

GUATEMALA'S FOUR DECADES OF TERROR

(By Chanin Webb)

Genocide committed during Guatemala's 36-year civil war, although far exceeding the death tolls reached in Bosnia, as well as in El Salvador, Nicaragua, Argentina and Chile combined, has not received proper notice from the international community. Fortunately, the slow march of justice may finally be reaching Guatemala, as indigenous Mayan survivors of over a dozen massacres—out of an estimated 600 committed during that era—speak out, accusing former dictator Efraín Ríos Montt of genocide, crimes against humanity and war crimes.

Supported by the Center for Human Rights Legal Action (CALDH), a local NGO which serves as a co-prosecutor in the case and offers legal council to the victims, an association of surviving indigenous Maya is suing ex-General Ríos Montt on charges related to the massacres in which 1,200 lives were lost. At these bloodlettings, which occurred between March and December of 1982, peasants throughout the Mayan highlands were raped, tortured and murdered, with their bodies tossed into the large pits serving as mass graves. The locations of these ossuaries were known for years, but left undisturbed until recently, due to fear of retaliation. The indictment against Ríos Montt is based on the testimonies of the survivors, as well as the deceased, in the form of these recently uncovered burial sites.

RÍOS MONTT'S TERRORIST NETWORK

Shortly after the CIA's sponsored coup in 1954, which toppled the democratically-elected government of Jacobo Arbenz and placed the country under military rule, revolutionary groups began being formed to combat authoritarian rule. The result was a civil conflict which lasted for 36 years, leaving more than 200,000 dead and millions displaced. It was during this bloody conflict that Ríos Montt rose to power. By 1972, he had achieved the rank of brigadier general, and was, at the time, already being accused of using his new authority to orchestrate the 1973 massacre of over 100 indigenous Maya. In 1982, Ríos Montt led a military coup that seized control of the government, overthrowing Gen. Lucas García (who also has been accused of major war crimes).

Many hoped that, due to his evangelical background, Ríos Montt would reduce the cruelty; instead, he took the war to new levels of violence by attacking the thousands of indigenous Maya who allegedly comprised the bulk of the revolutionaries. Ríos Montt believed that other Maya were providing the guerrillas with food and shelter, thus making them collaborators and subversives. According to CIA records released in February of 1998, under the Ríos Montt dictatorship, there was a marked increase in military violence and destruction of Mayan villages.

Under the ensuing reign of terror, Ríos Montt utilized notorious Civil Defense patrols and "model" villages (officially known as social re-adaptation centers) which were akin to concentration camps, housing the survivors from various Mayan communities decimated by the armed forces. Males thirteen years and older were required to serve in Civil Defense patrols, which operated as paramilitary units and were supervised by the army. Their mission was to act as informants and they were expected to kill suspected guerrillas as need be, as well as fellow villagers. According to Andrea Leland, author of *A Long Road Home*, these civil patrols put the indigenous boys and men in the forefront of danger, compelling them at

times to kill members of their community, consequently destroying the fabric of their Mayan heritage.

The most devastating of Ríos Montt's actions was the implementation of the "scorched earth" policy, which called for hundreds of villages to be burned to the ground and thousands of innocent people to be tortured and murdered. One documented incident of this policy in action took place in the village of El Quetzal on July 17, 1982. Soldiers divided the families, placing the men in the local schoolhouse and the women and children in the church. After several hours, the soldiers took a group of men from the schoolhouse and executed them with stones and machetes; those remaining were killed when the military threw grenades into the building. The younger women were raped, tortured, and killed, while the older women were murdered with their children, when the military threw grenades into the church. In all, over 360 people died in this tragic event.

In another massacre, which took place at the Mayan community of San Francisco, more than ten thousand villagers were displaced, aside from those brutally murdered. The random cruelty of the military is revealed by the fact that children were found with their stomachs cut open, while others had been grabbed by their legs and smashed against trees and upright beams within their houses. At the time, the Ríos Montt administration blamed the attacks on radical right-wing vigilante groups; however, then-U.S. ambassador to Guatemala, Fredric Chapin, noted in CIA records that "I am firmly convinced that the violence is government of Guatemala ordered and not "right-wing violence" and that these were not rightist militant squad executions, but again executions ordered by armed service officers close to President Ríos Montt." On August 1983, Ríos Montt was himself dethroned by a military junta lead by General Mejía Victores. During Ríos Montt's short rein as dictator, thousands of victims were added to the death toll fact sheet.

BRINGING DOWN A TYRANT

To this day, Ríos Montt continues to retain plenary power within Guatemala's government, as president of Congress and de facto president of the country, by controlling the corrupt nominal president, Alfonso Portillo. The latter was elected on the Frente Republicano Guatemalteco (FRG) ticket, which is led by its founder, Ríos Montt. The FRG controls congress and has quickly become one of Guatemala's most corrupt regimes in recent history, according to CALDH's director, Frank La Rue. The case against Ríos Montt is consistent with the conclusions of the Commission for Historical Clarification (the UN-sponsored Truth Commission), which stated "Guatemalan authorities must prosecute those with the main responsibility for the serious human rights violations." Newly appointed prosecutor Mario Leal, assisted by CALDH and the association of Mayan victims, continues to push the genocide case against Ríos Montt forward. Since 1973, under Guatemalan criminal law, there is no immunity from prosecution for those who have committed crimes of genocide, war crimes and crimes against humanity, meaning that Ríos Montt cannot hide behind his current incumbency.

Since the initiation of the case against Ríos Montt, terror and incessant threats have followed those pursuing justice. This past July, Anselmo Roldán, representative of the communities that filed that legal case

against Ríos Montt, was attacked and seriously wounded by Santiago Emilio Pérez, who escaped by hiding in the house of a FRG supporter. But with this increased level of danger, the case is moving forward, according to CALDH, which believes Mr. Leal's team will begin taking testimonies of the eyewitnesses to the massacres this month. They believe it is possible to have the investigation completed by July 2002.

Observers feel that this case could form the basis of hope for national reconciliation regarding atrocities committed against the Mayan community during the 36-year conflict. To only bring it to trial would be a most notable victory for those involved, as well as for the country's otherwise discredited judicial system, setting a precedent that hopefully will serve as a formidable deterrent for those contemplating the future use of terror against the public.

TRIBUTE TO FIREFIGHTER ANGEL JUARBE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Firefighter Angel Juarbe of FDNY Ladder 12, a national hero who gave his life to save many others during the September 11th attack on the World Trade Center.

Angel Juarbe, a valiant firefighter, was a Bronx native and resident for his short 35 years of life. Members of his community and family have felt a gaping hole in their lives since Angel's passing. They are not alone, and like the thousands of other family members and friends of those lost in the national tragedies, they have become survivors of September 11th. One of Angel's brothers, Ed, said of him, "He always wanted to help the less fortunate." Another of Angel's brothers, Charles, is a New York City Police officer who searched desperately for his brother after the second World Trade Center tower came down. Angel Juarbe was a beloved son, brother, and uncle.

Mr. Speaker, Angel had entered a hotel connected to the second tower, moments after the first had gone down. He and fellow firefighters rescued a number of people trapped in the building and as they moved up floors, made the judgement call to disencumber themselves for easier maneuvering by leaving behind some of their emergency equipment, namely their large supply of rope. After an undiscernible amount of time, the firefighters were called to evacuate the structure. Before they could all escape the collapsing building, staircases crumbled and Angel and his comrades realized that they needed the rope to rappel down to safety. Angel and a fellow firefighter retrieved the rope and made their way back up to the stranded men. On the way, they came across another firefighter in peril and while they assisted this individual, the second World Trade Center tower collapsed bringing down the joined hotel.

Shortly before his tragic death on that infamous day, Angel had become a momentary television star thanks to his stint on Fox's reality show "Murder in Small Town X." Angel

November 28, 2001

emerged the victor of this program which placed regular individuals in the roles of investigators in a fictitious town beleaguered by a serial murderer. Angel earned quite a few fans throughout the airing of the show and today a number of webpages are dedicated to his memory by these devoted fans who felt like they knew the charming New Yorker. Angel, who solved the mystery and caught the "killer," was awarded \$250,000 and a brand new Jeep Cherokee. He told a reporter after winning the show that he was giving part of his winnings to his father so that he could retire. He said that another part was going to help his nieces and nephews with their educations.

Mr. Speaker, the number of heroes emerging from the events on September 11th continues to grow. Our firefighters, police officers, and rescue workers who risked their lives daily before September 11th and have everyday since, are national treasures. I ask my colleagues to join me today in commemorating one of these treasured heroes; Angel Juarbe.

CLEAN DIAMOND TRADE ACT

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 27, 2001

Mrs. MORELLA. Mr. Speaker, I rise in strong support of H.R. 2722, the Clean Diamond Trade Act, and I thank Congressmen HOUGHTON, RANGEL and HALL for their dedication to finding a consensus on this issue. Thanks to their work, the diamond industry, human rights organizations and American consumers can rest assured that their government is dedicated to eliminating the funding of civil war, and of terrorist organizations from diamond profits.

H.R. 2722, prohibits the importation of rough diamonds, or polished diamonds, into the United States unless the exporting country has a system of controls, consistent with United Nations General Assembly Resolution 55/56 adopted on December 1, 2000, or that is consistent with an equivalent international agreement. This bill also prohibits the Overseas Private Investment Corporation and the Export-Import Bank of the United States from engaging in projects involving the mining, polishing or sale of diamonds in a country that fails to meet these same requirements.

I believe this bill will finally address the massive human suffering that has occurred as a result of the trade of conflict diamonds in Africa. This tragedy, which has driven over 6 million people from their homes and resulted in over 2 million deaths, has gone unaddressed for too long. I encourage all my colleagues to support H.R. 2722, so the association between diamonds and Americans can once again be love, not violence.

EXTENSIONS OF REMARKS

HATE CRIMES PREVENTION ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. CONYERS. Mr. Speaker, since the April 3, 2001 introduction of H.R. 1343, the Hate Crimes Prevention Act, 199 members from both sides of the aisle have added their voices to the call for comprehensive legislation that will provide assistance to state and local law enforcement and amend federal law to streamline the investigation and prosecution of hate crimes.

The events of September 11th have demonstrated the destructive power of hate to rend the fabric of a community and a nation. Domestically, hate crimes statistics are a disturbing barometer of the state of the nation. In spite of national success in lowering overall crime rates, hate crimes have proven resistant to that trend. Data collected for 2000, pursuant to the 1990 Hate Crimes Statistics Act, documented 8,152 hate crimes, an increase of 3.5 percent from 1999 figures.

Overall, racial bias accounted for 54.3 percent of incidents, with religious bias accounting for 16.5 percent, sexual orientation 16 percent and ethnicity 12.4 percent of incidents. Notably, anti-black bias accounted for 35.6 percent of all racial bias and anti-Semitism accounted for 75.5 percent of all religious bias incidents.

In the wake of terrorist attacks, the Arab-American Anti-Discrimination Committee has investigated, documented and referred to federal authorities over 450 incidents. These incidents include the murders of a Muslim Pakistani store owner in Dallas, TX, and an Indian-American gas station owner in Mesa, AZ, where a suspect was arrested shouting, "I stand for America all the way."

The Department of Justice, however, has initiated only approximately 40 investigations of hate crimes directed against institutions or people of Arab or Middle-Eastern decent. As the James Byrd and Matthew Shepard tragedies suggest, the investigation and prosecution of this flood of hate crimes will strain the resources of state and local law enforcement agencies.

Current law limits federal jurisdiction to federally protected activities, such as voting for even covered classes of persons, so all these incidents will not be subject to federal jurisdiction. Moreover, current law does not permit federal involvement in a range of cases involving crimes motivated by bias against the victim's sexual orientation, gender or disability. This loophole is particularly significant given the fact that ten states have no hate crime laws on the books, and another 21 states have extremely weak hate crimes laws.

Our bill will remove these hurdles, so the federal government will no longer be handicapped in its efforts to assist in the investigation and prosecution of hate crimes. Through an Intergovernmental Assistance Program, federal authorities will be able to provide technical, forensic or prosecutorial assistance to state and local law enforcement officials. In addition, the legislation authorizes the Attorney General to make grants to state and local law

23301

enforcement agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes.

The Hate Crimes Prevention Act of 2001 is a constructive and measured response to a problem that continues to plague our nation—violence motivated by prejudice. It is vital that both government and individuals distinguish the beliefs of the Arab-American and Muslim communities from the perpetrators of September 11th's violence, and recognize that these Americans share our values and contribute significantly to our communities.

All Americans should stand to condemn any acts of bigotry, violence or discrimination against Arab-Americans, South Asians and American Muslims and call upon Americans of every faith and heritage to stand together in this time of national crisis. Our sense of community with fellow Americans of Arab and South Asian decent and those of the Islamic faith should not be counted as another casualty of September 11th's senseless violence.

MEDICARE PATIENT ACCESS TO PHYSICAL THERAPISTS ACT OF 2001

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2001

Mr. POMEROY. Mr. Speaker, I rise today with my friend and colleague from Illinois to introduce a bill that will provide Medicare beneficiaries with direct access to qualified physical therapists. I join Mr. CRANE today in introducing the "Medicare Patient Access to Physical Therapists Act of 2001," a bill that is patient-focused, patient-friendly, and puts the patient first. This legislation will enhance access to quality health care services for Medicare beneficiaries under Part B and expand choices for Medicare beneficiaries.

The time is right for this legislation, Mr. Speaker. Thirty-four states currently allow direct access to physical therapists without a referral requirement. The citizens of my own State of North Dakota have been able to directly access their physical therapists since 1989 without limitation. Under this provision of State law, my constituents have enjoyed nearly unfettered access to the expertise of licensed physical therapists without the delay or added cost of a physician referral. This is especially important to rural areas of this country where we are frequently underserved by health care professionals. Physical therapists in North Dakota are able to treat many impairments, functional limitations, disabilities, and changes in health status for our residents, and as such, they contribute to making our population more productive and healthy.

Access to physical therapist services without a referral requirement already has been successful around the country. Studies conducted by Johns Hopkins and Georgetown University researchers demonstrate that utilization of services was actually lower in episodes of care initiated without referral than episodes initiated with a physician referral. My constituents—who incidentally make up the largest population of seniors per capita—are entitled