

Guatemala Human Rights **UPDATE**

Guatemala Human Rights Commission/USA

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RIGHT TO LIFE AND HUMANE TREATMENT

Study Exposes Abuse by Security Forces

08.28.06 According to a study conducted by the Archbishop's Human Rights Office (ODHAG), five out of every ten persons arrested by security forces are mistreated on the way to a police station or prison.

Minister of the Interior Carlos Vielmann acknowledged the use of moderate force when delinquents resist arrest. He further said that families of gang members complain to human rights organizations whenever members are arrested. Nery Rodenas, Director of ODHAG, maintained that abuse is definitely committed by the police and there are neither investigations nor actions taken to stop them.

ODHAG investigators said that victims of mistreatment and torture have spoken out, but they do not formally report the incidents out of fear of retaliation. This is particularly the case for people who are still in jail or whose cases are still in the court system.

The study documents that police and guards within the penal system have abused prisoners through asphyxiation, electrical shock, rape and verbal abuse. There are also reports of police officers or guards taking prisoners' belongings, depriving them of food, threatening them, carrying out vaginal searches on female visitors, demanding sexual favors as a form of payment, and denying access to medicine.

Human Rights Attorney Threatened

08.31.06 (*Amnesty International Urgent Action*) Human rights lawyer Maynor Roberto Berganza Bethancourt has received a series of death threats in

what appears to be an effort to dissuade him from his work. Amnesty International (AI) is concerned for his safety, and has launched an Urgent Action Appeal.

Berganza Bethancourt received a number of threatening phone calls. One caller threatened, "If you don't love your family, there are two people here with me asking to kill them." Another caller said, "Let's talk straight, I am a member of organized crime and we have been hired to kill you. Just like we shoot down the governor, we also shoot you down. We are now going to take you out from where you are because we have you under control."

Berganza Bethancourt is a long-standing human rights attorney and a survivor of the disappearance and execution of student leaders in 1989. AI asked authorities to investigate the threats, seek justice, and guarantee his safety.

Mayor Murdered in Escuintla

09.04.06 Police authorities are investigating the murder of the assistant mayor of Escuintla, Juan José Atz García. The murder occurred on September 2 in a barbershop in Escuintla, according to the National Civil Police.

According to witnesses, the victim was talking in a group of people when two unidentified men approached him and shot him without a word before calmly walking away. Atz García was assistant mayor of El Naranjo, Escuintla and a member of the Guatemalan National Revolutionary Union (URNG), which has urged the authorities to bring the perpetrators to justice.

Bus Drives Strike in Protest of Murders

09.11.06 In Quetzal, San Juan Sacatepéquez, bus drivers are striking in protest of the murder of two fellow drivers. Erwin Salazar died after receiving four gunshots to the head in zone 7 of the city,

while a second driver was killed in a market in Mixco. The second driver has not yet been identified.

Supreme Court Leads Anti-Lynching Workshops

09.10.06 The Supreme Court of Justice (CSJ) is conducting anti-lynching workshops in Escuintla that encourage community members to avoid violence and to seek a legal path to justice.

The CSJ is working with community leaders such as the Community Councils of Development (COCODES), so that leaders will begin dialogues within their communities to seek peaceful solutions. The workshops remind the leaders that existing laws do guarantee punishment for delinquents, and that individual rights must not be violated. They have stressed that no one has the right to take away the life of another person, and that lynching is a violent act punishable by law.

High Crime Rates Cause Worry and Criticism

09.10.06 The Presidential Commissioner of Human Rights, Frank La Rue, announced that the level of insecurity in the country has worsened over the last week with several criminal acts occurring in different parts of Guatemala City. The situation, said La Rue, has arrived at a critical point that the Guatemalan government may have difficulty controlling in the short term.

La Rue added that the situation in Guatemala has become “absurd” due to the lack of preventative policies and thorough investigation of crimes. Philip Alson, the United Nations Rapporteur on Extrajudicial Executions, said that Guatemala is on the brink of a critical stage that has become increasingly difficult to govern, and the next government will most likely encounter difficulty in taking control of the country.

The Myrna Mack Foundation has criticized the infiltration of organized crime within the government. Member Carmen Aída Ibarra said that the government is incapable of providing security because there are no preventative measures taken to avoid these types of situations.

Vice President Eduardo Stein recognized that the current situation is “delicate,” but that the government is heading in the right direction.

BASIC FREEDOMS

Judge Detained for Opposing Curfew

08.24.06 Jose Talavera Alfaro, a judge in San Sebastián Coatán, Huehuetenango, reported to the Supreme Court of Justice that he and two of his employees were illegally detained for more than six hours by the mayor of San Miguel Acatán, Huehuetenango, Pascual Tomás Jose.

Talavera also said that the mayor has implemented an illegal curfew on the town. Talavera had traveled to San Miguel to request the release of two youth who were arrested for violating the curfew. Talavera and two of his employees were detained when they told security officials that the curfew is unconstitutional and that the men should be set free. A spokesperson for the mayor’s office said that the two men were not released, but that they escaped.

Movements Join to Create United Leftist Front

09.11.06 With the motto “Another Guatemala is Possible,” the Collective of Social Organizations (COS), the Popular Leftist Movement (MPI), and the Guatemalan National Revolutionary Union (URNG) announced before a crowd of 500 that they will organize a united Political and Social Front of the Left, aimed at political parties, social organizations, and individuals. The Front is open to anyone identifying with leftist policies, given that they are not involved in corruption, human rights violations, discrimination, inequality, or organized crime.

The committee that organized the Front consists of more than 100 individuals, leaders of various political parties, members of social organizations, writers, intellectuals, artists, and professionals.

Antonio Mobil, former representative of the New Democratic Front of Guatemala (FDNG), said that the Front does not currently support any one candidate for the Presidency, but hopes that the movement will consolidate and then select a candidate to support. The Front will support a candidate who favors structural adjustments to end poverty and inequality.

Sandino Asturias, one of the organizers of the Front, emphasized that the movement is a call to

revolutionary and progressive persons and institutions who want to create a united left.

INDIGENOUS RIGHTS

Indigenous Dialogue Ends with Proposals

09.11.06 The dialogue among indigenous communities that began in June of this year closed by vowing to increase investment in health, education and infrastructure, and to end discrimination in Mayan, Garífuna and Xinca communities.

Among the proposals are the development and inclusion of the Mayan, Garífuna and Xinca communities; the incorporation of bilingual personnel into the government; the participation of Mayan authorities and organizations in development councils; reform of the electoral law and political parties; and that the government recognize community opposition to mining activities.

President Berger and Vice President Stein promised to make the proposals effective, although representatives of indigenous and campesino organizations expressed doubt that policies would be followed through.

WOMEN'S RIGHTS

Congress Demands Investigation of Police

09.04.06 The Congressional Women's Commission asked Minister of the Interior Carlos Vielmann to investigate the involvement of National Civil Police (PNC) agents in the murders of women.

Vielmann admitted that there are police agents implicated in the deaths of some women, but that he was unable to discuss those cases. Vielmann added that the PNC often discharges implicated officers, yet they are usually forced by the courts to re-hire the agents. According to the Ministry of the Interior, 1,034 police officers have been discharged under the current administration.

Vielmann confirmed that a commission coordinated by the Presidential Secretariat for Women was formed which will complete a study on the issue of police involvement by November. He also mentioned that a special

division on femicides was created in 2004, which is supported by the Division of Criminal Investigation of the PNC, as well as a team of criminologists and sociologists who study the causes of those deaths.

RIGHTS OF THE CHILD

Protest Against Sexual Exploitation of Children

09.01.06 A march to protest the sexual exploitation of children was held in Jutiapa. The march was organized by the Association of Justice and was attended by primary school and high school students.

Reports of Child Abuse Increase

09.05.06 There has been a significant increase in reports of child abuse at the call center of the Human Rights Ombudsman's Office (PDH). The institution has received between sixty and 500 calls daily, said the Human Rights Ombudsman, Sergio Morales.

LABOR RIGHTS

Maquila Workers Demand Government Support

08.30.06 A group of *maquila* (assembly plant) employees in Guatemala City demonstrated in front of the Presidential House to demand that the government take action against the factory owners who closed the business without paying benefits to employees.

After several months of not receiving wages or benefits, the employees confiscated the contents of the facilities. They subsequently realized that the factories had been closed without notice and that the owners had disappeared.

LAND RIGHTS

NGOs Criticize Evictions and Executions

08.29.06 Non-governmental organizations, including Agrarian Platform and the Center for Legal Action on Human Rights (CALDH), have produced a special report on the criminalization of agrarian conflicts with a particular focus on evacuations and extrajudicial executions. The report highlights the consistency of violent evictions, as forty evictions were registered in 2004, twenty-two evictions in 2005, and ten so far

in 2006.

The report said that agrarian conflicts stem from the demand for access to land, labor disputes, and the search for justice in cases of disappearances and extrajudicial executions. The report also said that the government has failed to negotiate solutions, and instead orders interventions and evacuations.

Finally, the report stated that military forces and armed private police officers have recently started participating in the forced evictions, as in the recent case of Moca *finca* (estate), in Senahú, Alta Verapaz, during which a campesino was killed.

Campesinos Protest on Anniversary of Eviction

08.31.06 On the two-year anniversary of the violent eviction from the Nueva Linda finca in Champerico, Retalhuleu, campesinos protested to demand land promised to them by the government. The protest occurred along the Pacific border in the El Zarco region.

In August 2004, campesinos and their families were evacuated from the *finca* in a violent act in which nine campesinos and four police officers died. In October of the same year, the families returned to occupy the property, but left voluntarily two months later when President Berger promised to give them land. He has yet to fulfill that promise.

Seventy-Eight Families Evicted in Alta Verapaz

09.08.06 Police and military officers attempted to negotiate a “peaceful evacuation” of seventy-eight families of the Tamahú community in Alta Verapaz. The officers forced the campesinos to dismantle their houses and reconstruct them in another location along the border. The police agents were armed with tear gas, canes, and various types of firearms, causing the campesinos to request the presence of delegates from the Human Rights Ombudsman’s office for protection.

Police authorities explained that they prefer to engage in dialogue with the campesinos and to avoid any type of confrontation at all costs, but that the ultimate goal is to complete the eviction.

The campesinos are demanding reparations from property owner Julio Villela, as well as a portion of land, saying that they have worked there all of their lives.

MIGRANT RIGHTS

Criminals Target Undocumented Immigrants

08.28.06 According to The New York Times, robberies targeting undocumented immigrants in the U.S. have become a serious problem in recent years. Many of the victims, the majority Guatemalan, avoid denouncing the crimes for fear of deportation.

“They’re being preyed upon because they’re easy victims”, Captain Mary Olsen, of the West Palm Beach Police Department told the newspaper. Between January and August, Olsen recorded fifteen arrests related to robberies to Guatemalans in West Palm Beach. Fernando Alvarez, of the Palm Beach County Sheriff’s Office, thought that more than fifty robberies of Guatemalans have been recorded this year. Because so few undocumented immigrants report the crimes, these estimates most likely do not reflect the actual number of attacks. Sometimes law enforcement officials are the ones targeting immigrants.

According to the statistics of the Census Bureau, the population of Palm Beach County is 1.2 million, including 37,377 Mexicans, 18,002 Guatemalans, 7,745 Hondurans, 3,013 Salvadorans, and 2,386 Nicaraguans, although some estimate that the immigrant population is much higher due to underreporting of undocumented immigrants.

The sheriff’s office has organized forums with other organizations in West Palm Beach and Lake Worth, where Guatemalans can register for Guatemalan identification cards and passports from the Guatemalan Consulate. The identification documents can help immigrants find jobs and apartments and open bank accounts, as banks in the area recently started accepting ID cards and passports issued by the Consulate for the requirements to open an account.

U.S. and Mexico Make Pact Against Immigrants

08.30.06 The U.S. and Mexico have vowed to tighten control over immigration and to unite efforts to prevent hundreds of undocumented Central Americans from crossing the border from Guatemala into Chiapas, Mexico. Border security

will be placed along the Guatemala/Mexico border along with equipment, donated by the U.S., capable of detecting hidden passengers in trucks.

This agreement comes weeks before the U.S. legislature enters into the final debate on immigration law. The project will also consider the construction of a wall along the U.S./Mexican border.

While the U.S. debates maneuvers to prevent undocumented immigrants from crossing its borders, drug trafficking rings have discovered a new route to avoid detection, from El Naranjo, Petén, to Tenosique, Tabasco, which follows the path of Hurricane Stan's destruction, including highways and railroad bridges that are no longer commercially used.

Juan García, coordinator of Immigrants in Action in Rhode Island, commented that the U.S. government's plans are misguided; rather than reinforcing the border they should advise immigrants about the life-threatening risks of a border crossing. García also criticized Mexican President Vicente Fox because his government demands respect for Mexicans crossing into the U.S., but captures and returns Central Americans crossing into Mexico.

SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

Little Progress Shown in Millennium Goals

08.30.06 Experts who participated in a forum organized by the U.S. Agency for International Development (USAID) reached the conclusion that Guatemala has progressed slowly toward the fulfillment of the agreements subscribed in the 2002 Declaration of the Millennium.

With regard to healthcare in particular, experts concluded that the reduction of maternal and infant mortality and the fight against HIV/AIDS, malaria, and other diseases depends on an increase in investment in health and reforms to the current health system. The level of infant mortality, for example, is still below expectations, as the goals established a 56% reduction in maternal-infant mortality that has not yet been met. The Office of Health at USAID suggested that Guatemala invest 50% more in healthcare, to raise investment levels to those more comparable with other Latin American countries. Nevertheless, analysts agreed

that the solution is not solely to equip institutions with more resources, but to ensure that resources are handled more efficiently.

Future Teachers End Strike

09.02.06 The month-long conflict between the Ministry of Education and teacher-training schools has come to an end. Students will be forced to attend twenty extra days of class to recover lost time. According to the Ministry of Education, only eighteen of eighty-three teaching schools in the country participated in the strikes. Approximately 2,000 students were affected.

The Ministry of Education announced the annulment of the original document that had caused controversy by saying that the teaching curriculum would be extended from three years to four years. A new agreement states that a student may complete training in either three or four years, provided that he or she fulfills the new curriculum that will be approved this month.

Guatemala to Establish Forensic Institute

09.01.2006 One hundred and eight of 158 Congressional representatives approved the establishment of the National Institute of Forensic Sciences (INACIF), that will open as an independent institution on January 16, 2007. The new organization will absorb the forensic laboratories of the Public Prosecutor's Office, the National Civil Police and the judicial branch, in order to improve criminal investigation and to function impartially. Guatemala has been highly criticized for crime investigations that are poorly carried out, in part due to a lack of forensic resources.

Thousands of Families Ignored After Hurricane

08.31.06 The non-governmental organization Citizen Action presented a report on the progress of reconstruction in areas affected by Hurricane Stan. The report reveals that, after ten months, nearly 8,000 families continue to live in overcrowded conditions because the reconstruction program lacks the resources to acquire sufficient land for relocation and land development. According to the report, the program is in need of 100 million *quetzales* (approximately \$13.3 million) to complete reconstruction efforts.

The organization expressed concern that the

government prioritized the reconstruction of infrastructure such as roads and bridges while the families continue to live in hazardous conditions. To date, five of thirty-two bridges have been reconstructed and thirty-nine highway sections have been rebuilt.

RIGHT TO JUSTICE

Local Security Council Imposes Own Laws

09.06.06 A security council in Acatán, Huehuetenango, presided by the town's mayor, imposed eighty-four restrictions on the town, arguing that the measures will help prevent crime and abolish impunity. Prohibited acts include drinking alcohol on weekdays, painting graffiti, having tattoos, or men having long hair or earrings.

Luis Fernandez Molina, magistrate of the Supreme Court of Justice, said that these prohibitions are not authorized by local authorities and that the security council should not be permitted to create laws outside of the justice system.

Rolando Yoc of the Human Rights Ombudsman's Office affirmed that similar restrictions have been imposed in other parts of the country.

LEGAL CASE UPDATES

Court Criticizes Government on Bámaca Case

08.31.06 The Inter-American Court on Human Rights (IACHR) criticized the Guatemalan government's failure to fulfill the sentence in the case of guerrilla combatant Efraín Bámaca, who was kidnapped, tortured, and killed in 1992. The government has not yet come forth with the location of his remains nor has it proceeded with the exhumation process. The government has also failed to publicize the sentence in the official newspaper. The Court publicly demanded that the Guatemalan government fulfill its obligations regarding the case.

RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

Communities Reject Mining Activity

08.30.06 In a referendum on August 29, members

of the seventy-nine communities in Santa Eulalia, Huehuetenango, rejected the exploration and open-sky mining operation that has been authorized by the Ministry of Energy and Mines. The community stated that they object to mining due to its connection with disease, land destruction, and the negative impact on water sources.

Over the last two months there have been similar referendums on mining in San Juan Atitán, Colotenango, Santiago Chimaltenango, Concepcion Huista and Todos Santos Cuchumatán, that all rejected mining activities in their communities.

Aparicio Perez, leader of the National Indigenous and Campesino Coordinating Committee (CONIC), explained that a group from the community will present the referendum's findings to Congress.

OTHER INFORMATION

Head of Special Forces Ties to Drug Trafficking

08.28.06 On April 17, Mexican authorities sent a file to the Eighth Court of First Criminal Instance asking the court to investigate five Guatemalans implicated in international drug trafficking. Among those listed by the Mexican authorities was Carlos Martínez Méndez, a member of the kaibiles, the elite counterinsurgency force of the Guatemalan army. The kaibiles were created by the military regimes that ruled during the war and were known for their brutality and dehumanization.

Investigations carried out by the Public Prosecutor's Office (MP) reveal that Martínez Méndez is currently the head of the Third Section of the First Company of the Special Forces Battalion in Poptún, Petén. He participated in U.N. peace mission in the Democratic Republic of the Congo in 2005 and also goes by the pseudonyms Édgar Geovani Reyes López and/or José María Calderón García and the alias "el Panudo."

The other military official investigated by Mexican authorities is William Mendoza González, who also goes by the pseudonyms Pablo Subtuil or Pablo Sub Tiul and the aliases "El Duende" (the Hobgoblin), "El Cerebro" (the Brain) or "El Kaibil." As of May 30, 2004, the military officially declared that Mendoza González had

deserted the Special Kaibil Training and Operations Center. He was later detained in Mexico in November 2005, after trying to free Enrique Alonso de Miguel.

Guatemalan civilians Eduardo Morales Valdez, Mario Enrique Gómez, and one other unnamed suspect are also under investigation after being detained by the Mexican army last November. Mexican authorities say all five of these men could be working with Otto Herrera, a Guatemalan drug trafficker that escaped from a Mexican prison in 2005.

Analysts Say U.S. Will Not Decertify Guatemala

08.30.06 Expert Latin American analysts say that, despite the Guatemalan government's poor results in seizing drugs and capturing drug traffickers, the U.S. will not "decertify" Guatemala in the war on drugs because of Guatemala's diplomatic relationship with the UN.

According to Larry Birns of the Council on Hemispheric Affairs, Guatemala is guaranteed to pass the certification examination now that the U.S. is supporting Guatemala for a seat on the UN Security Council in an effort to prevent Venezuela from getting the seat.

Manual Orozco of the Inter-American Dialogue (IAD) said that the decision to maintain Guatemala's certification has more to do with politics than with statistics. Adam Isacson of the Center International Policy (CIP) asserted that it is more of a problem of inefficiency than of corruption. "Just the same," he said, "the United States will not decertify whom they promote for the UN Security Council, nor will they decertify the government of one of the few presidents in Latin America that supports the United States, as does Oscar Berger."

Alleged Drug Trafficker Captured in San Marcos

08.31.06 Esteban Chilel, alleged drug trafficker from Villa Real, Tajumulco, was captured at the entrance to Tajumulco, San Marcos. The government of Guatemala had offered a large reward for his capture. Chilel was traveling with Ronald Miranda Bautista, a former judge of the municipality of San Marcos.

Six hundred agents of the National Civil Police (PNC), 300 members of the military, and members

of elite groups from the police stations of Guatemala City, Quetzaltenango, Huehuetenango, Totonicapán, Sololá and San Marcos participated in the operation.

"We have enough information to prove that Chilel is the link between Mexican drug traffickers and the families from Tajumulco who produce poppies," said Erwin Sperisen, Director of the PNC. "In addition, we know that he is the leader of a group of strongly armed men who are in charge of protecting the plantations and transferring the rubber that is extracted from the poppy," he added.

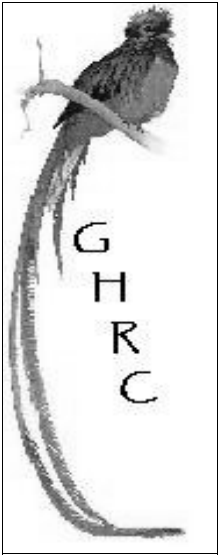
The minister of Defense, Francisco Bermúdez, recently said that in San Marcos there are between five and ten million poppy plants. Because of this high number, the Army will increase ground and aerial operations, which will require an investment of four or five million *quetzales* (approximately \$500,000 - \$600,000).

The U.S. Embassy in Guatemala maintains that Guatemala is the sixth largest producer of heroin in the world.

UN Pressured to Not Elect Guatemala

09.04.06 The Network for Peace and Development of Guatemala (RPDG), an organization consisting of Guatemalans who reside in Mexico, the U.S. and Canada, recently spread a manifesto through the Internet indicating that Guatemala is not a good candidate for a seat on the UN Security Council because of the history of violence, inequality and poverty in the country.

RPDG also cited the recent Guatemalan governments' inefficiency in implementing the Peace Accords, the ruling impunity in the matter of justice, and the alignment of Guatemalan foreign policy with that of the U.S. as other reasons that make Guatemala a poor choice for a position on the UN Security Council. In addition, the RPDG indicates that after ten years, Guatemala has still not provided justice for the 200,000 victims of the armed conflict. With such impunity in Guatemala, it is unimaginable that this country could work to end impunity in other countries. On this account, the RPDG exhorted the 191 member countries of the UN not to grant their vote to Guatemala for the Security Council.



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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