

Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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RIGHT TO LIFE AND HUMANE TREATMENT

Army and Police Seize Pavón Prison

09.25.06 Police officers and soldiers invaded Pavón prison in Fraijanes, Guatemala as part of an operation to regain control of the facility. More than 3,200 state security forces, reinforced with helicopters, tanks, and tear gas, confronted inmates that were resisting the government's intervention. According to the Ministry of the Interior, at least seven inmates were fatally wounded in the confrontation. Police reported that the rest of the inmates were arrested, handcuffed and held on the soccer field until being transferred to Pavoncito, another prison in Fraijanes.

Pavón was originally established as a "prison farm" where inmates harvested their own crops, but the prisoners staged a takeover in 1996. In the ten years since assuming control of the prison, the inmates reportedly built houses, shops, restaurants, bars, churches, and cocaine laboratories. Corrupt state security forces patrolled only the perimeter.

Among those killed during the government intervention was Luis Zepeda, a leader of the inmates and the head of the Committee of Order and Discipline. Zepeda allegedly ran his drug trafficking operations from inside Pavón and carried an AK-47. According to the BBC, Zepeda was earning about \$23,000 per month from his various activities, including renting out part of the prison grounds.

Foundation Releases Report on Violence

09.18.06 According to Central American security forces, victims and perpetrators of violence in the region are typically men and women between the ages of eleven and thirty that often belong to gangs

and have limited access to jobs, resources, and education. This assessment is also supported in the study, "The Face of Urban Violence in Central America," presented by the Arias Foundation for Peace.

In Guatemala, with a population of around thirteen million, crimes against women and youth have increased dramatically in the past few years and authorities have not been able to control the violence. So far this year, more than 400 femicide cases have been recorded. Another study presented by congressional representative Nineth Montenegro reveals that forty percent of this year's femicides were committed in Guatemala City and the bordering municipalities of Villa Nueva and Mixco.

BASIC FREEDOMS

OAS Condemns Murder of Guatemalan Journalist

09.14.06 The Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) condemned the murder of radio journalist Eduardo Heriberto Maas Bol, and urged the Guatemalan authorities to investigate the incident swiftly and effectively. The body of Maas Bol appeared in Cobán, Alta Verapaz on September 10 with five bullet wounds. Maas Bol worked as a correspondent for Radio Punto.

WOMEN'S RIGHTS

Organizations Hold Briefing on Femicide

09.15.06 A congressional briefing sponsored by the Washington Office on Latin America (WOLA), Amnesty International, and the Congressional Human Rights Caucus drew a crowd in Washington, DC. Co-chaired by Representatives Barbara Lee and Thaddeus McCotter, the briefing featured experts from Guatemala and relatives of femicide vic-

tims. A WOLA representative said that the event itself, as well as the declarations of the members, clearly reflects the increasing concern in the US Congress about the alarming levels of murders of women in Guatemala and the incapacity of the corresponding authorities to investigate them and to sanction the perpetrators. Since 2001, more than 2,500 women have been murdered in Guatemala. According to police records, 665 women were murdered in 2005 and this year more than 400 murders have already been reported.

RIGHTS OF THE CHILD

Save the Children Funds Education Initiative

09.14.06 Save the Children recently launched a new initiative that seeks to incorporate eight million children from twenty countries in Asia, Africa, and Latin America (including Guatemala) into the school system by the year 2010. The organization plans to invest the equivalent of ten million quetzales (over US\$1.3 million) in the project. While improving access to education and school materials in part of the goal, the organization also emphasized that countries should raise the level of education in each country to meet international standards.

In Guatemala, Save the Children hopes to benefit 300,000 children in the departments of Huehuetenango, Quiché, San Marcos, and Chiquimula, which have the highest rates of absenteeism. Children in these areas often live in extreme poverty and are also affected by the long-term effects of civil war. More than one million children in Guatemala do not attend primary school.

Over 30 Children and Youth Murdered Each Month

09.19.06 Casa Alianza and the Human Rights Ombudsman's Office (PDH) recently presented a study on the violent deaths of children and youth in Guatemala, which reported an average of thirty-two such murders per month. Casa Alianza, in particular, expressed concern that the media reports on assaults on young people every day, most of which are supposedly related to gangs or previous abuse, yet the state fails to act to reduce these crimes. There have been children under five years old found with a shot in the back of the head. On some occasions, these children were only murdered to make the parents suffer. In most cases, the govern-

ment has failed to carry out serious investigations to find those responsible.

INDIGENOUS RIGHTS

Indigenous Fund Calls for Development

09.16.06 Indigenous and government representatives from twenty-three countries participated in the Seventh Assembly of the Latin American Indigenous Fund. As part of the activities, participants signed the Declaration of Antigua Guatemala, urging the region's governments to address the needs of indigenous peoples. The declaration listed the most urgent needs as food, legal, and territorial security. Migration was also included as an urgent matter that governments should address from a human rights perspective. The delegates demanded that governments adopt laws to protect migrants in both transit and destination countries.

LABOR RIGHTS

CONADI Demands Equal Opportunity

09.12.06 The National Council for Attention to Disabled Persons (CONADI) asked Congress to approve a bill to promote equal opportunity in the workplace for people with some physical limitation. Jose Cecilio del Valle, technical coordinator of the CONADI, emphasized the urgency of this legislation. According to a 2005 national survey, over fifty percent of the population with physical limitations does not know how to read or write and fifty-two percent of this population does not have any level of instruction.

Employers and Workers Fail to Agree on Wages

09.14.06 The deadline for employers and workers to reach an agreement on the minimum wage has passed without a consensus. The National Wages Commission will therefore have until mid-November to send its advice to the President. Workers proposed a fifty percent increase in the wage, while employers proposed increasing the wage according to productivity. The current minimum wage is set at 42.46 quetzales per day (approximately US\$5.60) for agricultural work and 43.64 quetzales (or US\$5.80) for non-agricultural work. The Union of Guatemalan Workers has justified the fifty percent increase by citing an in-

crease in living costs and the loss of purchasing power.

660 Complaints Filed against Maquiladoras

09.15.06 According to the Ministry of Labor, 660 collective complaints reporting labor violations have been filed since 2005 against nearly 200 maquiladoras (assembly and packaging factories). Overall, the cases affect about 1,500 workers, as each case represents between 20 and 200 people. According to the complaints, some maquiladoras have failed to pay wages for up to three months at a time and others have failed to pay the required bonus. Arnoldo Torres, of General Labor Inspection, said that the companies often close rather than face trial or remunerate the workers, then reopen under a different name and return to the practice of violating labor laws. According to labor authorities, ninety percent of the companies that have been sued are Korean.

MIGRANT RIGHTS

US House Approves Border Security Legislation

09.15.06 The US House of Representatives approved a bill to continue construction on a 700-mile wall along the US-Mexico border. The bill also includes measures to increase the number of Border Patrol agents and improve monitoring technology with satellites, cameras, and airships, ostensibly to help establish US control over the borders and coastline.

Representatives opposed to the project maintained that these measures would not solve the problem. Some even said that the bill was part of an electoral maneuver on the part of the Republican leadership. The bill, approved 283 to 138, will next be sent to the Senate for ratification.

On September 21, the House of Representatives approved three additional bills on border security. The main provisions of these bills would grant authority to local and state police to handle civil violations of immigration law; extend the time limit on detentions; expedite deportation procedures; and criminalize construction on unauthorized tunnels under US borders. The lawmakers also sought to close loopholes that facilitate the common “catch and release” practice. One of the provisions would also make it easier to detain and deport alleged gang members. The National Immigration Forum

opposed this provision, on the grounds that it “gives the attorney general the ability to designate any group as a gang and then punish an individual for belonging to that group, regardless of whether the individual committed a crime.”

Organizations Urge Berger to Support Migrants

09.19.06 Social leaders asked President Oscar Berger to create a specific secretariat to provide legal advice and support to undocumented migrants. In addition, the leaders asked President Berger to promote comprehensive immigration reform during a meeting planned with President George W. Bush. More specifically, the leaders requested reforms that would benefit the majority of migrants, as opposed to reforms such as temporary work visas, which would only benefit a small percentage.

Raul Molina, Erasmo Morales, and Jorge Betancourt, of the Network for Peace and Development in Guatemala, criticized the authorities for the failure to follow through on previous offers. The President had previously said he would work to increase funding for migration policy, as well as hold a meeting to unify Guatemalan migrant organizations.

Guatemalan Minister Attends Dialogue on Migration

09.20.06 According to Vice Minister of Foreign Relations Marta Altolaguirre, origin, transit, and destination countries must all collaborate in order to effectively combat human trafficking. Altolaguirre expressed her views at a forum on migration during the gathering of the United Nations General Assembly in New York. The Vice Minister asked the international community to support migrants during the High Level Dialogue on Migration and International Development. In particular, she emphasized the need to improve access to financial systems and reduce in the cost of wiring money. “We must not forget that we are speaking about human beings,” she concluded.

OTHER SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

US Corn Donation Draws Criticism

09.14.06 The National Front in the Struggle (FNL) denounced that, as part of the Dominican Republic-Central America Free Trade Agreement (DR-CAFTA), the US Department of Agriculture plans

to donate 18,000 metric tons of yellow maize to Guatemala, which the Guatemalan government will then sell on the national market. The maize represents only a portion of the 560,000 tons that will be donated to twenty-eight countries under the Food for Progress Act.

The FNL expressed their concern that thousands of Guatemalan farmers will not be able to sell their own crops after the US donation floods the market. According to the FNL, the donation of corn violates the principles of free trade and competition, even more so because the US corn was produced with the aid of government subsidies. The FNL also stated that the maize could be genetically modified or from US reserves stored to feed the US Army, which the US government replaces when it gets too old.

Police Evict Families in Zone Seven

09.15.06 More than 125 officers of the National Civil Police (PNC) and the Municipal Transit Police used tear gas to evict 160 families who were occupying municipal land in zone seven of Guatemala City. Some of the families initially resisted the eviction and tried to prevent the police from arresting community leaders. According to press reports, at least four people were injured and at least two people were arrested and later released.

Assistant Director of Public Security for the PNC Henry López said that he had notified the occupants three days prior to the eviction, informing them that they would need to abandon the area. Judge Celestial Ríos said that these families were occupying about twenty acres of municipal land. "What they did not know," she added, "is that they were in grave danger, because that is a high-risk area."

Hospital Crisis Continues

09.26.06 As of September 26, there were still seventeen hospitals in Guatemala supporting the strike that began on June 9 in the Roosevelt and San Juan de Dios Hospitals. The doctors in these hospitals have demanded medical and surgical equipment, as well as medicine, in order to treat their patients efficiently and effectively.

The Supreme Court of Justice ruled in favor of the Human Rights Ombudsman's Office (PDH), which had requested an order that the hospitals at-

tend to eighty-one patients awaiting operations. The anesthesia machines and monitors to equip seven operating rooms subsequently arrived at Roosevelt Hospital and several patients have already been operated on.

On September 14, the inspector of Roosevelt Hospital, Adrián Zapata Alamilla, resigned from his post seven days after he had started. Jose Mauricio Rodriguez Weber was named his successor. The legislature also authorized the Executive to purchase medical equipment worth up to 86.8 million quetzales (approximately US\$11.5 million) through the International Organization for Migration (OIM). A military hospital has been handling emergencies and caring for patients in critical condition, referred to them by Roosevelt and San Juan de Dios. The Ministry of Health plans to pay the military hospital about 68,000 quetzales (about \$9,000) for attending to sixty-two patients.

On September 21, Minister of Health Victor Manuel Gutiérrez Longo yielded to four of the seven doctors' requests. In a document handed to the Medical Doctors Guild, the Ministry agreed, among other things, to draft a document asking for a 1,300 million quetzales increase in the Ministry of Health budget, to fire the directors of the San Juan de Dios and Quetzaltenango Hospitals as a short term solution, and to accelerate the purchase of medical supplies. The Minister did not announce his position on the approval of the medical statute or on the withdrawal of lawsuits against eleven doctors.

On September 25, the Minister declared that he could not, after all, order the dismissal of the hospital directors, due to possible legal consequences. On September 26, the Ministry of Health announced that the OIM would not be allowed to manage the 86.8 million quetzales Congress had authorized for the purchase of equipment and medicines. The Ministry of Health apparently realized that they could not legally use the services of an international entity in this manner. The Minister assured that they would find another way to proceed as quickly as possible with the purchases, however, because the 86.8 million quetzales must be spent before December 15. Nineth Montenegro, of Encuentro por Guatemala, congratulated the Ministry of Health for their decision to halt the purchases through the OIM. She said the transaction

would have cost the government six million quetzales (about US\$800,000) in commissions paid to the OIM.

Government Creates Cabinet on Rural Development

09.14.06 The government recently created the Specific Cabinet on Rural Development (GDR) to coordinate and inform Executive policies on the matter. The new cabinet is made up of the Ministers of Economy, Agriculture, Communications, Energy and Mines, Environment, Public Finances, and Labor. The Secretariats for Planning and Programming, Food Security, Executive Coordination, Rural Issues, and Women will also be included. The GDR will meet four times a year, but will send information to the President every two months.

Panel on Health and Nutrition Concludes

09.14.06 The Panel on Health and Nutrition concluded with agreements on seven specific commitments intended to help Guatemala meet the Millennium Challenge Goals by the year 2015. Among other commitments, the participants agreed to work to increase the budget for health and implement a national health agenda that would include inter-institutional cooperation. The participants also agreed to design and implement programs on nutrition, infant and maternal health, and reproductive health.

Montenegro Criticizes Government Spending

09.14.06 Representative Nineth Montenegro, of Encuentro por Guatemala, criticized government spending, asserting that the Executive has only used fifty-three percent of the budget, which she described as “poor execution.” Montenegro said that, of the total amount spent, more money is spent on the bureaucratic functions of the government than on social investment. A report presented by the congresswoman studied public expenses from January to August of this year and found that some ministries have not even used the funds allotted to them. The Ministry of Health, for example, received allocations for buying equipment that have not been spent, in spite of a hospital crisis that unfolded because of a lack of supplies and equipment. Montenegro said that the Ministry of Health has only spent five million of its allocated 114 million quetzales (about US\$670,000 out of \$15.2 million).

Wages for Sugar Cane Workers Challenged

09.21.06 Entrepreneurs expect a fifteen percent increase in the sugar cane harvest this year, as compared to last year. Sugar production in Guatemala has increased for the past six seasons, with the exception of last year. Statistics suggest that the number of workers in this sector increases by about five percent each year.

The Association of Sugar Producers of Guatemala (ASAZGUA) maintains that the average worker earns 2,500 quetzales (about US\$333) per month, but unions argue that some workers do not receive minimum wage and that others are paid according to productivity. The Secretary General of the General Confederation of Agricultural Workers (CGTC), Miguel Angel Lucas, argued that sugar cane workers’ wages are not sufficient, considering the cruel conditions in which they work. He added that, although the job is an opportunity, one must also recognize that it is temporary, poorly paid work, and the workers have very high quotas to fill while working in unfavorable conditions.

RIGHT TO JUSTICE

Parties Reach Agreement in Chixoy Dam Case

09.19.06 Representatives of the government and twenty-three communities affected by the construction of the Chixoy hydroelectric dam signed an agreement to continue efforts to resolve the communities’ demands.

In February 2005, the communities presented a case before the Inter-American Commission on Human Rights against the State of Guatemala, the United States, and the banks that financed the dam. Community representatives maintain that over 7,700 acres of land were flooded as a result of dam construction, which began in 1975, and 3,500 people were forced to abandon their land. According to the leaders, 6,000 families now live in extreme poverty as a result of the Chixoy dam construction.

In addition to displacement and poverty, the construction of the dam was also linked to massacres in certain communities. On March 13, 1982, during the rule of Romeo Lucas García, those opposed to the Chixoy dam in the community of Rio Negro were massacred by state security forces. Community leaders say that there were an additional four massacres in that village that were never fully documented and that a total of 444 peo-

ple were murdered. Seven former members of the civil patrol are currently awaiting trial for their involvement in the Rio Negro massacre.

Court Upholds Sentence in Gerardi Case

09.22.06 The Constitutional Court ruled against an injunction filed by military official Byron Miguel Lima Oliva and priest Mario Orantes Nájera, sentenced to twenty years in prison for covering up the murder of Bishop Juan José Gerardi in 1998. The injunction appealed the sentence, but the court's decision upheld it as a firm sentence. Byron Disrael Lima, also accused of covering up the murder, did not file an injunction, so his sentence also remains at twenty years.

UN Aids Investigation of Disappearances

09.21.06 A group of United Nations experts on forced disappearances met with Guatemalan government employees in order to offer short term technical assistance in investigations. The UN experts also met with the Congressional Human Rights Commission, Vice Minister of Foreign Relations Marta Altolaguirre, and the commission for the search of missing persons.

During a meeting, Human Rights Ombudsman Sergio Morales told the experts that investigating disappearances is not on the government's agenda. Morales said that after the signing of the Peace Accords, the government has not demonstrated the political will to investigate these crimes or punish those responsible. The lack of investigation has contributed to further disappearances. Morales specifically mentioned three recent cases of disappearances and one extrajudicial execution in which National Civil Police (PNC) officers were involved.

Reparations Program Benefits Over 1,400 So Far

09.21.06 Martin Arévalo, Executive Director of the National Reparations Program (PNR), announced that, since December 2005, the PNR has granted payments totaling 27,373,599 quetzales (about US \$3.6 million) in 1,484 cases. So far, payments have been handed out in the departments of Alta and Baja Verapaz, Chimaltenango, Quiché, Sacatepéquez, and Guatemala City. The PNR has a budget of 300 million quetzales (about US\$40 million) and their work also includes psychosocial reparations, activities to honor the victims, material

restitution, and cultural compensation.

RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

Ministry Presents Conservation Policy

09.20.06 The head of the Ministry of the Environment and Natural Resources, Juan Mario Dary, presented a proposal on environmental policy to the government, which focused on promoting sustainable development over the next twenty years. The proposal includes, among other things, the use of renewable energy sources, such as hydroelectric plants and thermal production. The proposal also addresses environmental business issues, such as treatment plants and landfills. The proposal was developed with the participation of 121 different organizations.

OTHER INFORMATION

Mexican Army Arrests Three Alleged Kaibiles

09.12.06 Members of the Mexican army arrested five alleged hit men working for drug traffickers in the community of El Aguage, Michoacán, Mexico during a routine operation. Three of the alleged hit men are presumed to be former kaibiles, an elite counterinsurgency unit of the Guatemalan military. In addition to the arrests, the Mexican army also confiscated twelve high caliber weapons, three fragmentation grenades, around 3,000 cartridges, fake uniforms from a federal investigation agency, and radio communication devices that were hidden in a vehicle.

The five detained men were allegedly linked to the armed wing of the Gulf Cartel known as Las Zetas. After the arrests, the men were transferred to the Mexico City facilities of a branch specializing in the investigation of organized crime. Sources consulted by La Jornada did not rule out the possibility that the alleged kaibiles could be tied to decapitations that were carried a few days prior to the arrests in Uruapan, Michoacán.

San Marcos Anti-Drug Operation Declared a Success

09.14.06 The police and military operation ostensibly targeting the drug trade and seeking to eradicate poppy fields and marijuana crops in five municipalities of San Marcos officially ended on Sep-

tember 13. Minister of the Interior Carlos Vielmann pronounced the operation a success, specifically citing the arrest of drug trafficker Cornelio Chilel. During the entire operation, security forces arrested ten people, confiscated weapons, and destroyed at least 3.5 million poppy plants. Human rights organizations, on the other hand, have voiced concerns about the militarization of anti-drug policy and the suspension of certain rights during the operation in San Marcos.

Rains Isolate Communities

09.14.06 Heavy rains brought flooding, infrastructure damage, and evacuations in Sololá, Escuintla, and San Marcos. In Santa Catarina Ixtahuacán, Sololá, the rains destroyed water pipes and at least seven houses. Damage on the road between Chuaninup and Paculam I and II left more than 4,000 people without access to the outside world. In Guineales, Paculam II, a landslide caused the death of a seven-year-old girl, leaving her mother and two sisters injured as well.

The departments of Escuintla and San Marcos have also been hit hard by the rains. Due to the serious flooding of the Coyolate, Mascalate, and Pantaleón rivers, the National Disaster Reduction Coordinator (CONRED) decreed red alerts in eighteen rural communities in New Concepción, Escuintla and more than 169 families have been evacuated from the area. On September 19, CONRED personnel also evacuated inhabitants of Santa Ana Mixtán, Escuintla. In spite of the red alert, some of the community members chose not to evacuate. In El Progreso, San Marcos, news sources reported that 9,000 families in eleven rural communities remain isolated due to landslides along the only road that connects their communities to the municipal center.

Countries Meet to Define Regional Security Strategy

09.14.06 After three days of debates at the First Mesoamerican and Dominican Republic Regional Security Meeting, the ten participating countries agreed to work together to strengthen efforts to combat drug trafficking, terrorism, arms trafficking, and other illegal activities affecting the region. The country representatives also decided to work to improve the sharing of information, as well as the coordination of operations. As a result of the meet-

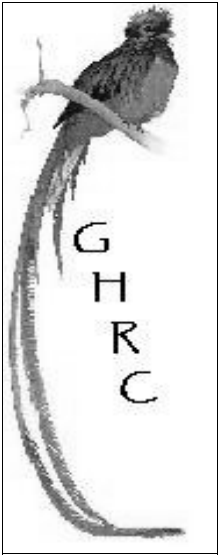
ing, a preliminary document on combating insecurity in the region was drafted. The document will be analyzed at a meeting of Defense Ministers planned for October in Managua, Nicaragua.

Representatives from the United Nations Secretariat against Terrorism and Drug Trafficking and the US Center for Hemispheric Defense Studies also participated in the meeting and plan to provide academic support for the development of regional security studies.

MNDH and PDH Organize Human Rights Forum

09.22.06 During the Metropolitan Forum on Human Rights, organized by the National Human Rights Movement (MNDH) and the Human Rights Ombudsman's Office (PDH), human rights leaders said that the tendency to address policy on a national level means that problems specific to the metropolitan area and other parts of the country are not being addressed. Ruth del Valle, of the MNDH, said that major decisions affecting the entire country are made in the capital, but policy at the local level remains the same.

Anders Kompass, from the Office of the United Nations High Commissioner for Human Rights, highlighted his office's major concerns regarding the metropolitan area. In particular, he cited general insecurity, the high murder rate, social cleansing, gender-based violence, femicides, police abuse, as well as impunity, poverty, exclusion, and marginalization.



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.

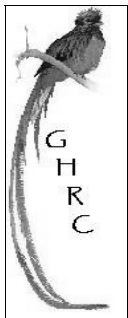
Information in the *UPDATE* that is not gathered directly is culled from various sources, including the Comisión de Derechos Humanos de Guatemala, Casa Alianza, Albedrío, Amnesty International, Associated Press, Reuters, and Guatemalan news sources, such as Cerigua Centro de Estudios de Guatemala, Incidencia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

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