



Guatemala Human Rights **UPDATE**

Guatemala Human Rights Commission/USA

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DEATH THREATS AND OTHER INTIMIDATIONS

Indigenous, Land Rights Leaders Threatened 4/5/05 - CARLOS HUMBERTO GUARQUEZ, prominent member of indigenous rights group the Maya Foundation (FUNDAMAYA), local mayor Dominga Vasquez, and her husband journalist ALFONSO GUARQUEZ, have received death threats in an apparent effort to intimidate them into stopping their opposition to expansion of mining in the local area. Their lives are in serious danger.

On March 25, at about 11:45PM, villagers in Tablón near the town of Sololá in western Guatemala alerted the police of a burning vehicle, which had been doused in petrol before being set on fire. The vehicle belonged to FUNDAMAYA and was used by one of the organization's staff, Carlos Humberto Guarquez. Five written death threats directed at Carlos Humberto Guarquez were found around the burning vehicle. One threat stated: "The same will happen to you Mr. Carlos Humberto for interfering in these stupid social issues, tomorrow will be your day to disappear from this world. Every pig eventually gets slaughtered, also Ms. Dominga [Vasquez] and her husband Alfonso Guarquez."

Carlos Humberto Guarquez, Dominga Vasquez, and Alfonso Guarquez are among five indigenous people who have been accused of inciting a protest on January 11, against the transportation of equipment belonging to mining company Montana Exploradora (a subsidiary of the Canadian-US firm Glamis Gold), which owns two gold mining projects in Guatemala. The local governor for the department of Solola presented a complaint to the local Prosecutor's Office, which then filed criminal charges against them in relation to the protest and is continuing its investigations.

FUNDAMAYA forms part of the recently-created coalition National Front against Mining, which campaigns to raise awareness of the potential environmental damage caused by mining and the negative impact on in-

igenous communities living close to mines. Carlos Humberto Guarquez is FUNDAMAYA's representative to the coalition.

Dominga Vasquez received an anonymous threat by telephone on January 5, after speaking out against mining in the area. The caller told her that she would "suffer the consequences for having led [this] ...and be careful with what will happen to you." The threats have been reported to the National Civil Police, the Public Prosecutor's Office, the Human Rights Ombudsman, and the Presidential Commission of the Office of Human Rights (COPREDEH). Her husband, Alfonso Guarquez, who is also the brother of Carlos Humberto Guarquez, is a journalist for the national information service Cerigua and has reported on local opposition to mining. (See UPDATES Vol 17 Nos 2 and 3.)

FUNDAMENTAL VIOLATIONS

Retired Colonel Killed, Robbery Not a Motive 4/13/05 - Retired Colonel CARLOS AUGUSTO MARTÍNEZ ZETINA, sixty-seven, was shot and killed on April 12 in his home in a residential area Guatemala City, according to the local volunteer fire department. The National Civil Police (PNC) indicated that he tried to defend himself as the attackers fired at him although they took nothing from the house. Witnesses stated that the unknown attackers waited on Martínez to enter his residence in the pickup truck he was driving then rushed in immediately after him.

RIGHTS OF THE CHILD

2004: More than 400 Youth Murdered 4/13/05 - According to statistics gathered by the Archbishop's Human Rights Office, over 400 youth, between the ages of twelve and seventeen, were violently murdered in 2004. Reports reveal that the majority of the

murders were of an extremely violent nature involving torture and mutilation of the victims.

INDIGENOUS RIGHTS

Menchú Wins Discrimination Case

4/5/05 - On April 5, Rigoberta Menchú, Nobel Prize laureate and an indigenous rights leader in Guatemala, won a landmark decision in court, marking the first court case concerning racial discrimination in the history of Guatemala. Five Guatemalans, all members of Ríos Montt's Guatemalan Republican Front (FRG) party, were convicted of shouting racially-abusive slurs at Menchú and other activists in the Constitutional Court in Guatemala City on October 9, 2003. Demonstrators were protesting a ruling by Guatemala's top tribunal allowing former dictator Efraín Ríos Montt's candidacy in the then upcoming Guatemalan presidential elections.

The five convicted members of the FRG party, one of whom is Ríos Montt's grandson, Juan Carlos Ríos, were each sentenced to three years and two months in prison for threatening Menchú and her supporters with racial slurs. "Go back to the market and sell tomatoes you Indian," the five FRG supporters, who were caught on videotape, yelled at her on the steps of the Constitutional Court.

Besides the three years in prison, those convicted will also have to pay fines of \$400 each; however, their prison time may be substituted by paying just under \$10 a day for each of the 1,115 days of the sentence.

Menchú called the verdict "marvelous" and said, "today we experienced something great that we can tell our children, that nobody should discriminate against anybody else, that nobody should offend the dignity of anybody else just because they speak another language or come from another part of the country."

The five FRG supporters declined to comment, but the defense stated that it would appeal after analyzing the sentence. In addition to Carlos Ríos, Ana Cristina López Kestler, Mirna Orellana Ruano, Enma Samayoa Robles, and Elvia Morales de López were also convicted. Mayan indigenous groups, who make up over half of Guatemala's population, have long been targets of discrimination and human rights abuses in Guatemala. During the thirty-six year civil war, 83 percent of all human rights violations were directed at indigenous populations leading the UN in its truth report to accuse the military of

acts of genocide.

Mayan Defense against Changes to FODIGUA

4/5/05 - The Mayan Defense placed an injunction in the Constitutional Court to annul government accord 32-2005, which modifies the structure of the Guatemalan Indigenous Development Fund (FODIGUA). According to the Mayan Defense, the reform by the government defies the spirit of the Fund and removes it from the hands of the indigenous people. "FODIGUA was born from the long fight of communities and organizations, but the government has thrown it to the ground with this decision," said Francisco Raymundo of the Mayan Defense.

LABOR RIGHTS

2004: Ministry of Labor Reports 12,037 Worker Complaints

4/13/05 - Statistics from the Inspector General of the Ministry of Labor show that in 2004, a total of 12,037 complaints in the Guatemala City metropolitan area were filed including cases of salary withholdings, illegal discounts, denial of work certificates from the Guatemalan Social Security Institute, failure of voucher payments, and unjustified firing. In 2003, there were 11,948 such complaints.

Due to the increase in complaints, authorities are pushing for a project to strengthen Guatemala's labor system, indicated Mario Gordillo, Vice-Minister of Labor. The maquila sector, one of Guatemala's principle economic areas, is the sector in which the majority of the complaints concerning labor rights have been registered. In Guatemala more than 140,000 jobs are held in the textile sector.

"Just this guild alone represents 30 percent [of the complaints]," added Edgar Eduardo Sánchez, Sub-Inspector General of Labor in the metropolitan region.

LAND RIGHTS

Families Evicted in Escuintla

4/14/05 - At least 365 families were peacefully evicted on the afternoon of March 12 in the settlement of La Paz II, situated adjacent to a residential zone 4 of the Escuintla, according to the National Civil Police (PNC). The residents of the settlement who were living in twenty-six make-

shift houses made of corrugated tin and wood were surprised by 250 National Civil Police Special Forces agents and offered no resistance upon being evicted, indicated José Antonio Galdamez from the Public Prosecutor's Office.

CULTURAL AND ECONOMIC RIGHTS

CAFTA Protests Continue

4/13/05 - Despite the Guatemalan Congress' passage of the Central American Free Trade Agreement (CAFTA) on March 10, protests have continued. Government repression of anti-CAFTA groups has also continued. On March 31, the Indigenous, Campesino, Union and Popular Movement (MICSP) denounced an alleged government plan, which sought to incarcerate leaders of the movement.

A series of protests occurred on April 1. Unionists began lobbying in Congress to block ratification of proposed Concession Laws, which support privatization of social services, and Land Registry laws, which as written would not allow for the Land Registry to act as an autonomous institution. Outside of Guatemala City, key transit points were blocked in Sololá, Retalhuleu, and Sacatepéquez.

In Guatemala City, Luis Leal, rector of San Carlos University (USAC), and MICSP leaders submitted an injunction to the Constitutional Court, Guatemala's highest tribunal, declaring that the ratification of CAFTA by Congress violated national laws and Convention 169 of the International Labor Organization (ILO). Article 171 of the Constitution, like Convention 169 of the ILO, establishes that indigenous groups must be consulted regarding economic development prior to initiating any activities.

The Unity of Popular and Labor Action (UASP) brought legal proceedings before the Supreme Court of Justice (CSJ) against President Óscar Berger, Minister of the Interior Carlos Vielmann, and Minister of Defense Carlos Aldana for being responsible for the death teacher Juan López Velásquez on March 15 in Los Naranjales, Colotenango, Huehuetenango when government security forces repressed a demonstration against CAFTA.

On April 7, thousands of people participated in another protest against CAFTA, organized by the MICSP. Health care providers congregated outside of the Congressional building demanding that authorities work effi-

ciently for the health of Guatemalans and to increase access to generic drugs. Campesinos and teachers blocked highways in rural areas of Guatemala, objecting to the passage of the Concessions Law. Highways were also blocked in Cumbre de Santa Elena, Baja Verapaz; San Vicente Pacaya, Escuintla; El Zarco, Retalhuleu; and Cuilapa, Santa Rosa.

Later on April 7, the CC ruled that there is nothing unconstitutional about the trade agreement. Ciripriano Soto, president of the CC, was the only CC judge who voted for CAFTA's suspension.

The Guatemalan National Revolutionary Unity (URNG) party sent a public letter to US senators asking them to take into consideration the negative impact CAFTA would have on Central American countries. Chief complaints from the URNG included that the Guatemalan Congress passed the agreement in a private and secretative manner without informing the public beforehand and that there are few protections for workers in Guatemala. In addition, Bishop Ramazzini visited Washington, DC to speak before Congress and be a voice for Guatemalans who oppose the agreement.

Like the North American Free Trade Agreement (NAFTA) passed eleven years ago, CAFTA is being met with criticism in the US Congress. Congressional opponents fear the deal will increase the US trade deficit, put US sugar cane and sugar beet farmers out of business, and result in unfair competition because of lower labor standards in CAFTA countries. Heated debates continue. The House is expected to vote on the measure in May, and a Senate vote will follow.

There may yet be problems for CAFTA further south in Central America. Although El Salvador and Honduras have already ratified CAFTA, Nicaragua's opposition Frente Sandinista de Liberación Nacional, the largest bloc in the national assembly, is opposed to CAFTA. It is also the subject of fierce political debate in Costa Rica. On March 16, foreign trade minister from Costa Rica, Manuel Gonzalez Saenz, ruled out ratification of CAFTA in the immediate future due to pressure from social organizations. The Dominican Republic, a late addition to the CAFTA negotiations, seems likely to approve the agreement.

Social Organizations Criticize Government Spending in First Quarter

4/11/05 - In the second monitoring report, the Social Spending Observation Office, the Coordination of Non-

Governmental Organizations and Cooperatives (CONGCOOP), and the International Human Rights Investigation Center (CIIDH) criticized the Guatemalan government for investing very little in social spending and for decreasing budgetary implementation in the first quarter of 2005 in the Departments of Education, Health, Agriculture, and the Ministry of the Interior.

The report also voiced concern about the poor distribution of funds among State ministries and offices. They believe that this distribution is principally affecting the youth and the indigenous. From January to March, ministries and government offices have only spent 20 percent of their budget, 5 percent less than they ought to have spent at the end of the first trimester.

Regarding the Ministry of Health, the groups criticized the lack of resources that have been allocated to reproductive health programs so far this year.

Edna Calderón, one of the investigators, expressed concern that funds allocated to AIDS prevention programs have yet to be initiated. "If this continues," she stated, "they are risking the lives of youth and the expansion of the epidemic."

HEALTH RIGHTS

HIV Patients Denounce New Trade Laws

3/30/05 - On March 30, dozens of Guatemalan HIV patients, many with paper bags over their heads to protect their identities, protested new US-backed trade rules that they say rob them of access to medicines.

Under pressure from the US, Guatemala approved a new law offering greater protection from cheap competition to drugs marketed by international pharmaceutical firms. Guatemala passed the new rules in early March to facilitate approval of the US-Central America Free Trade Agreement (CAFTA). Companies can now protect drug trial data for five to ten years, slowing the rate at which cheaper generic copies of brand medicines are made.

"If a medicine is protected for five years and it's the one I need to buy, what will happen? I'll die," said Rosa, a protester from eastern Guatemala.

In December, Guatemala relaxed the rules governing generic drugs, but revoked the law amid protest from the US government, which feared CAFTA would not be passed without the support of US legislators favorable to pharmaceutical companies.

"It's outrageous to see a government intervening to that level in a decision of Guatemala especially where a law had been passed with overwhelming majority and signed by the president," said Stephanie Weinberg of aid group Oxfam.

Pharmaceutical companies like Bristol-Myers Squibb, which makes an HIV medicine protected in Guatemala under the new rules, say the changes are needed to protect innovation. "Intellectual property is the fuel of innovation. Having the main protection on your intellectual property and your data exclusivity is important because it gives us the motivation to be innovative," said company spokesman Brian Henry. Of an estimated 80,000 HIV-positive Guatemalans, only 3,600 receive life-prolonging antiretroviral treatment.

JUSTICE AND RECONCILIATION

Ex-Policeman Guilty of Rape and Femicide

4/2/05 - A sentencing court in El Quiché condemned a former agent of the National Civil Police (PNC), Bartolome Teni Cu, for the rape and murder of Oliberta Elizabeth Calel Gómez, a seventeen-year-old female student. He was given fifty years for murder, ten years for rape, and ten more for attempted murder of another student who managed to escape from Teni Cu on May 18, 2004.

Gerardi Case: ODHA Criticized Dismantling of the Prosecutor's Office

4/08/05 - In a press release dated April 8, the Archbishop's Human Rights Office (ODHA) announced that the Special Prosecutor for the Gerardi case from the Public Prosecutor's Office, led by Jorge García Mazariegos, has been dismantled under the alleged internal relocation of the office's personnel. The dismantling of this office will hold up the investigation process into the murder of Bishop Gerardi, one of the most brutal assassinations of recent Guatemalan history.

According to the ODHA, Attorney General Juan Luis Florido is directly responsible for this maneuver, indicating that he took advantage of a moment in which the public was distracted by the death of Pope John Paul II and the fact that Archbishop Rodolfo Cardenal Quezada Toruño was out of the country. In response, ODHA is requesting that the Attorney General return the special prosecutor's office to its previous position.

Mayans Seek Answers to Killing Near Mine

4/5/05 - On April 5, Guatemalan indigenous leaders demanded a full investigation into the fatal shooting in March of a campesino by a security guard from a US gold mining project.

In a paid newspaper advertisement, nearly 200 Mayan mayors demanded a thorough probe and compensation for the death of Alvaro Sánchez, killed in March near US-based Glamis Gold's Marlin property in the San Marcos region. The statement also called for investigations into the killings of other Mayan highlanders in recent clashes with the police.

"Up until now the investigations have stalled and the correct procedures have not been followed," Carlos Garcia, a Mayan mayor in Totonicapan, said by telephone. Glamis Gold acknowledged the security guard shot the campesino, but Marlin project manager Tim Miller said the killing was the result of a personal dispute and was not related to the mine.

The human rights group Rights in Action and Glamis' Miller say it appeared the guard shot Sánchez with a handgun owned by his employer, US security firm Golan Group, which protects the mine.

Local authorities said they have launched an investigation into Sánchez's death but did not give further details. The guard has not been seen since the shooting.

The World Bank-backed Marlin gold and silver mine, due to start production later this year, has met vehement opposition in recent months as it is seen as a symbol of foreign intervention, alleged environmental threat, and danger to the agrarian way of life.

Local criticism peaked in January when a villager was shot dead in the town of San Miguel Ixtahuacan, near the mine, as police and soldiers escorted mining equipment through road blockades set up by Mayan peasant highlanders.

PNC Aggressor Sentenced to One Month Suspension Without Pay

4/12/05 - The disciplinary court of the National Civil Police (PNC) sentenced Boris Mendoza to a one-month suspension without pay for having consented to using aggression against journalists in Nueva Linda on August 31, 2004.

During the violent eviction at the Nueva Linda Farm, journalists Mario Morales and Edward Morales, of the newspapers Nuestro Diario and Guatevisión respectively, were attacked and robbed of their work equip-

ment. Six months later, the disciplinary court of the PNC sentenced Mendoza to a one-month suspension without pay for being responsible for a group of agents.

Verónica Godoy of the Public Security Support and Verification Office stated that, although it is a weak sentence, it is a positive step. It is the first time that an agent has been sentenced for being the head of the group and not the author of the crime.

Suspect in Dos Erres Massacre Implicated in Shredding Documents

4/11/05 - Reyes Collin Gualip, a military officer alleged to have participated in the Dos Erres Massacre, is implicated in the late 2004 shredding of hundreds of military documents. Gualip claims it was a routine task. The Public Prosecutor's Office (MP) has not been able to determine the content of the shredded documents.

PEACE ACCORDS

Montejo Resigns as Peace Secretary

4/12/05 - Victor Montejo, an anthropologist and specialist in indigenous cultures, handed in his resignation as peace secretary on April 11. It will take effect on May 1 when Norma Quixtan, the indigenous governor of Quetzaltenango, will assume the position.

Vice-president Eduardo Stein said that Montejo was leaving the cabinet to move to Congress on President Óscar Berger's request "partly for personal reasons and partly institutional... to add to the indigenous voice in congress." However, it is a strange move for a government which trumpeted his appointment as a sign that it was committed to indigenous rights; Montejo gave the government credibility when it came to talks with indigenous groups.

The position of secretary of peace was created in 1997 to oversee the Peace Accords signed in December 1996.

OTHER INFORMATION

Concern in Europe about Human rights Situation in Guatemala

4/4/05 - Concern over the deterioration of human rights in Guatemala has prompted several European countries to request that the United Nations Commission on Human

Rights pay special attention to the matter in their upcoming international reports. According to Orlando Blanco, director of the International Human Rights Investigation Center (CIIDH), the counties most concerned are Holland, Spain, Austria, and Belgium.

Human Rights Ombudsman's Office (PDH) Reports Deterioration of Human Rights

4/7/05 - At the sixty-first session of the UN Human Rights Commission, Guatemala's Human Rights Ombudsman, Sergio Morales, presented a report detailing the grave human rights situation in Guatemala. The report highlights the deterioration of public security, the high levels of impunity, and the increase in femicide. It also indicates that Guatemala suffers from a serious regression in human development and an increase in poverty. The population suffers from continuous inflation, including rising prices of petroleum based products and electricity. The rate of poverty throughout Guatemala has increased to 56 percent and 82 percent in rural areas.

Other issues that Morales addressed include the exploitation of minerals in several regions of the country, the conditions under which migrant workers live, and the murder of children and youth. He also expressed concern for the high levels of violence. Statistics show that ten to fifteen people are killed every day, while the courts barely investigate 0.5 percent of crimes. Morales added that many of the bodies are found with the "shot of grace" to the head, a tactic commonly used during the internal armed conflict by the military, and implying, according to Morales, "practices of social cleansing."

Government Attempts to Criminalize Demonstrations

4/12/05 - In an attempt to squash political dissent, especially regarding socio-economic issues, the Guatemalan government is attempting to reform Article 397 of the Penal Code, referring to illegal protests. The bill, introduced by Juan Ramon Ponce Guay from the Gran National Alliance coalition, seeks to criminalize acts such as putting up road blocks and detaining people in public places, with sentences of up to two to three years in prison, as well as prosecution of those participating in or organizing these protests.

According to Pascual, a member of the Campesino Unity Committee (CUC), the legislator's attitude demonstrates the government's lack of political will to address social problems. Pascual said that if the bill

passes through Congress, Guatemala's jails would be filled with poor vocal campesinos rather than criminals.

Head of SOUTHCOM Visits Guatemala

4/14/05 - The head of the US Southern Command (SOUTHCOM), John Craddock, visited Guatemala on April 13. In less than three months, Craddock is the second high ranking U.S. official to visit Guatemala. The purpose of the visit, the same as that of Secretary of Defense Donald Rumsfeld on March 24, was "a courtesy." Craddock is participating in a US-Central American military summit and took advantage of the opportunity to meet with Guatemalan President Oscar Berger to discuss the reform of the existing Guatemalan army and the peace missions of special forces participating in Haiti and the Democratic Republic of Congo.

The military officer also spoke with Guatemala Defense Minister Carlos Humberto Aldana of the Guatemalan Army and the Minister of National Defense about the transformation of the Guatemalan army and its present operations.

On being questioned about the bilateral cooperation, he responded that the desire of the United States government was to maintain cooperation with Guatemala in the military field.

Annan Acknowledges MINUGUA's Departure

4/15/05 - In an April 14 statement, UN Secretary-General Kofi Annan said the end of the UN Verification Mission in Guatemala (MINUGUA), means the Guatemalan peace process has "matured into a new and important phase." This new phase, Annan said, allows the Guatemalan people to take fuller responsibility for monitoring and promoting 1996 accords that ended the country's long civil war.

Current and future UN peace-building operations around the world can draw valuable lessons from MINUGUA, said Annan in a report about the mission's work. Besides Guatemala, the United Nations also helped Nicaragua and El Salvador emerge from civil wars, he said.

The US-backed MINUGUA officially closed November 15, 2004, after ten years of verifying human-rights standards and helping the country implement its far-reaching peace accords. The accords ended thirty-six years of conflict that killed an estimated 200,000 people, most of them civilian victims of massacres and Mayan indigenous villagers.



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 Veintiuno, and Patrullaje Informativo. *Dates written before the text indicate when the incidents were reported.

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