

# Guatemala Human Rights **UPDATE**

Guatemala Human Rights Commission/USA

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## **RIGHT TO LIFE AND HUMANE TREATMENT**

### **Man Killed in Land Eviction in San Marcos**

05.05.07 Agents of the National Civil Police (PNC) killed Antonio Monzón, 17, in an attack on fifty campesino families residing on the *finca* San Antonio las Pilas in Tecún Umán, San Marcos. The fifty families, organized by the Committee for Campesino Development (CODECA), had occupied the *finca* (plantation) since August 2006. One person was injured and another kidnapped during the attack.

The eviction was carried out under the authorization of the Public Prosecutor's Office (MP), which did not notify the Human Rights Ombudsman's Office (PDH). CODECA demanded punishment for those responsible for Monzón's death and insisted that the government attend to the demands of the families that occupy the *finca*.

### **Project Counseling Service Staff Attacked**

05.09.07 A staff member for the Project Counseling Service (PCS), an international organization dedicated to challenging impunity and seeking justice for human rights violations perpetrated during conflict and post-conflict periods in Guatemala, was attacked. The organization reported that a company vehicle was stolen, which is very uncommon for vehicles with international license plates. Furthermore, two heavily armed men detained a PCS staff member in the truck and assaulted him verbally, physically, and sexually.

PCS indicated that despite the appearance of an ordinary crime, the incident was probably a politically motivated effort to intimidate the organization. The attack came during an International PCS seminar entitled "Sharing the

Collective Memory: Psycho-social Assistance and Full Justice for Women Victims of Sexual Violence in Armed Conflicts." PCS participates actively in the International NGO Forum (FONGI) and is a member of the board. PCS stresses that this attack came during a wave of aggression against organizations that are members of FONGI. This was the third incident of the month.

### **Over 500 Street Vendors Evicted in Coatepeque**

05.02.07 Over five hundred street vendors in Coatepeque, Quetzaltenango were evicted by six hundred agents of the National Civil Police (PNC). Hundreds were injured in the forced eviction.

The municipal council had previously agreed to remove vendors from several markets in the area. On May 1, a resolution was published ordering the vendors to remove their stands immediately or else be forcibly ejected. Councilman Édgar Cifuentes arrived at the scene to oversee the eviction. The vendors asked him to stop the evictions and then attacked him when he refused. The police rescued the councilman and launched tear gas to disperse the crowd, which started a skirmish between the police and the merchants. Approximately ten police officers were wounded in the incident. Thirteen street vendors were arrested for starting the confrontation.

Street vendor Arnulfo Reyes described the eviction as illegal, stating that there was no court order. He also said that the vendors would not relocate to the new market location because it does not have sufficient facilities.

### **Mayoral Candidate Receives Death Threats**

05.04.07 Juan Carlos Rodas Lucero, mayoral candidate of Jutiapa and member of the Patriot Party (PP), reported that he has received death threats. Rodas said that unidentified men came to

his office and threw red paint at the main door. He also said he received a letter advising him to either withdraw from his political campaign or face death.

### **ICCPG Harassed and Received Death Threats**

05.04.07 Five staff members of the Guatemalan Institute for Comparative Studies in Criminal Sciences (ICCPG) have been harassed and have received death threats in recent weeks in an apparent attempt to dissuade them from investigating cases of killings and rapes allegedly committed by police officers.

The ICCPG has reported five attacks since March 14, 2007, in which men wearing ski masks warn the victims that they have full knowledge of the activities of institute personnel and demand that cases involving police agents as human rights violators be closed.

The ICCPG said that the attacks are most likely a reaction to its work investigating public officials. One area of their current work is to research cases of alleged human rights violations committed by public security forces and prison guards and to providing legal support to victims and their families. The ICCPG is currently assisting in the legal proceedings against officers accused of raping Juana Méndez in 2005, and in a number of cases of possible extrajudicial executions that are currently being heard in national courts and at the Inter-American Commission on Human Rights.

### **Rape Case of Indigenous Woman Investigated**

05.15.07 The case of Juana Méndez, a forty-two year-old indigenous woman who was allegedly raped by agents of the National Civil Police (PNC) at a police station in Nebaj, Quiché in 2005, is under investigation by the Administrative Crimes Division of the Public Prosecutor's Office.

Juana Méndez, who is from the village of Macalajau in Uspantán, Quiché, was arrested on December 20, 2004 by members of the PNC and sent to a prison in Chimaltenango. On January 17, 2005, she was transferred to the town of Nebaj, where she was to present her first declaration before the Court of First Penal Instance. Awaiting her hearing, Méndez spent the night in the police station where she says that three of the police guarding her were intoxicated and sexually abused her. Police officers Nery Aldana and Rutilio Matías were arrested for the crime shortly

thereafter.

The case appeared before the Disciplinary Court of the PNC, which declared Aldana and Matías responsible for the rape of Juana Méndez. The new investigation will also look into the involvement of other PNC personnel on duty that day. However, the case has been complicated by the murder of the Office of Police Conduct investigator in charge of the case, as well as the murder of a key witness to the crime.

## **BASIC FREEDOMS**

### **Prison Infrastructure on the Verge of Collapse**

05.10.07 Minister of the Interior Adela de Torrebiarte announced that the infrastructure of the penitentiary system is on the verge of collapsing, saying that prisons cannot hold any more inmates and that they lack the minimum services required to prevent crises.

The worst case is that of Puerto Barrios, Izabal, which holds three times as many inmates as the safe capacity limit. Similar conditions exist in Chimaltengo, Zacapa, and Progreso, which are overpopulated by 117 percent, ninety-six percent, and seventy-eight percent respectively.

The evaluation will be presented to Congress along with a request for an emergency budget to build new prisons.

## **WOMEN'S RIGHTS**

### **Congress Condemns Violence Against Women**

05.01.07 The US Congress approved a resolution condemning violence against women in Guatemala and urged President Oscar Berger's government to put an end to the murders. The resolution was proposed by Rep. Hilda Solis of California and had 100 Congressional cosponsors. "Guatemalan authorities have investigated very few of the murders and ignore those who seek justice," she said.

The Resolution had been unanimously approved by the House Committee on Foreign Affairs in March.

### **Reducing Maternal Mortality a Priority**

05.10.07 Minister of Public Health and Social

Services Alfredo Privado has summoned national and international health organizations to join the National Commission for the Reduction of Maternal Mortality. The Commission will analyze maternal mortality rates and will propose strategies for reducing those rates, as set forth in the Law of Social Development, the Policy of Population and Development, the Peace Accords, and the Millennium Goals.

The minister reported that an estimated 153 out of every 100,000 mothers died of childbirth in 2000. Although the figure has lowered to 143 in the past four years, Privado added that the rate is still among the highest in Latin America. Hemorrhage is the leading cause of maternal mortality, followed by infections, hypertension, and complications due to abortions. The areas with highest maternal mortality rates are Alta Verapaz, Quiché, and Huehuetenango.

## CHILDREN'S RIGHTS

### Reports of Child Abuse Rise in Schools

05.14.07 Since January 2006, both the Public Prosecutor's office and the Human Rights Ombudsman's office (PDH) have received thirty-two reports of child abuse committed by teachers toward students. These teachers have allegedly mistreated the victims psychologically and/or sexually. So far, there have been no sentences issued for these incidents.

In a survey by *Vox Latina* for the daily newspaper *Prensa Libre* in 2006, 31.2 percent of young people and children interviewed claimed to have been victims of some type of mistreatment by their teachers. In the first four months of this year alone, the PDH has received fifteen reports of such abuse. The trend registered in previous years suggests that the number could be duplicated by the end of this year.

Nidia Aguilar, a children's right attorney for the PDH, said that teachers who are accused of mistreating their students should be removed from the classroom while a full investigation is pending.

## LABOR RIGHTS

### Demonstrations on International Labor Day

05.01.07 Workers and social activists gathered to commemorate International Labor Day on May 1. Among the demands made was that the

government attend to the needs of migrants and aid Guatemalan citizens living in the US who are facing harsh immigration policies.

Demonstrators including José Pinzón, leader of the National Coalition of Guatemalan Workers, also attacked the new Civil Service Law, which prohibits both public and private employees from going on strike. The protestors also insisted that the attempt by the government and many private companies to base wages on productivity would leave workers open to greater exploitation.

María Elena Suar, spokeswoman for the Program for the Education of Child and Adolescent Workers, observed that the participation of minors in the demonstration was intended to show the government the importance of this labor sector and to demand basic rights for these underage workers.

Raúl Marroquín, secretary general of the Workers' Union of the National Energy Institute, warned that the reforms of the General Law of Electricity and the administrative rules established by the Ministry of Energy and Mining will worsen the economic conditions of small consumers.

Labor Day demonstrations were held in many cities, including Quetzaltenango, Baja Verapaz and San Marcos.

### Campesinos Protest for Labor Rights

05.01.07 The National Coordinating Committee of Campesino Organizations (CNOC) adopted the slogan "Organization and struggle for a decent wage" in its International Labor Day demonstration to end the exploitation of indigenous and campesino populations. Demonstrators protested the plan to base wages on productivity, which they said would raise the price of basic products and services and would concentrate wealth in the hands of employers. CNOC calls the plan a violation of internationally recognized human rights.

CNOC representatives said that many of the evils suffered by Guatemalans today are due to the Central American Free Trade Agreement (CAFTA), which violates the constitutional rights of workers. They added that unemployment, exploitation, unjust wages, and poor working conditions have worsened in recent years because of neoliberal policies implemented by the private sector. Particularly during the governments of Álvaro Arzú and Oscar Berger, laws that violate agreements of the International Labor Organization, the Constitution of the Republic, and the Labor Code

were enacted. CNOOC concluded that wage based on productivity is meant to benefit employers, not workers, and that such policies raise the cost of living and reduce many rural families to starvation.

## MIGRANT RIGHTS

### **Guatemalan Immigrant Murdered in New York**

05.07.07 Investigations have begun into the murder of a Guatemalan immigrant in Mount Kisco, New York. René Perez, a forty-two year-old homeless immigrant, dialed 911 from a Mount Kisco laundry mat on April 28. Three Mount Kisco police officers, all of whom are now under investigation, arrived at the scene. Less than one hour later, Perez was found fatally injured four miles away on secluded Byram Lake Road in neighboring Bedford. He died in the early hours of April 29 while being treated at Westchester Medical Center.

Forensic analysis has determined that Perez was murdered. Two other Guatemalans were found strangled in Mount Kisco, six months apart, in 2003 and 2004. Their cases have not yet been solved.

### **Immigration Reforms Demanded on Labor Day**

05.02.07 On International Labor Day, tens of thousands of Latin Americans and other immigrant groups demonstrated in cities around the United States, demanding immigration reforms to legalize the status of the twelve million undocumented immigrants in the country. In Los Angeles, Austin, Chicago, New York, San Francisco, Seattle, Miami, Detroit, Columbus and Washington, DC, demonstrators bore placards demanding an end to police raids and calling for a “just and humane” immigration reform that would recognize immigrants not as burdens, but as economic, social and cultural contributors to the US.

Though both houses of Congress are considering changes in the law, to date there is no general support among Democrats or Republicans for a reform that stabilizes the situation of the twelve million illegal immigrants in the country. President Bush still supports the construction of a wall between Mexico and US border, and has proposed a series of fines and fees, up to \$14,000, as a qualification for legal residency for immigrants who have entered the country without appropriate documentation.

### **High Migration Levels: “Historical Failure”**

05.03.07 Guatemalan Vice Minister of Foreign Affairs Marta Altolaquirre announced during an extraordinary session of the Permanent Council of the Organization of American States (OAS) that migrations forced by poor economic conditions constitute a historical failure of the development policies of Latin American countries. Speaking of the “massive flow” of young people “willing to risk their lives to improve the economic condition of their families,” she reported that 77.3 percent of the Guatemalans leaving the country are between twenty and forty-four years old, most of them from rural communities.

Remittances to Latin America and the Caribbean from migrants are expected to increase by fifteen percent, according to the Multilateral Investment Fund.

### **NGO’s Demand Support for Migrant Children**

05.07.07 Over one hundred Latin American organizations in the US sent a letter to President Bush expressing their “indignation and concern” over the effects of raids on the Hispanic community, especially the harm inflicted on minors. An estimated 3.8 million children born in the US have at least one undocumented immigrant parent, while approximately 1.8 million children are living in the country without documentation. The organizations insisted that Congress create an immigration policy that does not separate parents from children.

## SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

### **Thousands Participate in Walk Against Hunger**

05.14.07 Thousands of activists participated in a walk against hunger in Guatemala City to raise awareness about hunger and malnutrition, particularly among children. The demonstration was sponsored by the World Nutrition Program and the United Nations Food and Agriculture Organization (FAO). Rossella Bottone, an official of the FAO, noted that half of Guatemalan children suffer from malnutrition and that 16,000 people die of hunger-related illnesses every year. She reported that the FAO hopes to reduce this level of malnutrition and hunger by twenty-five to forty-

two percent by 2015. “For this purpose, it’s not enough to give food to these people. We have to create integral development programs, such as improved access to drinking water, health, and education,” she concluded.

### **Use of Maize for Ethanol Considered a Threat**

05.14.07 Campesino and indigenous organizations are warning that the massive cultivation of maize for the production of ethanol is a serious threat to the nutritional needs, the ancestral culture, and the environment of Guatemala. They said that malnourishment, hunger, and extreme poverty would increase as a result, particularly in rural areas.

Carlos Arreaga of the Campesino Council Kabawil (CCK), a member organization of the National Coordinating Committee of Campesino Organizations (CNOC), said that the threat is just one of the many harmful consequences of the free trade agreement among the Dominican Republic, Central America, and the United States (CAFTA).

Guatemala is identified as a major exporter of corn, noted Arreaga, which endangers the supply of food available to the population, channeling agriculture from nutritional purposes to the production of ethanol, mainly to satisfy the energy needs and interests of the US.

## **RIGHT TO JUSTICE**

### **US Organizations Protest Rios Montt Candidacy**

05.03.07 Demonstrators gathered outside the Guatemalan Embassy to the US in Washington, DC, denouncing former dictator Efraín Ríos Montt’s intentions to run for the Guatemalan Congress. The “March Against Montt” demanded that the Guatemalan government push forward the Guatemalan and Spanish legal proceedings against Gen. Ríos Montt and other military officials responsible for genocide, war crimes and other human rights abuses during Guatemala’s internal armed conflict. Ríos Montt officially declared his candidacy on May 4. The March was led by the Guatemala Human Rights Commission/USA (GHRC) and the Network in Solidarity with the People of Guatemala (NISGUA).

“By running for Congress, Ríos Montt is making a mockery of the democratic process. Using his political contacts to subvert the

legal process is the highest abuse of power,” said Marty Jordan of GHRC. Andrew de Sousa of NISGUA added, “The survivors of genocide deserve justice, and we continue to stand with them. Ríos Montt and his Reagan administration friends belong in prison, not in power.”

Ríos Montt and his military high command are accused of genocide, war crimes and crimes against humanity in legal charges originally filed before Guatemalan courts in 2001. Ríos Montt and members of his administration are also facing extradition proceedings from an international arrest warrant for similar charges issued last year by the National Court of Spain.

During the month of May, similar rallies were held outside Guatemalan consulates across the United States, followed by a letter from thirty-one lawmakers of the U.S. House of Representatives to the Guatemalan Attorney General urging action be taken against the former military leaders. International support for justice in Guatemala continues to mount as the European Parliament, over 100 European human rights organizations, and thousands of individuals across the world have voiced their support for the efforts of the Association for Justice and Reconciliation (AJR) and other survivors of the genocide who are pushing the cases through the Guatemalan and Spanish legal systems.

### **Court Declares CICIG Constitutional**

05.10.07 The Constitutional Court (CC) announced that the International Commission against Impunity in Guatemala (CICIG) does not violate the Guatemalan Constitution or interfere with Guatemalan autonomy. The CICIG, an agreement between the United Nations and Guatemala, will strengthen and assist government institutions in their investigation of organized crime and clandestine operations. The agreement must now be ratified by at least 80 of the 158 members of the Guatemalan Congress.

Hilda Morales, member of the Network of Non-Violence against Women, observed that there are many deficiencies in the investigation process in Guatemala. She said that there is clear evidence that clandestine groups and organized crime have a strong presence in the country, which contributes to impunity. She expects that the CICIG will strengthen the control over these groups and

administer adequate punishment.

Non-governmental organizations in the US, Europe, and Canada welcomed the favorable decision by Constitutional Court. Among the organizations that expressed their satisfaction are the Guatemala Human Rights Commission/USA, the Network in Solidarity with the People of Guatemala, and the Washington Office on Latin America, as well as the Forum of International NGOs, a coalition of thirty-two organizations in the United States, Europe and Canada.

### **US Senate Urges Adoption of CICIG**

05.03.07 The US Senate unanimously approved a resolution demanding the “prompt ratification” by the Guatemalan legislature of the International Commission against Impunity in Guatemala (CICIG), an initiative agreed upon between the Executive Branch of the Guatemalan Government and the United Nations.

“The Commission,” the resolution declares, “is an innovating mechanism to support local efforts to confront the entrenched and dangerous problem posed by illegal armed groups and clandestine security organizations in Guatemala and their infiltration into state institutions ... Impunity continues to undermine the credibility of the justice system in Guatemala and the justice system is still too weak to confront organized crime and its powerful structures.”

## **LEGAL CASE UPDATES**

### **Massacre Architects to be Tried in Civilian Court**

05.15.07 The Court of Appeals of Jurisdiction Conflicts declared that a civilian court rather than a military court will try the five generals - Efraín Ríos Montt, Héctor Mario López Fuentes, Óscar Humberto Mejía Víctores, Egberto Horacio Maldonado Schaad, and Francisco Luis Gordillo - who are accused of ordering massacres during the internal armed conflict.

Despite efforts by the five former generals to be tried by military officials, the Court had reached its opinion in April but waited to make its announcement public until May 14.

The Association for Justice and Reconciliation (AJR) presented a denunciation of the five generals in 2001 for twelve massacres committed in the departments of Chimaltenango, Quiché,

Huehuetenango and Baja Verapaz, between April 16, 1982 and October 13, 1983. The trial has yet to formally begin.

### **Courts Halt Extradition in Genocide Cases**

05.01.07 Defendants in the genocide cases have been granted temporary protection by two Courts of Appeals, which suspended the request to have them extradited to Spain. Ángel Aníbal Guevara, Germán Chupina Barahona and Pedro García Arredondo are directly affected by this decision. Efraín Ríos Montt and Benedicto Lucas García also benefit, since the case against them in the Fifth Court of Sentence will be suspended as well.

The members of the Fifth Court sent arguments to the First and Second Courts of Appeal, noting that the procedure “is a process of administrative justice intended to comply with the extradition treaties signed with Spain.”

The Spanish judge Santiago Pedraz completed the requirements for the arrest warrants for the accused parties on January 6, 2007.

### **Suspects in the Murder of Policemen Testify**

05.03.07 Twelve gang members in El Boquerón prison who are accused of killing four agents of the Criminal Investigation Division (DINC) of the National Civil Police (PNC) have given their testimonies to the court in Cuilapa, Santa Rosa. The four DINC victims were accused of murdering three Salvadoran congressmen and their driver in February. They were subsequently arrested, placed in El Boquerón, and mysteriously executed in prison. Nine members of the prison staff are also suspected of aiding in the murders of the police officers. Álvaro Matus, the prosecutor in charge of the case, reports that among those nine suspects are the sub-director of the prison, the warden, two key holders, and the chief of security.

### **PDH Protects Witnesses to Salvadoran Murders**

05.08.07 Human Rights Ombudsman Sergio Morales announced that investigators have located six witnesses to the murder of three Salvadoran congressmen and their driver, which took place in Guatemala in February. For the witnesses' protection, the Human Rights Ombudsman's Office (PDH) is keeping the witnesses' location and identities secret.

In response to a request by the district attorney for cooperation, the PDH observed that compliance must be in full accordance with the Witness Protection Law.

The National Civil Police reports that six suspects in the case are currently in custody: a policeman and five suspected drug traffickers are thought to have planned the attack.

## RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

### **Pollution in Capitol Deemed Unacceptable**

05.02.07 The Air Monitor Unit of San Carlos University of Guatemala (USAC) released a study that determined pollution levels in Guatemala City exceed acceptable levels set by the World Health Organization (WHO) and the US Environmental Protection Agency (USEPA). The study shows the main pollutant to be nitrogen dioxide, which is generated by the combustion of motor fuel. Furthermore, acid rain has been detected in various parts of the city.

The Ministry of the Environment and Natural Resources is working with other institutions to establish a permanent environmental protection system for Guatemala. Carlos Mancilla, director of the agency department monitoring climate change, stated that a law is in progress that would allow for greater control over pollution emissions.

### **Roadblock Protests Mining Operation**

05.10.07 Demonstrators in San Sebastián, Huehuetango have blocked the Inter-American highway at the 281st kilometer to demand that mining operations cease in the region and that the government refrain from authorizing further operations.

Dolores Sales, a leading member of the National Coordinating Committee of Campesino Organizations (CNOC), explained that two years ago the Díaz Alva mining company reopened two mines in Chejoj and Tuisquisal, Huehuetenago, where they extract gold, silver, bronze, nickel, and other minerals. The mines are near the spring of the Isquisal River, which supplies more than twenty communities with fresh water. Residents fear that continuation of the mines will pollute the river and jeopardize their water source.

## OTHER INFORMATION

### **European Parliament Worried About Guatemala**

05.02.07 The European Parliament's International Conference on Guatemala opened with expressions of serious concern for the country's democratic future. The Parliament reviewed implementation of the Peace Accords and concluded that the Guatemalan government lacks the political will for serious progress.

Nicolas Pascuál de La Parte, head of the Latin American Department of the General Council of the European Union (EU), acknowledged that the EU lost interest in Guatemala after the signing of the Peace Agreements. "It is only fair," he said, "that we turn our attention and efforts to Guatemala and Central America once more."

Petros Mavromichalis, of Mexico and Central American Department of the European Commission, noted that the organization has given 236 million *Euros* (US \$317 million) to Guatemala for structural reforms and the implementation of the Peace Agreements. Álvaro Ramazzini, president of the Roman Catholic Episcopal Conference in Guatemala, suggested that the lack of visible improvement creates a certain level of doubt regarding the destination of those funds.

Anders Kompass, representative of the UN High Commissioner for Human Rights in Guatemala, warned that there is a danger of great social conflict and a deterioration of democracy if problems are not solved in the coming years. He specifically mentioned social inequality, racism, and a failure of the rule of law as key issues. Kompass also mentioned several achievements, including peaceful elections, openness of political debate, tightened control of the army, and the participation of civil society in issues of public interest.



*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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