

Guatemala Human Rights **UPDATE**

Guatemala Human Rights Commission/USA

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RIGHT TO LIFE AND HUMANE TREATMENT

Prosecutor Murdered in Chiquimula

05.21.08 Rudy Rocaél Pineda Pineda, 37, a local prosecutor for the department of Chiquimula, was shot by unknown assailants. He was taken to the National Hospital in the region but died shortly after his arrival. The Attorney General, Juan Luis Florido, condemned the murder of Pineda's and affirmed that the Criminal Investigation Division (DINC) of the National Civil Police (PNC) and the Crime Scene Investigation Unit would recover all possible evidence to ensure that those responsible would be brought to justice.

FAFG Staff Continue to Receive Threats

05.22.08 Death threats continue against the executive director, Fredy Peccerelli, of the Guatemalan Forensic Anthropology Foundation (FAFG), his family, and other members of the organization. Following a death threat received on May 19, Peccerelli and Omar Bertoni Girón, director of the FAFG's Laboratory of Forensic Anthropology and married to Bianca Peccerelli, Fredy Peccerelli's sister, received an email on the afternoon of May 22, with the following text:

"Greetings you bastards, how good Bianca looks in pink driving a Jeep along the Avenida Petapa, the first parcel with her parts will be arriving, we hope you've said good-bye, your security isn't worth shit. We haven't seen your family recently, the next one is Yani. We scared you, you bastards, this time you'll respect us. Die revolutionaries, take back the charges. FAFG IN MOURNING until we finish with you all."

Various local and international human rights organizations expressed their solidarity with FAFG,

condemning the threats and demanding that authorities investigate and prosecute those responsible. Members of FAFG have been the targets of death threats for many years due to their work to exhume and process the remains of individuals killed during the internal armed conflict from clandestine graves.

Many consider the latest round of intimidations to be related to the recent testimonies given by victims, survivors, and expert witnesses on the acts of genocide perpetrated in Guatemala during the civil war. Both the Spanish National Court (ANE) in Spain and Guatemalan Judge Eduardo Cojulum have taken testimonies from victims of the internal armed conflict. The forensic evidence provided by FAFG could implicate members of the Guatemalan army and civil defense patrols (PACs) in the majority of the atrocities committed.

Judges Face More Threats

05.24.08 The Guatemalan Supreme Court (CSJ) has registered nineteen cases in which judges and magistrates have suffered death threats and acts of intimidation. Justice officials were shaken after José Vidal Barillas Monzón, a magistrate for the Regional Court in Retalhuleu, was recently killed in Mazatenango. In another incident, Judge Eduardo Cojulum received a threatening phone call just five days after he heard testimony from survivors of massacres committed during the internal armed conflict.

The Association of Judges and Magistrates and the Rigoberta Menchú Tum Foundation (RMF) called for tightened security for Cojulum and urged the Public Prosecutor's Office (MP) to investigate the source of the threats. Amnesty International, Human Rights Watch, and the United Nations all issued statements expressing their solidarity with Cojulum, one of the three magistrates who formerly

presided over the murder trial of the military officers accused of assassinating Bishop Juan Gerardi in 1998. The threatened judges and magistrates, including Cojulum, have been offered increased protection.

In addition, the MP's Unit for Crimes against Justice Officials has registered nineteen incidents of death threats against prosecutors and eleven against judges thus far in 2008, already ten percent more threats than those recorded in 2007. The thirty incidents registered include five murders (three prosecutors, one judge, and a magistrate). Since only five arrests have been made so far, the Association of Judges and Magistrates demanded that the government investigate these cases and ensure that the courts can carry out their work.

Izabal Campesino Executed by Police

05.24.08 The Human Rights Ombudsman's Office (PDH) issued a report accusing the Guatemalan government of extrajudicially executing Mario Caal Bolón, a campesino killed on March 15, 2008 in the department of Izabal. Officers of the National Civil Police (PNC) allegedly murdered Caal Bolón during a rescue operation to free four Belgians and two Guatemalans who had been taken hostage in the Ensenada de Puntarenas community in Livingston, Izabal.

According to the chief of the PDH's judicial department, Alejandro Rodríguez, the PDH interviewed seventy police officers, spoke with the forensic doctor from the National Institute of Forensic Sciences (INACIF) who performed the autopsy, and analyzed photographic evidence from the case. The PDH concluded that the PNC's General Director and Assistant Director, the police officers involved in the rescue operation, the public prosecutor in charge of the case, and the forensic doctor, all share some level of responsibility in the extrajudicial murder, either through the direct act of killing Caal Bolón or a dereliction of duty in collecting evidence and investigating the case.

WOMEN'S RIGHTS

Government Unable to Curb Femicide

05.23.08 In a recent presentation, Carlos Castresana, the head of the International Commission Against Impunity in Guatemala (CICIG), stated that the two principal factors that

impede justice in the murder of women are the authorities and impunity. He said that the CICIG is working to determine whether Guatemala has an adequate legal framework to combat femicide and catalog the institutional and judicial deficiencies. Castresana commented that it is very important for the police and prosecutors to effectively implement investigatory protocols in order to gather sufficient evidence, present strong cases at trial, and successfully earn convictions. According to preliminary statistics from national papers, 208 girls and women have been killed so far this year. In 2007, a total of 590 women and girls were murdered.

INDIGENOUS RIGHTS

Maternal Mortality Rates High for Indigenous

05.28.08 In conjunction with Women's World Health Day, public and private institutions reported that indigenous women are three times more likely to die during childbirth than non-indigenous women in Guatemala, and that indigenous children are less likely to survive the first few years of life than their non-indigenous peers. Although programs exist to provide health education and housing to mothers with high-risk pregnancies and to offer training for midwives, the Ministry indicated that more efforts are needed to provide these services to indigenous women in the poorest municipalities of Guatemala. According to the Ministry of Health, only 10% of the Ministry's medical professionals speak one of the local indigenous languages in Guatemala.

The departments with the highest indigenous population coincide with the highest maternal mortality rates. Alta Verapaz, Huehuetenango, Sololá, and Totonicapán have the highest maternal mortality rates, and 76% to nearly 100% of the population is indigenous. The national maternal mortality rate is 153 per 100,000 live births but in these departments that figure rises to 200 or more.

LAND RIGHTS

Jalapans Cheated by the Government

05.22.08 Residents of San Luis Jilotepeque, Jalapa claim that the Guatemalan government deceived 319 families in the community when they received

SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

titles to their land from the government but were later evicted by security forces. During the eviction, the families were informed that the land actually belonged to another party. Abelardo Roldán, the general coordinator for the Alliance of Campesinos United with Society, indicated that the families' situation in Jalapa is particularly worrisome since governmental representatives refused to discuss the situation. Roldán added that the eviction is a political imposition that benefits a few livestock owners while plunging a significant number of people, dependent upon the land to survive, into poverty. He urged federal and municipal authorities to intervene, enter into dialogue with the families, and foster an agrarian policy based on equality and development for the dispossessed.

MIGRANT RIGHTS

Immigrants Sentenced in the US

05.21.08 Seventy-seven Guatemalans and eight Mexicans, part of the group that was detained on May 12 in a raid by US immigration authorities at the meat processing plant in Postville, Iowa, were sentenced on different federal charges. Nearly all the Guatemalans sentenced were convicted of identity theft after they admitted to using false social security numbers and identification to obtain employment. The Guatemalan immigrants will be deported upon completion of their sentences, which range from five months to three years in prison, although the General Directorate for Consular Affairs announced that the Guatemalan Consulate in Chicago was working to reduce all the prison sentences to five months.

Guatemala Concerned About Immigrant Abuse

05.21.08 Guatemalan Minister of Foreign Relations Haroldo Rodas expressed concern to the US government that Guatemalan immigrants in the US and Mexico suffer from human rights violations in both countries. Rodas noted that the number of deportations from the United States is on the rise. So far in 2008, 9177 Guatemalans in the US have been deported, which is three thousand more than during the same period in 2007.

Chronic Malnutrition Crisis Worsens

05.16.08 The World Food Program (WFP) urged organizations to intensify efforts to combat hunger in the poorest countries of the world. Globally, 850 million people suffer from chronic malnutrition, 400 million of which are children. Guatemala has the highest rate of chronic malnutrition in Latin America; more than half of Guatemalans live in poverty, with 15% living on less than US \$1 a day. Those living in extreme poverty do not have enough food to meet their basic caloric needs. The number of persons living below the poverty line has increased from 6.26 million to 6.82 million in Guatemala, with 2.2 million living in extreme poverty, up from 1.98 million previously.

According to the Guatemalan Secretariat for Food Security, Juan Aguilar, combating poverty is a priority for the Colom administration. He stated that the government is "making an effort" to diminish hunger and emphasized that the government is taking a holistic approach, including implementing an emergency plan to produce basic grains in order to make Guatemala self-sufficient in food production. In addition, the Colom administration has started a program that will keep prices of certain staple goods stable, as well as another program that will provide conditional money transfers to the poorest families in Guatemala.

The WFP has also implemented different programs to fight hunger in Guatemala, including a complimentary food program to provide supplemental nutrients to poor children. However, Willem van Milink, head of the WFP, stated that more needs to be done, including adjusting workers' salaries so they reflect the changes in the national economy.

Transportation Subsidy Will Not Increase

05.16.08 After urban bus drivers threatened to turn over their buses to the government if they were not allowed to raise fares from Q1 (\$0.14) to Q4.25 (US \$0.56) to cover the increase in fuel prices, Vice President Dr. Rafael Espada informed them that the government was interested in negotiating a resolution and asked for their patience. However,

Espada later stated that the government did not contain sufficient resources to increase the monthly subsidies given to bus companies, currently totaling Q22.6 million (US \$3 million) a month. These subsidies held down the fare cost per passenger. The Urban Transportation Association (UTA), the association representing the drivers, gave the government until May 30 to attend to find a resolution or they would increase bus fares.

Economic Crisis Linked to World Crisis

05.17.08 According to the Guatemalan Chamber of Commerce (CIG), Guatemala's economy has been severely hampered due to the world economic crisis. As a result, the CIG called on the government to modify or postpone the approval of new tax reform policies until the country was in a "better time." The CIG forecast slower growth in credits and an increase in interest rates, foreclosures, unemployment, insecurity, and social pressures.

As former CIG president Sergio de la Torre commented, these predictions are "not a prognosis, but a warning. We must be aware that right now the indicators are not as drastic as they could be and that we have the ability to respond in time." The CIG proposed an "economic stimulus package" to boost consumer spending, increase production, and generate employment through diverse economic strategies. Among these, the CIG recommended providing tourism incentives, eliminating taxes for company investments, and approving and implementing the International Labor Organization's (ILO) Agreement 175 to allow part-time employment. The CIG also proposed increased investments in infrastructure, hydroelectric dams, irrigation projects, and rural roads, as well as tying salaries to productivity levels.

Government Rejects Medicine Price Increase

05.20.08 The Guatemalan government and pharmaceutical companies were unable to come to an agreement on a new contract for the purchase of medicines. As a result, the current contract, in effect through 2009, will be extended. The government would not accept the price increases proposed by the industry. In February 2008, both sides agreed to extend their contract until August

2008 with an increase of 6% in the base price, but drug companies later increased it to 15%.

Treaty Signed to Combat Tuberculosis

05.21.08 Authorities from the Ministry of Public Health and Social Assistance, the Pan American Health Organization (OPS), the World Health Organization (WHO), and World Vision, signed an agreement to strengthen the "Short Term Strictly Supervised Tuberculosis Treatment" in Guatemala. The project coincides with an initiative financed by the Global Fund to Fight AIDS, Malaria, and Tuberculosis, and reflects the continuation of a prior agreement in which the OPS to provide technical assistance to the Ministry of Health and World Vision in carrying out projects.

Joaquín Molina Lesa, the OPS representative in Guatemala, explained that the increase in tuberculosis cases is due to the fact that AIDS patients are more likely to become infected with diseases due to the weakening of their immune systems. Molina emphasized that this new agreement would improve the ability to make the correct diagnosis and provide services in the high-risk areas.

Food Sovereignty Campaign Launched

05.22.08 In response to the rising cost of staple goods throughout Guatemala, campesino organizations launched a campaign called, "Food Sovereignty: the Food Crisis," in which it laid out a series of recommendations. These included reviewing trade agreements and increasing agricultural incentives in order to create sustainable agricultural projects for campesinos. Groups also demanded an integrated agrarian reform, given that 1.5% of the population controls 62.5% of arable land in Guatemala.

Commission Formed to Create Jobs

05.23.08 The Emergency Program for the Generation of Employment, Food and Nutritional Security, Sustainable Natural Resources, and Governability, a national commission to establish an alliance between the government and community-run cooperatives, has commenced its efforts. The Commission aims to generate employment, promote food and nutritional security, provide incentives for rural microcredit programs and reduce environmental degradation.

Commission members include representatives from the Presidential Secretariat for Planning and Programming, the Minister of Finances, a facilitator from the National System for Permanent Dialog and three representatives from the cooperative movement.

RIGHT TO JUSTICE

Overcrowded Jails Threaten System

05.19.08 The Penitentiary System in Guatemala acknowledged that the overcrowding of inmates in nineteen prisons throughout the country poses a serious problem. Officials from the Penitentiary System admitted that currently 1429 prisoners do not have a place to sleep. According to an analysis done by the Human Rights Ombudsman's Office (PDH), every prison in the country is overcrowded. For example, the detention center in Puerto Barrios, with a capacity of 145 prisoners, has 363. The Canadá prison in Escuintla is able to house 600 men but houses 1038. In Cantel, Quetzaltenango, there are 1021 men being held in a jail designed for 500. In Chimaltenango, there are 30 beds for 67 detainees. The jails controlled by the National Civil Police (PNC) are even more striking: 649 inmates are housed in a space meant for 340. The PDH indicated that in some prisons like Villa Nueva, just south of Guatemala City, the prisoners sleep in chairs. The PDH stated that the Guatemalan government is both violating the human rights of the prisoners and putting them at risk for illness and violence.

Victims of Abuse to Get Better Attention

05.22.08 Domestic and sexual violence victims will now receive improved and integrated attention to their cases when they report an incident to the Public Prosecutor's Office (MP), according to MP representatives. The MP has instituted a specialized unit, located in Guatemala City, which will immediately respond to reports of sexual or physical abuse, collect evidence, and initiate the pertinent investigations, services, and legal paperwork. According to Attorney General Juan Luis Florido, the new initiative is ideal because it will operate twenty-four hours a day in Guatemala City and include members of the justice system.

Previously, processing the paperwork for these cases took at least one month, whereas under the new system it should only take eight hours. Forensic doctors from the National Institute of Forensic Sciences (INACIF) will also be on call to perform relevant exams, and lawyers and other members from a multidisciplinary team will be available for consultation. The prosecutors will also be able to seek whatever protective measures are deemed necessary to provide security for the victims. Statistics indicate that there were 41,445 cases of domestic violence registered in Guatemala in 2007.

Organizations Demand Justice

05.25.08 Various organizations representing families and survivors of the internal armed conflict in Guatemala, including the Verapaz Victims of Violence, the Families of the Detained and Disappeared of Guatemala (FAMDEGUA), the Rigoberta Menchú Tum Foundation (FRM), and the National Coordinating Committee of Guatemalan Widows (CONAVIGUA), addressed President Álvaro Colom in an open letter to express their "profound concern for the deficiencies in the Public Prosecutor's Office (MP), especially the Historical Clarification Unit in the Human Rights Section." They argued that the Unit lacks the will to investigate or bring charges against those responsible for committing atrocities during the civil war.

After citing several examples in which the MP chose not to act on cases, the groups demanded that President Colom purge the ranks of the MP's office, "especially those who have been hired to obscure justice and, instead, hire individuals without political interests or favoritism for certain sectors of society that have been accused of past crimes."

Impunity Reigns in Guatemala

05.27.08 According to Amnesty International's (AI) recently released Annual Human Rights Report on Guatemala, political impunity remains a critical problem in Guatemala. The report referenced the cases of 590 women who were murdered in 2007, 195 attacks against human rights activists, and forty-nine forcible evictions - 99% of which remain unresolved in the judicial process. AI also criticized the Guatemalan

government for stalling to declassify army documents more than twenty-five years old, many of which may contain evidence that human rights violations were a part of an intentional military strategy during the internal armed conflict. In addition, AI also called on the Guatemalan Constitutional Court to “reconsider” a ruling issued in December 2007 which negated the extradition of six high-level military officers, including former general Ríos Montt, to Spain to stand trial for crimes against humanity. Similarly, the United Nations Working Group on Forced or Involuntary Disappearances criticized the government for not having advanced in its investigations into the whereabouts of the 45,000 people who were forcibly disappeared during the 36-year internal conflict.

LEGAL CASE UPDATE

Genocide Case Advances Slowly in Spain

05.29.08 In the hope of obtaining justice in the Spanish courts for crimes committed in Guatemala during the internal armed conflict, survivors of massacres in Rabinal, Baja Verapaz, Quiché, and Huehuetenango, concluded a month-long process of providing testimony in Guatemalan courts of the atrocities committed against them and their families by the Guatemalan army and civil self-defense patrollers (PACs). Guatemalan Judge Eduardo Cojulum, presiding over the depositions, also heard from human rights activist Miguel Ángel Albizures and anthropologist Carmen de León Escribano.

Judge Cojulum’s court assisted the Spanish National Court (ANE) by gathering testimonies in the case against several former high-level military officers accused of committing genocide in Guatemala. Cojulum took testimonies in spite of a December 2007 ruling by the Guatemalan Constitutional Court (CC) that the ANE did not have jurisdiction in Guatemala. ANE judge, Santiago Pedraz, also took testimony in February and March of this year from several witnesses and experts in the atrocities committed during the internal armed conflict. The most recent testimonies have been provided by forensic anthropologists who carried out the exhumations of the Mayan communities destroyed during the civil war.

Disappearance Must Be Investigated

05.21.08 The Criminal Section of the Guatemalan Supreme Court (CSJ) ruled in favor of the motion by the Mutual Support Group (GAM) to allow a special investigation in the case of Jorge Hiram Muralles García, an individual who was disappeared on January 3, 1984 at the hands of members of the Guatemalan military. The Human Rights Ombudsman’s Office (PDH) will conduct the investigation and present the results before the Criminal Section in August 2008.

Former PAC Members Convicted for Massacre

05.28.08 In March 1982, during the presidency of General Romeo Lucas García, 177 people were massacred by the army and civil self-defense patrollers (PACs) in the village of Río Negro after community members protested the construction of the Chixoy Dam. Twenty-six years later, the Sentencing Court of Salamá convicted five former members of the PACs from the neighboring village of Xococ to 780 years in prison each. A sixth defendant in the case was acquitted.

The total prison sentence of 780 years reflected a maximum sentence of thirty years for each of the twenty-six victims highlighted in the trial. However, due to the 1969 law prohibiting a sentence of more than thirty years, each of the convicted will serve no more than thirty years. Each person must also pay Q100,000 (US \$13,333) to the families of the victims. Human rights organizations consider the sentence to be “bittersweet” since those who were responsible for orchestrating the massacre and those who gave the actual order, including high-level officials, have not been tried.

RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

Coal Would Cause Environmental Harm

05.16.08 The director of the Center for Legal, Environmental, and Social Action in Guatemala (CALAS), Yuri Melini, announced that President Álvaro Colom’s solution to use coal in order to respond to the energy crisis would cause “irreversible damage” to the environment. Developing a reliance on coal would only accelerate the effects of global warming and

environmental deterioration, according to Melini.

Deforestation Reported in Totonicapán and Quiché

05.21.08 Residents from Totonicapán and Quiché held a protest in front of the National Forestry Institute (INAB) on May 21. Residents expressed their concerns about the unregulated logging taking place in the communities of Baquix, Totonicapán and Chicamán, Quiché, attributing the recent water shortage to deforestation.

The Director of the INAB, Luis Ernesto Barrera Garavito, commented that high rates of unlicensed logging is causing a land conflict. He added that the last logging license was issued in 2004 in Baquix, part of Juchanep, in Totonicapán; however, Totonicapán is one of the few areas of the country in which the majority of the mountains and water springs belong to the communities.

Guatemalan Biologists Win British Award

05.27.08 Guatemalan biologists Marleny Rosales and Susana Hermes were recognized by the Whitley Fund for Nature for their work on the relationship between knowledge, wisdom, and traditional indigenous practices in the conservation of animals in the Lachuá Lagoon. The Whitley Award includes a prize of 30,000 Pounds (US \$60,000) for continuing research as well as assistance from a global network of conservation experts. The money was given to the winners by Princess Anne of Great Britain during a special ceremony.

OTHER INFORMATION

OHCHR: Government Needs to Unify Sectors

05.20.08 Anders Kompass, the head of the United Nations Office of the High Commissioner for Human Rights (OHCHR), offered a recent analysis of the socio-political and economic situation in Guatemala. He emphasized the need to unify different social sectors in order to encourage national development in spite of the difficulties facing Guatemalans, which include insecurity, lack of justice, and the economic crisis particularly affecting poor communities. Kompass pointed to the latest community lynchings of suspected criminals in order to highlight the public reaction to a government that does not ensure a consistent commitment to human rights.

Merida Initiative Passed by US Congress

05.22.08 In October 2007, President Bush announced his plans for the “Merida Initiative,” a proposal to grant \$1.4 billion in aid to Mexico and Central America to combat drug trafficking and organized crime. In response to the recent crime surge in Mexico, Bush attached the Merida Initiative to an Iraq war spending and veteran benefits bill and urged Congress to approve the first installment of \$500 million. The remaining funds would be allocated over a three-year period and predominantly serve to support Mexico and Central American nations’ police and military.

On May 15, the U.S. House of Representatives voted 256-211 to approved the measure but cut the package to \$400 million, transferred funds to the judiciary system and other institutions, and promised to withhold a quarter of the funds until the State Department determined that Mexico and Central American nations were adequately responding to the human rights violations committed by the police and military.

On May 22 the Senate followed by authorizing \$350 million for Mexico and \$100 million for Central America, the Dominican Republic and Haiti. The House and the Senate must agree on a final version before sending it back to President Bush for approval, although President Bush has vowed to veto the overall Iraq war spending bill, which includes the Merida Initiative, due to increased spending for veteran and unemployment benefits.

If passed, President Felipe Calderón has expressed reluctance to abide by human rights standards determined and monitored by the United States, citing concerns about the infringement of sovereignty.



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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