

Guatemala Human Rights Review

GUATEMALA HUMAN RIGHTS COMMISSION/USA

January - August 2006

On September 20, President Oscar Berger assured the United Nations General Assembly that Guatemala has advanced significantly in creating a pluralistic and participatory society as envisioned in the 1996 Peace Accords.

Yet the human rights situation has only deteriorated in the past few years. Extreme poverty has risen from 16% to 21.5% during Berger's administration¹ and the government has done little to address the needs of marginalized communities. The murder rate has soared, in particular the killings of vulnerable populations such as women, children and youth, and impunity prevails for both past and current crimes. Human rights defenders working for change do so under threat, with few efforts on the part of the authorities to prevent or investigate the attacks.

While Guatemala has negotiated the Commission to Investigate Illegal Groups and Clandestine Security Organizations (CICIACS) with the United Nations, little progress has been made in implementing this agreement, with the result that these parallel powers hold de facto power in the country and commit crimes without fear of prosecution.

INEQUALITY AND LAND CONFLICTS

Guatemala is now one of the most unequal countries in Latin America. The country has the lowest rates of public investment in social services in the region² and ranks lower on the UN Human Development Index than all other countries in Latin America, except Haiti. Although over half of the Guatemalan population depends on agriculture for a living, 1.5% of the landowners own 62.5% of the land.³ The effects of the Dominican Republic-Central America Free Trade

Agreement (DR-CAFTA), which went into effect on July 1, could exacerbate some of these trends.

Rather than address underlying causes, evictions have become the first resort for solving agrarian "problems" under the leadership of former businessman and landowner President Berger, with policies that favor wealthy landowners over poor, mostly indigenous, *campesinos*.⁴ In some evictions, state security forces acted with violence or burned homes and belongings. Although the number of documented evictions has fallen in recent years (from 40 in 2004, to 22 in 2005, to 10 so far this year), the number of violent evictions has remained relatively constant (7 in 2004, 6 in 2005, and 5 so far in 2006). The lack of adequate legal means to address labor disputes, access to land, disappearances, and murders on large estates almost guarantees further conflict.

- On January 31, hundreds of indigenous families and *campesinos* occupying land on the Moca and Cabañas *fincas* in Senahú, Alta Verapaz were violently evicted by more than 1,000 anti-riot police and 105 armed soldiers. When more than 100 families on the Moca *fincas* resisted, police agents hit them and threatened them with sticks, firearms, and tear gas. The targeted families were working to legalize their land. The failure to resolve this particular conflict led to the death of a seventy-five year old man during an armed confrontation between two groups of *campesinos*, one of which was armed by the landowner, on July 8.

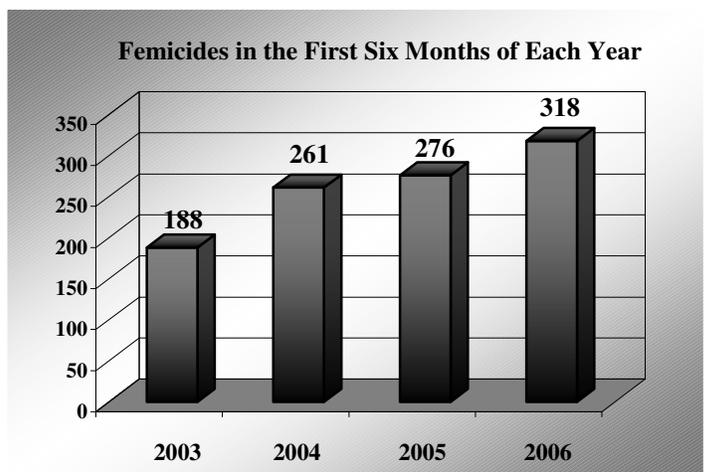
- On March 29, some 310 members of the Worker and Campesino Labor Federation (FESOC) in the community of La Bendición, Flores, Petén, were violently evicted by army troops from land they were occupying. The army reportedly entered the area with tanks and helicopters, then burned homes and injured *campesinos* during the eviction. The *campesinos* were waiting for the National Council of Protected Areas (CONAP) to comply with its commitment to relocate them after the organization reclaimed the land as a protected area.
- On May 3, 900 soldiers, police officers, and anti-riot agents forcibly and violently evicted fifty families from the community of San Antonio Las Pilas, Tecún Umán, San Marcos. According to the national Indigenous and Campesino Coordinating Committee (CONIC), as the families were leaving, approximately fifty men proceeded to destroy and burn the families' homes and belongings, while some fired shots into the air.
- Since November 2004, the Nueva Linda Pro-Justice Campesino Movement has been subjected to continual intimidation, threats, and attacks by landowner Virgilio Casado and members of his private security forces. The *campesino* group has occupied the side of the highway in front of the Nueva Linda *finca* since November 2004, demanding justice for the disappearance of Hector Reyes and for the massacre of nine *campesinos* in a violent eviction carried out by the police. Selvin Augusto Pérez Galicia, a member of the *finca's* security forces, has threatened and attacked *campesinos* at Nueva Linda several times this year. On January 20, he fired on a group of *campesinos*, leaving three seriously injured. On April 27, he threatened Mariano Calel with death. On May 14, he fired various rounds at the tents of the *campesinos* on the roadside and on June 5, he drove around looking for two leaders of the movement, claiming that he had "accounts to settle with both men."

VIOLENCE AND IMPUNITY

In her comments after visiting Guatemala, United Nations High Commissioner for Human Rights Louise Arbour declared that, "Security cannot be achieved without a sustained attention to the social and economic challenges that the country faces."⁶

Indeed violence in Guatemala has now reached wartime levels. After a visit in August, United Nations Special Rapporteur on extrajudicial, summary, or arbitrary executions Philip Alston stated, "The killing of women, the execution of selected individuals by elements within the police and military, gang and crime-related killings, social cleansing, and other acts of random violence have created a widespread sense of insecurity among the population. Official estimates of 5,000 or more extrajudicial executions per year certainly understate the real death toll."⁷

From January to July of 2003, 188 women were murdered, a number that rose to 362 for the same period in 2006.⁸ The graph below shows the steady increase in the murders of women with each year. In the past year, the murder rate of children and youth has also risen. During the first seven months of 2006, 195 children and youth under eighteen years old were violently murdered, as compared to 142 in the same period in 2005.⁹ As people lose faith in judicial and law enforcement au-



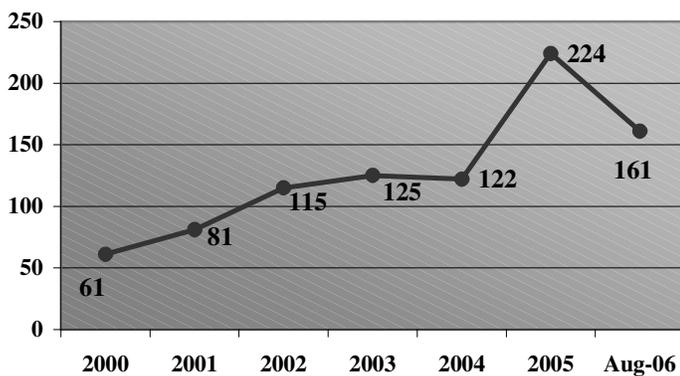
thorities, the number of reported lynching incidents has increased dramatically as well. Human Rights Watch has reported that even twenty years after the establishment of a civilian government, Guatemala has made few advances in guaranteeing human rights and the rule of law, essential elements in a functioning democracy.¹⁰

In spite of the spiraling murder rate and the alarming brutality of the murders, approximately 98% of crimes never reach a verdict in Guatemala.¹¹ Those responsible for massive human rights violations during the war remain at large along with the new generations of murderers. As stated by Arbour, “Where impunity is the rule for past violations, it should come as no surprise that it also prevails for current crimes.”¹²

ATTACKS ON HUMAN RIGHTS DEFENDERS

For the past few years, human rights defenders working to end impunity have been the most commonly targeted in attacks. This year the number of attacks on human rights defenders has remained disturbingly high (see graph below), although the targets have shifted slightly. The Unit for the Protection of Human Rights Defenders (UPD) recorded at least 161 attacks on human rights defenders in the first eight months of 2006, only a few less than those recorded for the same period in 2005.¹³

Attacks on Human Rights Defenders by Year



Threats, intimidation, break-ins, and surveillance were the most common types of attacks so far this year. Targets included unionists, women’s groups, *campesino* and indigenous organizations, and community radio stations, as well as those working to end impunity. Of the 161 attacks documented for this year, 73 were directed at defenders of social, economic, and cultural rights, while 74 targeted defenders of civil and political rights, so that the difference between these two groups practically disappeared.

As in the last few years, any attempts to investigate past atrocities or hold former military leaders accountable for

the atrocities committed during the war continued to meet resistance. The Guatemalan Forensic Anthropology Foundation (FAFG), which works to exhume the clandestine graves of those killed in the early 1980s, received a series of death threats in January. Fredy Peccerelli of the FAFG received a text message on January 9 that threatened to kill his brother and ordered him to stop the exhumations. The following day, an anonymous letter was left at the home of Peccerelli's sister, reading, “...We are going to kill you. Fredy don’t you understand. We are going to kidnap your sister and rape her again and again, and if (you) don't stop we will send (her) to you piece by piece...One by one we will kill you. Death to the anthropologists...”¹⁴ When a new wave of death threats began in March, the Public Prosecutor's Office had not made any progress in investigating the threats made in January.

A visit by an investigative commission from Spain also drew opposition. On June 24, Spanish Judge Santiago Pedraz and prosecutor Jesus Alonso arrived in Guatemala to gather testimony on crimes committed by military officials during the internal armed conflict for a case currently in the Spanish courts. In a paid ad on June 27, the Association of Military Veterans of Guatemala (AVEMILGUA) and the Association of Widows of Army Officials of Guatemala called on all military and paramilitary forces to defend the country in the face of this threat. Other news sources quoted the head of AVEMILGUA as saying, “we don’t want to rock the boat, but this case could bring tragic actions.” Judge Pedraz left Guatemala on July 2 without interviewing anyone after legal appeals delayed the case. In a precedent-setting move, however, the Spanish judge filed international arrest warrants on July 7 for eight former Guatemalan military officials accused of genocide, terrorism, and other crimes.

In addition to the high number of attacks this year, the severity of the attacks is also cause for concern (see graph on page four). Human rights defenders had suffered eight assassination attempts, two abductions, one forced disappearance, and six murders as of August 31 of this year. State security forces are implicated, whether by action or negligence, in a number of the attacks.

- On January 30, heavily armed men wearing

National Civil Police Special Reserves uniforms drove by the home of Mario Conrado Solórzano, and opened fire on those standing outside. Mario Solórzano and his son Abner escaped unharmed, but Jonathan Valente was fatally wounded during the attack. The assassins most likely mistook Jonathan Valente for Abner Solórzano, who is a witness in the case of the 2003 murder of his brother Richard Solórzano, in which PNC officers have been accused of harboring the suspect and aiding his escape.

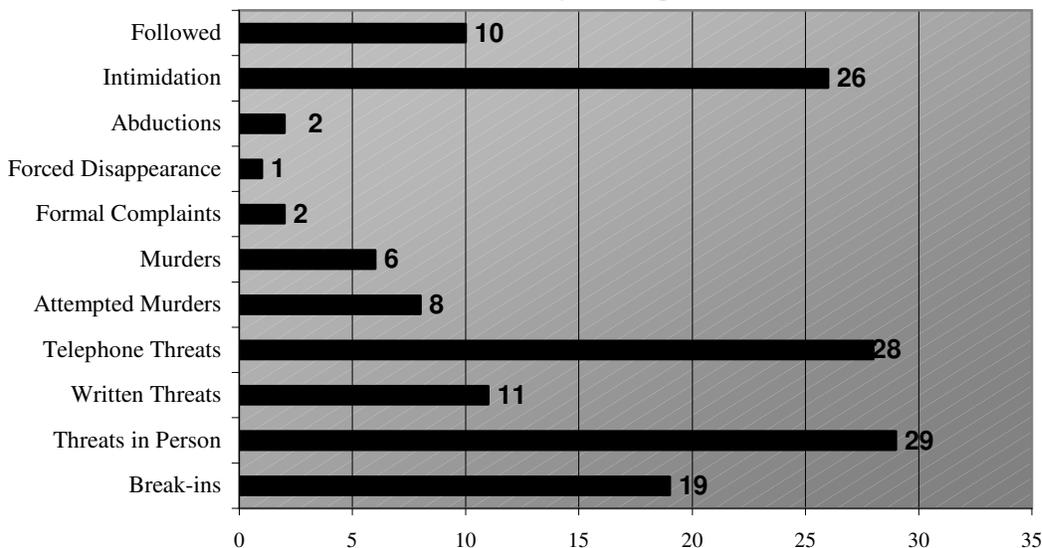
- On May 24, six heavily armed men in beige vests abducted Oscar Duarte, a member of the Guatemalan National Revolutionary Union (URNG). The police reportedly failed to intervene when Duarte’s abductors drove by the police station, even though someone had alerted them. Duarte had recently acted as a mediator in a conflict between police and community members.
- On July 27, two armed men dressed in black abducted Erwin Estuardo Orrego Borrayo, of the Guatemalan National Front of Informal Economy and Market Vendors (FENVEMEGUA). The two men approached him while he was running an errand, showed him a police badge, pointed their weapons at him, struck him on the head, and then forced him into a truck. While with his captors, he overheard a voice over radio communication, “abort

operation, there is monitoring, abort operation without execution.” He was abandoned in a forested area two hours after his abduction. FENVEMEGUA represents market vendors that have resisted the municipal government’s efforts to evict them.

December of 2005 also saw the first murder of a female human rights defender since the UPD started monitoring in 2000. Two more such murders quickly followed.

- On April 2, community leader Meregilda Súchite was brutally murdered in Chiquimula while on her way to church with her husband. The aggressor shot her six times and attacked her with a machete, striking her in the eyes, mouth, and lungs. César Pérez González, the main suspect in the murder, continued to threaten to kill other members of the Díaz Súchite family, but was not immediately arrested. Meregilda Súchite and her husband were involved in defending and promoting human rights in the area through the Center for Human Rights Legal Action (CALDH).
- On April 5, Antonio Ixbalán Cali and his wife, María Petzey Co, were shot and killed in Suchitépéquez. Antonio Ixbalán was the president of the Association of Farmers in Santiago Atitlán and a member of CONIC. The attacks occurred just nine hours after CONIC and other organizations broke negotiations with the government and called for national actions to demand agrarian reform.

**Attacks on Human Rights Defenders by Type of Attack
January 1 - August 31, 2006**



While those working for truth and justice, labor rights, development, and campesino rights were the most common targets, a number of journalists have suffered severe attacks in recent months.

- On July 7, Víctor Hugo Herrera, of the Guatemalan Federation of Radio Education (FGER), was abducted and held for forty-eight hours. When he later appeared, he remembered nothing from that time.
- On August 4, Jairo Gamaliel Cholutío Corea, a member of the URNG, the National Front in the Struggle (FNL), and a journalist with the Center for Folkloric Studies at the University of San Carlos, was approached by a stranger while he was talking to his brother. Even though he handed the stranger his cell phone and his jacket, the stranger shot him four times in the abdomen and thorax. Someone in a passing car then shot and killed the assassin moments after Cholutío was shot. Later that day, Cholutío's brother received a threatening phone call and other family members have also received threats and noticed surveillance outside their homes.
- On August 23, two men accosted Vinicio Aguilar Rodríguez, a journalist with Radio 10, and shot him in the face. Believing he was dead, his attackers left him lying there. He later recovered in the hospital. The manager of Radio 10 had received a threatening phone call the previous day related to his coverage on corruption.

Whether the attacks on human rights defenders are carried out by illegal groups and clandestine organizations, state security forces, or unknown individuals, these cases remain in impunity like most cases in Guatemala, fueling the violence and emboldening clandestine groups.

In December, another election cycle begins in earnest as political parties and other individuals prepare for the November 2007 elections. In the context of a weakened state, a lack of sufficient investigation and prosecution, and the stalling of the CICIACS, many fear that politically motivated violence will increase even more dramatically in the upcoming months.

ENDNOTES

1. Interview with Miguel Ángel Albizures of the Center for Human Rights Legal Action (CALDH). Guatemala City. 2 August 2006.
2. Louise Arbour. "Press Statement by the United Nations High Commissioner For Human Rights Following Her Official Visit to Guatemala." (Press Statement) 27 May 2006. <<http://www.unhcr.ch/hurricane/hurricane.nsf/424e6fc8b8e55fa6802566b0004083d9/c7f2a41a172bc438c125717d0056605a?OpenDocument>>
3. Amnesty International. "Guatemala: Land of Injustice?" 29 March 2006. <[http://web.amnesty.org/library/pdf/AMR340032006ENGLISH/\\$File/AMR3400306.pdf](http://web.amnesty.org/library/pdf/AMR340032006ENGLISH/$File/AMR3400306.pdf)>
4. Amnesty International. "Guatemala: Land of Injustice?" 29 March 2006.
5. Casa Alianza, CALDH, CNOC, GAM, CIIDH, ICCPG, MDN, ODHAG, OASIS, Plataforma Agraria. "Informe al Señor Philip Alston, Relator de Ejecuciones Extrajudiciales de la ONU." (Informe) August 2006.
6. Louise Arbour. Press Statement. 27 May 2006.
7. Philip Alston. "UN Expert on Extrajudicial Killings Ends Visit to Guatemala." (UN Expert) 24 August 2006. <<http://www.unhcr.ch/hurricane/hurricane.nsf/view01/05A4CA8728BD10EAC12571D500431FA6?opendocument>>
8. Centro Internacional Para Investigaciones en Derechos Humanos. "Informe: Violencia en Guatemala (Factores de Origen, Formas de Manifestación, y Posibles Soluciones)" July 2006.
9. Ibid.
10. Human Rights Watch World Report. "Guatemala: country summary." 18 January 2006. <<http://hrw.org/wr2k6/pdf/guatemala.pdf>>
11. Casa Alianza, et. al. Informe. August 2006.
12. Louise Arbour. Press Statement. 27 May 2006.
13. The UPD is part of the National Human Rights Movement. The graphs and statistics on attacks on human rights defenders included in this report are from the UPD.
14. Amnesty International. "Further information on Fear for Safety/Death Threats: Gianna Peccerelli." 13 January 2006. <<http://web.amnesty.org/library/Index/ENGAMR340012006?open&of=ENG-GTM>>



Guatemala Human Rights Commission/USA
 3321 12th Street NE
 Washington, DC 20017-4008
 Tel: (202) 529-6599 Fax: (202)526-4611
www.ghrc-usa.org

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.