**FUNDAMENTAL RIGHTS**

2005: Twenty-six Attacks on Human Rights Defenders  
2/26/05 - Since the beginning of 2005, twenty-six human rights defenders have been the victims of death threats and intimidations. According to the Coalition of Human Rights Groups against Clandestine Groups, of the twenty-six threatened activists, eleven are connected with the fight against impunity, specifically in bringing about justice in the genocide cases against Ríos Montt and other former military officers. The coalition blames clandestine groups for the majority of these acts.

This coalition, consisting of groups such as the Mutual Support Group (GAM) and the Myrna Mack Foundation, highlights various cases, including the attack against Sara Pojoj and Sergio Rivera. These two members of GAM’s exhumation staff were intimidated while investigating clandestine graves in Playa Grande, Ixcán, Quiché.

Despite clear evidence of the existence of clandestine groups operating within Guatemala, the State continues to ignore this issue and has even refused to allow for an international commission to investigate the parallel power structure.

**Journalists Attacked by Ex-PACs**  
3/10/05 - On March 1, three journalists were attacked by members of the now-disbanded paramilitary Civilian Self-Defence Patrols (PACs) during a demonstration they were staging in Guatemala City to demand government compensation, according to Reporters Without Borders. “The attacks on these journalists were extremely serious and we demand a thorough investigation that will allow those responsible to be identified and punished,” the freedom of press organization said.

Ewin Silva of the TV station Telediario was hit several times on the arm and then struck with a sheathed machete. A woman also hit him with a stick and tore his shirt. Silva’s cameraman, Carlos García, narrowly avoided being stabbed by the point of a machete thanks to a videocassette in the pocket of his vest that acted as shield. He said he thought the blow could have been an accident. Carla Solorzano of Radio Universidad was struck several times with a shovel.

**WOMEN’S RIGHTS**

Accusations of Social Cleansing  
3/6/05 - During the presentation of the report “Analysis of the Situation of Women in Guatemala” that was given in commemoration of International Women’s Day, the Center for Human Rights Legal Action (CALDH) pointed out that the number of cadavers with signs of extreme violence is part of a process of social cleansing.

Since 2005, CALDH recorded at least ninety cases of femicide. If this trend continues, the number of deaths in 2005 will surpass the number in 2004.

Miguel Angel Albizures, spokesman for CALDH, stated that it is not necessarily gangs who are responsible for the killings, as is frequently implied. “State responsibility exists, specifically when security forces become involved,” he stated.

Carlos Caljú, spokesman of the National Civil Police (PNC), affirmed that the PNC respects others’ opinions about local and international human rights violations but denies accusations of social cleansing.

Security at International Women’s Day March  
3/8/05 - Various campesinos, along with indigenous and labor union organizations, participated in a nonviolent march planned by the Coordination for March 8 to celebrate International Women’s Day, in which participants shouted slogans that called for an end to the violence, the Central America Free Trade Agreement (CAFTA), and mining concessions. While protestors demonstrated peacefully, the Guatemalan Human Rights Commission/USA received reports of police aggression against women marchers.
Early in the morning on March 8, women from various organizations gathered in front of the Guatemalan Social Security Institute (IGSS) and the municipal building in Guatemala City to push the women’s rights agenda. The coordinator of the march, Maritza Velásquez, stated that activities were taking place not only in Guatemala City, but also in the departments of Quetzaltenango and Chimaltenango in hopes that President Óscar Berger heeds their demands.

During the march, they stopped in front of the Supreme Court, in support of 1992 Nobel Peace Laureat and indigenous leader Riboberta Menchú’s unprecedented legal case against racism in Guatemala. Later, the march headed toward the Presidential Palace where demonstrators were to deliver signed petitions to President Berger in protest of the limited results from the investigations into the murders of women.

Sandra Morán, a member of the Coordination of March 8, said that the commission to investigate femicides, created by the Congressional Commission on Women, must fulfill its responsibilities. Furthermore, they demanded ratification of the bill presented by the Women’s Parliament. Other demands made by the women included the non-ratification of CAFTA and the cessation of mining contracts.

**RIGHTS OF THE CHILD**

**2004: One Hundred Eighty Children Killed**

3/5/05 - In a report that details the human rights situation in Guatemala, the Mutual Support Group (GAM) indicates that a high number of infant murders were registered in the country in 2004. GAM registered a total of 180 murders, which includes both girls and boys. According to Mario Polanco, GAM’s director, these children were brutally murdered in crimes committed with viciousness and cruelty. “This is a human rights violation that infants suffer and it continues to go without punishment,” declared Polanco.

**INDIGENOUS RIGHTS**

**Guatemala’s First Racial Discrimination Trial**

3/10/05 - The 1992 Nobel Peace Prize winner, Rigoberta Menchú, broke down and cried in court Wednesday as she recalled the insults that were hurled at her during the country’s first ever racial discrimination lawsuit.

Menchú, an indigenous leader, claims she was the victim of racial harassment on October 9, 2003, when she was at a public hearing opposing the presidential candidacy of General Efrain Ríos Montt, dictator from March 1982 to August 1983.

Menchú has accused five people, all members of Ríos Montt’s right-leaning Guatemalan Republican Front (FRG), which makes the matter politically significant, said Menchú’s lawyer, Benito Morales. Defendants include: Juan Carlos Ríos, Ríos Montt’s grandson; Ana Cristina López Kestler, FRG representative in the Central American Parliament; Elvia Domitila Morales de López; Vilma Orellana Ruano; and Enma Concepción Samayoa de Rosales, a former FRG congresswoman.

Menchú cried as she recalled the pain and humiliation she felt during the alleged verbal attacks. The insults included “dirty indian,” “shameless indian,” “indian bitch,” and “go sell tomatoes at the bus terminal,” she testified, adding that the defendants screamed so close to her that spit sprayed onto her face.

“The pain will never be overcome; it is this country’s history that is not possible to overcome. I want to make very clear that I have been deeply affected and will remain as such for the foreseeable future,” she said. “What hurt most was that at this point I again heard the insults I heard in my childhood, the insults hurled at my mother.”

Racism is rife in Guatemala. In October 2002, the country’s penal code was modified to incorporate discrimination as a crime. Since that time, the Public Prosecutor’s Office received thirty reports of racism, the Human Rights Ombudsman’s Office recorded at least eight such cases, and the Mayan Defenders Office registered over 600 cases of racism.

**SOCIAL AND ECONOMIC RIGHTS**

**CAFTA Passed Amidst Protests**

3/15/05 - On March 10, 2005, Guatemala became the third country to ratify the Congressional Agreement of Free Trade between the US, Central America, and the Dominican Republic (CAFTA). After many days of demonstrated opposition, the agreement passed with overwhelming approval with a vote of 126 to twelve.

While approval was pending in Congress, roughly 600 protestors, which included union members, campesi-
nons, and students, expressed their opposition through demonstrations and blockades. The protestors were pressing the government for a national referendum on CAFTA. In response to the demonstration, hundreds of police surrounded the Congressional building in downtown Guatemala City, at times using water cannons, truncheons, and tear gas to control the demonstrators. There were also reports of the use of rubber bullets.

On March 10 and 11, many local businesses remained closed and the Ministry of Education (MINEDUC) ordered that the schools in the center of the city remain closed. The Attorney General, Juan Luis Florido, threatened to use the media’s photographs and videos to identify and find those responsible for the massive demonstrations and bring them to justice.

On March 14, after Congress ratified CAFTA, the demonstrations continued in a nationwide protest asking President Óscar Berger to veto the treaty. Many schools were closed and highways were blockaded. One march included about 1500 students from the University of San Carlos and was led by the rector, Luis Leal. The Guatemalan Human Rights Commission/USA has received unconfirmed reports that three protestors were killed by military police in Colotenango, Huehuetenango on March 15.

The Army and the National Civil Police (PNC) used repressive tactics against the protestors when they marched in the Central Plaza, where the Presidential Palace is located. Reports have stated that the confrontations with the police left between twelve and sixteen people arrested which were mostly leaders of social organizations; twenty people were wounded, including two police officers, and various individuals were affected by tear gas.

In addition, two public transportation buses were burned and at least three businesses were severely damaged. The protest did not sway President Berger as he considered the acts “vandalism” and promised to sign the trade accord as soon as he received it. In reference to the protestors, Berger stated, “Do they believe that a small group can decide for 12 million inhabitants?” However, some civil society organizations feel that it is the economic elite in Guatemala that is the small group deciding for many.

The Guatemalan Congress circumvented the usual three-step approval process when the major centrist and right-wing parties agreed on March 9 to muster the 105 votes necessary to declare a “national emergency,” which would allow a single vote on the measure. The legislators agreed that they would later approve a package of twelve laws to compensate for the negative impact of CAFTA on many Guatemalans. The package is slated to include incentives for agricultural diversification, land registry laws, food security measures, and financial assistance.

The political parties that voted in favor of the agreement include the Guatemala Republican Front (FRG), the Party of National Advancement (PAN), the Patriotic Party (PP), the Center for Social Action (CASA), and the National Unity for Hope (UNE). The following groups were in opposition: the New National Alliance (ANN), United National Revolutionary Guatemalan (URNG), the Christian Democratic Guatemalan (DCG), and other independents.

The vote in Guatemala was originally scheduled for March 1. It was postponed after 8,000 protestors filled the streets of Guatemala City in opposition to CAFTA. The Guatemalan Congress announced that it would delay its vote on ratifying the pending US-Central America Free Trade Agreement (CAFTA) for a week.

The main fear of CAFTA is that the poor small farmers in the rural sector will be unable to compete with foreign producers. The treaty favors transnational and multinational corporations but fails to meet the needs of laborers or small-scale producers. The Human Rights Ombudsman’s Office expressed fear that CAFTA will affect national stable crops, which is an important source of employment and income for thousands of Guatemalans. With the ratification of CAFTA, it is estimated that between 41 million and 125 million jobs will be lost, mostly in the agricultural sector.

The Union of Guatemalan Workers (UNSITRAGUA) claimed that CAFTA violates Convention 169 of the International Labor Organization that was ratified in 1996; it calls on the state to obtain consent from the indigenous population on any legislative or administrative act that would affect them directly. The indigenous population is roughly sixty percent of the total population. UNSITRAGUA also claimed that, on top of violating Treaty 169, CAFTA endangers the country’s sovereignty and infringes upon the fundamental rights of the indigenous people, their culture, and natural resources.

Opposition to CAFTA has been expressed since the US signed CAFTA last May with Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica; the Dominican Republic signed later. El Salvador was the first to ratify the treaty on December 17, 2004. On March 3, Honduras became the second Latin American country to ratify CAFTA. The initiative was approved by 100 of 128 Honduranian legislators, its strongest support com-
ing from the ruling National Party, and the opposition coming from the Liberal Party. Lawmakers immediately fled Congress following their decision to avoid 1,000 government employees who were protesting the measure outside. (For Urgent Action on police repression during CAFTA protests, see insert.)

JUSTICE AND RECONCILIATION

Government Still Lags in Complying with Dos Erres Amicable Solution

3/2/05 - On March 2, representatives of the Families of the Detained and Disappeared of Guatemala (FAMDEGUA) and the Center for Justice and International Law (CEJIL) headed a working meeting with the Inter-American Human Rights Commission (IAHRC) and Guatemalan officials regarding the Dos Erres Massacre case. During this meeting, the petitioners criticized the Guatemalan government’s noncompliance with some of the commitments established under the 2000 amicable solution. Such criticisms include the lack of justice due to dilatory injunctions used by the defense and the most recent resolutions issued by the Constitutional Court (CC).

In a resolution made public in early February, the CC declared the ruling, which found the sixteen army soldiers guilty, null on technicalities, effectively setting the case back nine years. However, due to pressure from civil society, on February 10, the CC issued a second resolution that stated that the testimonies of principle witnesses would remain valid. FAMDEGUA and CEJIL requested that the IAHRC continue pushing their case and consider sending the Dos Erres case to the Inter-American Human Rights Court if the State of Guatemala continues its non-compliance.

Both FAMDEGUA and CEJIL are co-petitioners in the case, which they first brought before the IAHRC in 1996. In 2000, the two organizations and the State of Guatemala reached an amicable solution. Included in the points are an investigation into the massacre in order to identify, sentence, and convict those responsible; to provide economic reparations to surviving family members; to erect a monument dignifying the dead; and to nationally air a video depicting the events that took place at Dos Erres at the hands of the Guatemalan military.

On December 5, 1982, a special forces unit of the Guatemalan military entered the town of Dos Erres, Santa Elena, Petén. The unit forced the villagers from their homes, separated them into groups, and proceeded to systematically kill all the residents. Over 300 individuals died that day. (See UPDATE Vol. 17 No 4 “CC Annuls Dos Erres Case.”)

Defense Lawyers Again Ask CC to Throw Out Convictions in Gerardi’s Killing

3/10/05 - On March 10, defense attorneys again asked Guatemala’s Constitutional Court (CC) to overturn the convictions of four men in the 1998 killing of a human rights crusading Catholic bishop.

In June 2001, a three-judge panel convicted retired Colonel Byron Lima Estrada, his son, Captain Byron Lima Oliva, and Sergeant Mario Obdulio Villanueva in the killing of Juan Gerardi, who was bludgeoned to death with a concrete block in the garage of his Guatemala City seminary in April 1998. The trio was sentenced to thirty years behind bars. Found guilty as an accomplice was priest Mario Orantes, Gerardi’s assistant, who is serving twenty years in prison.

The original convictions assigned co-responsibility for the killing to both Lima Olivas and Villanueva. In a briefing presented to the CC, attorneys argued that more than one person cannot be convicted of a killing according to Guatemalan law.

In October 2002, an appeals court threw out the convictions and ordered new trials for the four men, but the Supreme Court, the country’s second highest tribunal, upheld the original rulings and sentences five months later. That decision was later endorsed by the CC.

Days before the Supreme Court ruling, Villanueva was killed when fights between inmates broke out during a prison riot.

Gerardi’s death came two days after he presented the Catholic Church human rights office report, Recuperation of Historical Memory, blaming the military for nearly 90 percent of the atrocities committed during Guatemala’s civil war.

Mario Domingo, a lawyer for the church human rights office, called the convictions and sentences in the case “fundamentally correct and based on fundamental legality.”

Also challenged in the defense brief is the testimony of a homeless man who said he saw the killing and served as the prosecution’s star witness, Ruben Chanax. Defense lawyers argue that Chanax, now living outside Guatemala, suffered from schizophrenia and thus was not a reliable witness after changing the version of his account.
seven times.

The brief asks the CC to free the men convicted or at least grant them new trials. The court’s chief justice is expected to rule on the matter March 22.

**Berger Promises Compensation for Ex-PACs**

**3/8/05** - President Óscar Berger announced on February 28 that ex-PACs would receive compensation payment after all. Berger’s decision is controversial given that on February 8 the constitutional court ruled against a law, approved last August that ordered the payment of compensation to the ex-PACs. Berger excited further controversy by saying that the government would draw on funds from a trust set up specially to benefit relatives of the victims of the country’s thirty-six-year civil war.

The trust, created by Berger in December 2004, contains Q445 million (approximately $58 million). Frank LaRue, the head of the Presidential Human Rights Commission (COPREDEH), said that it was a mistake to reassign resources intended for those uprooted by the war to the ex-PACs. Berger argued that the ex-PACs were also victims of the war. Human rights groups complained that the government would end up rewarding the ex-PACs with more financial assistance than the “true victims of the war.”

Berger noted that the money designated to the former patrollers would be set aside for the ex-PACs for housing, rural infrastructure, and reforestation projects. This prompted an ex-PAC protest on March 1 in which more than 3,000 ex-paramilitaries gathered around Congress to try to exert pressure on legislators to agree to cash payments. Some 500 police officers stood guard around the building. Carlos Martínez, leader of one of the ex-PAC groups, said that hundreds more members would arrive in Guatemala City from other parts of the country. Martínez, however, does not speak for all ex-PACs given the fact that three distinct ex-PAC groups have formed since the February ruling. The protests have already met with some success. The President of Congress, Jorge Méndez Herbruger, told protesters that he would act as a mediator in talks between them and Berger. He added that Congress would look into the possibility of another bill allowing compensation payments in cash for the ex-PACs.

Berger met with ex-PAC leaders again on March 7 to discuss forms of compensation and a new bill that would establish cash indemnification. Ex-PAC leaders feel that such a bill should be approved by the Constitutional Court before discussion begins in Congress to avoid a third annulment by the country’s highest court.

**More Graves Found than Reported in CEH**

**2/28/05** - A total of forty-five clandestine graves with around 607 skeletal remains were exhumed by the Guatemalan Foundation of Forensic Anthropology (FAFG) in Rabinal, Baja Verapaz. This number surpasses the twenty locations of mass murders that were accounted for in the report issued by the Commission for Historic Clarification (CEH) in 1998.

Alan Robinson, director of the foundation, stated that similar discrepancies existed in areas including Zacualpa, Quiché, San Martín Jilotepeque, and San José Poaquil, in Chimaltenango, where the number of clandestine graves surpassed those reported by the truth commission. According to anthropologist José Soasnávar, as many as fifty percent of mass graves are not recorded in the CEH, most of which are located in Quiché, Chimaltenango, Alta Verapaz, and Baja Verapaz.

In order to explain the difference between the numbers in the forensic findings and the CEH report, Magdalena Sara, a member of the National Coordinating Committee of Guatemalan Widows (CONAVIGUA), stated that at the time of the CEH report, the campesinos were still afraid to reveal information about the sites of the massacres. She added that during the exhumations, which were conducted by the FAFG, the Public Prosecutor’s Office, and CONAVIGUA, some family members that came to identify the bodies of the victims took advantage of the opportunity to make new accusations and reveal additional sites, which they had previously kept silent.

Exhumation work is currently being carried out in Xecoxol, Chimaltenango, fifty miles west of Guatemala City, said Everarda Tista, head of CONAVIGUA. Tista said that workers expect to find the remains of eight people killed in a mass slaughter in late December 1981.

Work is to start on March 1 in San Martin Jilotepeque, Chimaltenango where investigators expect to find the remains of twenty victims killed in an April 1982 massacre.

**Mayor, Accused of Aggression, Set Free**

**3/4/05** - Citizens of Chiquimulilla, Santa Rosa, were outraged when their mayor, José Baruc Valle Morales of the National Unity of Hope (UNE), was freed from police custody despite the fact that he was accused of shooting rancher Luis Quinteros six times for parking his vehicle...
against traffic. In court, Valle claimed that as a government official he had the right of protection (antejuicio) and was set free until more of a case can be built against the mayor.

PEACE ACCORDS

Bill to Install OHCHR Sent to Congress
3/11/05 - A bill, which seeks the approval of an agreement between the United Nations Office of the High Commissioner for Human Rights (OHCHR) and the Guatemalan government for the installation of a special human rights office in Guatemala, was sent to Congress on March 10. The proposal was sent to Congress by vice-president Eduardo Stein and was later forwarded to the Foreign Relations Commission for examination and judgment. This is the second attempt by the Government and the United Nations to get the bill passed to create this office.

OTHER INFORMATION

US Grants $3.2 Million to Guatemalan Military
3/9/05 - The Guatemalan army received more than three million dollars from the United States Embassy as part of the aid package for military assistance granted to Guatemala by the US Government. US ambassador John Hamilton and Guatemalan president Óscar Berger met on March 7 to make the US aid package official. The military assistance will be used to “modernize” the Guatemalan army.

The Military Assistance Program (MAP), in accordance with the proposal for the use of funds, will provide equipment valuing $3.2 million. Cash assistance will not be provided. The US embassy reported that among the objectives of the aid are the provision of non-deadly weapons and the strengthening of the ability of Guatemala to carry out US anti-drug operations.

US Department of State Releases HR Report
3/2/05 - On February 28, the US Department of State (DOS) released its annual report on human rights practices. In the case of Guatemala, the report provides evidence to the crucial issues of security and justice that the Guatemalan government must resolve.

The introduction of the document provides an overview of the social-economic and political situation in the country. The report highlighted the disparity in income distribution, the pervasive poverty, especially among indigenous communities, and the skewed distribution of land, noting that one percent of farms consisted of more than one-third of all cultivated land. Furthermore, unemployment and underemployment reached eighteen percent, and seventy percent of the population was employed in the informal sector.

According to the DOS report, the Guatemalan Government generally respected the human rights of its citizens; however, its contents revealed the National Civil Police (PNC) to be the worst human rights violator in the country. The report indicates that there were credible reports about homicides by members of the PNC and participation of members of the PNC in kidnaping for ransom. According to the report, “security forces tortured, abused, and mistreated suspects and detainees.”

The accusations implicated the use of excessive force during police operations, along with harassment and arbitrary imprisonment. PNC officers “failed to satisfy legal requisites, particularly with minors and suspected gang members,” stating that, “Suspected gang members sometimes were imprisoned without charges or with false drug charges.”

The report emphasized the problem of police corruption and impunity, reflecting the participation of individual agents in criminal activities such as rape, murders, and kidnaping. In August, the United Nations reported that “social cleansing” continues to occur in Guatemala. Instead of bringing their officials to justice, the PNC often transfers them to other parts of the country.

The report states that the conditions of prisons remained harsh. The prison system continues to suffer from a severe lack of resources in the areas of security and medical facilities. Arbitrary arrest and lengthy pre-trial detention were serious problems, as well as the use of intimidation and corruption among judges and other government officials.

The document also brought attention to the fact that “in most cases, the prosecutorial and judicial systems did not ensure full and timely investigations, fair trials, or due process.” Evidence of the weak investigative system was cited in the fact that less than three percent of homicide cases in the country were actually resolved. The report acknowledges the complete lack of development in important cases such as the 2002 shoot-out between members of the Criminal Investigative Service of the PNC and military intelligence personnel, political assassinations,
and homicides of both national and international importance from previous years.

Intimidation and threats against human rights defenders, journalists, and justice workers remain a serious problem in Guatemala. The National Movement for Human Rights, which records cases of intimidation against human rights activists and journalists, reported 122 threats and break-ins in 2004. Cases of witness intimidation are also implicated. Although there were no reports of politically motivated disappearances, “there were credible allegations of police involvement in kidnapping for ransom.”

Méndez Herbruger Implemented Intelligence System in Congress
3/7/05 - Since Jorge Méndez Herbruger was instated as President of Congress on January 14, 2004, Congressional representatives and journalists are being monitored by a group of military officers dedicated to spying on even their most minimal of movements. Telephone calls, any sort of conversation, and all the interviews that the Congressional representatives give to reporters are being listened to by individuals appointed by Méndez.

The goal of the group, which is lead by military officer Carlos Eddie Radford Bonilla, is to find out and distill all the information that circulates in parliamentary cliques in order to transfer this information to Méndez. In a corridor that is only accessible by representatives and journalists, a member of this group can always be found listening to conversations and recording what they hear. No information has been disclosed regarding the monthly expenditures of this intelligence apparatus installed by the new president of Congress.

Nineth Montenegro, a representative from the New Nation Alliance (ANN), stated that an institution that aspires to be democratic, such as the Congress, should not be monitored by military agents.

Police and Army Form Rapid Response Unit
3/8/05 - The military and police force has created a rapid response unit composed of 512 police officers and 500 soldiers. According to Minister of the Interior Carlos Vielmann, the idea is to have a security force ready when problematic situations arise, without having to exhaust personnel from various municipal police station or military barracks.

Human rights groups are concerned that this force will be used to quash dissenting civil voices in issues such as land or economic rights.

RESOURCES


The following can be ordered at www.routledge-ny.com:


Charles W. Golden and Greg Borgstede, eds. *Continuities and Changes in Maya Archaeology: Perspectives at the Millennium*. Hardback $90.95.


LAST WORD

Six Youth Found Via Website
3/7/05 - At least six youth have been recovered since a child rights group, Casa Alianza, launched a webpage to register missing persons. According to Casa Alianza’s director, Arturo Echeverría, since the site was made public, six of the twenty-nine cases that the youth advocacy group was investigating have been resolved.
The Guatemala Human Rights Commission/USA, based in Washington D.C., has been on the forefront of the struggle for peace and human rights in Guatemala since it was founded in 1982. GHRC/USA is a nonprofit, nonpartisan, humanitarian organization committed to monitoring, documenting and reporting on the human rights situation in Guatemala while advocating for victims of human rights violations.

Information in the Update that is not gathered directly is culled from various sources including: the Guatemalan Human Rights Commission, Casa Alianza, Amnesty International, Associated Press, Reuters and the Guatemalan Press, including Cerigua, La Cuerda, Incidencia Democrática, Prensa Libre, La Hora, Guatemala Hoy, Siglo Veintuno, and Patrullaje Informativo.

*Dates written before the text indicate when the incidents were reported.

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