



Guatemala Human Rights **UPDATE**

Guatemala Human Rights Commission/USA

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DEATH THREATS AND OTHER INTIMIDATIONS

Judge in Menchú Case Attacked

On August 24, the Guatemalan press reported that unknown persons attacked and robbed the president of the Tenth Criminal Court, Leonel Meza Reyes. Meza sentenced five members of the Guatemalan Republican Front (FRG) for discrimination against Nobel Peace Prize winner Rigoberta Menchú. He also sentenced a former member of the Presidential Security Service, Eduvijes Funes Velásquez, to sixteen years in prison for assaulting newspaper president Jose Rubén Zamora.

The Supreme Court of Justice ordered security for the judge and is currently investigating the incident. Preliminary investigations indicate that members of the tribunal Meza directs had been threatened months beforehand.

HIJOS Member Receives Death Threat

In a communiqué sent out on August 20, the organization Children for Identity and Justice Against Forgetting and Silence (HIJOS) reported that member Francisco Sánchez Méndez received a death threat from an unknown source. Sánchez received the telephone threat at his home within twenty-four hours of returning from the 16th World Festival of Youth and Students in Caracas, Venezuela.

Sánchez was also the victim of an attempted kidnapping on May 7 of this year, only five days after the second break-in to the organization's office. The organization is holding the Guatemalan government responsible by omission for any physical or psychological attack on Sánchez or other HIJOS members.

Sololá Mayor Threatened

On August 9, the indigenous mayor of Sololá, Dominga Vásquez, reported threats and incidents of discrimination directed against her by members of the Departmental Council on Development, an organization

in which Vásquez represents the Kaqchikel people of the region. Vásquez accused Departmental Governor Julio Adalberto Urrea Ruiz and Flavio Jaicom, Pedro Par, Francisco Tambriz and Miguel Tzep, the mayors of San Juan and Santa Clara La Laguna, Santa Catarina Ixtahuacán and Nahualá, respectively, of insulting her and intimidating her. Vásquez says they accused her of inciting the public and labeled her an extremist because of her rejection of the Central American Free Trade Agreement (CAFTA) and mining exploitation in the region.

The Indigenous Defense (DI), with headquarters in Sololá, condemned this situation and argued that the aforementioned authorities did not have the right to make unilateral decisions for the region. According to the head of DI, Santos Mendoza, these attitudes are most harmful to those officials whose image has already been negatively affected by the constant persecution of social leaders.

Mayor of Retalhuleu Threatens Journalists

The mayor of Retalhuleu, María Elena Hidalgo, is accused of intimidating two journalists. The victims, Tranquilino Piedrasanta, director of the news program "Chichicaste" and Marco Polo Villatoro, said that Hidalgo has threatened Piedrasanta with death, putting his life at risk and denying the right to freedom of expression. She had previously closed down their community cultural and news-radio program in retaliation for their criticism of her administration.

JUSTICE AND RECONCILIATION

Government Asks for Pardon for Students' Murders

In August of 1989, eleven members of the Association of University Students (AEU) were abducted. In its conclusions on the case, the Historical Clarification Commission (CEH) confirmed that six of them were tortured and executed. The other five victims remain disappeared.

On August 29, sixteen years later, the Presidential Human Rights Commission (COPREDEH) held a ceremony to recognize the state's role in the disappearances and murders and to publicly honor the victims. This public recognition was negotiated between the government and the relatives of the victims after the families brought the case to the Inter-American Commission on Human Rights (ICDH).

Mario Polanco, director of the Mutual Support Group (GAM), emphasized that asking forgiveness is not enough. The survivors are demanding justice and compensation as well. GAM hopes that, together with the relatives, they will be able to take the case to the Spanish justice system.

State Recognizes Responsibility in Murder

COPREDEH also held an event in Sacapulas, Quiché to internationally recognize the state's role in the murder of María Mejía. According to a communiqué from COPREDEH, military commissioners extrajudicially executed María Mejía on March 17, 1990. Her husband, Pedro Castro Tojín, was also assaulted and a number of her relatives suffered intimidation for refusing to participate in the civil defense patrols (PACs).

The information available suggests that at that time, Mejía was an activist who continuously spoke out against participation in the PACs. She suffered threats and harassment by patrolmen and military commissioners before she was murdered. Mejía was recognized in her community for her work on the Council of Ethnic Communities "Runujel Junam" and the National Coordinating Committee of Guatemalan Widows (CONAVIGUA).

A group of thirty-nine residents of the Sacapulas community of Paraxtut, led by Mejías relatives, had initiated negotiations with the Center for International Justice and Law (CEJIL) and Inter-American Commission on Human Rights. In 1996, the Commission recommended that the Guatemalan state promptly investigate the case and compensate the victims.

PDH Opens Exhibit on Exhumations

The regional representative of the Human Rights Procurator's Office (PDH) in Baja Verapaz opened the first forum and photographic exhibition on exhumations. The event took place August 15-17 in the municipal hall, with students, local government representatives, and

education officials present. Guillermo Muñoz, the PDH representative in Baja Verapaz, stated that the program aims to fulfill the recommendations of the Historical Clarification Commission, specifically to expose the students to relevant historical information. He also noted that this activity had the support of the Guatemalan Forensic Anthropology Foundation.

Landmine Deactivation Advances

The president of the Commission on Peace and Landmine Deactivation, Víctor Manuel Sales Ortíz, reported that members of the commission visited various communities in the Petén in order to learn about the advances of the landmine deactivation program. The program is currently operating in areas affected by the internal armed conflict. The technical team has discovered explosives left by the former guerrillas and the army in the municipalities of Flores, la Libertad, Santa Ana, Poptum, Santa Elena and Dolores. They are currently deactivating landmines in Sayaxché. On the basis of the report, the president predicts that landmine deactivation will conclude in September. The numbers currently exceed sixty explosive devices, including hand grenades and explosives of 40 to 81 millimeters; and 105 and 500 pounds. They also found a cache with remains of mines inside.

The teams will conclude their work in Chimaltenango, Sololá, Sacatepéquez and Escuintla in December. They will then declare Guatemala free of landmines.

PNR Opens Regional Offices

This month, the National Reparations Program (PNR) began the process of registering the victims of the internal armed conflict in the departments with the highest rates of human rights violations and affected populations. According to the director of the PNR, Fernando Cabrera, the program will begin work this month in Huehuetenango, Chimaltenango, Quiché, and Alta and Baja Verapaz. At the end of September, the program will extend into Zacapa, Petén, Sololá and San Marcos. The first phase will focus on collective reparations, including cultural restoration and public recognition of the victims.

Hundreds Attend Opening in Quiché

With the attendance of hundreds of people, the majority women, the regional headquarters of the National Reparations Program (PNR) was inaugurated

in Santa Cruz del Quiché. Rosalina Tuyuc, president of the PNR, reported that the next step will be the economic compensation of survivors and relatives of the victims, which she hopes will begin within the next two months. She pointed out that the survivors are still demanding justice against those responsible. Quiché was one of the areas most affected by the internal armed conflict. Sixty percent of the war's victims were originally from that region.

PEACE ACCORDS

PDH to Observe Peace Accords

Representatives of human rights institutions and the Human Rights Procurator's Office set up an Advisory Observatory for the Peace Accords, which seeks to evaluate their fulfillment and highlight the deficiencies in their execution.

The ambassador of Holland in Guatemala, Bea Ten Tusschar, reported that her government remains open to financing projects in Guatemala. Holland recently agreed to provide twelve million euros over the next four years, to ensure the continuing work of human rights organizations in the country.

New Decree on the Peace Accords

In a symbolic act, Vice President Eduardo Stein, President of Congress Jorge Méndez Herbruger, and congressional representative Pablo Monsanto, a former commandant of the Guatemalan National Revolutionary Union, all signed the decree of the Framework Law of the Peace Accords. Stein recognized that Guatemala has many deficiencies in the area. He believes the law will permit the government to speed up some processes laid out in the Peace Accords, particularly those that pertain to the executive branch, the indigenous agenda, and rural development.

Indigenous Leaders Express Concern

During the National Assembly Negotiations, the indigenous communities of Totonicapán and Quetzaltenango expressed concern over the lack of progress on the Peace Accords and demanded that the government expedite their implementation. During the event held in Retalhuleu, the representative from this department argued that the Peace Accords have suffered serious setbacks during Óscar Berger's administration.

INDIGENOUS RIGHTS

UNICEF Pleads for Rights of Indigenous Children

The Ibero-American Meeting on Indigenous Children's Rights, coordinated by the United Nations Children's Fund (UNICEF), was held in Madrid, Spain from July 7-8. The indigenous adolescents in attendance represented seventeen Latin American countries. On August 8, UNICEF recommended that the Guatemalan government implement public policies that focus on the development of indigenous children. UNICEF emphasized that indigenous children currently suffer from discrimination, exclusion and the continual violation of their rights.

LAND RIGHTS

Extrajudicial Eviction in Quiché

Acting without an eviction order, soldiers destroyed the homes of ten families that were located on the boundary of the closed military base in Santa Cruz del Quiché. A group of fifteen soldiers acted under the command of an official who would not identify himself and declined to comment. An extension of the Adolfo V. Hall Institute of the Xatinap community currently uses the base.

The conflict started weeks ago when military personnel declared the land was property of the military institution. The affected families maintain that the land belongs to them and that they have the papers to support their claims. One community member mentioned that they had tried to keep the military from taking their land in the 1980s.

The community members sought the help of the Human Rights Procurator's Office (PDH) and other social organizations, after attempts to meet with the Military Institute failed.

Ricardo Raúl Rodríguez, of the PDH, pointed out that dismantling the houses was an illegal act, one not backed by a judicial order. He commented that the best way to resolve the problem is through judicial means, as both groups claim the property.

Conflict Resolved on Baja Verapaz Finca

On August 17, the campesinos who live and work on Chiva *finca* (plantation) in Salamá, Baja Verapaz held four engineers and an administrator hostage as a means

to pressure the owner, Juan Mines, to allow them to buy parcels of land.

A commission, which included representatives from the regional Human Rights Procurator's Office (PDH), the government land fund (FONTIERRAS), and the departmental government, negotiated and resolved the conflict. The campesinos asked the owner to sell them the plots through FONTIERRAS instead of converting the land into smaller properties as he had intended.

Mining Agreement Reached

The government, the Catholic Church, and various ecological organizations reached a preliminary agreement on governing conditions for mining exploitation. The document states that the government must consult the communities that will be affected by the mining operations. The consultations should be held through the Council of Rural and Urban Development and the decision of those communities must be respected. In addition, the corporations that are authorized to carry out mining activities must adhere to a strict code of environmental practices in order to protect the ecosystem and the health of the residents. The agreement also requests that Congress declare a moratorium on exploration.

On August 23, both Bishop Álvaro Ramazzini and the Minister of Energy and Mines, Luis Ortiz, stressed that the agreement was satisfactory, although it had to be sent to the executive branch for approval.

CSJ Establishes Agrarian Tribunals

The Supreme Court of Justice will establish seven agrarian tribunals at a cost of 700 million quetzales. Because the court currently lacks sufficient resources to create the tribunals, it is requesting support from the Minister of Public Finances. The locations of the tribunals are tentatively planned for the departments of Guatemala, Alta Verapaz, Izabal, Petén, Retalhuleu, Jalapa, and another yet to be determined. The court will also increase the number of mediation centers to resolve land conflicts. Twenty-five currently function in the country under the leadership of experts in the field.

IMMIGRANT RIGHTS

SPLC Sues US Forestry Companies

The Southern Poverty Law Center's Immigrant Justice Project (IJP) has filed three class-action lawsuits

on behalf of about 2,000 migrant farm workers from Mexico and Guatemala. Three major forestry companies, Eller & Sons Trees Inc., Alpha Trees Series LLC and Express Forestry, are charged with exploiting the workers, most of whom traveled to the US with temporary H-2B work visas. The IJP maintains that the campesinos are not paid the minimum wage and work up to seventy hours a week without overtime pay. The workers assert that their employers have not abided by their contract.

US Officials Address Human Trafficking

In recent months, the Lee County Sheriff's Office has discovered the trafficking of Central Americans, the majority of whom originated in Guatemala. In order to address the issue, officials from the Attorney General's Office and the Sheriff's Department plan to meet with their counterparts in Guatemala. While in Guatemala, the team will consult local authorities and lobby Guatemalan members of congress for stronger laws against human trafficking.

Immigrants Demand Fulfillment of Promises

According to Juan García of Immigrants in Action, more than 400,000 Guatemalans remain without legal protection in the United States. He represented over 150 immigrant organizations during a conference on regional migration organized by the Central American Parliament (PARLACEN). He noted that, since September 11, repressive measures have increased while government promises have remained unfulfilled. Demands mentioned by the organizations include legal consultation, inter-institutional coordination, a secretariat of migrants in the United States, and the right of immigrants living abroad to vote in their countries' elections.

CASE UPDATES

Convicted in Gerardi Case Seek Annulment

The three men sentenced to twenty years in prison for complicity in the assassination of Monsignor Juan José Gerardi sought to annul the sentence handed down by the Second Court of Appeals on March 2. In a hearing before the Supreme Court of Justice, the defense lawyers argued that the evidence used to condemn the three men was based on the statement of a witness – Rubén Chanax Sontay – who lied on five occasions. The Public

Prosecutor's Office and the Archbishop's Office on Human Rights asked that the court uphold the March 22 sentence.

Mayor Stripped of Immunity

The Appeals Court of Quetzaltenango stripped Octavio Osorio Monjarás, mayor of Cuilco, Huehuetenango, of immunity. He is accused of participating in the riots organized by the Guatemalan Republican Front on July 24 and 25 of 2003. The prosecuting attorney, Walter Robles, is requesting an arrest warrant for abuse of authority and premeditated murder.

Funds Received from Taiwan Investigated

President Óscar Berger announced that Guatemala's Foreign Secretary to Taiwan will ask the government of Taiwan for a report on the money sent to former president Alfonso Portillo. Three checks received by Portillo from the government of Taiwan, amounting to \$1.5 million, were intended for educational projects but may never have reached their destination. Berger's administration has requested a report instead of actual copies of the checks, in deference to Taiwan's sovereignty.

OTHER INFORMATION

Gang Violence Erupts in Prisons

On August 15, violence broke out between members of the rival gangs Mara Salvatrucha and Mara 18 in various prisons and detention centers throughout the country. The first riot broke out in Comisaría 31, also called El Hoyón, in Escuintla, where eighteen died in the fighting. In total, thirty-five prisoners died in five prisons and three minors died in one juvenile correction center during the violence. Over eighty were injured. The majority were members of Mara 18. According to prisoners' statements, nine members of Mara Salvatrucha imprisoned in Comisaría 31 initiated the aggression against members of Mara 18, breaking a truce that had existed between the two groups.

Complicity of Authorities Under Investigation

According to analysts such as Alejandro Rodríguez of the Comparative Studies Institute, it is clear that the riots were planned with the support of Penitentiary System employees to favor the Salvatrucha gang. A criminal investigation of chiefs, guards, and other penitentiary center personnel was announced on August

16 by Francisco de la Peña, General Director of the Penitentiary System. "People who occupy any position are subject to investigation because it is necessary to determine if they are responsible by action or omission," he said. The Ministry of the Interior is also investigating two or three guards accused of facilitating the entry of weapons and grenades into Comisaría 31 in Escuintla.

Vice President Eduardo Stein admitted on August 18 that he had received information before the riots. Stein said he believed the violence was planned outside of the penal centers, beyond the organization of the gangs. He added that the gang members could have had the support of organized crime, and that the Ministry of the Interior was investigating the possibility.

Officials Fear Revenge on the Streets

The twenty-two gang members of Mara 18 who were hospitalized after the riots warned that the deaths of other members would not go unpunished. "Members of the Salvatrucha gang broke the pact [of no aggression called El Sur], and now they should pay the consequences," said one of them. "We know who they were, and our vengeance will begin with their relatives and will continue with them," warned another.

Faced with the possibility of further violence, the Minister of the Interior, Carlos Vielmann, prepared by mobilizing all security forces and identifying potential conflict areas throughout the country. Vielmann reported that there is some suspicion that Mara Salvatrucha could receive support from gang members in El Salvador and Honduras. The government plans to seek help from gang rehabilitation professionals to promote a truce, at least inside the prisons.

IEC Seeks Protection for Gang Members

The Comparative Studies Institute asked that the Inter-American Commission on Human Rights (CIDH) grant protective measures to imprisoned gang members. Alejandro Rodríguez, of the Comparative Studies Institute, explained that the measures were requested after the riots on August 15. He noted that state agents—penitentiary guards—were the ones who brought the weapons into the prisons.

In 2003, the CIDH ordered the Guatemalan government to take protective measures on behalf of gang members, given the overcrowded and degrading conditions in prisons.

One-fifth of Police Commit Crimes

The director of the National Civil Police (PNC), Edwin Sperisen, announced that one in every five PNC agents is involved in illicit activities. Sperisen said that the low salary could be one factor that contributes to corruption, although he added that those who commit crimes do so by nature.

1,897 Femicides, Only Five Solved

On August 22, the Association of Survivors and Relatives of Victims of Violence Against Women presented its campaign to encourage Guatemalans to demand justice in cases of violence against women. Of the 1,897 murders of women reported between January 2001 and July 2005, only five have been solved. The campaign urges Guatemalans to report incidents and monitor their reports, in spite of slow judicial processes. According to María Elena Peralta, a member of the association and the sister of a murdered university student, the intention is to pressure the state for improved security for women and for respect for life in general. The association will distribute posters and pamphlets in seven languages, six of them Mayan, which call on the population to fight for the investigation of these cases and the prosecution of those responsible.

Rates of Violence Remain High

The most recent survey by CID/Gallup revealed that crime is the principal problem identified by Guatemalans. Two in every five homes in Guatemala City have a member who has been a victim of crime in the last four months; at the national level the rate is one in every four homes. Unfortunately, the current rate is within the norm that reached its height in December 2004 and had its lowest point in July 2003.

According to the survey, unemployment (at thirty-one percent), the economy (at twenty-six percent), and the high cost of living (at nineteen percent) are the other primary concerns. Corruption occupies the fifth place, with fifteen percent.

Violent Murders of Youth Increase

According to data from Casa Alianza obtained in the morgues of the judiciary, 160 men and women, the majority minors under age eighteen, were violently killed in the first half of this year. The cause of death varied,

including head injuries, asphyxiation, knife wounds, and decapitation. The majority were killed with firearms. More than half of the victims were from marginal areas of the department of Guatemala and the municipality of Amatitlán.

Approximately 103 deaths were registered in 2004 between January and May, while this year the number has increased by forty percent. Claudia Rivera, of Casa Alianza, said that these murders are the product of social cleansing orchestrated by organized crime and some residents.

Rivera argues that certain media sources use gory images to dehumanize the youth and encourage the public's prejudices against the victims, the majority of whom have tattoos on various parts of their body. She said that the authorities should investigate the incidents and prosecute those responsible.

US Suspects Kaibiles on the Border

The *San Antonio Express News* reported that the US government suspects a group of former kaibiles—an elite Guatemalan commando unit trained in counterinsurgency tactics—of collaborating with one of the most notorious Mexican drug cartels. According to the Texas newspaper, the Homeland Security Department has warned South Texas law enforcement officers, particularly the Border Patrol, that a group of thirty former kaibiles may be training an armed paramilitary branch of the Gulf Cartel, known as the Zetas, on a ranch south of McAllen. As of yet, these suspicions remain unsubstantiated.

The Guatemalan Minister of Defense, Carlos Aldana Villanueva, and the Director of the Army Information Department, Jorge Antonio Ortega, reject the idea that the alleged operations are connected to the state. On the other hand, Aldana does not rule out the possibility that some Guatemalans could be collaborating with the Mexican drug cartels.

Police Archives Found

The regional representative for human rights in Rabinal, Baja Verapaz, has reportedly found archives belonging to the disbanded National Police, in poor condition in the municipal prison. Records like these could be used to compile lists of victims of the internal

armed conflict. Rabinal, San Miguel Chicaj, and Cubulco were the regions with the highest rates of disappearances.

House Arrest Redefined for Ríos Montt

Being under house arrest will not prevent the leader of the Guatemalan Republican Front (FRG), former dictator Efraín Ríos Montt, from visiting his bases in other regions of the country. After Judge Victor Hugo Herrera granted him permission to leave the department of Guatemala for twenty days, Ríos Montt began to meet with his departmental and municipal secretaries. He has already traveled through Escuintla, Suchitepéquez, and Huehuetenango and plans to visit the eastern part of the country as well. Zury Ríos, his daughter, said that the time will be used to hold seminars and swear in officials who will train the bases. The FRG leaders do not hide the fact that these visits are part of the party's strategy for the 2007 elections.

Walter Robles, a lawyer in the case on the FRG riots of July 24 and 25 of 2003, has appealed the judge's decision. Robles argues that the decision violates the law and that those under house arrest should remain at home.

Roosevelt Hospital Workers Strike

Surgical operations and out patient services were suspended at Roosevelt Hospital from August 18-23. The resident doctors and specialists were demanding recovery rooms in the adult, pediatric and gynecology units, equipment for the operation rooms, higher salaries for surgeons, and more anesthesiologists on staff. Services were resumed after negotiations in which the Ministry of Health met some of the hospital workers' demands.

AMQ Protests Law of Concessions

On August 8, hundreds of teachers in Quetzaltenango protested the Law of Concessions in an effort to convince Congress to reject the bill. The protestors, with the support of campesinos and union members, occupied the highway that connects Quetzaltenango and Guatemala City. According to Mildred Granados, a member of the Teachers' Association of Quetzaltenango (AMQ), the association decided to protest when they discovered that the government was holding a dialogue in a hotel to discuss alternative means to approve the Law of Concessions.

Head of Military High Command Fired

General Juorge Hugo Flores Arana, former head of the Military High Command, was fired and General Francisco Bermúdez Amado assumed his place on September 1. Flores Arana allegedly opposed the joint security operations between the army and the National Civil Police.

Guatemalans Graduate in Cuba

After six years of study and dedication to social service work in nineteen regions of Suchitepéquez, Retalhulehu, and Petén, 150 Guatemalans graduated from the Latin American School of Medicine in La Habana, Cuba. The Minister of Health, Mario Bolaños, and representatives of twenty Latin American and Caribbean countries attended the ceremony. Mario Gudiel, Viceminister of Health, commented that there are bureaucratic and legal barriers preventing the full incorporation of the recent graduates in Guatemala, but he assured them that the government and the University of San Carlos (USAC) will resolve the issue.

The new Guatemalan doctors have committed to serving poor rural communities in need of basic health services, many of them benefiting from the presence of a doctor for the first time.

Government Plans for CAFTA-DR

On August 10, the Minister of the Economy, Marcio Cuevas, announced the government's strategic plan, following the approval of the Central America Free Trade Agreement (CAFTA-DR). Cuevas reported that the ministry will work with small and medium-sized corporations to encourage associations and to ensure that they can increase trade volume. Seminars will be given to enable businessmen to access information electronically. Additionally, they will seek the support of Congress, banks, and the Monetary Junta to facilitate access to loans.

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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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