

# Guatemala Human Rights **UPDATE**

Guatemala Human Rights Commission/USA

Vol 19 No 12 / June 16 - 30, 2007

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

### **Woman Dies in Lynching; Two Others Beaten**

06.20.07 Three women accused of the kidnapping and murder of Alba Michelle España Díaz, 8, were lynched in El Brasiliar, Camotán, Chiquimula. Marciana Interiano was killed in the attack, while the other two other women, Jesús Interiano and Ingrid Marisol Martínez, were beaten.

The body of the eight-year-old girl was found on June 16. Her organs had been removed through her stomach, and her eyes and her scalp were also missing, said authorities.

Ingrid Marisol Martínez remains in custody under murder charges. According to some sources, Martínez was paid 1,000 quetzals (approximately \$131) to steal the young girl's organs and was to receive 20,000 quetzals (approximately \$2,631) upon delivery.

Incensed over the incident, the people of Camotán agreed to take matters into their own hands to protect other children from abduction. The Human Rights Ombudsman's office is aware of five different child abductions in different areas of Chiquimula that will be investigated to see if there are any connections among the incidents.

### **PNC Burns Homes in Izabal**

06.15.07 Shock, sorrow, and sadness have overtaken the communities of San Isidro and San Antonio las Minas after their houses were burned in a violent eviction conducted by security forces in the center of Sierra de las Minas, Los Amates, Izabal. Timoteo Méndez, who lead the negotiations on behalf of the families, reported that the National Civil Police (PNC) entered Sierra de Las Minas unexpectedly, interrupting the celebration of the

local holiday in honor of San Antonio. The PNC proceeded to burn the homes without reading any eviction orders.

### **Warning System Installed for HR Defenders**

06.18.07 Due to increased aggression against human rights defenders, as well as national and international pressure for more effective answers to the security of these activists, the Ministry of the Interior has established a warning system for human rights defenders. The system consists of a telephone emergency service that will be used in cases of raids, robberies, or murders. Organizations and activists can call the telephone number to report any information regarding suspicious activity, people, or vehicles threatening their security.

The Unit of Protection of Defenders of the National Movement for Human Rights reported that the system is a preventive means against threats that many times are difficult to report.

### **Organ Trafficking a Problem in Chiquimula**

06.19.07 Manuel Baldizón, of the National Unity of Hope (UNE) party, said that in Chiquimula, a well-organized group of child abductors exists, which intends to steal vital organs from children to sell on the black market. Baldizón said that the group consists of eighteen members, including doctors that extract the organs. He said that there might be up to seven groups in Guatemala dedicated to abducting children to extract their organs. Most of these abductions have gone unpunished. A law has been proposed to make this type of crime punishable by death. Minister of the Interior, Adela Camacho of Torrebiarte, said that the Public Prosecutor's office is heading the investigations and the National Civil Police (PNC) is offering them all of their support in the tragic string of events. She confirmed that a group of doctors is involved in the

abductions and murders.

Family members of the victims met with the deputy director of the PNC, Henry López, and informed him that they have received intimidations and threats.

### **Attacks on Public Buses Continue**

06.20.07 The Association of Urban and Suburban Transportation (AUTUE) reported that attacks on buses are continuing without any security measures. On route 101, for example, delinquents hijacked a bus and took it toward Boca del Monte, where they abandoned passengers for three hours after robbing them. Sexual violence was also reported in this case.

President of AUTUE, Edgar Guerra, said that an average of fifty robberies occur daily on public buses. This figure does not take into account the attacks on bus drivers, but includes excessive collections, verbal abuse, and corruption.

### **Ombudsman Gives Talk in Spain**

06.20.07 Human Rights Ombudsman Sergio Morales spoke at the Universidad del País Vasco in Spain and said that the criminal structures of the State in Guatemala have not been dismantled. Morales reminded the audience that Guatemala suffered a terrible internal conflict between 1960 and 1996 when the State participated in violent acts. Once the war was over, many police officers maintained their methods of violence, which now contributes to the prevalence of State crime. Crimes are equally as merciless now. There are cases of whole families that have to pay groups so that the groups do not kill them or take their business, and there is the phenomenon of social cleansing in which gang members are being killed extrajudicially, he added.

### **Military Forces Increased for Citizen Security**

06.16.07 The number of military officers in charge of citizen security was increased from 3,000 to 4,500, reported the Minister of Defense Ronaldo Leiva Rodriguez, who explained that the increase was a response to requests from the Ministry of the Interior. The military and the PNC will continue to conduct patrols together.

### **Forced Disappearances Commemorated**

06.21.07 In honor of the National Day Against Forced Disappearances, the National Counsel for the Compliance of the Peace Accords declared its solidarity with the relatives of the victims of the war and asked the government to expedite the search for the disappeared. According to the Historic Clarification Commission, there were approximately 45,000 forced disappearances in Guatemala during the war, which make up more than fifty percent of the cases of forced disappearances in the entire American continent.

### **Lynchings Increase Around Country**

06.24.07 Five hundred residents of La Reforma, San Marcos attacked Marco Tulio Barrios Cruz, 30, and Maídin Otoniel Velásquez López, 36, claiming that the two men, along with six others, attacked a bus, robbed forty-five people, and raped two women.

Furthermore, on June 19, a crowd of over 2,000 residents in Chisec, Alta Verapaz lynched Carlos Yat Maquín, 26, and Manuel Caal Caal, 30. The victims were accused of kidnapping and killing bus driver, Ignacio Chen, 43. Residents of Alta Verapaz also attacked Pedro Xol Sacul, whom they accused of robbing a home.

Finally, on June 23, Alberto Toma Ramos, 17, died in a hospital in Patzicia, Chimaltenango after an attack by an angry mob. Fredy de la Cruz Toma, 19, was also attacked and remains in the hospital.

María Zapeta Mendoza, member of the Indigenous Woman de la Presidencia, said that the increase in cases of lynching is the result of a lack of access to an efficient, trustworthy justice system. She expressed concern that Guatemalans in rural areas feel forced to resort to these practices, but added that the problem is not exclusive to indigenous communities. An increase in lynching is a product of the lack of security, ineffective government, and the socioeconomic situation in which these populations live, she said.

### **American Accused of Instigating Bus Violence**

06.27.07 The leaders of the National Unity of Hope (UNE) party have accused Mark Klugmann, a US citizen and political campaign advisor, of plotting a

series of murders of bus drivers in order to highlight presidential candidate Otto Pérez Molina's "mano dura" (strong hand) campaign slogan. The UNE has asked the Ministry of the Interior to investigate the matter.

Klugmann has been acknowledged as the brains of the plan to assassinate bus drivers and increase levels of violence in Honduras as a method to improve Porfirio Lobo's campaign. However, Patriot Party (PP) representatives claim that Klugmann has no connection to the PP, despite the similarities between Lobo's "mano firme" campaign theme and Pérez Molina's "mano dura" slogan. PP maintains that this is just a coincidence.

Meanwhile, president Óscar Berger announced that he received privileged information from Honduran president Zelaya regarding the deaths of bus drivers in Honduras. He added that the information is "chilling" but that he would not divulge it until proof was obtained.

Klugmann denied these accusations and affirmed that he would charge Mario Taracena, who made the accusation, with a defamation suit. Pérez Molina continues to deny any relationship between the PP and Klugmann. Pérez Molina said that the PP should in no way be accused of promoting the deaths of bus drivers.

### **Survey Shows Insecurity is Main Concern**

06.28.07 A poll conducted by *Prensa Libre* newspaper in June revealed that 71.8% of Guatemalans feel that insecurity is the gravest problem the country faces. This percentage is fourteen points higher than it was in May. In the department of Guatemala, 83.8% of residents viewed insecurity and violence as the main problems in the country. Other problems that worry Guatemalans are the struggling economy (15.1%) and unemployment (5.2%).

### **OHCHR Condemns Harassment of Activists**

06.28.07 Anders Kompass, representative of the UN Office of the High Commissioner for Human Rights (OHCHR) in Guatemala, recognized the important work of people and organizations who support universal human rights and who have recently been the victims of harassment. Kompass lamented that these people and organizations are the objects of threats, attacks, break-ins, and sometimes assassinations.

Past attacks have been poorly investigated,

which exacerbates the perception that there is no political will to protect activists, said Kompass, who warned that some may take advantage of the general climate of insecurity and impunity in Guatemala to frighten human rights defenders. Finally, the OHCHR insisted that Guatemalan authorities assume the responsibilities to investigate, try, and punish those responsible for previous attacks.

### **Sixty Families Violently Evicted in Peten**

06.29.07 Sixty families, some of whom had lived in the community of La Nueva Esperanza, Sierra del Lacandón, Flores, Petén for eight years, were violently evicted by members of the army, National Civil Police (PNC), and the National Commission of Protected Areas (CONAP). Anibal Flores, from the Unity of Popular and Labor Action (UASP), said that more than 400 of the affected people were found in Mexican territory and have received little attention from local authorities. The eviction was allegedly ordered by a local judge, who later denied giving the order.

### **URNG-MAIZ Candidate Attacked**

06.30.07 Jorge Flores González, candidate for mayor and member of the Guatemalan National Revolutionary Union and the Broad Movement of the Left (URNG-MAIZ) coalition, was the victim of an attack and robbery in the early morning hours of June 29 in the center of the city of Retalhuleu. He was followed by a group of armed men in cars and motorcycles who shot him then robbed him of 50,000 quetzals (approximately \$6,600) that he had just taken out of an ATM.

URNG and MAIZ denounced the attack as part of a plan carried out by the enemies of peace who act with total impunity against the militant left elements of society.

## **BASIC FREEDOMS**

### **Gay Rights Organizations March**

06.23.07 The Coalition of Gay Rights organizations in Guatemala marched in a gay-pride parade to demand respect for gay rights. In the past several months, various homosexuals have been attacked and killed. The parade also served as a way for the gay population to voice displeasure with the fact that political parties that have not mentioned gay

issues in this year's campaigns.

Homosexuality is legal in Guatemala, but gay members of the population are generally not provided the same rights and protections as other citizens.

## WOMEN'S RIGHTS

### Report On Violent Deaths of Women in 2006

06.15.07 The Human Rights Ombudsman's office presented its report on Violent Deaths of Women in 2006 that revealed an increase in deaths of 90% since 2002. According to the report, there were 383 registered cases of violent female deaths in 2002, while in 2006 there were 603 such deaths. In 2006, 33% of femicides were related to domestic violence. Most women died from beatings, strangulation, knife wounds, and wounds from firearms.

The Department of Guatemala led the number of deaths with 256 registered cases, followed by the departments of Escuintla, Petén, Jutiapa, Izabal, Quetzaltenango, Santa Rosa, and Chiquimula. Most of the murders were committed with guns and most of the victims were between the ages of 16 and 30.

The report adds that a thorough investigation of the murders is essential to creating any type of national policy to combat these sorts of crimes and guarantee fundamental rights.

### 190 Cases of Femicide So Far This Year

06.20.07 Ana Ollas from the Office in Defense of Women, part of the Human Rights Ombudsman's office (PDH), announced that there have been 190 cases of femicide so far this year and that the murders of women are part of a wider increase in general violence. Ollas added that the Public Prosecutor's office does not attempt to investigate these crimes and that sentences for the crimes are minimal, thereby providing no incentive for people to stop committing them.

## CHILDREN'S RIGHTS

### More Security Against Kidnapping Demanded

06.23.07 Casa Alianza, the Coordinator for the Promotion of Children's Rights, and other

organizations demanded that authorities act in response to the increasing number of child kidnappings. Claudia Rivera from Casa Alianza noted that new cases of child kidnapping are reported every day. Casa Alianza has offered administrative assistance to the National Civil Police (PNC) to establish a database of missing persons. The organizations demanded that Congress speed up the approval of reforms to the penal code to standardize crimes against children. The changes are being discussed by Congress and have passed a second reading, but Rivera urged Congressmen not to leave this issue for another Congress to deal with.

### Congress Signs Child Rights Law with UNICEF

06.28.07 Rubén Darío Morales, President of the Guatemalan Congress, signed an agreement with UNICEF to establish a national law in accordance with the Convention on the Rights of the Child and the Protection of Childhood and Adolescent Law. UNICEF donated 77,000 quetzals (approximately \$10,100) for an international commission to be established in Guatemala to regulate and advance the rights and protection of Guatemalan children and youth.

## CAMPESINO RIGHTS

### Campesinos in Quiche Flee From Former PACS

06.21.07 Residents of Los Cimientos, San Batrolomé Jocotenango, Quiché asked the Ministry of the Interior to guarantee their security in the region so they can return to their homes. Ninety-seven people fled their homes in May after receiving threats from former paramilitaries. For more than forty days, these people have sought refuge at the Academy of Mayan Languages in Guatemala City.

Miguel Quiej, from the National Commission for Integrated Development, demanded the disintegration and punishment of the former members of the Civil Self Defense Patrols (PACs). The campesinos are accusing seventeen former PAC members of assassinating and humiliating people from the Los Cimientos community since the 1980s. Residents claim that the PAC forced them to join the patrols and threatened to burn down their homes or kill them if they refused. The

National Civil Police (PNC) has unsuccessfully tried to enter the community twice, but was turned away by gunfire.

## MIGRANT RIGHTS

### **Increase in Deportations of Migrants**

06.25.07 Vice Minister of External Relations Marta Altolaguirre expressed her concern over the massive deportations of Guatemalans from the United States. Altolaguirre said more than 1,000 people were deported last week alone. She asked that the Guatemalan government offer assistance to the returning migrants as soon as they arrive home. Altolaguirre wants to return migrants to their respective communities and to initiate a program to help them re-incorporate themselves into their communities. According to migration authorities, approximately 10,000 Guatemalans have been deported thus far this year.

### **US Senate Ends Immigration Reform Debate**

06.28.07 The future of millions of Guatemalan migrants remains uncertain after the US Senate decided not to continue debating the reform of Immigration Laws that would have regulated the status of 12 million migrants living in the US. Only forty-six senators—thirty-three Democrats, twelve Republicans, and one Independent—voted to push forward with the law. Fifteen Democrats, thirty-seven Republicans, and one Independent united to block the legislation.

The proposed initiative included major security along the border, enforcement of labor laws, an “amnesty” plan for immigrants without papers, and the creation of a guest worker program. A bipartisan group of 5,000 Hispanic public officials pronounced that the Senate’s decision to abandon the reform was a “colossal disaster.”

### **Political Parties Lack Programs for Migrants**

06.28.07 A delegation from the Coalition of Guatemalan Immigrants in the United States (CONGUATE) met with representatives from National Unity of Hope (UNE) party, the Patriot Party (PP), Encounter for Guatemala, Vision with Values, and the National Advancement Party (PAN), all of which are participating in this year’s elections.

Marlon González, president of CONGUATE, said that the delegation learned that these political parties do not have specific plans to address migrant issues. He said that the organization wants state policies rather than temporary programs.

Israel Fuentes, founder of the Unity of Guatemalans in Nevada, said that parties should implement projects to combat poverty, invest remittances, strengthen consulates in the US, create jobs for young people, provide incentives for small and medium-sized businesses, develop rural areas, and help deported migrants rejoin the job market.

## SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

### **Guatemala Joins UNESCO Committee**

06.25.07 Representatives from Guatemala, Brazil, and Mexico met recently at the UN Educational, Scientific, and Cultural Organization (UNESCO) conference on the protection and promotion of cultural diversity. The three countries promised to guarantee the right to protect cultural heritage. They also reaffirmed their commitment to creating policies that promote cultural plurality and the importance of diverse cultures in the world.

Twenty-four countries met at the convention to elect a committee that will supervise and promote the norms agreed to at the conference. The Convention for the Protection and Promotion of Cultural Diversity, which went into effect on March 18, 2007, recognizes cultural diversity and encourages states to adopt policies that protect and promote cultural diversity.

### **US Military Hospital Visits Izabal**

06.27.07 US military personnel on the hospital ship *Comfort* provided free humanitarian services to various health centers in the department of Izabal. The hospital attended patients without appointments and performed surgeries. A group of engineers and technicians also fixed medical equipment at the various medical centers in Puerto Barrios, Morales, and Livingston. The ship’s visit concluded July 1 and will continue its tour to other countries.

### **Number of Deaths from HIV/AIDS Increases**

06.28.07 The Fernando Iturbide Foundation for the Prevention of AIDS announced that the number of HIV/AIDS-related deaths has increased due to a number of bureaucratic problems as well as government indifference. Carlos Rodas, a member of the foundation, calculated that some 3,000 Guatemalans die each year from HIV/AIDS-related illnesses; this data translates to eight deaths per day. Half of these cases are identified in the hospital, but many go unregistered. Cristina Calderón, director of the foundation, announced that she would begin a petition demanding that the government provide treatment to Guatemalans who are HIV positive.

### **Access to Food Threatened by DR-CAFTA**

06.28.07 Helmer Velásquez, from the newspaper *El Periódico*, said that more than fifty percent of children and seventy percent of indigenous children in Guatemala suffer from chronic malnutrition. Velásquez blamed the government for violating the right to a healthy and balanced diet, citing its poor measures and inaction in confronting this problem. The government has handed over our national nutritional sovereignty to oligarchs who import agricultural products. Six months since the application of the DR-CAFTA free trade agreement, the US has not paid import tariffs on three principal products of the Guatemalan national diet: white corn, yellow corn, and rice. Supporters of the trade agreement argue that it will reduce the price that consumers pay for goods. However, the prices for those essential goods has increased in the six months since DR-CAFTA, affecting the nutritional needs of more than 8 million Guatemalans who depend on basic grains like corn and rice, said Velásquez.

According to Velásquez, the government is responsible for its inaction, for not creating policies that favor Guatemalan food producers, and for failing to restrict a no-tariff policy for grain imports. In response to this situation, Jean Ziegler of the UN recommended in 2005 that the Guatemalan government comply with legal guidelines established by the free trade agreement. She said that the government should facilitate access to land for campesinos, facilitate the right to jobs, and minimize the effects of the DR-CAFTA on agriculture and the right to food. Velásquez said

that the government has not implemented any of Ziegler's recommendations.

## **LEGAL CASE UPDATES**

### **Case of Spanish Embassy Burning Reopened**

06.15.07 The case of the 1982 burning of the Spanish Embassy reopened, according to Walter Robles, the attorney in the case. The case was reopened after a judge called for the statement of a key witness in the case, Odette Arzú, who was present on the day of the burning and knows details about the level of involvement of the Spanish Ambassador at the time, Máximo Cajal y López.

Robles added that he would also indict several government officials from that time, most importantly the former Minister of the Interior, Donaldo Alvarez Ruiz, and the former director of the National Civil Police (PNC), Germán Chupina Barahona. Robles added that he finds it unacceptable that no charges have been brought after more than twenty-five years.

### **Portillo's Petition for Immunity Denied**

06.23.07 For the second time, the Central American Court of Justice (CCJ) has rejected petitions from former Guatemalan president Alfonso Portillo (2000-2004), who tried to gain immunity from his crimes by becoming a Congressman to the Central American Parliament (PARLACEN).

Portillo, who is in exile in Mexico, petitioned the CCJ in May to be able to assume a position in PARLACEN without fear of being arrested. Portillo also wanted a decision from the Fifth Sentencing Judge to be dismissed, which had given a green light to his extradition proceedings. The CCJ rejected both petitions. Portillo has been accused of theft, money laundering, and unprecedented corruption.

### **Berger Call Murders of Salvadorans a Mistake**

06.30.07 Guatemalan president Oscar Berger, in an improvised press conference with his Salvadoran counterpart Antonio Saca at a meeting of Central American presidents, declared that the February kidnapping, execution, and burning of three

Salvadoran congressmen and their driver in Guatemala was the result of a mistake by a local drug cartel, who believed that the congressmen's vehicle was carrying drugs or money. Berger added that the seven intellectual authors of the murders have been captured and were part of a drug gang from Jalpatuagua, Jutiapa. Saca said that authorities in El Salvador are continuing to investigate.

## OTHER INFORMATION

### **Guatemalans in Favor of Social Cleansing**

06.27.07 According to a survey conducted by the Guatemalan newspapers *Siglo Veintiuno* and *Al Día* and the station *TV Latitud*, sixty percent of Guatemalans consider "social cleansing" (extrajudicial executions of alleged criminals) to be an acceptable method for addressing crime. Twenty percent of those polled are against the practice. The death penalty is apparently unpopular, although fifty-five percent consider it acceptable for those who commit "grave crimes." Furthermore, only 42.6% of Guatemalans disapprove of lynching.

Attorney General of the Public Prosecutor's office (MP), Juan Luis Florido, said that the result of the survey shows that Guatemalans are clearly frustrated, while the rise in crime shows that State institutions have not been able to grow at the same pace as crime.

Sandino Asturias, director of the Center of Guatemalan Studies (CEG), said that the public's feelings about the death penalty reflect the inability of the State to implement security and preventive measures. Asturias emphasized that the State's security program should include an effective criminal investigation system and a rehabilitation program within the penitentiary system. When these needs are met, he said, there will be more security and the population will not ask for the death penalty.

Florido suggested that one of the factors that impedes the MP from meeting its goals is a lack of resources in the justice sector. He said that in order to strengthen the judicial system, more judges, attorneys, and investigators must be hired. Asturias countered by saying that the MP has been heavily

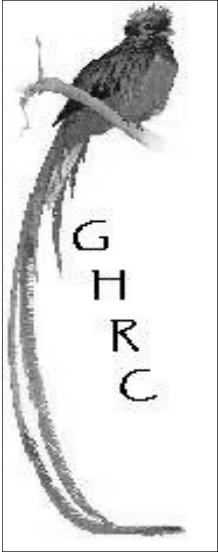
supported by international cooperation and that this is just an excuse. According to Asturias, the real problem is that there is no real political will to adequately investigate criminal activities. He added that another major weakness is that state agents are committing extrajudicial executions, which impede investigations.

### **Guatemala Listed 60th on Failed State Index**

06.19.07 According to *Foreign Policy* magazine, Guatemala continues to lag behind in Latin America on the 2007 Failed State Index. The Index defines a failed state as one that has lost control over much of its territory. In essence, a state is rendered ineffective if it is unable to enforce laws due to issues such as political corruption, the presence of clandestine organizations, an ineffective judiciary, or the inability to provide public services.

The Index lists Guatemala as number 60 out of the 177 states analyzed, which places it in the "warning" category. Guatemala scored the lowest in the categories: "Uneven economic development," "Criminalization and/or Delegitimization of the State," and "Security Apparatus Operates as a 'State Within a State'." Only Colombia and Bolivia fared worse on the list for Latin American countries, at 33 and 59 respectively.

For Guatemala, the Index cited specifically that, Police are responsible for most unlawful killings in the country, commit kidnappings in collusion with organized crime, torture suspects and are highly corrupt. While nominally independent, the judiciary is highly susceptible to corruption and police intimidation. Civil service law is generally weak and not effectively implemented. Cronyism runs deep, there is no civilian oversight mechanism, suspected abuses are rarely investigated and government procurement is inefficient.



*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), Additional Assistance: Marty Jordan, Julie Suarez, Tom West, Alexandra Aznar, and Aimee Haag*

***\*GHRC/USA relies on the support of individuals like you. Without your contributions of ideas, action, and resources, GHRC/USA would not be able to stand in solidarity with Guatemalans as they struggle for their rights and freedoms. We greatly appreciate all types of support so that we can continue our education, advocacy, and human rights efforts. Please remember that no contribution is too small, or too big. To donate, please visit our website at [www.ghrc-usa.org](http://www.ghrc-usa.org) or send a check to the address below.***

3321 12th Street NE Washington DC 20017

Tel - 202-529-6599

Fax - 202-526-4611



Guatemala  
Human Rights  
Commission/USA

**Vol. 19 No. 12**

3321 12th Street NE  
Washington, DC 20017

- **Woman Dies in Lynching; Two Other Beaten—Pg. 1**
- **Organ Trafficking a Problem in Chiquimula—Pg. 1**
- **Sixty Families Violently Evicted in Petén—Pg. 3**
- **Guatemalans in Favor of Social Cleansing—Pg. 7**
- **Guatemala Listed 60th on Failed State Index—Pg. 7**