

Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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RIGHT TO LIFE AND HUMANE TREATMENT

Campesino Leader Narrowly Escapes Abduction

04.19.07 Armed men attempted to abduct Abelardo Roldan, regional coordinator of the Campesino Unity Committee (CUC), from a meeting with government representatives in San José las Lágrimas, Chiquimula. The meeting, in which representatives from the community, government, and Human Rights Ombudsman's (PDH) office, discussed the allocation of land to the community, had nearly finished when five armed men allegedly burst into the meeting room. The men demanded to know where Abelardo Roldan was and stated they had a score to settle with him. The government representatives asked the men to leave, but the perpetrators allegedly responded that they rule with guns. Another fifteen armed men were reportedly waiting outside the building. The abduction attempt was prevented only by the actions of community members and government representatives, who stopped the armed men from dragging Roldan outside.

The attempted abduction of Abelardo Roldan occurs within the context of an on-going land dispute. Rural workers of the San José las Lágrimas community were threatened with eviction from the farmland where they live and work in February 2007, and are currently in negotiations with government authorities over the allocation of land to community members. The army is occupying another portion of the farm, where there is allegedly a mass grave of people who were killed by the armed forces during the internal armed conflict.

Other Association members have been killed in the past five months. On February 13, four armed

men attacked Vicente Ramírez López and four other members of the Association, shooting Ramírez dead. On December 14, 2006, Matías Hernández, a member of the Association's Executive Board, was shot and killed as he worked in his field.

Murders of Youth Accepted by Society

04.25.07 The extrajudicial executions of young delinquents are not isolated acts nor are they carried out by corrupt officials, but are rather a phenomenon that has occurred throughout Guatemalan history and that currently targets alleged gang members, said Claudia Samayoa, coordinator of the investigation "Extrajudicial Executions of Stigmatized Youth." During the presentation of the report, Samayoa stated that despite what the government reports, the killings are selective and very often the state is responsible.

According to Samayoa, people are led to believe that since the victims are delinquents, their deaths are good for the country. This contributes to the institutionalization of their murder, which Samayoa describes as a violation of human rights.

Samayoa also accused the mass media of contributing to the problem, defining the violence as "social cleansing" and thereby contributing to the popular perception that the deaths are justifiable.

Concluding the presentation, Samayoa said the extrajudicial killings of stigmatized youth can be compared to genocide, although in the current cases race is not the factor for death, but rather the youths' appearance and form of speaking among other characteristics are taken into account.

The document was drafted by the Center for Human Rights Legal Action (CALDH), the Guatemalan Institute for Comparative Studies and Criminal Sciences (ICCPG), and the Security in

Democracy Association (SEDEM).

Anniversary of Gerardi Murder Commemorated

04.26.07 Hundreds of parishioners and students commemorated the ninth anniversary of the assassination of Bishop Juan José Gerardi Conedera, who was murdered on April 26, 1998, fifty-four hours after he unveiled the “Restoration of Historic Memory in Guatemala: Never More” Report (REHMI Report). The REHMI Report documented more than 55,000 human rights violations during the armed conflict, ninety-three percent of which were attributed to the army and paramilitary patrols. A mass was celebrated in memory of the promoter of national reconciliation at Saint Sebastian’s Church. Gerardi was assassinated Saint Sebastian’s church garage.

Colonel Byron Disrael Lima Estrada and his son, Captain Byron Lima Oliva, are currently serving a twenty-year prison sentence for murdering Monsignor Gerardi. Priest Mario Orantes, who worked with the Bishop, is serving a similar term for collusion in the assassination.

WOMEN’S RIGHTS

Women with HIV/AIDS Increasing

04.17.07 Cesar Nuñez, Latin American regional director of the Joint UN Program on HIV/AIDS, provided startling information on the increasing number of women with HIV in Latin America, especially among young monogamous women. Nuñez reported that fifty-five women become infected with HIV every hour in Latin America, totaling seven thousand every month. Furthermore, eighty percent of the women are monogamous, either married or with a steady partner, and are below the age of thirty-nine. Nuñez presented the findings at a forum on First Ladies and Leading Women of Latin America.

The latest statistics indicate that majority of individuals recently infected with HIV are between fifteen and nineteen years old, an equal number of male and female. In the case of infected adults, the ratio is 2.4 men for each woman.

Guatemala was repeated several times during the forum. The documents distributed stressed the high-risk conditions of Guatemala, Honduras and Belize. A regional plan was proposed to stop the

“feminization” of the epidemic.

Poverty, sexism, migration, unprotected sex, the absence of sex education in schools, and the inability of married women to agree with their husbands on a contraceptive method are among the causes listed for more than half of the 140,000 new infections detected in women.

UN Recommends Legislation on Femicides

04.18.07 In a report on violence against women in Guatemala, Yakin Ertürk, the United Nations Special Rapporteur on Violence against Women, called for the Guatemala Government to adopt legislation to bring an end to the many femicides that take place in the country. The report was presented by Anders Kompass, representative of the UN High Commissioner for Human Rights in Guatemala.

The report recommends that the Guatemalan government institute an integral legislative, judicial and investigative reform that will end pervading impunity.

Ertürk noted that more femicides occurred in Guatemala in 2003 than occurred throughout a whole decade in infamous Ciudad Juárez, Mexico. Between 2001 and 2004, the report claims, 1,476 women were violently killed in Guatemala, many of whom had been raped and tortured. The number increased between 2004 and 2006, reaching an average of five hundred murders per year. Authorities affirm that more than 125 cases have been reported so far this year.

Women Seek More Political Participation

04.18.07 During a forum for the Political Participation of Women in Guatemala, more than 500 leading women of indigenous communities called for the greater inclusion of women in politics and for better access to voting. A report on the situation of women in politics was presented during the meeting. The report was prepared by the Forum of Women, with the support of the Program for the Struggle of Indigenous and Rural Women Against Exclusion.

Rosalía Tot, councilwoman of Purulhá, Baja Verapaz, lamented the lack of female participation in municipal and departmental councils and recommended the creation of a support structure for women’s organizations.

156 Women Murdered in First Quarter

04.23.07 The Congressional Commission on Women reported that 156 women were killed this year between January 1 and March 31. According to the commission, seventy-five of the murders are under investigation.

CHILDREN'S RIGHTS

Minors Rescued from Sexual Exploitation

04.21.07 Casa Alianza, in coordination with the National Civil Police, Migration authorities, and the Public Prosecutor's Office, raided a brothel disguised as a massage parlor suspected of housing minors for the purpose of commercial sexual exploitation in Guatemala City. Two seventeen-year-old girls were rescued from the premises as a result of the joint raid operation and both were immediately referred to a judge who entrusted them to Casa Alianza for shelter and protection.

The parlor was licensed to operate as a bar and to offer massages but it was evident from the beginning that it functioned as a full-scale brothel. The two-story building housed roughly thirty girls at any given time and had three bedrooms on the upper floor where paid sexual activity allegedly took place. The property lacked basic sanitation; there was no running water and bed sheets were stained with blood.

Twenty-five girls were found on site during the raid, including three foreign nationals: a Nicaraguan, a Mexican and a Honduran girl, who faced immediate deportation, because they failed to obtain valid Guatemalan work permits. Adult prostitution is legal in Guatemala. Therefore, just moments after the agents left the premise, music was turned on and business resumed as usual.

Casa Alianza is working with other leading Guatemalan organizations to lobby legislators for important changes to the Penal Code. Under the current Penal Code, those guilty of pimping and pandering offences get away with their crimes by only paying an insignificant fine, which is low even for Guatemalan standards.

Child Malnutrition Alarming in Guatemala

04.19.07 During the first National Meeting on Early Childhood, UN Representative Manuel Manrique stated that the statistics on malnutrition

in Guatemala are alarming, especially when compared to figures in the rest of Latin America.

Approximately half of the children in Guatemala under the age of three suffer from chronic malnutrition, although the rate is eighty percent in some municipalities, said Manrique. Malnutrition, along with children's vulnerability to disease and the lack of access to preschool education, seriously impairs physical and mental development for these children.

The United Nations Children's Fund (UNICEF) hosted the meeting. UNICEF representatives stated that solving the problem would require combating poverty, improving access to health care and sufficient nutrition, and attending to the lack of early intellectual stimulation as well as addressing depression in mothers and the violence that surrounds children.

Child Labor Campaign Initiated

04.30.07 The campaign "Work Is Not Meant for Children", sponsored by the Justice Department and Ministry of Labor, was kicked off with a photograph exhibit. The Ministry of Labor and Justice Department's campaign goal is to control and eradicate child labor.

Officials indicate that approximately 500,000 children are forced to work due to high poverty rates. Many are victims of exploitation, and in the worst instances are exploited sexually.

LABOR RIGHTS

Raise Dispute Results in Teacher Strike

04.24.07 The National Teachers' Assembly announced that teachers would not accept a proposed salary increase of eight percent, stating that they demand a raise that accounts for inflation. Spokesperson Joviel Acevedo added that the government neither respected nor complied with any of the negotiated agreements.

President Oscar Berger commented that the agreement allows a sixteen percent increase of teacher salaries as of January 2008, but would be preceded by an eight percent increase in April, 2007.

Approximately 90,000 teachers responded by initiating an indefinite strike to protest the failure of the state to fulfill its negotiated agreements and to consent to the decreed wage increase. The

Assembly announced that ninety-five percent of teachers participated on the first day. Teachers in Guatemala City did not respond, however, and teacher attendance in primary and high schools in the capital was normal. Vice Minister Miriam Castañeda reported that the strike affected forty percent of the school day's activities in the departments and five percent in the capital.

Teachers blockaded highways and marched toward Guatemala City, demanding a wage increase of fifteen percent, as well as an end to the effort to privatize education. Acevedo said that the strike is taking place in at least forty-five strategically important parts of the country.

LAND RIGHTS

State Fails to Resolve Land Disputes

04.23.07 More than 1,660 agrarian conflicts exist in Guatemala, said Columba Sagastume of the Secretariat of Agrarian Issues (SAA). Alta and Baja Verapaz lead the departments with a combined 421 pending cases. Other afflicted departments include Petén with 270 cases and Quiché with 228. Other notable cases are in the southwest region. Sixty-eight percent of the country's agrarian conflicts stem from historical land disputes.

Sagastume explained that the increase in the reporting of these cases is due to a greater number of agencies throughout the country that are willing to receive complaints. The government has opened fourteen offices in the last two years.

Daniel Pascual, leader of the Campesino Unity Committee (CUC), observed that the demands are growing in the face of the government's inability to solve them. He added that the state is slow to resolve the conflicts and addresses them only case by case, failing to solve the underlying causes.

Ingrid Urizar, of the Agrarian Platform, said that several cases have been pending for ten to fourteen years without resolution. She stated that the government must address the structural causes of agrarian conflicts in order to resolve the disputes.

Land Conflict in Quiche Continues

04.25.07 Members of the Costa Chiquita, Estayul, Puente Seco, and Las Anonas communities

reported that residents of San Luis Las Anonas Poblaj in San Miguel Uspantán evicted them from their lands, burned their houses, destroyed their crops, and stole livestock.

Community leader Miguel Tum explained that in 1956 the now-defunct National Institute of Agrarian Transformation (INTA) sold 1768 acres to forty-six Chicamán co-owners and registered the sale in Quetzaltenango. Nevertheless, in 1985, the INTA accidentally sold a portion of same piece of land to residents of San Luis Las Anonas Poblaj. Beginning that year, Tum stated that the members of Poblaj community harassed and threatened their neighbors in an attempt to convince them to leave the property. Finally in 2004, residents of Poblaj forcibly displaced thirty-seven families from the land with machetes and clubs and have continued to occupy it for the last three years.

MIGRANT RIGHTS

Remittances Increase by Almost Twelve Percent

04.16.07 Remittances sent by the approximately 1.2 million Guatemalan citizens living abroad, ninety-seven percent of whom reside in the United States, increased by 11.6% during the first three months of 2007 in comparison to the same period in 2006. During those three months, remittances reached a total of \$886.6 million, according to Bank of Guatemala (BANGUAT) records.

The money sent from abroad benefits some 3.6 million Guatemalans, and is often used to pay for family expenses, rent, home repairs, or used for investment and savings. BANGUAT reports that the money also contributes to micro-commerce, micro-industry, and other small enterprises.

A study by the International Organization for Migration (IOM) estimates that sixty percent of the Guatemalans residing in the United States immigrated without official documents.

169 Central Americans Caught in Mexico

04.17.07 The Federal Preventive Police of Mexico captured 169 undocumented migrants from Central America in Metapa de Domínguez, Chiapas, Mexico, who had been crowded into a false bottom of a trailer. Of the migrants detained, 161 were Salvadoran and eight were Guatemalan. Thirty of the migrants were minors. They will be turned

over to the National Migration Institute (INM) and deported to their countries of origin.

The Salvadoran migrants reported that Mexican authorities had used tear gas to force them out of the trailer.

5,952 Guatemalans Deported to Date

04.25.07 Thus far in 2007, 5,952 Guatemalans have been deported from the United States. The number for the same period in 2006 was 5,827. The deportees were transported in seventy-one different flights. Mauro Verzeletti of the Pastorate of Human Mobility of the Episcopal Conference stated that the increase in deportations has been accompanied by an increase in human rights violations toward Guatemalans by US and Mexican authorities.

SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

Vaccination Campaign Faces Adversaries

04.17.07 A vaccination campaign against measles and rubella in Alta Verapaz could fail if misinformation continues to be spread by various sources. The false information, which is allegedly spread by the religious "Growing in Grace" sect, warns against massive sterilizations. Health workers have been threatened and even attacked. In a recent case in Chibach, San Pedro Carchá, a group of health workers was detained for several hours after they had been threatened with machetes.

César Augusto Díaz, director of the local health authority, reported that despite the plan to administer 132,000 vaccinations, only eighteen thousand have been effectively given.

HIV/AIDS Patients Lack Medication

04.19.07 More than 4,000 Guatemalans infected with HIV/AIDS have no access to medication and roughly 2,000 will die this year because of it, said Cristina Calderón, representative of the country's Regional Network of Human Rights for HIV/AIDS. Calderón stated that the disease claims the lives of 8,500 people every day throughout the world, including eight per day in Guatemala. She observed that HIV contributes to a systematic violation of human rights in the country, and that between twenty-five and forty-five percent of the people living with HIV/AIDS are in the advanced

stage of the disease and will die in 2007 unless they undergo retroviral therapy.

At the National Forum of Human Rights for HIV/AIDS held in Guatemala City, Calderón stressed that the absence of medicine and the lack of proper nutrition contribute to an early demise of patients.

IGSS Ordered to Compensate HIV Victim

04.21.07 The Guatemalan Social Security Institute (IGSS) was ordered to pay 3.5 million *quetzals* (approximately US \$460,000) as compensation to Karen Julissa Blanco Lemus, who was infected with HIV through a blood transfusion in 1994. The legal proceedings began twelve years ago. The Constitutional Court (CC) rejected an attempt by the IGSS to halt the ruling and ordered immediate payment.

In 1994, Blanco had been transferred to the IGSS Hospital Juan José Arévalo Bermejo, in the sixth zone of Guatemala City, where she gave birth to a child. The physicians diagnosed her as suffering from anemia as a result of the birth and she received blood transfusions, one of which was infected with HIV.

LEGAL CASE UPDATES

Gang Members Accused of Killing Policemen

04.16.07 The Office of the Prosecutor for Crimes Against Life accused thirteen gang members of the February 2007 murder of four policemen in El Boquerón Prison. The four policemen had been suspects in the murder of three Salvadoran congressmen and their driver.

The investigations are allegedly based on the statements of eight witnesses, fingerprint evidence discovered in the prison, and the suspected murder weapons. The purported evidence revealed the perpetrators to be imprisoned gang lords.

Judge Accepts Visit by Spanish Commission

04.17.07 Guatemalan Judge Saúl Álvarez, who oversees the case introduced by Spanish authorities against seven former high-level officials of the Guatemalan government, authorized the visit of an investigative commission from Spain in May to hear statements from witnesses and suspects.

Generals José Efraín Ríos Montt and Óscar

Humberto Mejía Victores; the retired Generals Ángel Aníbal Guevara and Benedicto Lucas García; Colonel Germán Chupina; and the civilians Pedro García Arredondo and Donaldo Álvarez Ruiz are the accused in this case. Rigoberta Menchú presented charges against them in a Spanish court in 1999 for crimes of genocide, state terrorism, and torture perpetrated against the people of Guatemala during the internal conflict that lasted from 1960 to 1996. She based her claim on the principle of universal jurisdiction.

Schemers of Salvadoran Murders Identified

04.19.07 District Attorney Alvaro Matus has singled out Carlos Orellana Donis (alias *Chajazo*) and Mario Javier Lemus Escobar (alias “Surly Mare”) as those who ordered the assassination of three Salvadoran congressmen and their driver in February 2007. The murder was carried out by Guatemalan policemen who were later executed in prison. Matus stated that the accusation is based on phone calls made between Orellana and the killers.

Court Upholds Sentence for Gerardi Assassins

04.25.07 The Constitutional Court (CC) rejected a motion presented by the defense attorneys of Byron Lima Oliva and Byron Disrael Lima Estrada, accused of assassinating Bishop Juan José Gerardi in 1998. The motion requested that the charged crime of “extrajudicial execution” be reduced to “co-responsibility in the crime,” arguing that the two participated indirectly in the death of the bishop. The rejection of the motion upholds the twenty-year prison sentences imposed on them and on priest Mario Orantes for collusion in the murder. The Archbishop’s Human Rights Office (ODHAG) stated that both Lima Oliva and Lima Estrada acted directly in carrying out the assassination.

The CC made the decision in September 2006, but temporarily shelved it to await the signature of the former president of the CC, Alexander Maldonado, and another magistrate. Nery Rodenas, director of ODHAG, considered it inappropriate that the resolution was not made available immediately in a case with such relevance for justice.

Just prior to the publication of the CC’s decision, ODHAG announced that it had found new eyewitnesses to the assassination of Monsignor

Gerardi, and that it has begun an investigation into others implicated.

RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

Reports of Poisonous Gas Leaks in Alta Verapaz

04.17.07 Members of social organizations, indigenous communities, and other officials in the department of Alta Verapaz reported that oil wells installed in the 1970s in Salinas Nueve Cerros are currently leaking poisonous gas and are damaging the environment and the health of the residents living nearby. Leopoldo Marz, member of the Q’eqchi’ Environmental Group (MAQ), stated that the Ministry of Energy and Mines has full knowledge of what is happening, and therefore any harmful effect of the gases is the responsibility of the Guatemalan Government.

The twenty oil wells are under the supervision of the Petrolina Corporation Oil Company, a subsidiary of British Transnational Taghmen Energy. Two of the wells are leaking hydrogen sulfide (H₂S), which is six times more harmful than carbon monoxide. Marz stated that the company and authorities have told the local population that they will attend to the problem only if they are allowed to continue petroleum extraction.

The wells are located in Finca Municipal Salinas Nueve Cerros. This area also has 247 acres of archeological zones, 1,850 acres of forests, and 970 acres of farmland. All of these resources are endangered by the gas leaks. MAQ, in coordination with the MadreSelva Collective, are planning to press criminal charges against the transnational company and present its report to the Office of the Human Rights Ombudsman (PDH).

Ixcán Votes to Reject Xalala Dam

04.20.07 The people of Ixcán, Quiché overwhelmingly rejected two types of proposed projects in their municipality. In 144 communities, 21,155 people - adults as well as children aged seven to seventeen - participated in the community referendum. They voted on the approval of or rejection of 1) the construction of the Xalalá hydroelectric dam and other dams and 2) the exploration and exploitation of oil and its derivatives in their municipality.

According to the official results as reported by municipal mayor Marcos Ramírez Vargas, 18,982 (89.7%) voted against both projects while 1,829 (8.6%) voted in favor of one or both of the projects and 344 (1.6%) abstained.

Damage From Chixoy Dam to be Assessed

04.23.07 After two years of negotiation between the government and communities affected by the construction of a hydroelectric dam in Chixoy, a technical commission will be created to ascertain the extent of the damage caused and to draw up a repair plan. In return, leaders of twenty-eight indigenous communities demand a long-term development program.

The Coordinating Organization for Communities Affected by the Construction of the Hydroelectric Plant in Chixoy (OCAHICH) stated that the important issue now is to determine the costs and expenses to the people driven from their lands so that the state can accept its responsibility. The process will be supervised by the United Nations. Residents claim that at least 7,748 acres were flooded, which forced five thousand families to flee their homes and pushed them into extreme poverty.

Gold Mine Causes Damage in San Marcos

04.27.07 Fifty-two houses in a two-kilometer radius of the Marlin gold mine have cracked in recent months in the villages of San Miguel Ixtahuacán in San Marcos. Water wells dried up and the residents reported an increase in disease and animal deaths from consuming water from a polluted river. The mine also triggered land disputes among communities that had never before been in conflict.

The inhabitants of the region blame the company Montana Exploratory of Guatemala, a subsidiary of the Canadian Gold Corporation. Ecologists had foretold the pollution of the rivers, the social conflicts, the diseases, and the water shortage that the industry would bring. The forecasts went unheeded by the company, who hired their own environmental assessors.

OTHER INFORMATION

Anti-Rios Montt Demonstrations Held in US

04.20.07 Thousands of activists throughout the US

organized demonstrations to pressure the Guatemalan government to either try former General Efraín Ríos Montt for crimes of genocide, torture and other violations of human rights, or extradite him for trial in Spain.

Thousands of Amnesty International (AI) activists congregated outside Guatemalan consulates in New York, Chicago, Denver, Houston, and Los Angeles, while delegations of leaders and volunteers met with Guatemalan diplomats in Washington D.C.

The “National Day of Action for Guatemala” is part of an international campaign to bring Ríos Montt and other guilty parties to justice. In a press release, AI stated that the global campaign began as a way to help the efforts of a group of survivors of the internal conflict in Guatemala who are led by the Nobel Peace Prize winner Rigoberta Menchú.

PNC Fires 561 in Purging Process

04.25.07 National Civil Police (PNC) Director Julio Hernández Chávez announced that the PNC dismissed 561 agents who had committed serious offenses. In doing so, the force has taken its first step in its purging process. Among the dismissed are Commissioner Adan Castillo and Assistant Commissioner Jorge Aguilar, who have been accused of conspiring to smuggle drugs into the US. The PNC has hired 250 new agents to begin at the end of May and another 750 to begin in November.

Social activists have expressed fear that dismissed agents will become criminals if they are not enrolled into reintegration programs. Carmen Aída Ibarra, analyst from the Myrna Mack Foundation, called for the Executive Branch to take measures to prevent that likelihood.

New Requirements Set for Adoptions

04.19.07 Beginning May 2, notaries and lawyers performing adoption procedures must include forty-two new lines of information in the form required by the Attorney General’s Office (PGN). The intent of the new requirements is to bring transparency to the process and to prevent fraud. Reports of anomalies in adoption processes, document forgery, and a delay in the approval of the new adoption laws prompted the PGN to add the requirements.



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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