

# Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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## RIGHT TO LIFE AND HUMANE TREATMENT

### **Violence Against Bus Drivers Explodes**

05.30.07 Bus drivers in zones 18 and 6 of Guatemala City declared a strike after a driver was shot by a suspected gang member. It was the second strike bus drivers in those neighborhoods declared that week. Drivers initially went on strike on May 16 after suffering numerous threats and extortions by gang members. That strike was suspended after the National Civil Police (PNC) enacted measures to control the gangs. The second strike was lifted after the PNC offered to further increase security on buses and at bus stops.

Another public bus driver was then killed on May 21 in Villa Hermosa in zone 7 of San Miguel Petapa, resulting in the suspension of night service in the region. The victim was identified as Julio César Galdámez Salazar, 45. Drivers of the fifty-first route halted all service and blocked traffic on some streets to demand increased security and an end to the violence.

Bus driver Florencio Reyes, 48, was then murdered on May 28 in the parking lot of the transportation company *Transportes Orellana* in zone 8 of Guatemala City. He was the driver of a route between Guatemala City and Antigua.

On May 29, driver José Lorenzo Reyes was murdered, prompting transportation services between Antigua, Sacatepéquez and the capital city to be suspended.

Members of the Guild of Transportation Workers on Short Extra-Urban Routes (GRETUCEX) demanded action by the authorities to halt crimes against transportation workers and called for punishment of the perpetrators. They insisted that there have been no visible results from

actions taken by the government because captured suspects are held only briefly. Statistics from GRETUCEX show that over one hundred buses have been attacked this year, in most instances by gang members.

To combat the increased violence, the government assigned 2,021 military personnel to operate jointly with the PNC to strengthen security on buses. The Ministry of Defense said that the main tasks will be to guard the bus stops and to maintain a presence aboard buses.

Drivers said that the assaults they have been suffering for eight years have gotten worse. They said that extortionists demand 2,000 *quetzals* (approximately US \$263) per week from the drivers. The penalty for not paying is death.

Minister of the Interior Adela Camacho de Torrebiarte announced that a conference will be held in which representatives of the bus lines, Congress, the Supreme Court of Justice, and the Public Prosecutor's Office will participate.

### **Mayoral Candidate in Zapaca Assassinated**

05.26.07 In another act of electoral violence, Liberato (or Liberaldo) Granados, departmental secretary general and mayoral candidate in Zacapa for the political party Encounter for Guatemala (EG), was shot by a group of unknown assailants in front of his house. EG is also the political party of presidential candidate Rigoberta Menchú, recipient of the Nobel Peace Prize in 1992.

Granados, 54, had reported several weeks ago that he had received death threats from strangers who demanded that he break ties with the EG party. Congresswoman Nineth Montenegro, secretary general of the party, confirmed the report. Forty-five political leaders have now been killed this election season said Montenegro.

### **Former Paramilitaries Threaten Communities**

05.15.07 Residents of the community Los Cimientos in Quiché reported that former members of the Civil Defense Patrols (PACs) have threatened several community members with death, forcing seven people to flee their homes. One hundred and eighty people have already been driven from their homes due to PAC threats.

The former PAC members, who have been associated with violence and murder since the internal armed conflict, reportedly carry firearms around communities in order to intimidate the population. Victims, who claim that the aggressors have gone to such extremes as raping women and young girls, say that residents are afraid of reporting them. A report, however, was recently filed with the Human Rights Ombudsman's Office. The local population is demanding that authorities act to prevent further attacks.

### **Journalist Murdered on Int'l Free Press Day**

05.16.07 Guatemalan journalist Mario Rolando López Sánchez was shot near his home on May 3, which ironically was International Free Press Day. López Sánchez was a producer for the radio station Radio Sonora, where he had directed the political analysis program *Casos y Cosas de la Vida Nacional* (Events and Matters of National Life) for the past fourteen years.

Koichiro Matsuura, Director General of the United Nations Educational, Scientific, and Cultural Organization (UNESCO), condemned the murder and asked authorities to do everything possible to bring the culprits to justice.

### **PCS Threatened Again**

05.17.07 Ten days after a staff member of the Project Counseling Service (PCS) was kidnapped and assaulted, the same staff member was threatened again. He reportedly received a phone call at his home from a distorted male voice delivering threats and insults. The institution filed a report with the Bureau of Human Rights Activists of the Public Prosecutor's Office.

PCS is an international organization that works to bring an end to impunity and to bring justice to human rights violations that occurred both during and after the internal armed conflict in Guatemala and elsewhere in Latin America.

### **GAM Reports an Alarming Increase in Murders**

05.19.07 The Mutual Support Group (GAM) reported that 1,299 people were murdered in Guatemala during the first four months of 2007. The report cites 372 killings in April alone, 107 more than occurred in March. Forty of the murders were of women.

### **Action Aid Office Raided**

05.21.07 The office of the international organization Action Aid, in zone 13 of Guatemala City, was raided. The perpetrators stole computers that contained information on the projects and programs that the organization is carrying out in the country. Action Aid noted that it is the fourth international organization to be attacked in the past forty days and the third to be broken into.

Action Aid works in forty-three different countries in Africa, Asia, Europe and the Americas, seeking a world without poverty and injustice.

### **FRG Political Activist Killed**

05.27.07 Walter Gabriel Morales, 25, an activist of the political party Guatemalan Republican Front (FRG), was killed in Escuintla during a political event in support of Mynor Santizo's candidacy for mayor of the city. Santizo condemned the murder and demanded that authorities implement measures to guarantee that the electoral campaign will continue without further incidents.

### **FAFG Staff and Families Receive Threats**

05.29.07 Staff of the Guatemalan Forensic Anthropology Foundation (FAFG) and their families have been the victims of various death threats and intimidations. Objects of the threats include Fredy Peccerelli, director of FAFG; José Samuel Suasnavar, deputy director; Omar Bertoni Girón, laboratory coordinator; Bianka Peccerelli, sister of Peccerelli and wife of Suasnavar; Gianni Peccerelli, brother of Fredy Peccerelli; and other FAFG staff as well as additional members of Peccerelli's family. FAFG works to identify the many people who were massacred and buried in mass graves by the armed forces during the internal armed conflict. Domestic and international social organizations expressed solidarity with FAFG.

Victims received text messages and emails with insults and death threats. Then on May 24, four heavily armed men on two unmarked motorcycles stopped two members of the FAFG staff who were driving back to their offices after visiting a bank. The men demanded the staff's money and guns. The two staff members did not carry guns but handed over the money that they had just withdrawn. The men hit them in the face, told them not to follow, and then drove away.

Threats against FAFG increase every year. According to Peccerelli, over forty instances have been reported to authorities but not one arrest for these crimes has been made. He added that the FAFG will be forced to temporarily suspend some of its activities for the protection of members of the participating groups, but the main work of the FAFG will continue.

#### **Forum Expresses Concern About Security Crisis**

05.17.07 Members of the Guatemalan Forum expressed their concern over the security crisis facing Guatemala and declared that it is the responsibility of the government and society as a whole to face and overcome the situation.

Among the recommendations made by the Forum are to encourage new legislation on security and to continue improving the National Civil Police (PNC) through a reform of its internal laws. Another recommendation is to separate the military from the PNC and return security to civilian control.

The Guatemalan Forum consists of seventeen institutions. Among them are the Myrna Mack Foundation, the San Carlos University of Guatemala, the Rafael Landivar University, the Coordinating Committee of Agricultural, Commercial, Industrial, and Financial Associations, the Episcopal Conference of the Guatemalan Roman Catholic Church, the Mutual Support Group (GAM), the Association of Investigation and Social Studies, the General Center for Guatemalan Workers, Friends and Family against Crime and Kidnapping, and the Institute of Comparative Studies in Criminal Science.

## **BASIC FREEDOMS**

### **OAS Seminar Held on Freedom of Expression**

05.19.07 The Organization of American States (OAS) held a seminar titled "How to Use the Inter-American System of Human Rights Protection" in Cobán, Alta Verapaz. Alejandra Gonza of the Special Rapporteur's Office explained that the goal of the seminar is to allow members of the press and media to become familiar with the OAS as an instrument for the protection of their freedom of expression.

## **WOMEN'S RIGHTS**

### **Public Demands Increase in Women in Public Office**

05.17.07 A public poll by the National Union of Guatemalan Women (UNAMG) and the Institute of Women of the University of San Carlos indicates that most of the Guatemalan public is aware of the need to put more women in public positions. The poll, a part of the campaign "I decide: More women in public positions!", was conducted in eleven communities in five departments of Guatemala, in which 630 women and 117 men participated. UNAMG added that one of the most important needs for the advancement of women is that they be nominated by political parties to run for public office.

The poll also showed that most of the respondents do not trust the Guatemalan political system, mainly because of the traditionalistic mentality of the parties. A report by the United Nations Population Fund revealed that only 8.8% of the members of the Guatemalan Congress are women.

### **Regional Conference for Women Held**

05.18.07 The Preparatory Sub-Regional Meeting for Mexico and Central America was held to prepare for the Tenth Regional Conference on the women of Latin America and the Caribbean, which is to be held in Quito, Ecuador in August.

Gabriela Nuñez, chief of the Presidential Secretariat for Women of Guatemala, reported that the main topics will be political participation, gender equality, and the contribution of women to the economy. Nuñez stressed the importance of the various norms, both local and international, that

recognize the work of mothers and homemakers who are currently vulnerable to domestic violence and sexual harassment.

The participants also intend to identify the diverse cultures, particularly indigenous and African, that are susceptible to discrimination and exclusion.

### **Favorable Ruling for Law Against Femicide**

05.21.07 The Human Rights Commission of the Guatemalan Congress ruled in favor of a law against femicide intended to establish harsher penalties for perpetrators of such crimes as well as to promote plans to eradicate violence of all kinds against women. The goal of the proposal is to guarantee life, liberty, and equality for women in politics, labor, the economy, and civil society.

The proposal describes femicide as “any act that, intentionally disdaining the feminine gender of the victim, through abuse of authority and/or with ferocity, causes the violent death of a woman, child or teenage girl.” It also proposes how governmental institutions should coordinate action in favor of the security of women.

The law proposes a reform of the 28<sup>th</sup> article of the Criminal Code that would increase penalties against public officials who engage in any crime against women. The penalty would also increase for anyone who commits rape or induces rape through psychological manipulation. The guidelines will be published in August.

### **Guatemalan Women Win UNDP Prize**

05.23.07 A group of women from *Alimentos Nutri-Naturales* (Nutri-Natural Foods) in Ixlú, Petén established the *ramón* nut as a nutritional source and won the Equator Prize given by the United Nations Development Program (UNDP). The award recognizes the women’s work to reduce poverty through the conservation and sustainable use of biodiversity. The award for the prize is US \$30,000. The *ramón* nut is a staple of Mayan people, however the tree that produces it is endangered.

## **CHILDREN’S RIGHTS**

### **Adoption Process Sees Needed Improvements**

05.19.07 Josefina Arellano, chief of the Childhood and Adolescence section of the Attorney General’s

Office (PGN), declared that there are now more and better trained adoption personnel in the Justice Department and that adoption files are now routinely checked and thoroughly investigated. Arellano added that the Manual for Good Adoption Practice, which was recently implemented, has contributed greatly to improving oversight of adoptions. Attorneys must now explain the entire adoption process to new mothers, even before the baby is born.

The proposed Adoption Law, which has yet to be approved by Congress, obliges the Presidential Secretariat of Social Welfare to oversee all adoption procedures. The chief of the secretariat, Carmen Alicia de Wennier, explained that once the law is in effect, Guatemalans looking to adopt will be given priority over foreign parents. Agencies will also begin to seek parents for each child, not children for each parent, as is now the practice.

### **Congress Ratifies Agreement on Adoptions**

05.22.07 The Guatemalan Congress ratified the agreement on adoptions signed at The Hague. The agreement establishes more and improved controls over the adoption process. It was signed by seventy-two nations.

The agreement also favors national over international adoptions and assures that the mother’s consent was not obtained through payment or other forms of compensation. It further requires that citizens of countries that signed the agreement can only adopt children from other countries that signed it. 4,135 Guatemalan children were adopted in 2006, mostly by US citizens.

### **Child Exploitation Increases in Chimaltenango**

05.28.07 A report from the Center of Support for Local Development (CEADEL) revealed that child exploitation has increased in Chimaltenango. Most cases are of young girls whose parents force them to work.

José Gabriel Celada of CEADEL said that the organization has discovered that several agro-exporting companies in the region engage in extensive hiring of children for jobs that are work intensive and very poorly paid. Recently, CEADEL rescued thirty-two minors from the tiling company *El Tejar*. The children are now attending primary school.

## MIGRANT RIGHTS

### **Migrants Demand Humane US Immigration Reform**

05.18.07 At least 5,000 immigrants dressed in white, most of them undocumented and from Mexico and Central America, held a peaceful demonstration in Los Angeles to demand humane immigration reform, to reject the US Senate's proposed immigration legislation, and to express their right to protest after suffering police repression on May 1.

One participant said that the proposed legislation would not allow the legalization of all undocumented immigrants, saying "We are twelve million and we have to be heard." The protest ended in MacArthur Park, where a protest on May 1 had instigated a violent clash with police. Catholic, Protestant, and Jewish leaders, activists from Hispanic and Korean communities, and even prominent media figures who had not supported the May 1 boycott participated in the demonstration. In California, over one third of the population is of Hispanic origin, mostly of the working class.

## SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

### **Hospital Union Protests Lack of Resources**

05.16.07 A group of workers from Roosevelt Hospital briefly took over the executive directorship of the hospital to protest a lack of sufficient resources. Both parties later agreed to begin negotiations. Gunter Isaías Yoc, secretary general of the union, warned that the lack of resources and equipment could force the hospital to shut down by September. Gustavo Batres, director of the hospital, stated that the negotiations would be a great opportunity to avert this crisis.

### **Thousands in Izabal Receive Vision Care**

05.24.07 More than 4,000 residents of the department of Izabal have benefited from ophthalmologic services provided by brigades of Cuban doctors. Oscar Madrigal, coordinator of the "Operation Miracle" project, said that the doctors have performed more than 2,000 operations in Izabal in the past five months.

## RIGHT TO JUSTICE

### **Indigenous Women Face Hurdles to Justice**

05.21.07 The Defense of Indigenous Women (DEMI) denounced racial and gender discrimination, illiteracy, poverty, and weak laws as factors impeding access to justice for indigenous women.

Lola Juan, director of DEMI, said that the current justice system does not respond to cultural diversity, its coverage is insufficient, and there is no protection for the human rights of indigenous people. She recommended that authorities reform laws to overcome legal insufficiencies including rampant impunity, a lack of court interpreters, an absence of protection for victims of domestic violence, and the failure of the Labor Code to recognize homemakers and agricultural workers.

### **FIDH Criticizes Guatemala Death Penalty Law**

05.30.07 The International Federation of Human Rights (FIDH), headquartered in France, published an open letter to the members of the Guatemalan Congress concerning initiative 3521, the Law of Grace Appeal ("recurso de gracia"), which allows convicts on death row to appeal their sentences. The FIDH suggests that this initiative be turned over to the Extraordinary Commission of Support of the Justice Sector and the Guatemalan Congressional Human Rights Commission to revise the law and ensure that it complies with international treaties ratified by Guatemala.

The Guatemalan government established the law to implement a procedure that would allow death-row inmates to be pardoned or have their sentences reduced. The FIDH said that the law overlooks some of the international requirements that Guatemala has vowed to abide by.

According to the FIDH, one of the flaws of the law is its failure to define the government agency through which an appeal must pass on its way to the Guatemalan president. The law also does not detail the circumstances that would warrant the "grace appeal," nor does it guarantee the right to a hearing in which the convicted could argue for the appeal.

The FIDH said that the law is not in accordance with the International Pact of Civil and Political Rights or the American Convention on

Human Rights, which guarantee the right to an effective, clear, and transparent appeal, as well as the right of the convicted to request amnesty, pardon, or commutation of the punishment. Finally, the FIDH reiterated its opinion that capital punishment should be abolished.

## LEGAL CASE UPDATES

### **Investigation of Embassy Fire Suspended**

05.19.07 José Eduardo Cojulún, eleventh judge of the Court of the First Criminal Instance, has suspended investigations into the 1980 burning of the Spanish embassy in Guatemala that killed thirty-nine protestors, including presidential candidate Rigoberta Menchú's father. The attorneys of the military officers involved in the case allege that the case is unconstitutional, which has temporarily prevented the judge from interrogating witnesses.

### **Ríos Montt's Candidacy Fiercely Debated**

05.30.07 The Supreme Electoral Tribunal (TSE) has officially accepted the candidacy of former dictator Efraín Ríos Montt for Congress for the Guatemalan Republican Front (FRG). Ríos Montt's candidacy generated much concern in Guatemala and abroad, especially among human rights activists who attribute massive human rights violations and genocide to Ríos Montt's tenure as *de facto* head of state.

Organizations publicly condemning his candidacy include the Association of Families of the Detained and Disappeared of Guatemala (FAMDEGUA), the Center for Human Rights Legal Action (CALDH), the Mutual Support Group (GAM), and the Association for Justice and Reconciliation (AJR). The group "We the Women" (*Nosotras las Mujeres*) also delivered 8,000 postcards to the TSE signed by victims of the armed conflict in protest of Ríos Montt's candidacy.

Representatives of FAMDEGUA and the AJR formally requested that the TSE revoke the registration of Ríos Montt as a Congressional candidate. They argued that the Registry of Citizens did not verify Ríos Montt's legal status before registering him and that legal processes against him in the Spanish and Guatemalan courts

should prevent his registration. The Third Court of Appeals denied the organizations' request.

Presidential candidate Rigoberta Menchú declined to comment on the matter, as she is restrained by law from criticizing fellow political candidates.

Ríos Montt responded to his adversaries by saying, "I was available for four years [without immunity]. The law is quite clear . . . . If the others were not adept enough to know how to present [their demands], it is their loss."

The Rigoberta Menchú Foundation reported Ríos Montt before the National Court of Spain in 1999 for crimes of genocide committed during his administration from 1982-1983. CALDH also filed suit against Ríos Montt in local courts in 2001 for the same crimes. As a presidential candidate, he will now enjoy immunity for those crimes.

### **Candidate Linked to the Murder of Gerardi**

05.30.07 Rudy Pozuelos Alegría, former leader of the Presidential High Command (EMP) during the government of Álvaro Arzú, is the Unionist Party candidate for Congressman of Chimaltenango. The colonel, now retired, is among the military figures linked to the murder of Bishop Juan Gerardi in 1998.

In June 2001, the Third Court of Sentencing ordered that a judicial process be initiated against Pozuelos and other members of the EMP. The order, confirmed by the Constitutional Court last April, became a formal accusation that must be brought before a judge once the file is sent to court.

## RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

### **Conred Presents New Plans for Storm Season**

05.16.07 The National Planning Coalition for Disaster Control (CONRED) presented a contingency plan for the upcoming storm season and reported that machinery and evacuation procedures are in place. Over 390,000 people live in high-risk flood areas in Huehuetango, San Marcos, Chiquimula, and elsewhere. Thirty-two neighborhoods in the northern sector of Guatemala City, zones 3, 6, 7 and 18, are threatened.

### **CONAP Calls For Protection of Endangered Species**

05.16.07 The National Commission of Protected Areas (CONAP), during a celebration for International Biodiversity Week, called for the preservation of 9,900 species of plants and animals in Guatemala, 1,600 of which are endangered. While Guatemala only covers .5% of the world's territory, it contains one-tenth of all known species and 17% of land-faring species.

### **Mining Law Called Unconstitutional**

05.23.07 The Center for Environmental and Social Legal Action (CALAS) presented a legal process against the Mining Law before the Constitutional Court, claiming that it violates the Constitution and endangers the natural resources of the country. Yuri Melini, director of CALAS, reported that eight articles of the law contradict the Constitution and allow companies to use natural resources such as water without any restriction. It also permits companies to initiate operations without a doing a study of the potential environmental impact.

## **OTHER INFORMATION**

### **Spanish Party Demands Peace in Guatemala**

05.18.07 The Socialist Worker Party of Spain (PSOE) urged the Guatemalan government to monitor its compliance with the Peace Accords, which were signed in 1996 ending the thirty-six year armed conflict. The party also encouraged the Spanish Prime Minister, José Luis Rodríguez Zapatero, to contribute "all means available" to the prevention of human rights violations in Guatemala, to support Guatemalan authorities in the struggle against impunity, and to express his utmost respect for the memory of the victims of the armed conflict that ended in 1996. Zapatero is also a member of the PSOE party.

Ten years after the signing of the Peace Accords, the perpetrators of war crimes remain unpunished. The PSOE also noted that eight Spanish citizens, five of whom were Catholic missionaries, perished during Guatemala's conflict.

### **Issues Bearing on Guatemala Youth Analyzed**

05.23.07 Representatives of non-governmental organizations from twenty departments gathered with the Coordinating Committee for Youth in

Guatemala (CJG) to identify problems that affect young people. CJG declared that youth in Guatemala are faced with crime, stigmatization, repression, violence, and delinquency, as well as exclusion, discrimination, and poverty, particularly among the indigenous population.

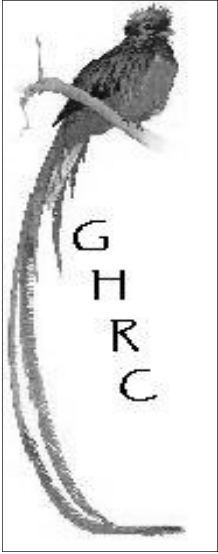
The state has failed to address such issues as a lack of employment opportunities, premature pregnancies, maternal death, high rates of HIV/AIDS, and public apathy toward youth, said the CJG's report. The CJG also demanded approval of the Law for Integral Development of Youth and the ratification of the Latin American Convention of Rights of Youth, signed by the state in 2005.

### **2006 Human Rights Reports on Guatemala**

05.24.07 The Guatemala Human Rights Commission/USA (GHRC) and Amnesty International (AI) have published their 2006 Human Rights Reports on Guatemala. Both reports cite poverty, inequality, organized crime, increased violence, and impunity as major factors affecting security in Guatemala.

Both reports document 278 attacks against human rights activists in Guatemala for the year, an increase from the 224 attacks registered in 2005. Furthermore, GHRC stated that 603 women were murdered in 2006, while Amnesty International reported only 580. However, both organizations agree that very few of the murders are investigated or brought to justice: AI reported only six sentences given in 2006. GHRC stated that 6,099 people were murdered overall in 2006, a 5.5% increase over the previous year.

Both reports state that much of the population lives on less than two dollars a day and that the poor, especially women, *campesinos*, and indigenous people, have very limited access to health care and education. Both reports also cited twenty-nine cases of violent rural evictions in 2006. GHRC's report further details accounts of police corruption, murder trends, social cleansing, and contains a detailed analysis of the causes of violence, impunity, and the failure of Guatemala's justice system. GHRC's report is available online at: <http://www.ghrc-usa.org/Publications/HumanRightsReview2006.pdf> or you can call 202-529-4611 to have a copy sent to you via mail.



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.

Editor:: Carmen Camey ([ghrc-usa@ghrc-usa.org](mailto:ghrc-usa@ghrc-usa.org)), Additional Assistance: Marty Jordan, Julie Suarez, Tom West, Alexandra Aznar, and Aimee Haag.

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3321 12th Street NE Washington DC 20017

Tel - 202-529-6599 Fax - 202-526-4611



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Washington, DC 20017

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