

Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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RIGHT TO JUSTICE

ARREST WARRANTS ISSUED IN SPANISH CASE

11.07.06 Guatemalan authorities have decided to proceed with arrest warrants issued for former leaders charged with terrorism, homicide, and kidnapping, and more specifically the burning of the Spanish Embassy on January 30, 1980. A number of the accused are also charged with genocide carried out during the country's internal armed conflict. The case is currently under investigation in the Spanish court system.

On November 6, a Guatemalan court issued arrest warrants for Mejía Vítores, Ángel Aníbal Guevara, Benedicto Lucas García, Germán Chupina Barahona, Donaldo Álvarez, and Pedro García Arredondo. Of those listed, 81-year-old Ángel Aníbal Guevara has turned himself in and is now in prison in Guatemala and 86-year-old Germán Chupina is under police supervision in the hospital. Mejía Vítores had not been found as of November 8 and some speculate that he is in the United States.

The court order failed to include Romeo Lucas García, who passed away this year, and Efraín Ríos Montt. Many had hoped that Lucas García would be "symbolically" brought to justice for the massacres that were committed under his rule.

According to the judges, Ríos Montt was not included due to a lack of evidence proving his involvement in the burning of the Spanish embassy. Some are still hoping for a successful appeal, but the influence of Ríos Montt's political party, the Guatemalan Republican Front (FRG), may hinder both this appeal and the final extradition of the other leaders.

According to the Historical Clarification Commission sixty-nine percent of all extrajudicial executions, forty-one percent of all sexual violations, and forty-five percent of all acts of torture commit-

ted during the internal armed conflict took place under Ríos Montt's rule.

Relatives of war victims applauded the arrest of Chupina and Guevara, but demanded the inclusion of Ríos Montt as well. With shouts of "We demand justice," social leaders demonstrated peacefully outside the Supreme Court of Justice on November 10.

The court's decision to proceed came after the European Parliament passed a resolution on October 26, backing the Spanish arrest warrants for Ríos Montt and the other leaders. The resolution urged the Guatemalan government to cooperate with the investigations.

MEXICO APPROVES EXTRADITION

10.31.06. The Secretariat of Foreign Relations of Mexico has approved the request to extradite former Guatemalan president Alfonso Portillo, according to the Attorney General of Guatemala, Juan Luis Florido. Portillo's lawyers had fifteen days to appeal before the Supreme Court of Mexico.

Portillo, whose administration faced serious allegations of corruption, left Guatemala in February 2004. He is accused of embezzling at least 120 million *quetzales* (approximately US\$16 million).

PNR REQUESTS EXTENSION OF ID LAW

10.30.06 The National Reparations Program (PNR) is asking Guatemala's Congress to extend the Special Temporary Law for the Documentation of People (Decree 09-2006), which is set to expire on November 23. The law, first enacted on May 17 of this year, was designed to facilitate the registration of citizens that do not have personal identification documents.

The PNR has requested an extension on behalf of the estimated one million people that still do not have IDs. The PNR has asked Congress to consider those that were forced into exile or displaced during

the 1980s as a result of the war. Many of them lost their personal documents during this time when local government buildings and houses were burned and many people fled their homes. The PNR is particularly concerned because the reparations process could be further stalled if Congress fails to extend the law. In order to receive reparations, victims or their relatives must be able to present personal identification documents and, in some cases, birth, marriage, and death certificates.

RIGHTS OF THE CHILD

CASA ALIANZA REPORTS ON EXPLOITATION

11.06.06 An investigation by the nongovernmental organization Casa Alianza found that underage boys and girls from a number of different countries are forced into prostitution in businesses fronting as saunas or Turkish baths in Guatemala City. Since 2002, there have been numerous attempts to indict the owners of these nightclubs, which operate under commercial names because they are registered as different types of businesses.

According to Casa Alianza, girls have described businesses with striptease dancing where they are forced to dance and undress at the clients' tables. María Eugenia Villarreal Chávez, of the Association for the Elimination of Prostitution, Pornography, and Sexual Tourism and Trafficking of Girls, Boys, and Youth in Guatemala, stated that the girls are raped, humiliated, and abused, both physically and psychologically.

Recent police raids have found no conclusive evidence, but the director of Casa Alianza, Arturo Echeverría, believes that police searches fail to find and rescue underage persons because the owners of these establishments are on good terms with the authorities and they receive warning before the raids.

In 2000, a Special Rapporteur from the United Nations estimated that approximately 2,000 girls were living under sexually exploitative conditions. The total number of minors currently living under such conditions is an estimated 15,000.

MIGRANT RIGHTS

80% OF MIGRATION OFFICIALS ARE CORRUPT

11.02.06 An investigation by the Main Directorate of Migration revealed high levels of corruption

among migration officials. According to the investigation, which collected information from the institution's own employees, the corrupt network is widespread and up to eighty percent of the employees are part of it. The corruption covers a wide range of activities, including allowing the illegal transport of migrants, cattle, drugs, arms, and stolen vehicles.

Providing fake documents is also a common practice. Migrants deported from Mexico to Guatemala by bus sometimes pay between US\$800 and \$1,000 to be registered as Guatemalans. After deportation from Guatemala to other Central American countries, these migrants can then return to Guatemala within a few days to reinitiate their trip north. Migration officials in the airport also earn large sums of money by charging undocumented migrants from China, Pakistan, Jordan, Iraq, Cuba, and Colombia in exchange for allowing them to enter the country.

Director of Migration Santos Cuc said that he has faced numerous obstacles in combating corruption in the institution due to the deep roots of corrupt practices and the power of human trafficking networks. According to Cuc, however, the corruption cases will be sent to court shortly. The group of employees that has agreed to testify will become protected witnesses of the Public Prosecutor's Office (MP), according to Minister of Interior Carlos Vielmann.

SUMMIT FOCUSES ON MIGRATION

11.04.06 The XVI Ibero-American Summit was held in Montevideo, Uruguay, with fourteen of the twenty-two invited countries in attendance. Participants largely focused on migration, albeit with more rhetoric than content, according to some sources. The summit concluded with a firm request for the United States to reconsider building the wall along the Mexican border and to commit to ending discrimination and abuse directed at millions of immigrants in the region. Participants pointed out that migration is largely motivated by poverty, which has driven more than thirty million Latin Americans from their countries of origin.

Chilean President Michelle Bachelet, the only woman among the participating Heads of State, raised her voice on behalf of Ibero-American women and asked the region's countries to adopt

gender policies that will prevent the loss of feminine capacity and talent.

The document approved at the summit states that it is urgent to continue analyzing migration on a global level and that this must be done with consideration for both causes and consequences, while also including perspectives on human rights and development. The document also highlighted the increasingly complex nature of migration and stated that the phenomenon should be addressed using a multidisciplinary approach with the full participation of origin, transit, and destination countries.

The Heads of State and Governments of Argentina, Andorra, Bolivia, Chile, Colombia, Costa Rica, El Salvador, Ecuador, Spain, Honduras, Mexico, Paraguay and Portugal, as well as King Juan Carlos and the host Tabaré Vázquez participated in the summit. The presidents of Brazil, Cuba, Guatemala, Nicaragua, Panama, Peru, Dominican Republic, and Venezuela did not attend the summit for various reasons.

EIGHT MIGRANTS DIE IN RIO GRANDE

11.03.06 The bodies of eight persons were found in the Rio Grande on the border between the United States and Mexico. The authorities believe the migrants were of Guatemalan origin, due to the fact that some were carrying Guatemalan currency in their wallets.

SHIP CARRYING 29 MIGRANTS CAPTURED

11.02.06 Coastguards with the Guatemalan National Defense Navy captured a flagless ship with twenty-nine undocumented persons from Ecuador, including twenty-five men and four women, on board. The ship was captured thirty nautical miles off the beach of Tecojate on the Pacific Coast, and was escorted to the commercial dock of Puerto Quetzal, Escuintla. The migrants were put under custody of the local authorities after receiving medical care.

MINISTER OFFERS SUPPORT FOR MIGRANTS

11.07.06 Foreign Relations Minister Gert Rosenthal said that Guatemala will negotiate with US authorities to try to prevent the deportation of some 30,000 Guatemalans who arrived in the US during Guatemala's civil war. Rosenthal said that the ministry could cover attorney expenses, if neces-

sary, to help undocumented Guatemalans in the US.

On November 6, representatives of the Unity of Guatemalan Migrants in the US (UGE) visited Guatemala to urge Congress to act on behalf of those at risk of deportation. Rosa Posadas, of the UGE, said that a dialogue between Rosenthal and US authorities would not be sufficient. She added that they are asking President Oscar Berger to negotiate directly with President George W. Bush.

WOMEN'S RIGHTS

UNAMG RECEIVES GRUBER PRIZE

11.07.06 The National Union of Guatemalan Women (UNAMG) received the Gruber Prize, awarded each year to a women's organization that defends women's rights "in the line of fire." The president of UNAMG, Luz Méndez, received the prize, consisting of a golden medal and \$100,000, during a ceremony in New York. In June of this year, the UNAMG offices were raided and confidential information was stolen. Méndez took part in the process of negotiating the Peace Accords and advocated for the incorporation of women's rights in the peace agreement. The president of the Gruber Foundation, Patricia Gruber, stated that UNAMG was forced to operate in exile, due to repression.

INDIGENOUS RIGHTS

LEADERS CALL FOR MAYAN EDUCATION

11.06.06 Mayan teachers gathered at the Santiago Indigenous Institute to discuss ways to strengthen education during the next academic term. "Mayan education is cosmos-centric, meaning everything we do is related to the cosmos and to nature as a whole. Teaching should start from that concept, so that in time, we can recover what has been lost," said Édgar Choguaj, a leader of the National Council for Mayan Education. "Classical science is driving us to self-destruction," he added.

LABOR RIGHTS

BANKRUPTCY LEAVES 63,000 WITHOUT WAGES

10.28.06 Approximately 63,000 employees of *maquiladoras* (assembly and packaging factories) will not be receiving wages because the companies' funds were held in Bancafe International, which re-

cently declared bankruptcy. More than thirteen representatives of Korean assembly and packaging factories announced to the Guatemalan Export Association (AGEXPORT) that seventy percent of the companies in the clothes and textiles sector will not be able to pay wages. The companies fear violent reprisals from their employees as a result. The companies had entrusted around US\$240 million to Bancafe International and many of them are now demanding that the shareholders of the bank return their money.

RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

WATER SHORTAGE DUE TO INEQUALITY

The United Nations Development Program presented, in simultaneous events in several cities across the globe, the Human Development Report 2006 titled, "Beyond Scarcity: Power, Poverty and the Global Water Crisis."

The document points out that, in a world of unprecedented wealth, almost two million children die every year for lack of a glass of potable water and a toilet. As competition for the water needed for mass production intensifies, the environment and the poor bear the true burden. In countries with average and low rates of human development, including Guatemala, poor people in general, and women and children in particular, pay the greatest human costs. The report proposes that governments place the interests of the poor at the heart of policies designed to manage water resources.

CONSULTATION ON DAM REQUESTED

11.08.06 Representatives from the municipalities of San Pablo, Tajumulco, and Malacatán in San Marcos requested a community consultation organized by the local Human Rights Ombudsman's Office on the construction of a hydroelectric dam. Area residents want to prevent environmental damage and asked the municipalities to hold community consultations before proceeding.

GUATEMALA TO JOIN UN DISASTER FUND

11.07.06 A United Nations study determined that there were at least 404 natural disasters related to climate changes in the last year. In response, the UN has launched the Hyogo Framework for Action

2005-2015, which includes a US\$500 million fund for global disaster prevention and relief. These funds are available to support countries in responding to emergencies caused by climate change. The funds are also available for long-term projects, such as disaster prevention campaigns and reconstruction in disaster-stricken zones. Guatemala has pledged US\$50,000 to the fund, also contributing experience acquired after the 1976 earthquake and hurricanes Mitch and Stan, in 1998 and 2005 respectively.

OTHER SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

TENSIONS RUN HIGH IN EL ESTOR

11.21.06 (*from a report by Defensoría Q'eqchi'*) Nearly 1,000 families were evicted from lands in El Estor in northeastern Guatemala, resulting in violence, hostility, and civil unrest. Maya Q'eqchi' communities represent more than ninety percent of the population in this area. The Guatemala Ministry of Energy and Mines has granted more than 1,000 square kilometers of El Estor to international mining companies for the purposes of exploration and exploitation of nickel through strip mining. Indigenous communities live and work on nearly all of these lands. Some have titles to the land, but many are still in the process of collective titling for the land they possess.

On September 17, 2006 five groups numbering some 300 families occupied lands claimed by mining companies. Two of the groups occupied lands near Cahaboncito in Alta Verapaz. Those groups claim that the same lands were taken from them when the mining project began over forty years ago. Another group occupied lands near the village of Chichipate, fifteen kilometers to the west of El Estor, with similar historical claims. Two other groups, mostly of townspeople, occupied an area near the company airstrip and an area to the north of the abandoned company housing complex. Representatives of INCO and Skye mining companies in Guatemala filed charges against the groups in September.

In the early morning hours of November 11, a group of approximately thirty families occupied an area across the road from the INCO housing complex on the outskirts of El Estor, resulting in

clashes with the police and skirmishes with several company employees. The following morning, Public Prosecutor Rafael Andrade and sixty police notified the occupying groups that they were in flagrant violation of the law and must abandon the site.

By midday, the group had left the site calmly carrying with them their makeshift materials. However, a group of townspeople, some carrying machetes, began to gather and throw stones at a pickup truck from the mining company.

Later that day, the police went to the site by the airstrip and forcibly evicted its occupants using tear gas. That evening, the police went to Chichipate where they likewise fired tear gas into the settlement to evict its inhabitants.

Reports of violence included one policeman hurt by a thrown stone, two or three persons arrested, and two disappeared. (Both disappeared persons were later discovered: one was seriously beaten, allegedly by the police, and the other reappeared on his own.) Furthermore, the groups had erected roadblocks and burned a training kiosk. A local mayor's home and a recently renovated hospital were also burned.

Although large numbers of police forced restored calm to the community, tension remains. Meetings have been planned to encourage dialog between community members and mining company representatives.

UNDP OFFICIAL HIGHLIGHTS INEQUALITY

11.13.06 Latin America is the most unequal region of the world and Guatemala is one of the most unjust countries in the region, according to recent comments made by Bernardo Kliksberg, a public policy adviser with the United Nations Development Program (UNDP). Kliksberg cited inequality as the main cause of poverty. He pointed out that, in Guatemala, the richest twenty percent of the population controls 59.5 percent of all income, while the poorest twenty percent receives only 2.9 percent of the wealth.

Kliksberg said that tax collection is a crucial component of change and that Guatemala needs a new fiscal pact; "The countries that have produced economic miracles in recent years have all prioritized education and health, but this requires fiscal investment," he said.

HOSPITAL STRIKE SHOWS LITTLE PROGRESS

11.10.06 The people in charge of the partial strike at public hospitals, which started five months ago, are expressing frustration with the lack of progress. None of the three meetings that have been held – the first with the Ministry of Health, the second with the Vice President, and the third with the Human Rights Ombudsman – has led to positive results.

On October 19, hospital directors and chiefs signed a declaration stating the following: "We currently have sufficient medical resources to properly attend to outpatient services." The previous week, however, a verification commission made up of resident physicians, witnesses, and personnel from the Ministry of Health, visited the Roosevelt and San Juan hospitals and found that conditions remained inadequate for proper health care.

In spite of delays and the ongoing strike, Ángel Sánchez Vies, a representative from the Physicians' Association, had some positive observations. "If you want to look on the bright side," he said, "thanks to the strike, we have an increase of 156 million *quetzales* in the health care system budget, a new schedule for the acquisition of equipment, and an opening to discuss the Medical Statute."

On November 8, hundreds of members of the Unity of Popular and Labor Action (UASP) gathered outside Roosevelt Hospital to demand a solution from the government. During the protest, they also demanded the dismissal of the directors of the major public hospitals in Guatemala, citing high levels of corruption.

On November 9, health workers marched to demand a budget increase for the health sector in 2007. The union had the support of the National Front in the Struggle (FNL). According to Luis Lara, a leader within the FNL, they are requesting an increase of over one billion *quetzales* (about US \$133 million), in order to curb the hospital crisis, supply the hospitals with sufficient medications and equipment, and enable a new administration of human resources.

STEIN THANKS CUBA FOR AID IN HEALTH

10.28.06 Vice President Eduardo Stein thanked Cuba for its contribution to Guatemala in the field of health. In part due to Cuba's contributions in

Guatemala, the maternal and infant mortality rates have fallen in recent years.

There are currently more than 300 Cuban health professionals serving in Guatemala as a continuation of the medical brigade that arrived in 1998 following Hurricane Mitch. Stein emphasized that the Cuban doctors are primarily working in indigenous communities and remote. In addition to the presence of its own doctors, Cuba has also contributed to the training of future Guatemalan doctors. More than 500 Guatemalan youth are currently being trained as doctors in Cuba.

Stein pointed out that the life expectancy in Cuba is over seventy-seven years old. Out of thirteen million inhabitants in Guatemala, only 800,000 are sixty years old or older.

SENIOR CITIZENS DEMAND REFORMS

11.07.06 Senior citizens gathered outside congressional buildings to ask Congress to approve reforms to the Senior Citizens Economic Support Law. The participants said that senior citizens' issues are not given due attention and they are tired of being ignored.

OTHER INFORMATION

GAM DENOUNCES MILITARY PRIVILEGES

10.28.06 The Mutual Support Group (GAM) announced its opposition to a new set of privileges for the military. By governmental agreement 476-2006, the benefit of personal protection is granted to the Minister of National Defense and the Head of the General National Defense Staff, as well as their respective families.

GAM emphasized that the granting of this type of privilege confirms the fears of civil society groups related to the remilitarization of Guatemalan society. The organization pointed out that, during the internal armed conflict, public institutions were used to benefit the military.

GAM asked the government to reverse the agreement and demanded that the authorities follow the recommendations laid out in the Peace Accords. For GAM, this latest agreement represents a significant step backward in efforts to modernize the military and consolidate democracy.

GUATEMALA STILL SEEN AS CORRUPT

11.06.06 While corruption in Guatemala has improved slightly over the last year, the country still ranks among the eleven most corrupt countries in Latin America, according to a report by Transparency International recently published by the Guatemalan organization Citizen Action. Although the country's rank rose from number 120 to number 111, the Corruption Perceptions Index (CPI) in Guatemala remains below three points, which indicates a generalized perception of uncontrollable corruption. The index for Guatemala is 2.6, which is the same as Nicaragua, and just a tenth of a point above Honduras.

Manfredo Marroquín, of Citizen Action, said that the index reveals the relationship between corruption and poverty, as well as the weakness of State institutions. Mayra Palencia, from the Board on Transparency and Social Audits, said that the country must strengthen State institutions in order to increase its CPI score. The Latin American countries with the lowest perception of corruption include Chile (7.3), Uruguay (6.4), Costa Rica (4.1), and El Salvador (4.0).

POLICIES ON YOUTH VIOLENCE FAIL

10.28.06 Human rights organizations from the US and Mexico, as well as international institutions, gathered to discuss youth violence at a forum in San Salvador. The statement released by the participants argued that policies intended to address gang violence in Central American countries must take a "radical turn." According to participants, the policies adopted thus far have worsened rather than resolved the problem. The groups recommended that new policies be formulated through social consensus.

Gang violence is a complex phenomenon, most dramatically affecting El Salvador, Honduras and Guatemala, where police estimate there are approximately 50,000 gang members.

GANGS CITED IN CRIMES AGAINST WOMEN

11.07.06 According to Renato Durán, head of the Unit for Crimes against Life in the Public Prosecutor's Office (MP), seventy percent of crimes against women in Guatemala are committed by gang members. Durán explained that these crimes often occur when the perpetrator wants revenge,

when the victims resist extortion, or when the victims refuse advances. Durán said that the remaining thirty percent are due to crimes of passion, personal revenge, or the criminal involvement. From January to October of this year, the police recorded 485 violent deaths of women and 4,524 violent deaths of men in Guatemala.

LEFTIST FRONT FORMED

11.07.06 In an interview on the radio show Dialog, of *Radio Nuevo Mundo*, Sandino Asturias, a member of the National Executive Committee of the Guatemalan National Revolutionary Union (URNG) political party, spoke about the creation of the Social and Political Leftist Front. Asturias said that the coalition is the only political alternative with a real focus on social justice, public investment, and public security.

Asturias said that Guatemala has been ruled by right-wing governments for the last sixty years and that, for the first time, the left has seen a unification of political, social, and popular sectors not simply limited to a short-term election season. Asturias assured the interviewer that the Front seeks to act from a position of power with an emphasis on justice, contrasting with the traditional demagogic and populist discourse of the right. The Front currently consists of artists, musicians, leaders of women's organizations, and members of popular organizations such as the Collective of Social Organizations (COS), the URNG, and the National Front in the Struggle. The members hope that this unity can present a true alternative for the country.

AUTHORITIES CRACK DOWN ON BARS

10.30.06 Authorities of the Ministry of Interior and the Supervision of Tax Administration (SAT), supported by security forces, closed eighteen bars located in zones 10, 4, and 9 of Guatemala City, detained twenty-nine adults, deported 106 undocumented Central Americans and one undocumented European, and sent 131 minors to special courts. The authorities also seized ten firearms, searched five vehicles, and admonished seven other businesses. Similar operations were also carried out in Escuintla and Quetzaltenango.

Human Rights Ombudsman Sergio Morales criticized the government for failing to invite his office to participate in the actions. Morales said that

this was a clear abuse of authority. Morales emphasized that his institution is not against operations intended to fight crime, as long as they are carried out with respect for the law and human rights.

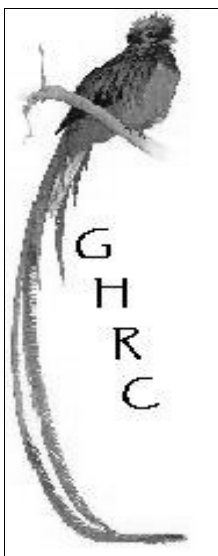


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Information in the *UPDATE* that is not gathered directly is culled from various sources, including the Comisión de Derechos Humanos de Guatemala, Casa Alianza, Albedrío, Amnesty International, Associated Press, Reuters, and Guatemalan news sources, such as Cerigua Centro de Estudios de Guatemala, Incidencia Democrática, Prensa Libre, El Periódico, La Hora, and Siglo Veintiuno.

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