

# Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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## RIGHT TO LIFE AND HUMANE TREATMENT

### Over 300 Women Murdered So Far This Year

08.09.06 Guatemalan human rights organizations expressed concern for the wave of femicides in Guatemala, which has claimed 322 victims so far this year. Congressional representative Nineth Montenegro noted that the murders of women, along with those of children and adolescents, have increased in Guatemala as never before. The majority of the murders were committed in the capital city, as well as Escuintla and Petén.

Montenegro noted that, of the 322 cases this year, only twelve are being investigated and only two suspects connected to one murder are currently in prison. She listed a misogynous attitude toward women, the increasing involvement of women in the public sphere, and rising gang activity and organized crime as factors in the rise in femicides. As women become more active in the economy, politics, and education, they become more vulnerable and some also get involved in gangs and organized crime. Montenegro emphasized that participation in criminal activity does not justify the women's deaths. She said the lack of response on the part of the authorities in cases involving women was also a factor, adding that the justice system is inefficient and the Public Prosecutor's Office (MP) fails to carry out the necessary investigations.

Mario Polanco, an activist with the Mutual Support Group (GAM), said that this crisis reveals serious institutional weaknesses. In Guatemala there is no security policy for the general population. Polanco said the population is in a position of extreme vulnerability and women are particularly affected because the government lacks the will to guarantee their security much less investigate crimes commit-

ted against them. Polanco disagreed with official statements claiming that the investigation process has improved. According to Polanco, monitoring in the courts has shown that there has been absolutely no improvement.

Human rights activists are particularly concerned that the number of women murdered this year will surpass last year's total.

### Residents Try to Lynch Suspected Kidnappers

08.13.06 Twelve persons were almost lynched by residents in Pacalal, Nahualá, Sololá, after being accused of selling seven local children for amounts ranging from 8,000 to 19,000 quetzales (between US\$1,066 and US\$2,533). The residents cut off the women's hair and made them kneel on small stones to force their confessions, and forced the men carry heavy loads on their backs. The suspects were later referred to the corresponding court, according to Leonel Cortez of Police Station 33.

The accused kidnappers are Catarina Guarchaj, thirty-two years old; Manuela Siquín, sixteen years old; Marta Siquín, twenty-five years old; María Lopez Guarchaj, twenty years old; Maria Tambriz, twenty-two years old; Manuela Ixmat Choz, twenty-six years old; María Siquín, twenty-five years old; Francisco Ixquiataj, twenty-one years old; Domingo Siquín, nineteen years old; Diego Coj Guarchaj, thirty-five years old; and José Morales, twenty-five years old.

### Inmate Reports Abuse by Security Forces

08.17.06 Sonia Solís, an inmate at the detention center in Salamá, Baja Verapaz, reported that members of the security forces there had raped her. Solís, the only female prisoner at the jail, said that her cell does not have a toilet and that whenever she asks to use the toilet, she must grant her guards sexual favors in return. Solís is charged with drug pos-

session and is incarcerated with her one-year-old son. She has asked the authorities to act in her case.

## BASIC FREEDOMS

### **16 People Held by Campesinos on La Moca Finca**

08.11.06 Around 500 campesinos and two private security guards blocked the passage of six journalists, eight union and campesino leaders, and two international observers for three hours near La Moca finca, in Senahú, Alta Verapaz. The sixteen persons, invited by the National Coordinating Committee of Campesino Organizations (CNOOC), were on their way to interview people living on the finca when a group of campesinos and private security guards intercepted them.

Tensions between two groups of campesinos connected to the Moca finca have been running high in the past few months. One group was evicted from the property, but remained stationed along the highway to pressure the finca owners to attend to their demands for labor benefits and grant them land titles. The other group, more closely tied to finca owners Roberto Hempstead and William Hempstead Smith, currently lives on the land. On July 8, a confrontation between the two groups led to the death of seventy-five-year-old Miguel Chen.

According to Prensa Libre, in this latest incident, the reporters had already interviewed the campesinos living near the highway and they were on their way to interview the other group when they were detained. The campesinos, some of them armed, blocked the road with part of a truck and alerted the nearby community with whistles. The group apparently thought the visitors were government workers and blocked their passage, asking who they were and why they had come to the finca. After three hours, the reporters and activists managed to convince the group that they were just there to write an article and they were freed.

The journalists were identified as Edgar López and Rafael Rosales, of the daily Siglo Veintiuno; Aurora Samperio and Darío Chiquito, of Guatevisión; Rosario Ávila and Hamilton Patzán, of Telecentro 13. They were accompanied by CNOOC members Alfredo Che, Maribel García, and Pedro Mateo; Óscar Lobos, of the Union of Guatemalan Union Workers; Leonel Barrios and Sergio Paredes,

of Mesa Global; two drivers; and two observers.

Journalist Aurora Samperio said that the group had detained them because they didn't believe they were reporters and they called together the entire community so that the visitors could explain what they were doing there. Samperio said they were all very nervous because some of the campesinos were armed and they were speaking Q'eqchi', so the reporters didn't understand the conversation. One of the campesinos reportedly told Samperio later that the group was ready to kill the visitors had everything not been cleared up.

Minister of the Interior Carlos Vielmann announced that the incident would be investigated. Human Rights Ombudsman Sergio Morales condemned the act and said that the rights of the journalists had been violated. Morales added that it was time for the government to do something about the situation on La Moca finca, as there have been repeated human rights violations there.

## RIGHT TO JUSTICE

### **Number of War Victims Could be Much Higher**

08.10.06 Rosalina Tuyuc, the president of the National Reparations Program (PNR), said that the number of victims of the armed conflict in Guatemala could actually be much higher than 200,000 as estimated by the Historical Clarification Commission (CEH) and the Recovery of Historical Memory (REMHI) project of the Guatemalan Archbishop's Human Rights Office (ODHAG). The number of forced disappearances alone could be three times higher than the previously estimated 45,000.

Tuyuc added that the number of massacre victims could also be higher, based on exhumations carried out by the Guatemalan Forensic Anthropology Foundation (FAFG). According to Tuyuc, many of these massacres were not included in the original estimates, as many of the victims' relatives were afraid to testify before the two groups documenting abuses committed during the war.

Martin Arévalo, executive director of the PNR, said that conservatively, they believe that the number of victims is at least double the number known until now. The higher estimates were also supported by Nery Rodenas of the ODHAG; Ruth del

Valle, a former assistant coordinator for the REMHI project; and Orlando Blanco, director of the Center of International Human Rights Investigations.

Rodenas said that exhumations carried out by the FAFG prove that there were massacres that were not included in the CEH or REMHI reports. He projected that the number of massacres could be as high as 1,000, well above the 442 massacres documented in the REMHI report.

Tuyuc announced that the PNR plans to acquire equipment and hire specialized personnel to analyze the DNA of bodies found in common graves. The DNA analysis will be used to verify whether or not those asking for reparations are related to the victims. Tuyuc said that the PNR is allotted 300 million quetzales (approximately US\$40 million) annually, of which 11.3 million quetzales would be used to purchase equipment and train personnel for the laboratory. The new lab would also receive technical support from the FAFG.

#### **Relatives of Civil War Victims Demand Action**

08.11.06 Relatives of civil war victims occupied the offices of the National Reparations Program (PNR) of Quiché and Huehuetenango for several hours to demand payment. Santiago Cheek, the secretary of the National Movement of Victims in Quiché, said that the protesters are tired of the government's lack of follow-through. Halfway through the year, many people are still awaiting compensation. The regional coordinator of the PNR, Enrique Itzep, said that they still have to verify the victims' testimonies, which requires a lengthy investigation. Leaders in both Huehuetenango and Quiché threatened to take further action.

The National Movement of Victims also proposed a national census of victims of the internal armed conflict that could be used to facilitate reparations payments. This is one of the demands the Movement is hoping to resolve during negotiations proposed by Vice President Eduardo Stein. Juan Perez Zedillo, a leader of the movement, said that Stein had offered to start negotiations on July 19, which did not happen. He also said that the parties had agreed to invite the Human Rights Ombudsman (PDH), the Catholic Church, and relevant legislative commissions. According to the office of the Vice President, there were no negotiations

planned, but a meeting was set for August 17 to discuss the issue.

## **RIGHTS OF THE CHILD**

### **UNICEF Encourages Breastfeeding**

08.09.06 In developing countries, children who are fed breast milk have almost triple the probabilities of surviving childhood, according to the United Nations Children's Fund (UNICEF). Ann M. Veneman, Executive Director of UNICEF, said that although the rates of breastfeeding are increasing in the world, an estimated sixty-three percent of children under six months old are not nursed correctly, meaning that millions of children begin their life at a disadvantage. According to Veneman, babies should be fed with breast milk for the first six months because it provides essential nutrients and protects babies from a number of diseases.

UNICEF emphasized that breastfeeding and good nutrition during childhood are crucial aspects in reaching the Millennium Development Goals, mainly those related to reducing infant mortality rates and eradicating poverty and hunger.

Veneman said that this year UNICEF is commemorating the 25<sup>th</sup> Anniversary of the International Code of Marketing of Breast Milk Substitutes, which has been ratified by more than sixty countries. The code promotes breastfeeding and prohibits excessive advertising for breast milk replacement products, among other things.

## **INDIGENOUS RIGHTS**

### **Groups Renew Call to End Discrimination and Racism**

08.10.06 On August 9, the International Day of Indigenous Peoples, indigenous communities in Guatemala remembered their shared history of discrimination, oppression, and terror when recalling the 1994 United Nations resolution. The National Coordinating Committee of Campesino Organizations (CNOC) said that the indigenous in Guatemala have little to celebrate, as they continue to be excluded and marginalized. CNOC emphasized that poor campesinos, the majority of whom are indigenous, continue as the victims of corrupt governments and exclusionary entrepreneurs.

The marginalizing of indigenous citizens, who make up more than sixty percent of the population, is reflected in the absence of agrarian and rural de-

velopment policies; the low budget allotted to institutions related to land issues; the lack of respect given to the opinion of indigenous communities that have rejected large-scale projects in rural areas through legal means; and the use of violence in responding to the demand for land on the part of indigenous and campesino families.

CNOC said that the country is confronting an economic crisis, adding that after promoting the Dominican Republic Central America Free Trade Agreement (DR-CAFTA) with the United States, the Guatemalan government now wants to increase the price of goods in order to earn millions to the detriment of the majority of the population. CNOC said that during the thirty months of the current administration, the price of basic goods has increased; purchasing power has decreased; social investment has fallen; violence and insecurity have risen; poverty has increased; unemployment has skyrocketed, and yet the government shows no political will to increase the minimum wage or improve the living conditions of poor Guatemalans.

CNOC's demands included an end to the manipulation of indigenous employees to improve the image of businessmen in Guatemala; an end to discrimination in the legal system; respect for cultural diversity and identity; public policies on development designed to eliminate poverty; respect for human rights; and social, economic, and cultural development on the community level.

### **Government Honors Indigenous Leaders**

08.10.06 The government commemorated the International Day of Indigenous Peoples by paying tribute to six leaders who work for indigenous rights in Guatemala and by promising to continue efforts to end racism and discrimination.

The honorees included Juana Vasquez Alarcón, the first indigenous nun to visit the Pope. During the civil war, she fled to the mountains with the Communities of Population in Resistance, and she is considered a strong female leader in the spiritual field. Salvador Cutzal Mijangos, a Maya Kaqchiquel theologian, was also honored. He is a consultant for the Mayan University and has also supported campesinos in the Guatemala-Belize border region. Another honoree was Rudy Alcides Ramirez Cayetano, a teacher for twenty-five years, and the first Garifuna supervisor in the promotion of

intercultural bilingual education. He has also served as the president of the Organization of Black Guatemalans. The government also paid tribute to Expectación García Pérez, born in Nueva Santa Rosa, who studies Xinca and leads a group of twenty young people in the subject. Augusto Willemsen Diaz, a lawyer who began working for the United Nations in 1956 promoting the Consultative Statute of Indigenous Organizations was also mentioned. He currently presides over the first Court of Conscience on Racism and Racial Discrimination. Also honored was Celestine Tay Coyoy, the former Minister of Education, who created the National Program for Educational Self Management, organized the School Transportation Program in 1993, created the Educational Scholarships Program, and helped initiate the Parent Schools in indigenous communities.

The government's ceremony was presided over by Nobel Peace Prize laureate Rigoberta Menchú and the coordinator of the Presidential Commission against Discrimination and Racism (CODISRA), Ricardo Cajas. In her comments, Menchú emphasized that discrimination and racism still prevail, necessitating change before true coexistence can be reached.

Cajas said that CODISRA is currently working on including a Panel for Indigenous Peoples within the National Agreement on Social Costs and Poverty Reduction, as well as developing public policies to promote peaceful coexistence in Guatemala. CODISRA will present their proposals next October.

On the international level, Kofi Annan, Secretary General of the United Nations, commented that indigenous communities continue to face serious challenges. There is still much work to be done to alleviate the poverty affecting indigenous peoples, to protect the indigenous from massive violations of their rights, and to end discrimination, Annan emphasized in his comments commemorating the day. He added that the day should lead to further reflection on the particular challenges indigenous communities grapple with, particularly in accessing health, education, and land.

Two months ago the UN Declaration on the Rights of Indigenous Peoples was adopted by the UN Human Rights Council. During a visit to Guatemala in May, the UN Special Rapporteur on the

Human Rights and Fundamental Freedoms of Indigenous People, Rodolfo Stavenhagen, noted the high poverty rates and exclusion experienced by the indigenous Maya in Guatemala. The indigenous population faces serious problems, he said, such as violence, marginalization, discrimination, and misery, in addition to difficulty in accessing suitable social services, particularly healthcare, education and potable water.

## **SOCIAL, ECONOMIC, AND CULTURAL RIGHTS**

### **Strike Continues to Paralyze Hospitals**

08.17.06 Representatives of hospital staff on strike announced that they would not resume outpatient services as previously agreed, because the Ministry of Health had not followed through on its commitment to buy medical equipment. Vice Minister of Health Salvador Lopez explained that the ministry reached an agreement with the International Organization for Migration (IOM) and the medical supplies will be purchased through the IOM and the Pan-American Health Organization.

By presidential order, army doctors were to begin covering outpatient services for health centers on August 14 in zones 1, 3, 7, 11, and 21 in Guatemala City, since the ongoing crisis has paralyzed outpatient services in these hospitals. In addition, a field hospital will be opened in Campo de Marte in zone 5 that will offer specialized attendance. Colonel Jose Ortega Gaitán said that the military support will continue until a new order is given. He added that they have the capacity to cover Huehuetenango, Mazatenango, Zacapa, Jutiapa, and Petén, if needed.

The Organization of Doctors and Surgeons called an emergency General Assembly and decided to continue with the strike, in spite of the forty-four dismissals ordered by ministerial authorities. The Assembly also decided to demand the resignation of Health Minister Marco Tulio Pérez and of the directors of the national hospitals. Representatives of the doctors said that they refused to replace their colleagues who were dismissed. They said they would seek support from union and popular organizations, as well as from the international community in mediating with the government if further negotiations fail.

Nevertheless, President Berger announced that

the dismissals would continue if the doctors did not resume their work. Berger declared that it is a crime to leave one's work and that the doctors could be punished under criminal law. The President added that the doctors forced the government to adopt strong measures and that the doctors would be replaced by young doctors who actually want to work. The Ministry of Health said it would cancel the dismissals if the doctors returned to work in the following few days, and also promised to continue with the processes of purchasing the requested medicine and medical equipment.

### **Representatives Criticize Medical Purchase**

08.11.06 The proposal to purchase medical supplies and equipment through the International Organization for Migration (IOM) has drawn some criticism. The IOM would reportedly receive four percent commission for each purchase in administration fees. Mario Vásquez, of the National Advancement Party (PAN), said that he opposed giving so much money to the OIM when that money could be used to buy more medicine. Nineth Montenegro, of Encuentro por Guatemala, said it seemed "unjustifiable" to fall into this kind of corrupt practice in which the government buys without bidding and without oversight. She said that the Ministry could have good intentions, but emphasized that the agreement should include mechanisms to prevent corruption. The Ministry of Health has said that the agreement will facilitate the immediate acquisition of the equipment and supplies.

### **Secretariat Calls for New Food Security Plan**

08.11.06 Civil society representatives participated in the first of sixteen meetings that will take place to develop a national food security plan. Andrés Botrán, head of the Secretariat of Food Security of the Presidency (SESAN), said that previous plans have not led to the desired results, so those invested in the issue must now reach consensus on a new plan. He expected the participation of 500 representatives, including church officials, businessmen, campesinos, academics, and experts. Ian Cherrett, representative of the UN Food and Agricultural Organization (FAO), said that they would contribute US\$70,000 for the new initiative.

### **Government and Elderly Enter New Round of Negotiations**

08.10.06 Representatives of elderly adults without coverage began discussions with the executive branch to develop a law that would provide economic assistance to senior citizens. Representatives of the Association of Elderly People without Social Coverage, supported by Congressional representative Manuel Baldizón, insisted on extending articles 8 and 12 of decree 85-2005, to include a pension for the elderly. To cover the cost of the pension, the group proposed a tax on alcoholic beverages and a ten percent pay cut for state employees earning more than 10,000 quetzales (approximately US\$1,333), among other things. Rosa María de Frade, head of the negotiations, assured the press that there is a real commitment to assist the elderly, to find a funding source for the pension, to expand the law that was presented in Congress, and to avoid the politicization of the issue.

### **CONRED Installs Radio-Transmitters in High-Risk Areas**

08.11.06 Based on last year's experience with the damages caused by the Hurricane Stan, the National Coordination for Disaster Reduction (CONRED) equipped several communities in Retalhuleu with radio-transmitters to facilitate better communication and organization in any emergency situation. Jorge Hernández, of the executive secretariat of CONRED, said that the most serious problem during the hurricane was the lack of organization and communication. This in turn meant that there was no immediate assistance in some communities. Carlos Quintana, Governor of Retalhuleu, said that the radio-transmitters were given to particularly vulnerable groups, as defined after Stan, so that the high-risk areas have the means to communicate quickly and effectively in case of an emergency. The communication system will connect the communities with the firemen, the departmental government, and CONRED.

### **Groups Present Minimum Wage Proposals**

08.17.06 Negotiations on the minimum wage for 2007 began as both employers and workers planned to present their proposals for both agricultural and non-agricultural wages. Rigoberto Dueñas, of the General Confederation of Guatemalan Workers (CGTG), argued that the minimum wage increase should be based on inflation, while the employers

said that their calculations would be made based on improvements in productivity. Carlos Arias, of the Coordinating Committee of Agricultural, Commercial, Industrial, and Financing Associations (CACIF), emphasized the importance of fixing the minimum wage without negatively affecting any one sector's ability to compete. If the parties do not reach an agreement, the issue will go before the National Salary Commission, which would have three months to send a recommendation to the executive branch.

The current minimum wage is 42.46 quetzales per day (about US\$5.66) for agricultural work and 43.64 quetzales per day (about US\$5.81) for non-agricultural work. The executive branch set the minimum wage for 2006 after the negotiating parties failed to reach an agreement.

### **Congress Questions Generic Medicine Purchase**

08.11.06 The Congressional Probitry Commission questioned Rolando del Cid, head of the Guatemalan Social Security Institute (IGSS), about the purchase of generic medicine for kidney transplant patients who have since complained about the quality of the product.

Guillermo Sosa, president of Commission, explained that the IGSS bought the medicine Refrat, which is manufactured in India, but has not been internationally approved and is only prescribed in Guatemala. Twenty patients, who were at the meeting, said that rather than alleviating pain, Refrat has negative effects that put the transplanted kidney at further risk. The patients requested Cellcept, a brand name product with a reputation for effectiveness. The difference in the price of the generic and the brand name product is twelve quetzales.

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

### **Madreselva Promotes Ecotourism**

08.09.06 José Manuel Chacón, of the environmental organization Madreselva, argued that the government should promote ecotourism instead of granting petroleum extraction licenses to foreign companies. Chacón criticized the administration of President Óscar Berger for the decision to grant licenses for petroleum extraction in protected areas.

According to Madreselva, petroleum extraction would contaminate the atmosphere and destroy ecosystems, just like open-pit mining does, with disastrous effects on the environment and human health. Chacón listed the destruction of extensive areas of forest, contaminated water, and damage to sacred sites as particular concerns.

Chacón identified several regions in Petén that are in danger, including Laguna del Tigre, where crude oil is already extracted, and the sacred site, Salinas Nueve Cerros, located between Cobán, Alta Verapaz and Ixcán, Quiché. The communities of Salinas Nueve Cerros have organized to resist the project, fearing that the Mayan ruins, as well as the wide variety of flora and fauna in the area, will be destroyed if the company Petrolatina is allowed to extract oil. Chacón also mentioned two refineries under construction in Morazán and San Agustín Acasaguastlán, El Progreso. According to Chacón, the locations place the Motagua River at risk, as acid and other waste material from the refineries will flow into the river.

### **Miners Demonstrate to Support Mining Operations**

08.11.06 More than a thousand mining employees from the Miners Union and the Association for Mining Development in Guatemala (ASODEMI) marched in Guatemala City to demonstrate support for the mining companies that employ them. Mid-level and high-level management employees of the Guatemalan Nickel Company (CGN), with operations in El Estor, Izabal, were also present at the march. Regina de Cerezo, a spokeswoman for CGN, said that the company provided five nineteen-seat airplanes and an equal number of buses to facilitate transportation to the capital. Some of the employees that were marching said that company representatives had warned them that the mine could be closed, so the employees should support it.

## **MIGRANT RIGHTS**

### **Mexican Police Shoot at Migrants in a Church**

08.10.06 The Governor of Veracruz, Mexico, Fidel Herrera Beltrán, confirmed that agents of the National Migration Institute (INM) and of the Federal Police shot at several undocumented Central Americans taking refuge in the church San Felipe Neri in the municipality of Tierra Blanca. The incident occurred at dawn, when the group of undocumented persons, some of

them Guatemalans, was captured and the police opened fire on them. The Governor ordered the state's Ombudsman's Office to investigate and identify those responsible.

## **OTHER INFORMATION**

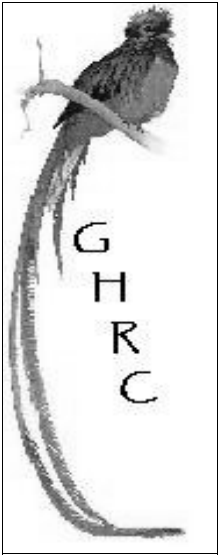
### **Efforts to Combat Drug Trafficking in Petén Increased**

08.11.06 The government decided to intensify joint police and army efforts in Petén to improve coordination on eviction orders in protected areas and to strengthen anti-drug efforts. Minister of the Interior Carlos Vielmann; Minister of Defense Francisco Bermúdez; Manuel Barquín, the governor of Petén; authorities of the National Council of Protected Areas (CONAP); and representatives of the association Defenders of Nature met in Santa Elena to define the joint actions.

Vielmann declared that the efforts to reduce drug trafficking must produce results by the end of December and that land occupations in protected areas should end in two months time. Vielmann also mentioned the use of aerial patrols, as well as special patrols on the Usumacinta and Salinas rivers, where drug and human traffickers have been detected. In the meeting, Bermúdez said that the joint forces would focus on Sierra del Lacandón, in La Libertad; Laguna del Tigre, in San Andrés; and Sayaxché.

### **US Demands Increase in Anti-Drug Efforts**

08.17.06 In a meeting with the head of the Public Prosecutor's Office, Juan Luis Florido, United States Ambassador James Derham urged Guatemala to step up its effort to combat drug trafficking and money laundering. Derham also met with Minister of Interior Carlos Vielmann to discuss the results of the US-supported Plan Maya Jaguar, intended to decrease drug trafficking in Petén. At the same meeting, the governor of Petén explained the problem of insecurity in the Petén and also detailed recent efforts to decrease organized crime in areas such as Sierra del Lacandón, Laguna del Tigre, and the archaeological zone of Yaxhá. Due to its expansive size and a lack of monitoring, Petén has become a stronghold for organized crime and other illegal activities. The absence of authorities in the protected areas makes them particularly fertile ground for smuggling, drug and human trafficking, and the theft of wood and Mayan artifacts.



Founded in 1982, the Guatemala Human Rights Commission/USA is a nonprofit, nonpartisan, humanitarian organization that monitors, documents, and reports on the human rights situation in Guatemala, advocates for and supports survivors of the abuses, and works toward positive systemic change.

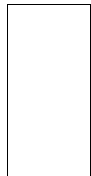
Information in the *UPDATE* that is not gathered directly is culled from various sources, including the Comisión de Derechos Humanos de Guatemala, Casa Alianza, Albedrío, Amnesty International, Associated Press, Reuters, and Guatemalan news sources, such as Cerigua Centro de Estudios de Guatemala, Incidencia Democrática, Prensa Libre, El Periódico, La Hora, and Siglo Veintiuno.

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