

# Guatemala Human Rights **UPDATE**

Guatemala Human Rights Commission/USA

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## **RIGHT TO LIFE AND PERSONAL SECURITY**

### **Guatemala City's Murder Rate Soars**

07.11.06 With 549 murders registered between January 1 and July 6 of this year, Guatemala City leads the country in homicide rates, according to data from the Department of Guatemala. Zone 18 has the highest homicide rates within the capital, with seventy-nine cases. Murders are most frequently committed using firearms, bladed weapons, or strangulation.

The Police Division of Criminal Investigation (DINC) recorded 1,200 murders throughout the country. Villa Nueva has the highest murder rate outside of the capital, totaling 177, while there have been 143 murders in Mixco.

Investigators of the Homicide Division of the DINC attribute forty percent of the deaths to gang-related fights, thirty percent to organized crime and drug trafficking, and only five percent to crimes of passion. The remaining twenty-five percent are unknown.

### **Man Killed During Safety Campaign**

07.11.06 A group consisting of six members of the Citizen Security Command, one military official and one police commander initiated a campaign in Coatepeque, Quetzaltenango to thwart attacks on local buses. According to the PNC, when the group stopped a bus and forced all the men to disembark, one man attempted to flee and was pursued by the police commander. During the pursuit, the man brought his hand to his waist, and was immediately shot and killed by the military official. Investigations confirmed that the man was not carrying a weapon, but did possess a small bag of marijuana.

### **Report Highlights Fear of Violence**

07.12.06 A survey conducted by Amnesty International in May indicates that one in three Guatemalans has either been a victim of violence or has been threatened with a firearm in their lives. The survey, which was also conducted in Brazil, India, Great Britain, Canada and South Africa, reveals that seventy-seven percent of Guatemalans believe that weapons are too easily obtained on the black market. Furthermore, seventy-two percent of Guatemalans actively fear an attack by firearm, second only to Brazil where eighty-eight percent of the population feels threatened by the same.

Information from the National Civil Police (PNC) endorses Guatemalans' fears, indicating that gangs and organized crime members in the capital often rent pistols and assault rifles by the night at prices between 500 *quetzales* and 1,000 *quetzales* (between \$67 and \$133), depending on the job for which the weapon will be used.

### **PDH Accuses Government of Complicity in Gang Deaths**

07.19.06 Three state institutions were accused by the Human Rights Ombudsman's Office (PDH) of complicity and negligence in the murder of four gang members in a correctional center. The center's guards, the National Civil Police (PNC), and the Public Prosecutor's Office (MP) are all under scrutiny for their roles in the murders.

Evidence recorded on camera at the correctional facility San Jose Pinula was crucial in documenting the facts surrounding the murders, during which members of the gang Mara 18 killed four members of the gang Mara Salvatrucha.

The PDH said that the videotape demonstrates the complicity of seven of the facility's guards, as the guards are shown carrying covered objects to the members of Mara 18 just minutes before the murders. In addition, the video shows the guards

holding sheets in front of the doors of the Mara 18 cell, as if they were trying to hide something.

Cameras also registered three agents from the PNC immediately entering the scene of the crime when the attack began, and then immediately retreating when they witnessed the scene. The PDH noted that PNC agents have not been trained in a suitable way and that there is no “plan of action” for these types of cases.

Furthermore, the PDH has accused the MP of botching the investigation, as personnel of the PDH found human body parts and bullet shells at the scene of the crime that had not been gathered as evidence.

### **Witnesses in Genocide Case Threatened**

07.11.06 According to Amnesty International (AI), witnesses, victims, plaintiffs, and organizations that have been participating in the genocide case against several military officials and retired public officers in Guatemala have been receiving threats. AI has requested that Guatemalan authorities investigate these threats.

In 2000, judicial proceedings were initiated in Spain by survivors of genocide and human rights organizations against former Guatemalan army officers they allege carried out war crimes and other human rights violations between 1978 and 1986. In June of this year, the Guatemalan Constitutional Court suspended the proceedings indefinitely.

## **RIGHT TO BASIC FREEDOMS**

### **Government Burglarizes Radio Station**

07.10.06 The Global Association of Community Radios (AMARC) expressed outrage after one of its member stations was shut down by Mario Castañeda, the Public Prosecutor of Crimes against Journalists in the Public Prosecutor’s Office (MP).

Two public prosecutors and approximately twenty police agents violently entered Ixchel Radio station in Sumpango Sacatepéquez on July 7, seized the transmitter, and stole other equipment and documentation. On the previous day, the radio station had received a delegation from the European Union that was making a documentary on the contribution of community radios to development and cultural diversity. Most community radio stations transmit programs for indige-

nous populations in indigenous languages.

In an urgent statement, AMARC demanded that the government end repression against community radios and that the MP return the stolen equipment.

Ignacio Alvarez, Special Rapporteur on Freedom of Expression at the Inter-American Commission on Human Rights (IACHR), also condemned the government’s treatment of community radio stations. Alvarez noted that the IACHR is concerned about actions aimed at silencing journalists and media that are critical of the government.

## **WOMEN’S RIGHTS**

### **Commission Concerned About Violence**

07.07.06 Victor Abramovich, of the Inter-American Commission on Human Rights (IACHR), lamented in an interview that indifference from authorities and deficiencies in the justice system contribute greatly to the culture of violence against women in Guatemala.

Abramovich, Special Rapporteur on Women’s Issues, indicated that during his upcoming visit to Guatemala, he would meet with women’s organizations to gather facts for an official report on violence against women. Abramovich pointed out that the majority of charges presented to authorities are related to domestic violence, an important aspect to consider when developing strategies to eradicate femicide. Abramovich also expressed concern that very few femicide cases in Guatemala have resulted in a sentencing.

Abramovich emphasized that there are no mechanisms in Guatemala to provide protection for witnesses and also noted the national and international treaties that oblige the Guatemalan government to protect its female citizens.

### **Government Requests Rapporteur for Women**

07.18.06 During a meeting in Guatemala, President Oscar Berger requested that the Inter-American Commission on Human Rights (IACHR) assign a Special Rapporteur for the Defense of Women’s Rights. Although the IACHR already has a Rapporteur for Women, Berger emphasized that the government would like a permanent seat, preferably female, that would study all cases of

women's rights violations.

The fact that the IACHR held its meeting for the first time in Guatemala rather than in Washington, DC reflects the increasing concern about violence against women. According to the Human Rights Ombudsman's Office (PDH), between 2002 and 2005, the murder rate of men has increased forty-five percent, while the murder rate of women has increased sixty-three percent.

#### **Amnesty Attributes Violence to Impunity**

07.18.06 An Amnesty International (AI) report condemns impunity in Guatemala, saying that the lack of investigation encourages the murders of women, which have surpassed 2,200 since 2001.

The AI report, entitled "*Guatemala: No protection, no justice -- killings of women (an update)*," asserts that the homicide rate of women in Guatemala continues to increase because assassins have no incentive to stop, knowing that their crimes will go unpunished. The report notes that only two sentences have been handed down since June 2005. (*For more information, see insert.*)

#### **Committee Advises Guatemalan Government**

07.18.06 The Committee for the Elimination of Discrimination against Women (CEDAW), which met in New York from May 15 to June 2 of this year, heard updates from Guatemalan officials on the situation of women's rights in Guatemala. CEDAW recognized that there have been advances in Guatemala regarding this issue, but reiterated its recommendations to the Guatemalan government.

The Presidential Secretariat of Women (SEPREM) submitted a report on compliance with the Convention for the Elimination of All Forms of Discrimination against Women. During this year's committee meeting, a delegation of representatives from the legislative and executive branches of the Guatemalan government, as well as civil society representatives, defended the report.

CEDAW expressed satisfaction with the progress of the National Policy of Promotion and Development of Guatemalan Women and for the Plan of Fairness in Opportunities, as well as the Plan for the Prevention and Eradication of Domestic Violence, assured Gabriela Núñez, head of SEPREM.

The committee's recommendations focus on central problems for women, such as inequality be-

fore the law, lack of access to justice, lack of safety and security, labor conditions, and the effects of free trade on the economy.

The international committee suggested that Guatemala reform its Political Party and Electoral Law in order to increase the participation of women in the political arena, particularly indigenous women.

#### **Politicians Vow to Eradicate Violence Against Women**

07.18.06 Political parties in Guatemala have signed a pact in which they have committed to address violence against women and to work toward changes in legislation that will eradicate this violence, announced Congresswoman Myrna Ponce during the International Inter-Parliamentary Meeting.

Ponce emphasized that violence against women has recently become a high-priority in the Guatemalan public agenda, particularly since the signing of the agreement. According to Ponce, the political parties are committed to working together to revise the legal framework of the country, as most laws, in one way or another, discriminate against women.

One of the main pieces of the agenda will be to define domestic violence as a crime with severe penalties. Ponce emphasized that the prevalence of impunity and the lack of investigation in femicide cases are very troublesome aspects of the issue.

## **LAND RIGHTS**

#### **Evictions of Campesinos Continue**

07.10.06 During June and July, several forced evictions were carried out on *fincas* (estates) in the Verapaces region. The campesinos left peacefully, although some later returned to the *fincas*.

Hugo Pop Herculano Bac, who works for the Human Rights Ombudsman's Office (PDH) in Cobán, said that on July 5, thirty-five families were evicted from the Rubén-Tzul property in Cubilgüitz. He also announced that similar evictions occurred in Santa Inés, Santa Cruz Verapaz, in Sexan, Chisec, and in Playa Grande, Ixcán, Quiché.

## SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

### **San Marcos Suffers from Poverty and Inequality**

07.10.06 San Marcos has one of the highest rates of poverty and inequality in Guatemala, according to economic and social indicators gathered by the Central American Institute of Fiscal Studies (ICEF).

The study demonstrates that San Marcos is a department of contrasts. The poverty rate is 86.7 percent, which is much higher than the national average of 54.3 percent. It is an agricultural territory where seventeen different kinds of crops produce higher yields than those in other regions, yet opportunities remain scarce. Nearly 16,000 campesinos do not own land. The lack of productivity of San Marcos is exemplified by a contribution to the national Gross Domestic Product of only 2.8 percent, according to the analysis.

For many from San Marcos, the solution has been to immigrate to the United States evidenced by the fact that San Marcos receives the second highest amount of remittances after Guatemala City.

### **Boy Dies in Hospital as a Result of Strike**

07.10.06 Herbent Archila died Saturday at the age of ten in the San Juan de Dios Hospital after contracting meningitis in an operating room. Rubén Mazariegos, Secretary General of the Union of Public Health Workers, declared that the Ministry of Public Health is responsible for the death due to the present crisis in hospitals throughout the country.

The boy had entered the hospital for a broken arm one week prior to the incident, but he was not taken care of immediately since hospital doctors have been on strike since June. The strike is in protest of the failure of the government and the Ministry of Public Health to supply adequate medical equipment and medicine.

Mazariegos believes that the boy was contaminated due to the poor conditions under which the surgical team works, and immediately demanded an investigation into the Ministry of Public Health.

### **School Closes Due to Gang Harassment**

07.10.06 Haroldo Navas, District Supervisor of the Ministry of Education, closed the Montevisión School in Villa Nueva after teachers and other employees abandoned their positions out of fear of continued death threats from gang members.

The school's director and his family had left the country at the end of June, leaving the school with 280 students and fifteen employees. According to Navas, nearby schools will receive the students, charging them monthly payments.

### **USAID Blames Inequality on Budget Imbalance**

07.12.06 According to the United States Agency for International Development (USAID), economic inequality in Guatemala is in part caused by an unequal distribution of budgetary allowances in the areas of education, health, and nutrition.

The report indicates, for example, that the Ministry of Education receives 4,487 million *quetzales* (\$598 million) annually while the Ministry of Health receives only Q2,076 million *quetzales* (\$277 million). The report recommends a fifty percent increase in the budget of the Ministry of Health.

Ricardo Bitan of USAID said that the nutrition sector is highly neglected and the departments in the North, Northeast and Southwest receive the smallest monetary amounts per inhabitant.

### **Report Reveals Careless Social Spending**

07.11.06 The Second Report of Budgetary Execution, which details spending from January through June of this year, stated that the carelessness with which the Guatemalan government executes the budget means that the state will not likely be able to solve the current crises in health, education, security, and land.

Elmer Velásquez, Director of the Coordinating Committee of Non-Governmental Organizations and Cooperatives (CONGCOOP), said that the report, which analyzes the expenditures of the Ministries of Education and Health, the Land Fund, as well as the Reconstruction Program, reflects how the government applies formulas that prevent advances in these areas. Velásquez explained that a low rate of collection on income taxes, poor budgetary execution, and poor political operating have resulted in the current crisis.

The organization Observers of Social Spending presented the report. According to the group, Land Fund has spent only 2.3 percent of the allotted budget. The spokesperson noted that there are sufficient funds for twenty-five *fincas* (estates), yet only one has been acquired.

### **Doctors to End Strike When Supplies Arrive**

07.18.06 Doctors on strike since June have reached an agreement with the government to form a new commission consisting of doctors, government employees, and members of the Human Rights Ombudsman's Office (PDH) that will review the state of all national hospitals to determine if there is in fact a shortage of medical supplies, medicine, and food. In the meantime, doctors have announced that they will resume work once they have confirmed that the supplies offered by President Berger have arrived at the forty-four hospitals.

Vice Presidential Advisor Luis Felipe Polo supported the doctors' position and confirmed that the supplies have been purchased and will arrive shortly. The government has also committed to an increase in the health budget next year.

Vice President Eduardo Stein said that if doctors do not resume work once the resources are in place, it would be considered a human rights violation, and the Public Prosecutor's Office would have to intervene.

### **Government to Focus on Malnutrition**

07.19.06 Family nutrition will be the focus of the Secretary of Food Security, which will try to reduce child malnourishment by fifty percent. The program will focus on pregnant women, as mothers often pass on malnourishment to their unborn babies, informed Beatriz Villeda, the director of the program. The objective will be to teach families about the best ways to feed their children within the realm of their cultural and economic reality.

Pedro Medrano, Regional Director of the Global Nourishment Program (PMA), stated that the plan is a step forward in poverty reduction. He added that he hopes that a sustainable policy will follow. According to the United Nations, Guatemala has the largest percentage of malnourishment in the region with forty-nine percent. Honduras

(twenty-nine percent) and Nicaragua (twenty percent) follow.

### **Senior Citizens to Receive Pension**

07.21.06 President Berger has assured that senior citizens who are not beneficiaries of social security will receive an economic pension, despite the Constitutional Court's (CC) decision to abolish the law that establishes pension payments.

Berger vowed to send Congress a law that will establish a mechanism for paying the pensions in cash, and invited senior citizens to discuss the proposal with him. Berger also said that the 214 million *quetzales* (\$28.5 million) that have already been budgeted for pensions would be granted.

### **Quiche Community Makes Demands to President**

07.21.06 Mayors and citizens from Quiché have presented a list of demands to President Oscar Berger. One request is for additional police agents in the region to stem the rising number of assaults on vehicles traveling between Quiché and Chichicastenango. They also demanded greater investment in health and bilingual education and improved nutrition for women and children.

President Berger promised to look for financing for the requests and announced the creation of a Vice Ministry of the Interior in Petén to help control drug trafficking, as Quiché has one of the highest rates of organized crime and drug trafficking in the country. Minister of Interior Carlos Vielmann also promised to assign fifty more police agents and Minister of Education Maria Carmen Aceña said that she would create 184 primary teaching positions in Quiché. Aceña also promised that bilingual education will improve and that technological education will be implemented at the high school level.

## **RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT**

### **Hurricane Stan Reconstruction Advances Slowly**

07.20.06 Reconstruction efforts following the devastation caused by Hurricane Stan in October 2005 have been slow and poor. The situation is serious and it demonstrates an inability to care for the affected population, commented Carlos Barreda, a

social activist.

Only approximately twenty-four percent of the reconstruction funds have been put to use while hundreds of families continue to live without shelter or assistance. Barreda added that social activists would like Eduardo Aguirre, manager of the reconstruction project, to publicly explain why rebuilding has advanced so slowly.

Congress has also planned a special commission to monitor the reconstruction project. The commission plans to speak directly with Aguirre as well.

Families in San Marcos and Sololá, two of the departments most affected by Stan, are still waiting for government aid. People continue living in shelters and many children have contracted illnesses. Although winter is approaching, neither housing construction nor land relocation has begun.

## RIGHT TO JUSTICE AND PEACE

### **Indigenous Demonstrate to Demand Reparations**

07.17.06 More than two thousand indigenous persons representing eight hundred rural communities demonstrated in Guatemala City to demand that the government compensate victims of human rights violations.

The demonstrators, led by the National Movement of Victims, marched toward the Presidential Palace, which was protected by more than 100 police agents, then proceeded past the National Cathedral and ended in front of Congress, where they demanded the creation of a commission to facilitate the compensation process.

The demonstrators took advantage of the fact that delegates from the Inter-American Commission on Human Rights were visiting, and asked them for a meeting to voice their concerns.

### **Government Reports on Reparations**

07.19.06 The Guatemalan government presented a report on its progress regarding victim compensation to the Office of the United Nations High Commissioner on Human Rights (OHCHR). The government's National Reparations Program (PNR), aims to provide monetary compensation to victims of the internal conflict.

Anders Kompass, a representative of the OHCHR, said that he believes that compensating

victims of the conflict is vitally important as it not only benefits the victims, but will also benefit the country as a whole in the long run.

Vice President Eduardo Stein announced that the government has so far collected twenty-one million *quetzales* (\$2.8 million) for reparations. Rosalina Tuyuc, coordinator of the PNR, declared that 700 people have received compensation thus far. Currently, the PNR is focusing cultural compensation, psychological aid, and social work, as well as supporting exhumations and DNA tests.

In addition, the government has committed to accelerating compensation for eight thousand victims who have registered but have not yet received any money. They have also decided to compensate the victims of genocide.

### **UN Urges Government to Investigate Genocide**

07.18.06 The United Nations Office of the High Commissioner for Human Rights in Guatemala (OHCHR) called on the Guatemalan government and all of its institutions to push for serious investigations into the human rights violations committed in the past, particularly genocide and forced disappearances.

In a press release, OHCHR stressed that it is mandatory for authorities to pursue actions to identify, try, and punish those responsible for human rights violations. The press release further stated that Guatemala, just as any other member of the United Nations, has the responsibility to try offenders so that these serious violations do not remain in impunity.

### **Organizations Denounce Death Squads**

07.17.06 The Strategic Alliance for Human Rights (AEDH) denounced the proliferation of death squads that are raising fears and contributing to impunity and the militarization of society.

Representatives of AEDH demanded that the government work to fight corruption and end repression against civil society organizations.

### **Rapporteur to Investigate Murders of Journalists**

07.18.06 Ignacio Alvarez, Special Rapporteur on Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), announced that he will investigate the cases of journalists murdered during the armed conflict. Alvarez will present his report in several months.

The Rapporteur also noted the importance of community radios for those with little access to news. He noted that radio news sources help to fortify democracy as they assist the population in forming better ideas and opinions on different subject matters that concern them.

The Association of Guatemalan Journalists (APDG) has provided Alvarez with the names of fifty journalists assassinated during the armed conflict, which will aid his investigation.

## LEGAL CASE UPDATES

### Organizations Look to Repeal Amnesty Decrees

07.12.06 Human rights organizations are planning legal measures against military personnel accused of genocide, terrorism, torture, and illegal detentions during the armed conflict. The first measure will be to fight the Constitutional Court for a repeal of amnesty decrees that were granted throughout the thirty-six year civil war.

Mario Polanco of the Mutual Support Group (GAM) stated that twenty-four decrees were approved by former governments, the last of which was signed during the administration of President Alvaro Arzú in 1996, the year that the Peace Accords were signed.

Orlando Blanco from the International Center on Human Rights (CIDH) commented that the these decrees were intended to maintain impunity. The decrees have only prevented military personnel from facing justice, he said.

## OTHER INFORMATION

### Adoption Business Booms in Guatemala

07.10.06 Guatemala has one of the highest adoption rates of children in the world; according to the Attorney General's Office (PGN), 1,409 adoptions have been approved so far in 2006.

According to an article published in the *Prensa Libre* newspaper, the adoption process has created a labor market in which mothers, intermediaries, caretakers, translators, lawyers, adoption agencies, and temporary homes are reaping the financial benefits.

Guatemala is the only Latin American country where a judicial process is not required to adopt, which makes adoptions technically legal; yet,

many perceive the adoptions as illegal at the core, as the process by which children are located remains very uncontrolled.

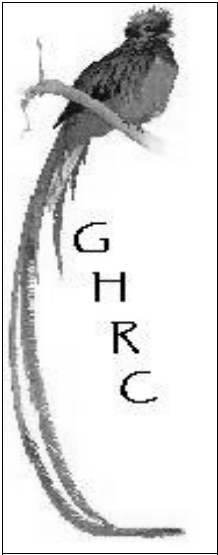
According to a study conducted by the Latin American Institute for Education and Communication (ILPEC), the business of adoptions has grown to such an extreme that classified announcements have appeared in newspapers advertising adoptions before babies are even born. According to the article, 23,474 Guatemalan children have been adopted within the past nine years and more than 4,141 petitions for adoptions have been filed so far in 2006, ninety percent of which originate in the United States.

### Government Reports on Progress of Dialogue

07.18.06 Vice President Eduardo Stein presented the first report on the advances made by four panels regarding Social Transparency and Auditing, Inclusion of Indigenous People, Health and Nutrition, and Rural Development. The report was presented to members of the executive branch and civil society. Among those in attendance were the President of the Judiciary, Beatriz de Leon, and Nobel Peace Prize winner Rigoberta Menchú.

Stein commented that the idea of the first report was to show the progress that has been made as well as to solicit comments and suggestions.

Upon hearing about the report, Juan Tiney, of the National Indigenous and Campesino Coordinating Committee (CONIC), expressed concern that CONIC was not invited to participate in the dialogue. He commented that there has been no progress in the areas of Rural Development or the Inclusion of Indigenous People, although both panels were established in June.



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.

Editor: Carmen Camey (ghrc-usa@ghrc-usa.org)

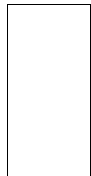
Additional Assistance:

Carrie Stengel, Julie Suarez

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3321 12th Street NE Washington DC 20017

Tel - 202-529-6599 Fax - 202-526-4611



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**Main Feature: Murders of Women in Guatemala Increasingly Frequent in 2006,  
New Amnesty International Report Finds**