



Guatemala Human Rights **UPDATE**

Guatemala Human Rights Commission/USA

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DEATH THREATS AND OTHER INTIMIDATIONS

CEIBA Leader Threatened

Mario Antonio Godínez López, General Coordinator of the Association for the Promotion and Development of the Community (CEIBA), has received a serious threat. On July 7 at 7:40 A.M., the following faxed message arrived at his office in the town of Buena Vista, Chimaltenango: URGENT NOTICE Mario Godínez, We inform you that the latest destabilizing actions carried out by your organization have provoked discontent and indignation in the organizations working for peace in the department. We recommend: That you abstain from carrying out meetings of more than twenty people in any place because we will understand this as an act of new provocation and we will react in response to your destabilizing actions. We recommend a great deal of prudence in what you plan from here on out in the communities and in the department.” The message was signed, “Huehuetenango Group Of Action For Peace.”

CEIBA supports and coordinates work on various issues with a number of organizations. Mario Godínez has recently coordinated and strengthened work against mining concessions authorized for nineteen communities in Huehuetenango. He has also been very active in the struggle against the Dominican Republic-Central American Free Trade Agreement (DR-CAFTA). His organization participated in the demonstration against DR-CAFTA in March that left one campesino with injuries requiring the amputation of a leg (CEIBA continues to provide him with medical assistance), and one teacher dead, the victim of an extrajudicial execution. CEIBA is supporting the Campesino Unity Committee, a co-plaintiff in the law suit related to the teacher’s murder. On March 16, the day after the demonstration, unidentified armed men went to Godínez’s office and asked for the director of CEIBA

or the deputy director of CEIBA. Mario Godínez was not in the country at the time. In April, Godínez traveled to the United States to lobby against DR-CAFTA with a delegation led by Monsignor Ramazzini, the Archbishop of San Marcos, who has also been threatened with death. On that occasion a Guatemalan congressman accused Godínez of having links to parallel powers in Guatemala. Mario Godínez has currently left his workplace to protect himself.

Congressman Threatened

At 8:30 P.M. on June 29 four unidentified men showed up at the home of Congressman Alfredo De León, of the Encounter for Guatemala party. The person who answered the door informed the men that he was not at home. The men said they were with the Agrarian Platform. When De León returned home and heard about the visit, he immediately called the leaders of the Agrarian Platform to see whether it was true that they had come by his house. They had not; they did not know where he lived, and if they wanted to talk to him, they always called him directly or at Congress. De León noted that on the same day as the visit from the unidentified men, he had cell phone problems. He could receive calls, but his calls out were blocked.

De León has been working on mining issues and traveled to Sipacapa for the referendum on mining. He has also been working on the Law of Concessions, agrarian reform, and issues related to the threats and break-ins suffered by human rights and civil society organizations.

CUC Member Threatened

José Ernesto Menchú Tojib, a member of the Committee for Campesino Unity (CUC) and a member of the Movement of Victims of the Internal Armed Conflict in Usphantán, Quiché, was threatened with death on June 19. At 11:45 A.M., four armed men walked into his leather workshop in the village of

Chamac, Uspantán, Quiché. Only his pregnant wife and ten-year-old daughter were there. The men repeatedly asked his wife where he was. She said she did not know. The men took 500 quetzales (approximately \$65) and Ernesto Menchú's mobile phone. As they left, they told Menchú's wife, "We will find him eventually and we will kill him."

When Menchú returned to his workshop, a man who was a military commissioner during the armed conflict and who now worked as a security guard at the nearby San Siguan farm walked past the workshop twice, staring at Menchú in an intimidating manner.

As a member of the CUC, Menchú has been campaigning on behalf of a group of 112 campesino families who have been living and working on the San Siguan farm since 1950 and are at risk of being driven off the land because the owners have sold the land to other people. As a member of the Movement of Victims of the Internal Armed Conflict in Uspantán, Menchú has been promoting exhumations of mass graves in Quiché. Former military commissioners and former members of civil patrols have been vocal opponents of the exhumations in Quiché.

The Observatory for the Protection of Human Rights Defenders, comprised of the World Organization Against Torture and the International Federation on Human Rights, has expressed concern about the "serious lack of safety" human rights defenders in Guatemala are suffering and asked the Guatemalan government to urgently adopt "appropriate and necessary measures" to correct the situation.

CALDH Staff Continue to Receive Threats

Various staff members of the Center for Human Rights Legal Action (CALDH) suffered threats and intimidation in June, as they have throughout the year. On June 17, between 7:00 P.M. and 8:00 P.M., an unidentified man scraped a machete against the ground by the door of CALDH staff member José Quino's home, in the village of Panimatzalan, near San Andres Semetabaj, Sololá. The man continued this activity for about an hour. Quino was not at home at the time, but his wife and five children, who were in the house, were frightened. When his wife tried to phone him, she was unable to get through. The following day, Quino went to the Human Rights

Observatory that CALDH established in Sololá, parking his car nearby. When he returned to his car after approximately an hour, he found that all the windows had been smashed and his radio and some tools had been stolen. He drove down the road in the direction of Panajachel, and before he had gone more than a block a man hurled insults at him and said, "That's what you get for leaving your doors open." Quino tried to telephone other CALDH staff members. Once again, a phone connection was impossible.

On June 18, at around 8:30 A.M., CALDH staff member Gustavo Adolfo Muñoz boarded a minibus at 18th Street and 4th Avenue in Zone 1 of Guatemala City. He chose a seat in the middle. Then three men got on the bus. One sat beside Muñoz and the other two took the seat behind him. Then they threatened him with a pistol and robbed him of his belongings, warning the other passengers not to intervene. The bus was full, but Muñoz was the only person robbed.

On June 21 at 10:30 A.M., Luis Fernando Barrera was approached by two unidentified men as he was delivering mail to an organization at 2nd Street and 4th Avenue in Zone 2 of Guatemala City. The men pointed a gun at his head and cornered him, then stole his car. The incident marks the fourth time a CALDH vehicle has been stolen by armed men in a period of just over twelve months. The men did not steal Barrera's cell phone, wallet, or a check he had just picked up from the organization. The assailants wore vests similar to those used by bodyguards. The robbery occurred three meters from an organization that has protective orders from the Inter-American Commission of Human Rights and presumably is guarded by National Civil Police officers.

For over a week, CALDH staff member Abner Paredes' parents had their phone service mysteriously suspended. When they called the phone company to find out what the problem was, they were told that their telephone "had a special intervention." Phone company officials said they could not give them any more details. At one point, Abner Paredes' father was talking on the phone with a friend when another voice interrupted and began insulting them both.

In a letter to President Óscar Berger, CALDH Director Edda Gaviola pointed out that these incidents could not be classified as common crime but were political acts designed to weaken the organization and hinder its work. "We insist on a thorough investigation of the multiple incidents we have reported," Gaviola wrote, "and on the dismantling of the clandestine structures and illegal groups that are attempting to sow terror among human rights organizations which, like CALDH, dedicate themselves to assisting victims of the recent past and providing accompaniment in various judicial cases."

STEG Office Raided

Between the evening of June 25 and the morning of June 27, the office of the Union of Education Workers of Guatemala (STEG) was raided. The secretary of the union discovered the break-in at 9:00 A.M. on Monday, June 27 when he arrived at his office to begin work. On the walls and on the desks the intruders painted red crosses, presumably to symbolize death. They also painted red crosses on the organization's posters against the privatization of education, on posters with the name of STEG, and on posters with images of important leaders of the movement. Material losses included the theft of a computer containing extensive information on the National Assembly of Teachers' programs and its plans for the future, as well as the history of its programs and plans from 1989 to the present. Two other computers were destroyed. Red paint was spilled on all the files, and papers were also destroyed. A desk drawer containing money was left open, but the money was not stolen.

In March, when STEG joined other groups in demonstrating against the Central American Free Trade Agreement (CAFTA), unidentified vehicles began to park outside the organization's offices. Apparently the occupants of the vehicles were attempting to monitor the staff's activities or intimidate those inside the building. In addition to CAFTA, STEG has opposed the Law of Concessions, which concerns privatization of public resources. As a member of the Labor and Popular Action Unity (UASP), STEG is involved in a lawsuit against Guatemala's president, vice president, defense minister, interior minister, and chief of police for the extrajudicial execution of Juan López in

Colotenango, Huehuetenango in March of this year. No action has been taken to investigate or suspend the officials named in the suit. In fact, on June 30, President Óscar Berger promoted Defense Minister Carlos Aldana to the highest military rank attainable, General Commander of the Army.

Paramilitary Group Surfaces

The National Front of Struggle for the Defense of Public Services and National Resources (FNL) in a communiqué has denounced the public emergence of a new paramilitary group. Eight men wearing hoods and armed with assault rifles held a meeting in a village near San Lucas Tolimán, Sololá on July 3 and announced that they were dedicated to "social cleansing." Then they immediately proceeded to take away by force and shoot to death two members of the community.

Interior Minister Carlos Vielmann responded by telling the press that, as his first hypothesis, the group was acting "under the framework of the ex-guerrillas."

"These gratuitous public statements, which are baseless but calculated, show the intentionality that for the government's part is hidden behind these events," the FNL said. The FNL expressed concern that such paramilitary action could be adopted by governmental authorities to curtail public freedoms, undertake abusive practices that violate civil rights, and persecute those who within the social movements are struggling for the dignity of the people. The FNL suggested that the fact that the criminals held their first public action in Sololá was not coincidence. That department is one of the most active in the struggle against mining of metals, the ratification of DR-CAFTA, and the Law of Concessions. They said it could therefore be deduced that the action of this new paramilitary group was a direct threat against the people and their legitimate leaders. They noted that it occurred within the framework of an accelerated rise in repression against social movements. The FNL is composed of a number of well-established union organizations.

Journalists Denounce Attacks

In a letter to Interior Minister Carlos Vielmann, the Association of Guatemalan Journalists (APG) demanded an end to violent abuses against them by members of the National Civil Police (PNC). Accord-

ing to the APG, in the most recent incident officers from Police Station No. 15 in Villa Nueva beat and tried to handcuff *Nuestro Diario* reporter Edwin Benavente on June 22 after he slipped and accidentally tore the yellow tape surrounding a crime scene where three young people had been murdered.

The APG named over a dozen attacks or acts of intimidation against journalists since January. The APG also expressed concern that members of the PNC have infiltrated social organizations by pretending to be journalists. On March 12 university students detained two members of the PNC who were posing as *Prensa Libre* journalists and taking photographs and shooting video footage of protesters. The officers were Nelson Cardona and Lucilo Álvarez, of the Informative Relations Department of the National Civil Police. The APG asked Vielmann to obey his constitutional mandate and give the appropriate orders to those under his command so that they would stop violating human rights. The APG also asked for a thorough investigation of all the abuses they had detailed in the letter and for the prosecution of those responsible.

Environmentalist Harassed

On June 21, Ricardo Sagastume, President of the Chamber of Industry, said in a radio and television interview that Magalí Rey Rosa was responsible for the poverty of the Guatemalan people. Specifically, he said that she was inciting the people, creating problems for the country, and scaring off foreign investment. She founded the Defenders of Nature and was one of the founders of the Madreselva Collective. The collective is defending the national parks of Río Dulce and Laguna del Tigre from transnational lumber and petroleum companies. In a statement Rey Rosa said she had never incited anyone to commit illegal or violent acts and stated that Madreselva is a pacifist collective that supports legal means. She said she was holding Ricardo Sagastume responsible for anything that might happen to her, noting that Guatemala “is a country that criminalizes the defense of the interests of the people.” She further said that she took the repeated mention of her name by the representative of the Chamber of Industry as a threat to her personal safety.

WOMEN’S RIGHTS

290 Women Killed This Year

From January 1 to June 30 of this year, at least 290 women were murdered throughout Guatemala, according to the Non-Violence Against Women Network. Network leader Sandra Morán said the situation is becoming worse, even though the murders have gained the attention of the international community. Morán said she hoped pressure from abroad would compel Guatemalan institutions to make greater efforts to combat the violence.

During a congressional meeting with Guatemalan Republican Front (FRG) representatives, discrepancies in numbers kept by the Attorney General’s Office and the Ministry of the Interior became apparent. Attorney General Juan Luis Florido stated that the number of women killed from January 1 to June 20 was 817. Interior Minister Carlos Vielmann said the number was 263. Faced with criticism stemming from this difference, Vielmann and Flores both argued that they needed larger budgets and more staff to be able to investigate these crimes.

CHILDREN’S RIGHTS

Situation of Children Decried

The Archbishop’s Human Rights Office (ODHA), in a recently released report entitled “Situation of Childhood in Guatemala 2004,” characterized as alarming Guatemalan children’s lack of access to safe conditions, education, and health. During 2004, more than 442 children died by violent means. The primary cause of death among minors was firearms injuries.

RIGHT TO JUSTICE

Extradition Request Refused

The Penal Court of Venezuela’s Supreme Court of Justice refused a Spanish National Court’s extradition request for Romeo Lucas García. The Supreme Court in fact ordered the immediate release of the former president, who had been under house arrest, because Venezuelan laws prohibit the imprisonment of a person over seventy years of age.

Lucas García, who is eighty-one years old, lives in the Venezuelan coastal city of Puerto La Cruz, in the

state of Anzoategui, about 200 kilometers from Caracas. He is disabled and suffers from diabetes, a urinary tract infection, generalized cerebral atrophy, and Alzheimer's disease.

The petition resulted from a law suit brought in December 1999 by Rigoberta Menchú, in which she also accused Benedicto Lucas García, Ángel Guevara, Efraín Ríos Montt, and Óscar Mejía Víctores of murder. Gustavo Meoño, director of the Rigoberta Menchú Foundation, added that setting him free because of a technicality "is a true atrocity, something abhorrent."

Remains of Victims Found

The remains of twenty indigenous Guatemalans who were murdered in March 1982 by the Guatemalan army were found in late June in a mass grave located in a village in the Quiché, an official source said. According to the director of the Forensic Anthropology Foundation of Guatemala (FAFG), José Soasnávar, the clandestine grave was found last week in the village Estrella Polar, in the township of San Gaspar Chajul, Quiché. An exhumation will take place once the team finds the remains of the other seventy-six people killed in the massacre. The team will continue searching for at least four more weeks. In addition to the excavations carried out in the Estrella Polar village, the FAFG experts are searching in the townships of Santa Clara and Cunén, Quiché, for the remains of forty-eight indigenous people massacred during the 1980s. So far this year, the FAFG has found 200 remains in different clandestine graves in the Quiché, Northern Baja Verapaz, Sololá, and Western Chimaltenango.

OTHER INFORMATION

Government Expands Joint Patrols

Central American presidents have agreed to create a Rapid Response Force to combat gangs, drug traffickers, and organized crime. The force will be made up of police officers and soldiers, who together will number at least 1,000. Berger said that international arrests and better cooperation among countries in the region would now be possible.

Berger added that combined army and National Civil Police forces would be created in Izabal, the Petén, and Tecún Umán, San Marcos. According to

Berger, in those regions there are problems of "authority." The actions will involve around 1,500 troops, which will be divided into groups of 500 agents for each of the three regions.

Explaining the joint operations with the army, Minister of the Interior Carlos Vielmann said drug trafficking was a problem the National Civil Police could no longer handle and argued that it had become a national security issue. The Mariscal Zavala Military Brigade is the headquarters of the joint army/police patrol, he said. He announced that the southeast brigade of the joint patrol be installed in the former military base of Cuilapa.

Vielmann added that he had requested financing from the Drug Enforcement Administration of the United States (DEA) to restructure the Antinarcotics Information and Analysis Service (SAIA). In private meetings DEA and Guatemalan government officials will evaluate members of the SAIA and decide which to dismiss, for the sake of cleaning up the force. The meetings with DEA members will be periodic. Next month Vielmann will travel to one of the meetings in Washington.

Diego de León, an analyst with the Myrna Mack Foundation, noted that instead of ordering combined patrols the government should strengthen the PNC.

Murder Rate Highest in Sixty Years

At least 137 people were murdered in the past week, Human Rights Ombudsman Sergio Morales told Guatemalan press sources on June 25. Organized crime is applying a policy of social cleansing, he said, carrying out a strategy to exterminate criminals. This strategy of social cleansing was used in the past by the government to get rid of supposed criminals. "Gangs and members of other criminal groups are the targets of a 'cleansing' in the structure of organized crime," Morales explained. To common crime must be added the number of bodies of youths found mutilated and with signs of torture in various areas of the country. These types of killing increased within the past few days, the Ombudsman said. "Last week was the most violent in the last sixty years. The number of people murdered last week reached 137, which is more than

the number of murders recorded per week during the internal armed conflict.”

Sipacapa Votes No on Mining

A June 18 vote held by the Guatemalan municipality of Sipacapa to ban future mineral exploration within its borders passed with eleven out of thirteen villages voting for the measure. The referendum, organized by the local community development council (COCODE), is the first of its kind in Guatemala.

Opposition to the mining stems from environmental concerns over water shortages and contamination. Supporters of the mining company, however, cite benefits of the mining company’s presence, including jobs, schools, reforestation projects, and better roads.

Initially, a provincial judge’s ruling prevented the vote, but on June 17 the Constitutional Court (CC) overruled the lower court’s ruling, thus allowing the referendum to take place. The CC cited the International Labor Organization Convention 169, which guarantees consultation with indigenous communities before activities that could significantly impact their livelihoods are allowed to proceed.

Glamis Gold, a Canadian mining company that has an exploration concession partially located within the Sipacapa municipality, strongly condemned the vote. The company said the referendum ran contrary to Guatemalan law, which dictates that the national government and not local municipalities decides issues of mineral tenure and access.

Crimes Mirror War Tactics

The Criminal Investigation Service recorded 243 violent deaths in June in the department of Guatemala. According to investigators, 121 men were shot to death, seven were stabbed, four were strangled, and two were beaten to death.

These murder statistics compare with the worst periods of the armed conflict. The violent deaths of up to seventeen people were recorded in one day, Human Rights Ombudsman Sergio Morales said.

According to Morales, there are certain practices that are reminiscent of the armed conflict. The counterinsurgency technique of using a tourniquete to suffocate a person to death has been applied in several cases, Morales said. The nature of the murders is not consistent with common violence but rather with

organized groups. In many of the deaths a high-caliber weapon is used. The murderers cover their faces and travel in large vehicles. Furthermore, the victims are tortured and their bodies dismembered, with the parts left in different locations along with messages for a third party.

CNOC Offers Plan for Reform

As an “alternative for the social and rural development of Guatemala” the National Coordinating Committee of Campesino Organizations (CNOC) presented a proposal for Complete Agrarian Reform (RAI).

The nine campesino organizations that comprise CNOC presented their proposal on July 1, World Day Against Poverty. The proposal includes strengthening the Land Fund (FONTIERRA), solving agrarian conflicts, and applying mechanisms to redistribute properties.

Gilberto Atz, the director of CNOC, said ninety percent of all arable land in Guatemala is in the hands of five percent of the population, “a reality that does not allow rural development.”

Carlos Camacho, of the United Nations Development Program (UNDP), affirmed, “It is evident that the extreme poverty is a consequence of bad agrarian policies in Guatemala, in which the exclusion of the neediest is something that cannot be denied.”

Disappeared Commemorated

On June 21, the day Guatemalans have chosen to publicly commemorate the disappeared, representatives of various sectors of society demonstrated near Constitution Park, demanding justice for over 45,000 Guatemalans who have disappeared since 1965. Union leaders, religious leaders, students, university professors, and campesinos, among others, were abducted from their homes and never heard from again, the demonstrators said. With red carnations in their hands, demonstrators asked the authorities to disclose the names of the perpetrators and clarify the facts around the disappearance of so many Guatemalans. Participants also requested the establishment of the National Commission for the Search of Victims of Forced Disappearances.

“The perpetrators should pay for what they did,” Mario Polanco, representative of the Mutual Support Group (GAM), said. He also indicated that

impunity is still prevalent and no progress has been made.

It was on June 21, 1980, that twenty-seven union leaders from the headquarters of the National Workers' Center (CNT) were abducted and disappeared. The Prensa Libre Union Workers and Annexed Companies (STEPLEA), affiliated with the Union Network International and Uni-Gráficos Américas, remembered the victims, including René Polanco Salguero, the secretary general of that union organization. STEPLEA stated in a press release that the persons responsible for this massive kidnapping, torture, and disappearance were paramilitary forces affiliated with the murderous government of Héctor Romeo Lucas García.

On a separate occasion, to mark the twenty-seventh anniversary of the murder of Catholic priest Father Hermógenes López on June 30, Cardinal Rodolfo Quezada Toruño demanded clarification of the murders of more than 200 clergymen that have occurred since the end of the armed conflict. Additionally, he requested an end to the violence that affects the entire country.

During a Mass celebrated in San José Pinula, Cardinal Quezada demanded the clarification of the violent deaths of sixteen priests, a nun, and 200 catechists. The Church's outspokenness on social issues during the armed conflict caused church officials to be pursued as "terrorist enemies," Carmen Aída Ibarra, of the Myrna Mack Foundation, said.

Army Day Resumes

The Guatemalan army marked its anniversary with a parade on June 30 in Guatemala City. Long a tradition during the years of the war, Army Day, with its parade of marching soldiers, was believed to be a thing of the past; it had not been celebrated in five years. This year it was reinitiated.

Members of the army reportedly besieged, photographed, and filmed numerous groups who were protesting to vindicate the memory of the victims of the armed conflict.

President Óscar Berger highlighted the significant support that Guatemala's army has given to the United Nations peacekeeping missions in Haiti and Congo. He also emphasized the deployment of both human and material resources from the army to aid the

Guatemalan population, including medical brigades in the interior of the country and assistance during natural disasters. The president said that the participation of the army in joint patrols with the police was essential, given the lack of security in the country.

President Berger said the \$3.2 million of US military aid that was released last spring after being frozen in 1990 would be used to repair four helicopters and two airplanes. These aircraft would be used to fight narcotrafficking and arms trafficking. Army Day Celebration activities were attended by Rogelio Pardo, the US Deputy Defense Secretary for Western Hemisphere Affairs.

Presidents Unite Against Gangs

The Twenty-Sixth Central American Summit of Heads of State and Government of the System of Central American Integration (SICA), held in Tegucigalpa, Honduras, concluded on June 30 with agreements against the gangs that operate in Central America.

The summit, which was attended by the Central American presidents, as well as the presidents of Colombia and Mexico, served as a forum for the presentation of a report on gangs by US Deputy Secretary for Western Hemisphere Affairs Dan Fisk.

The report presented by the US detailed the country's concern about the increased activity of juvenile gangs in the region. The US promised to finance training for security forces to combat drug trafficking and gangs. The US further committed to provide financial aid for the construction of a training academy for police and justice officials in Central America.

Minister of the Interior Carlos Vielmann said US delegates expressed an intention to increase intelligence support and information sharing.

Agreements of the summit included steps toward the creation of a standardized Central American visa for free movement of foreigners in El Salvador, Guatemala, Honduras, and Nicaragua. In addition, leaders agreed to promote a high-level meeting with international organizations for the execution of regional plans and projects for energy. They also agreed to work together to give new momentum to customs integration.



The Guatemala Human Rights Commission/USA, based in Washington D.C., has been on the forefront of the struggle for peace and human rights in Guatemala since it was founded in 1982. GHRC/USA is a nonprofit, nonpartisan, humanitarian organization committed to monitoring, documenting and reporting on the human rights situation in Guatemala while advocating for victims of human rights violations.

Information in the Update that is not gathered directly is culled from various sources including ; the Guatemalan Human Rights Commission , Casa Alianza, Amnesty International, Associated Press, Reuters and the Guatemalan Press, including Cerigua, La Cuerda, Incidencia Democrática, Prensa Libre, La Hora, Guatemala Hoy, Siglo Veintiuno, and Patrullaje Informativo. *Dates written before the text indicate when the incidents were reported.

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- Paramilitary Group Surfaces 3
- 290 Women Killed This Year..... 4
- Government Expands Joint Patrols..... 5
- Murder Rate Highest in Sixty Years..... 5
- Crimes Mirror War Tactics 6

INSIDE...

Guatemala
Human Rights
Commission/USA
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Washington, DC 20017



Vol 17 No 13