur in a vacuum. In the wake of Perez Molina's inauguration, human rights advocates have sounded alarm bells about the increased militarisation of Guatemala under his watch. As Leon Panetta recently noted, Latin American governments rely on the military for civil police functions at their peril.

The International Crisis Group also affirmed the pitfalls of delegating civil work to the military as well, in a report recommending that Guatemala "[d]efine the role of the armed forces as primarily to protect the borders and only secondarily to provide temporary emergency support to law enforcement under strict and effective civilian surveillance". Despite these cautions, instead of being judiciously employed, the Guatemalan military has been widely utilised for civil security measures, such as internal roadblocks. Guatemalan president says drug war has failed

In response to this brutality and senseless carnage, a broad based coalition of civil society actors has made a number of demands. Among these is that the government repeal the militarisation of regular policing established in Congressional decree 40-2000, "which allows joint patrols and that Congress adhere to the legal character of the Peace Accords, in particular the Accord on the Strengthening of Civil Power and the Function of the Army in a Democratic Society".

Supplementing calls from within Guatemala to investigate this incident, the international community has weighed in as well. Frank La Rue, longtime Guatemalan human rights advocate and currently the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion, lamented the use of military force in social conflicts. This sentiment was echoed by the Secretary General of the Organisation of American States, José Miguel Insulza, who urged the state to investigate the incident, characterising such as step as imperative to de-escalating the crisis. Other dignitaries have also expressed concern. But concern alone is not enough.

The US has acknowledged its complicity in the Guatemala's decades of bloody conflict, and vowed not to repeat that mistake. Recognising this history, the US legislature imposed conditions for the resumption of US military aid to Guatemala, including that Secretary of State Hillary Clinton must certify that the Guatemala military "respecting internationally recognised human rights". Given Perez Molina's stated interest in receiving unrestricted military aid, the US must honour its regret by insisting upon the satisfactory completion of an independent investigation of this massacre, and the implementation of procedural safeguards, transparency and accountability mechanisms that ensure that a tragedy like this will not be repeated.

On Wednesday, October 10th, intrepid Attorney General Claudia Paz y Paz announced the arrest of eight soldiers and one colonel for the extrajudicial killings. President Perez Molina also announced that soldiers would no longer be used against peaceful protesters, blockades or in land takeovers. This is a step in the right direction, representing the first charges against military personal regarding their treatment of protesters since the end of the internal conflict. Observers must be vigilant to ensure that Perez Molina keeps his word, and that Attorney General Paz y Paz is not obstructed in her efforts to prosecute the perpetrators in the face of near certain resistance to the prosecutions of military personnel.

Guatemala continues to hover at the precipice: whether it will progress towards participatory civil society or revert inexorably back to repressive government control remains to be seen. The US and the rest of the international
community must continue to shine the spotlight on Guatemala. President Perez Molina must be sent an unmistakable message: that his army cannot kill civilians with impunity and return into the days of unchecked military brutality, particularly against Mayan civilians. Guatemala faces daunting challenges, but it must avoid retrogressing.

Lauren Carasik is Director of the International Human Rights Clinic at Western New England University School of Law.

The views expressed in this article are the author's own and do not necessarily reflect Al Jazeera's editorial policy.

Source: Al Jazeera