CA - Guatemala

The actions of the Ukrainian underground led by the Organization of Ukrainian Nationalists and its leader, Stephan Bandera, had taken the Germans by surprise and forced them to disclose their intentions and policies with respect to Ukraine and the other non-Russian colonies of the U.S.S.R. Besides proclamation of independence at Lvov, a national assembly was called and a provisional Ukrainian Government with Mr. Yaroslav Stetsko as Prime Minister was established.

The reaction of the Gestapo to the Ukrainian proclamation of June 30, 1941 was swift and merciless. However, the imprisonment and murders and members of the Ukrainian Government and it's leaders by the Gestapo did not prove to be the deadly blow to the Ukrainian resistance the Germans had hoped for. These acts were followed by the barbarous policies of ruthless exploitation, oppression, and genocide against the Ukrainian population, which responded with a ferocious national liberation struggle led by a reorganized Organization of Ukrainian Nationalists.

With the collapse of the German war machine in the East, the Ukrainian National liberation struggle had culminated in the Ukrainian Insurgent Army becoming the third military and political power in Eastern Europe at the end of World War II. Instead of peace, however, the Ukrainians were forced to escalate their struggle in a new war against Soviet Russian imperialism whose military phase continued into the 1950's.

We Americans can sometimes forget how truly free we are. But millions of people around the world live every day under the subjugation of tyranny. The Ukrainian people have suffered years of harassment, discrimination, and brutality at the hands of their oppressors.

Yet, despite the endless suffering and persecution endured by the Ukrainian people, the true ideal of Ukrainian independence continues to live on in the hearts and minds of the Ukrainian people in their homeland and indeed, throughout the world.

This tribute today is our affirmation that the spirit of freedom is eternal. We have not forgotten, and we will not forget the day in 1941 when the people of Ukraine spoke with one voice in declaring their independence.

BUREAUCRACY OF DEATH

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1986

Mr. MILLER of California. Mr. Speaker, yesterday during our long debate on military aid to the Contras, not much was heard about the economic aid on its way to Central America, which was part of the Contra aid package.

Guatemala is a country which recently held elections for a civilian president. Guatemala stands to benefit substantially from this aid package. And Guatemala is a country where massive human rights abuses continue to be the rule rather than the exception.

President Vinicio Cerezo of Guatemala needs and deserves our support. He needs that support, not only to consolidate his government, but also to insure that the generals and colonels who have run Guatemala for decades become subordinate to civilian authority and to the rule of law.

We must face the question of how to use any economic aid we might provide to Guatemala to further President Cerezo's human rights goals rather than to promote further brutality and corruption. However, the bill we passed yesterday makes no provisions as to how economic aid can be used.

If any of my colleagues have doubts as to the enduring power of the military and death squads today in Guatemala, I urge them to read the following article from the New Republic:

BUREAUCRACY OF DEATH

(By Allan Nairn and Jean-Marie Simon)

On the surface, Guatemala, the largest country in Central America, appears placid. There are fewer houses ringed with sandbags than in Nicaragua, fewer armed men in the streets than in El Salvador, and six months ago the country elected its first civilian president since 1966, Christian Democrat Vinicio Cerezo. His administration has launched an anticorruption campaign and the country's first public-sector jobs program in more than a decade. But in this apparently hopeful atmosphere, union members, religious leaders, peasant activists, and other potential opponents of the Guatemalan military still face the constant threat of violence from their government.

In February Cerezo said that the country was experiencing a resurgence of political killings and noted that 69 cadavers, many of them showing signs of torture, had appeared during his first three weeks in office. In March the secretary of a Christian Democratic youth group was gunned down in his house along with his father and his sister. In April two refugees disappeared after they were dragged from a parish house where they were living under the protection of a Catholic bishop. In May, Victor Hugo Godoy, a member of the Congress's human rights commission, said that "it is very easy to recognize the same practices of years ago, including not just torture, but also the infamous coup de grace." On May 30 seven bodies appeared in one day on the streets of Guatemala City. Over the last six months, killings not attributed to combat or common crime have been running at more than 60 per month.

How to confront this ongoing terror is the primary challenge facing Guatemala's newly elected government. The victims are not killed by what is sometimes called "senseless violence" or by "the cycle of violence between left and right." They are killed by an efficient system of political terrorism. At the heart of this system is the intelligence apparatus of the Guatemalan military, known by its bureaucratic label, G-2. The G-2 is the unelected government of Guatemala that Vinicio Cerezo must find a way to control.

Cerezo is Guatemala's first chief of state in 20 years who would not order the killing of an unarmed civilian. He has a reformer's past and has survived three assassination attempts by the army he now nominally commands. But he serves at the sufferance of what is still the most murderous army in the Western Hemisphere. Although such estimates can't be precise, the archbishop of Guatemala, Próspero Penados, says that Cerezo holds 25 percent of the power. Cerezo himself claims 30 percent, and says that he will build from there.

From the start of his campaign, Cerezo pledged to limit the goals of his presidency. "My government will not plan social reforms," he stated bluntly, "because the army would oppose it." He promised to refrain from land reform and the prosecution of army officers for prior political murders. In return, he expected to be permitted to serve out his term, and said he would abolish the Department of Technical Investigations (DIT), a band of civilian thugs who killed and abducted on orders from G-2 and pillaged on their own account. The army agreed, and forged a tactical alliance with the man they had once reviled. The G-2, which is normally circumspect, even put the alliance on paper. Cerezo read us a confidential G-2 memo written before the December election predicting that the Christian Democrats would win "due to the links they have forged with the army, as well as with the United States."

Once in office, Cerezo fulfilled his campaign pledge. In a spectacular raid the DIT staff was apprehended en masse. It was the third time in Guatemala's last six administrations that this infamous corps had been purged. Almost 200 agents were fired, 100 were sent to a remedial police training course, and one was arrested on a weapons charge and subsequently released.

In the meantime, the military had taken steps to assure that its power could not be challenged by the new government. Four days before Cerezo's inauguration, the outgoing chief of state, General Oscar Mejia Victores, issued a series of sweeping decrees that stunned Cerezo's hopeful supporters. The measures narrowed civilian authority and legalized military control in the countryside, where the army is fighting a counterinsurgency war against a small guerrilla movement. One of the decrees created a State Security Council to handle aspects of national security that might fall under the jurisdiction of civilian Cabinet officers. Military officers serve on this council along with the civilian ministers, and their joint decisions are administered by the head of the council—who is required by the terms of the decree to be the army's secretary of intelligence. Another decree prohibited Cerezo from prosecuting any military officers for political crimes committed in the last four years.

Although Cerezo faces growing pressure to hold the armed forces accountable for their violence, he has been unable to comply. When Christian Democrats at the grass-roots level began joining the call for repeal of the amnesty decree earlier this year, Cerezo quickly squelched the move. This spring he announced that a commission would begin working on June 30 to investigate the thousands of disappearances, but was publicly pessimistic about its chances of getting access to secret army information. On July 5 he indefinitely postponed plans for the commission.

Meanwhile, the country's only human rights organization, the Mutual Support Group (GAM), is growing by the day. Modeled after the Mothers of the Plaza de Mayo in Argentina, the GAM is led by a group of courageous women whose husbands and children have disappeared. The GAM has publicly called for an accounting of the missing and for trials, such as those held in Argentina in 1985, of the officers responsible. Relations with Cerezo are becoming increasingly strained. In March he urged the GAM to "stop being masochistic and forget the past."

The army is confident that it has prevailed. "Do you think we've left behind any evidence?" one colonel taunted a journalist, demanding to be quoted. "In Argentina there are witnesses, there are books, there are films, there is proof. Here in Guatemala there is none of that. Here there are no survivors." This belief is widely shared in Guatemala and in Washington. But, inconveniently for many, it is not true. In fact, there are survivors and people on the inside who

will talk, including high-ranking officers and the street-level killers they command. There are still many obstacles to justice for the Guatemalan military, but lack of evidence is not among them.

"We are in a war," explained Colonel Edgar Djalma, a G-2 veteran who served as army spokesman for most of the time from 1979 to 1984. "If under that concept it means that the government has an apparatus dedicated to finding and eliminating people of the left, to me that is perfectly normal." Djalma said that "a government can use all existing forces: the army, the police, the treasury police. . . . Each chief of government may look to another repressive apparatus or create his own." The point, he stressed, is the importance of G-2 coordination. He showed us a 1980 memo in which he wrote: "In the first phase, the intelligence section should be used above all prior to repressive actions or clean-up operations."

Djalma's matter-of-fact description is confirmed by General Benedicto Lucas García, the flamboyant and blunt former army chief of staff and brother of an ex-president. "If the G-2 wants to kill you they kill you," Benedicto told us. "They send out one of their trucks with a hit squad, and that's it." Benedicto says he knows that when his brother, General Romeo Lucas García, was president from 1978 to 1982, the government was responsible for at least 70 percent of the assassinations and disappearances.

Benedicto blamed some of the violence on common criminals and the guerrillas. The insurgents, organized in three major groups, have several thousand armed combatants operating primarily in remote rural areas. "When they've eliminated people," Benedicto said, "they've said so." Last year one Western intelligence official told us that the guerrillas "have been selective. They direct their killing toward the army, security forces, and, to a lesser extent, the civil patrols." The State Department's most recent human rights report estimated that the guerrillas had assassinated 59 military officials and 33 members of the civil defense forces last year. There were a total of 304 "civilian non-combatant deaths" in the entire country in 1985 (fewer than reported by Amnesty International, the Organization of American States, and other human rights groups), according to the State Department. The report included accounts attributing 28 of these killings to the guerrillas.

Benedicto claims that most of the killings during his brother's administration were directed by his brother's top aides, not by Romeo Lucas himself. But Raul García Granados, a cousin of the Lucas brothers and Romeo Lucas's chief adviser, makes no attempt to avoid responsibility. He explained to us that "the death squads were organized under the patronage and the approval of the government and the army, because it was the only way to fight guerrillas. The [death squads] have the sympathy of most of the Guatemalan people. They have lists of people that are suspected to be communists of whatever kind," he said, "and they kill them."

The lists and the philosophy behind them date back to 1954, when a CIA-sponsored invasion overthrew the left-leaning government of Jacobo Arbenz, which instituted a land reform program and was supported by the communists. The army sifted through the confiscated membership records of labor, peasant, and professional groups that had supported Arbenz, and classified 70,000 people as communists. During the 1960s dossiers from the updated files were used by the armed forces to destroy a left-wing guerrilla movement and other opponents. In 1968 *Time* magazine reported the chief of the U.S. military mission, Colonel John Webber, as saying that paramilitary groups run by the army were "licensed to kill peasants whom they considered guerrillas or 'potential guerrillas.'" By 1979 the National Police were brazen enough to issue a press release announcing that between January and October of that year "1,224 criminals" had been killed by El Escuadron de la Muerte (the Death Squad), and 3,252 "subversives" by the Ejército Secreto Anticomunista (Secret Anticommunist Army). Throughout the early 1980s the army's top officers continued their assault on those they defined as the enemies of national security. In 1983 chief of state General Mejía Victores condemned the Guatemalan priesthood for "advocating totalitarian doctrines." Twenty-four hours later Father Augusto Ramírez Monasterio, a Franciscan superior, was shot in the back as he fled an armed forces van that had followed him from his mother's house.

This is the military of which Cerezo, as commander in chief, now ostensibly has control. In a series of recent interviews, a veteran of the high command who has held senior army posts since 1978 described how the Guatemalan system works today. Western intelligence officials and other high-ranking Guatemalan officers have offered similar accounts. This officer says that each of the country's military bases has a G-2 office whose function is "the elimination of individuals." These offices report to the G-2 control center in the National Palace. The G-2 in turn is overseen by the Army General Staff and ultimately by the minister of defense. Altogether G-2 employs more than 2,000 agents nationwide, including about 100 full-time officers. The G-2 staff can also call on the resources of any branch of the army and security forces.

"There's an archive and computer file on journalists, students, leaders people of the left, politicians, and so on," the officer says. This archive is maintained in the G-2 offices on the fourth-floor terrace of the National Palace, with copies in the adjacent Presidential Annex. "The file will say where the person was born, what party he belongs to, and the most important incidents of his life. One, for example, will say: '1957, participated in such and such a worker's movement; 1960, went into exile for the following reason; 1972, returned to Guatemala; 1975, participated in demonstration in the university. And finally, died on such and such date.' It never says who says responsible."

The bureaucratic procedures for approving the killing of a dissident are well-established. "A local military commander has someone they think is a problem," the officer explains. "So they speak with G-2, and G-2 consults its own archives and information from its agents and the police and, if all coincide, it passes along a direct proposition to the minister of defense. They say, 'We have analyzed the case of such and such person in depth and this person is responsible for the following acts and we recommend that we execute them.'"

The G-2 officers can also make their own recommendations. "There is a weekly meeting of the chiefs of the General Staff, and they do an analysis of the [political] situation which is presented to the chief of staff," the officer says. "They give a political appreciation. Such and such a union is moving, who's behind it, who is the head. Then the decision is taken, 'All right, we'll proceed.'"

Prominent political dissidents get special consideration. "When there is a big fish, G-2 makes a presentation, they review all the problems with the person, the objective of the mission, and their recommendation. They can give three options—disappear them, eliminate them in public, or simply invite them to leave the country. . . ." During the regime of general Mejía, for example, army chief of staff Rodolfo Lobos Zamora, presidential chief of staff Pablo Nuila Hub, and Mejía himself often presided at the meetings, according to those officer and others.

At high-level meetings such as these, the military decided in 1979 to assassinate the country's two leading democratic politicans. The first was Alberto Fuentes Mohr, the former foreign minister. He was machinegunned to death as he drove by a military base in Guatemala City shortly after registering his new Social Democratic Party. Two months later, Manuel Colóm Argueta, the charismatic former mayor of the capital, was slain in downtown traffic while a helicopter hovered overhead. Only one week earlier, Colóm Argueta had registered his own new center-left political party.

Colonel Djalma says that he personally worked on the G-2 investigation of Fuentes Mohr, which concluded he was a communist. But Djalma says the decision to kill Fuentes Mohr was made at a higher level. According to two ranking officers who participated in the discussions, the plans to kill the two politicians were relayed by General David Cancinos, who was then minister of defense and overseen by Colonel Héctor Montalvan, who was presidential chief of staff. Montalvan declined to comment on the charge. Montalvan's chief aide at the time was an officer named Edgar Godoy Gaitán. Earlier this year, the army appointed Colonel Godoy to be commander of the G-2.

Beatriz Barrios' name has been in G-2 files for several years. A schoolteacher and a law student, she had been picked up by the army twice in the last five years. Both times she was freed after the intervention of a relative who is a high-ranking military officer. After the second abduction, she had gone to the Canadian Embassy, which was quietly running a refugee program that had spirited dozens out of the country. The Canadians moved quickly to book her on a flight to Toronto.

At the airport her reservation passed across the desk of a colonel in the G-2 section named Gilberto Barreda, who has an office in a modest cubicle off the passenger arrival corridor. Barrios was due to leave the country early on the morning of December 11. Hours before her scheduled departure, she phoned for a taxi from a friend's house. Either the cab was followed from the friend's house or the call was monitored over the G-2's intercept lines at the national phone company. Ten minutes into the ride, the taxi was pulled over. Barrios was dragged away by four heavily armed men.

The next morning a G-2 army captain named Armando Villegas was seen by a group of his colleagues by the side of a highway south of the capital standing over Barrios' naked and mutilated body. A note in Villegas' handwriting had been placed on the corps, saying, "Faltan Más"—"More to come." After the killing, Captain Villegas was made a director of Cerezo's presidential guard. His superior at the time, General Jaime Hernández, has been chosen by the army as Cerezo's minister of defense.

One common assumption in Guatemala and the United States is that all the disappeared are dead. Clearly, most are. According to Amnesty International, "many thousands" have disappeared in recent years; the army admits to no political prisoners. But testimony of survivors and G-2 officials indicates that between capture and execution dozens and perhaps as many as a hundred *desaparecidos* can be found at any given

time in the network of clandestine G-2 holding centers.

These centers range from ordinary-looking civilian homes to cordoned-off sectors of army bases. For example, a tree-shaded mansion at 5-15 Seventh Ave., Zone 9, in the capital was used in 1983 as a secret prison and interrogation center. As of early 1986, *desaparecidos* were being held at the headquarters of a security force called the Ambulant Military Police (PMA) outside the capital. The prisoners were held in cells hidden behind a concealed door in a building next to the soccer field. Another center, in operation at least until Cerezo's election, is located in the mountains of the Atlantic coast outside the town of Playa Grande, according to agents who have worked there as guards.

All legal efforts to learn the location of G-2 centers have been thwarted. Last September the mother of Fernando de la Roca Elias was able to record the license numbers of two cars used in her son's abduction. She went to the Guatemalan Supreme Court to force the government to release the identities of the vehicles' owners. In an unprecedented—and thus far unrepeated—decision the court ordered the government to comply. One car, plate P-75177, is registered to the Ministry of Defense; the other, plate P-253217, is assigned to the Cuartel General, the country's largest military base. Military sources also say that three peasant co-op members from the town of Patzún abducted by a G-2 unit last April 24 were still alive earlier this year and being held on the grounds of Cuartel General. In January the army appointed the commander of this base, General Héctor Alejandro Gramajo, as Cerezo's army chief of staff.

A few lucky enough to escape or be freed from the G-2 system have told their stories. Jim Boldenow, an American minister, was dragged from his car at gunpoint in 1982 and taken to a holding center where interrogators displayed a rack, electric cattle prods, and metal-tipped sticks they said were used for breaking bones. A friend of Boldenow informed the U.S. Embassy of the kidnapping, and embassy officials contacted then-chief of state General Efrain Rios Montt. He personally radioed the holding center and ordered Boldenow's release.

Last year a labor lawyer named Ramiro Ruiz Palma was tipped off by a friend that he was "on a list." He was able to have a contact within the government peruse his G-2 file. The G-2 had discovered that Ruiz Palma had advised a union at the Bank of Guatemala and made trips to Argentina and Mexico. They concluded that he was "a Marxist," and had marked him for elimination. He fled the country. Two weeks later, a union leader, Julio Celso, was snatched from a street corner and interrogated about Ruiz Palma's departure. Celso says he was taken to a house downtown, where he could hear prisoners screaming in other rooms. Celso was strapped to a blood-soaked mattress and threatened with a syringe. Only pressure on the army from friends in the U.S. labor movement secured Celso's release 24 hours later.

A personal connection to a senior officer or G-2 employee has become one of the more valued relationships among the middle and upper classes of Guatemala City. Only they can let relatives know the status of disappeared persons, how they are faring in clandestine detention, and when they are executed. For example, the mother of an agronomist named Jorge Rosal Paz, who disappeared in 1985, was consoled to receive from her G-2 contact at least a memento of her son: his identity card photo.

A few are still willing to speak out publicly against the system of political violence. "They [the military] have created a climate of terror," says Archbishop Próspero Penados, "a form of psychological torture, of constant uncertainty." Since becoming the country's leading bishop in 1984, Penados has boldly denounced the army for a number of specific killings. Nonetheless, Penados ratios his public candor and keeps his distance from the GAM, the outspoken human rights group. "In Guatemala, one has to be very careful what one says," he explains. "One walks around with the knowledge that they can kill you at any time."

Nineth García, a housewife in Guatemala City, knows what Penados means. Her husband disappeared in February 1984. Afterward a squad of machine-gun-toting soldiers from the government's special operations brigade invited themselves into her house. They laughingly told her that her husband was "just a little bruised" and would be released in a few days. When he failed to appear, she helped launch the GAM in June 1984. The last two people who attempted to establish human rights organizations in the country were both assassinated. Today García, her eight-year-old daughter, and her fellow GAM survivors are the targets of frequent death threats. She says she now regularly receives phone calls late at night in which a tape-recorded voice describes her upcoming funeral and starts to laugh.

The GAM is the only group left in the country that will publicly confront the army. Last year General Mejía denounced the GAM as "a pressure group managed and directed by the subversion, and one that is making problems for the peaceful Guatemalan population." A police spokesman added that the group "has reached such extremes that it cannot be tolerated anymore." Nine days later Héctor Gómez, a baker active in the GAM, was abducted as he left a meeting. His body appeared the next day with his tongue cut out. Five days later, another GAM leader named Rosario Godoy de Cuevas, who had given a passionate speech at Gómez's funeral, was snatched from a shopping center along with her brother and two-year-old son. Her raped and mutilated body was found in her car; the baby's fingernails had been torn out.

When we asked General Mejía about the incidents at a press conference last November, he denied that either case was a homicide. He said that the Godoys had perished "in a traffic accident." When asked how the baby had lost his fingernails in car crash, Mejía replied that the existence of that injury—which was witnessed and photographed at the wake—was "disinformation."

President Cerezo told us that he attributes the killing of the GAM leaders to agents of the DIT. Cerezo says he is "convinced that the decision was made at the highest level of the government." Military officials involved in the operation confirm this view. They say that a team headed by Jaime Martínez Jiménez, then the chief of the DIT homicide division, carried out the killings. They say he was acting on the orders relayed by Colonel Carlos Dorantes Marroquín, who was then the G-2 commander. Dorantes refused to comment about the GAM killings. Martínez, these sources say, was supervised by army lieutenant colonel Juan Méndez. This February, when the DIT offices were raided, Jaime Martínez was nowhere to be found. He had been informed of the raid in advance and chose to stay home.

It is hard to say who would be more stunned by justice for the Guatemalan military: the victims or the army. The officers and obligarchs who run Guatemala are accustomed to eliminating reformist challengers and dismissing the shaken survivors with gestures of amused contempt. General Mejía has explained the country's chronic violence as "a folkloric problem that began with Cain and Abel. . . . The problem is that nobody is content with anybody."

In a statement as bold as any made under previous military regimes, the army recently acknowledged that the killings of recent years had indeed been official government policy. Defending the decree that gives amnesty to all officers, the army said the measure was needed "to avoid reprisals against government functionaries who, with the framework and jurisdiction . . . of their public functions, may have afterward become the object of controversy."

Guatemala's bureaucracy of death appears more comfortably entrenched than at any time since the mid-1960s. The abolition of the DIT, a group of expendable civilians, has won the armed forces international praise, while G-2's assassinations continue as before. A popular civilian president can now renegotiate the country's foreign debt and secure economic aid for the country's ailing agricultural exporters—impossible under the previous military regimes. And despite earlier statements that he would tolerate no repression on his watch, Cerezo has yet to denounce a single army killing. This May his interior minister said that political murders are no longer a problem.

Cerezo surely would be far more willing to pursue prosecution of military officers if he did not feel that it threatened the survival of his government. If, for example, the Reagan administration publicly condemned the military's ongoing crimes, and supported efforts to hold the army officials accountable, the dream of ending the military's reign of terror would become a real, though distant, possibility. State Department officials claim that private diplomacy can work, leaving little prospect that the Reagan administration will go public. Yet still there is a feeling in Guatemala that unpredictable forces have been loosed and that the final disposition of the country's G-2 assassins is a story yet to unfold. At Cerezo's inauguration, angry crowds spat upon army trucks and shook their fists, crying, *"asesinos!"* In his first five months in office, Cerezo has received hundreds of letters—some from the friends and relatives of victims, some from government insiders—denouncing specific murders and abductions, and naming the officers responsible.

After hearing the pleas of GAM members a year ago, General Mejía replied: "You have stated that there are secret prisons—clandestine—and that your sons are alive. You have been given every means available [to locate them]. You can go wherever you like. Where are these clandestine prisons? Where are these family members? . . . I don't know where they are. When you find out, let me know."

The general may be getting an answer sooner than he expected.

A COMPROMISE PROPOSAL FOR CIVIL RICO

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1986

Mr. CONYERS. Mr. Speaker, during the 99th Congress, the Subcommittee on Criminal Justice, has held eight hearings on the proposed changes in the Racketeer Influenced and Corrupt Organizations Act [RICO]. During these hearings representatives of the busi-