

Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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RIGHT TO LIFE AND HUMANE TREATMENT

Police and Soldiers Raid Returned Refugee Community

08.21.06 On August 21, soldiers and police entered the returned refugee community of Ixtahuacán Chiquito. According to community members and newspaper articles, seven military helicopters and three airplanes landed in the community around 11:00 AM. The joint forces reportedly surrounded the elementary school and prevented the children from leaving, blocked off community roads, entered and searched houses, threatened community members with their weapons, and excavated a sacred Mayan site, finally leaving the community around 3:00 PM. Authorities have said the joint forces were looking for a cache of arms used by drug traffickers, but no weapons were found during the operation.

In addition to Ixtahuacán Chiquito, the helicopters and planes also terrorized neighboring communities, such as Fronterizo 10 de Mayo, Los Angeles, and Cuarto Pueblo. Many of the returned refugees are survivors of the scorched earth policy, during which the Guatemalan army leveled entire communities in the 1980s. During this latest army-police operation, some families reportedly fled into the mountains or across the Mexican border, just as they had in the 1980s. Later the same day, three youth from the region were reported missing.

According to the Network in Solidarity with the People of Guatemala (NISGUA), no judge in the area had issued an order for the operation, and the community was not presented with a search warrant. Sandino Asturias, the director of the Center for Guatemala Studies (CEG), argued that the army acted illegally and asked the authorities to explain their actions.

Marcos Ramirez, Mayor of Playa Grande Ixcán, along with social organizations and community members, filed an official complaint with the authorities and asked the Human Rights Ombudsman (PDH) to investigate the incident. While not opposed to anti-drug efforts, the groups voiced their opposition to the tactics used against a vulnerable population and asked the authorities to abide by the Peace Accords when determining police and military roles.

The operation has raised concerns about militarization and repression in rural communities in the context of anti-drug efforts. The authorities carried out a similar joint military-police operation in the same region on August 11 in the communities of Ventana del Cielo and Finca Chailá. Community members reported that army helicopters circled and landed in the communities. In Finca Chailá, soldiers, some of them with their faces covered, ransacked the homes of the finca workers. Minister of the Interior Carlos Vielmann has said that the authorities will continue with these armed operations.

Government Official Defends Operation in Ixcán

08.23.06 Defense Minister Francisco Bermúdez said that military intelligence indicates that drug traffickers are shifting their operations from Petén to the northern areas of Quiché and Huehuetenango. Using this to defend the authorities actions in the Ixcán, Bermúdez said the soldiers were looking for an arms cache, which may have belonged to the guerrillas, but is currently being used by drug traffickers. In addition, Bermúdez said that he had received reports that suspected drug trafficker Otto Roberto Herrera García was operating in the region. Vice Minister of the Interior Julio Godoy Anleu said that Herrera was likely accompanied by the Mexican drug trafficker Joaquín "El Capo" Guzmán, a leader of the Sinaloa Cartel. The Minister of

the Interior, President Óscar Berger, and Bermúdez all maintained that the soldiers were acting according to the law and that they had not committed abuses.

URNG Demands Explanations for Ixcán Raid

08.22.06 The Guatemalan National Revolutionary Union (URNG) also criticized the operation in the Ixcán. The URNG noted the contradictions between the comments of the PNC and the Presidency and recalled that this was also the case in counterinsurgency operations during the internal armed conflict. These operations also lacked clear objectives and precise reasons and only served to sow panic amidst the population. The URNG also denied that the arms cache the authorities are looking for could have belonged to the guerrillas, as all URNG arms were handed over to the United Nations after the war. Party officials emphasized that the URNG is now dedicated to national defense, the monitoring of government institutions, and the promotion of laws that benefit the population.

AVIDESMI Office Raided

08.21.06 The office of the Association of Widows, Orphans and Disabled Persons of the armed conflict (AVIDESMI), located in Panzós, Alta Verapaz, was broken into on August 19 by five armed men. The unidentified intruders took two cameras, as well as information on more than 1,300 testimonies related to sixteen massacres. According to Rudy Monterroso, of the umbrella organization Peace and Agreement Instance, a person in the office heard the intruders say, “if they did not understand with this threat, the next step was to kill the leaders.” Monterroso said that, so far this year, there have been eighteen office break-ins carried out against organizations working on human rights, women’s issues, and justice for victims of the war. Last year over 100 break-ins at campesino and civil society organizations were reported.

PDH Office Broken Into

08.25.06 The regional offices of the Human Rights Ombudsman’s Office (PDH) in Quetzaltenango were broken into on the night of August 24. When the regional representative, Rudy Castillo, arrived at work the following day, he found one of the doors had been broken into. The intruders report-

edly stole a television and a tape recorder and rifled through file cabinets and desk drawers. Castillo considered the break-in an act of intimidation and reported the incident to the Public Prosecutor’s Office (MP) and the National Civil Police (PNC).

Groups Report on Extrajudicial Executions

08.23.06 Thirty representatives of social organizations met with Philip Alston, the United Nations Special Rapporteur on extrajudicial, summary, or arbitrary executions. The organizations presented the Special Rapporteur with a report detailing numerous cases of extrajudicial executions allegedly committed by the police, the army, and parallel powers. While extrajudicial executions have long been practiced in Guatemala, the groups told Alston that the practice has increased in the past year due to the lack of state resources for diminishing violence, as well as the emergence of “social cleansing” groups.

The report presented to Alston stated that 408 extrajudicial executions have been committed this year: 347 men, fifty-one women and ten children. Six murders were included in the report in which the witnesses have identified policemen as the executors. During the meeting the groups brought particular attention to the case of a young woman who was stabbed thirty-five times and survived the wounds. She identified one policeman among her aggressors. The report also noted the seventeen murders of human rights defenders in the last two years, as well as the 359 reported femicides this year, although gang members appear to be the most targeted group.

In addition to the representatives of social organizations, survivors, and relatives of some of the victims, Alston also met with the Human Rights Ombudsman (PDH), government officials, and the president of the Supreme Court of Justice (CSJ), Beatriz of Leon.

Judges Continue Working Under Threat

08.23.06 During a meeting with UN Special Rapporteur Philip Alston, CSJ President Beatriz de Leon informed him that she and other magistrates have been receiving intimidating phone calls. She said the callers threaten to eliminate the judges and then hang up. Unidentified persons unconnected to the judiciary have also entered the building carry-

ing firearms. She said that the CSJ was installing camera equipment in the building, spending at least 200,000 quetzales for the security measure. The CSJ has also taken measures to protect the Criminal Instance judges. A magistrate of the First Appeals Court, Napoleón Gutiérrez, said that since the beginning of August, seven judges have been threatened, the majority of them serving in criminal courts.

Vendors Report Abuse by Transit Police

08.23.06 Fruit, rose, and cell phone part vendors asked the mayor of Guatemala City to put a stop to the abuses committed by the municipal transit police. In particular, the vendors accused the police of stealing their merchandise. Ten-year-old Esteban Tax said that his brother was wearing a belt with merchandise on it and a police officer came up to him and cut it off with a knife. The officer then took all of the roses and pineapples that the boys were selling. María José Salas, a spokeswoman for the municipal government, said that in certain areas vendors cannot be authorized because it obstructs public space. She suggested that the vendors take the case to the municipal court, since merchandise can only be confiscated by judicial order.

Four Journalists Threatened in Antigua

08.23.06 Four journalists in Antigua have reportedly received threats related to their coverage of alleged misconduct on the part of the local mayor, César Antonio Siliézar Portillo. Prensa Libre correspondent María Teresa Lopez Lima said that the mayor's brother in law, military captain Marvin Estuardo Mena Pons, had been keeping a file on her because of her reporting on the mayor. Lopez said she was shown the file, which contained photographs, a record of her telephone calls, her mother's phone number, and other personal information that could be used to intimidate or harm her. When she announced on a radio program that she would hold Mena and the mayor responsible for any harm done to her or her family, Mena called her on the phone and told her to stop lying. A few minutes later he entered the station in an aggressive manner and verbally attacked her.

Journalists Carlos Roberto Merida Reynoso, José Antonio Palomo Cajas, and Óscar Enríquez Flores Sosa, and their families have also received

threats over the phone and over the Internet after the reporters covered the alleged corruption of the mayor. According to the journalists, Mena previously worked in the intelligence department of the military, and he currently owns a company named Integrated Services that controls the transit police and the central market in Antigua. For these reasons, the journalists are concerned that he has the resources to harm them.

Union Members Report Acts of Intimidation

08.25.06 Members of the Guatemalan Unionist Training Center reported recent acts of intimidation carried out against the organization and its members. On August 18, the front door of their office was broken into. The break-in activated the alarm, which seems to have prevented the theft of the organization's materials and equipment. The organization has also reported numerous assaults on its members. The unionists demanded that the authorities investigate the incidents and called on the international community to support the sectors that have been victims of intimidation in recent months.

Tear Gas Launched at Students

08.24.06 Tear gas was thrown into a hallway of the Emilio Rosales Ponce Mixed Normal Institute of the North, a teaching school in Cobán, Alta Verapaz. The students had recently returned from negotiations with the departmental director of education. Several residents said that police officers in patrol AV-022 threw the tear gas; nevertheless, the head of the police denied the accusation and said that the police were carrying out routine operations to secure the parameters at the request of the Human Rights Ombudsman's Office (PDH). As a result of the attack, students Angel Chocooj Bol and Pedro Fernando Mayén Arévalo were taken in an unconscious state to the National Hospital of Cobán, while Roman Wilfredo Castellanos sustained injuries when he fled the area.

Madre Selva Reports Threats to Community Leader

08.25.06 Madre Selva reported that community leader Juan Tema Bautista, of Sipakapa, San Marcos, is being followed by unidentified individuals and the organization fears that his life may be in danger. Bautista has led mobilizations against mining operations of the Canadian company Glamis Gold. Madre Selva claims that human rights viola-

tions have increased in the region since Glamis Gold opened the mine in Sipakapa and San Miguel Ixtahuacán, San Marcos, and that the authorities should investigate the situation. The organization's members also demanded that the authorities act in the case of Bautista to investigate and halt this type of intimidation.

LABOR RIGHTS

Retirees Reject Pension Increase

08.23.06 Authorities of the Guatemalan Institute of Social Security (IGSS) offered representatives of retirees a five percent increase in their pensions. The readjustment would mean only seventeen quetzales more (around US\$2) for those who receive the minimum pension of 340 quetzales a month. The pensioners, who had asked for an increase of 200 quetzales, decided to break from negotiations. In protest, they occupied the main entrance of the IGSS building and requested the dismissal of the manager and members of the Board of Directors.

Luis Felipe Irías, Assistant Manager of Planning for the IGSS, said that the smaller increase would raise the institution's budget by forty-eight million quetzales. He said that the offer could go into effect as of October after reforms to the Statutory Law are published.

Municipal Workers Declare Hunger Strike

08.23.06 Starting protests in mid-August, 141 employees of the municipal government of Puerto Barrios, Izabal, have now declared a hunger strike. The employees are protesting the delay of fourteen weeks of pay. Mayor Noel Vargas said that the municipal government does not currently have the resources for a cash payment. The workers, however, vowed to maintain the strike until they are paid.

EMPAGUA Workers Demand Payment

08.23.06 Plant and well operators of the Municipal Water Company (EMPAGUA) protested in Guatemala City to demand overtime pay and to reject the privatization of water services. For one hour, members of the EMPAGUA union blocked the entrance to a municipal government building demanding payment for 128 extra hours per month, over a period of two years, for 388 workers. The workers

also voiced opposition to Mayor Álvaro Arzú's intentions to grant concessions to private companies. Cristóbal Colón, a spokesman for EMPAGUA, said that some services have been already been handed over to fifty-six private companies.

MIGRANT RIGHTS

Guatemalan Migrants Arrested in Texas

08.23.06 As part of efforts to crack down on undocumented migrants, authorities arrested 326 migrants in Houston, Texas. Authorities have since deported 142 of those arrested, including a group of Guatemalans. Of those arrested, authorities reported that thirty were criminal undocumented immigrants with final deportation orders, eighty-nine were non-criminal undocumented immigrants, seventeen were undocumented immigrants with criminal convictions, and 190 had violated immigration laws.

OTHER SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

Students Reject Government Proposals

08.24.06 Student protests and strikes continued as teaching students remained skeptical about the latest proposal from the Ministry of Education (MINEDUC) announced on August 21. The first proposal established a four-year degree instead of the previous three-year degree. This proposal was widely opposed to by students, teachers, and parents. Among other reasons for maintaining a three-year degree, the parents said they could not afford an extra year of study. The newest proposal allows students to obtain a degree in three years, although they would be responsible for completing more courses than were previously required.

On August 22, students of the main public teaching schools in Guatemala City and surrounding areas occupied the school buildings to oppose the new agreement. The student leaders declared that they would not accept an extension of the curriculum and insisted that the three-year degree is sufficient. They demanded that the Minister of Education annul the new agreement as well.

On August 24, the students met with a delegation of the MINEDUC to discuss the new proposal and set conditions for the end of strikes and pro-

tests. According to Rolando Yoc, a representative of the Human Rights Ombudsman's Office (PDH), the students demanded an end to retaliation against their professors. They also requested that the ministry respect the rights acquired in relation to scholarships and provide job security for teachers. As a condition for ending the protests, the ministry must allow each individual school to decide how they will make up for time lost during the protests, without having to extend the school year. The last condition is the establishment of a round table to continue discussing changes to the teaching degree in the short term.

Families Take Over Land in Zone 7

08.23.06 The municipal government of Guatemala City asked the Public Prosecutor's office (MP) to evict more than 100 families occupying municipal land and a park in the neighborhoods of El Amparo and Sakerty in Zone 7. One squatter said that few of the families have the monthly 600 to 1,200 quetzales (about US\$80 to \$160) needed to rent a place to live. Other residents have voiced their concerns that only drug addicts, gang members, and rapists live in the area taken over by squatters and that they have destroyed tables, vegetation, swings, and a wall in the recreation area. The assistant chief of police, Rodolfo Chojolan, said that they are trying to avoid confrontations between the two groups and that they are negotiating an evacuation with the squatters.

Replacement for Social Investment Fund Created

08.26.06 The executive branch announced a governmental agreement of the Ministry of Public Finances creating the National Fund for Development (FONADES). This fund will replace the Fund for Social Investment (FIS), which Congress failed to extend. The new institution, which aims to provide basic necessities for the most vulnerable population, has been approved for a period of five years with a budget of 500 million quetzales (about US \$67 million). Two members of the Ministry of Public Finances and two presidential appointees will manage the fund.

Suspension of Social Fund Paralyzes Reconstruction

08.28.06 Although the Social Investment Fund (FIS) was suspended as of June 1, the government has not disbursed a single cent of the 625 million

quetzales it owes for construction projects underway. As a result, 1,257 of those projects, including 126 Hurricane Stan reconstruction projects, schools, roads, water systems, and health centers, have been discontinued. Although everyone knew that the FIS would legally expire on May 31, the administration was not able to garner the necessary support for its extension in Congress. Only the Grand National Alliance (GAN), the National Advancement Party (PAN), the Patriot Party (PP), and the Unionist and Integrationist parties voted in favor of extending the fund. Some fear that projects that have been started will be destroyed during the rainy season.

Institute Gathers Statistics on Standard of Living

08.26.06 The National Statistics Institute (INE) started fieldwork for the Standards of Living Survey (ENCOVI) 2006. The INE plans to visit more than 14,000 houses in order to gather detailed socioeconomic data on poverty and the well-being of Guatemalans in both urban and rural areas. The ENCOVI is carried out every five years.

According to Carlos Mancía Chúa, director of ENCOVI, 6.4 million Guatemalans are living below the poverty line, which is set at 4,318 quetzales per person per year (about US\$575) or 360 quetzales per month (about US\$48). Mancía Chúa said that people living in poverty manage to cover their basic food costs, but fail to cover additional costs for services, including housing, health, and transportation. Luis Galicia, an economics researcher with the Association for the Advancement of Social Sciences, pointed out that Guatemala has one of the highest inequality rates in the world. A few families control fifty percent of the country's income, while almost two million Guatemalans barely reach subsistence.

RIGHT TO JUSTICE

Representatives Urge Government to Act on Femicides

08.20.06 As the number of violent murders of women continues to rise, several groups and individuals continue to pressure the authorities to halt the violence and solve the cases. Nineth Montenegro, the president of the Congressional Women's Commission, noted that 417 women have been killed so far this year, a number that rises daily. Montenegro said that the Public Prosecu-

tor's Office (MP) and the police must improve their investigations, as only twelve femicide suspects have been imprisoned this year.

In her comments, Montenegro acknowledged that Congress has not done its part to improve the investigative process, as it failed to approve the law that would establish the National Institute of Forensic Sciences.

The National Civil Police (PNC) maintains that most of the femicides are the result of revenge killings or the woman's involvement in drug trafficking and organized crime. These assertions are based on investigations into the way in which the corpses have appeared. The police investigators, however, acknowledge that in most cases they are not able to identify the material or intellectual authors, because of the lack of information they can gather from relatives and witnesses. The PNC estimates that 380 women have been violently murdered so far this year.

Rapporteur Condemns Impunity

08.24.06 According to the UN Special Rapporteur Philip Alston, impunity and a weak legal framework make Guatemala a good country to commit a murder and remain free. While recognizing the government's achievements and praising the president's commitment to human rights, Alston also noted that the "human rights challenge ahead is almost as daunting as that which lies behind."

Alston said that although the state is not responsible for the some 5,000 murders recorded every year, it is responsible for not investigating, prosecuting, or trying the guilty. Alston lamented that the average daily murder rate now exceeds the rate recorded during the war, noting the increase in the murders of women in particular. After hearing reports of suspected gang members' bodies appearing with signs of torture, Alston said that the allegations of social cleansing should also be investigated.

Alston criticized civil society's lack of action, the indifference of the international community, tax evasion on the part of the private sector, and delays in approving security legislation. In his opinion, Guatemalan society has two options; ruling the country with iron fist policies or implementing the Peace Accords. Alston plans to present his final report in two months, but he will be handing a rough

draft to the government in a few weeks.

Judge Held Hostage in Huehuetenango

08.22.06 After a few hours of negotiations led by the National Civil Police (PNC), members of the Citizen Security Council of San Sebastian Acatán, Huehuetenango agreed to release Judge José Estuardo Talavera Alfaro, a transportation official, and a secretary. The three were held by about 200 residents that were angered by the judge's decision to transfer a number of minors to the departmental capital.

The authorities provided immediate security for the judge, who will also be transferred to a different court. The President of the CSJ called on the residents to respect the physical integrity of the judges, since they are only doing their job.

Cerezo Accused in Student Disappearances

08.22.06 In commemoration of the disappearance of ten student leaders (five of them were later found dead, and the others never appeared) seventeen years ago, students of the University of San Carlos, held the government of Vinicio Cerezo (1986-1990) responsible and requested that the authorities re-open investigations. The students also accused Hector Gramajo, former Minister of Defense; Roberto Valle Baldizón, former Minister of Interior; and Colonel Leonel Caballeros Signé, former director of the National Police of involvement in the disappearances.

RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

CONAP Promotes Private Nature Reserves

08.22.06 The National Council of Protected Areas (CONAP) recommended that landowners turn unused land into private nature reserves, with the objective of promoting preservation efforts. These reserves would be an alternative way to enrich the Guatemalan System of Protected Areas. As stated in the proposal, landowners would designate part of their land to conservation and the protection of plants and animals. With this initiative, CONAP seeks to involve the private sector in efforts to improve the quality of life for all Central Americans, particularly for the communities of the Mesoamerican Biological Corridor.

Commission Presents Proposal on Mining Reform

08.21.06 Bishop Álvaro Ramazzini, president of the High Level Commission on mining, presented the proposal for reforming Mining Law Decree 48-97 to government authorities. The proposal includes an increase from one to three percent in royalties that mining companies pay to the state and also stipulates that funds generated from the mining of precious metals (silver, gold, platinum and precious stones) should primarily be used for community development. Another provision is that the government should comply with Convention 169 of the International Labor Organization (ILO) and notify the affected communities. Bishop Ramazzini said that the initiative promotes respect for the environment and reflects the will of the communities affected by mines. Minister Ortiz handed the proposal to the president of Congress, Jorge Méndez Herbruger, on August 24.

The Madre Selva collective, on the other hand, voiced opposition to the proposal, arguing that it would not adequately protect indigenous rights, preserve natural resources, or benefit the national economy.

Groups Refute Environmental Impact Study

08.25.06 The debate over the validity of the environmental impact study for the nickel mine in El Estor, Izabal continues. The Center for Environmental and Social Legal Action (CALAS) rejected the environmental impact study, and asked for an extension to allow for the presentation of further observations. Specifically, CALAS argued that the study is imprecise and fragmented, so that the government ministries would approve it quickly and grant the exploitation license as early as possible. Glenn Miller, a researcher with Environmental Law Alliance Worldwide, said that the environmental impact study does not determine where waste will be dumped or the amount of water that will be used, among other things. CALAS hired Miller to evaluate the report.

OTHER INFORMATION

US DEA Agents Step Up Participation

08.23.06 Reports in the Guatemalan media raised concern that agents of the United States Drug Enforcement Agency (DEA) participated in the opera-

tions in Ixtahuacán Chiquito on August 21 (see first page story). A State Department official told NISGUA that no DEA agents were present during the operation in Ixtahuacán Chiquito, but that DEA agents had participated in an incident in the region on August 9.

The US is currently considering whether or not Guatemala will be re-certified as a country that has shown sufficient efforts in combating drug trafficking. When US Ambassador James Derham questioned the will of the Guatemalan government to crack down on the drug trade, Minister of the Interior Carlos Vielmann announced that he intends to extend Plan Maya Jaguar, an anti-drug operation that is supported by the US and includes the participation of agents from the US DEA, Air Force, and Navy.

During the morning show on University Radio, Vielmann was questioned about the number of DEA agents in the country and this new phase of Plan Maya Jaguar. Vielmann answered that he did not know how many DEA agents were in Guatemala, adding that there are not very many.

Sandino Asturias, director of the Center for Guatemala Studies (CEG) said that it was a shame that Vielmann does not know the number as the ministry is planning to extend the program and increase the number of US DEA agents. Asturias insisted that the security agenda included in the Peace Accords should be implemented and that the issue of the drug trade should also be addressed within the US, as the high demand for drugs there contributes to the problem.

USAID Offers Support in Anti-Drug Efforts

08.23.06 After meeting with the Minister of the Interior and the US Ambassador, Todd Amani, assistant director of the US Agency for International Development (USAID), expressed concern regarding the occupation of fincas (estates) in the Mayan Biosphere in the department of Petén because some of the people occupying this land are connected to drug trafficking. Amani said that USAID would be funding the National Council of Protected Areas (CONAP) and the Defenders of Nature in order to reinforce security in the national parks Laguna del Tigre and Sierra del Lacandón.



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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