

# Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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## RIGHT TO LIFE AND HUMANE TREATMENT

### **Prison Assistant Director Killed in Riot**

05.02.08 Prisoners from the Preventive Detention Center for Men in Chimaltenango rioted, taking the assistant director, the chief of services, the warden, and guards hostage. By the end of the ordeal, inmates had brutally murdered Jorge Augusto Mendoza, the prison's assistant director. Mendoza was beheaded and his arms were severed. Guards Pedro Toj Hernández, Benjamín de León, and Ronald Enrique Galicia Eliézar sustained facial injuries and Warden Kilder López Alay was taken to a local hospital to be treated for broken ribs.

Similar to prior incidents of rioting in the Guatemalan Penitentiary System, inmates justified their actions as a means to protest the lack of adequate food and mistreatment by prison guards, according to National Civil Police (PNC) spokesman Faustino Sánchez. Nery Morales, the spokesperson for the Penitentiary System, theorized that inmates rioted in protest of the April detention of two women for attempting to bring drugs into the prison. According to authorities, the women trafficked drugs into the prison for the inmates.

### **Death Penalty Bill Dies**

05.06.08 The Congressional Governance Commission failed to determine a course of action to override President Álvaro Colom's March veto of the presidential pardon law (Decree 6-2008) that would have reinstated the death penalty in Guatemala. The Commission had thirty days to hand down a decision. Given that the thirty-day period passed, the presidential veto stands and the capital punishment cannot be reinstated, unless the Guatemalan Congress introduces a new bill.

### **Transportation Strike Ends in Death and Arrests**

05.13.08 Truckers who transport cargo from coast to coast in Guatemala went on strike in early May, blocking main highways and thoroughfares throughout the country. The strike began as a protest to the measures implemented by the mayor of Guatemala City, Álvaro Arzú, to further restrict the hours that heavy transport could pass through Guatemala City. Truckers allege that the new restrictions will cause hardships and unnecessary delays in delivering their goods. At present, there are no alternate routes around Guatemala City.

When Arzú refused to revoke the restrictions or to dialogue with truckers, President Álvaro Colom decided to force an end the strike by declaring a two week "State of Prevention," temporarily suspending certain constitutional guarantees such as gathering in public places, and carrying firearms. The suspension also allowed citizens to be arrested and held without due cause.

Combined police and military security forces were sent to forcibly remove the truckers who had blocked the highways. During the ensuing police action, Manuel Machic, 23, a driver's assistant, was found dead in a ravine although the cause of death remained unclear. Carlos Geovani Pelicó Mejía, another trucker, said that several police officers and soldiers dragged him and Machic from the truck by force and threw them on the ground. Forty-eight truckers were arrested and later released on bail. All of them remain under investigation and on house arrest.

A few days after the strike ended, members from the National Coordination for Transport (CNT) met with Vice President Rafael Espada, asking for the circulation restriction in Guatemala City to be lifted. They also called for governmental mediation of the conflict with the mayor, and the professionalization of truckers. The Minister of Labor, Édgar

Rodríguez, who also attended the meeting, stated he would analyze the truckers' petitions.

In just four days, the strike caused a nationwide gasoline shortage, price speculation for fuel, the loss of several tons of perishable goods, delays in shipping export products, and "panic buying" by consumers who feared general shortages. This is not the first time that tension has been created between the municipal and federal government on this issue.

### **Appellate Judge Murdered in Retalhuleu**

05.09.08 The President of the Eleventh Appellate Court in Retalhuleu, José Vidal Barillas Monzón, 64, was murdered near his home, just a few yards from the central park in Mazatenango, Suchitepéquez. Two men on a motorcycle intercepted the magistrate's path and fatally shot him, according to police. He died at the local hospital. There had been no prior threats recorded. Guillermo Melgar, the spokesman for the Supreme Court of Justice (CSJ), indicated that Barillas had not solicited help from the National Civil Police (PNC) nor from the court. "Nothing was stolen from him and one of the two men came close to his car window and just shot him in the head."

### **Newspaper Reporter Murdered**

05.11.08 Jorge Mérida Pérez, 40, a regional correspondent for the Guatemalan newspaper, *Prensa Libre* in Coatepeque, Quetzaltenango, was shot and killed while working on a news story in his home, according to the National Civil Police (PNC). Preliminary evidence indicated that an unknown assailant arrived at Mérida's home, entered through an open door, and shot him in the face. Family members commented that Mérida had recently received death threats, but did not elaborate further. The last news articles that Mérida worked on were related to drug traffickers in the area and municipal corruption.

Organizations of journalists condemned the killing and demanded that authorities prosecute those responsible. Gonzalo Marroquín, *Prensa Libre's* director and the president of the Inter-American Press Society's Freedom of Expression Commission (SIP), urged Mario Castañeda, the Public Prosecutor (MP) in charge of the Crimes Against Journalists Unit, to investigate the case and offered SIP's support.

SIP's latest analysis on the situation of Guatemalan journalists highlighted the vulnerability of correspondents working in the outlying regions, many of whom have been threatened on the job. Castañeda indicated that in recent months, violent attacks have increased against journalists, ranging from mobs impeding access to reporters to physical aggression towards reporters by authorities such as the Municipal Transit Police (PMT) and the Presidential Guard.

The Human Rights Ombudsman (PDH), Sergio Morales, said that the PDH would also investigate the crime. He demanded that the government carry out an exhaustive investigation. "This is an attack on the freedom of the press. I am sorry and I stand in solidarity with the family and those who work in the media."

### **Union Leader Murdered in Izabal**

05.14.08 Sergio García, 28, a secretary for the Healthcare Syndicate in Izabal, was murdered by two hit men, according to the National Struggle Front (FNL). The two assailants shot García while he rode on his motorcycle, in the presence of several witnesses. García was the father of two young sons, and the FNL demanded that authorities investigate immediately to find both the material and intellectual authors. "It is not possible that in Guatemala impunity continues to reign for killers, while repression and jail are offered to those who raise their voices against injustices such as the high cost of living and transportation," stated representatives of the FNL.

## **WOMEN'S RIGHTS**

### **162 Women Killed First Four Months of 2008**

05.07.08 According to the Survivors Foundation, 162 women have been killed in the first four months of 2008. March was the bloodiest month, with forty-two deaths registered, with most of the killings taking place in Guatemala City. Firearms were the weapons of choice in 117 killings, followed by knives, and strangulations. In the last eight years, at least 3,766 women have been killed in Guatemala, more than six times the number of women killed in Ciudad Juárez, México in the last decade, where these acts of "femicide" have captured international attention.

To curb the occurrences of femicide, the Guatemalan Congress passed in April a new Femicide Law, which President Colom signed into effect on May 2. The new Law sanctions femicide, as well as physical and economic violence against women, as a crime, and establishes the state's obligation to strengthen criminal investigation institutions, create special courts, provide legal services to victims, and develop social service centers for female survivors of violence. The Law also stipulates that authorities should be better trained in responding to violence against women and supporting female victims of violence. The Guatemalan Women's Network, a coalition of women's rights groups, is optimistic that the Law will foster the political will necessary to prevent and solve crimes of gender-based violence.

In a recent study on femicide, carried out by the Guatemalan Institute for Comparative Studies in Criminal Sciences (IECCP), 215 cases were analyzed in which the women were also the victims of sexual crimes. Of the 215, 168 or 78% of the women knew their aggressors prior to being attacked. More than half of these women (58.3%) were attacked by their domestic partners or close relatives, including fathers, stepfathers, brothers, and uncles. Only three of the 215 cases were being prosecuted and only one person had been convicted. Jaime Pineda Del Cid, was found guilty of killing his wife and daughter and wounding three others.

### **Women Urge Better Care for AIDS Patients**

05.11.08 The number of women infected with HIV/AIDS has gradually risen in Guatemala in recent years, especially among married women. In 1988, one woman for every 14.5 men was infected with the virus and in the last few years that number has grown to one woman for every 3.2 men. Sexual violence, abuse, infidelity, and the lack of knowledge about or the reluctance to use protection are the primary causes of infection. In order to prevent the epidemic from spreading, women who are HIV positive have united together to urge the government to provide integrated services to all without discrimination. They also demanded that the state provide free access to medical care and antiretroviral treatments.

### **Mothers of Missing Children Hold Hunger Strike**

05.06.08 Five women launched a hunger strike in front of the National Palace in Guatemala City in late April, demanding that authorities investigate the thousands of cases in which children have illegally been put up for adoption to families in foreign countries. The women ended their strike when the National Adoption Council (CNA) promised to look into their demands.

Norma Cruz, the director of the Survivors Foundation, stated that the strike had not been in vain. As a result, they obtained information on the presumed whereabouts of two children: Heidi Saría Batz, kidnapped on April 4, 2006 and Angielyn Lisset Hernández, kidnapped on November 3, 2006. A woman in the US adopted Heidi and Angielyn's biological mother, Loyda Rodríguez, said her daughter had been given to a US couple, but she had not yet been sent to the US.

As a result of the strike, the CNA, in conjunction with the Solicitor General's Office (PGN), is reviewing every case. Adoption lawyers have been ordered to bring each child and corresponding biological mother to the PGN offices, so that their physical characteristics can be compared to the information contained in the files. If there are any doubts, another DNA test will be performed to confirm their relationship to the adopted children.

It is believed that at least four of the first thirty-six cases reviewed were children who were kidnapped from their biological mothers between 2006 and 2007. The CNA has asked the US Embassy to help them produce computer images of how the missing children may have aged, in order to identify them now. Some of the other encountered anomalies include several files that use the same photo, visibly altered birth certificates, and alleged biological mothers who are in their sixties.

The announcement that adoptions would be suspended for one month was met with criticism by child welfare organizations that believe more time will be needed. They urged the Human Rights Ombudsman's Office (PDH) to investigate where the almost three thousand children awaiting adoptions are being held, and under what conditions.

### **Congressman's Sister Arrested in Adoption Scandal**

05.07.08 In the most recent adoption scandal in

Guatemala, Rosalinda Arleny Rivera Estrada, 44, the sister of Congressman Gudy Rivera Estrada, was arrested in an underground foster home located in Guatemala City's zone 7. The National Civil Police (PNC) searched the residence in the Quinta Samayoa neighborhood, hoping to find Álvaro Daniel Suruy, a child who had allegedly been sold into adoption by Rosalinda Rivera. The PNC did not locate Suruy, but they did find nine infants between the ages of seven months and one year old. The Solicitor General's Office (PGN) said the children were found in filthy conditions.

In a phone interview with reporters, Congressman Rivera, a member of the Patriot Party (PP) and the head of the Congressional Commission for Children and Families, first denied, then conceded that Rosalinda was his sister, but said that he had not seen her for three years and had no idea that she worked in an underground foster home that arranged illicit foreign adoptions. Rivera said that she is the only sibling with whom he has no relationship. He added that if she is found to have committed a crime, then he would serve as a co-plaintiff in the case against her. Just days prior to the raid, Rivera announced that he would publish a list of fifty lawyers known to participate in illegal adoptions. The list has yet to be published.

Rivera indicated that this case has nothing to do with his position on the Congressional Commission and that his sister's actions are independent of his. He asserted that any criticism against him was a political plot, drummed up by "certain state institutions."

## CAMPESINO RIGHTS

### **Campesino Leaders Threatened**

05.13.08 Leaders from the National Coordinating Committee of Campesino Organizations, CNOC, reported that campesinos have suffered increasing threats, violent evictions, criminal persecution of their leaders, and some have even been killed in the short period that Álvaro Colom has been president of Guatemala.

Basilio Sánchez, a CNOC leader, cited numerous cases that reflect the Colom administration's repressive nature. Examples included the capture of thirteen campesinos in San Juan Sacatepéquez who rejected the installation of a

cement factory in the area. Joint police and military forces carried out the arrests. He also mentioned the extrajudicial execution of Mario Caal Bolón. Caal was killed by authorities in Puntarenas, Livingston, Izabal, on March 15, when a group of campesinos took a group of Belgian tourists hostage as leverage for the release of Ramiro Choc, their campesino leader detained in February. Campesino groups allege that Choc's detention was illegal.

CNOC's Leocadio Juracán and other leaders from the Highland Campesino Committee (CCDA) were recently detained in Patulul, Suhitepéquez, after the annual Labor Day march in May. CNOC added that attacks were also directed towards union leaders, such as in the case of the March assassination of Miguel Ángel Ramírez, a founder of the Southern Banana Workers Union.

## MIGRANT RIGHTS

### **Massive Detention of Immigrants in Iowa**

05.13.08 US Immigration and Customs Enforcement agents (ICE) stormed the Agriprocessors, Inc. plant located in Postville, IA, arresting nearly 400 undocumented workers, including 290 Guatemalans. These workers represented half of the plant's workforce. The vast majority of detainees are subject to criminal charges, such as falsifying Social Security numbers, aggravated identity theft and possession of counterfeit identification documents. The ICE agents were looking for evidence of stolen identities and Social Security numbers used by immigrants without papers, said Tom Counts, the ICE spokesperson.

Immigration officials interviewed those arrested in order to determine their legal status, and allowed some to be released due to humanitarian reasons. "In general, humanitarian reasons could include medical causes or someone who is the sole caretaker of a minor," Counts added. Of the 389 people charged with federal immigration law violations - 62 were let go for humanitarian reasons, 21 were held for administrative charges, and 18 juveniles were handed over to legal guardians or transferred to the Office of Refugee Resettlement.

## LABOR RIGHTS

### **New Round of Discussion on Minimum Wage**

05.10.08 Discussions have already begun on setting the 2009 minimum wage. The Salary Commission (CNS), the entity responsible for establishing the minimum wage, held the first meeting at the Ministry of Labor. Rigoberto Dueñas, a representative of the Guatemalan General Workers Organization, reported that the first meeting was just a formality, with no mention of details or proposals. He said that the labor sector hopes this year the discussion might reach a “fruitful” agreement, since the dialogue has begun amidst a global and local economic crisis. Last year, when the Commission failed to reach an agreement, the outgoing President Berger increased the monthly minimum wage by Q72.6 (US \$9.68) for agricultural workers and of Q80 (US \$10.66) for those working in the non-agricultural sector.

### **Union Workers in Antigua Receive Death Threats**

05.14.08 Syndicate and non-union health workers in the Hermano Pedro National Hospital in Antigua Guatemala, Sacatepéquez, informed the Public Prosecutor’s Office (MP) that they had received death threats. César Jiménez, the secretary for conflict resolution in the Hospital Workers Syndicate, reported that he and other employees had received phone calls and text messages on their cell phones warning that “the days of mourning are coming” and that they would be taken by surprise soon.

Workers accused the hospital director, José Antonio Hernández, for the threats. Workers believe the threats are related to the fact that they recently reported Hernández to Congress for teaching classes during his hospital shift and failing to pay ambulance drivers for hours worked.

In response, Hernández stated that the syndicate workers were “people without anything to do,” who dedicate their time to slandering others, and that their claims had no basis. He added that when the MP schedules his deposition, he would show up to provide his side of the story.

## SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

### **Marchers Demand End to High Cost of Living**

05.01.08 Thousands of campesinos, retirees, persons

with special needs, and laborers marched in commemoration of International Labor Day. They urged the government to freeze the prices of staple goods and increase minimum wages for everyone, expressing concern for the price hikes in food, transportation, electricity, and propane gas. Other demands included an end to violence and femicide.

### **Prices Rise 35.36% For Petroleum, Wheat, and Corn**

05.07.08 Inflation in Guatemala rose 1.4% in April, with an accumulated percentage of 4.32% in the first four months of 2008. This translates into an inter-annual rate of 10.37%, according to José Ramón Lam from the National Statistical Institute (INE). The rising costs of petroleum, wheat, and corn on the international market is responsible for the high inflation rate, and prices for these three products have increased a total of 35.36% this year in Guatemala.

INE statistics indicated that in the last twelve months, the cost to meet the basic caloric needs for a family of five had risen 13.98%. The average family must now spend Q1778.44 (US \$238.90) per month on food, which is higher than the fixed minimum wage. The cost of living, which includes food, transportation, health, clothing, and education, has increased by Q453.79 (US \$60.82) in the last year.

## RIGHT TO JUSTICE

### **CALDH Demands Military Honor Court Order**

05.14.08 The Center for Legal Action on Human Rights (CALDH) demanded that the operational plans in place during General José Efraín Ríos Montt’s *de facto* presidency be made public. CALDH argued that the recent Constitutional Court (CC) decision to deny Ríos Montt’s motion to keep military operational plans classified must be honored. The original ruling to declassify the plans was made by the Second Judge in the First Criminal Court.

The plans in question are those of notorious military operations like “Plan Soffa, Victoria 82, Firmeza 83, and Operación Ixil,” and the CC’s ruling made it clear that the Ministry of Defense must hand the files over to the Supreme Court (CSJ) as part of its investigation into the genocide case against Ríos Montt and other high-ranking military officers. Ríos Montt currently serves as a

member of the Guatemalan Congress.

The military's spokesman, Daniel Domínguez, indicated that he had not received any official notification from the CC on the matter. Francisco Palomo, a member of Ríos Montt's defense team, stated that the ruling was not yet final since the defense has filed a motion for clarification before the CC, which should be addressed in the next several months.

### **Military Files to Be Reviewed in Barracks**

05.13.08 Orlando Blanco, head of the Presidential Secretariat for Peace (SEPAZ), announced that the declassified military files from the internal armed conflict would soon be processed. President Colom announced on February 25, 2008 that his administration would declassify military archives from 1956-1996. According to Blanco, the Ministry of Defense would notify SEPAZ which military barracks in Guatemala City will serve as the location where the files will be stored, archived, and scanned. Blanco indicated that the budget for the "Peace Files" Program would be Q6 million (US \$800,000), which includes the purchase of computer equipment with scanners capable of digitizing entire files, instead of individual sheets of paper. He added that the Ministry of Public Finances had informed him that the money would be disbursed to SEPAZ by the end of May so that personnel could be hired and trained, and equipment could be purchased.

### **César Dávila Named to Head PNR Program**

05.13.08 César Dávila, a former activist from the Collective of Social Organizations (COS), was appointed the new director of the National Reparations Program (PNR), a position that opened in March when the former director, Rudy Monterroso, drowned trying to save a family member. The PNR offers cash payments and projects as reparations to those who lost family members during the internal armed conflict. Victims of the armed conflict have been critical of the PNR because funds have been extremely slow in coming.

## **LEGAL CASE UPDATE**

### **Court Hears New Testimony in Genocide Case**

05.07.08 A 1993 investigation shows that the Civil Defense Patrols (PACs) were responsible for the execution of many indigenous campesinos during the

internal armed conflict. This was the testimony recently provided by Carmen Rosa de León Escribano, the then director of the Special Commission for Attention to Refugees (CEAR). De León gave her testimony as part of evidence gathered for the genocide proceedings being carried out by the Spanish National Court (ANE), where several Guatemalan military officers and civilians have been accused of genocide, war crimes, and crimes against humanity. De León stated that the PACs had ties to the Guatemalan army, and that almost one million PAC members were trained to fight the guerrillas. She recalled that Benedicto Lucas García, the brother of former president Romeo Lucas García, organized the PACs in 1981, and that many of the paramilitaries executed anyone that they detained rather than turning them over to a court in accordance with legal protocol.

### **Court Rules in Favor of Portillo**

05.07.08 The Central American Court (CCJ) ruled that the Guatemalan government violated community rights by failing to honor former President Alfonso Portillo's immunity as a member of the Central American Parliament (PARLACEN). The former president, accused of corruption and the embezzlement of public funds during his presidency, sued the Guatemalan government before the CCJ in May 2007 with the hopes of regaining his immunity from prosecution and assuming his PARLACEN seat without the fear of arrest. Portillo argued that PARLACEN's Constitutional Treaty, which provides immunity to all its members, had been violated. In 2004, the Constitutional Court in Guatemala ruled that Portillo did not have the right to immunity as a member of PARLACEN since he was not elected to entity by popular vote.

Portillo, who lives in México, also petitioned the CCJ to overrule the decision made by the Fifth Criminal Sentencing Court in Guatemala, allowing for his extradition to Guatemala to be tried for corruption and the embezzlement of public funds. On this point, the CCJ determined that it would respect the autonomy and independence of the Fifth Criminal Sentencing Court's ruling.

### **Witness Testifies in Río Negro Massacre**

05.09.08 Francisco Mendoza Sic, a witness in the

Río Negro massacre, perpetrated in 1982, provided testimony to a Guatemalan sentencing court. Mendoza testified that he was forced to join a Civil Defense Patrol (PAC) as a paramedic, and on the day of the massacre, he was ill. "In any case, I can assure you that the army gave the order to eliminate the women and children since that is why they trained us in the Xococ PAC," he said. He added that due to his work, he was often not in the village and when he was there, he had to collaborate with the army, because otherwise, he would have been considered to be a guerrilla.

The massacre is also known as the Pacoxón massacre, named for the mountain near the Río Negro hamlet, where 177 people were killed (107 children and 70 women). The children were tortured and the women were raped by PAC members and soldiers, according to Mendoza. Macario Alvarado, Francisco Alvarado, Tomas Vino Alvarado, Pablo Ruiz, Bonifacio Cuxum, Lucas Lajuj are on trial for this crime.

## **RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT**

### **New Energy Plan Announced by Colom**

05.13.08 President Álvaro Colom offered an energy plan to the national and international industrial sector that would reduce energy costs by using coal and hydroelectric power. He announced that by 2009 "the aberrations committed by the prior governments would be corrected through the diversifications of energy options in Guatemala." He added that in 2008, Jaguar Energy, which plans to invest \$650 million in the project, would build a coal plant in Escuintla. According to Colom, the plant should generate 275 megawatts of power. The bidding process will also continue for the proposed Xalalá hydroelectric plant to be built between the departments of Alta Verapaz and Quiché. Indigenous communities have expressed much opposition to the new energy plan because it fails to take into account the negative environmental, health, and developmental effects that these projects would have on their impoverished, rural communities.

### **Groups Demand Attention on Environmental Issues**

05.13.08 Representatives from the Christian

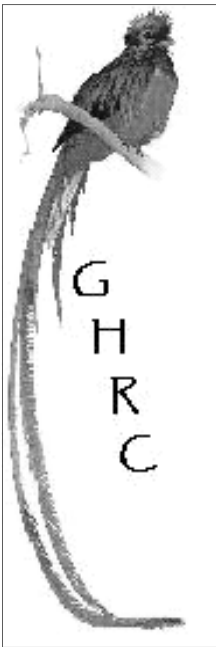
Ecumenical Council of Guatemala (CECG) and the Rigoberta Menchú Tum Foundation (FRM) called on the Guatemalan government to listen to the opinions of indigenous communities before concluding negotiations on the opening of a mine and a cement factory in San Juan Sacatepéquez, Guatemala. The CECG and FRM demanded information on the detention of community leaders during a recent protest against the projects, the participation of professional mediators to intervene in the matter, and an international presence during negotiations to ensure that human rights are respected.

According to a press release by the two groups, the people in San Juan Sacatepéquez, the majority of whom are indigenous, have called for answers to their concerns about the social and environmental impact that both a mine and a cement factory would have on the area. The government has yet to respond. Residents fear that a health disaster could occur if water sources dry up or are contaminated, or that the ecological balance would be destroyed. In addition, community leaders expressing their opposition to the mine and cement factory have suffered state repression and violence.

## **OTHER INFORMATION**

### **UN to Begin New Human Rights Review Process**

05.06.08 The United Nations (UN) has begun a new system for the periodic review of the human rights situation in its member states. The new modality, called the Universal Periodic Exam (EPU) will evaluate all UN members and replaces the old system in which certain countries were condemned for human rights abuses, while the human rights situation in others was unknown. Each evaluation will last three hours and will conclude with a series of recommendations to national authorities. The first countries to present their reports for the EPU are Gabon and Ghana, followed by Peru and Guatemala. Those reports will be compared over time to reports made by the UN itself and reports made by local and international civil society organizations. For example, Human Rights First, in conjunction with Front Line International, submitted a report regarding the human rights situation in Guatemala to the UN for an EPU review.



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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