



Guatemala Human Rights **UPDATE**

Guatemala Human Rights Commission/USA

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DEATH THREATS

WOMEN'S RIGHTS

CONAVIGUA Members Threatened

Members of the National Coordinating Committee of Guatemalan Widows (CONAVIGUA) have received death threats while working on the excavations of clandestine graves. According to CONAVIGUA director Everarda Tista de Leon, in July the threats intensified against CONAVIGUA members working to exhume remains in the Quiche, the Southern Coast, Chimaltenango, and Alta and Baja Verapaz. CONAVIGUA believes the threats are coming from former members of the Civil Defense Patrols (PACs) who live in the villages where clandestine cemeteries are being excavated.

Representatives of CONAVIGUA demanded that the judiciary act with efficiency, responsibility, and promptness to investigate and prosecute those responsible.

Judge Threatened with Death

Judge Claudia Lizet Palencia, of Puerto Barrios, Izabal, received a telephone death threat. The Guatemalan news agency Cerigua reported the threat on August 11. The caller, a man whose voice she did not recognize, told her she would be assassinated in forty-eight hours if she did not leave town. The man included her family in the threat, saying that they too must leave Puerto Barrios, if they did not want to be gunned down.

Palencia is a labor, social services, and family judge and hears cases considered to be of high importance. She has been involved in cases related to the Portuaria Santo Tomás de Castilla Company, various municipalities, industrial companies, and family and labor conflicts. She reported the threats to the Public Prosecutor's Office and the National Civil Police. The Human Rights Procurator's Office and the Supreme Court have provided her with protection and she is not intending to leave the city until her superiors give the word.

URNG Pushes Law to Protect Victims

Responding to the increase in violence against women, the Guatemalan National Revolutionary Unity (URNG) political party is seeking action to guarantee women's safety. Party representatives met on August 4 with Presidential Human Rights Commissioner Frank La Rue, who offered to support the bill introduced by the URNG that seeks to protect female victims of violence so that they can report abuses without suffering reprisals.

USAC Condemns Violence Against Women

The University of San Carlos strongly condemned the increase in violent acts against the population, especially the murder of women, and the government's failure to responsibly assume its role. In a communiqué the university expressed concern about the continuous criminal attacks in Guatemala, which cause great suffering to the victims' family members. The university also stressed that the government institutions in charge of executing viable security plans have demonstrated incompetence in resolving the serious situation, as seen by the constant increase in crime.

The staff, the board of directors of the University Higher Council (CSU), faculty, and students demanded that the Public Ministry investigate, incarcerate, and try the perpetrators of the murders. The members of the public university appealed to the Guatemalan state to responsibly assume its commitment and fulfill its Constitutional mandate to provide equal security to the population for the right to life with dignity.

The communiqué was released after the murder of professor Ingrid Celeste Santacruz Abauta, of the Department of Architecture.

Architects Demand Justice for Colleague

The Department of Architecture at the University of San Carlos and the board of directors of the Ar-

chitecture Association requested that the August 4 murder of professor Ingrid Celeste Santacruz be solved. Professor Santacruz was murdered near Paseo Miraflores, in Zone 11, as criminals who were apparently trying to steal her vehicle shot her to death.

The board of directors of the Department of Architecture, the dean, the board of directors of the Architecture Association, the board of directors of the Students of Architecture Society, faculty, and staff condemned the crime against Santacruz, who was a professor both at San Carlos University and at Mariano Galvez University. Members of the University Institute for Women remembered Santacruz's impeccable ten-year teaching experience and her research regarding housing for the widows of war in the Ixil area of Quiché. They, too, demanded that the government, especially the Ministry of the Interior, investigate and solve the crime and punish the perpetrators.

RIGHT TO JUSTICE

CIJ Criticizes Justice System

The International Commission of Jurists (CIJ) criticized various aspects of the judicial system during a recent visit to Guatemala, especially the influence that various parallel powers exercise over the justice system. The Commission also decried the numerous attacks on those who work in the judiciary—eight of whom have been murdered this year. The Court of Crimes Against Justice Operators has received seventy-five reports of attacks on justice operators this year. The CIJ is currently working on a security plan for judges.

The CIJ also expressed concern about the attacks human rights activists are suffering. The Commission suggested decriminalizing social conflicts, such as the struggle for land and labor rights, and said the Guatemalan justice system needs to recognize in its laws the rights of indigenous peoples. The CIJ additionally criticized the response of the judicial system to the situation of citizen insecurity; the procedures for the selection of judges; and other deficiencies, saying that they have “unleashed a worrisome impunity” in Guatemala. The prevailing high level of impunity is reflected in the proliferation of illegal and clandestine groups and the growth of organized crime, the CIJ said. The CIJ added that the power of parallel groups over the justice system has led at times to baseless rulings.

According to official data, of every 100 homicides, 93 remain unpunished. Only 3 percent of the cases presented to the Public Prosecutor's Office are prosecuted.

The CIJ is made up of Dr. Hernando Valencia Villa, a professor with the Carlos III University in Madrid; Dr. Javier Ciurlizza, director of the Institute of Democracy and Human Rights of Peru; and José Zeitune, representative of the Secretariat of the CIJ.

The CIJ spent a week in Guatemala and conducted interviews with Supreme Court and Constitutional Court authorities, members of Congress, officials from the Ministry of the Interior and the Human Rights Ombudsman's Office, and public and private institutions, before presenting a preliminary report. A definitive report will be released in October.

Bill Will Expand Power of Military Courts

The International Commission of Jurists noted with particular concern “the existence of a bill that would give extended capacity to the military justice system, contradicting international standards.” This bill, passed in November 2004 by the Congressional Committee on Defense, proposes that a military court judge crimes such as embezzlement, rape, war crimes, and homicide when these crimes involve members of the military. Independent Congressman Baudilio Hichos, who headed the committee, presented this reform to the Military Code in 2003, when he was a member of the Guatemalan Republican Front (FRG) political party. The Myrna Mack Foundation stated that the bill is dangerous; if approved, active and retired members of the military will be tried by military courts when accused of common crimes that occurred before the approval of Decree 41-96, which restricts the military's jurisdiction to military crimes. Thus violations of international humanitarian law, including atrocities committed against civilians during the armed conflict, would be heard solely by military courts. Economic crimes the army is accused of would also be subject only to military justice.

UASP Plans to Pursue Case Against Government

The Supreme Court rejected the law suit filed by the Labor and Popular Action Unity (UASP) against President Oscar Berger, Minister of the Interior Carlos Vielmann, and Minister of Defense Carlos Roberto Aldana

for the violent death of Juan López by members of state security forces during the March 15 demonstration against the signing of the Central American Free Trade Agreement. A lower-court judge had ruled Juan López's death an extrajudicial execution.

Nery Barrios, director of UASP, said that after exhausting legal remedies in Guatemala they will take the case to the Inter-American Court of the Organization of American States to seek compensation for López's family members. After filing charges against the high-level government officials, both Barrios and Walter Robles, the attorney in the case, received serious death threats.

PDH to Provide Information about Disappeared

The Human Rights Procurator's Office (PDH) is now ready to receive and assist persons interested in making use of recently discovered National Police files to obtain information about the disappeared. Human Rights Procurator Sergio Morales announced that his office had finished its inventory of the material and would now begin the process of documenting the information.

OTHER INFORMATION

Peace Accord Legislation Approved

With 111 out of 158 members present, the Guatemalan Congress on August 3 unanimously approved a law that recognizes the Peace Accords as commitments of the state and establishes norms and judicial mechanisms for their implementation. The law establishes that it is the state's duty to carry out and promote the legal, institutional, and political changes necessary for compliance with the Peace Accords. The law will govern the drafting, execution, monitoring, follow-up, and evaluation of the government's actions. In addition, the law specifies that compliance with the Accords requires actions to be carried out, not only by public institutions, but by the whole of society. Therefore, the law establishes the creation of the National Council of the Peace Accords (CNAP). The council will consist of a delegate of the Secretariat of Peace, representing the government; a member of the Guatemalan National Revolutionary Unity (URNG); a member of the congressional leadership committee; a member of the Ministry of Finances; a Supreme Court

judge; a person from each of the political parties represented in Congress; an indigenous representative; a woman's representative; a member of the union sector; a member of the campesino sector; a human rights representative; and an academic. The CNAP will serve as a medium for dialogue, coordination, consensus, and influence on policies, programs, and projects that contribute to the fulfillment of the Peace Accords. The Human Rights Procurator and a representative of an international organization, such as the coordinator of the United Nations Development Program, will also form part of CNAP; they will have a voice but will not have a vote.

Among its functions, CNAP will comment on bills and maintain a permanent working relation with the Legislative, Executive, and Judicial branches.

Alba Maldonado, a former guerrilla commandant who now represents the URNG in Congress, congratulated Congress on the approval of the decree and stressed that the decision was timely because the country is at a difficult crossroads. "The social situation keeps worsening and the government, instead of resolving it, celebrates the approval of CAFTA, which will make it worse," the URNG said in a communiqué. Maldonado said that the Accords could now be supervised in a permanent way and their fulfillment could be guaranteed.

According to the URNG, the success of the law will hinge on the political will of the government and groups in power to make it viable. The challenge will be to implement the Peace Accords gradually and realistically to raise the quality of life of Guatemalans.

Other popular sectors say that the Framework Law was approved too late and that it lacks instruments and public policies to reinforce the compliance with the Peace Accords. Miguel Angel Sandoval, of the Mesa Global, said that the law "comes too late" and "seems like a cosmetic measure by Congress, in the middle of a dynamic determined by the signing of CAFTA, which goes against the peace agreements."

FEPAZ Satisfied with Framework Law

According to the Ecumenical Forum for Peace and Reconciliation (FEPAZ), the approval of the Framework Law of the Peace Accords is an important event that allows the legal implementation of the Peace Accords. FEPAZ stated in a press release that the organizations and communities of Guatemalan society make the imple-

mentation of the accords viable and possible. The association, composed of different religious organizations, stressed the importance of the role organized society should play to make the peace accords possible and counteract the government's neoliberal agendas and policies, which represent a contradiction.

FEPAZ called on social and democratic forces to regroup and make a commitment to peace; the defense and promotion of the Peace Accords; and the search for means to mitigate the risks to the poorest sectors posed by the government's political decisions.

The Ecumenical Forum reiterated its commitment to monitor compliance with the Peace Accords and to maintain its unity and spirit for the construction of new realities that permit the success of peace on the basis of firm and democratic justice.

CEPAL Stresses Need for Labor, Social Improvements

Latin America and the Caribbean should improve social and labor indicators with the aim of maintaining and increasing the growth rate, according to a study by the Economic Commission for Latin America and the Caribbean (CEPAL). CEPAL noted that the current phase of growth in Latin America could influence the future evolution of the region's economies. Attention should therefore be paid to the needs and requirements of the population in both social and labor spheres.

According to CEPAL, the economy of Latin America and the Caribbean will grow 4.3 percent this year. In 2006 the growth rate is expected to return to about 4 percent. In 2004 the economic growth rate was nearly 6 percent, while in 2003 it was 2 percent.

If CEPAL's predictions are correct, the region will complete four consecutive years of growth, and the per capita gross domestic product (GDP) from 2003 to 2006 will show a 10 percent increase.

The CEPAL report, entitled "Economic Study of Latin America and the Caribbean," 2004-2005, states that this year the economy of South America may grow 4.7 percent; Mexico and Central America, 3.6 percent; and the Caribbean, 4 percent. According to CEPAL's projections, the countries whose economies will grow the most will be Argentina, 7.3 percent; Venezuela, 7 percent; Uruguay, 6.2 percent; Chile, 6 percent; Peru, 5.5 percent; Panama, 4.5 percent. One of the study's conclusions is that, despite the expected slowing down of the

world economy, the region is continuing to benefit this year from an external atmosphere favorable to the growth of the world GDP and international trade; the rise in prices of raw materials; and low interest rates.

Guatemala Makes List of Failed States

Guatemala is on *Foreign Policy* magazine's list of weak or failed states. Published in this year's July/August issue, the list includes sixty countries, ranked in ascending order from worst to least bad. Guatemala is ranked 31. *Foreign Policy* explained the list in these terms: "We used twelve social, economic, political, and military indicators to rank 60 states in order of their vulnerability to violent internal conflict."

"Uneven development is high in almost all the states in the index," the writers explained, "suggesting that inequality within states—and not merely poverty—increases instability. Criminalization or delegitimization of the state, which occurs when state institutions are regarded as corrupt, illegal, or ineffective, also figured prominently. Facing this condition, people often shift their allegiances to other leaders—opposition parties, warlords, ethnic nationalists, clergy, or rebel forces. Demographic factors, especially population pressures stemming from refugees, internally displaced populations, and environmental degradation, are also found in most at-risk countries, as are consistent human rights violations."

The list is headed by Ivory Coast, followed by Democratic Republic of Congo, Sudan, and Iraq. Other Latin American countries on the list are Colombia (14), the Dominican Republic (19), Venezuela (21), Paraguay (36), Peru (40), Ecuador (46), and Cuba (58).

The article begins with a quotation from the 2002 US National Security Strategy: "America is now threatened less by conquering states than we are by failing ones." *Foreign Policy* defines a failed state as "a government that has lost control of its territory or of the monopoly on the legitimate use of force"; a government lacking "the authority to make collective decisions or the capacity to deliver public services"; or a country where "the populace may rely entirely on the black market, fail to pay taxes, or engage in large-scale civil disobedience."

"A failed state," the magazine says, "may be subject to involuntary restrictions of its sovereignty, such as political or economic sanctions, the presence of foreign military forces on its soil, or other military constraints, such as a no-fly zone."

CONIC Outlines Struggles of Indigenous

On the International Day of Indigenous Peoples, established by the United Nations in December 1994, the National Coordinating Committee of Indigenous and Campesinos (CONIC) released a statement calling for increased attention to the needs of the indigenous. CONIC pointed out that in rural areas, where the majority of Guatemala's indigenous live, 74.2 percent of the population lives in poverty; 39.9 percent live in extreme poverty. Illiteracy is getting worse, CONIC said. Among women it has reached 90 percent in some regions. Labor rights on *fincas* (large farms) are violated and there is no authority to see that they are complied with. The minimum wage is often not paid, benefits are never paid, and the conditions of hygiene are inhumane. Children are forced to work so that the family can subsist.

After the signing of the Peace Accords in 1996, various institutions and commissions were created, CONIC noted, to deal with the problems faced by the indigenous, but they only have served the ends of the government as something to present before the international community. Often they are funded by the international community, not the government. These programs are always plagued by budget shortfalls and do not carry out the functions for which they were created. In general, CONIC said, these institutions or commissions are used by the party in power to carry out social works in the communities to secure votes.

In agrarian conflicts, the constant has been violent evictions, negotiations used as a delaying tactic, and *fincas* that are overvalued, with the complicity of government officials, and sold to campesinos and Mayans, who are then stuck with debts they cannot pay. Evictions and the illegal stealing of Mayan land are the order of the day through decrees of "protected areas" and "preserves," which are then privatized and sold to national and international companies. In spite of technical and financial abandonment and in spite of farming the worst and smallest lands, Mayan agriculture has managed to provide the Guatemalan population with basic grains, vegetables, and fruits, CONIC said. With the signing of the Central American Free Trade Agreement, these products won't be able to compete with the large transnational companies and Mayan farmers will have to abandon their lands.

CONIC noted that the Mayan people had been subjected to policies of extermination, assimilation, "le-

gal" theft, and open repression. The Mayans have survived three holocausts, CONIC said: the Spanish invasion of 1524; the liberal reform of 1871; and the civil war, which lasted thirty-six years, from 1962 to 1996. "Now we are at the doors of a new holocaust," CONIC stated, "with the signing of CAFTA and the law of concessions [a law which allows the privatization of state services]. Only in this light can we understand the discrimination and racism we are living with daily, at this time."

Marlin Project to be Completed by Year's End

The Canadian mining company Glamis Gold announced that its controversial Marlin Project, based in San Marcos, will be finished by the end of this year, ahead of schedule. Glamis expects to reap 5,000 ounces of gold and three million ounces of silver annually for the ten-year life of the mine. (See insert for the statement of indigenous groups on the mine.)

The company is already raking in record profits from its other mines. Its net income for the second quarter of 2005 was \$8.2 million, a 183 percent increase compared to the second quarter of last year. Glamis owns mines in Nevada, Mexico, Honduras, and bought the Cerro Blanco mine in Asunción Mita, Jutiapa, in 1998.

The Guatemalan Ministry of Energy and Mines issued an exploitation license for development and operation of the Marlin Project, in San Miguel Ixtahuacán and Sipacapa, San Marcos, to Montana Company, Glamis' local subsidiary, on November 27, 2003. Major construction milestones in the Marlin Project, according to Glamis, include completion of the access road, substantial completion of earthworks, mine tunnel advancement to 767 meters, and substantial completion of the permanent camp and warehouse facilities.

Critics are concerned about the environmental impact of the mine, which will use cyanide to leach out the gold and which will use about 760 liters of groundwater per minute, even in the dry season. Hired to review an environmental assessment done by Glamis, which predicted no harm, independent US consultant Robert Moran blasted it as "very simplistic and optimistic." In April, both he and Bishop Alvaro Ramazzini were refused entry to the mine, according to the Guatemalan group MadreSelva.

Glamis says it is committed to collaborating with local communities, government authorities, and NGOs on issues associated with mine development and operations. A car bombing, two killings, and numerous death threats

have been the price paid by those who have opposed the mine. The World Bank is backing the project with a \$45-million loan. Beginning in December 2004, protesters in Los Encuentros, Sololá blocked a convoy of mining equipment for forty-two days. On January 11, a contingent of 1,300 police and army forces fired on the protesters, killing one and injuring several more. Two weeks later, Bishop Ramazzini led 3,000 people in an anti-mine protest. He later received serious death threats. In March a guard for the mine's security force shot and killed twenty-three-year-old Alvaro Sánchez in the street. Glamis says the incident resulted from a personal conflict, adding that the guard, who has since disappeared, also stole a company vehicle. Also in March, a vehicle belonging to a Mayan leader was torched, and death threats were issued against him and two other anti-mine community leaders.

After these incidents, the mine condemned the use of violence and threats by any faction. Glamis insists on the benefits of the mine, claiming the project could contribute \$500 million to the country's economy over the mine's productive life. Local residents and many human rights groups argue that local communities were not properly consulted about a project that will harm the environment, endanger people's health, and destroy sacred Mayan sites.

Social Groups Will Continue Fighting CAFTA

Gilberto Atz, the leader of the National Coordinating Committee of Campesino Organizations (CNOC), said popular groups in Guatemala will be working to minimize the damage CAFTA will cause to the poorest sectors of society. The Berger administration has promised to promote ten laws, called "social compensations," that would attenuate the adverse effects of CAFTA. Atz recommended that the government provide objective information about the effects of CAFTA and increase the level of support to small producers, since the poor will not benefit at all from the agreement. The popular groups are planning to work very hard to achieve a wage increase for farm workers.

Remains of Massacre Victims Buried

On August 3 in San Martín Jilotepeque, Chimaltenango, relatives of victims of the internal armed conflict buried the remains of twenty-five people massacred by military forces during the military governments of Romeo Lucas García and José Efraín Ríos Montt. Eleven

of the remains were not identified. Garments and other evidence was displayed next to the remains at a church's convent, in hopes that surviving family members would recognize an item and be able to make an identification.

The Guatemalan Foundation of Forensic Anthropology (FAFG) found the remains last year in clandestine cemeteries in the village of Xesuj, said Feliciano Macario, of the National Coordinating Committee of Guatemalan Widows.

Ex-PAC Members Registered

Efraín Oliva, president of the high-level commission on the issue of Civil Defense Patrols (PACs), said that, as registration closes for those who claim to have served in the patrols, the government expects to have a list of 570,000 former patrollers. The next step will be to review the paper work presented by each former PAC member to guarantee the legality of the documentation. According to Oliva, the goal is to have a base of 450,000 ex-patrollers ready to receive payment. Former PAC members must plant trees in exchange for the Q5,241.60 (\$690.50) offered during the administration of Alfonso Portillo as recompense for their unpaid, often forced patrolling. Many ex-PAC leaders are demanding payment in cash with no strings attached and are threatening to take action if their demands are not granted.

Teachers Demand Wage Increase

More than 5,000 people demonstrated in late July to demand an increase in wages. Most of the protesters were teachers. They shouted slogans about the high cost of living, asking that rising prices for basic goods be controlled because with their wages they simply couldn't make ends meet. They rejected the monthly bonus of Q75 (\$9.88) offered by Minister of Education María del Carmen Aceña. They asked for an increase in wages of Q1,000 (\$131.73), the reform of the national education system, and the resignation of the Minister of Education. The march ended in front of the Palace of the Legislature, where protest organizers were given a meeting with the Education Committee.

Berger Fails to Rein in Costs, Violence

According to representatives of the Association of Social Organizations (COS), since taking office eighteen months ago, the administration of President Oscar Berger has not been able to solve the issue of security or

stop inflation. COS representative Carlos Barrera said statistics indicate that violence, unemployment, and the price of basic necessities have increased. COS found that the majority of Guatemalans believe the government has failed to control both common and organized crime. Another problem is the generalized increase in prices and unemployment. As a result, the economic situation and citizen safety issues have worsened. COS emphasized the importance of having the government assign more resources to health, education, and security, all areas that have been lacking resources. “We have planned a national emergency project to avoid the social protest and conflict,” Barrera said. The plan involves the establishment of policies that would contribute to consolidating democracy, development, and the well-being of the population, such as increasing spending on public investment in education, health, and housing, and raising tax revenue by increasing taxes on luxury cars, cigarettes, or tobacco.

NEW RESOURCES

Chixoy Dam Legacy Issues Study

Author: Barbara Rose Johnston, Ph.D.

Publisher: Center for Political Ecology

In the midst of the civil war in Guatemala, the World Bank and the Inter-American Development Bank funded the construction of the Pueblo-Viejo Quixal project (the Chixoy Dam) on the Chixoy River. Over 3,000 families were forcibly evicted from their homes and another 6,000 households suffered losses. Protests were met with state-sponsored violence, including massacres of women and children. Communities that attempted to negotiate fair compensation were declared guerilla-supporting communities. The study examines the lasting negative impact the Chixoy Dam has had on communities in the region in an effort to secure reparation for the victims.

Truth, Torture, and the American Way: The History and Consequences of US Involvement in Torture

Author: Jennifer Harbury

Publisher: Beacon Press

Jennifer Harbury’s investigation into torture began when her husband disappeared in Guatemala in 1992; she told the story of his torture and murder in *Searching for Everardo*. Harbury has now used her formidable legal, research, and organizing skills to offer well-docu-

mented evidence of the CIA’s continuous involvement in torture tactics since the 1970s. The book includes moving personal testimony from survivors of torture in Latin America—a number of whom were tortured with US personnel present—and testimonies of survivors from other parts of the world, as well.

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“Juan Ana” coffee is produced by families in San Lucas Toliman via a land grant project. Your purchase will benefit both the coffee cooperative and GHRC/USA.

Contact infodoc@ghrc-usa.org for more info



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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