

# Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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## MAIN FEATURE

### **Police Violently Evict Elderly Hunger Strikers**

On June 19, at about 4:00 A.M., a National Civil Police contingent violently evicted seven elderly people from the entranceway to the Presidential House. The elderly individuals had been on a hunger strike to pressure the Berger administration to respond to their demands for pensions.

According to Telediario [June 21], the eviction was carried out violently. Demonstrator Juventina Morales (77 years old) said the elderly protesters were pressured to get into ambulances sent by the Ministry of Health, which would take them to San Juan de Dios hospital for medical monitoring. Some of those refusing to go were beaten. Ramiro Ortiz (84) said police clubbed him on the back. Delegates of the Human Rights Procurator's Office who are assisting the hunger strikers stated that Ortiz would be taken to see the Red Cross, to assess injuries to his back. Héctor Montenegro, President of the Association of People of the Third Age without Social Support, explained that the hunger strikers had been carrying out a demonstration for three days in front of the Presidential House in support of a group that for has been on a hunger strike for weeks in front of the Constitutional Court. According to Montenegro, around eighty police officer dragged away the seven protesters and forced them into ambulances. Montenegro said some eighty elderly people are continuing to protest outside the Constitutional Court.

According to information received from the National Indigenous and Campesino Coordinating Committee (CONIC), the police were following direct orders from President Oscar Berger. According to CONIC, Oscar Berger said of the eviction, "We comply with the Constitution, and it was an order

by everyone." The Human Rights Procurator's Office stated, "It was an eviction carried out with treachery and advantage. What they did was violate [the protesters'] rights to free assembly and demonstration."

Released from the hospital, the protesters have returned to their hunger strike. This time they plan to expand their demonstration space. Rather than staying on the steps to leading to the Presidential House, they plan to occupy and block 6<sup>th</sup> Avenue and 5<sup>th</sup> Street, in Zone 1 of Guatemala City.

Representatives of the Association of People of the Third Age have presented a habeas corpus petition in the Supreme Court against President Oscar Berger, Interior Minister Carlos Vielmann, and National Civil Police Chief Erwin Sperisen for the eviction.

The hunger strike currently underway represents the first mass hunger strike by Guatemala's elderly citizens. Dozens of elderly people, 60 to 95 years old, began a hunger strike on June 4 outside the Constitutional Court to protest the possible abrogation of a law approved by Congress last November. By June 13, thirty-two elderly people were on hunger strike, and twenty-five had been taken to hospitals with respiratory problems, stomach problems, and diabetes. The legislation in question, the Law of the Older Adult, guarantees a minimum pension for some 100,000 persons older than 65 who lack social coverage and family support. Congress passed the law at the end of last year after months of debate, but almost immediately, President Oscar Berger vetoed it and the Constitutional Court on his request suspended the law. The Court later ordered it valid, but the ruling was then appealed by two lawyers, who purport to be acting on their own. The Court has provisionally accepted the lawyers' appeal, putting the law once again in danger. President Berger says his government lacks

the funds to disburse \$35,000 dollars a year to elderly with the right to a pension. According the United Nations Development Program, average life expectancy in Guatemala is sixty-five years of age, but ninety-seven percent of those who survive this age live in poverty.

## RIGHT TO LIFE AND PERSONAL SECURITY

### **Two URNG Members Killed on Same Day**

The Guatemalan National Revolutionary Union (URNG) announced that in the community of Santa Lucía Cotzumalguapa, department of Escuintla, URNG member Victor Regino was killed while he was plowing a field.

The same day, URNG member and teacher Rosa Dolores Rodríguez was shot dead in the neighborhood of Buenos Aires while she was driving her car to work. According to eyewitnesses, the assailants were two men riding a motorbike.

URNG condemned both killings and demanded an investigation into the murders as well as punishment for the perpetrators. Furthermore, they demanded the return of URNG member Oscar Duarte, who was kidnapped on May 24, 2006 in Ciudad Quetzal, San Juan Sacatepequez.

### **Harassment of Street Children Condemned**

Casa Alianza, an organization that protects children and adolescents, is concerned about a recent increase in the harassment of street children. They presented to the Public Prosecutor's office (MP) a recent case of three street children who were physically and verbally attacked in Zone 1 by a group of soldiers.

Casa Alianza said that the current wave of violence that Guatemala is experiencing has been an excuse for the army forces that were active during the armed conflict to reactivate, violating the Peace Accords and terrorizing the civilian population, particularly street children. Casa Alianza also condemned the actions as "social cleansing" and asserted that the government is also guilty due to the lack of concrete measures that would protect street children.

### **Human Rights Offices Burglarized**

When activists from the Sector de Mujeres arrived at their office on June 6, they discovered that their office had once again been burglarized. Missing items included money, cellular telephones, and a fax machine. The archives were in complete disorder and blood was found near a window and all along the floor. It was the second time the office has been broken into in two weeks, and they consider it an act of intimidation, due to their work for women's rights. Sandra Moran, leader of the organization, said that the cause of robbery could have been the recent comparison the Sector de Mujeres recently made between the latest femicides and those committed by the paramilitary forces during the armed conflict, as both sets of cases show similar patterns such as signs of torture and tied hands and feet.

Sector de Mujeres was originally part of the Civil Society Assembly, founded after the signing of the Peace Accords. The organization has consistently condemned the government's disregard of the accords and is one of the organizations that is urging for a rejection of the Dominican Republic-Central America Free Trade Agreement with the United States (DR-CAFTA).

Also on June 6, the office of National Union of Guatemalan Women in Chimaltenango (UNAMG) was burglarized. According to a statement provided by UNAMG, unknown persons broke into the office at dawn and removed computers containing important information. The burglars also rifled through the desks. Members of UNAMG condemned the acts and expressed a fear of great danger for those who work toward peace, democracy, social justice and gender equity. They demanded that President Berger order the investigation of these cases and guarantee the safety of all Guatemalan citizens.

### **Attacks at Schools Leave Four Dead**

A report from the Human Rights Ombudsman's office announced that gang attacks at schools have left four teachers dead and seventy-five students fearing more attacks. According to the report, the juvenile assailants demanded payments of up to 15 thousand quetzals (\$2 thousand) from the schools, located in Tabloncito, Tecún Umán, Guardia de Honor y Federal, and Villa Nueva. The report indi-

cates that the assailants arrived at the schools just after it was announced that the teachers would be receiving a bonus within the next several days.

The Human Rights Ombudsman, Sergio Morales, said that the students are innocent victims of violence who have been forced to abandon their studies, as they have been removed from school due to continuing threats.

### **Increase in Violence Raises Concern**

The recent emergence of violence throughout Guatemala is a major cause of worry and concern for many organizations. The disregard for human rights, the constant insecurity, and the climate of impunity that prevail in Guatemala have been denounced by national and international actors, as well as the public.

For example, on June 10 and 11, thirty-two corpses were delivered to the morgue in Guatemala City, nine of which were women. In most of cases the victims had been killed by firearms or sharp knives. Only three of the deaths were due to natural causes.

In its 2006 report, Amnesty International stresses that the state of human rights in Guatemala is severe. The report states that although an unprecedented number of women have been killed this year, that the response from the government has continued to be ineffective and inadequate.

The Office of the United Nations High Commissioner for Human Rights has also received complaints of attacks and threats on organizations that work with human rights in Guatemala. These attacks and threats contribute to the sense of fear prevalent in the human rights sector. Many of the affected organizations, as well as some authorities, attribute the attacks to clandestine groups as yet unidentified by investigators. The Commissioner's office pointed out that the Global Agreement on Human Rights recommends that social and institutional sectors also be protected. Accordingly, the Commission continued, it is imperative that the government take immediate actions to implement efficient measures of protection, investigation, and prevention. The UN High Commissioner also stated that impunity is the fundamental cause of the downward spiral of fear that is seizing Guatemalan society, and considers it essential that the authorities assume the responsibility to fight it.

### **Over Four Thousand Cases of Violence Against Indigenous Women in Two Years**

Since 2004, the Defense of Indigenous Women (DEMI) reports that the organization has helped 4,038 indigenous women in across the country. DEMI offers social, psychological, and legal aid to indigenous women whose rights have been violated. The aid is provided in the native language.

According to Norma Sactic, the group's leader, the number of cases has increased from 1,372 in 2004 to 2,006 cases in 2005. In addition, she emphasized that 86% of the cases involved domestic violence, 11% were sexual assaults, and 3% were other forms of discrimination. According to DEMI, Alta Verapaz and Quiché are the departments in which the most cases of domestic violence occur.

Sactic said that DEMI works in Guatemala City, Suchitepéquez, Alta Verapaz, Quiché, Huehuetenango, Quetzaltenango and Petén, as these are places where there is a greater indigenous presence. DEMI was created in 1999 with the goal of promoting and defending the rights of indigenous women.

### **Government Invests Little in Women's Rights**

The Central American Institute of Fiscal Studies (ICEF) announced in a study that the government does not allocate sufficient funds for women's rights. Juan Alberto Fuentes Knight, a representative of ICEF, indicated that scholarships for females are minimal and that spending in this area has been reduced.

Fuentes further explained that the government only invests 2 million quetzals (\$262 thousand) per year to combat violence against women. ICEF's studies also indicate that the government has invested only 2.6 million quetzals (\$340 thousand) in Defense of Indigenous Women (DEMI), the governmental institution for the rights of indigenous women.

## WORKER'S RIGHTS

### **Mining: Labor Improves but Community Problems Remain**

In San Miguel Ixtahuacán, San Marcos, workers and representatives of the Montana Exploratory Company reached an agreement to end the strike that the workers had initiated, Carlos Martinez confirmed. The Human Rights Ombudsman's office (PDH) stated that among the negotiated agreements is a monthly wage increase of 540 quetzals (\$71), which will give the workers a total monthly wage of 2,220 quetzals (\$291). Also included in the agreement is a change in underground tunnel locations, the specification of work regulations, the repair of the highways bordering the Marlin mine, and the reduction of the workweek from seventy-two to forty-four hours.

Community organizations and leaders of the mine workers were scheduled to meet with representatives of the Montana Exploratory Company to discuss fulfillment of the infrastructure projects that the company had promised but did not complete, according to the members of the Community Committees of Development (COCODES). However, no representatives from the mining company appeared for the appointment and it has been rescheduled.

## AGRARIAN CONFLICTS

### **Families Evicted from Finca in Alta Verapaz**

Police agents evicted fifteen families from the finca Santa Inés, of Santa Cruz, Alta Verapaz, where they had been dwelling since 2001. The eviction was carried out under orders from a judge who received a petition from the farm's owners. The Human Rights Ombudsman was present.

Two of the female dwellers, Teresa Rey and Ofelia Caal, were harmed in the forced eviction. The women said that they were made to dismantle their homes and to leave their corn crops. Caal said they did not resist in order to avoid confrontation with the police forces, but that the families do plan to reoccupy the land until a solution is offered from the government, as they currently have no place to live.

## SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

### **Third Encounter of Campesinos Occurs in Quetzaltenango**

The Third Encounter of campesinos was held in the City of Quetzaltenango with the participation of delegations from San Marcos, Huehuetenango, Totonicapán, Quiché. The leaders aim to consolidate the united campesinos front within the five departments for a more unified stance against government authorities when demanding basic rights and necessities.

### **Spending on Social Issues Insufficient**

According to various analysts and deputies who study the expenses of the government budget, the administration of President Oscar Berger has exceeded budgeted spending for operations but failed to spend enough on social programs.

According to Rose Maria de Frade, a government spokeswoman, the cost of operation includes the hiring of police personnel, teachers, and health care workers, which are considered social causes. Nineth Montenegro, of Encounter for Guatemala, maintained that the government has spent less on social causes such as scholarships for children, school lunches, and reproductive health. She added that the Integrated System of Financial Administration (SIAF) only provides 10 million quetzals (\$1.3 million) for school lunches. Although the budget allocates 14 million quetzals (\$1.8 million) for the maintenance of school buildings, the government has only spent 100 thousand quetzals (\$13 thousand) in the first four months of the year.

### **Board of Health and Nutrition to be Implemented**

Almost 20 delegates from various sectors of civil society will work on a Board of Health and Nutrition that was approved on June 2 by the Secretary of Nutritional Safety (SESAN).

This is the second of four groups that the government would like to create, according to a governmental accord from last May. The Commission will include delegates from universities, governmental representatives that work in areas of health and nutrition, and other members of civil society familiar with the subject.

Luis Felipe Polo, adviser to the Vice President, said that the delegates will address issues such as maternal mortality, access to family planning, delivery of nutritional aids, human trafficking, and the promotion of nutritional safety. He added that the boards for indigenous people and for rural development are still pending.

### **Congress Ratifies Two Treaties Needed for DR-CAFTA**

The Guatemalan Congress has ratified two international treaties of the three that the United States required be ratified prior to participation in the Dominican Republic-Central American Trade Agreement (DR-CAFTA).

After months of negotiations, pressure from the business sector, and demands from the US, the American government could finally add Guatemala as the fourth regional partner, after El Salvador, Honduras, and Nicaragua.

The Treaty of Washington, one of the recently ratified treaties, protects patents from countries that are part of the International Union of Cooperation in Patented Matters. Also ratified, the Treaty of Budapest establishes a headquarters for the deposit of microorganisms that are used in the fabrication of medicines. In one of the sessions scheduled for next week, the Legislature will discuss the ratification of the Union for the Protection of Vegetable Varieties that protects the rights of those who invent new vegetable species.

### **Organizations Warn about Possible Food Crisis**

Eleven Guatemalan organizations jointly announced that Guatemala is on the verge of a food crisis due to the government's inaction. Among the organizations are the National Coordination of Non-Governmental Organizations and Cooperatives (CONGCOOP), the International Center on Human Rights Investigations (CIIDH), and the National Coordinator of Campesino Organizations (CNOC).

The organizations are concerned that the country could soon reach grave levels of food shortage, comparable to those seen in Africa. They also stated that, to a considerable degree, this problem is caused by the government's failure to take the political initiative to distribute un-used lands that could be used to cultivate food crops.

This announcement comes six months after the UN Special Rapporteur on the Right to Nourishment, Jean Siegler, stated that the child chronic malnutrition rate in Guatemala is the third highest in the world.

### **Family Planning Law Saved**

The Constitutionality Court (CC) unanimously decided to allow the continued existence of the Law of Family Planning, after resources for the law were temporarily suspended. The National Sexual and Reproductive Health Program will also remain in effect. Suspension of the law, which provides universal access to birth control and widespread information regarding family planning, generated much controversy, particularly from the Catholic churches and other sectors opposed to sexual education.

### **SEPAZ Presents Agenda of Indigenous People in Totonicapán**

Norma Quixtán, of Secretary for Peace (SEPAZ), presented the Public Agenda of Indigenous Peoples to representatives and mayors of 48 towns of Totonicapán in the Quiché language. The objective is to work with the community authorities of Totonicapán to achieve a model of development that will include all indigenous communities. The agenda, which is part of the 1996 peace accords, was previously available in English only.

Quixtán asked the participants to unilaterally support the agenda's short and long-term projects regarding cultural awareness in public services. The attendees of the meeting emphasized that the greatest problems facing the community are health, education and public services. SEPAZ will soon present the agenda in Santiago Atitlán in the native languages of that region.

### **Ministry of Education to Require Course on Values**

In 2007, approximately 63,000 primary school students in Guatemala will be required to take a course on values and citizenship prior to advancing to the next grade. According to the Ministry of Education (MINEDUC), the course aims to promote a better quality of life in and out of the classroom.

## **New Exporting Model Dangerous for Human Rights**

During the international conference “Demands and Justice for Economic, Social, Cultural, and Environmental Rights,” the Guatemalan Human Rights Ombudsman, Sergio Morales, indicated that the country’s new exporting model is inherently opposed to the fundamental rights in Guatemalans.

Morales indicated that the new economic model has transitioned from traditional agrarian exports toward the export of new products, which has done nothing to alleviate agrarian economic problems. If this issue is not solved, the new model would fail to address the pertinent issue of socioeconomic inequality.

The Political Constitution of the Republic and the 1996 Peace Accords both strive to promote socioeconomic, cultural, and environmental rights, but the present economic model in Guatemala has made securing those rights difficult. The situation has become more serious because the promoters and beneficiaries of the exporting model are the ones in control of the businesses. Guatemala is known as a failed state, indicated Morales, and added that modernization has been associated with chronic unemployment and massive internal and international migrations. The economic model has not been able to overcome poverty; on the contrary, there is evidence that poverty has worsened, he concluded.

## **Doctors at Roosevelt Hospital End Strike**

Doctors at Roosevelt Hospital and the Ministry of Health negotiated an agreement to end a strike over a lack of equipment in the hospital’s emergency and critical care center. Surgical necessities such as sutures, bandages, and sterile gloves, for example, had been unavailable for two weeks. The agreement stipulates that equipment will be provided and establishes a pay arrangement for the doctors. Gustavo Batres, director of the hospital, said that services would function as normal by the next week.

## **Remnants of Hurricane Stan**

According to a report issued by Pastoral Diocese of San Marcos and the Presidential Secretary for Planning and Programming (SEGEPLAN), 30% of the population of the department of San Marcos was affected by Hurricane Stan. The report indi-

cates that the damages caused to the campesino economy were estimated at over 2 billion quetzals (\$262 million) including crops, animals, fruit trees, wood, and soil. The damages to infrastructure amounted to over 520 million quetzals (\$68 million), including damage to the water systems, drains, schools, health centers, highways and roads, bridges, homes, and vehicles. According to the report, only 19% of the damages have been fixed to date.

SEGEPLAN, the diocese, and other community members have formed a group to address these issues quickly and efficiently for the affected communities. Among the plans is the reconstruction of forty-five water systems, the cleaning of 185 wells, and the building of 1,600 homes. The estimated cost for these projects is over 10 million quetzals (\$1.3 million).

## **RIGHT TO JUSTICE**

### **Prosecutor’s Office Investigates 200 Policemen**

Approximately 200 policemen who have been accused of abuses, illegal detentions, and corruption are under investigation by the Public Prosecutor’s office (MP).

Several of the policemen have up to five complaints against them for various abuses of the law. Nevertheless, the MP is regularly forced to drop many charges because the victims often withdraw complaints due to threats and intimidation.

### **Congress Decides Not to Commemorate Death of Former President**

Congressional deputies rejected a proposal to conduct a posthumous tribute to former President Fernando Romeo Lucas García, who passed away on May 28 in Venezuela.

Human rights activists had adamantly opposed such a tribute. In their opinion, it would insult the memory of the victims of genocide that occurred during García’s administration.

### **International Jurists Condemn Military Reform Law**

The International Commission of Jurists (CIJ) in Geneva, Switzerland, sent a memorandum to members of Congress suggesting that Guatemala reform its military justice system and that Guate-

mala's military reform law contains conditions that are at odds with the international rules on human rights.

The CIJ argued that the reform initiative allows the creation of a military jurisdiction in which crimes committed by a member of the military would be adjudicated by a military court rather than the civilian court. The CIJ asserted that such a step would be a serious backward movement in the field of human rights because it would remove cases of human rights violations from civilian courts and would increase the chances that crimes would remain unpunished.

## LEGAL UPDATES

### **Court Denies Protection to Ríos Montt**

The First Court of Appeals denied protection requested for Jose Efraín Ríos Montt, former President of Guatemala. An investigation of Ríos Montt is to begin on July 28, regarding his alleged involvement in the deaths of three Spanish priests during his tenure. The investigation is part of a larger effort by Spanish courts to investigate crimes of genocide, torture, forced disappearances, and other crimes committed by members of the Army during Guatemala's internal armed conflict.

Ríos Montt's attorneys argued that Guatemalan judges do not have authority over cases conducted in Spain. However, Judge Saul Alvarez from the First Court of Appeals confirmed that the case will certainly continue. A Spanish judge will be present during these hearings, which will begin with the testimony of eleven witnesses.

### **Two Parties Derail Progress on Important Crime Control Legislation**

Once again, Congress was unable to approve a law that would combat organized crime, considered an urgent issue. Members of the Guatemalan Republican Front (FRG) and the National Advancement Party (PAN) left the meeting in anger, thus breaking the needed quorum. Debate and voting on the law were postponed.

The initiative to create a National Forensic Sciences Institute has also been delayed by the walk-out. The proposed Institute would be in charge of making scientific and independent analyses about forensic matters.

### **Court Upholds Order for Arrest of Former President**

The Third Court of Appeals upheld an order for the arrest of former President Alfonso Portillo, issued last year by the judge of the Fifth Penal Instance, Dinora Benita Morales. Portillo resides in Mexico.

Portillo is accused of embezzling 120 million quetzals (\$15 million) from the Ministry of the Defense, which he allegedly gave to Jose Armando Quito Llorca, president of the bank Crédito Hipotecario Nacional on March 30, 2001. In addition, Portillo had earlier authorized the transfer of the 120 million quetzals from the Ministry of Finances to the Ministry of the Defense. The Public Prosecutor's office accused Portillo of withdrawing funds directly from the state, justifying them as military expenses. The withdrawn funds were never accounted for.

The public prosecutor in the case, Carlos Patrio Rodríguez, announced that the fulfillment of the order will depend on the cooperation of Mexican authorities. Portillo argues that he is immune from extradition proceedings according to a treaty created by the Central American Parliament

## RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

### **Communities Inaccessible Due to Flooding**

More than four thousand families of the villages Las Margaritas, Los Olvidos and Mercedes in San Marcos province were inaccessible due to swellings of the Cabuz River which destroyed the Bailey Bridge that had been installed only a few months prior. Area residents said that the only way to cross the River Cabuz is on foot, but that it is very dangerous and full of slippery rocks.

Marco Vinicio Hernández, mayor of neighboring town Tecún Uman, complained that they have been asking the government to build a more solid bridge for the past eight months, but have not received any answer.



GHRC/USA is a nonprofit, nonpartisan, humanitarian organization committed to monitoring, documenting, and reporting on the human rights situation in Guatemala, while also advocating for survivors of human rights violations.

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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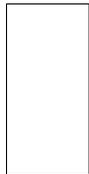
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**Insert: New Threats to Nueva Linda Leaders**

