

Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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RIGHT TO LIFE AND HUMANE TREATMENT

Casa Alianza Denounces Violence Against Children

06.10.2006 Casa Alianza, an organization that promotes children's rights, continues to denounce acts of intimidation and violence directed at children and youth living on the streets in Guatemala.

The organization asserts that joint security forces, consisting of soldiers and police agents, have not halted the rising tide of violence as intended, but have instead been involved in acts of intimidation against children and youth. In December of 2005, the government ordered 1,200 soldiers to participate in police patrols as a means of addressing the rising violence. The number of participating soldiers was increased to 2,600 in April of this year.

Casa Alianza recently filed a complaint with the Public Prosecutor's Office (MP) regarding the case three youths that were attacked by soldiers (see UPDATE Vol 18 No 10). The organization was able to provide the license plate numbers for the accused soldiers' vehicle. Three weeks after the original complaint was filed, the MP had not responded, even though it was confirmed that the license plates on the vehicle belonged to the military. In addition to the continued aggression towards children and youth, a teacher that works with Casa Alianza was also recently threatened by a National Civil Police (PNC) agent.

PDH Reports Abuses by Joint Security Forces

06.13.2006 The Human Rights Ombudsman (PDH) initiated two investigations on abuses against civilians by soldiers in the joint security forces. The PDH has received reports of insults, physical aggression, and inappropriate searches carried out by the soldiers. Ombudsman Sergio Morales said that he personally knows of more cases, but that many people dare not

officially report the abuses. Morales also mentioned that although the soldiers are supposed to support the PNC, they are prohibited from taking part directly in searches.

In its May 2006 report on the human rights situation, the Mutual Support Group (GAM) noted that even though two months have passed since the soldiers joined the police patrols, there has been no reduction in violence or homicides.

Minister of Defense Francisco Bermúdez defended the soldiers, asserting that the army maintains strict control of its members and that they insist on respect for human rights. He further explained that shooting is defined as a last resort in conduct codes.

Rangers Held Hostage in Sierra de Lacandón Park

06.16.2006 The National Council of Protected Areas (CONAP) reported that Second Infantry Captain José Luis Armando Aguilar de León and an agent of the National Office for the Protection of Nature (DIPRONA) were wounded after an armed attack carried out by forty armed persons. The assailants currently occupy land in Arroyo Macabilero, Sierra de Lacandón National Park in Petén. The attack was part of an effort to secure legal rights to the land.

On the morning of the assault, a group of twelve national park rangers accompanied by twenty soldiers, two army officials, and six DIPRONA agents carried out a search after receiving a report of resource damage in the area. Following the armed attack, the group held a number of people hostage. The two injured hostages were later released in exchange for three more park rangers and the DIPRONA inspector. Following negotiations, park rangers Julio Hoil, Manuel Tesucún, Julio España, Wilmer Chi, Antonio Vela, Manuel Caal, Antonio Aguirre and the DIPRONA agent Tomás Mayén were eventually released and evacuated from the area.

Manuel Barquín, governor of Petén, later reported

that the release of the hostages was negotiated in exchange for an agreement to meet with leaders of the Arroyo Macabiler community to determine the viability of granting them legal rights to the land they currently occupy. The governor had earlier mentioned that this might be difficult given that the community is occupying land in a protected area.

NGOs and Institutions Report Rising Violence

06.15.06 In a report on the human rights situation in May of 2006, the Mutual Support Group (GAM) stated that the number of violent deaths increased. According to GAM, the number of murders rose to 313 in May, as compared to the 288 reported in April. GAM's report identified the departments of Guatemala, Jutiapa, Santa Rosa, Quetzaltenango, and Petén as the departments with the highest number of victims. Human Rights Ombudsman Sergio Morales said he has not seen any clear effort to halt the murders on the part of authorities.

In addition to the number of victims, the brutality of the murders is also on the rise. The assistant director of the judiciary morgue, Luis Alvarado, reported that eighty-six corpses showing signs of torture have been registered at the morgue recently. He said that there has been an increase of signs of torture, blows, lacerations, and strangulation on murder victims. Most of the bodies have been found in roadside ditches or car trunks.

The Public Prosecutor for Crimes against Life, Renato Durán, mentioned that sixty percent of the victims had a prior criminal record. He added that although this should be considered, the statistic alone does not prove that a certain group (in this case criminals) are being targeted, as students, policemen, and vendors have also been killed.

ATU Reports 30,200 Bus Assaults So Far This Year

06.11.06 According to the Association of Urban Transportation Providers (ATU), from January to May 2006, there have been 30,200 assaults on buses in different parts of the capital city. An average of two hundred holdups were reported on a daily basis by the ATU. The majority of the holdups was attributed to gang members. Data from the fire department shows that twenty-four people were assassinated during the assaults. The ATU asserts that fourteen of the victims were pilots and assistants, while the other ten were passengers.

The assaults have continued in spite of the Ministry of Interior's recent efforts to curb crime by deploying seventy undercover police agents along the most dangerous urban routes. The police have the responsibility of identifying guilty gang members and countering armed attacks on these routes.

Many of the assaults are never even reported to the authorities. Hugo Soto, head of the Criminal Investigation Division, said that the lack of official complaints filed leads to more robberies. For bus pilot Sergio Toj, however, the assaults are not the result of indifference, but of terror. People are afraid to accuse gang members of crimes because they could be killed in retaliation.

Even when the assaults are reported, arrests and sentences are rare. Police statistics show that sixty-two individuals have been arrested in Guatemala City and eleven have been arrested in other departments, all accused of robbery. The judiciary reports that forty-eight of the persons detained have been released due to lack of probable cause or witnesses.

Lynching Incidents Increase

06.14.2006 Human Rights Ombudsman Sergio Morales reported that lynching incidents have increased this year. Just from January to May of this year, there have been seventeen lynching incidents, in comparison to the fifteen reported for the entire year in 2005.

According to Dr. Morales, impunity leads people to take justice into their own hands. Even though 240,000 crimes are reported, only sixty persons are arrested; of the small percent that are arrested, only one-twentieth of a percent receive sentences. "Guatemala is a paradise for crime," said Dr. Morales, adding that the executive branch must act to guarantee the security that the population so desperately needs.

A report from GAM states that most lynchings take place in indigenous communities and that the practice is largely the result of a culture of violence instilled by the army during the civil war. GAM also emphasized that some evidence suggests that community leaders with ties to the military and paramilitary structures have manipulated other community members and incited lynchings.

WOMEN'S RIGHTS

Article Exonerating Rapists Struck from Penal Code

06.13.2006 The Guatemalan Constitutional Court (CC) ruled in favor of a claim of unconstitutionality filed by the Human Rights Ombudsman's Office (PDH) against article 200 of the Penal Code. This article stipulated that, if a man tried for rape married his victim, he would be completely exonerated for the crime, as long as the victim was older than twelve and the Public Prosecutor's Office (MP) had granted prior approval. The PDH argued before the court that this article was unconstitutional and violated the rights of the victim, diminishing the act of rape to an assault on family honor without considering the victim.

Women Pledge Resistance to DR-CAFTA

06.23.06.2006 During Second Mesoamerican Women's Conference, which took place in Guatemala from the 22nd to the 25th of June, the women of the National Coordinating Committee of Campesino Organizations (CNOO) pledged that they would continue organizing the Guatemalan population in acts of resistance. The women drew particular attention to the Dominican Republic-Central America Free Trade Agreement (DR-CAFTA) and highlighted the negative consequences of the neoliberal policies promoted by the current administration.

The women also said they would develop strategies to promote rural and human development in each region of the country. CNOO emphasized that addressing hunger should be a primary concern for all Guatemalans. To this end the right to food sovereignty and food security should be promoted, as should rural development models that place indigenous and campesino communities at the center.

USAC Reports on Women's Rights in Guatemala

06.23.2006 The Human Rights Institute at the University of San Carlos (USAC) recently released a report on women's rights in Guatemala with the help of the European Union, the Myrna Mack Foundation, the Center for Human Rights Legal Action, and the Defensoría Maya.

The study gathered information about women affected by poverty, wage inequality, violence, and a lack of educational opportunities and political representation. The study notes that the violation of

women's rights in Guatemala is marked by aggression, brutality, and discrimination. Among the most sobering statistics included in the report are the 665 women murdered last year and the lack of female participation in politics; only eight women hold important positions in eighty-three public institutions.

Ana Silvia Monzón, a radio reporter for the Network of Women on the Air, maintained that the state should fulfill treaties that have been ratified and follow through on commitments. She expressed frustration with the lack of progress on the legislative agenda for women and said that it is a shame that almost ten years after the Peace Accords were signed, there is still so little space in which to promote this agenda.

CHILDREN'S RIGHTS

ILO Calls for Elimination of Child Labor

06.12.2006 According to the report "The End of Child Labor: Within Reach" published by the International Labor Organization (ILO), child labor has gradually been reduced in the world over the past few years. In 2004, there were a reported 218 million children working; statistics show an eleven percent decrease in 2005. The ILO also found that 126 million children were working under high-risk conditions in 2004, a number that fell by twenty-six percent in 2005.

The ILO reported significant progress in Latin America and the Caribbean. Among other advances, the number of child workers has decreased by two thirds in the course of the last the four years. Currently only five percent of children work in the region, while in Africa the rates of population growth, HIV/AIDS infection, and child labor continue to rise at an alarming pace. In spite of regional advances, the ILO emphasized that governments should not feel satisfied at this point, since there are still many actions left to take in order to completely eradicate child labor.

Ministry of Labor Vows to Regulate Child Labor

06.13.2006 On June 12, the World Day Against Child Labor, the government of Guatemala announced new efforts to comply with Convention 182 of the International Labor Organization (ILO), in which governments commit to eliminate the worst forms of child labor.

The Minister of Labor announced an agreement

that prohibits certain types of work for minors and imposes penalties for employers that fail to comply with the regulations. The Ministry of Labor stated that the worst forms of child labor include pyrotechnics manufacturing, working blacksmith shops, domestic labor, garbage collection, public transportation, and working at heights greater than 1.8 meters. The Ministry also proposed reforms to the Penal Code that would impose drastic sanctions for those that employ minors under exploitative contracts.

Gangs Threaten Public School in Villa Nueva

06.16.2006 Gang members have continued to intimidate a public school in El Tabloncito, Villa Nueva, threatening to disrupt normal school activities if they do not receive the money they have requested. The school, with about 600 students, already paid 5,000 quetzals (about \$650) to the gang members, with the hope that things would return to normal. Fifteen days later, the threats resumed and the gang members demanded another payment of 10,000 quetzals and set a deadline for payment.

On June 14, the Ministry of Education met with a group of parents whose children attend the school, with the official response that security is not their responsibility. Vice-minister Floridalma Meza told the parents to report incidents and safety concerns to the Minister of the Interior.

Casa Alianza Calls for Regulated Adoptions

06.16.06. The Guatemalan Attorney General's Office (PGN) announced that more than 1,400 adoptions have been authorized so far this year, most of them for foreign countries, primarily the US.

In response to the announcement, Casa Alianza demanded that Congress approve the Adoptions Law, which would further regulate adoptions in Guatemala. Casa Alianza maintains that the law would help prevent adoption from becoming an even more lucrative business.

According to Casa Alianza, the lack of public policies to support families, a high birth rate, and weak adoption legislation have turned the noble institution of adoption into a lucrative business, through which boys and girls are exported just like any other merchandise.

Representative Requests Special Rapporteur

06.23.2006 Representative Myrna Ponce, President

of the Congressional Human Rights Commission, plans to join the Human Rights Ombudsman Sergio Morales in asking the United Nations to appoint a Special Rapporteur to investigate children's rights in Guatemala.

According to the representative, more than six minors have been assassinated during 2006. Rosa Maria Ortiz, a member of the Children's Rights Committee of United Nations, reported that more than fifty percent of Guatemalan children under the age of five suffer chronic and acute malnutrition. The infant mortality rate is the highest in Central America at forty-seven per one thousand.

Education statistics also portray a grave situation, as more than fifty percent of school children drop out of school at an early age. Only 1.77 percent of the Gross Domestic Product is allocated to education in the national budget, when it should be at least five percent, according to Myrella Saadeh, the Institutional Coordinator for Children's Rights. Saadeh maintained that Congress should approve reforms so that child abuse, including sexual exploitation and child pornography, can be defined in the Penal Code. Ponce also added that Congress should make the necessary efforts to approve legislation to regulate adoptions

INDIGENOUS RIGHTS

UN Council Approves Declaration

06.29.2006 During its first sessions, the United Nations Human Rights Council in Geneva decided to adopt both the International Convention for the Protection of All Persons from Enforced Disappearance and the United Nations Declaration on the Rights of Indigenous Peoples. There were thirty votes in favor for the Declaration on the Rights of Indigenous Peoples, twelve abstentions, and two votes against (Canada and Russia). The text will be presented to the UN General Assembly sometime this year for approval.

The declaration states that indigenous peoples have the right, collective or individual, to all human rights and the fundamental liberties recognized by United Nations. In addition, the declaration recognizes the right to self-determination and the right to preserve and fortify separate political, legal, economic, social, and cultural institutions, while maintaining the right to fully participate, if they so

choose, in the economic, social, and cultural life of the countries in which they live. UN members have been discussing the resolution since 1995.

Campesinos Occupy Farms in Protest

06.29.2006 The National Coordinating Committee of Campesino Organizations (CNOOC) reported that on June 29, the Campesino Unity Committee (CUC) and the United Campesino Organizations of Verapaces (UVOC) occupied five government-owned farms to protest the government's lack of response to agrarian conflicts in the country. In occupying the estates, those involved were also voicing opposition to the military's public celebration of Army Day on June 30 and the implementation of the Dominican Republic-Central America Free Trade Agreement scheduled to take effect on July 1. CNOOC condemned the role of the military in evictions and also noted that this form of resistance takes place within the context of a struggle for survival.

In a press release, CNOOC reported that 600 indigenous families were involved in these acts of social resistance. According to CNOOC the estates occupied were: La Nube in Gualan, Zacapa department, occupied by 50 families; San Jose las Lagrimas in Esquipulas, Chiquimula department, occupied by 120 families; Santa Ines, in Santa Cruz Verapaz, Alta Verapaz department, occupied by 22 families; Sexan, in Chisec, Alta Verapaz, occupied by 80 families; El Zapotal, in Chisec, Alta Verapaz, occupied by 25 families. The military owns at least one of the estates.

CUC and UVOC called upon all campesino, indigenous, and human rights organizations, as well as international institutions, to show their support for the communities, as well as to remain vigilant so that the campesinos' rights are not violated.

WORKERS' RIGHTS

PDH Inspects Conditions in San Marcos Mine

06.13.2006 The Human Rights Ombudsman's Office (PDH) entered the facilities of the Montana Exploradora gold mining company in San Marcos, with authorization from the Sixth Labor Court, to carry out an inspection and to investigate the environmental conditions in which the miners work.

Alexander Rodriguez, an adviser to the PDH, said that the judicial order was requested due to re-

ports about the appearance of dead birds in the facilities. He announced that in the next few days, they would publish a report on the results from air and soil samples from the area. He also mentioned that Montana refused to provide water samples for inspection.

Milton Saravia, manager of Montana, said that the company had reported the death of the birds to the Environmental Ministry and that it had not happened again since that time.

Unions Denounce Persecution

06.22.2006 The Labor and Popular Action Union (UASP) denounced an alleged government plan to persecute and disappear Nery Barrios, the Secretary General of the organization. According to the unionists, Barrios received almost constant phone calls threatening him with death. The unionists attribute the threats to the Secretary's visit to Canada, where he met with the former president of Poland, Lech Walesca, to denounce the corruption of the current administration to the international community.

Doctors and Surgeons Demand Better Conditions

6.14.06 The Sixth Court of Labor upheld the demands of the Public Health Doctors and Surgeons Union filed against the Ministry of Health. The Ministry must now begin the process of complying with the demands, which include a wage adjustment, approval of a medical statute, and the guarantee of access to health services. Union members announced that they would resort to a strike if the demands were not met. The Ministry is prohibited from firing any physicians while the process is ongoing.

AGRARIAN CONFLICTS

Rural Development Panel Lacks Support from CACIF

06.23.2006 In the presence of representatives of the government and various social organizations, Vice President Eduardo Stein officially named members of the Rural Development Panel, which will advise the government's agrarian policy.

The panel will address a wide range of issues, including productivity in rural areas, access to credit, technology, markets, and education, and land tenure. Through these means, the government hopes to facilitate access to land and to establish secure legal tenure, as well as to promote short-term solutions to agrarian disputes.

During the announcement of the panel, the absence of the economic ruling class was obvious. The Chamber of Landowners, which forms part of the Coordinating Committee of Agricultural, Commercial, Industrial and Financing Associations (CACIF), has not yet decided whether or not they will participate in the panel. An organization that, for many, represents the “economic ruling class,” CACIF has refused to participate if the panel considers agrarian reform a viable option.

OTHER SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

Berger Offers Q214 Million to the Elderly

06.23.2006 President Oscar Berger met with a group of senior citizens at the Presidential Palace and offered a budget allocation of 214 million quetzals (approximately \$28 million) to finance the payment established by the legislation on pensions. Berger had previously offered food, transportation, and clothes rather than a monthly pension. The President also agreed to create a commission to defend the rights of elderly adults without social coverage, in which the Association of Elderly Persons and the National Federation of Unprotected Classes would be represented.

Although senior citizens expressed their support for the president’s new proposal, they vowed to continue their hunger strike in front of the Constitutional Court (CC) until the court rules in favor of their demands. The court temporarily suspended a norm that would establish an economic support program, providing about 500 quetzals (approximately \$65) per month to adults over sixty-five years old without social coverage. The CC planned to hold a public hearing on the subject sometime in the next week.

RIGHT TO JUSTICE

Court Suspends Spanish Judge’s Hearings

06.28.06 (also see insert Amnesty International: Human Rights Defenders Threatened) The Constitutional Court (CC) ruled in favor of an injunction filed by General Efraín Ríos Montt, effectively canceling the hearings with Spanish judicial officials planned in Guatemala.

The Spanish national court opened an investigation into the assault on the Spanish Embassy on Janu-

ary 31, 1980 and the separate assassination of four Spanish priests. On June 24, 2006 judge Santiago Pedraz arrived in Guatemala to gather testimony from those involved in these cases. The Spanish judge had also planned to interview a number of officials accused of genocide.

The Spanish officials were hoping to take testimony from at least ten witnesses and investigate Benedicto Lucas García, Óscar Mejía Víctores, Ángel Guevara Rodríguez, Germán Chupina Barahona, Pedro García Arredondo, the former sixth commander of the National Police, and the former Minister of the Interior, Donaldo Álvarez Ruiz.

CSJ President Beatriz de León called for calm in the face of the polarization caused by the Spanish authorities’ involvement in investigating atrocities that took place in Guatemala. De León said that the Spanish officials’ presence in Guatemala was not interference.

Indigenous and human rights organizations held a ceremony in front of the judiciary to demand justice. The organization Children for Identity and Justice Against Forgetting and Silence (HIJOS) called for a protest to take place on June 30, Army Day.

COPREDEH Fails to Comply with Resolution

06.16.06 On June 5, the Presidential Human Rights Commission (COPREDEH) published just two sections of the resolution issued by the Inter-American Court of Human Rights (CORTIDH) in November of 2000 related to the kidnapping and murder of Efraín Bámaca Velasquez (known as Comandante Everardo), a guerrilla with the Guatemalan National Revolutionary Union (URNG). With the publication of the two sections, COPREDEH maintained that it had fulfilled one of the requirements handed down by the CORTIDH. The original sentence, however, said that the entire resolution should be published, while COPREDEH only included a small portion.

The text that was published states that, in the Bámaca case, the state violated a number of articles of the American Convention on Human Rights, including the right to recognition as a person before the law, the right to life, the right to humane treatment, the right to personal liberty, the right to a fair trial, freedom of thought and expression, the right to judicial protection, and the obligation to respect human rights. The court also ruled that the state had violated articles 1, 2, and 6 of the Inter-American

Convention to Prevent and Punish Torture.

The court recommended that the state of Guatemala accept responsibility for the disappearance, torture, and extrajudicial execution of Bámaca; conduct an investigation in the case; adopt measures to ensure that a trial and corresponding punishment are carried out for those responsible; reform the regulations and training for the armed forces of Guatemala so that the military conducts operations according to the laws of internal armed conflicts; and to make amends for the violations, which include paying reparations to his wife, Jennifer Harbury, and other members of his family.

RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

Mining Operations Endanger Environment

06.16.06. The request of Guatemalan Nickel Company (CGN) to obtain a license to operate metals in Izabal has raised concern in nearby communities about the environmental hazards of mining. Fishermen from the area are worried about the damage that mining could cause to the lake, while Heidy Garcia, Director of the Wildlife Refuge of the Polochic River, worries about the impact on biodiversity.

The population expressed its fears during a meeting with representatives of Environmental Technical Consultant (CTA), a company that conducts environmental impact studies for the Felix mining project planned in El Estor, Izabal. The CTA representatives explained the likely impact of nickel extraction, as well as the steps the company plans to take to prevent and mitigate environmental damage.

From June 12 to 17, activists held a number of activities as part of a week against mining. The environmental group Madre Selva, the Sipakapense Linguistic Community, and the National Coordinating Committee of Indigenous and Campesinos (CONIC), in coordination with local environmental organizations, organized a series of actions to demonstrate resistance to mining in the Mesoamerican region. On June 14, some participated in a march ending in front of the Canadian Embassy, as a number of the largest mining companies in Guatemala are Canadian.

Early Rains Bring Destruction to 35 Communities

06.12.2006 The National Coordinator for Disaster Reduction (CONRED) estimated that thirty-five Guatemalan communities have been affected by the first

rains of winter. Benedicto Girón, spokesman for CONRED, reported four disappeared persons, 1,307 victims, 410 affected families, and 950 open shelters, of which only eighteen are still working. In addition, he reported 278 houses affected and forty-two destroyed.

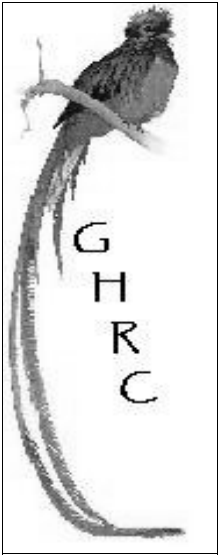
OTHER INFORMATION

US Military Strategy Seeks Broader Participation

06.12.06 On June 12, La Jornada published an article exposing the US government's military strategy to persuade "partner" or "friend" countries to join in fighting terrorism and deploy soldiers on so-called peace missions abroad. The Department of Defense has promoted an ambitious plan to increase the presence of soldiers from other nations in "global peace" missions or "stabilization" missions, as part of its efforts to reduce the number of participating US soldiers. The DOD has announced plans to invest \$6.6 billion over the next five years for training an estimated 75,000 soldiers, mostly from Latin American nations. According to some, Washington's strategy to increase the presence of Latin American nations in counter-terrorism missions in part developed as an effort to ensure that US troops are not the ones bearing the weight of multinational actions like the offensive in Iraq. The other goal is to "legitimize" those actions in the eyes of the international community through broader participation. The training of Latin American military officials would be carried out in military facilities in Guatemala, El Salvador, Nicaragua, and Honduras.

Training for UN Peacekeepers Opens in Guatemala

06.12.06. More than the 400 soldiers from twenty-two different countries participated in a practice simulation in Guatemala City for UN peacekeeping operations. The goal is to standardize the process in each country that contributes soldiers to UN peacekeeping missions. Over the next few weeks, the soldiers focused on the complex nature of conflicts, regulations, aid, and cooperation. Afterwards, the group planned to participate in a conflict simulation at a military base in Cobán, Alta Verapaz. Both the UN and the US Southern Command supported the training.



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, Albedrio, 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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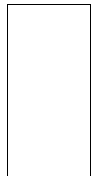
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