

Guatemala Human Rights Review

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“...the death toll is only the beginning of the cost, for a society that lives in fear of killing is unable to get on with its life and business in the ways it wants. The rich can protect themselves, up to a point, but the rest of the society lives with the fear that a random killing could affect them or their loved ones at any moment.”¹

-Philip Alston, Special Raapporteur on extrajudicial, summary, or arbitrary executions in Guatemala

This has been an eventful year for Guatemala. Elections were held on September 9, with approximately 60% of the eligible voters turning out to cast their ballot. The International Commission Against Impunity in Guatemala (CICIG) was approved by Congress on August 1. Indigenous communities participated in a popular referendum, rejecting hydroelectric dam and mining projects on their doorsteps.

All the news, however, has not been good. Three Salvadoran representatives to the Central American Parliament (PARLECEN) and their chauffeur were murdered just outside Guatemala City, where they were headed for a regional meeting. Subsequently, four of the accused police officers were arrested and then mysteriously executed in prison shortly after their detention. The scandal that ensued resulted in upheaval within the administration and conflict with Guatemala's neighbor to the southeast.



*Victim of Violence
in Guatemala
Photo: Prensa Libre*

New trends emerged in 2007, from child kidnapping to community lynching to massive attacks on public bus drivers. Unfortunately, many old trends still lingered.

Violence is still rampant. Organized crime and clandestine groups continue to operate with impunity. Hundreds of women still fall victim to gender-based violence. Authorities have yet to appropriately crack down on crime or fully prosecute the assailants.

VIOLENCE AND IMPUNITY

Guatemala continues to be plagued by violence and impunity. Of all the countries in the world, Guatemala ranks sixth highest in the number of violent deaths per year.² From 2001-2006, the

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homicide rate in Guatemala rose by 64% while the total population only increased by 8%.³ Between January and August of 2007, preliminary figures suggest that at least 2,654 people were murdered.⁴ Even more unbelievable, arrests are made in fewer than 2% of homicide cases.⁵

The most vulnerable are those between the ages of twenty-one to thirty, followed by ages eleven to twenty, although August 2007 saw a disturbing increase in the murders of children under the age of fifteen.⁶ Furthermore, an estimated five to ten people are kidnapped each week.⁷ While all segments of the population have suffered, some professions are targeted more frequently, including private security guards, bus drivers, members of the National Civil Police (PNC), street vendors, and merchants.⁸ Twenty-nine public bus drivers and nineteen transportation assistants were murdered in Guatemala during the first six months of 2007, supposedly for failing to pay “taxes” to the gangs that rule their neighborhoods.⁹ Other groups responsible for the violence are organized crime rings, drug cartels, rogue State security agents, and clandestine groups (often composed of former or active police officers, military personnel, former members of the Civil Defense Patrols, and private citizens).

WEAKNESS OF THE STATE

In order to combat rising levels of violence, it is critically important to find and bring to justice the responsible parties. Unfortunately, due to weak investigatory and prosecutorial structures, not enough is known about the different entities that commit crimes. It is known that a mafia-like web of criminal groups, including gangs, organized crime rings, drug cartels, and clandestine groups permeate the police, the justice system, and the political structure. However, the separation among these groups has become muddled. At times, it seems that gangs are paid to carry out crimes for organized crime rings or to traffic drugs, weapons, or humans. At other times, it seems that police officers commit extrajudicial murders of gang members so that other organized

crime elements can gain more control.

Regardless of concrete distinctions, it is clear that these illicit groups have gained de facto control throughout most of Guatemala. In some instances they control entire towns, buy off politicians, and have even been accused of dressing like police officers to remove evidence from the scene of a crime before the real police arrive.¹⁰ Their infiltration into



Guatemalan Prisoners Behind Bars
Photo: El Pais

the State apparatus has led to an increase in the trafficking of humans, drugs, and weapons; a rise in violence and homicides; and a swell in the number of cases that remain un-investigated and un-prosecuted. Their presence in the Guatemalan system ensures that crimes will not be investigated and that the State security forces will not be able to function.

These criminal entities, particularly organized crime rings and clandestine groups, arose out of the ashes of the civil war that decimated Guatemala from 1960 to 1996. Throughout this period, “death squads” roamed the country, torturing and executing anyone who stood in opposition to their objectives. When the war ended, participants in these death squads were so accustomed to extreme forms of violence and the power that came with it that they evolved into organized crime units or clandestine groups whose reign of terror continues more than ten years later. The perpetrators appear to be made up of former or active members of the State security apparatus, including police officers, military, or former members of the Civil Defense Patrols. The havoc they wreak on Guatemalan society has left the State weakened and ineffective.

Furthermore, Guatemala made *Foreign Policy* magazine’s May 2007 list of “failed states,” defined as, “[a state] in which the government does not have effective control of its territory, is not perceived as legitimate by a significant portion of its population, does not provide domestic security or basic public services to its citizens, and lacks a monopoly on the use of force.” *Foreign Policy*’s ranking “measures vulnerability to violent internal conflict.” On the lack of government security as a contributing factor to

destabilization, Guatemala scored 7.3 (with 10 being the worst rating). Guatemala scored 7.4 on government delegitimization, and on human rights violations scored 7.1.¹¹ As violence and impunity intensify, the Guatemalan justice system appears unable and unwilling to respond to the situation, therefore failing its citizens.

Not only do political institutions and the justice system lack the ability to bring criminals to justice, but they also lack the resources. Guatemala has the second lowest tax base in Latin America after Haiti.¹² Lack of funding severely inhibits the Public Prosecutor's Office and the National Civil Police (PNC). In fact, the PNC is seen as so ineffective that Guatemalans of means hire their own private security guards; there are nearly four times more private security guards in Guatemala than national police officers.¹³

Many Guatemalans perceive their justice system as corrupt and ineffective, sentiments that have led to indifference and even the acceptance of extrajudicial killings. In a report conducted by the *Siglo XXI* newspaper in June, 60% of those interviewed supported social cleansing as a way to eliminate alleged criminals. Many people interviewed said that the government's inability to provide security contributed to their opinion.¹⁴ This approval of social cleansing is evidenced by an increase in the number of lynchings, primarily in rural areas of Guatemala. Almost every week, a story appears in the Guatemalan news of a community mob that has attacked, beaten, or murdered a suspected criminal. Furthermore, business owners have been known to hire security teams to murder street children who loiter in their storefronts. Police officers and private security forces commonly target "social undesirables" such as suspected gang members, petty thieves, or prostitutes. The inability of the justice system to fulfill its duties has therefore led to rampant displays of anarchy in which victims have no access to any form of defense, much less a free and fair trial.

The most prominent example this year of the crumbling of Guatemala's justice system came in February. Three diplomats from El Salvador, along with their driver, were captured and murdered while traveling in Guatemala on their way to attend a Central American Parliament (PARLECEN) meeting



*Investigators examine the burned SUV of the three Salvadoran Congressmen and their driver killed in February 2007
Photo: Siglo XXI*

in Guatemala City. Their bodies were found burned in their SUV. Within days, police had arrested four members of the national police for the crime, including the director of the Organized Crime Unit (DINC). One of the police officers claimed that he and his accomplices had been paid to seize the Congressmen's car and steal drugs or money that were allegedly in the car. The four officers were arrested and taken to a maximum-security prison. However, days later, all four police officers were murdered in their prison cells. Some witnesses report that men wearing ski masks and bulletproof vests and armed with automatic weapons gained clearance through eight secure doors in the penitentiary and executed the police officers. Other reports attribute their deaths to gang members within the prison who either acted out of vengeance or were hired by outside drug operatives.¹⁵ Regardless, these events demonstrate the strength of criminal and drug-related networks that have enough power to enter and commit murders in state-run institutions.

During the chaos that corresponded to these events, several journalists and TV stations that were reporting on the murders were threatened. Minister of the Interior Carlos Vielmann and director of the PNC Erwin Sperisen both resigned their positions in March in the wake of the scandalous murders after reports that Guatemalan police officers were connected to the murders and that Guatemalan security forces worked directly with organized crime units.¹⁶ This kind of turnover in the Guatemalan public sector is not uncommon and serves to further exacerbate the instability of state institutions like the National Civil

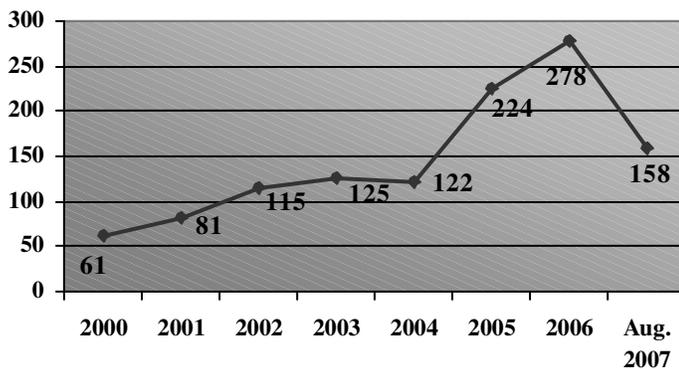
Police. Although investigations continue, there have been no further arrests in this case. The Salvadoran government, assuming that the alleged murderers were working under orders from a higher authority, continues to voice frustration and resentment in the matter.

ATTACKS ON HUMAN RIGHTS DEFENDERS

Defending human rights in Guatemala became increasingly dangerous in the first half of 2007, continuing a trend of the last six years in which attacks against human rights defenders rose 371%. In January and February of 2007 alone, there were 54 attacks, up from 34 attacks in 2006 during these months, 38 in 2005, and 8 in 2004. Between January and August 2007, there were 158 reported threats and assaults against human rights defenders.¹⁷ The types of attacks vary, but from January to August, the most common methods were verbal threats via telephone (38), intimidation (32), written threats (34), raids on offices (12), persecution (8), surveillance (10), and assassination (4). Most of these attacks took place in Guatemala City; nonetheless, attacks were recorded in thirteen of Guatemala's twenty-one interior departments.¹⁸ The following are just a few examples of violence perpetrated against human rights defenders thus far this year:

- On January 10, an attempt was made on the lives of environmental activists Carlos Albacete Rosales and Piedad Espinosa Albacete in Guatemala City. The couple was in a taxicab on their way home when men dressed in black military-style garb began shooting at them from another car. A total of six bullets were fired. The taxicab fortunately escaped, but Carlos sustained minor injuries from

Attacks on Human Rights Defenders by Year



broken glass. Both activists are founding members of the environmental organization *Trópico Verde*. They have been victims of previous threats and acts of intimidation believed to be linked to their work in denouncing illegal appropriation of land inside the Maya Biosphere Reserve, in the department of Petén.¹⁹

- On January 15, Pedro Zamora Álvarez, a trade union leader from the *Sindicato de Trabajadores de la Empresa Portuaria Quetzal*, was killed in front of his two small children. Previously Zamora Álvarez had received numerous death threats believed to be related to his labor organizing. Four other members of the Union's Executive Committee continued to receive death threats.²⁰
- On February 5, the shared offices of the *Unidad de Protección de Defensoras y Defensores de Derechos Humanos* (UPD) of the *Movimiento Nacional por los Derechos Humanos* (MNDH), and the *Asociación Comunicación para el Arte y la Paz* (COMUNICARTE) were raided. Twelve computers with case information, as well as technological and communications equipment were stolen. The perpetrators left behind human feces on the terrace, along with the gloves they used. As tactics of intimidation, they tied knots in computer cables in order to represent a hanging noose and placed a copy of MNDH's 2005 annual report concerning human rights defenders in an access door. The report was titled "The Terror Continues." The two organizations work to defend and promote human rights and human rights activists in Guatemala.²¹
- On May 25, staff members of the *Fundación de Antropología Forense de Guatemala* (FAFG) received a death threat against them and members of their families through an email. On May 28, Fredy Peccerelli, director of FAFG, received a subsequent email threatening to kill him and members of his family. It is believed that these threats are linked to FAFG's exhumation work that aims to identify victims of massacres during the internal armed conflict in Guatemala.²²

Some human rights defenders have been forced to flee the country in fear of their own lives. Most organizations have suffered threats or attacks in the

past and have received no protection from the police. Crime scenes are rarely investigated thoroughly and victims are seldom offered future protection.

In recent years it has been unusual for international organizations in Guatemala to be attacked, but assailants have become more daring. Five international organizations have been attacked so far in 2007. Assaults against human rights defenders are just another example of the continuing violence and impunity in Guatemala.

VIOLENCE AGAINST WOMEN

Women have continued to fall victim to gender-based violence in Guatemala in a phenomenon known as femicide. Preliminary results show that 343 women and girls were murdered during the first nine months of this year.²³ Although the 2007 trend indicates that fewer women will become victims this year compared to 2006 when 603 women were killed and in 2005, which saw 665 victims, the horrific brutality in gender-based murders continues. Women's corpses are often found with signs of sexual abuse and torture. Many victims are left in public places for families and community members to find - a practice that is meant to spread public fear.

Experts in Guatemala are unsure of the reasons as to why femicides have appeared to decrease over the past two years. The reasons could be attributed to increased international pressure, more initiatives focusing on women's rights, a loss of confidence on the part of assailants, or perhaps families are just more afraid of the consequences if they report the murder. It is also highly possible that authorities are underreporting the numbers of femicides. Whatever the reasons for the apparent decline in numbers, the fact remains that impunity in

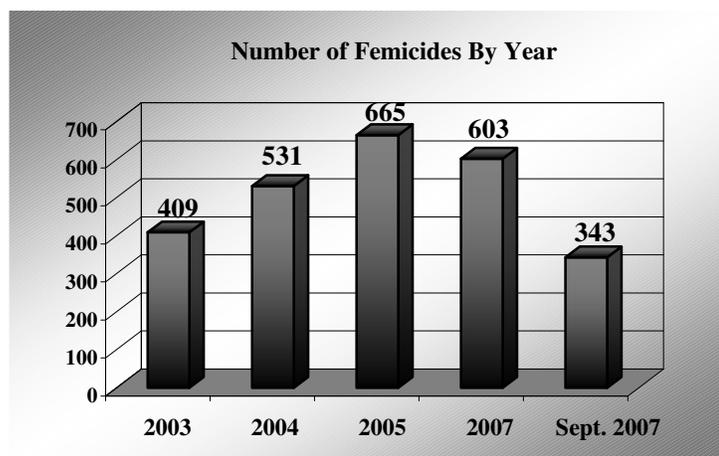
femicide cases is as prevalent as ever. Fewer than two percent of cases of violence against women result in sentencing. Until assailants are brought to justice, women will continue to live under the threat of gender-based violence.

The following are two examples of the many hundreds of cases of violence against women in the first half of 2007:

- The first victim of femicide in 2007 was a seven-year-old girl who was abducted from a community store by gang members, then raped, murdered, and beheaded. Her assailants left her body in public days later for her family and community to find.²⁴
- On June 3, two unknown men murdered Mariana Cristina Gomez, a staff member of Ixqik, an organization that works to stop violence against women in Petén and increase political participation among women. Many members of Ixqik have been threatened in the past; after the murder of Mariana, members of Ixqik received phone threats that promised them the same fate if they continued their work on women's rights.²⁵

While gender-based violence in Guatemala runs rampant and impunity persists, some positive steps have been made in Washington regarding violence against women. On May 1, 2007, the US House of Representatives passed House Resolution 100 condemning the murders of thousands of girls and women in Guatemala in the past six years, expressing solidarity with their family members, and urging the Guatemalan government to investigate the cases. The Resolution was endorsed by 100 Representatives.²⁶ A similar resolution was recently introduced in the Senate in May 2007. Senate Resolution 178 echoes the sentiments of H.Res.100, but goes one step further and asks the Guatemalan government to implement a comprehensive Missing Persons System and an effective State Protection Program for witnesses, victims' relatives, and human rights defenders.²⁷ Additionally, in April, the United Nations called on the Guatemalan government to create legislation to put an end to femicides in Guatemala.²⁸

International pressure is an important tool that can



be used to good effect to compel the Guatemalan government to prevent and investigate cases of gender-based violence. Hopefully this trend of increased international pressure and mobilization will continue in 2008.

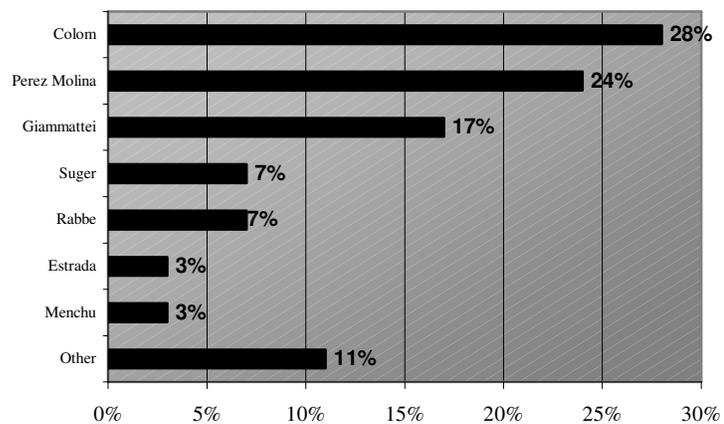
2007 ELECTIONS

2007 was an election year for Guatemalans. Ideally, an election year would inspire plans for progress, peace, and stability. Unfortunately in Guatemala, the 2007 election season was marred by political violence. At least fifty political candidates, their family members, and other political activists were murdered in the months leading up to the September 9 Election Day.²⁹ It was branded the “bloodiest campaign season in [Guatemalan] history.”³⁰ In one of the many examples of violence, a congressional candidate’s fifteen-year-old daughter was found in the trunk of a taxicab, her hands tied behind her back, her fingernails ripped out, and her throat slit. She was found with two other similarly attacked victims.³¹

Álvaro Colom of the National Unity of Hope (UNE) party and Otto Pérez Molina of the Patriot Party (PP) emerged from the first round of elections with the highest number of votes for the presidency, although neither gained the 50% plus one vote necessary to win the election outright. The two will face a runoff on November 4.

The national and international human rights community is concerned about the records and platforms of both candidates. Pérez Molina is a former general who directed his forces to commit massive human rights violations, including several massacres, against Guatemala’s indigenous populations during the 1980s. Moreover, Pérez Molina was allegedly involved in the assassination of a judge in 1994 and the assassination of Bishop Gerardi in 1998. As for his current political platform, Pérez Molina’s campaign slogan is “*Mano Dura*,” which literally means “Hard Hand” and implies a tough policy against crime and violence, through the use of profiling and forsaking due process. The recent increase in violence has certainly attracted voters to his tough-on-crime stance, leading critics to speculate that his party has been behind much of the

Percentage of Votes Received by Presidential Candidates - First Round September 9, 2007



violence leading up to the election.

Álvaro Colom doesn’t appear to be much better. He is a businessman, nicknamed the “Godfather” of the factories, and is tied to the oligarchy, another power structure that, like the military, has oppressed Guatemala’s poor masses for centuries. Despite his business background and relationship with the oligarchy, Colom’s platform has focused on security, increasing employment opportunities, and increasing social expenditure on education and health care. Not all is rosy with Colom. His party has been linked to drug trafficking and organized crime rings. This connection may impede his ability to implement effective rule of law strategies if he becomes Guatemala’s next president.

Only time will tell who will be victorious after the November 4 runoff, but history shows that the candidate who wins Guatemala City in the first round, in this case Pérez Molina, is most likely to win the second round. Only ten years after the end of a bloody 36-year civil war, a return to “*Mano Dura*” does not seem like the appropriate path to take for a country still trying to heal its deep wounds of repression. Unfortunately, neither candidate seems likely to be able to single-handedly change the social, economic, and political structures that desperately need fixing in Guatemala.

The presidency was not the only contentious spot on the ballot this year. Former dictator General Efraín Ríos Montt announced on May 4 that he would run for Congress on behalf of the right wing Guatemalan Republican Front (FRG) party - four years after his



*An activist protests General Efraín Ríos Montt's candidacy for the Guatemalan Congress in front of Guatemalan Embassy in Washington, DC
Photo: GHRC*

failed attempt at the presidency. Ríos Montt is notorious for the many massacres that occurred during his reign from 1982-1983 and is currently facing charges brought by Guatemalan victims' families and the Spanish government for the genocide committed under his watch, as well as for orchestrating the burning of the Spanish Embassy in 1980. Last year, a Spanish judge issued arrest warrants for Ríos Montt and seven other former military officers.

The tragedy of Ríos Montt's election victory is that he has allegedly gained immunity from these charges for the four-year duration of his term. In May, GHRC and the Network in Solidarity with the People of Guatemala (NISGUA) led a "March Against Montt" in front of the Guatemalan Embassy in Washington to express outrage that Ríos Montt was permitted to run for public office and to demand that legal proceedings against Ríos Montt resume in both Guatemala and Spain.³² Although he has garnered a Congressional seat, the genocide cases against him will hopefully move forward.

On a positive note, Nobel Peace Prize winner Rigoberta Menchú Tum, with the Encounter for Guatemala (EG) party, was among the presidential candidates. Although she received only 3% of the total votes, an indigenous woman running for president is a great step forward for two segments of Guatemalan society that have had little to no political voice in the past: indigenous communities and women.

Whether one candidate can drastically curtail the violence and poverty that plagues Guatemala is doubtful. Although the streets of Guatemala are covered in colorful, bright slogans promising change

and better times, the first nine months of 2007 show that the poverty and violence that torment Guatemalans are deeply rooted and require not one, but many political cycles of strong, effective, and transparent domestic leadership.

LAND CONFLICTS

Another trend that has continued in 2007 is the violent eviction of *campesinos* from their ancestral lands. Guatemala suffers from extremely unequal land and wealth distribution, which often leads to conflict. Columba Sagastume of the Secretariat of Agrarian Issues (SAA) announced in April that there are more than 1,660 land disputes ongoing in Guatemala, some of which have persisted for as many as fourteen years.³³

The Guatemalan government has done a poor job in addressing the underlying problem - historically unequal land distribution - and instead tries to solve each case individually. Large landowners evict peasants from land that *campesinos* claim are their ancestral lands, although the *campesinos* often lack proper documentation. Many *campesinos* survive off the crops they produce on their land, causing land scarcity to breed hunger and discontent. Furthermore, the police and military often use intimidation tactics to accomplish evictions. They will often act before an eviction notice is even read to the public. The following are some examples of land evictions this year:

- On January 9, 430 police officers and 200 military personnel in two incidents evicted 483 Q'eq'chí families from their land in El Estor, Izabal. The Guatemala Nickel Company (CGN), a subsidiary of the Canadian Skye Resources Nickel Mining Company, pressed for the evictions, claiming that the families had trespassed onto their lands. The victims claimed only to want enough land to feed their families through subsistence farming. The first eviction was orderly, but during the second eviction police trucks lined the streets, helicopters hovered low to intimidate people, and CGN employees burned down several houses.³⁴
- On April 11, 105 families fled their homes on

the El León *finca* (plantation) in Quetzaltenango in anticipation of a forced eviction. Three hundred National Civil Police Officers (PNC) arrived at the *finca* to find it already empty. Later, the *finca* owners burned down the remaining *campesino* homes and hired guards to ensure that no one could return to the land.³⁵

- On May 5, a *campesino* man was killed when PNC officers evicted fifty farming families from the San Antonio las Pilas *finca* in Tecún Umán, San Marcos. The Public Prosecutor's Office (MP) authorized the eviction without informing the Human Rights Ombudsman's Office (PDH).³⁶

Rather than seek peaceful arbitration of land disputes, the Guatemalan government has consistently used tactics of terror and violence to address these issues. Territory conflicts that have persisted for decades should be addressed with cultural sensitivity, while keeping in mind that the country has historically rewarded wealthy landowners at the expense of *campesino* communities. *Campesinos* deserve the respect of dialogue, rather than the brutality of violent evictions.

ADOPTIONS

Adoptions have been a hot topic in Guatemala thus far in 2007. Adoptions continue to increase, as 4,496 Guatemalan children were adopted by parents in the US during 2006,³⁷ prompting women's rights activist Norma Cruz to say, "We export children like they are bananas."³⁸ Guatemala is second only to China in adoptions by American families, who are attracted to Guatemala because of the relative ease and reduced cost of the adoption process. The six to nine-month waiting period in Guatemala is half of that of other foreign adoptions.³⁹

Despite the popularity of adopting children from Guatemala, the adoption process has been plagued by corruption and bribery and has been fueled by those seeking profit. Lawyers have been accused of paying mothers to give up their children for adoption, while accusations run wild that children are stolen by "baby brokers" wanting to make a quick buck in a prosperous market. The fear of child stealing has even resulted in cases of lynching by families who

believe their children are targeted. In June, three women were lynched in Chiquimula, after being accused of kidnapping an eight-year-old girl whose body was found with her organs, eyes, and scalp removed. One woman died in the lynching.⁴⁰

The US State Department issued a warning in March 2007 that US families should avoid adopting children from Guatemala until the process is better regulated.⁴¹ The State Department also started requiring that the child's DNA be tested both at the beginning of the process and at the end, to ensure that the child leaving the country is the same one for whom the paperwork was originally filled out.⁴²

Fortunately, the Guatemalan government has heeded the warnings. Guatemala ratified the Hague Convention for Adoptions in May 2007, which strictly regulates the adoption process. However, this ratification will require that children can only be adopted by families in countries that have also ratified the Hague Convention. Unfortunately for many American families with adoptions pending, this does not include the US.⁴³

In the meantime, Guatemalan children and families continue to be the victims of kidnapping and extortion. This summer, former GHRC Intern Abby Weil was approached by a man in Rabinal, Guatemala who offered her a baby boy for the price of US\$80. Abby said, "I never expected to be approached personally by someone wanting to sell a child. It made my stomach turn and my eyes tear up as I thought about the modern day selling of human beings that is so rampant in the world."⁴⁴

HURRICANE STAN

Other victims of the Guatemalan government's policies in 2007 include those affected by Hurricane Stan, which devastated Guatemala in early October 2005. As of June 2007, half of the 7,911 families that lost their homes during the storm were still living in provisional shelters. These plastic shelters do not have electricity or running water. Other families that lost their homes are either renting spaces or living with other family members.⁴⁵

When GHRC visited the town of Panabaj, Santiago Atitlan during our 2007 For Women's Right to Live delegation, we witnessed firsthand the effects of the



*Homes in Panabaj, Santiago Atitlan remain unfinished
Photo: Joan Dawson*

devastation. Members of the Maya Association (AM) told us that President Oscar Berger came to Panabaj to inaugurate the first reconstructed houses, but that later he ordered construction to stop after only 60% were completed and said that the government would not invest any more money. Many of the new homes are almost ready, only missing roofs and doors, but the government has told the community that they must finish the houses themselves, and with their own money. Forcing the community members to take time off of their daily jobs to finish the homes would only deprive their families of money and food. Sergio Ramos of AM told us, “They won’t let us move into these houses because CONRED (the National Coordination for Disaster Reduction) says that they are in environmentally at-risk zones. The whole world is an at-risk zone. We just want people to have a place to live.”⁴⁶

FREE TRADE IMPACTS ON GUATEMALA

Guatemala officially implemented the Dominican Republic-Central American Free Trade Agreement (DR-CAFTA) in July 2006. Although the agreement has only been in place for a little more than one year, negative effects are beginning to emerge. Guatemala documented its first trade deficit in a decade. Once referred to as the “granary” of Central America, Guatemala is now importing more grains, which hurts the agricultural sector and the consumer but benefits the importer, since the importers are not passing on the savings from not paying tariffs to the consumer. In fact, since 2005 the price of corn to consumers has increased by 26.2%, bread 23.6%, and rice 10.5%.⁴⁷

Furthermore, foreign investment in Guatemala has not increased, as was predicted.⁴⁸ According to the Stop CAFTA Coalition’s “DR-CAFTA Year Two: Trends and Impacts” report on Guatemala, “DR-CAFTA is a model that prioritizes commercial exchange over basic human rights...It only benefits a small number of import and export businesses, those that are the richest in the nation or are taken over by transnational companies and capital.”⁴⁹ Trends may change over time, but given the detrimental effects that DR-CAFTA has had on the other Central American countries in the agreement, the outlook for Guatemala’s poor and marginalized communities does not appear promising.

MIGRATION

When Guatemalans are faced with harsh living conditions, little opportunity for education or employment, and a government that does little to support the middle and lower classes, many head north. According to the International Immigration Organization, more than 40,000 Guatemalans migrate toward the US each year. Almost half of them arrive, although many are captured, arrested, or even die along the way.⁵⁰ For those Guatemalans who do reach the US, many face deportation under the US government’s strict immigration laws. Authorities estimate that by the end of 2007, some 24,000 Guatemalans will have been deported from the US since the beginning of the year.⁵¹

Despite the high number of deportations, remittances to Guatemala have increased 14.6% since 2006, according to statistics provided by the Bank of Guatemala (BANGUAT). Guatemalans living in other countries sent their relatives US \$2.35 billion during the first seven months of 2007, which is US \$299.3 million more than during the same period in 2006. BANGUAT projects that remittances sent to Guatemala will total US \$4.2 billion in 2007.⁵²

The US government’s inability to restructure its broken immigration system this year indicates that many undocumented Guatemalans in the US will continue to live under the threat of deportation for the foreseeable future. What is worse, the immigration debate in the US has failed to address the reasons why immigrants leave their home countries in the first place. Hopefully, America’s politicians will one day recognize that by helping to ameliorate poverty and

hunger abroad and by providing job opportunities and education in their home countries, potential migrants will have no reason to leave in the first place. Rather than tall walls or raids on employers, this is the real crux of the issue.

SIGNS OF HOPE

2007 has not been without steps in the right direction or cause for celebration. Victories sometimes come in small doses. In May, for instance, charges were officially filed against an officer accused of raping an incarcerated, forty-two year old woman in 2005, potentially making this the first time in Guatemalan history that a police officer will be tried for the sexual assault of a prisoner.⁵³ Stories like this reflect the courage of Guatemalan victims and the tenacity of human rights defenders to push cases through Guatemala's broken justice system.

Indigenous Summit

Victories also sometimes come in larger doses. In March, thousands of indigenous people from twenty-five countries gathered in Chimaltenango, Guatemala for the third Summit of American Indigenous Communities and Nations. The participants focused on social inclusion and greater respect for the spirituality, traditions, and self-determination of indigenous peoples. Other issues included women's rights; access to health services and education; the HIV/AIDS pandemic; a desire for bilingual education and a need for educators who are familiar with indigenous cultures and ways of life; more indigenous representation in the media and more programs that promote cultural spirituality; and exploitation of natural resources on their ancestral lands.⁵⁴ Massive societal change can only begin with social and community organizing in spaces such as this. Hopefully the third Summit of American Indigenous Communities and Nations will inspire other sectors to organize as well.

Community Referendum

On April 20, 2007, the people of Ixcán, Quiché held a community referendum to vote on the construction of the Xalala dam and other hydroelectric dams and the exploration of oil and its derivatives in their municipality. If built, the Xalala dam would be the second largest hydroelectric dam in Guatemala, to be constructed at a cost of approximately US\$300-500 million. The dam has been proposed as a means to



Community members in Ixcán hold up a sign advertising the Referendum; Photo: Entre Pueblos

meet drastically increasing demands for electricity with alternative energy sources. However, community members say the Xalala dam will displace thousands of Maya Q'eqchi' farmers while causing irreparable environmental damage. Others suspect that the energy generated by the dam will be exported and used by large factories instead of benefiting communities in the Ixcán, where 88% of the population lives in poverty. Furthermore, the government has not revealed any specific plans to compensate or relocate those directly affected by the dam.⁵⁵

During the referendum, more than 20,000 people from 144 communities in the Ixcán, Quiché overwhelmingly rejected the two proposed projects. According to the official results, 89.7% voted against both projects while 8.6% voted in favor and 1.6% abstained.⁵⁶ The community requested that their decision be respected by the central government and that any plans to construct hydroelectric dams and explore petroleum be stopped. As the government has a legal obligation to consult with the local population before proposing projects of such magnitude. The Guatemalan government is supposed to respect the results of the referendum, despite the fact that it is not legally binding. The community referendum in the Ixcán represents the power of community organizing and is the epitome of grassroots decision-making. It confirms the rights of a community to determine its own destiny while defying the wealthy and powerful. Whether referendums such as this carry much weight with the Guatemalan government has yet to be determined. Nevertheless, community referendums

are a positive trend that will hopefully continue into 2008.

CICIG

For the past several years, with the encouragement of Guatemalan human rights organizations and the international community, Guatemala has been working with the United Nations to create a Commission that would investigate and root out organized crime rings and clandestine operations that have infiltrated the State apparatus and undermined the rule of law. The proposed Commission would consist of forensic scientists, investigators, attorneys, and judicial experts from Guatemala as well as the international community.

Guatemalan representatives opposed an early version of the Commission, known as CICIACS, fearing that it would impede on Guatemala's sovereignty. Finally in December 2006, a new version of the Commission, titled the International Commission Against Impunity in Guatemala (CICIG), was signed by President Berger and the UN and was subsequently declared "constitutional" by the Guatemalan Constitutional Court in May 2007.

The most difficult struggle, however, was to convince at least 105 members of the Guatemalan Congress to approve the Commission during an extraordinary session this summer. National and international organizations, including GHRC, advocated heavily for the passage of the CICIG. Four US Congressional Representatives wrote a letter to the Guatemalan Congress and the US Senate passed a resolution urging the Guatemalan legislature to ratify the initiative. Finally on August 1, despite heavy opposition from several major political parties, the CICIG was approved with 110 votes, five more than were needed.

The Commission will begin work in the upcoming months for an initial mandate of two years. Human rights advocates are cautiously optimistic about the implementation of the CICIG. The hope is that the UN-led Commission will determine the extent and structure of clandestine groups and organized crime rings as well as dismantle their supporting structures and bring the participants to justice. However, the CICIG's success is dependant on cooperation from the National Civil Police, the Public Prosecutor's Office, the Attorney General, and the Guatemalan

Justice Department. With the eyes of the international community watching, one can only hope that through the CICIG, justice will finally prevail over impunity.

CONCLUSION

Although some positive steps have been taken thus far in 2007, Guatemala faces a crucial fork in the proverbial road. On one path, sixteen people or more could continue to be murdered every day, women could be raped and butchered, political activists could be found dead along roadsides, and impunity could continue to prevail. On the other path, the CICIG could start to reduce the high level of impunity, human rights defenders could find freedom from attacks and threats, the Guatemalan government could make a larger investment in education and social services, and migration could cease to be a necessity. There is still hope that Guatemala will find itself on the latter path. Either way, GHRC will continue to accompany and advocate for Guatemalans along their journey toward a just and peaceful future. Their journey is our journey. We ask that you join us.



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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.

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