

Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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VIOLATIONS OF THE RIGHT TO LIFE AND PERSONAL INTEGRITY

Organizations Request End To Military Patrols

06.31.06 Organizations that defend the rights of children and youth, along with the Human Rights Ombudsman's Office (PDH), demanded that President Oscar Berger suspend the combined forces patrols, in which both police officers and soldiers currently participate. The organizations announced that they have filed several official reports with the Public Prosecutor's Office (MP) of abuse carried out by these forces against children, adolescents, and educators from Casa Alianza and Caja Lúdica.

Dunia Tobar, of the PDH, commented that the combined forces were created in order to reduce the rates of violence, yet the security situation in the country continues to deteriorate. According to the PDH, from January to June of this year, 163 minors have been murdered and 251 were injured in violent incidents.

Violent Deaths Increase

07.01.06 According to the records of the Operations Division of the National Civil Police (PNC) the number of crimes reported during the first six months of this year surpasses those recorded in 2005 for the same period. The PNC reported that from January through June, 2,770 men and 289 women were murdered. As a comparison, in the first six months of 2005, 2,519 men and 233 women died in violent incidents. These statistics indicate that the murders of men rose by nine percent in the last year, while the murders of women rose by twenty-three percent. So far this year, 1,157 of the murders of men were committed in the department of Guatemala.

Activists Criticize Government's Security Policy

07.01.06 Human rights activists have continued to criticize the government as lacking a comprehensive security policy. Mario Polanco, of the Mutual Support Group (GAM), said that the government does not have a comprehensive policy, because no preventive measures are included, solely repressive ones. Polanco also mentioned that healthcare, education, labor, and housing projects have been pushed aside. He added that the government cannot combat crime solely by increasing the number of security forces. Polanco pointed out that three thousand members of the military currently reinforce the PNC, and even this measure has not stemmed the violence in the country.

Residents Lynch Alleged Criminal In Jalapa

07.03.06 A group of residents in Araizapo, Jalapa, lynched Edy David Salazar Aragón, a twenty-four year old alleged criminal, on the night of June 2. According to police sources, a group of five armed men kidnapped the director of the Adventist Church of the Seventh Day, Jaime Eduardo Gómez Linares, and took him away in his own vehicle. Upon arriving in Araizapo, the delinquents burst into the house of Alejandro Maldonado Gutiérrez, 65, and stole cash and property titles, and then fled. Maldonado Gutiérrez alerted the neighbors, who managed to capture Salazar and kill him with machetes.

Gómez Linares was in the back of the truck and his hands and feet were tied. Mistaking him for one of the attackers, the mob beat him, but later released him. The police authorities said they have evidence against the other suspects, as well as information on those who carried out the lynching, and they hope to issue arrests soon.

WOMEN'S RIGHTS

Une Proposes Femicide Be Defined As A Crime
06.30.06 The Secretary General of the political party National Unity of Hope (UNE), Raul Robles, presented a bill in Congress, which would penalize crimes against women, children, and youth. The bill contains definitions for the crimes of femicide and aggravated femicide. If approved, the bill would establish punishments for the crimes of sexual assault and the restriction of freedom of movement. The bill would also fortify the Public Prosecutor's Office (MP) and PNC in an effort to improve the effectiveness of criminal investigations.

Other measures included in the bill include prison sentences of twenty-five to fifty years, as well as fines to finance government support for medical and psychological treatment for the relatives of the victims.

INDIGENOUS RIGHTS

OAS Promotes Convention Against Discrimination
07.12.06 The Organization of American States (OAS) has posted a web page to receive comments on a rough draft of an Inter-American Convention against Racism and all forms of Discrimination and Intolerance. Through the web page, the OAS hopes to encourage non-governmental organizations, institutions in charge of investigations, universities, and other civil society actors to participate in the drafting of the treaty.

In November of 2005, the working group of the OAS in charge of preparing the rough draft held a special meeting. United Nations experts, academics, and representatives from non-governmental organizations in several different countries participated in the meeting. Those present emphasized the importance of the participation of civil society.

WORKERS' RIGHTS

Government Warns Doctors Involved In Strike
07.13.06 On July 12, the government admonished medical personnel involved in a strike in twenty-two public hospitals. In a warning, the government said that if the strikers did not accept the government's proposal by the end of the week and if they continue with the strike, the government "is going

to take emergency measures." The doctors have requested the approval of a medical statute that would include salary increases and a six-month supply of much-needed medication.

An adviser to the Vice President and coordinator of the negotiations said that so far, the government has been flexible about engaging in a dialog with the doctors, but also emphasized that the hospitals must renew certain types of activities.

The representative of the doctors, Sergio Rivas, said that he would submit the government's proposal to the Physicians General Assembly. He added that the proposal was very vague, so he was unsure whether or not it would be approved.

AGRARIAN CONFLICTS

Confrontation Leaves One Dead, Many Injured
Seventy-five year old Miguel Chen died as a result of bullet wounds, and a number of others were injured during an armed conflict between groups of campesinos on Saturday July 8 on the Moca *finca* (estate) located between municipalities of La Tinta and Senahú, Alta Verapaz.

There was some confusion about the number of people that had been killed and the source of the confrontation, as the press, the police, and the hospital in La Tinta had differing reports. The National Civil Police (PNC) reported one dead and forty-three injured. According to the National Coordinating Committee of Campesino Organizations (CNOOC), a confrontation between 100 families that had occupied part of the finca and 600 armed members of the finca's private security forces left one dead and thirty-eight people wounded. A third version alleges that the *finqueros* (estate owners) gave land and money to one group of campesinos in order to provoke a conflict among the campesino families. Carlos Morales, a leader from the Union of Campesino Organizations of the Verapaces (UVOC), said that the confrontation arose between two groups of campesinos after an attempt to evict families that were occupying the area.

The Public Prosecutor's Office (MP), the PDH, the PNC, and campesino organizations formally requested that the coffee finca determine what had happened. The PDH said that the Miguel Chen was living on the land where approximately 500

armed men had entered with pistols and shotguns in order to evict the inhabitants, who are presumed to be employees of the finca.

Guillermo Tadin, regional coordinator for the PDH, said that he had received reports that the MP had opened an investigation but had not yet arrested anyone because no one was caught in the act.

This confrontation occurred within a context of an increase in violent evictions in the past few years. During the month of June and the first week of July, a number of evictions have been carried out in Alta and Baja Verapaz, some of them peacefully. Hugo Herculano Pop Bac, the regional representative of the PDH in Cobán, said that thirty-five families were peacefully evicted from the Rubén-Tzul finca in Cubilgüitz. Separate evictions were also carried out in Santa Inés in Santa Cruz Verapaz; Sexan, Chisec; and Playa Grande, Ixcán, Quiché.

Campesinos Continue With Land Occupations

07.03.06 On June 30, Daniel Pascual, of the Campesino Unity Committee (CUC) announced that 150 families that are members of the Campesino Association for Integral Development in Nebaj occupied the Visan or Lajputai finca in Nebaj, Quiché, which belongs to the Army. This occupation coincided with the celebration of Army Day and the implementation of the Dominican Republic-Central America Free Trade Agreement (DR-CAFTA).

CUC reiterated its demands for the allocation of three of the six fincas occupied in connection with DR-CAFTA and Army Day (See *UPDATE* Vol 18 No 11). The organizations also urged the Attorney General to take responsibility in the process.

The Secretary for Agrarian Issues (SAA) announced that there was a meeting planned for June 7 with members of campesino organizations and representatives of the Human Rights Ombudsman's Office (PDH) with the purpose of negotiating an agreement on the property occupied by the campesinos.

The Agrarian Chamber, a group of private landowners, dismissed the position of the campesinos that had occupied their property. Carlos Zúñiga, president of the Chamber, said that

the actions of the campesinos necessitate the use of violence.

Social Organizations Oppose Agrarian Policy

07.11.06 In an official notice released on July 11, a number of organizations that participate in the Multi-Sector Dialogue on rural development criticized the agrarian policy recently presented by the Berger administration. The groups argued that the policy demonstrates the government's lack of interest in making legal modifications, and also proves that the government prioritizes the right to private property over the right to the life and the right to food.

Specifically, the organizations maintained that Berger's policy contains a clear entrepreneurial slant; that it decreases the chances of changing the concentration of land ownership in the country; and that it upholds the criminalization of campesino actions as a means of addressing agrarian conflicts. As evidence, the groups mentioned the violent evictions carried out during the Berger administration and the impunity that prevails in cases such as the confrontation on the Moca finca, in Senahú, Alta Verapaz (see above article). The groups urged political parties, the private sector, and civil society to establish national agreements on agrarian and rural development that would lead to a resolution.

The document was signed by the National Coordination of Campesino Organizations (CNOO), the Agrarian Platform, the Alliance for Rural Development, the Consultative Assembly of Displaced Population (ACPD), the Permanent National Coordination of Rights Relative to the Earth of the Indigenous Towns (CNP-Tierra), the University of San Carlos of Guatemala (USAC), the Foundation Guillermo Toriello (FGT), the Coordination of NGOs and Cooperatives (CONGCOOP), and the National Guatemalan Revolutionary Union (URNG).

MIGRANT RIGHTS

More Violence Against Guatemalan Migrants

07.12.06 Violence on the Guatemalan border with Mexico, often initiated by the police and members of the National Immigration Institute (INM), is more prevalent than violence on the Mexican/U.S.

border, according to Father Eiman Vasquez Medina. Vasquez runs a shelter in Arriaga, Chiapas, Mexico, which is visited by thousands of undocumented Guatemalans who are harassed by groups in the region.

This statement concurs with complaints made by priests at the House of Migrants, in Tecún Umán, San Marcos, and the Center of Attention to Migrants (CAM), who work with many Central Americans. The priests complain that police and INM agents from Mexico are responsible for many human rights violations against Guatemalan migrants.

Vasquez attested in the Mexican newspaper *El Universal* that Chiapas is a dangerous obstacle for migrants, as they often face gangs of local security forces.

Guatemala's borders with El Salvador and Honduras are also important locations for Central Americans that seek entrance into the U.S. However, extortions and robberies are also committed in these locations by migration and police agents. Many migrants carry a CA-4 document permitting them to travel within Central America without restriction, yet they continue to be captured and arrested anyway.

The Inter-American Highway, which links Guatemala's border with Mexico, is strategic for agents of the PNC, who identify buses that transport migrants and demand money from the migrants in exchange for freedom.

OTHER SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

Education Reform To Be Resolved in 30 Days

07.13.06 Cardinal Rodolfo Quezada Toruño and Human Rights Ombudsman Sergio Morales gave the Ministry of Education (MINEDUC) and the National Assembly of Teachers (ANM) thirty days to wrap up discussions on education reform. Both expressed that the talks have stalled longer than the 1996 peace talks between the guerrilla army and the government.

The ANM halted the negotiation procedure in rejection of Ministerial Agreement 581-2006 that intends to extend teaching apprenticeships from three to four years. Both sides accepted the thirty-day term. Quezada Toruño affirmed that a month

is sufficient time to conclude the negotiations, as long as both sides are willing.

Joviel Acevedo, leader of ANM, agreed to accept the conditions, but he said that classes will be suspended in all the schools of educational apprenticeship in the country until the extension is added.

Students protested the agreement, saying that an extra year of school would be a great economic burden. One student said that the Ministry is denying access to education for young people with limited resources.

RIGHT TO JUSTICE AND PEACE

COPREDEH Criticizes Military's Remarks

06.29.06 Frank LaRue, head of the Presidential Human Rights Commission (COPREDEH), denounced the Association of Military Veterans of Guatemala (AVEMILGUA) in front of the Inter-American Commission on Human Rights (CIDH). The complaint requested measures to provide protection for human rights defenders working on genocide cases.

LaRue further declared that AVEMILGUA's statement regarding the "Spanish interference" in Guatemala's genocide cases was absolutely unacceptable. AVEMILGUA had previously stated that the judicial proceedings for genocide against former Army officers are "nothing more than political and legal persecution by those groups linked to the former guerrilla who want to continue the war." LaRue fears that AVEMILGUA's comments could have negative consequences for the country, especially in light of the ten-year anniversary of the signing of the peace accords.

CIDH Requests Protection For Victim's Family

07.05.06 The Inter-American Commission on Human Rights (CIDH) ordered the Guatemalan government to adopt urgent preventive measures for the family of the missing leader of the San Juan Integral Association for the Development of Quetzal City and Bordering Communities (ASIDECQ), Oscar Humberto Duarte Paiz. CIDH also asked for protection for the following members of ASIDECQ: René Guzmán Quiñónez, Angela Alvarado, Luis Beltrán, Luis Alvarado, David Alarcón, Jose Antonio Cuellar Girón, and

Pablo Silva.

In addition, the CIDH asked the government for an expedited transfer of any information regarding the whereabouts of Duarte Paiz, who was kidnapped on May 24, 2006, as well as any information regarding the threats received by Duarte Paiz's family and other leaders of the association.

According to the Human Rights Ombudsman's Office (PDH), Duarte Paiz was kidnapped by unidentified persons in beige vests with firearms, who forced him into a vehicle without license plates. The PDH added that the victim's family has received death threats due to their efforts to locate Duarte Paiz, and that unknown armed men traveling in unlicensed vehicles have been seen spying on the Sanjuaneros community.

FAFG Seeks Answers For Victims' Families

07.05.06 The Foundation of Forensic Anthropologists of Guatemala (FAFG) works to provide answers to family members of victims of human rights abuses committed during the governments of generals Romeo Lucas Garcia, Jose Efraín Ríos Montt and Oscar Humberto Mejía Victores. FAFG conducts exhumations of mass graves from the war, with the purpose of discovering the causes of the victims' deaths and providing some closure to the families.

The foundation is presently exhuming graves in the northern and southern parts of Quiché, as well as in Ixchil, Chichicastenango and in Rabinal, Baja Verapaz. The most recent exhumation was in Chuguexa, Chichicastenango on June 27, where they identified the remains of the entire Pichol Cael family.

So far this year, fifty-one investigations have been conducted. The FAFG hopes to conduct approximately 120 investigations by the end of the year, despite heavy rains.

Relatives Of Missing Victims Seek Justice

07.12.06 With the support of the Myrna Mack Foundation, families of twenty victims of forced disappearance petitioned the Inter-American Commission on Human Rights (CIDH) to make a formal denunciation against the Guatemalan state and ask that the state officially condemn the policy of forced disappearance that continues without

punishment. The petition coincided with the visit to Guatemala of CIDH commissioner Victor Abramovich.

The request refers to the forced disappearance of twenty victims between 1983 and 1985, as well as to the lack of political will and justice that has pervaded Guatemalan society for more than twenty years.

For Jordán Barillas, brother of Joaquin Barillas who disappeared on March 2, 1985, the action is not for economic gain, but to put an end to the impunity that reigns in country.

Threats Temporarily Close Court

07.13.06 The Supreme Court of Justice (CSJ) ordered a temporary closing of the Court of Peace in Sumpango, Sacatepéquez, after the judge received threats regarding the capture of three people accused of lynching.

On July 8, the National Civil Police captured Maria Luisa Quisque Solis, Maria Ricarda Cus and Nicholas Cuyuch Argueta in relation to the case. The three are accused of an incident on April 14 in which a crowd beat a man and then burned him alive along with a woman who had been accused of kidnapping children.

LEGAL UPDATES

Ríos Montt Denies Responsibility For Genocide

07.12.06 General Efraín Ríos Montt, Secretary General of the Republican Front of Guatemala (FRG), declared that he is not responsible for the acts of genocide committed during his administration, despite the fact that more than 200 witnesses interviewed by the Commission of Historical Clarification have confirmed his guilt.

Ríos Montt countered that his accusers have no proof or substance to their arguments. He went on to state that he was "not informed" of the genocide, adding that it was the U.S. Ambassador that notified him of abuses committed by army officials.

Ríos Montt affirmed that genocide accusations will not affect the political image of his party, and he hopes that a decision will be made in this October's meeting of the national assembly regarding his eligibility to be the FRG's presidential candidate in the next election.

Members of the FRG defended Ríos Montt,

saying that his goal during the conflict was to fight communism and turn Guatemala into a true democracy. One member noted that the FRG has presence in the western part of the country, where they have several delegates and more than 30 mayors, despite being the region most affected by the armed conflict.

Court Releases Former Military Officer

07.10.06 The First Court of Appeals of the Penal Branch suspended the case against Colonel Marco Antonio Sanchez Samayoa, accused of masterminding the 1981 disappearance of seven people in El Jute, Chiquimula.

The Human Rights Ombudsman's Office (PDH), under special mandate of the Supreme Court of Justice (CSJ), accused Sanchez, along with ex-military officials Gabriel Alvarez Ramos, Salomón Maldonado Ríos, and Jose Domingo Ríos Martinez, of kidnapping, illegal detention, and conducting crimes against humanity. The accused were arrested and incarcerated for the disappearances of Jacobo, Miguel, and Raul Chegüén and Inocente, Antolín, Valentin, and Santiago Gallardo. The victims had all been accused by the military of conspiring with guerilla forces.

In 2002, Sanchez's attorney Julio Contreras convinced the court to remove the PDH from the case, saying that the PDH should not be involved, thus ignoring the mandate that the CSJ had granted three years before.

On June 16, 2006, the Court suspended the proceedings against Colonel Sanchez, who was Commander of the Military Base of Zacapa at the time of the forced disappearances. This resolution contradicts the Inter-American Convention on the Forced Disappearance of Persons, the recommendations of the Committee against Torture, and the very authority of the CSJ.

Human Rights Ombudsman Sergio Morales declared that the resolution not only denies justice to the victims of El Jute, but it prolongs impunity in more than 45,000 cases of disappearance during the armed conflict. Iduvina Hernandez of the Study and Promotion of Security in Democracy (SEDEM) declared that if the CSJ does not reverse the decision by the Court of Appeals, total impunity will prevail, and the little dignity that Guatemala's justice system has will diminish.

Mario Polanco of Mutual Support Group (GAM) said that the Court of Appeals decision reflected the interests of the Army, and that it dangers the justice process. Polanco added that GAM is preparing an international denunciation.

RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

Victims Of Stan Still Wait For Assistance

07.10.06 On July 7, 423 families from Santa Catarina Ixtahuacán, Sololá, who were forced to relocate to the top of Mount Alaska after Hurricane Stan destroyed their homes, were reported to be living in sub-human conditions. For nine months, they continued to sleep in insufficiently covered homes in the coldest area of the country, without access to potable water or electricity. As the land on the mountain is not suitable for cultivation, the families were traveling two hours by foot to their home community for farming.

On July 10, in response to this report, the United Fund announced that it would donate 1.4 million quetzals (approximately \$185,000) to aid in the construction of homes for the families on land donated by the municipality. When the homes are complete, the Fund will donate an additional 1.5 million quetzals (approximately \$197,000) for water treatment and preventative health.

The Guatemalan government had promised relief, yet the Santa Catarina community only received assistance from the United Fund, a non-governmental organization. Throughout the country, 7,911 families await government assistance for land and housing.

During the first week of July, nine new fincas were purchased for the victims of Hurricane Stan. Eduardo Aguirre, manager of the National Reconstruction, said that a total of thirty pieces of land have been purchased for the relocation of the victims. The nine new fincas are located in Champerico, Retalhuleu; Tectitán, Huehuetenango; Malacatán, San Marcos; and Yepocapa, Chimaltenango.

In total, 260 families will be moved into these new fincas. The cost of acquiring the land has risen to 11 million quetzals (approximately \$1.5 million). The total number of properties will

benefit 3,321 families (40% of the affected population), according to Aguirre.

However, strong rains continue to cause flooding. Hundreds of people in El Estor, Rio Dulce, and Los Amates in Izabal, and Chahal in Alta Verapaz, were evacuated on July 6 after their communities flooded. According to the National Institute of Seismology, Vulcanology, Meteorology and Hydrology (INSIVUMEH), bad weather will continue, causing the National Coordinator for the Reduction of Disasters (CONRED) to declare an "orange alert" in Izabal and Escuintla.

OTHER INFORMATION

Organizations Protest DR-CAFTA

07.01.06 The United States officially admitted Guatemala to the Dominican Republic-Central American Free Trade Agreement (DR-CAFTA) on July 1, 2006, announcing in a White House press release that Guatemala has fulfilled all of the treaty's requirements. Among the requirements was the Treaty of Washington, which protects patents, and the Treaty of Budapest, which establishes a headquarters for the deposit of micro-organisms that are used in the fabrication of medicines.

On July 4, members of the National Coordinating Committee of Campesino Organizations (CNOOC) protested Guatemala's participation in DR-CAFTA in front of the Legislative Palace in Guatemala City, indicating that the trade agreement will have disastrous effects on campesinos and indigenous communities. The demonstrators arrived at the palace carrying placards protesting DR-CAFTA as well as the U.S. government. Some protestors threw toilet paper onto the building and burned a U.S. flag, angry that the treaty was imposed against the interests of a majority of the Guatemalan people. Activists indicated that grain farmers will be particularly affected, as the U.S. will be able to flood the Guatemalan market with a subsidized and therefore less expensive product.

Mesa Global alerted Guatemalans to DR-CAFTA's negative impacts and encouraged the more vulnerable social sectors to unite efforts against the agreement.

Military Celebrates Despite Protests

07.01.06 Human rights organizations protested as 6,000 military troops held a parade in the Plaza of the Constitution in celebration of the military's 135th anniversary. This was the Army's first parade in the ten years since the signing of the peace accords.

Raul Nájera of Children for Identity and Justice against Forgetting and Silence (HIJOS), said that the objective of the demonstration was to protest the role that the military has had throughout Guatemalan history, especially in light of the most current abuses.

The military troops instead wanted to exemplify an institution focused on citizen security, humanitarian efforts, and peacekeeping operations. President Oscar Berger and Minister of Defense Francisco Bermudez emphasized that the current major roles of the military in Guatemala are the peacekeeping missions of the United Nations, the Democratic Republic of the Congo, and Haiti.

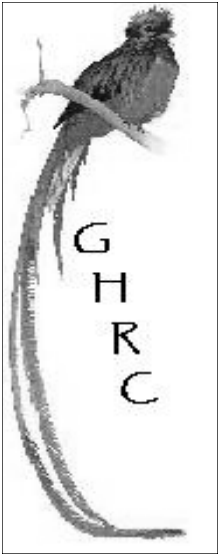
Berger also highlighted the humanitarian role played by the military after the destruction of Hurricane Stan, as well as the support that 3,000 reservists give to the National Civil Police to fight organized crime, common delinquency and drug trafficking.

At San Sebastian Park, two blocks north of the Plaza of the Constitution, demonstrators carried red carnations and pictures of relatives and missing friends as they shouted "Assassins! We want justice and punishment of the military!"

Refugees to Return Home from Bolivia

07.06.06 160 Guatemalan refugees living in Bolivia since 1983 will be moved to the Finca El Rosario in the village Ciénega, Livingston, Izabal, according to a report issued by Mario Chavez, representative of the political party Alliance for a New Nation (ANN).

According to Chavez, the property has good soil and it is near the location where the families originally lived. The National Fund for Peace (FONAPAZ) will be building and servicing the homes. FONAPAZ is currently negotiating the purchase of the property, said Edgar Hernandez, spokesman of FONAPAZ.



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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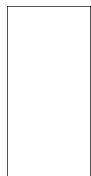
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Insert: Judge in Guatemalan Genocide Case Issues Arrest Warrants and Freezes Assets of Ríos Montt and other Defendants