

Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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RIGHT TO LIFE AND HUMANE TREATMENT

Reports of Police Abuse Increase

07.19.06 Reports of abuse by National Civil Police (PNC) officers have increased since last year, according to official data. Authorities said that the number of agents sanctioned by the disciplinary courts has also risen. Chief Inspector Victor Hugo Rosales attributes the increase in complaints to a reduced sense of fear in reporting the abuses.

Between January and June 2005, 782 accusations against police personnel were presented to the Office of Professional Responsibility (ORP). During the same period in 2006, the number of official complaints rose to 939. In the reports various officers are accused of 242 acts of robbery; 119 acts of bribery and extortion; eighty-nine kidnappings, illegal detentions, and disappearances; eighty-two threats; and seventy-two instances of torture and violence.

An ORP spokesperson noted that police officials are also often accused of drinking during working hours and deserting their posts. According to the ORP, many officers suffer from alcoholism. Norma Hasbun of the PNC countered that weekly alcohol awareness meetings are held to address these issues.

The disciplinary courts have dismissed thirty police agents so far this year for accusations of violence, illegal detentions, threats, and extortion. Punishments vary from written warnings to thirty-day unpaid suspensions to dismissal from the post. These measures are in addition to investigations conducted by the Public Prosecutor's Office (MP).

LAND RIGHTS

Families Evicted in Retalhuleu and Petén

08.01.06 On July 31, more than 500 National Civil Police (PNC) officers and 300 soldiers evicted 150 families from the Verde finca in El Tulate, San Andrés Villa Seca, Retalhuleu. The media reported that a number of the evictees fled to boats kept nearby. According to the press, shots were fired from the boats. The leader of the families occupying the land, Manuel René Enríquez, maintained that the eviction was illegal, as the families never received notification from a judge.

In another incident, the PNC reported that hundreds of families were evicted from the San Pedro finca, property of the Ministry of Defense, on July 27. The chief of police said that the campesinos left peacefully, yet there are still police officers guarding the area to prevent the families from reoccupying the land. The campesinos maintain that they occupied the finca because they had nowhere else to go.

Organizations Denounce Eviction Death Toll

07.29.06 Organizations publicly denounced the murders of eighteen campesinos in the past thirty months. These victims had participated in protests to reclaim their rights to use and own land, as well as to demand that finca owners comply with labor rights standards. The Indigenous, Campesino, Union, and Popular Movement (MICSP) held President Oscar Berger's administration responsible for these deaths and added that the administration lacks the political will to resolve land conflicts in the country.

Among the specific cases mentioned, the organizations recalled that eleven people died during an eviction on the Nueva Linda finca in Retalhuleu

in August of 2004. Six campesinos and five police officers died during that eviction. The three officers that were brought to trial for the incidents at Nueva Linda were later acquitted. In a more recent case, Miguel Quib Chen died during a confrontation on La Mocca finca. MISCP demanded that the Public Prosecutor's Office (MP) act immediately, as the material and intellectual authors of the murders are free and continue to terrorize the community.

LABOR RIGHTS

Hospitals Reach Agreement with Government

07.27.06 After hours of negotiating with the government, hospital staff on strike announced that as of July 27, they would resume outpatient services. In return, the authorities promised to supply medicine and surgical equipment. Among other commitments, the government plans to increase the annual budget for the Ministry of Health. The administration will also send an initiative to Congress to achieve an exception to the Law of Purchases and Contracting for 86.8 million quetzales (about US\$11.5 million) to buy medical equipment. Both parties agreed to continue negotiations, inviting the Human Rights Ombudsman's Office (PDH) to verify the fulfillment of all commitments.

Julio Chicas, representative of the doctors of San Juan de Dios, said that they would be monitoring the authorities' actions day by day. He said the doctors would renew the strike if the authorities failed to comply with the agreements made.

In Suchitepéquez, patients occupied the National Hospital in Mazatenango to demand treatment, as doctors had suspended outpatient services the previous week in support of the national hospital strike.

Teachers Continue to Pressure the Government

08.03.06 After four months of negotiations, representatives of the executive branch and the National Teacher's Assembly (ANM) managed to define the areas that will be addressed in future negotiations. The eighteen points proposed by the teachers and the twelve proposed by the Ministry of Education were divided into three areas: labor, an educational advisory commission, and miscellaneous. On August 2, teaching students proposed the establish-

ment of a council of teaching communities and a commission for reforming teaching degree programs, as well as a budget increase for these programs.

Calixto Morales, of the National Student Organization of Guatemala (ONEG), with members from the eighty-three teaching programs in the country, announced in a press conference that the members are ready to discuss the initiative with the Ministry of Education as soon as the governmental accord adding one year to teaching degree programs is revoked. The students proposed the formation of a commission on educational reform with the participation of UNESCO and other organizations. ONEG has suggested increasing the academic load or scheduling longer hours in order to maintain a three-year program. Morales said the group would wait until August 22 for a response from the Ministry of Education.

The small advances in these negotiations come after protests by teaching students throughout the country. Students from the Normal Institute for Señoritas Belén were among those holding protests in front of Congress to demand the repeal of the accord that extended teaching degree programs from three to four years. Students said that they would continue with roadblocks and protests until the accord was repealed.

Organization Asks Berger to Resolve Labor Dispute

08.02.06 The Food First Information and Action Network (FIAN) asked President Óscar Berger to intercede on behalf of thirty-two campesinos involved in a labor dispute since being fired from the Nueva Florencia finca in Colomba Costa Cuca, Quetzaltenango. Specifically, the organization asked Berger to adopt measures to ensure that the finca owner complies with the judge's orders. Michael Windfuhr, general secretary of FIAN, expressed concern that the owners of Ottmar S.A., with family connections to Berger, have failed to comply with the judge's order, have adopted measures to prolong the judicial process, and have created an intimidating environment for the families of the workers.

FIAN reminded the government that, as part of the International Covenant on Economic, Social, and Cultural Rights, Guatemala has assumed the responsibility of protecting the labor and food

rights of its citizens. FIAN also asked the company owners to pay out unemployment benefits and back wages to the campesinos who were fired on March 19, 1997.

SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

Extreme Poverty Rate Rises By 5.5%

07.24.06 The Second Report on Compliance with the Millennium Goals recently published by the Planning and Programming Secretariat of the Presidency (SEGEPLAN) reported that the Guatemalan population living in extreme poverty (surviving on less than one dollar per day) rose from 16 percent to 21.5 percent during this administration. The report attributes the rise to the low levels of investment in social spending and rural infrastructure, among the lowest in Latin America.

The report also cited slow economic growth, at 2.58 percent, and the fall in international coffee and sugar prices. According to SEGEPLAN, Guatemala can still reach the goal of reducing extreme poverty to ten percent by 2015, as established in the United Nations Millennium Goals. Guatemala, however, will need a higher per capita growth rate, combined with efforts to reduce inequality and social policies proven to provide the population with the capacity to rise out of poverty (more public investment in education, health, nutrition, housing, rural infrastructure, as well as programs to increase access to agricultural technology, micro credit, and land).

SEGEPLAN estimates that reaching this goal would require an annual increase in resources of up to 1.1 percent of GDP (about US\$3.68 billion in 2006), if overall economic growth remains at approximately three percent. If overall growth reaches five percent, the annual increase in resources should be about 0.6 percent of GDP (about US\$1.84 billion).

Communities in Huehuetenango Vote Against Mining

07.26.06 On July 25 and July 27, thousands of residents in a number of municipalities in Huehuetenango participated in community consultations on mining in the region. Organizers' estimates of the number of participants ranged from 10,000 to 29,250. During the consultations in Colotenango, San Juan Atitán, Todos Santos Cuchumatán, Con-

cepción Huista, and Santiago Chimaltenango, participants were asked to respond to the following question by a show of hands: "Do you support the granting of licenses or metal mining activity in our municipality, whether recognition, exploration, or exploitation?"

Organizations, including CEIBA, CUNOROC, IDHUSAC, FUNDAMAYA, ETESC, and AGAAI, registered the voters based on the electoral census of the Supreme Electoral Tribunal (TSE) and a number of measures were taken to ensure the legitimacy of the consultations, including the attendance of 150 national and international observers. The participants were overwhelmingly opposed to mining in the region. The signatures of the participants will be presented to the Ministry of Energy and Mines.

Commission Requests Repeal of Mining License

07.27.06 The Congressional Energy Commission urged the government to revoke the mining exploitation license granted to the Guatemalan Nickel Company in April of 2006 because the Commission disapproves of the company's environmental impact study. The company plans to extract nickel, iron, chrome and magnesium from the area surrounding El Estor, Izabal through the Project Fenix mine. The Ministry of Energy and Mines (MEM) and the Ministry of the Environment (MARN) announced that the license would not be revoked, even though the MARN also disapproved of the company's environmental impact study of the processing plant last February.

Minister of Energy and Mines Luis Ortiz maintained that the exploitation license is legal even though the environmental impact study was not approved. As head of the Congressional Commission, however, Julio Morales argued that the two Ministries have broken the law by granting the license without the authorization of the environmental impact study. This stance reflects some of the concerns expressed by K'eqchi communities in Izabal and some local organizations.

Negotiations on Rural Development Stall

08.01.06 After a meeting with Vice President Eduardo Stein, some social organizations raised the possibility of withdrawing from the negotiating table to address rural development. A number of organizations have expressed frustration over the lack

of advances in the negotiations. Juan Tiney, a member of the National Coordinating Committee of Indigenous and Campesino Organizations (CONIC), said that CONIC and other organizations are deciding whether or not they will continue participating in these negotiations, as well as discussions on transparency and health.

Government Promises to Invest in Quiché

07.23.06 President Óscar Berger and his work team concluded the Ninth Rotating Cabinet in Quiché, with promises to invest more than 350 million quetzales (about US\$46.6 million) in infrastructure, security, and services for the department.

Mayors and community leaders of the twenty-one municipalities in Quiché presented their needs to the authorities during the three-day cabinet. The Departmental Security Commission requested an increase in police officers, as the current 292 police officers cannot guarantee security in the region, especially in municipalities with rising crime rates.

Civil society representatives also requested that the former military base in Playa Grande be used for Mayan language schools and a Mayan university, arguing that these schools are not only realistic and necessary, but that they will also benefit the social and cultural development of the department. The president said that he was considering a number of groups that could use part of the military base to carry out their work.

Governor José Francisco Lux said that in the next few months the number of police officers would be increased, health and education services would be expanded, and road construction projects would be completed.

Academics Highlight Negative Impacts of DR-CAFTA

08.03.06 During a session in Guatemala, international experts presented their claim before the Inter-American Commission on Human Rights (IACHR) that the Dominican Republic – Central America Free Trade Agreement (DR-CAFTA) will negatively impact the right to life. Raúl Moreno, an economics professor at the University of El Salvador, told Prensa Latina that the trade agreement would deal a series of direct blows to the daily life of Central Americans that will also weaken the United States.

According to the academics meeting in Guate-

mala City, the agreement violates the principle of food sovereignty, as the importation of subsidized US agricultural products will lead to the collapse of local products. Moreno emphasized that it is impossible to compete with rice imported from the US, which receives subsidies of up to eighty percent. Imported subsidized products, such as rice, make it difficult to maintain a robust regional agricultural sector.

The academics said DR-CAFTA also threatens the right to health, because the chapter on intellectual property rights prioritizes patented medicines, which are sold at high prices compared to the readily available generic medicines.

Moreno also asserted that the free trade agreement sacrifices national interests in favor of transnational companies, destroys the production chain, and opens the door to the privatization of public services, all threatening the right to life.

The Council of Human Rights Ombudsmen of Central America also voiced opposition to the ratification of DR-CAFTA, asserting that the effects on the region's economy will be negative. The Ombudsman from Honduras said that DR-CAFTA was an act of hypocrisy, as trade will become less and less free after the agreement's ratification. The Ombudsmen committed to issuing a mid-year report in 2007 that will evaluate the effects of the agreement on labor and the economy.

Elderly Set Up Road Block Near Antigua

07.31.06 A group of elderly Antigua residents blocked the highway to Antigua as a means of voicing their support for economic pensions for the elderly. Approximately 25,000 motorists were stalled for more than an hour and a half as the roadblock continued and tires were burned. Héctor Montenegro, president of the National Association for Elderly Persons without Social Coverage, said that this roadblock is an example of what could happen on a national level if President Óscar Berger fails to respond favorably in a meeting scheduled for July 31.

MIGRANT RIGHTS

US Sponsors Training for Mexican Border Agents

07.29.06 US State Department officials have announced that the US government is supporting

Mexican efforts to secure the Mexican border with Guatemala by providing training and equipment to the authorities in charge of locating, arresting, and deporting undocumented Central Americans.

Elizabeth Whitaker, Deputy Assistant Secretary for Western Hemisphere Affairs, said that the US is specifically helping to form, train, and equip three specialized forces. The US has provided three modern inspection trucks that can detect cargo vehicles and hidden passengers and has also sponsored border security training for officials based in the southern Mexican state of Chiapas. According to organizations working for migrant rights, the Mexican federal and municipal police, immigration agents, and army officials are those most often accused of human rights violations.

RIGHT TO JUSTICE

Inter-American Commission Reports Few Advances

07.27.06 Victor Abramovich, a member of the delegation from the Inter-American Commission on Human Rights (IACHR) that visited Guatemala at the end of July, said there have been few advances in terms of justice, safety, and human rights in Guatemala. He specifically pointed out the deficiencies in the investigations carried out by the Public Prosecutor's Office (MP) and the confusion of police and military roles in guaranteeing public safety. Abramovich also noted his concern for human rights violations, violence against women, and the judicial response to the violence.

Abramovich said the only advance has been the state's recognition of grave human rights violations committed in the past, such as the murder of anthropologist Myrna Mack and the disappearance of university students in the 1980s.

The IACHR also reiterated that amnesty cannot be granted for human rights violations codified in international criminal law, such as genocide. With respect to the genocide case now in the Spanish court system, Abramovich said that the Spanish justice system is exercising the principle of universal jurisdiction and that in a situation of impunity, the Guatemalan authorities should cooperate.

Suspected Criminal Beaten in Sololá

08.02.06 A suspected criminal was detained and beaten on July 31 by a group of residents in El Encanto, Sololá. The suspect, Camilo Yaxón, is ac-

cused of breaking into the home of Lucas Excayá with four other men, threatening Excayá with firearms, and forcing him to pay two million quetzales (about US\$266,666). The local mayor, Lucas Bocel, said that the screams of some of the family members alerted the neighbors of the break-in, causing the armed men to flee. The community members were able to capture Yaxón, however, and they tied him to a post in the central park. Some community members wanted to lynch him, but community leaders decided to turn him into the police.

Indigenous Women Struggle for Access to Justice

07.20.06 Defense of Indigenous Women (DEMI) commemorated its seventh anniversary with a round table discussion that analyzed the lack of access to justice experienced by indigenous women, a subject that will be the central theme of the organization's next report.

The round table discussion was led by Rita García, Magistrate of the Appeals Court, Anabela Giracca, professor at Rafael Landívar University, and Otilia Lux de Coti, from the Political Association of Mayan Women. They all agreed on the need to promote measures to change the situation of indigenous women.

According to María Teresa Zapeta, of DEMI, indigenous women are one of the most vulnerable sectors of the Guatemalan population as they suffer dual discrimination due to gender and ethnicity. Zapeta affirmed that Mayan, Garífuna, and Xinca women have little access to the justice system, saying that even if they report violations, very few cases are investigated.

Lux suggested that indigenous persons who currently wield power in the government must generate support to change the discrimination and racism that impede indigenous women's access to services such as health, education, and justice.

DEMI was created in July 1999, out of the struggle of various indigenous women's groups demanding policies in favor of women from the government. Currently DEMI has regional offices in Baja Verapaz, Petén, Quetzaltenango, Huehuetenango, Quiché, and Suchitepéquez. DEMI provides support to women in their native languages, including psychological assistance for survivors of domestic violence.

RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

Environmentalists Urge Congress to Regulate Water

08.03.06 Environmentalists, international organizations, and Guatemalan authorities urged Congress to approve a water law that would include resource protection measures. The request was made during a workshop on innovations in environmental flows, which water management experts presented before officials and environmentalists.

Nadia Mijangos, of the Water Resources Unit within the Ministry of the Environment, said that there is an urgent need for regulations that give them more control over water use. Carlos Salvatierra, of Madreselva, said that deforestation and the poor use of water basins are other factors that should also be attended to. According to Salvatierra, ninety-five percent of the rivers in Guatemala exhibit some level of pollution.

Jacqueline King, of the University of Cape Town in South Africa, called on the government to ensure that hydroelectric dams and mining projects do not threaten biodiversity or the well being of the Guatemalan population. King said that Guatemala has progressed very little in terms of studying and defining environmental flows.

LEGAL CASE UPDATES

Court Upholds Acquittals in Black Thursday Case

08.01.06 The Penal Chamber of the Supreme Court of Justice (CSJ) upheld an earlier court decision to acquit General Efraín Ríos Montt and the former Minister of the Interior Adolfo Reyes Calderón, Both face charges related to the riots of July 24 and 25, 2003, when supporters of Ríos Montt rioted in the streets to demand the approval of his presidential candidacy. The riots resulted in the death of journalist Héctor Ramírez, who died of a heart attack after being pursued by demonstrators carrying rocks and sticks.

Lawyers representing the Ramírez family appealed the earlier court decision to close the case. One magistrate said the most recent ruling upheld the previous decision because the lawyers failed to present new arguments. The court also confirmed an abbreviated process for thirteen other supporters

of Ríos Montt's party, the Guatemalan Republican Front (FRG), accused of participation in the riots. Walter Robles, the lawyer representing the Ramírez family, said that there was outside influence in this case, but that they would seek justice internationally.

US Legislators Request Enforcement of Warrants

08.03.06 Twenty members of US Congress signed onto a letter addressed to Molly Warlow, Director of the Office of International Affairs, asking the US Department of Justice to enforce and cooperate fully with the arrest warrants issued for eight former Guatemalan officials accused of genocide, terrorism, and systematic torture, among other crimes. Specifically, the warrant was issued for Efraín Ríos Montt, Oscar Humberto Mejía Victores, Ángel Aníbal Guevara Rodríguez, Donaldo Álvarez Ruiz, German Chupina Barahona, Pedro García Arredondo, Benedicto Lucas García, and the late Romeo Lucas García.

Spanish Judge Santiago Pedraz issued the arrest warrant in July after leading an investigative commission to Guatemala that was blocked by the Guatemalan Constitutional Court's decision to uphold the defendants' appeals. The warrant also includes orders to freeze and seize any financial assets belonging to the defendants. In the letter, the US representatives urged the Department of Justice to cooperate fully with the warrant, actively investigate the potential whereabouts of the defendants' financial assets, and inform the US Congress of their efforts.

Court Orders New Resolution in Journalist's Case

08.03.06 The Supreme Court of Justice (CSJ) ordered the Third Court of Appeals to correct the resolution handed down on July 4, 2005, which ordered a new trial for former army specialists Belter Álvarez Castillo and Eduviges Funes Vásquez, accused of assaulting and threatening the president of the newspaper el Periódico, José Rubén Zamora, and his family. The decision of the magistrates of the Chamber of Injunctions and Trials found that the earlier decision is not consistent with Zamora's requests. On March 4, 2005, Funes was sentenced to sixteen years in prison, while Álvarez was acquitted. Zamora asked the court to convict Álvarez as well.

OTHER INFORMATION

University Study Criticizes Anti-Gang Efforts

07.21.06 Non-governmental organizations and universities under the direction of the Director of the Public Opinion Institute of the University of Central America (UCA), José Miguel Cruz, recently published a study entitled “Youth Gangs in Central America.” The report questions the repressive iron fist policies against youth gangs in Guatemala, El Salvador, Honduras, and Nicaragua.

According to the study, these policies have not led to rehabilitation, nor have they stemmed the problem. As a response to the desperation created by insecurity, Central American governments seem to back authoritarian measures and iron fist policies, which only further marginalize at-risk youth. The anti-gang operations Plan Escoba in Guatemala, Iron First and Super Iron Fist in El Salvador, and Zero Tolerance and Blue Liberty in Honduras, were recorded as failures in the study.

Civil society efforts to strengthen rehabilitation programs have met serious obstacles, especially in cases where society at large supports authoritarian measures and strong-arm tactics because of the desperation generated by insecurity.

The number of gang members operating in the four Central American countries could soon rise above 70,000, with the majority living in Guatemala, El Salvador, and Honduras.

Guatemala Gains Votes For UN Security Council Seat

07.25.06 President Berger announced that ninety-eight countries have expressed support for Guatemala’s bid for one of the non-permanent seats on the United Nations Security Council. According to Berger, Guatemala only needs twenty-three more votes to gain the seat on the Council. In an effort to ensure the necessary votes, the Guatemalan Ministry of Foreign Relations has developed a plan to gain support from other UN member countries.

Venezuela is also a candidate for the same seat and the country has recently intensified its own lobbying efforts. Venezuela’s calls for reforming the UN have gained support from some countries and drawn criticism from others. The Venezuelan Ambassador to the UN has maintained that the current structure of the UN fails to represent poor coun-

tries, saying, “What we want is to generate a process of democratization inside the UN.” Venezuelan President Hugo Chavez has called for a “re-founding” of the UN, arguing for the termination of the veto vote and the expansion of the Security Council, among other reforms.

The United States has argued that Chavez is a threat to democracy and has lobbied heavily for Guatemala. The State Department has cited Guatemala’s work with the UN, including peacekeeping missions, as reason to support its candidacy.

A BBC reporter on Brazil has pointed out that Latin America used to present only one candidate for the Security Council. So far, Brazil, Argentina, Paraguay, Uruguay, Bolivia, Cuba, and a number of other Caribbean countries have voiced their support for Venezuela. On the other hand, Mexico, Nicaragua, Honduras, El Salvador, Costa Rica, and Colombia have all committed to a vote for Guatemala. Argentina will hand over its current seat on the Security Council at the end of the year after the official vote in October.

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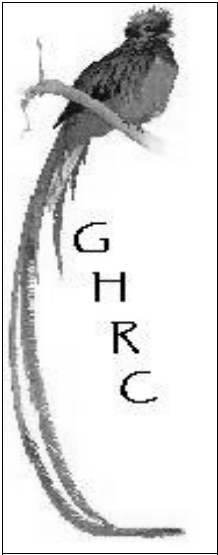
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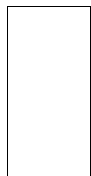
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- **Reports of Police Abuse Increase**
- **Extreme Poverty Rate Rises by 5.5%**
- **Communities in Huehuetenango Vote Against Mining**
- **US Sponsors Training for Mexican Border Agents**
- **US Legislators Request Enforcement of Arrest Warrants**

- **Insert: Trade Unionist Abducted and Beaten in Guatemala**