



Guatemala

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Guatemala is a democratic republic with separation of powers and a centralized national administration. The 1985 Constitution provides for election by universal suffrage of a one-term president and a unicameral congress. On January 14, Guatemalan Republican Front (FRG) candidate Alfonso Portillo replaced President Alvaro Arzu of the National Advancement Party (PAN), following a free and fair December 1999 runoff election. The FRG also holds a majority (63 seats) in the 113-member Congress. Despite significant pledges, the Portillo administration took only limited steps to implement the Peace Accords that the Government concluded with the Guatemalan National Revolutionary Unity (URNG) guerrillas in 1996. The judiciary is independent; however, it suffers from inefficiency, intimidation, and corruption.

The Minister of Interior oversees the National Civilian Police (PNC), created in January 1997 under the terms of the Peace Accords. The PNC has sole responsibility for internal security; however, during the year some members of the predecessor National Police (PN) remained on duty, and awaited mandated training to become PNC officers. There are no active members of the military in the police command structure, but for the past 3 years, the Government has ordered the army to support the police temporarily in response to an ongoing nationwide wave of violent crime. On March 21, Congress enacted a law that enabled the Government to continue this practice. Under the new law, military personnel were not subordinated clearly to police control during joint patrols or operations; however, in practice army units generally were subordinated to police control in situations such as PNC road checkpoints, security deployments around prisons, and deployments in response to reported lynchings. The Constitution requires the Minister of Defense to be either a colonel or a general in the military. On January 14, a bill was submitted that would enable the President to appoint a civilian as Minister of Defense; in June Congress asked the Constitutional Court to determine the constitutionality of the bill. On October 3, the Court ruled that it would be unconstitutional for the President, as Commander in Chief, to name a civilian as the Minister of Defense, with the rank of assimilated general. The President has been slow to carry out his commitment to dissolve the Presidential Military Staff (EMP) and to have its functions taken over by a civilian agency. On October 13, Interior Minister Byron Barrientos announced the creation of a citizen security brigade in Santiago Sacatepequez as a pilot project that may be extended to other parts of the country. Some members of the security forces committed human rights abuses.

The mostly agricultural-based, private sector-dominated economy grew by approximately 3 percent during the year. Coffee, sugar, and bananas are the leading exports, but tourism, textiles, and apparel assembly are key nontraditional export industries. According to a study by the Ministry of Agriculture, 4 percent of producers control 80 percent of the land. About 40 percent of the work force are engaged in some form of agriculture, and subsistence agriculture is common in rural areas. According to the U.N. Development Program (UNDP), between 50 and 60 percent of the population depends on subsistence farming. Officially, inflation was about 5.5 percent during the year, although most observers acknowledge that the official price index does not measure accurately actual price movements. There is a marked disparity in income distribution, and poverty is pervasive, particularly in the large indigenous community. Approximately 83 percent of citizens live in poverty; this figure rises to 90 percent among the indigenous population. According to the UNDP, 59 percent of the population live in extreme poverty. Combined unemployment and underemployment was estimated at 46 percent. Per capita gross domestic product was approximately \$1,600 during the year. Remittances from citizens living abroad continue to grow as a major source of foreign currency.

The Government generally respects the human rights of its citizens in many areas; despite improvements in some areas, serious problems remain in others. Some police officers committed extrajudicial killings. The investigation of the 1998 murder of Catholic bishop and human rights activist Juan Gerardi Conedera neared conclusion, and five defendants, including an army captain, a retired army colonel, and a former EMP specialist, were scheduled to stand trial. In May a nongovernmental organization (NGO) acting as legal

representative for 10 communities whose inhabitants were massacred by government forces in the early 1980's filed a criminal suit against the high command of the regime of former President Fernando Romeo Lucas Garcia, alleging genocide and other crimes. There was one credible report of forced disappearance attributed to the police. There were credible reports that some police tortured, abused, and mistreated suspects and detainees. Despite greater numbers of police officers on duty throughout the country, and less public apprehension about filing complaints against the police, the total number of such complaints remained roughly the same as the previous year. Arrests and administrative sanctions against police officers remained high. In May the Secretariat for Strategic Analysis (SAE), the President's Peace-Accords-mandated civilian think tank, announced that it had discovered a database containing the names and other personal information of over 650,000 persons given to the SAE by Military Intelligence; the database appeared to have been compiled several years earlier. In June an NGO released a two-volume publication about the army and its conduct, personnel, and organization during the internal conflict. Prison conditions remained harsh. Arbitrary arrest and detention and lengthy pretrial detention continued to be problems. Judges and other law enforcement officials are subject to intimidation and corruption, and the inefficient judicial system frequently is unable to ensure fair trials and due process. Efforts to reform the judiciary continued; however, the climate of impunity is a serious problem. The Government achieved convictions in a few important cases involving past human rights violations; however, more often cases remained pending for lengthy periods in the courts as defense attorneys took advantage of the inefficient judicial system and filed numerous, baseless motions and appeals to delay trial. Threats to and intimidation of witnesses, victims, prosecutors, and judges continued to be a serious problem. Although the Government increased the security it provided for judicial personnel and witnesses in key cases, many observers believe that the level of protection still is insufficient. From April to June, the number of threats against judicial personnel, journalists, and human rights workers increased significantly, further contributing to the public's already heightened sense of insecurity. Allegations persisted that the EMP infringed on citizens' privacy rights by monitoring private communications.

The U.N. Verification Mission in Guatemala (MINUGUA) continued to monitor peace implementation and human rights issues. On March 3 and August 9, the Government signed a series of agreements in which it accepted responsibility for a number of human rights cases pending before the Inter-American Commission on Human Rights (IACHR). By December 5, the Government was negotiating with the IACHR on 79 of 140 pending cases. The Government began to pay reparations in a number of key cases. Violence and discrimination against women persisted, as did societal abuse of children and discrimination against the disabled and the indigenous population. Workers' efforts to form unions and participate in union activities are hindered by an ineffective legal system. Child labor and trafficking in women and children also are problems. Lynchings and mob violence continued, but at a significantly reduced rate, due in part to increased action by the PNC to combat lynchings. The Government conducted antilynching campaigns, achieved a very few convictions in past lynching cases, and made numerous arrests; however, fewer than a third of the hundreds of past lynching cases have gone to trial, and at year's end only one person was serving a prison sentence for taking part in a lynching. There was limited progress in the criminal case against a group of armed civilians who held the leaders of the principal banana workers' union at gunpoint in October 1999 and forced them to resign from both their jobs and union positions.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no allegations of politically motivated killings by government agents; however, members of the police committed some extrajudicial killings. The Government demonstrated an increased willingness to arrest and prosecute those responsible and achieved some convictions in high-profile cases; however, in many cases, the scarcity of law enforcement resources and a weak prosecutorial and judicial system prevented the Government from adequately investigating killings and other crimes or arresting and successfully prosecuting perpetrators.

The number of reported extrajudicial killings continued to decline. The office of the Human Rights Ombudsman (PDH), which generally compiles data based on personal interviews with victims and their families, reported 13 complaints of extrajudicial killings during the year, compared with 16 complaints in 1999 and 32 complaints in 1998. Based on 20 complaints alleging 21 extrajudicial killings in the 9-month period between October 1, 1999, and June 30, MINUGUA investigated 15 cases and confirmed 13. It reported 27 such complaints in the first 9 months of the year.

MINUGUA's 11th Human Rights Report, released on August 31, noted a number of extrajudicial killings by members of the PNC. Many of these cases involved accidental discharges of weapons, drunken misbehavior by on- or off-duty officers, questionable crowd control techniques, or poor judgment by officers who lost control of unstable situations involving angry crowds or persons resisting arrest. Other cases presented signs of

premeditation and malicious intent. In many of these cases, there was effective investigation by both the PNC's Office of Professional Responsibility (ORP) and the prosecutors of the Public Ministry; however, in some cases, there was credible evidence of a coverup by PNC officers, the ORP, or both.

On February 5, PNC officers without a warrant conducted a sting operation against street vendors of pirated music recordings in an outdoor market in Guatemala City. When a confrontation ensued with angry vendors, a combined patrol of additional police and army units was called to provide backup. As the situation deteriorated, police forces fired their weapons into the air to regain control of the crowd that had gathered. During the confusion, street vendor Francisco Ixcoy Osorio was shot and killed; other persons present were injured. The authorities investigated the killing and arrested several suspects. On June 5, the Public Ministry accused six PNC officers and three army soldiers of homicide. The PNC officers claimed that colleague Alfredo Saso Perez killed Osorio and that two of their superiors--Commissar Virgilio Ramos and Chief of Operations Diones Arriaza Solis--used death threats and false testimony to organize a coverup to impede the Public Ministry's investigation. In June the judge released the accused on bail and provisionally closed the case due to lack of evidence. The Public Ministry appealed this decision, arguing that a case should be pursued against Ramos and Arriaza, and that Saso Perez should be arrested. The Fourth Appellate Court rejected the appeal; however, the Public Ministry continued its investigation, and hoped to reopen the case if new evidence is found.

On March 6, in San Jose Acatemala, Jutiapa, Byron Florian Yanez and Jose Mendez Interiano, two police officers in a PNC patrol car, shot off-duty PNC officer Sergio Barahona Arana from behind and killed him. MINUGUA found that the local PNC falsified its report of the incident, in which it claimed that Barahona had a gun in his hand when he died and that there had been a shootout with the other police officers. There was credible evidence that police later conducted searches and fired weapons into the front of a school building to simulate a gun battle as part of their coverup. MINUGUA also cited evidence that the ORP participated in the coverup by altering its investigative report. Florian Yanez was a fugitive until he was found dead of a gunshot wound on May 31 in Jutiapa. On April 5, the authorities arrested Mendez Interiano; he was in jail awaiting trial at year's end, accused of participating in the coverup. In addition, the Police Commissioner of Jutiapa has not collaborated with the Public Ministry prosecutor in the case; he refused to turn over photographs of the crime scene and the weapons used in the crime.

On April 19, in Coban, Alta Verapaz, Denis Fredy Cucul Tun argued with PNC officers about the fact that his car was parked in a street that was to be cleared for a religious procession. Officer Rolando Salvador Rubio Choc took Cucul to the opposite side of the street, held him against a wall at arm's length, and shot him in the chest at pointblank range, killing him. Hearing the shot, a crowd quickly gathered and sought to lynch Rubio, who fled to the nearby police station. An ORP investigation quickly established Rubio's responsibility for the killing, despite his argument that his weapon accidentally discharged, and he was jailed while the Public Ministry conducted its investigation and prepared to go to trial. MINUGUA confirmed in its 11th report that PNC officers had tried to cover up the facts of the case and impede the Public Ministry's investigation. MINUGUA also noted that Rubio had violated PNC protocols by carrying a weapon that was loaded and contained unauthorized expanding cartridges.

In some cases, detainees or prisoners died while in the custody of PNC officers or Criminal Investigation Service (SIC) detectives, apparently due to torture or abuse (see Section 1.c.).

On March 11, detainee Luis Armando Colindres was found dead in his cell at a PNC substation in Zone 12 of the capital, apparently the victim of strangulation. The PNC claimed that Colindres hanged himself, but the forensic report found injuries consistent with a struggle to resist being strangled. A judge ordered the detention of PNC officers Santos Medardo Recinos Moran, Elman Avigail Garcia Pineda, and Jeremias Santiago Godoy Ramos on charges of homicide. On June 7, the judge granted a defense motion to modify the charges to material document fraud (because PNC reports were altered) and abandonment of duty and released the defendants on bail. A Public Ministry appeal of these decisions was pending at year's end.

Although most cases from past years remained unresolved, there were some convictions during the year for past extrajudicial killings by members of the security forces. In contrast to 1999, there were fewer judicial setbacks in human rights cases. At year's end, trials continued in several high profile cases. In many other cases of past extrajudicial killings, there was little or no progress, often due to the tactics of defense attorneys who frequently abused the legal system by filing dilatory motions to derail impending trials against their military clients.

The investigation entered its final stages and pretrial preparations began against five defendants in the April 1998 murder of Bishop Juan Gerardi Conedera, the Coordinator of the Archbishop's Office on Human Rights (ODHAG). President Portillo promised in his inaugural address that all state institutions would cooperate fully in the investigation. Bishop Gerardi was killed just 2 days after his public delivery of the final report of the "Recovery of Historical Memory" project, which held the military and its paramilitary allies responsible for more

than 90 percent of the human rights violations committed during the 36-year-long internal conflict. After 2 years under Public Ministry witness protection, on January 17, former indigent Ruben Chanax Sontay gave additional testimony before Judge Flor de Maria Garcia Villatoro in which he implicated several individuals in Gerardi's murder. Based largely on Chanax's new testimony, on January 21, Judge Garcia issued arrest warrants for five suspects: Retired army Colonel Byron Disrael Lima Estrada; his son, army Captain Byron Miguel Lima Oliva; former EMP Specialist Jose Obdulio Villanueva Arevalo; Father Mario Leonel Orantes Najera; and former parish house cook Margarita Lopez. (Lopez, who was charged with being an accessory after the fact, had been detained briefly in 1998 and then released.) Lima Estrada, Lima Oliva, and Margarita Lopez were arrested on January 21, followed by Villanueva on January 22. On February 9, Father Orantes, who had been arrested and charged with the murder in October 1998, then released in February 1999, secretly returned to the country and immediately checked into a hospital, claiming that his health was too poor to be sent to jail. On February 15, Judge Garcia granted Orantes permission to remain in the hospital, based on a court-ordered medical examination that confirmed his health problems.

Shortly after Villanueva's arrest, his defense attorney presented evidence indicating that he was actually in prison in Antigua on the night of Gerardi's murder, completing the final days of his prison sentence for the 1996 killing of Pedro Sas Rompich. On February 25, Judge Garcia released Villanueva, based on this new information and a lack of Public Ministry evidence to the contrary. On March 15, lead prosecutor Leopoldo Zeissig released the results of a handwriting analysis that demonstrated that Villanueva had not signed personally for his EMP paychecks in prison for several months, including at the time of the Gerardi murder. (Villanueva had remained on the EMP payroll while serving his prison sentence.) In early April, Zeissig also produced a former cellmate of Villanueva's, Gilberto Gomez Limon, who testified that Villanueva frequently was allowed to leave prison, including on the night of the Gerardi murder. This new evidence convinced Judge Garcia to order Villanueva's rearrest, which occurred on April 7.

On March 16, Judge Garcia ruled that prosecutors had presented sufficient evidence against Margarita Lopez to send her case to trial on charges of participating in a criminal coverup. Also on March 16, Zeissig filed charges against navy Captain Carlos Rene Alvarado Fernandez for falsifying Villanueva's signatures on his paycheck receipts and lying to conceal the fraud. On March 21, another court-ordered medical exam confirmed that Father Orantes should continue to spend his pretrial detention in the hospital. In April Judge Garcia ruled that Father Orantes must face trial on charges of murder, based largely on Chanax's testimony and contradictions in Orantes' own statements. On April 24, Chanax left the country under Public Ministry witness protection due to concerns for his safety.

On April 26, the Catholic Church was granted status as a private plaintiff in the case. ODHAG, as the Church's legal representative, gained the right under the law to present witnesses and other evidence at trial and to prosecute the accused alongside the Public Ministry prosecutors. On May 9, the Fourth Court of Appeals agreed with defense attorneys representing Father Orantes and Margarita Lopez that ODHAG did not have sufficient "juridical standing" to act as private plaintiff in the case against them. However, the ruling did not apply to ODHAG's participation in the case against the three military suspects.

On May 18, Judge Garcia charged the three military suspects, Lima Estrada, Lima Oliva, and Villanueva, with the extrajudicial execution of Bishop Gerardi. The charge of "extrajudicial execution," unlike the charge of murder, generally is reserved for members of security forces on active duty, although Lima Estrada was not on active duty in 1998. The judge's decision was based largely on the testimony of witness Ruben Chanax Sontay, which placed all three military defendants at or near the crime scene on the night of the murder. In late July, witness Juana del Carmen Sanabria, the former administrator of Bishop Gerardi's parish house, left the country due to death threats. A total of seven judges, prosecutors, and witnesses have left the country due to threats and intimidation in the case. On August 1, Lima Oliva was involved in a disturbance in prison and was injured slightly. He claimed that other inmates were trying to kill him, but the other inmates claimed that he started the fight and was trying to take control of the cellblock. During the scuffle, several items, including a planner/organizer, disappeared from Lima Oliva's cell and later were found in the possession of Public Ministry prosecutors, whom Lima Oliva accused of masterminding the disturbance for the purpose of "stealing" the documents. On August 7, Judge Garcia granted conditional freedom to Margarita Lopez, allowing her to await trial under house arrest rather than in prison. Another court-ordered medical exam in August confirmed that Father Orantes' poor health required that he remain hospitalized.

After one judge recused herself for a supposed friendship with Lima Estrada and another resigned after being challenged for bias by ODHAG, in July a three-judge panel to hear the case at trial was constituted, with Judge Eduardo Cojulun presiding, joined by Judges Jazmin Barrios and Carlos Chin. A number of appeals and motions filed by the defense attorneys in July and August delayed the trial against all five defendants from October until early 2001. Prosecutors acknowledged publicly that they are pursuing a political motive theory for the upcoming trial, arguing that Gerardi was killed by current or former members of the military with the assistance of Father Orantes and Margarita Lopez. MINUGUA confirmed multiple complaints by Judge Garcia and other judicial colleagues, prosecutors, witnesses, and ODHAG staff of numerous threats and acts of

intimidation, including telephone threats, electronic surveillance, and observation by unknown individuals following them on foot or in vehicles (see Sections 1.e. and 4).

Negotiations continued regarding indemnification for the family of Pedro Sas Rompich, who was killed in 1996 by Jose Obdulio Villanueva Arevalo, while Villanueva was acting as a bodyguard for then-President Arzu. Villanueva has since served a commuted prison sentence for the killing and spent most of the year in jail as one of five suspects in the murder of Bishop Gerardi. A court-ordered damages award to be paid by Villanueva to the victim's survivors remained pending.

On April 28, the Supreme Court of Justice (CSJ) annulled an appellate court's December 1999 verdict in the Xaman massacre case, in which an army patrol entered a refugee-returnee community at Xaman, Alta Verapaz, in October 1995, killing 11 persons and injuring 30 others. The Appellate Court had found 15 members of the patrol innocent and resented the remaining 10 members to 12-year prison sentences. The prosecutor had appealed the Appellate Court's decision, feeling that the sentences were too lenient. The CSJ decision remanded the case back to the trial court for a retrial. At year's end, the case continued to be delayed by appeals that must be resolved before the retrial can begin. The original trial was the longest in the country's history and was marked by numerous death threats and acts of intimidation against judges, prosecutors, witnesses, and family members of the victims.

Two former police officers sentenced to death in 1996 in the so-called Patrol No. 603 case remained on death row pending the outcome of several appeals by their defense attorney. The case stems from a 1995 murder and attempted murder in what appeared to be a "social cleansing" operation, in which persons deemed socially undesirable (e.g., gang members, local delinquents, or convicts released from prison) are found murdered in circumstances suggesting that the killing was planned and carried out by an organized group. Similarly, there was no progress in the related case before the IACHR.

The August 1994 killing by police of four workers at La Exacta farm remained under investigation, and the criminal case remained suspended. The parties continued to seek a resolution through the IACHR's amicable settlement procedures. Negotiations continued regarding a settlement of the pending labor court charges, with intervention from the Labor Ministry and the Presidential Human Rights Commission (COPREDEH) to install a Conciliation Court to resolve the dispute. The Center for Legal Assistance in Human Rights (CALDH) continued to represent the families of the deceased, the injured, and those who lost their jobs and homes during the illegal eviction. On August 9, President Portillo signed an agreement with the IACHR in which the Government acknowledged its responsibility for failure to provide justice in the case and promised both to pay reparations and pursue renewed criminal investigations against those responsible for the violence.

An appellate court ruling remained pending in the case of the 1994 murder of Constitutional Court president Epaminondas Gonzalez Dubon. Both the prosecution and defense appealed aspects of the May 1998 murder conviction of Marlon Salazar and Roberto Antonio Trabanino, who were serving 27-year prison sentences for the crime at year's end. A third suspect, Mario Rene Salazar, remained at large. On August 8, another suspect implicated in the Gonzalez Dubon murder, Elser Omar Aguilar, was found dead in the trunk of a car in Guatemala City. His body showed signs of torture. In February an appellate court reaffirmed the 14-year jail sentence for narcotics trafficking imposed in July 1999 on former Lieutenant Colonel Carlos Rene Ochoa Ruiz, widely suspected of being the intellectual author of the Gonzalez Dubon murder.

Defense attorneys in the case of the murder of anthropologist Myrna Mack Chang continued to file appeals in order to delay the proceedings, and the courts continued to fail to resolve those appeals in a timely manner. In January 1999, Judge Henry Monroy ordered a trial of the three high-ranking military officers accused of ordering the 1990 murder: Retired General Edgar Augusto Godoy Gaitan, Colonel Juan Valencia Osorio, and Colonel Juan Guillermo Oliva Carrera. A trial originally scheduled for early in the year was delayed by appeals filed by defense attorneys. On March 27, Myrna Mack's sister, Helen Mack Chang, met with CSJ representatives to learn why there had been no decision regarding a defense appeal filed on November 4, 1999, nearly 5 months earlier (the law sets a 30-day time limit for resolving such appeals). CSJ representatives had no answer at that March 27 meeting, but on March 29, they announced that they actually had issued a decision in the appeal on March 23. That decision denied the appeal and fined the defense attorney approximately \$130 (1,000 quetzals) for filing a frivolous appeal. On March 31, the defense attorney filed another appeal, this time of the CSJ's March 23 decision. On May 8, that appeal was recognized by the Constitutional Court, which set a May 11 date for a hearing on the merits. However, the Court still had not resolved the appeal at year's end. EMP member Noel de Jesus Beteta, who confessed to the killing, continued to serve a 30-year sentence. On March 3, the Government signed an agreement with the IACHR in which it accepted responsibility for Myrna Mack's murder as well as the denial of justice and proposed an amicable settlement, which was refused by Helen Mack. A commission composed of a Guatemalan jurist and an international expert was established under IACHR auspices to monitor due process in the case.

In November the Government reached a settlement with the Inter-American Court of Human Rights to pay

reparations to the survivors of the 1990 killing of three street children--Julio Roberto Caal Sandoval, Jovito Josue Juarez Cifuentes, and Anstraun Villagran--and two indigent adults, Federico Clemente Figueroa Tunchez and Henry Giovanni Contreras, by police officers (see Sections 4 and 5). In December 1999, the Court ruled that there was sufficient evidence that police officers Samuel Rocaal Valdes and Nestor Fonseca were responsible for the deaths. The Court also ruled that the Government failed to protect the rights of the victims and provide them with justice.

On August 9, the Government signed an agreement before the IACHR in which it accepted responsibility for its failure to provide justice in the unresolved disappearances in 1989 of 10 university students, 5 of whom were later found dead, and pledged to negotiate an amicable settlement with the victims' survivors, including reparations and criminal prosecution of those responsible.

On August 11 and 12, the Inter-American Court held hearings to set the amount of compensation owed to the families of the victims in the "white van" case; the Court's decision remained pending at year's end. Separately, the Government also offered to enter into settlement negotiations with the victims' survivors. In March 1998, the Court had found the Government liable in the case, in which members of the now-disbanded Treasury Police kidnaped and then either released or killed 11 persons in 1987-88.

In the case of the 1982 military massacre at Dos Erres, Peten, prosecutors secured relocation abroad for two key witnesses and their families in exchange for their testimony against their former army comrades. On March 17, former army Sergeants Favio Pinzon Jerez and Cesar Franco Ibanez testified before a judge about the massacre of more than 200 unarmed civilians on December 6-8, 1982, in the village of Dos Erres. In their testimony, they implicated several former comrades and gave detailed accounts of the massacre, before departing the country under witness protection from the Public Ministry. Based on their testimony, prosecutors obtained arrest warrants against 16 former members of the implicated army patrol. Defense attorneys eventually contested 10 of those arrest warrants, arguing that their clients should be protected from prosecution by the National Reconciliation Law, which grants limited amnesty for certain acts committed during the internal conflict. The Constitutional Court granted temporary injunctions against the arrest warrants so that the petitions could be decided on their merits. On July 7, an appellate court found the petitions to be without merit and denied them. The defense appealed that ruling to the Constitutional Court, where a decision remained pending at year's end. The PNC did not execute six of the arrest warrants, nor did they present the warrants to the military, even though many of the suspects still were on active duty at the time. On December 4, the prosecutor publicly urged the PNC to act on the warrants of four military suspects, including Vicente Alfonso Bulux, Santos Lopez Alonzo, and Fredy Antonio Samayoa Tobar.

Army Sergeant Major Manuel Pop Sun, who was arrested in April and later released under a temporary injunction, remained the only individual to have been arrested in the Dos Erres case by year's end. On June 14, Pop Sun appeared at the MINUGUA offices claiming that the army had imprisoned him in a military hospital, kept him drugged with antipsychotic medications, and was trying to kill him because of his knowledge of the Dos Erres massacre. Pop Sun offered his testimony to prosecutors in exchange for witness protection, but later jumped from a second-story window and fled from Public Ministry protection. Prosecutors stressed that Pop Sun was free to depart at any time, as his participation in the witness protection program was voluntary. His odd behavior raised speculation about the true intent of his offer to testify, and he remained a suspect in the case at year's end. In its 11th Human Rights Report issued in August, MINUGUA noted the presence of Military Intelligence observers when it tried to interview Pop Sun at the Military Medical Center. MINUGUA also found that Pop Sun had been overmedicated while in the military hospital and concluded that his treatment there amounted to torture and abuse.

On March 3, the Government signed an agreement before the IACHR in which it recognized its institutional responsibility for the Dos Erres massacre. Represented by COPREDEH, the Government pursued settlement negotiations with the victims' survivors, who were represented by two NGO's--Families of the Disappeared in Guatemala (FAMDEGUA) and the Center for Justice and International Law. In those negotiations, the Government agreed in principle to prosecute aggressively the material and intellectual authors of the massacre, pay for reparations and other community assistance for the survivors, create a historical document that recounts what happened at Dos Erres, and erect a memorial in honor of the victims. Those negotiations continued at year's end, with reparations as the central focus. On December 1, in accordance with recommendations of both the IACHR and the Inter-American Court, the Government created a Special Commission to Locate and Identify Families and Victims of the massacre at Dos Erres. On December 7, a monument to the victims of the Dos Erres massacre was erected at the cemetery of the Aldea Las Cruces.

On February 1, an appeals court in Coban substituted 50-year prison sentences for the death penalties handed down by a trial court in October 1999 against three former Civilian Defense Patrol (PAC) members in the March 1982 massacres at Rio Negro and Agua Fria, two villages in Rabinal, Baja Verapaz. The Appeals Court gave the three defendants, Carlos Chen, Francisco Gonzalez Gomez, and Fermin Lajuj, 30 years in prison for each of the two murders proven at trial, for a total of 60 years' imprisonment; however, the law sets

the maximum prison sentence at 50 years. In June a survivor of the Rio Negro massacre, who was adopted and raised by a foreign family, returned for the first time. She was reunited with surviving members of her family and called on the Government to provide reparations for the impoverished survivors of the conflict-era massacres.

On May 2, CALDH filed a lawsuit on behalf of 10 communities in Quiche and Chimaltenango whose citizens were massacred by government security forces between October 1981 and March 1982, resulting in over 850 deaths. The suit alleges crimes, including genocide, committed by high command of the regime of former President Fernando Romeo Lucas Garcia. In addition to Fernando Lucas Garcia, the suit also names his brother (and former army Chief of Staff) Benedicto Lucas Garcia and former Defense Minister Luis Rene Mendoza as defendants. By the end of the year, prosecutors had made significant progress in their investigation. The suit is the first genocide case to be brought in a Guatemalan court and is a precursor to a similar suit that CALDH plans to file against the regime of former de facto President and current President of Congress Efraín Ríos Montt.

There was no apparent progress in recapturing 12 former PAC members convicted in 1999 for the 1993 killing of Juan Chanay Pablo in Colotenango, Huehuetenango, and then freed in April 1999 from a police station by a crowd armed with sticks, machetes, homemade explosives, and smoke bombs. Although arrest warrants were issued to recapture the escapees, they remained at large despite credible reports that they had returned to their home region of Colotenango and were being protected by former PAC comrades. There also was no progress in the investigation of Brigadier General Luis Felipe Miranda Trejo, the alleged intellectual author of the crime, who was elected to Congress in the November elections and therefore enjoys legislative immunity from prosecution. According to the Government, amicable settlement negotiations between the Government and the victim's survivors, mandated by the IACHR, neared completion by year's end. The Government continued to provide security for several human rights activists in Colotenango in accordance with a resolution of the Inter-American Court.

The Supreme Court ordered the Public Ministry to conduct a new investigation into the 1993 murder of newspaper publisher and former presidential candidate Jorge Carpio Nicolle and three associates. Suspect Francisco Ixcoy Lopez, former PAC member, remained at large, despite the fact that the Carpio family had located him at one time and informed the authorities of his whereabouts. The criminal case remained open, but the Public Ministry made no efforts to advance the case and the victim's family withdrew the charges. The case before the IACHR for the Government's failure to provide justice remained pending at year's end, as did a motion to send the case forward to the Inter-Amer