

Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

Vol 20 No 6/ March 16-31, 2008

RIGHT TO LIFE AND HUMANE TREATMENT

Police Accused of Extrajudicial Execution

03.27.08 The Human Rights Ombudsman (PDH) is investigating the possible extrajudicial execution of Mario Caal Bolón, 29, in Izabal. Caal was one of the campesinos allegedly involved in the kidnapping of the four Belgian tourists and their Guatemalan accompaniers orchestrated by leaders of the Campesino Encounter (EC) organization in mid-March. According to witnesses, members of a special police force sent to rescue the hostages fired a tear gas canister into Caal's chest from fewer than three meters away. He was then allegedly beaten by members of the police force sent to rescue the hostages. The Human Rights Convergence, a coalition of human rights organizations, added that Caal was interrogated, hit, and then strangled with his own shirt by the police.

Members of the Convergence stated that Caal's body lay where he was killed for almost nineteen hours before authorities arrived to examine the body and release it to the morgue. Community members and the PDH said that they had to insist that the Public Prosecutor's office (MP) process the crime scene. Human rights groups accused the State security forces of committing extrajudicial execution, torture, kidnapping, use of excessive force, and abuse of authority. Activists demanded that the Ministry of the Interior make its incident report public and order a criminal investigation into any authorities that may have been involved. The PDH was asked to monitor the investigation process and criminal persecution of those accused of Caal's extrajudicial execution.

President Álvaro Colom said that it was an isolated incident and not an action that resulted from the investigations carried out by the security forces. "We will wait for the autopsy results," he added.

Daniel Pascual, a Campesino Unity Committee (CUC) leader, said that the government has criminalized the campesino struggle without analyzing or addressing their grievances. He said that a "just battle was launched" in Izabal regarding land ownership and added that communities are forced to occupy land because they need land to survive.

Rolando Yoc, the head of the Human Rights Ombudsman's (PDH) Public Policies Section, reported that three campesinos were also illegally detained during the incident. The three were later released by the National Civil Police (PNC) in exchange for the Belgian hostages. According to the PDH, the campesinos' arrests were illegal because they had committed no flagrant crime and no warrants had been issued for their arrest. According to the CUC, the names of the three that were captured and exchanged are Victoriano Cac Cus, Santa Isabel Solís Pajarito, and José Rax.

The EC held the tourists and their guides hostage to pressure the Guatemalan government to release their leader, Ramiro Choc, who was arrested in mid-February and charged with illegal land invasion and destruction of protected areas. The group announced that it would sue the government for military invasion, the extrajudicial execution of Caal, and the kidnapping of three community members of the Punta Arena community.

Congress to Review Death Penalty Law Again

03.27.08 After President Álvaro Colom vetoed the law that would have effectively reinstated the death penalty in Guatemala by resolving the legal vacuum surrounding the issue of a presidential pardon, the law was sent back to the Congress Governance Commission for review. If Congress does not reach a consensus, the Legislative Commission on Governance will make a decision. Because of Colom's claim that the law contains unconstitutionality, the Constitutional Court will also review the law. Currently, judges may sentence prisoners to death, but executions have been stalled because the law is unclear about who has the authority to grant clemency. The vetoed law would have given that power to the president.

Congressional representatives belonging to Colom's National Unity of Hope (UNE) party have advocated for a reform of the Penal Code that would allow for prisoners to receive life sentences, which would abolish the current maximum sentence of fifty years in prison. Congressman Mario Taracena said that the UNE wanted to find a way to resolve the legal issues surrounding the death penalty and also provide an alternative for those currently on death row.

Families Violently Evicted by Police

03.27.08 Combined police and military forces carried out the violent eviction of 420 families in Guatemala City's zone 21 in a squatter settlement known as Cerro Gordo. Several people were injured in the process, including children affected by tear gas. The police arrived at the settlement with an eviction order signed by a judge; however, community members vowed to give their lives to defend the land, which belongs to the municipality of San Miguel Petapa.

WOMEN'S RIGHTS

Women and Girls Most Affected by Malnutrition

03.17.08 A growing number of women and girls, particularly in indigenous communities, are affected by malnutrition due to substandard living conditions and their socio-cultural status in society. Luis Enrique Monterroso, director of the UN's Food and Agriculture Organization (FAO) project "Promote

the Right to Food," stated that many families give food priority to the father and male children under the erroneous supposition that "men's work" is more physically demanding. This not only impacts the women but the children that they bear as well. The Right to Food seeks to end the stereotype that ties the woman only to her reproductive role in the family and proposes that women participate in generating income, with the condition that she have the freedom to decide how to spend what she earns. Monterroso added that immediate actions need to be taken to resolve this problem.

PDH Releases Femicide Report

03.27.08 The Human Rights Ombudsman's Office (PDH) has released a report entitled "The Violent Death of Women in Guatemala from a Psychological Perspective." The report asserts that 86% of the cases of femicide analyzed were not premeditated, but were the result of domestic violence or attacks by strangers. The study researched the deaths of 1,358 women from 2003 to 2005. Most of these women had been raped and then strangled. The highest numbers of femicide were reported in the departments of Guatemala, Escuintla, and Petén. The majority of the murders were carried out using firearms, knives, or strangulation.

Ada Valenzuela, from the National Union of Guatemalan Women, said that the government's failure to provide security is one factor that allows femicides to occur. The deficiencies in the investigation process and impunity in the justice system promote repetition of the crime. Valenzuela stated that the patriarchal system in Guatemala creates social stigmas toward women, adding that the majority of people see violence against women as a "natural" action that is "provoked" by the women themselves. Although, in the majority of cases, the victims have previously reported harassment or sexual abuse allegations to authorities, the cases are rarely investigated.

Guatemala and El Salvador have the highest rates of femicide in all of Latin America, according to Alberto Concha Eastman, a regional consultant for the Pan American Health Organization's Prevention of Violence and Injury Unit. Karen Musalo, from the University of California's Center for Gender and

Refugee Studies, reported that approximately 3,500 violent deaths of women have been registered in Guatemala in the last six years, which means, on average, nearly eight out of every 100,000 women are killed.

CHILDREN'S RIGHTS

Children Used to Sell Contraband Gasoline

03.17.08 A powerful network of authorities, traffickers, and parents have been discovered to run a very lucrative business that involves forcing children to sell gasoline along the highways near the borders of Guatemala and Mexico. The Association of Gasoline Providers estimates that in the border town of El Carmen, more than 5,000 gallons of stolen gas are sold daily and that homes located between Malacatán, San Marcos and the border of El Carmen are used as storage sheds for the gas. Henry López, the assistant director of the National Civil Police (PNC), reported that the PNC has seized approximately 8,000 gallons of gasoline since January.

Thieves Use Children to Rob Tourists

03.19.08 According to an investigation carried out by the National Civil Police (PNC), a band of thieves in Antigua uses children between the ages of ten and fifteen to steal from tourists. The thefts commenced near the end of 2007 and have been increasing with the flow of tourists who visited during Holy Week. A group of foreigners alerted the PNC of the problem.

INDIGENOUS RIGHTS

Bilingual Policies Are Positive Sign

03.26.08 Several organizations and institutions, including the Santiago Development Project, the National Council for Mayan Education, the Rigoberta Menchú Tum Foundation, and the Permanent National Commission for Educational Reform, reported that the policies created for intercultural, bilingual education presented by the Ministry of Education were a positive step forward towards becoming a country that respects and values cultural and linguistic diversity. The policies begin the process of fulfilling the rights of indigenous peoples to receive an education that reflects their culture and language, according to the organizations

and institutions. The right to intercultural, bilingual education has been established in the Guatemalan Constitution, the Peace Accords, and international legislation.

LABOR RIGHTS

Almost 235,000 Are Unemployed

03.28.08 Minister of Labor Édgar Rodríguez reported that the number of unemployed adults of working age has increased in Guatemala from 215,605 in 2007 to 234,614. He added that almost half of the unemployed are between the ages of 31 and 50 because businesses prefer to hire younger workers who will perform the same tasks for a lower salary. The official unemployment rate is 5.49% for "economically active adults," almost triple the rate in 2002, when it was 1.84%. The unofficial rate is even higher since many Guatemalans are underemployed and work in the informal economic sector.

AGRARIAN CONFLICTS

Dialogue on Agrarian Conflicts to Begin

03.17.08 Starting on April 5, the Guatemalan government will begin talks with the Alliance for Rural Development, a coalition formed by several campesino groups, to resolve problems related to land ownership. The Secretariat of Inter-institutional Relations will be in charge of the negotiations that will focus on the more than 1,500 land dispute cases that are currently being analyzed by the Secretariat for Agrarian Affairs (SAA). Fourteen different offices will be opened around the country in order to facilitate the dialogue.

Juan Tiney, a member of the National Indigenous and Campesino Coordinating Committee (CONIC), said that his organization recently presented the government with information on 101 conflicts, but they have not received any response. Abisaías Gómez, a spokesperson for the Agrarian Platform (PA), stated, "The government's repression and the criminalization of the agrarian movement are of great concern. We hope that the dialogue that they are preparing does not turn out to be a strategy to put the issue to sleep."

Organizations Speak Out on Agrarian Issue

03.27.08 Several campesino, union, and non-governmental institutions published a paid ad in the Guatemalan newspaper *Nuestro Diario* entitled “Land conflicts have structural roots that are worsened by the criminalization of grievances and the removal of natural resources”, in which they highlighted the unequal distribution of land that has been the historical norm in Guatemala. In the ad, the groups called on the government to: respect the rights of indigenous and campesino communities to organize; stop criminalizing their grievances; end militarization, evictions, and the labeling of activists as “terrorists;” provide justice for the murders of campesino Mario Caal and banana union member, Miguel Ángel Ramírez; cease the persecution of community leaders in San Juan Sacatepéquez and Livingston, Izabal; and take immediate, concrete, and effective actions to reduce agrarian disputes. Many prominent organizations signed the ad, including the National Coordinating Committee of Campesino Organizations (CNOC), the Mayan Coordinating Committee WAKIB' KEJ, the Campesino Unity Committee (CUC), and the Syndicate of Guatemalan Labor Unions (UNSI TRAGUA).

MIGRANT RIGHTS

UN Rapporteur Reports on Migration Issues

03.29.08 After a five day visit to Guatemala to evaluate the situation of migrants, Jorge Bustamante, the United Nations' Special Rapporteur on the Human Rights of Migrants, confirmed what human rights organizations have been saying all along: Guatemala systematically violates the fundamental rights of Central Americans looking to migrate to the US.

Undocumented travelers have become the objects of abuses committed by the police and immigration authorities in both Guatemala and Mexico. They also fall victim to criminal groups that commit violent acts against them, including robbery, extortion, trafficking, and rape. Bustamante visited border regions between Guatemala and Mexico and met with governmental, legislative, and civil society representatives. He said that there is a lack of coordination among state institutions and there is

no capacity to combat impunity in cases that are denounced by immigrants and activists in Guatemala. Women and children are the most vulnerable groups in the journey north since they are targets for human traffickers.

Several groups that work for migrant rights presented an extensive and well-documented report to the UN representative that included an analysis of the causes and effects of migration. The groups also asked him to consider sending a permanent delegate or commission that would be in charge of monitoring the situation and promoting the protection of basic rights along the Guatemalan-Mexican border.

Bishop Álvaro Ramazzini, of the San Marcos diocese, also met with Bustamante and said that the Catholic Church intends to continue doing what is necessary to change the Migration Law and to support migrants, whose rights are being violated along the borders.

Guatemala Loses Money from Deportations

03.31.08 Guatemala lost a potential \$100 million in remittances in 2007 after more than 113,000 Guatemalans were deported from Mexico and the US, according to a report by the International Organization for Migration (IOM). Víctor Lozano, from the United Nations (UN), said that last year, 90,000 Guatemalans were deported from Mexico and 23,000 from the US. He added that the greatest concern about the deportations is that Guatemala lacks programs to help reintegrate deportees into the local labor force. It is estimated that one third of Guatemala's population of 13 million survives on the remittances sent by their relatives from other countries. Currently remittances account for one tenth of Guatemala's Gross National Product (GNP).

SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

Cuban Doctors Perform Eye Surgeries

03.19.08 The third ophthalmological center built by the Cuban Doctor's Brigade will open in San Marcos in April. The Ministry of Health financed the construction, while the Cuban government will provide the equipment and medical personnel. Twenty-five Cuban doctors will perform free eye surgery for those in need.

Tuberculosis Rates Are High

03.25.08 Guatemala registers 3,500 new tuberculosis cases every year and has one of the highest rates of tuberculosis in Central America. Edwin Quiñónez, chief of the National Tuberculosis Program, said that while infection rates have remained steady in the last several years, there are increasing numbers (3%) of patients infected with strains that are resistant to traditional drugs. He added that there have been about 400 cases of children under the age of ten diagnosed with tuberculosis.

RIGHT TO JUSTICE

CICIG to Assist in Fighting Corruption

03.25.08 The Guatemalan Ministry of the Interior and the International Commission against Impunity in Guatemala (CICIG) signed an agreement that will allow the CICIG to help purge crooked officials and investigate corruption in the National Civil Police, the General Migration Office, and the Penitentiary System.

The agreement also establishes the creation of a special team of investigators within the Ministry of the Interior who will be at the service of the CICIG to facilitate information between the two institutions. The CICIG investigation office, which has members appointed by the United Nations (UN), will be allowed to present evidence in and help with the prosecution of specific cases.

Groups Voice Concern Over Military Files

03.27.08 Although President Colom announced in mid-February that military archives from the internal armed conflict would be declassified, no order has yet been given to release the files. This delay has caused concern among human rights groups who have learned that some of the documents are missing. "By the time we finally gain access to the documents, only garbage will be left," said Helen Mack, head of the Myrna Mack Foundation. Nineth Montenegro, of the Encounter for Guatemala (EG) political party, said that documents have been removed over the last month from the army's General Assistantship, where the archives are located.

LEGAL CASE UPDATE

Ríos Montt Denied Again in Court

03.27.08 The Constitutional Court (CC) unanimously rejected a petition from retired General Efraín Ríos Montt in which he tried to avoid having to testify before Guatemalan courts regarding the genocide case against him. The Eleventh Court will now be able to depose him. The Spanish Federal Court had asked that Ríos Montt's deposition be the first taken but Ríos Montt's legal efforts thwarted the request. Several other former military officers and civilians will also be called to court to testify.

Ríos Montt's defense team also filed a new motion against Judge Eduardo Cojulum from the First Criminal Court because Cojulum called on witnesses to testify in the genocide case, but not the defendants. More than seventeen victims have given testimonies in Spain regarding the massacres committed against indigenous people during Ríos Montt's government. The genocide in Guatemala claimed the lives of more than 200,000 people between 1960 and 1996. More than 80% of the victims were indigenous.

RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

Water May Be Contaminated from Mining

03.17.08 Operations in the Marlin gold and silver mines in San Miguel Ixtahuacán and Sipacapa, San Marcos, both property of the Montana Exploradora Company, have affected residents from twelve communities near the mine. Community members filed complaints that there was not enough water to irrigate their fields and that the Tzala River might be contaminated. Ten thousand villagers from the twelve communities are suffering from the water shortage related to mining activities, according to the mayor of Sipacapa, Delfino Tema.

Residents are also worried about cracks that have developed in about sixty homes as a result of the vibrations generated by the mining operations. They are also concerned about the lack of a water treatment plant to rid the area of the cyanide used to separate the metals from the ore.

The Ministry of the Environment sent a commission to visit the Marlin mine to obtain water samples from various sources, including the Tzalá River. They also attempted to investigate the Colas Dam, but mining authorities did not allow the commission to access the dam. Eduardo Villacorta, general director of Goldcorp (the owner of Montana), explained that the dam is industrial water and therefore does not need monitoring because it does not need to be “healthy” water. The Ministry will review the commission’s report and the results of the water samples are scheduled to be ready in several weeks.

Agreement to Compensate Dam Victims Reached

03.17.08 The Guatemalan government and the Coordinating Committee of Communities Affected by the Construction of the Chixoy Hydroelectric Dam signed an agreement, resolving several years of stalemate over the Chixoy Dam. The new agreement requires the government to provide compensation for the families that have suffered losses and damages from the dam.

The agreement stipulates that within four months, a study must be done to determine who will qualify for compensation, explained Vice President Rafael Espada. Espada added that the National Electrification Institute (INDE) has already paid \$150,000 in damages to families. The Organization of American States (OAS) will supervise the process and administer the funds.

In 1976, the government, through INDE, began construction on the Chixoy Dam and hydroelectric project in order to create a reliable source of electricity for the country. The project was financed by the Inter American Development Bank and was finished in 1982, when flooding displaced hundreds of communities. Allegations have been made that massacres were carried out in the area in order to clear the land without having to pay compensation to those who were displaced.

Communities Reject New Hydroelectric Project

03.18.08 Ten thousand families from the communities of Dolores and Sayaxché in Petén have joined with the Campesino Coordinating Committee and the Petén Front Against Dams to reject a proposed hydroelectric dam along the San Poxté

River. Francisco Yat, from Dolores, said that the community has not been consulted about the start date for constructing the dam. Faustino Calmo Chales, from the Petén Front Against Dams, stated that his group is investigating whether or not those interested in building the dam have done an environmental impact study.

Sinergica, S.A., the company in charge of the hydroelectric project, bought lands from the campesinos that live in the community of San Miguel El Alto 2, in Sayaxché, but the campesinos say they were tricked and that the company made promises it did not fulfill.

Land Invasions in Reserves Cause Concern

03.24.08 According to Vice Minister of the Environment Alejandra Sobenes, twenty-seven new land invasions have been reported in the protected areas of Petén. “There is a striking wave of migration from all over the country, east and west, into protected regions and archeological sites,” she stated. Furthermore, authorities claim that there has been theft within the El Mirador archeological site, a place that cannot be reached by vehicle. Sobenes said that the most immediate threat is forest fires that may result from the slash and burn method of clearing lands for farming and grazing. Sobenes asked that state institutions work together to protect the natural reserves and biodiversity and to reduce Guatemala’s vulnerability to disasters caused by climate change.

Yuri Melini, director of the Center for Social, Environmental and Legal Actions (CALAS), said that narco-traffickers and other illegal groups might be to blame for the land invasions.

Guatemala at Risk of Drought

03.26.08 Twelve percent of Guatemalan territory (13,151 sq. km) faces the serious threat of becoming a desert, caused by continuous environmental damage, according to the United Nations Convention to Combat Desertification, held in Río Hondo, Zacapa. Carlos Mancilla, a representative of the Ministry of the Environment, explained that if immediate action is not taken, the arid zone could extend from the western region, in Quetzaltenango, to the southern coast, including

Santa Rosa and Jutiapa, by the year 2050.

Estuardo Gianni Suchini, of Unity against Desertification and Drought, said that long-term, sustainable actions would be taken in Guatemala, but that at least ten million dollars are needed to carry out the projects, which include managing forests, implementing combined agricultural and forestry projects, and “harvesting” rain water.

Locals Reject Bi-national Park

03.31.08 Mayors from the department of Petén rejected President Álvaro Colom’s proposal to create a bi-national park, “El Mirador,” between Guatemala and Mexico. The mayors said that they would support initiatives to attract tourism and economic development in Petén, as long as the environment and cultural heritage are respected and community associations, mayors, and development councils are involved in the decision-making process.

OTHER INFORMATION

Groups Ask for DR-CAFTA to Be Revoked

03.17.08 The Social Forum of the Americas-Guatemala asked the Guatemalan Congress to revoke the Dominican Republic-Central American Free Trade Agreement (DR-CAFTA) with the US on the third anniversary of its ratification. Juan Pablo Ozaeta, a representative of the Social Forum, explained that the petition is a result of an unfavorable analysis of the treaty’s impacts. One example of the treaty’s negative impact is the uncontrollable rise in price for staple goods that has occurred during the three years that the treaty has been in place.

The Social Forum of the Americas is also calling for a suspension in new trade agreements with other countries, alleging that free trade agreements violate the human rights of most Guatemalans.

Guatemala and US Discuss Security and Immigration

03.28.08 Guatemalan Chancellor Haroldo Rodas met in Washington with US Secretary of State, Condoleezza Rice, to discuss issues related to security and immigration. Rodas expressed his concern for the situation facing undocumented Guatemalan immigrants in the US, while Rice explained that the next administration would have

to work for immigration reform. The Guatemalan Chancellor also talked with his counterpart about the challenges that Guatemala faces due to growing problems with drug trafficking and organized crime.

Shootout Brings New Cartel Boss

03.25.08 Juan José León Ardón, known as “Juancho” and the head of the León drug cartel, was murdered in a shootout in Rio Hondo, Zacapa. Investigators still do not know the motive for the attack that killed eleven individuals, including two Mexican nationals. Attorney General Juan Luis Florido has contacted his counterpart in Mexico requesting information on those involved. Meanwhile, the Public Prosecutor’s Office (MP) continues to investigate the crime scene. So far, 460 shells from various small and high-caliber weapons have been recovered, though no drugs have been found.

Six suspects (three of whom are Mexican) were arrested as they fled the scene in a stolen vehicle. The group, armed with ten unregistered rifles and pistols, will be charged with aggravated robbery, forming an illegal armed organization, and possessing and transporting illegal firearms.

The León Cartel, one of at least four groups of narcotraffickers based in Guatemala, controls operations in the northern part of the country, including the departments of Izabal, Zacapa, Chiquimula, and part of Petén. Eighty family members are part of the Cartel, which, according to authorities, smuggles cocaine to drug dealers in Mexico. The Cartel also owns various transportation companies based in Guatemala.

After a brief internal struggle, Haroldo Waldemar León Lara, Juancho’s brother, assumed control of the cartel. León Lara, who has had an arrest warrant out since 2002 for drug trafficking and assault, has thus far evaded capture. León Lara is not the first member of his cartel to avoid the law. In 1997, Juancho was arrested after police raided his house and found 150 AK-47 cartridges and 100 kilos of cocaine hidden in his furniture. After initially confessing responsibility, Juancho changed his plea to not guilty and in a suspect decision was later released.



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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Vol. 20 No. 6

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Insert: Delegation to Guatemala and 10th Anniversary Event to Honor Bishop Gerardi