Guatemala Human Rights UPDATE

Guatemala Human Rights Commission/USA

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RIGHT TO LIFE AND HUMANE TREATMENT

Murder Rate Remains High

04.21.08 Mario Polanco, director of the Mutual Support Group (GAM), harshly criticized Guatemalan President Álvaro Colom's security policies since his government's "100 Day Plan" has failed to reduce murder rates. During Colom's initial months in office, he and his advisors have asserted that the violence and homicide rate are on the decline. GAM questioned Colom's public claim, highlighting the fact that organized crime rings and narcotraffickers continue to actively operate in Guatemala.

In the first four months of 2008, low estimates indicate that at least 533 men have been murdered, as well as eighty-three women, fifteen girls, and twenty-five boys. A recent investigation by the Guatemalan newspaper *El Periodico* showed that no less than 162 women had lost their lives in the first four months of year. During the same time frame, another 153 men, forty-two women, eight girls, and seven boys were injured due to various forms of violence. Polanco added that fifty-eight of the registered killings appear to be extrajudicial killings, or the result of social cleansing.

Incidents of Lynchings Continue

04.22.08 In late April, the charred body of a twenty-five year old male was found in an empty lot in Villa Nueva, an impoverished slum on the southern edge of Guatemala City. The victim had apparently been beaten unconscious and then set on fire after gasoline was poured on his body. Residents of the area said the victim was a known criminal and that several weeks ago he had been warned not to return to their neighborhood.

A similar case was reported on the same day in the department of Chimaltenango. Villagers from the town of Patzicía captured Ronal Otoniel Flores Revolorio, Nelson Danilo Castañeda, and Héctor Aníbal Ajú, who had been accused of stealing a "mototaxi." The mob of villagers beat the men and then two were set free in order to reveal where the stolen vehicle had been hidden. Five hours later the third person was set free.

Kidnappings on the Rise

04.24.08 Víctor Ruiz, the head of the National Civil Police's Criminal Investigation Unit (DINC), reported that forty-four kidnapping cases were registered in April, an increase over previous months. Likewise, Luis Donado, a member of the Public Prosecutor's Anti-Organized Crime Unit (MP), confirmed that kidnapping cases have recently doubled. The MP registered fifty-eight cases in the first three weeks of April, including what are known as "express kidnappings" where a relatively small sum of ransom is demanded so that the case is resolved quickly. Donado explained that the kidnappers' strategies and practices have evolved, especially in the selection of their victims. He added that several cases have been planned from prison and kidnappers are now selecting victims from phonebooks and calling them from prepaid cell phones, which are more difficult to trace.

Bishop Gerardi's Death Commemorated

04.26.08 Hundreds of Guatemalans united together to remember Bishop Juan Gerardi on the tenth anniversary of his murder. A mass was celebrated in the national Cathedral, presided by Cardinal Rodolfo Quezada Toruño. Bishop Gerardi was brutally assassinated in the garage of the San Sebastian parish house on the night of April 26, 1998, where

he lived. The crime took place in Guatemala City's zone 1, a few blocks from the National Palace and military headquarters. Military officers Captain Byron Lima Oliva, Colonel Byron Lima Estrada, Specialist Obdulio Villanueva, as well as the parish housekeeper Margarita López and Fr. Mario Orantes, were tried for the murder.

The most recognized understanding is that the crime was politically motivated, committed by the army because Gerardi blamed the military for the overwhelming majority of the massacres carried out during the internal armed conflict. Gerardi and Human Rights Office of the Archdiocese of Guatemala (ODHAG) published this evidence in the Recovery of Historical Memory Project (REMHI) report, "Guatemala, Never Again." The REMHI report and its conclusions were publicly presented at the Cathedral just forty-eight hours before the bishop was assassinated.

The Public Prosecutor's office (MP) and the Catholic Church (co-plaintiffs in the case) examined several important witnesses, including a taxi driver, two homeless youth, a former military specialist, former Guatemalan president Álvaro Arzú, and the former head of the National Civil Police (PNC), Ángel Conte. In the end, the Third Court sentenced the Limas (father and son), Villanueva, and Fr. Orantes to twenty years in prison as accomplices in the assassination. Villanueva was murdered in prison in 2005.

The names of several military officials are contained in the REMHI report and those same people have been tied to the investigation of Gerardi's assassination, including Rudy Vinicio Pozuelos Alegría, Juan Francisco Escobar Blas, Darío Morales García, Carlos René Alvarado, Luis Alberto Lima Oliva (the brother of Captain Byron Lima Oliva, who was sentenced), Julio Manuel Meléndez Crispín, Édgar Antonio Carillo Grajeda, Hugo Nájera Ruiz, Santos Enríquez Hernández Pérez, Érick Medrano García, Misael Alberto Chinchilla Monzón, and Erick Estuardo Urízar Barillas (deceased). The Third Sentencing Court has ordered that the investigation of these people remain The prosecutor indicated that there are no open. pending arrest warrants and that the files are still being analyzed. He also indicated that the persons still under investigation may not be material authors of the crime, but could be responsible for its coverup.

During the commemoration mass, Cardinal Rodolfo Quezada Toruño said that all efforts would be made to resolve the case as long as he remains the Archbishop of Guatemala.

The Guatemala Human Rights Commission/ USA (GHRC) also commemorated the anniversary with a bilingual service in Washington, DC. Nearly one hundred Guatemalan immigrants and US citizens attended the service. Mario Domingo, one of the lead attorneys from the ODHAG on the Gerardi case, gave the keynote address.

Another Union Member Murdered

04.29.08 Carlos Enrique Cruz Hernández, a banana worker at the Chickasaw Plantation – a farm owned by a subsidiary of the multinational company Del Monte, was assassinated inside the plantation while on his lunch break, despite the presence of security guards. Cruz Hernández was a member of the Union of Izabal Banana Workers (SITRABI), and SITRABI members have faced increasing threats and attacks in recent years.

The assassination came less than a week after SITRABI and five other Guatemalan unions, in conjunction with the AFL-CIO, filed a complaint under the labor provisions of the Central American Free Trade Agreement (CAFTA) with the US. The grievance charges that the Guatemalan government is not upholding its labor laws and has failed to investigate and prosecute crimes against union members. Moreover, the complaint highlights that threats and violence against trade unionists has increased over the past two years (since CAFTA was ratified) and that the Guatemalan government may be responsible for a portion of the violence. According to labor leaders in Guatemala, this year alone there have already been 8 murders, 1 attempted murder, and 2 drive-by shootings against union members, and the kidnapping and gang rape of a top union official's daughter.

Cruz Hernández's murder is also reminiscent of a fellow SITRABI member's murder. In September 2007, assailants wearing ski masks also on company property murdered Marco Tulio Ramirez, the then SITRABI Secretary of Culture and Sports. That murder came just two days after the Ministry of Defense (MOD) ruled in September 2007 that a military unit should be held accountable for raiding a

SITRABI office and interrogating its union members. Tulio Ramirez's murder has yet to be investigated.

POLITICAL RIGHTS

President Colom Visits the US

04.30.08 Guatemalan President Álvaro Colom made his first official visit to the US, arriving April 26 and departing April 30. During his visit, Colom met with US President George W. Bush to discuss the status of Guatemalan immigrants living in the US, trade between the two nations, and combating drug In the area of immigration, Colom trafficking. emphasized that the approximately 700,000 undocumented Guatemalans living in the US deserved the same temporary legal protections that have been granted other Central Americans. He also stressed that the problem of illegal immigration needs to be addressed "in a multilateral way," rather than through arrests and deportations.

Bush replied that he "will consider the request" of providing Temporary Protection Status (TPS) to Guatemalans and that he believes "comprehensive immigration reform is in the best interests" of their country. TPS is granted to eligible citizens of designated countries who cannot return to their home because of a crisis in their home country. If undocumented Guatemalans in the US were granted TPS, they would gain temporary The TPS has been granted to work permits. Salvadorans, Nicaraguans and Hondurans due to internal armed conflicts and natural disasters, but due to the judgment of authorities in the US, Guatemalans continues to be passed over.

Colom also met with organizations and activists during his visit. He spoke to a group of 150 students and political activists at the George Washington University, and met with a group at the Center for Strategic and International Studies (CSIS). In addition Colom dialogued with more than 200 Guatemalan immigrants at a forum on immigrants' rights (see *Migrant Rights*) and also met with Senator Norm Coleman of Minnesota to discuss Guatemala's changing adoption policies.

CHILDREN'S RIGHTS

ODHAG Denounces Violence Toward Children 04.18.08 The Human Rights Office of the

Archdiocese of Guatemala (ODHAG) reported that violence is increasingly affecting children. Physical aggression and murders are crimes that increase each year, affecting many minors. The integration of youth into gangs is one factor that has caused the increase in the deaths of children and adolescents. The latest study carried out by the Human Rights Ombudsman Office (PDH) indicates that 410 minors were murdered in 2004, increasing to 450 in 2006 and 417 in 2007. Nery Rodenas, the ODHAG's director, added that 99% of the cases never go to trial and remain in impunity.

CNA Puts Adoptions on Hold

04.30.08 The newly appointed Solicitor General (PGN), Baudilio Portillo Merlos, froze the adoption processes for 2,286 children after irregularities were found in the adoptions of 650 children who did not meet the requirements of the new adoption law. The National Adoption Council (CNA) and the PGN have mutually blamed each other for allowing these irregular adoptions to happen. Neither side admitted to making errors. The Congressional Child and Family Commission, presided over by congressman Gudy Rivera, member of the Patriot Party (PP), said that authorities from the CNA and the PGN will be questioned about the irregularities.

INDIGENOUS RIGHTS

Indigenous Marginalization Costs Country

04.22.08 The Guatemalan indigenous community lacks employment opportunities, is paid lower wages, and does not have the same access to basic services as non-indigenous Guatemalans. For every Q100 (US \$13.33) that a non-indigenous worker earns, an indigenous worker in the same job earns Q50 (US \$6.67). Mayan professionals earn 36% less than non-indigenous professionals.

On an economic level, the marginalization of the indigenous people costs the country \$830 million per year, which translates into a reduction of 0.83% in economic growth. Institutionalized racism is manifested in unequal treatment for indigenous persons in terms of health and education services. Ninety-five percent of all university level students are non-indigenous and of the 677,000 children who do not receive formal education, 62% are indigenous.

The National Intercultural Plan, 2008-2012 aims

to reduce racism and discrimination, problems that have created an economic loss of Q6 billion (US \$800 million), according to Romeo Tiú, head of the Presidential Commission against Racism and Discrimination.

TV Maya is Launched

04.23.08 Guatemalans will now have another option in public television; TV Maya recently launched its first program. All shows will be produced in different Mayan languages and aired with Spanish subtitles. Rafael Morales, TV Maya's director, explained that programming is currently limited to thirty minutes per day due to funding issues, although President Álvaro Colom has promised to grant the station Q15 million (US \$2 million). He also said that the Catholic Church and some local universities might contribute different segments, though TV Maya will only air contents that promote multiculturalism. For nearly two decades, from 1979 to 1998, Channel 5, where TV Maya is now shown, was the official channel of the army and then of the presidency.

CAMPESINO RIGHTS

Belgians Urge Resolution in Agrarian Conflicts

04.21.08 In a recent press release, various Belgian social organizations urged the Belgian government to issue a public statement on the manner in which the Guatemalan government has treated campesino groups who are demanding resolution to their land disputes. Responding to the recent kidnapping of four Belgian tourists in Izabal, Guatemala, they called on the Guatemalan government to address their "just demands" by making the agrarian conflict the priority on the national agenda.

According to the Guatemalan newspaper *Prensa Libre*, Belgian groups stated that they understood the anger of the Guatemalan families and that they support their struggle for land, rather than condemning the kidnappings. Belgian organizations with offices in Guatemala expressed concern that Guatemalan authorities have resorted to violence against campesinos asking for dialogue. Between 1.5% and 2% of the population own 62.5% of arable land in Guatemala, while 94% only has access to 18.6% of the land. These figures clearly demonstrate the highly unequal and

disproportionate distribution of lands.

AGRARIAN CONFLICTS

Madre Tierra Urges Agrarian Solution

04.17.08 The organization Madre Tierra (Mother Earth) urged the Guatemalan government to resolve the conflict on the San Luis Malacatán plantation in San Marcos, as well as other agrarian problems throughout the country. The group said that the situation has worsened since the campesino struggle has become increasingly criminalized given recent events in the department of Izabal. They also cited the lack of dialogue as an ongoing concern.

The families living on the San Luis plantation were evicted in 1999 by joint security forces, despite the fact that they hold land titles issued by the National Agrarian Transformation Institute (INTA). The families tried to resolve the situation through the Land Fund (FONTIERRA), but they were turned away. After a long negotiation process between the Agrarian Platform (PA), of which Madre Tierra is a member, and the Secretariat for Agrarian Affairs in 2006, the government approved the disbursement of Q8 million (US \$ 1.06 million) to buy the plantation, but the money has not yet been transferred and the case is at a standstill.

Families Evicted from Land

04.18.08 Ninety-six families were evicted from the San Nicolás Málaga II plantation in the municipality of Santo Domingo in Suchitepéquez. Rafael González, the director of the National Coordination of Campesino Organizations (CNOC), reported that security forces used tear gas during the eviction. José Esteban, a resident on the plantation, said that members of the Public Prosecutor's Office (MP) and the security forces carried out the eviction despite the fact that there was no judge's order to authorize their actions. The campesinos were forced to destroy their improvised housing and leave behind their crops, said Esteban.

MIGRANT RIGHTS

US Economic Crisis Affects Remittances

04.21.08 The economic crisis in the US has already affected Guatemalan immigrants who are struggling to find employment in the US. One direct impact of this is the reduction of remittances sent back to

Guatemala. Amado Velásquez, member of the Alliance for Guatemala in Rhode Island, said that unemployment rates among undocumented immigrants are high and that authorities have continued to round up and deport those without papers.

According to records from the Bank of Guatemala (BANGUAT), Guatemala received more than \$4.13 billion in remittances in 2007, almost double the amount registered in 2003. This amount is equivalent to about 10% of Guatemala's Gross National Product (GNP). Despite the increased deportations in 2007, figures show that remittance amounts have continued to rise, albeit at a slower rate than in the past. A 2007 survey on remittances by the International Labor Organization (ILO) estimates that more than 3.7 million people benefited from the money sent by relatives, 55% of whom are women living in rural Guatemala. In April 2008, the growth rate for remittances slowed to 7.8%, compared to 10.7% registered in 2007. Víctor Lozano from the ILO indicated that the growth rate in 2008 would likely be 8%, compared to 16% in 2007 and 20% in 2006.

Colom Meets with Immigrants in the US

04.29.08 Guatemalan President Álvaro Colom took advantage of his trip to Washington, DC to meet with more than 200 representatives of Guatemalan immigrant organizations throughout the US. During the meeting, the president explained his work plan and the actions that have been taken in the first three months of his administration. The groups urged him to find a way to stop the round-up and massive detention of Guatemalans in the US.

Colom acknowledged the important role that immigrants play in the macroeconomic stability of Guatemala and in the US economy as well. He also asked President Bush for a moratorium on the deportations and to grant Temporary Protective Status (TPS) to Guatemalans living in the US, which would allow them to seek work legally. Colom added that Guatemalan immigrants might be able to vote from the US in the future and that reforms would likely be made to the Law on Elections and Political Parties this year. If the reforms to the Law go through, immigrants would also be able to elect a congressional representative in order to have a voice in the Guatemalan Congress.

The US Ambassador in Guatemala, James

Derham, commented that he did not think that the Bush Administration would grant TPS to Guatemalans residing in the US. Deportations of Guatemalans from the US have risen considerably in 2008. The Human Rights Ombudsman (PDH) reported that 5,373 Guatemalans have been returned to Guatemala in the first four months of 2008, up from 4,477 reported during the same period last year. Guatemalan authorities believe that the actual number is much higher than this, and may be closer to 7,000.

SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

CUC Criticizes Decision Not to Freeze Prices

04.17.08 Daniel Pascual, a leader of the Campesino Unity Committee (CUC), stated that President Álvaro Colom was manipulated by the Coordinating Committee of Agricultural, Commercial, Industrial, and Financial Associations (CACIF) when he changed his mind and decided not to freeze the prices of certain staple goods. Due to the high cost of living, the president originally announced that he would freeze prices to alleviate the economic crisis in Guatemala, a decision that was changed suddenly after his meeting with CACIF.

Pascual said that this once again demonstrates that the economic elite in Guatemala has the power to decide the destiny of the majority of Guatemalans who are poor. He believes that the president's attitude shows that he is just "one more president of the economic powers in Guatemala," instead of a true social democrat, as he has called himself.

Hospital Crisis Continues

04.19.08 The drainage system in the operating rooms of Roosevelt Hospital in Guatemala City have stopped functioning and one of the boilers is broken, causing a virtual collapse in hospital services in one of the few and busiest public hospitals in the capital. Pediatricians and obstetricians in the maternity ward were told that until the boiler was repaired, there would be problems sterilizing equipment in the autoclaves. In addition, linens could not be washed regularly. Outpatient pediatric and adult surgeries have been suspended in the meantime.

Families Receive Monthly Aid from Government

04.23.08 The Guatemalan government distributed payments of Q150 (US \$20) to 1,070 families in Santa Cruz La Laguna, Sololá as part of a pilot plan to ensure that children stay in school. Guatemalan president Álvaro Colom explained that in the first phase of pilot plan, payments will be made to families who reside in forty-five of the poorest municipalities. In the second phase, the plan would extend to another 125 municipalities. By the end of Colom's presidency, the goal is to have reached three million families. The plan has an operating budget of Q25 million (US \$3.3 million) and has funding to increase by another Q50 million (US \$6.6 million) over the next few years. Nevertheless, María Castro, the director of the program, estimates that a total of Q350 million (US \$46.6 million) is needed to attend to the poorest forty-five municipalities.

According to the poverty map, Santa Cruz La Laguna, along with Panabaj and San Bartolomé, is one of the three poorest communities in the department of Sololá. More than 90% of its inhabitants live below the poverty line and 40% fit into the extreme poverty category, living on less than US \$1 a day.

New Potable Water Program Initiated

04.24.08 First Lady Sandra Torres de Colom recently inaugurated a project known as "Water for Everyone" in the municipality of Mixco, near Guatemala City. This four-year project aims to resolve the water scarcity problems faced in the poorest areas of Mixco. The municipality was given Q40 million (US \$5.3 million) to insure that more than 350,000 people have potable water in their homes in the next year. It is hoped that the more than seven million people all over Guatemala who do not have access to potable will benefit from this program.

Ombudsman Presents Report in Geneva

04.17.08 The Human Rights Ombudsman (PDH), Sergio Morales, reported on the delicate human rights situation in Guatemala during the Twentieth Session of the Annual Meeting of the International Committee to Coordinate National Institutions for the Promotion and Protection of Human Rights. Poverty, illiteracy, and the low levels of human development are elements that negatively impact the

consolidation of democracy in Guatemala, said Morales.

Morales emphasized that more attention must be placed on issues such as chronic malnutrition affecting children and the precarious infrastructure in public schools. He also criticized the shortage of medicines and medical instruments in the public hospital system and the problems with Social Security pensions. In addition, Morales highlighted problems with international trade agreements, the national budget, and social spending.

RIGHT TO JUSTICE

Genocide Testimonies Begin in Guatemala

04.17.08 Motions filed by the defense attorneys of the military officers involved in the civil war genocide case were overruled by the Eleventh Court in the Criminal Court Division. The motions had been filed in an attempt to prevent the deposition of witnesses. As a result, several witnesses have been able to testify in open court.

The first session opened with the declarations of Jesús Tecú Osorio, who testified about the massacre in Río Negro, Rabinal, Baja Verapaz on March 13, 1982 that left 177 people dead. Tecú Osorio explained how a civil patroller killed his younger brother by slamming him against a rock and how the patroller took him to work as a slave in the patroller's home.

The subsequent session heard testimonies from three massacre survivors from the Ixil Triangle in the department of Quiché. Tiburcio Utuy described his capture and subsequent torture by the army in 1982. Francisco Caba testified about the massacre in the village of Ilom, Chajul, in which dozens of people were killed. In addition, Domingo Raymundo spoke about the massacre in the hamlet of San Francisco, Nebaj, in which his parents, wife, and son were killed.

On April 23, Judge Cojulún heard the testimony of Edwin Caníl Vicente, a survivor of the massacre in the village of Santa María Tzejá, Ixcán in Quiché. On the same day, Mateo Pérez and Pedro Juan also gave testimony, with the aid of interpreters, on the massacres that took place in the hamlet of Petanac in San Mateo Ixtatán and in Puente Alto, a hamlet of Santa Cruz Barillas in Huehuetenango. All of the witnesses narrated

stories of extreme cruelty.

Harbury Will Not Receive Damages

04.18.08 The US Appeals Court in Washington, DC ruled that high-level authorities would not be obliged to pay damages to US citizen Jennifer Harbury in the murder of her husband, Guatemalan guerrilla commander Efraín Bámaca Velásquez. Harbury had sued several members of the CIA, alleging that they were complicit in Bámaca's death because they had contracted and trained Guatemalan soldiers on how to torture. The ruling states that the Federal Law for Civil Suits does not apply to events that occurred outside of the US.

Bámaca was captured by the Guatemalan military in March 1992. He was subsequently tortured and executed. Harbury, a graduate from Harvard Law School, sued US authorities after she learned of her husband's death. CIA officials Michael Hayden, John Deutch, R. James Woolsey, and Robert Gates were named in the suit.

Extradition Law Approved

04.23.08 The Guatemalan Congress approved an Extradition Law, expediting the extradition process by providing clear steps that should be followed. The Supreme Court introduced the bill in 2007. Eight Guatemalans are currently awaiting extradition to the US; however, the new law is not retroactive and will therefore not apply to them.

Congressman Mariano Rayo stated that this law would allow for accused criminals to be handed over to foreign courts within forty-five days of being captured so they could stand trial. Prior to this law, the extradition process was unclear and could take up to eight years. Guatemala can also request extradition when a judge or a court has issued an arrest warrant or when a person has been condemned and must fulfill his or her sentence.

Justice Demanded for War Crimes

04.28.08 Human Rights First (HRF) asked US authorities to take advantage of Guatemalan President Álvaro Colom's visit to the US to pressure Colom to expedite the genocide and human rights cases against the military for violations committed during Guatemala's civil war. The organization emphasized that since the signing of the Peace Accords in 1996 in Guatemala, no one has been

condemned for the bloody crimes committed against rural and indigenous villages during the thirty-six years of war. HRF also urged the Public Prosecutor's Office (MP) to carry out efficient investigations into the recent charges of human rights violations and intimidations against activists.

RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

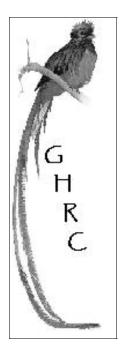
Study Shows Alarming Air Pollution Rates

04.16.08 The San Carlos University (USAC) Pharmaceutical Department published their report on airborne pollutants in Guatemala City, highlighting that the levels of several contaminants supersede international parameters, affecting the health of hundreds of thousands. Pablo Oliva, the coordinator of the USAC's Air Quality Lab, explained that contaminant levels were measured from samples taken in several different points of Guatemala City. The total particles were measured and the highest levels of contaminants were from sulfur dioxide and nitrous dioxide. Oliva said that laws must be passed that allow those who pollute the environment through industrial activities or with their vehicles to be penalized. Many people suffer from headaches, a burning sensation in their throats, and respiratory infections as a result of exposure to high levels of pollution.

Madre Selva Calls for New Mining Law

04.25.08 Activists from the ecological group Madre Selva urged Congress to pass a new mining law rather than reform the current law. Their concern stems from the fact that the current legislation and its proposed reforms do not include preventive measures and controls, or the regulation of mining companies. Madre Selva representatives indicated that the current law includes a weak defense for human rights and it does not take grassroots referendums into account. Other problems identified include the lack environmental monitoring, water conservation, and sanctions for the misuse of water.

The Vice Minister of Energy and Mines, Alfredo Pokus, countered that it would be best to reform the current law instead of presenting a new one because it would be faster.



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 Ceriqua, Centro de Estudios de Guatemala, Incidencia Democrática, Prensa Libre, El Periódico, La Hora, and Siglo Veintiuno.

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Vol. 20 No. 8

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- Bishop Gerardi's Death Commemorated PG 1
- President Colom Visits the US PG 3
- CAN Puts Adoptions on Hold PG 3
- Genocide Testimonies Begin in Guatemala PG 6
- Harbury Will Not Receive Damages PG 7

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