

Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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RIGHT TO LIFE AND HUMANE TREATMENT

Attacks Against Human Rights Activist Increase

11.28.06 National Movement for Human Rights Executive Director, Ruth del Valle, reported that opposition to mining and to DR-CAFTA has provoked threats, intimidation, and, in some cases, murder against the organization's members. As of October 31 of this year, Del Valle had registered 226 attacks, an increase from 221 attacks registered during the whole of 2005. Del Valle stated that attacks on human rights defenders in Guatemala serve as a gauge in determining the current conditions of the country.

Orlando Blanco, of the Collective of Social Organizations (COS), said that the increase in attacks on defenders of economic, social and cultural rights makes Guatemala the second worst country in the western hemisphere for human rights violations, behind Colombia. Blanco said that all eyes of the United Nations are currently on Guatemala as 2006 commemorates the tenth anniversary of the signing of the Peace Accords, and yet attacks are increasing.

Violence on the Rise

11.28.06 Recent statistics have shown an increase of violent deaths in Guatemala. Authorities state that they are unable to control the level of violence that Guatemalans face on a daily basis. Dr. Otto Danny León Oliva, a coroner for the judiciary morgue in Guatemala City, reported that the morgue received thirty bodies during the weekend of November 25 – 26, twenty-seven of which were male. The principal cause of death in these cases was firearm wounds. Dr. León Oliva also stated that there has been an increase in violent deaths of

women this year. Furthermore, he noted that, with the spike of violence expected this December, the number of violent deaths of women will more than likely increase.

Plot Against Human Rights Activists Revealed

11.28.06 The newspaper *El Periódico* has revealed an alleged plan conceived by civil and military chiefs of security, which would seek revenge against selected human rights activists, former government officials, and journalists of *El Periódico*'s investigative team. The article reported that Erwin Sperisen, director of the National Civil Police (PNC), and Javier Figueroa, head of police investigations, were the authors of the macabre plot.

The plan is believed to target Nery Rodenas, director of Guatemalan Archbishop's Human Rights Office (ODHAG), María Eugenia Morales De Sierra, adjunct attorney for the Human Rights Ombudsman's Office (PDH), Mario René Cifuentes, former director of the PNC, Julio Godoy, former vice minister of the Interior, and Edgar Gutiérrez, a columnist for *El Periódico*, among others. The report alleges that a military group linked to General Espinosa was to organize the plan. According to the report, Sperisen, Figueroa, and other military personnel would hire paramilitary groups to execute the victims and afterwards place blame on members of a political party.

Police Officers Commit Abuse

11.28.06 The Office for Professional Responsibility (ORP), the internal investigations corps for the Guatemalan National Civil Police (PNC), has documented more than two thousand testimonies by citizens reporting incidences of police abuse. Several forced disappearances are among the

abuses cited. Minister of the Interior Carlos Vielmann stated that 700 police officers are under investigation, and 1,038 have been dismissed from their duties for utilizing questionable procedures.

Amnesty International, the UN Committee against Torture, and the Human Rights Ombudsman's Office (PDH) have accused the Guatemalan PNC of violating human rights by capturing, kidnapping, torturing, raping and even disappearing citizens. The PDH verified that in 2005, twenty-one cases of forced disappearance implicating PNC agents were reported. In addition, the first four months of 2006 yielded the documentation of eighteen more cases.

One such case is that of Oscar Humberto Duarte, from the board of the Association for the Development of Quetzal City (ASIDECQ). On May 24, 2006, six men in a gray car kidnapped him in broad daylight. According to witnesses, a double cabin pick-up truck, similar to the ones used by the PNC, guarded the car. Both vehicles had tinted windows, and their passengers carried high-caliber weapons. The PDH asserted that the forced disappearance must have been committed by police officers because of the manner in which the disappearance was performed. The PDH reported that only security forces that contain similar logistical and human resources could execute such a disappearance. The investigative report on the incident stated that PNC agents failed to call for backup and alert neighboring police stations in order to pursue the vehicle holding Duarte.

Investigations by the Public Prosecutor's Office (MP) has discovered that PNC agents have often arrested individuals without warrants, and, in some cases, the victims were never seen again.

Ombudsman Reports Police Abuse of Youth

11.28.06 The Human Rights Ombudsman reported that police officers abused a group of young people attending a rave during a drug raid. The rave took place at kilometer thirty-six on the highway to El Salvador. The Human Rights Ombudsman noted that state security forces attacked the youth both physically and verbally, stole personal property, and performed illegal arrests during the raid. Edelberto Cifuentes Medina, chief investigator of the Human Rights Ombudsman's Office (PDH), stated that after compiling numerous reports of

abuse at the rave, the PDH interviewed several ravers. The majority of the youth agreed that the attitude of the police had made them feel assaulted. Some even said they had thought they were being mugged. Alejandro José Letrán, the organizer of the rave, publicly reported that the ravers had been beaten and illegally detained.

Human Rights Defenders Demand Protection

12.03.06 Central American Human Rights Defenders, attending a regional summit in Costa Rica, called for more freedom in reporting human rights violations and requested better protection from entities that constantly issue threats or commit murders. Ruth del Valle, executive director of the Guatemalan National Movement for Human Rights, reported that members of the organization have received more than sixty threats. She enumerated that from January to October 2006, 226 threats, ten murders, nine attempted murders, one forced disappearance and several temporary kidnappings occurred.

Pavón Inmates Executed During Operation

12.07.06 The Human Rights Ombudsman's Office (PDH) reported that seven inmates were executed when security forces entered Pavón Penitentiary Rehabilitation Farm on September 25 with the intent to retake control of the facility. The security forces stated that the seven inmates had fired on the police, although the PDH report refutes this claim.

Prisoners said that they had already surrendered when, without explanation, the police began shooting like "madmen." Security forces formed a row of prisoners to be transferred, and men with ski masks entered the prison to pull aside the seven inmates. The peers of the fallen inmates said that they did not resist. Officials from the Ministry of the Interior, the penitentiary system, and the National Civil Police (PNC) had stated that Luis Zepeda, Jorge Batres, Jose Tinihuar, Gustavo Correa, Misael Castillo, Carlos Barrientos and Estuardo Mayorga died as a result of a confrontation with the police. The police report indicated that several of the prisoners died with grenades and firearms in their hands. Nonetheless, according to the PDH investigation, Griess tests were not performed in order to detect whether traces of gunpowder could be found on the

prisoners' hands. The security authorities also stated that a police officer had been wounded by gunfire from the prisoners; however, the PNC Security Headquarters reported that no agent had been wounded.

The PDH announced that the judiciary morgue refused to issue a detailed protocol of each autopsy. Prosecutor Juan Luis Florido declared that the Public Prosecutor's Office (MP) would investigate whether extra judicial executions had taken place during the operation.

Luis Zepeda, one of the executed inmates, was the president of the Order and Discipline Committee (COD), a group of prisoners that had run the prison since 1996. The Pavón Penitentiary Rehabilitation Farm had been out of the Guatemalan State's control for more than a decade. The rest of the prison victims did not belong to the COD.

WOMEN'S RIGHTS

Women's Groups Demand Justice

11.28.06 Marking International Non-Violence Against Women Day, the 25 of November Women's Collective demanded that the Guatemalan Supreme Court of Justice (CSJ) expedite cases of violence against women, that sentences be carried out against the perpetrators, and that magistrates respect and observe all applicable laws and procedures. In addition to the CSJ, the demand for justice was extended to other State agencies. The women's collective requested that the Ministry of the Interior guarantee a woman's right to life and security, that the Public Prosecutor's Office (MP) make cases of violence against women a priority, that the Constitutional Court (CC) hand down its sentence concerning a pending suit presented by female domestic servants, that Congress increase funding for programs that benefit women, and that the Presidential Secretariat of Women (SEPREM) better monitor the public policy surrounding violence against women.

In a press release, Magistrate Rodolfo de León, president of the CSJ, lamented the high levels of domestic violence as well as the increase in femicides. The judge pledged to advocate for greater justice in cases of violence against women and to implement steps that would make CSJ

personnel more aware of the applicable rights and procedures in family, labor, and criminal cases. De León stated that the women's movement has been essential in highlighting human rights violations and femicide cases, and he has proposed steps that would prevent, punish and eradicate those abuses.

More than 580 women had been killed by the end of November. It is feared that at the close of 2006, that number will exceed 2005's figure of 665 murders. According to Amnesty International, more than 2,200 women have been murdered in Guatemala from 2001 to 2006.

Number of Women Living with HIV Increases

11.29.06 Once more common among Guatemalan men, the Acquired Immune Deficiency Syndrome (AIDS) is quickly spreading among Guatemalan women. In 1988, there were eight cases of men with AIDS for every case of a woman. Nowadays, the ratio has fallen to two to one. Carlos Mejía, head infectologist at Roosevelt Hospital, reported that forty percent of all patients with the Human Immunodeficiency Virus (HIV) are women. This increase can also be seen in pregnant women. In 2002, three out of every one thousand pregnant women tested positive for HIV. Thus far in 2006, the figure is nine out of every one thousand. This proportion is higher in certain regions of the country. For example, in Escuintla and Retalhuleu, departments on the Pacific coast, one out of every fifty pregnant women test positive for HIV.

According to Bertha Chete, the Guatemalan representative for the International Community of Women Living with HIV/AIDS, women are in a very vulnerable position because they cannot negotiate the use of a condom with their partners, even when they know the men have other partners. Chete stated that this is another form of violence based on gender inequality. She is concerned that the figure is rising among younger people and that awareness campaigns are not reaching the targeted populations. Doctor Mario Aguilar stated that biologically, due to female genitalia, women are between seven and ten times more likely than men to contract the virus.

CHILDREN'S RIGHTS

UNICEF Calls for Gender Equality

12.12.06 The United Nations Children's Fund (UNICEF) issued its "The State of World's Children 2007" report, which called on governments to promote gender equality for the sake of children's development. The report stated that children's development is closely linked to the influence of women in their households. The study indicated that when women have more influence at home, their children's nutrition, health and education improve. The disparity in access to education between boys and girls later on makes it more difficult for women to find a job. The report showed that children in Latin American and the Caribbean whose mothers had not received proper education were two and a half times less likely to attend school. The study concluded that the participation of women in politics guarantees laws promoting and protecting women and children.

LABOR RIGHTS

Labor Situation in Guatemala Worsens

12.06.06 The International Labor Organization (ILO) issued its "2007 Labor Overview" report, which observed that Guatemala has not been successful in generating quality job opportunities that combat poverty. The document reported that in 2006, the rate of urban unemployment in Latin America decreased for the fourth consecutive year, from 9.5 percent to 9.0 percent. The ILO found this to be promising for the creation of quality jobs and combating poverty and inequality in the region.

Nevertheless, despite those small gains for the region, sixty percent of Guatemalans live in poverty. Seven out of every ten rural households are affected by poverty. Seventy-six percent of indigenous people are poor. And roughly, eighty-eight percent of the labor force failed to obtain an education beyond middle school, giving Guatemala the lowest ranking among Central American nations. The educational deficit is greatest among indigenous populations, whose labor force registers an average of 2.7 years of schooling. The unemployment rate of women is equivalent to that

for men; however, the participation of the women in the labor market is inferior to that of men. Starting this week, different unions and labor organizations will take up a series of legal actions against the government demanding an increase in the minimum wage.

MIGRANT RIGHTS

US Increases Number of Deportations

12.07.06 Authorities from the General Migration Director's Office (DGM) reported that US deportations of Guatemalans have increased by 647 percent from last year. The figures for each year are based upon the number of deportations from January to September. Altogether, during the first nine months of 2006, 13,204 individuals were deported. Of those 13,204 individuals, 10,487 were men, 1,980 were women, 651 were boys, and eighty-six were girls. The immigration authorities attributed the increase to the US's adoption of stricter immigration policies and enforcement.

Minister of Foreign Affairs Visits US

12.12.06 Guatemala's Minister of Foreign Affairs, Gert Rosenthal, met with US Secretary of State, Condoleezza Rice, to discuss the deportation of Guatemalan immigrants, especially those that fled in the 1980s and are now seeking political asylum. Rosenthal reported that it was a positive meeting, and that Rice promised to reconsider the deportation of Guatemalan political asylum seekers. Some of the Guatemalans who fled the country in the eighties were granted Temporary Protected Status (TPS), while others found protection under the 1997 Nicaraguan Adjustment and Central American Relief Act (NACARA). However, given the strict requirements of the act, many Guatemalans did not qualify.

Rosenthal commented that over the last few months several immigrants have appeared before judges to clarify their reasons for being in the US and several of them have been deported for failing to meet the conditions required for obtaining political asylum. Marlon González, president of the National Coalition of Guatemalan Immigrants (CONGUATE), explained that the courts are ordering deportation because Guatemala is no longer at war, and therefore, immigrants do not

qualify for political asylum or TPS. González stated that there are approximately 20,000 cases of Guatemalans facing deportation if the US maintains that policy.

Jolie Opposes Wall between US and Mexico

12.12.06 Actress Angelina Jolie, in an interview with the Mexican newspaper *Reforma*, stated that constructing a wall between the United States and Mexico would fail to address the issue of migration affecting both countries. She said that the true solution lies in enabling both nations to overcome the obstacles that drive desperate people to cross the border. As a Good Will Ambassador of the United Nations, Jolie declared that national borders should not exist because they only produce closed-mindedness.

SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

Guatemalan Policies to Benefit Disabled

12.04.06 In commemoration of the International Day of Disabled Persons on December 3, Frank La Rue, of the Presidential Human Rights Commission (COPREDEH); Sebastian Toledo, of the National Council for Aid to Disabled Persons; and Nadja Sartí, of the Secretariat of Social Welfare (SOSEP), announced the adoption of a national policy to integrate disabled persons into society, helping them to become more active citizens.

The new policy rests on several essential pillars: attacking the causes of disabilities, providing access to health care, training and/or rehabilitating the disabled, guaranteeing opportunities for formal and informal education, and assuring participation of disabled persons in cultural, recreational, and sporting activities. The policy also aims to ensure access to physical space, housing, and transportation for the disabled and their families, as well as a commitment to justice, security, and human rights.

Toledo and Sartí, both of whom are blind, said that the new policy is a step in the right direction in providing opportunities for disabled persons. However, they conceded that there is still much work to be done, especially in raising awareness among the varied sectors of society, State institutions, and private businesses. They said that all sectors of society play a pivotal role in creating

conditions that allow the disabled to enjoy a better quality of life. Sartí also referred to a recent survey that revealed the existence of 401, 871 disabled persons in Guatemala.

Six Million Guatemalans in Extreme Poverty

12.14.06 The Collective of Social Organizations (COS) delivered its report on economic, social, and cultural rights in Guatemala to both the United Nations International Covenant on Economic, Social, and Cultural Rights and the European Commission. Secil de León, of the Economic, Social, and Cultural Rights of Guatemala (DESCGUA), explained that the COS report is an alternative study to the Guatemalan government's report, provided so that the UN can compare and contrast findings.

The COS study revealed that during 2006, 380,000 Guatemalans slipped from poverty to extreme poverty. In addition, the report cited that fifty-seven percent of Guatemalans – roughly six million people – live in a state of poverty, hunger, and malnourishment. During the delivery of the report in Geneva, activists invited the UN's Special Rapporteur on the Right of Everyone to Enjoy Physical and Mental Health to visit Guatemala next year and to make recommendations on the subject.

RIGHT TO JUSTICE

HIJOS Demands End to Military Impunity

11.28.06 At a recent demonstration, activists from Children for Identity and Justice against Forgetting and Silence (HIJOS) demanded the arrest of General Oscar Humberto Mejía for the atrocities he committed during Guatemala's civil war. Shouting "Justice," displaying banners, and beating drums, the participants marched from the old Polytechnic Military Academy to the residence of General Mejía Vítores, located in zone 10, at 6th Ave. and 12th Street. In conjunction with a petition from the Spanish National Court, the protestors demanded that the general be tried for kidnapping, murder, and terrorism. Three weeks ago, the Fifth Sentencing Court overturned the arrest warrant out for the general.

General Guevara Granted Temporary Protection

12.07.06 Guatemala's Constitutional Court (CC) granted former Minister of Defense Angel Aníbal Guevara Rodríguez temporary protection and directed the Fifth Sentencing Court to evaluate, after analyzing several national laws and international treaties, whether the Spanish National Court has jurisdiction to try Guevara. In doing so, the CC overturned the First Court of Appeals' prior ruling. If the Fifth Sentencing Court determines that the Spanish National Court does have jurisdiction, then the case will proceed; however, if the Fifth Court rules against the Spanish petition, the arrest warrant for General Guevara will lapse.

The general has been imprisoned at the Preventive Center in zone eighteen of Guatemala City since November, when the Fifth Court ordered his arrest. The Spanish National Court wishes to try him for the fire that swept through the Spanish Embassy on January 31, 1980, killing both Spanish and Guatemalan citizens.

Authorities Search for Alvarez Ruiz

12.07.06 Central American authorities are in search of Donaldo Alvarez Ruiz, the former minister of the Interior, due to the Spanish National Court's international appeal for his capture. The Court had not included Alvarez Ruiz in its extradition request, since officials knew he was not residing in Guatemala. Instead, the Court put out a call to all Central American authorities to locate and arrest the former minister. Eduardo de León, spokesman for the Foundation Rigoberta Menchú (FRM), stated that Alvarez Ruiz has been hiding in Panama for the past year.

PDH Unveils Book Honoring Peace Accords

12.07.06 In commemoration of the tenth anniversary of the signing of the Peace Accords, the Human Rights Ombudsman's Office (PDH) unveiled a new book that includes the agreements and memoirs of the active participants in the 1996 peace process. The objective of the publication is to ensure that the commitments assumed by several governments and the Guatemalan National Revolutionary Union (URNG) are known and implemented into Guatemalan society.

Ombudsman Sergio Morales declared that the book would have widespread distribution in schools

and educational institutions so that young people can become familiar with the content of the accords. Former URNG Leader Ricardo Rosales, known as Carlos González, stated that the Peace Accords have been a source of life for the various factions that have interpreted them according to their own interests. He affirmed that Guatemala is different than it was ten years ago, and it faces new challenges and problems.

FAFG Releases Victims' Clothes and Remains

12.08.06 The Guatemalan Forensic Anthropology Foundation (FAFG) made public an inventory of clothes and skeletal remains of victims of the armed conflict. The FAFG and the Red Cross International Committee (CICR) compiled the clothes and remains during exhumations at various military bases with the hopes of identifying the victims. José Suasnávar, executive director of FAFG, stated that the inventory is vital evidence to determining the identity of exhumed victims. To date, forty-six percent of the 5,000 exhumed victims have yet to be identified.

Aura Elena Farfán, of the Association of Families of the Detained and Disappeared of Guatemala (FAMDEGUA), reported that the project is an important element of support for people still hoping to find the remains of their relatives. This catalogue of clothes and skeletal remains is the first of its kind to be carried out by the Regional Delegation for Mexico, Central America, and the Spanish Speaking Caribbean made up of members from CICR and FAFG.

Communities Commemorate Massacres

12.07.06 Villagers in La Libertad, Petén, along with members of the Association of Families of the Detained and Disappeared in Guatemala (FAMDEGUA), commemorated the massacres of Los Josefinos, Dos Erres, and Las Cruces that occurred on the morning of April 29, 1982 at the hands of the Guatemalan military. Community members from the three towns marched through the streets carrying posters with the photographs of General Benedicto, General Romeo Lucas, and General Efraín Ríos Montt, who are the alleged perpetrators of these massacres. Miguel Albizures, member of the board of directors of FAMDEGUA, declared that they have presented reports to the

Public Prosecutor's Office (MP) in order to help the affected families recover.

Guatemala and UN Sign CICIG Agreement

12.10.06 The Washington Office on Latin America (WOLA) reported the signing of an agreement by the Guatemalan government and the United Nations to establish the International Commission Against Impunity in Guatemala (CICIG) that would search out illegal security forces and clandestine armed groups operating in Guatemala. The UN led commission would also promote the subsequent prosecution of implicated individuals in local courts.

Joy Olson, executive director of WOLA, said that the CICIG would provide a vital opportunity to combat and dismantle one of the biggest threats to the rule of law in Guatemala. WOLA stated that the commission could prompt concrete advances in the fight against impunity.

WOLA noted that the clandestine groups, a legacy of the internal armed conflict, employ violence to protect their political and illicit financial interests. The groups have allegedly established links with state officials, former and active members of the security apparatus, businessmen, and networks of organized crime. Over the last several years, they have plagued the country by terrorizing judges, witnesses, prosecutors, political leaders, human rights defenders and others. In the first half of 2005 alone, six members of the judicial system were assassinated. So far this year, five politicians have been brutally murdered. This has raised serious concerns about a potential escalation of violence in next year's presidential race. The considerable influence of the clandestine groups among officials and their propensity for violent reprisals has impaired the ability of the Guatemalan authorities to investigate them.

With an initial two-year mandate, the CICIG will seek to determine the existence of illegal security groups and clandestine armed groups, their structure, methods of operation, sources of financing and possible links to state officials or other sectors. In assisting local institutions charged with investigating and prosecuting crimes, the commission will attempt to dismantle the networks and prosecute individuals involved in illegal activities.

Nevertheless, in order for the CICIG to move beyond the drawing board to its full implementation, the Guatemalan Congress must first ratify the agreement. The agreement is expected to go to the Guatemalan Congress in early January 2007. Adriana Beltrán, associate of WOLA, stated that if Guatemala is serious about fighting impunity, violence, and corruption, then all sectors of society must embrace the CICIG.

OTHER INFORMATION

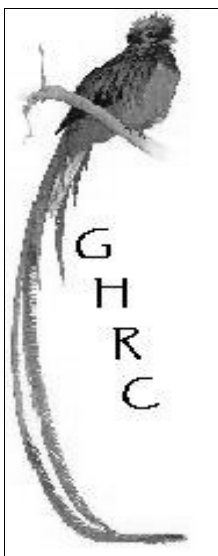
City Bus Drivers Report Extortion

11.29.06 At a recent press conference, a group of public bus drivers with their faces covered for fear of reprisal, requested an increase in security for buses operating in the neighborhoods of Santa Fe, zone thirteen, and San Antonio, zone six. The bus drivers reported that gangs are demanding an extortion tax of 75 Quetzals (roughly US \$10) a day from each bus. They also provided a list of suspected gang leaders operating in the area.

Augusto Pinochet Ugarte Dies

12.10.06 Former Chilean dictator Augusto Pinochet Ugarte died in Santiago de Chile on December 10. He passed away without having been sentenced for any of the reported human rights violations during his regime. Pinochet faced three pending judgments for abuses committed during his dictatorship, which ran from 1973 to 1990. The Chilean government reported that it would not provide State honors or time for national mourning of Pinochet. However, it did authorize that the flag fly at half-staff at military posts.

In Guatemala, the death of Pinochet caused mixed reactions. José Eugenio Garavito, from the old National Liberation Movement, mourned the death of Pinochet because of his untiring fight against communism. On the other side, Aura Elena Farfán, of the Association of Families of the Detained and Disappeared of Guatemala (FAMDEGUA), stated the organization's hope that Guatemala will one day be able to try individuals accused of massacres before they pass away. Helen Mack of the Myrna Mack Foundation, said that all death is to be lamented, however, Pinochet died with an unpaid debt to justice.



Founded in 1982, the Guatemala Human Rights Commission/USA is a nonprofit, nonpartisan, humanitarian organization that monitors, documents, and reports on the human rights situation in Guatemala, advocates for and supports survivors of the abuses, and works toward positive systemic change.

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.

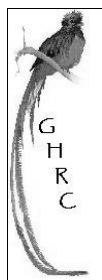
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