

# Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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## RIGHT TO LIFE AND HUMANE TREATMENT

### Four Development Offices Raided

04.06.07 Four development organizations in Guatemala were raided on April 5. In the middle of the night, assailants allegedly broke through two metal doors to gain access to the offices of TROCAIRE, an Irish development agency; ACSUR Las Segovias, a Spanish non-governmental organization; and *Colectivo Poder y Desarrollo Local* (CPDL), a Guatemalan development agency.

Breaking through the individual office doors of each organization, the perpetrators stole six computers, two digital cameras, one scanner, two USB flash drives, two monitors, and one cell phone. Nevertheless, the perpetrators left other items of considerable value that they could have easily carried. The stolen computers, cameras, and flash drives contained valuable information pertaining to the organizations' projects to promote sustainable development and enhance citizen participation.

Later that day, the CARE International office in Guatemala was broken into. The perpetrators stole laptops, one monitor, and several CDs that contained valuable information about their projects. Likewise, in this case, the assailants left behind much more valuable equipment.

Two of the organizations have faced prior attacks. Since early January 2007, perpetrators have stolen one all-terrain vehicle from TROCAIRE and tried to steal another. CPDL also suffered an attempted robbery of two of its vehicles. In addition, one month ago, a CPDL employee was assaulted and robbed a few meters from the office.

### Mayor Threatened for Opposing Water Project

04.14.07 Julio Paz Espinoza, mayor of Santa Lucía Cotzumalguapa, Escuintla, has allegedly received death threats from the owners of the Palo Verde plantation because of his outspoken opposition to the development of a running water project. The Kong Viemann family, who owns the plantation, recently diverted a river on their property so that it flows directly into the Pantaleón River, which is contaminated. Paz asserted that due to the Kong Viemann family's actions, the water project will no longer benefit the supposed five thousand community members from four communities in the area that it was meant to help.

Paz, who denounced the Kong Viemann family at a Congressional hearing, said that a group of armed men bearing AK-47s has made death threats against him. Paz was accompanied by leaders of the Guatemalan National Revolutionary Union (URNG) and the Broad Movement of the Left (MAIZ).

### Activists Concerned About Increased Violence

04.13.07 Human rights organizations have registered thirty-one attacks against human rights activists and social leaders so far in 2007. Of particular concern is the fact that many of the attacks are similar to those used by the State to threaten the human rights movement during the armed conflict.

Mario Polanco of the Mutual Support Group (GAM) said that the government has convinced the general public that human rights organizations "only defend delinquents." Polanco added that the high level of violence against human rights activists is due to the impunity entrenched in the institutions of the three branches of government.

Members of *Casa Alianza* noted that the violence affecting children, and adolescents in

Guatemala has also reached extremely high levels. On average, three deaths of adolescents are reported each day.

### **Jutiapa Suffers From Pre-Election Violence**

04.11.07 Three politicians planning to run for office have been murdered in Jutiapa so far during this election season. José Morán Bran, a pre-candidate for mayor of Jutiapa and member of the Guatemalan Republican Front (FRG), was shot in his home on March 29. Elmar Palma, a candidate for mayor of Atescatempa and member of the Grand National Alliance Coalition (GANA), was killed by gunshot in February. Edwin Saúl Martínez Zepeda, a pre-candidate for mayor of Jalpatagua, Jutiapa and member of the National Advancement Party (PAN) was shot and killed in June of 2006.

A police investigator alleged that violence in Jutiapa is not related to the upcoming elections, but stems from the high level of narco-trafficking in the region. The investigator said that José Morán Bran, for example, was murdered by drug dealers.

Due to the high levels of violence in Jutiapa, the National Unity for Hope (UNE) and the Patriotic Party (PP) political parties have not been able to find candidates for the upcoming elections.

### **Community Attacks Two Alleged Gang Members**

04.11.07 A crowd in Santa Cruz del Quiché, Quiché beat two alleged gang members in the main plaza of the town. Walter Martínez Munguilla, 30, and Juan José Gómez, 24, were accused of extorting merchants and taxi drivers in the town. The crowd forced them to strip, and then beat the men repeatedly with sticks and leather belts before the National Civil Police (PNC) intervened and took the two men into custody.

### **Kidnapping for Ransom Increases in Guatemala**

04.03.07 Kidnappings have recently increased in Guatemala, according to the Public Prosecutor's Office (MP) and the National Civil Police (PNC). The Chief Prosecutor against organized crime, Jorge Luis Donado, said that kidnappers are operating in the capital as well as in the eastern and southern regions of the country. An estimated five to ten people are kidnapped per week. The PNC says that the kidnappers begin with a carjacking,

and then interrogate the victim to determine his or her economic status. If the victim is wealthy, the perpetrators kidnap the person and demand ransom from the victim's family.

### **Homicides Have Increased Under Berger**

04.10.07 Sandino Asturias, director of the Center for Guatemalan Studies (CEG), reported on the country's security situation and recommended changes in police logistics to the new Minister of the Interior, Adela de Torrebiarte. Asturias said that it is important to strengthen the National Civil Police (PNC) and the Criminal Investigation Division (DINC), with the goal of polishing the institutions. According to the report, the number of homicides has increased while investigations and convictions for crimes have decreased.

The document details the fact that in the first three years of President Berger's administration, the number of homicides is close to 17,000. In comparison, there were 14,000 homicides during Alfonso Portillo's administration and 13,500 in Alvaro Arzú's administration, both of which lasted four years. Furthermore, in 2001 there were 700 criminal investigators and in 2006 there were only 435. Asturias stated that the reduced number of investigators during this administration has resulted in an increase in impunity, leading to institutionalized repression.

## **BASIC FREEDOMS**

### **Attacks Against Journalists High in 2006**

04.10.07 The Inter-American Commission on Human Rights (IACHR) issued a Special Report on Freedom of Expression, detailed Guatemala as one of the countries in the Americas in 2006 in which journalists were attacked in order to silence them. The Report highlighted the murder of one journalist and attacks against three others in Guatemala during the year. Also mentioned was the closing of nine indigenous community radio stations in Chimaltenango and Huehuetenango.

The report also discussed threats and physical attacks carried out by police, military, government officials, legislators, and high-ranking security officials of the government.

## **Victims of Bank Fraud Demand Compensation**

04.13.07 Victims of a scam by the Commerce Bank marched in Guatemala City to demand the return of their money and the capture and punishment of the bank executives, who are now fugitives. The protestors also demanded the resignation of the president of the Bank of Guatemala, María Antonieta de Bonilla, who was accused of participating in the scam. In early January, a total of 1.638 million quetzals (US \$215,000) were stolen from people's bank accounts. Subsequently, fourteen victims committed suicide due to the loss of their life savings.

At the end of the demonstration, the Guatemalan Congress received a proposal to provide compensation to all of the victims. The proposal, presented by Jorge Luis Ortega from the Authentic Integral Development (DIA) party, would require the Bank of Guatemala to disperse treasury bonds totaling 1.850 million *quetzals* (\$243,000).

## **WOMEN'S RIGHTS**

### **Women to Build Homes for Women in Need**

03.29.07 The Association of Campesinas and Non-Campesinas of Jutiapa will soon begin the construction of 250 homes in Jutiapa, after battling for four years to be able to do so. The homes will be for women who are in need of essential services such as running water, electricity, and sewage systems. The plan was presented during the prior presidential administration, but was not supported at that time.

## **CHILDREN'S RIGHTS**

### **Spain Gives Aid to Fight Malnutrition**

03.30.07 The Global Food Program of the United Nations received \$2.6 million from the Spanish government for a project entitled "Recuperation and Rescue Operation" to fight chronic malnutrition in Guatemala. The program will operate in eighty-three municipalities in thirteen departments of the country. The project has the objective of reducing malnutrition in children younger than five years old, as set out by the Millennium Development Goals. This monetary contribution will provide for the production and

distribution of "Vitacereal," a meal supplement fortified with a mixture of corn flour, soy, vitamins, and minerals. The program hopes to benefit 281,000 children as well as 93,000 pregnant and nursing mothers.

## **INDIGENOUS RIGHTS**

### **Indigenous Summit Addresses Many Concerns**

03.31.07 Thousands of indigenous people from twenty-five countries gathered in Iximché, Chimaltenango for the Third Summit of American Indigenous Communities and Nations. The participants focused on social inclusion and greater respect for spirituality, traditions, and self-determination of indigenous peoples. The Summit ended with participants from the group marching from three different neighborhoods in Guatemala City and meeting in front of the National Cultural Palace.

Among the issues addressed at the Summit was women's rights; participants concluded that '*machismo*' continues to be a large problem for Guatemalan society. Another issue was access to health services and education, specifically in the rural areas of Latin America. Participants also demanded immediate action from their governments to stop the HIV/AIDS pandemic that has killed millions of individuals. Others expressed a desire for bilingual education and a need for educators who are familiar with indigenous cultures and ways of life. One group demanded more indigenous representation in the media and more programs that promote cultural spirituality, saying that the current media is filled with stereotypes and violence. Summit members also expressed concern with the exploitation of natural resources on their ancestral lands.

Participants also agreed to convert the Summit into a political body for the indigenous movement by creating a Congress comprised of indigenous organizations and representatives. The Summit results will be documented and disseminated to the international community during a public forum to be held in Guatemala City.

## LAND RIGHTS

### **Campesinos Flee Before Being Displaced**

04.11.07 Approximately 105 families who lived on the El León *finca* (plantation) in Quetzaltenango abandoned the property in anticipation of forced displacement by the National Civil Police (PNC). PNC officer Alvaro Pérez said that more than 300 agents were sent to the *finca* to enforce the judicial displacement order, but they arrived to see that the campesinos had already abandoned the premises.

To prevent the campesinos from returning, the owners hired guards and burned the huts that the campesinos had lived in.

### **Combined Forces Displace 158 Families**

03.31.07 A combination of National Civil Police (PNC) agents and soldiers evicted 158 families from the land they occupied in Puerto San José, near Escuintla. The Public Prosecutor's Office (MP) said that the eviction was ordered by the local court in response to the January petition submitted by the alleged landowner Roberto Abularach.

## MIGRANT RIGHTS

### **Kidnappings of Central Americans Rise**

04.02.07 Many Central American migrants have been kidnapped in the southern state of Oaxaca, Mexico since December 2006 by a coalition mob of police, human traffickers, and gangs, according to Catholic priest Alejandro Solalinde. Solalinde stated that he is aware of six kidnappings committed since December. He reported the kidnappings to the Federal Prosecutor, but has yet to receive a response from Mexican authorities.

## RIGHT TO JUSTICE

### **Murderer of Human Rights Activist Convicted**

03.31.07 César Pérez González was found guilty of the murder of Merregilda Súcite, a human rights activist, who was killed on April 2, 2006. The First Penal Court of Narcotrafficking and Crime against the Environment of Chiquimula issued the conviction.

Súcite was on the way to church with her

husband when she was attacked with a firearm and shot six times, then stabbed four times with a machete. The crime is an example of the hatred toward women and the brutality with which women are murdered, said the Center for Human Rights Legal Action (CALDH).

Súcite was assassinated for her work as a community leader, where she served as a midwife and actively participated in the Women's Network of Human Rights Watch promoted by CALDH in the region of Ch'orti', reported a press release about the case. CALDH expressed hope that the sentence will not be overturned and may therefore set a precedent for justice. CALDH has also called for the protection of the victim's family.

### **Investigation Continues Into Police Murder**

04.02.07 The investigation continues into the events surrounding the murder of the four police officers accused of killing three Salvadoran government officials and their driver in February. The four police officers were murdered inside maximum-security prison El Boquerón in the days following their arrest. Witnesses say that a group of men stormed the prison and passed through seven security gates before shooting the victims. The Public Prosecutor's Office (MP) has asked the Human Rights Ombudsman to report on the investigations.

### **Commission Will Identify Former PAC Members**

04.12.07 A temporary High Commission has been created to identify members of the Civil Defense Patrols (PAC) that formed during the internal armed conflict. PACs were groups of civilians who worked with the army to seek out guerrillas, guerrilla sympathizers, and to terrorize the countryside. PAC members were often recruited and forced to participate against their will.

The Commission will have one year to complete its mission. Members will include the Executive Secretariat of the Presidency, who will coordinate the commission, and representatives from the Ministry of Communications, Infrastructure and Housing; the Ministry of Finance; the Ministry of National Defense; the Ministry of Agriculture, Cattle and Nutrition; the Secretary of Strategic Analysis (SAE); the Secretary of Peace (SEPAZ); and the National Fund for Peace (FONAPAZ). A former PAC

member will also participate. Sources did not indicate the reason that the Commission was created.

## LEGAL CASE UPDATES

### **Ríos Montt Attorneys Delay Case**

04.10.07 The defense attorneys for former General Efraín Ríos Montt and Aníbal Guevara presented three legal petitions in an attempt to impede the investigation of the former military leaders in the Eleventh Circuit Court. Attorneys Francisco Palomo y José Toledo submitted two requests to stop the investigations against the defendants.

Palomo also appealed against the resolution of the court in the Court of Appeals. In March 2007, as solicited by the National Assembly of Spain, Guatemalan Justice Saúl Alvarez reactivated the investigations of General Ríos Montt, Guevara, Oscar Mejía, Germán Chupina, Benedicto Lucas García and two other civilians for crimes of genocide committed in 1982.

## RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

### **Groups Fight Drought and Desertification**

03.29.07 Members of public institutions in Zacapa, Chiquimula, Baja Verapaz and El Progreso created a working group to discuss the issues of drought and desertification that plague the area and to propose local solutions to the problems. The lack of water for drinking and agricultural use, prolonged droughts, and soil erosion are the main problems in the region known as the “drought corridor.” Among the causes of the problems as established by the working group are geographic location, population growth, water contamination, global warming, inadequate use of land and forests, and the lack of regulatory State laws.

Alan González Figueroa, regional aid to the United Nations Convention Against Desertification and Drought in Mesoamerica, said that these workshops fortify the commitment Guatemala made to fight desertification when it ratified the convention in 1998. González said that the working group’s conclusions would serve as a basis for the creation of a national financial strategy to combat desertification.

### **PPP Will Not Protect Natural Resources**

04.09.07 The implementation of Plan Puebla Panamá (PPP) in Guatemala, a multi-billion dollar, multinational infrastructure development plan initiated in Central America in 2001, will not protect natural resources in Petén, one of the richest areas in biodiversity, said Erick Cuellar of the Forestry Community Association of Petén (ACOFOP).

Cuellar reported that one of ACOFOP’s main accomplishments has been to return the right of administering the natural resources in the area back to the communities. He stated that this took place after the signing of the Peace Accords in December 1996. He explained that those rights would be affected if the State initiates the PPP without objecting to its potentially, environmentally threatening policies. Cuellar added that the PPP would enable transnational businesses to indiscriminately exploit lumber and water sources.

### **Ministry Looks for Environmental Solutions**

03.31.07 Representatives from various institutions in the department of El Progreso voiced their concerns over environmental issues such as water pollution and the inefficient collection of solid wastes. The representatives met in a workshop sponsored by the Ministry of Environment and Natural Resources (MARN). Oscar Leiva, inspector for the Environmental Improvement of the Department of Public Health and Social Assistance, said that 60% of the water in the communities is polluted.

Representatives from MARN did acknowledge slight signs of improvement. In El Jícaro and Sansare the government has installed a water treatment plant and implemented an arts and crafts program using recycled material.

### **Community Afraid to Oppose Mining Operation**

04.09.07 Leaders from the Campesino Association in Asunción Mita, Jutiapa expressed concern that they had not received sufficient community support to oppose the mining projects in Cerro Blanco. The current mining operation is run by the Entre Mares Company, a subsidiary of Montana Exploradora. Vicente Ortega of the Campesino Association stated that the residents are aware of the negative environmental impacts of

mining, but they are afraid to speak out because they may face repercussions from the mining company.

Several organizations in the area have organized workshops to educate the population about the dangers of mining, but there has been little public opposition from the community, said Ortega. Ortega added that officials from Entre Mares met with community members and asked them to sign a petition stating that they are not opposed to the project.

The Department of Commerce President Nery Zepeda and his officials agreed that more discussion needs to take place about the issue.

## OTHER INFORMATION

### **Guatemalan Refugees Return After 24 Years**

04.02.07 Thirty families were welcomed home to Guatemala after living in exile in Bolivia for twenty-four years. The families were provided new homes on the El Rosario *finca* (plantation), located in the town of La Ciénaga in Livingston, Izabal. Days later, another group arrived to Guatemala. The latter eight individuals were born in Bolivia, but traveled to Guatemala to reunite with their families.

Thirty homes were built in El Rosario including the basic necessities of electricity, running water and sewer systems. The community also contains a community center, a health clinic, and a school for fifty students.

The vice-minister of Food Security of the Agriculture Department, César Fion, stated that the government followed the process very closely. He noted that authorities designed projects emphasizing the cultivation of basic grains, which will contribute to the families' subsistence.

### **Police Capture Union Leader Nery Barrios**

04.10.07 Union leader Nery Barrios was arrested for money laundering, extortion, and tax fraud following an arrest warrant issued by the Second Penal Court. Barrios, the Secretary General of the Unity of Popular and Labor Action (UASP), has been accused of laundering five million quetzals which was meant for the purchase of a *finca* (plantation) for a campesino community. The Quetzal Port Authority had granted Barrios the

resources to purchase the *finca*.

The alleged fraud took place when Barrios supposedly purchased land from Nery Cacheupe. However, it turned out that Cacheupe's ownership of the land was only documented on papers, and that the land really belonged to another individual. Bank accounts showed that the five million quetzals still remained in Barrios's account even after the alleged purchase of land. Both Nery Cacheupe, and Wálter Robles, the lawyer who drew up the paperwork, are also under investigation. Barrios asserts that the case is part of political persecution against him.

### **Government Again Delays Visit From UN**

04.10.07 President Oscar Berger has again asked the United Nations (UN) to postpone a scheduled visit to Guatemala until 2008. In response, human rights activists are saying that Guatemala is closing its doors to international scrutiny.

In February, the government asked Jila Hilani, UN Secretary General for Human Rights, to delay her visit until 2008. Now Special Rapporteur on the Rights to Education, Vernon Muñoz, has also been asked to delay his visit to Guatemala, which was scheduled for late April.

### **British Embassy Champions Mayan Diversity**

03.31.07 The British Embassy has translated the reference book "Manual Against Aggression toward Human Rights Defenders" into Mayan languages so the document can be made available to indigenous communities that may not speak Spanish. British Ambassador Ian Hughes stated that human rights are the core of democracy and that honoring and respecting diversity is a main component of human rights. He also said that England is not alone in confronting this issue, as members the European Union frequently collaborate with non-governmental organizations in Guatemala.

### **Myrna Mack Foundation Awarded in Spain**

04.09.07 The Myrna Mack Foundation (FMM), a Guatemalan human rights organization, will receive the Spanish King Award for Human Rights in Alcalá de Henares, Spain. Founder Helen Mack will receive the award on behalf of the organization. Mack started the Myrna Mack Foundation in honor of her sister, Myrna, an

anthropologist who was murdered in 1990.

After evaluating candidates from fifty-eight organizations throughout the world, the judges decided unanimously to give the award to the FMM for its work fighting impunity and injustice, promoting civic participation, and reporting on security and intelligence.

The FMM will receive 30,000 Euros in conjunction with the prize, which it will use for studies and proposals on safety and intelligence gathering in Guatemala.

### **Presidents Propose Strategy Against Gangs**

04.11.07 Presidents Oscar Berger of Guatemala, Antonio Saca of El Salvador, Manuel Zelaya of Honduras, and Felipe Calderón of Mexico drafted a strategic plan to share security techniques and intelligence on gang operations in the four countries. The leaders agreed that the ministers of state and directors of the police would meet by the end of April in Mexico to begin the operation.

### **European Parliament Lobbies for CICIG**

04.11.07 A delegation from the European Parliament visited Guatemala to lobby the legislature to approve the UN backed International Commission Against Impunity in Guatemala (CICIG). The European legislators said that they are concerned about the level of violence in Guatemala and the lack of action taken to combat the violence. They consider the accord necessary.

The text of the CICIG was sent from the legislature to the Constitutional Court (CC) in March to determine possible objections to the Commission. Legislative sources claim that there is considerable division within the CC regarding the CICIG.

### **Adoptions Continue Despite Warnings**

04.04.07 In the last six months, the US Embassy in Guatemala has processed more than two thousand adoption visas, despite the fact that since February the State Department has recommended that US citizens not adopt Guatemalan children due to the many uncontrolled factors involved. Guatemala is the second largest provider of adopted minors to the US, second only to China. Data shows that almost half the number of international children adopted by Americans from October 2005 to September 2006 was Guatemalan.

The State Department has warned that adoptions in Guatemala are often illegal. Furthermore, adoption officials have been accused of altering documents, while police officials and other perpetrators dressed as PNC agents have extorted families by threatening to put children up for international adoption.

The US has encouraged Guatemalan authorities to approve adoption legislation that would better monitor the adoption process. However, Guatemalan legislators have yet to reach an agreement on the more than thirty modifications discussed for the Adoption Law. According to a local newspaper, the main dilemma is deciding what entity should oversee the adoption process. Some argue for the Attorney General's Office, while others claim it should rest on the Presidential Secretariat of Social Well-Being. The proposals would also force the government to follow-up on adoption cases.

### **Human Rights Ombudsman Re-Elected**

04.11.07 Sergio Morales has been re-elected as the Human Rights Ombudsman for a second five-year term that will end in 2012. Heavily backed by the Patriot Party (PP), Morales received ninety-two of the 105 Congressional votes necessary to win the first round of the election. Opponents Ángel Salazar and Ramón Cadena received thirty-one and eleven votes respectively, while thirteen votes were blank.

In a second round runoff between Morales and Salazar, Morales received support from the National Unity of Hope (UNE), the Union of Nationalist Change (UCN), the National Advancement Party (PAN), and the Grand National Alliance (GAN) parties. Morales won the second round with 112 votes.

Throughout the election process, party members such as Roxana Baldetti of the PP said that representatives were highly pressured to vote along party lines, to the point that members had to show party leaders their voting ballots. Independent analyst Francisco Beltranena said that it is not illegal for representatives to allow others to see their votes, but it is illegal if they are forced to show others their vote.



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

*Information in the UPDATE that is not gathered directly is culled from various sources, including the Comisión de Derechos Humanos de Guatemala, Casa Alianza, Albedrío, Amnesty International, Associated Press, Reuters, and Guatemalan news sources, such as Cerigua, Centro de Estudios de Guatemala, Incidencia Democrática, Prensa Libre, El Periódico, La Hora, and Siglo Veintiuno.*

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