

Guatemala Human Rights **UPDATE**

Guatemala Human Rights Commission/USA

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RIGHT TO LIFE AND HUMANE TREATMENT

UNE Party Members Shot In Izabal

10.27.06 Erick Leonel Chacón Calderón, the training coordinator for the political party National Unity of Hope (UNE), and his father, Oscar Vicente Chacón Linares, died from gunshot wounds on October 25 in Izabal. Witnesses stated that the two victims were standing in front of a local business when two men on a motorcycle shot at them repeatedly. Both victims died at the emergency center.

Mirna Pérez, Secretary of the Commission of Social Auditing of Civil Society in Puerto Barrios, stated that Chacón Calderón had analyzed documents containing evidence of corruption and the mishandling of funds in various institutions in Izabal. According to Pérez, he was planning to come forward with this evidence later in the week. Pérez asked the authorities to investigate the possible political connections to Chacón Calderón's murder, given this evidence.

Homicides Continue at Alarming Rates

10.16.06 According to the National Civil Police, 4,857 homicides were reported between January 1 and October 12 of this year, an average of seventeen murders per day. Of the homicides reported, 4,292 were men and 465 were women. Forty-four percent of the homicides included in the report were committed in the department of Guatemala.

The Mutual Support Group (GAM) also issued a report on crime in Guatemala. According to GAM, 362 murders were reported during the month of September alone. The report states that eighty-three percent of the murders in September,

including extrajudicial executions, massacres, and acts of social cleansing, were related to organized crime. The report cites 146 cases of extrajudicial executions and sixty-four cases of social cleansing for the month. September was the second most violent month of the year so far after January, in which 398 people were murdered.

The Human Rights Ombudsman's Office reported that fifty-seven different families have had more than two family members murdered this year. Two families have lost five family members this year.

Prison Director Fears for His Life

10.25.06 Alexander Giammattei, General Director of the Guatemalan Penitentiary System, reported that he has learned from outside intelligence sources that drug traffickers from the former Pávon prison have plans to assassinate him. According to Giammattei, sources say that the inmates have hired someone with a Lebanese passport to carry out the assassination. Giammattei speculated that the assailants are seeking revenge for the death of Colombian Jorge Batres, who died during the raid on Pavón prison on September 25, 2006.

WOMEN'S RIGHTS

Congress Fails to Address Women's Issues

10.26.06 The Guatemalan Congress has failed to adequately discuss and analyze women's issues thus far in 2006, proving that *machista* culture is pervasive within the current administration, said Alba Estela Maldonado, Vice President of the Congressional Women's Commission. Maldonado said that Congressional representatives reflect class and economic politics that have promoted sexism and discrimination and have left minority groups such as women more vulnerable.

Under international pressure, legislators often focus on issues that are not the primary interests of their constituencies, says Maldonado. In order to support civil society and ensure fiscal responsibility on the part of its leaders, it is mandatory that reforms and laws supporting Guatemalan women be given priority, she added.

In 2006, discussions have remained stalled regarding reforms to the Penal Code, including standardizing domestic violence and sexual assault as crimes, and the creation of a law against femicide. Maldonado called on women's rights organizations to follow legislative work and demand reforms in their favor.

RIGHTS OF THE CHILD

49.3% of Children Chronically Malnourished

10.18.06 The Executive Secretariat for Food and Nutritional Security (SESAN) reported that 49.3% of Guatemalan children suffer from chronic malnutrition. Ofelia Arriaza, coordinator of the organization "Breaking the Cycle of Malnutrition," pointed out that chronic malnutrition causes the loss of brain cells. Arriaza added that such damage is irreversible and occurs during the child's first three years. Mothers' poor nutrition and reduced periods of breastfeeding greatly contribute to chronic malnutrition, especially in rural areas. Guatemala has the second highest rate of chronic malnutrition in Latin America, after Haiti.

Guatemalan institutions were not the only ones taking note of the crisis. While expressing concerns about the high levels of malnutrition in Latin America, the United Nations Food and Agriculture Organization specifically mentioned Guatemala. In the country, twenty-three percent of children suffer from chronic hunger, as compared to eighteen percent in Haiti. In spite of the fact that Latin America reportedly produces three times the amount of food needed to feed its population, hunger has recently increased in countries like Guatemala and Honduras.

US May Suspend Adoptions from Guatemala

10.16.06 The number of Guatemalan children adopted by US families has increased over last the four months, after news that the US may suspend Guatemalan adoptions if Guatemala does not ratify

the Hague Convention in 2007. The law would make the participation of a central authority in international adoptions a requirement. Currently, adoptions only require the signature of a notary.

The Attorney General's Office reported that 393 children were adopted between May and August, while 342 children were adopted between January and April. Jorge Luis Ortega, from the Congressional Commission of Minors and the Family, said that adoption lawyers, who receive approximately twenty thousand dollars for each case, are trying to increase the number of adoptions before the law changes. Ortega said that this impasse might be the perfect opportunity for Congress to approve the Adoption Law, which has been debated for almost twenty years.

IACHR Hears Reports on Violence Against Youth

10.20.06 During a hearing before the Inter-American Commission on Human Rights (IACHR), the Center for Justice and International Law, Casa Alianza, and the Social Movement for the Rights of Childhood, Adolescence, and Youth reported on the lack of protection of minors in Guatemala and various forms of violence that affect youth.

The groups reported that more than 200 children and adolescents were murdered between January and July of this year in Guatemala City alone. The organizations also reported that homicides committed against youth in Guatemala have increased by fourteen percent in comparison to 2005. They added that the high number of deaths of children is an indicator of social cleansing, and implied that the Guatemalan government tolerates these acts. Government representatives defended the actions that the State has taken to address the issue, but also acknowledged that social cleansing may exist. Representatives of the Public Prosecutor's Office admitted that members of the National Civil Police have been linked to the deaths of several minors.

Sexual Exploitation of Minors Has Increased

10.25.06 Children's rights organizations have reported that sexual exploitation of minors has increased over the last several months, particularly in border regions and tourist areas. According to Sandra Vázquez, of the Movement for the Rights

of Children and Adolescence, the sexual exploitation of minors is another form of slavery. Vásquez says that children are often locked up in houses and forced to consume drugs that inhibit their awareness and ability to react.

INDIGENOUS RIGHTS

Government Presents Initiative Against Racism

10.18.06 Authorities in Guatemala's executive branch recently discussed an initiative to eradicate racism and discrimination. Officials from the Presidential Commission against Discrimination and Racism toward Indigenous Peoples of Guatemala presented the document. Among other things, the document states that racism both causes and reflects a lack of interaction, and limits the possibilities of communication between different groups and cultures that coexist in the same place.

Authorities have promoted the initiative as a way to strengthen institutions, enhance indigenous programs, and increase the number of bilingual teachers and officials in the country. The initiative is also expected to increase the competitive capacity of rural production and to provide consulting on women's issues.

LAND RIGHTS

Organizations Call for Social and Land Rights

10.12.06 Representatives of sixty-six organizations from fifteen countries gathered in Guatemala on October 10 and 11 for the International Conference on Agrarian Reform. The organizations collectively declared that neoliberal policies, repression against social movements, forced evictions, and the militarization of society have all negatively affected the region. They called for stronger alliances to work for agrarian reform and true democratization in Latin America.

In the final declaration of the conference, the indigenous and campesino movement of Guatemala was lauded as a fortified and renewed movement with clear strategies to change the current situation. Movements throughout Latin America were praised for protesting the appropriation of lands and the exploitation of natural resources. The organizations concluded that the fight for land is imperative, including both the defense of the earth and natural resources and

the struggle for power in the communities.

Campesinos Protest Columbus Day

10.13.06 More than sixty-five indigenous organizations throughout Guatemala demonstrated against Columbus Day and urged President Oscar Berger to resolve agrarian conflicts, to honor the right to land, to fight poverty, hunger, and unemployment, and to stop the privatization of public services such as health and education. International organizations visiting Guatemala to take part in the International Conference on Agrarian Reform also participated in the demonstrations. Indigenous communities have renamed the day as the Day of Indigenous and Campesino Resistance.

Organizer Daniel Pascual said that the discovery and conquest of Guatemala brought violence, division, and the imposition of Spanish interests and conservative governments that have historically benefited landowners. "These are the reasons we support 514 years of indigenous resistance," said Pascual.

Campesinos organized rallies and closed highways along the Mexican border from Coatepeque to Colotenango, Huehuetenango to demand the right to land. Members of the Campesino Unity Committee (CUC), the National Union of Campesino Organizations, and other groups blocked the passage of vehicles in Quetzaltenango along the route to the pacific coast. They declared that campesinos have simultaneously been forced to serve the State and have been marginalized by the State for decades.

Campesinos peacefully demonstrated to commemorate the Day of Indigenous Resistance in Zacualpa, Quiché. The demonstration, organized by the Campesino Unity Committee (CUC), included local authorities and leaders of various communities. The demonstrators focused on the lack of electricity in the region, which affects a large number of community members.

MIGRANT RIGHTS

Central Americans Protest US Border Wall

10.21.06 About 3,000 Central Americans gathered in New York for a series of protests against the proposed wall along the US-Mexico border. Carrying flags and wearing traditional dress,

thousands of persons participated in a march, demanding that authorities listen to them and stop approving anti-immigrant policies.

On October 27, Vice Minister of Foreign Relations Marta Altolaquirre criticized the proposed wall and described it as anachronistic. Altolaquirre commented that the US\$1.2 billion that will be spent on the wall could be better spent promoting development and job opportunities in origin countries.

One week prior to Altolaquirre's comments, President Bush approved a bill with provisions for the construction of a double fence nearly 1,200 kilometers long, as well as other border security measures, such as barriers for vehicles, control posts, and the use of military technology to monitor the border with Mexico. According to the International Organization for Migration, there are more than 1.3 million Guatemalans living in the US, eighty-five percent of them without documentation.

Survey Reveals Impact of Remittances

10.18.06 The Director of Programs at the International Organization for Migration, Victor Lozano, announced that 3.7 million people in Guatemala benefited from income in remittances in 2005. The department of Guatemala received the highest percentage of total remittances, with 20.2 percent, followed by San Marcos, with 11.3 percent; Huehuetenango, with 10.1 percent; Alta Verapaz, with 5.9 percent; Quetzaltenango, with 5.6 percent; Izabal, with 4.5 percent; Jutiapa, with 4.6 percent; and Escuintla, with 4.1 percent.

Almost 815,000 homes in Guatemala receive money from abroad. The amount received nationwide in the first nine months of 2006 rose to US \$2.677 billion (about 20.600 billion *quetzales*). According to Lozano, the remittances make up almost fifty percent of the total income for most of the families that are receiving them.

The full 2006 Survey on Remittances and Investment in Health and Education will be presented on October 26.

RIGHT TO JUSTICE

State Apologizes for Efraín Bámaca's Disappearance

10.16.06 In a public act, the president of the

Presidential Human Rights Commission (COPREDEH), Frank La Rue, apologized to the family of guerrilla leader Efraín Bámaca on behalf of the State of Guatemala. Other administration and military officials were absent. As part of his speech, La Rue recognized the responsibility of the State in Bámaca's detention, torture, and disappearance. In doing this, the State has complied with one of the orders of the Inter-American Court on Human Rights in a sentence handed down on February 22, 2002.

Bámaca disappeared on March 12, 1992, during an armed confrontation between guerrillas of the Organization of People in Arms (ORPA) and the Army along the Ixcucua River, in Retalhuleu. La Rue said that Bámaca, also known as *Comandante* Everardo, was legitimately captured during combat, but was not given legal recourse and people were deceived when they were told that he had died. According to La Rue, as well as Bámaca's wife, lawyer Jennifer Harbury of the US, Bámaca was captured alive and tortured for two years by the military with the full knowledge of the US government.

La Rue acknowledged that the State has yet to comply with part of the court's sentence. The State must search for his body, along with the bodies of the 45,000 others that were disappeared during the war.

Harbury, who has tirelessly pursued her husband's case for years, announced that she will not rest until justice is served and the Guatemalan military officials and CIA agents that participated in Bámaca's torture and disappearance are held accountable.

Computer Disappears from PDH Offices

10.28.06 A computer with information on civil employees, judges, unionists, religious leaders, and human rights activists disappeared from the central offices of the Human Rights Ombudsman (PDH). The information on this computer was accessible to and used by relatives of people who had disappeared during the internal armed conflict. Maria Eugenia Morales, from the PDH, said that the efforts to find the computer have intensified in the last few weeks but that there are doubts about the exact date of its disappearance. It has been confirmed that the computer contained the

document “Dossier of Death,” published in 1999 by the National Security Archive.

Police Accused of Corruption and Crime

10.26.06 The General Inspector of the National Civil Police (PNC) has received 1,303 accusations accusing 1,669 members of the PNC of corruption. The most commonly named violations through September of this year are abuse of authority, robbery, and bribery. To date, thirty-three agents have been found guilty of at least one of these crimes. Investigations into the allegations are underway in 410 cases, while 142 cases are in the initial phases of examination, and 751 cases have yet to be investigated.

According to Ilsa Alvarez, Vice Minister of the Justice Support Sector, a typical dismissal process could take up to two years, while the accused would continue to receive their salary. PNC authorities argue that judicial orders often reinstate police agents, detracting from the credibility of the institution. Citizens watch as the accused agents return to their original positions.

Civil society groups met with members of the Ministry of the Interior and the Human Rights Ombudsman’s Office to analyze reforms, said Verónica Godoy, of the Public Security Monitoring and Support Group (IMASP).

Military Presence Fails to Improve Security

10.24.06 In a recent press conference, representatives of civil society argued that the 13.24 percent increase in homicides in 2006 proves that the National Civil Police (PNC), and not the Army, should be in charge of citizen security. The representatives demanded that the Congress of the Republic reduce the budget assigned to the National Ministry of Defense and establish a policy for citizen security based on what was outlined in the Peace Accords.

The representatives also argued that the weakness of the PNC continues to be a major obstacle to providing security, due to the lack of officers, the unprofessionalism of police and investigators, and the limited budget. In contrast, the budget of the Ministry of National Defense is the same as it was during the internal armed conflict, despite a supposed 50 percent reduction.

Jorge Ortega, a spokesman for the Army, countered these allegations and said that most

citizens feel like security has actually improved. He maintained that he is satisfied with the military presence in peripheral areas of the capital, where the crime rate is one of the highest in the country.

The executive branch included an increase of 274 million *quetzales* (approximately US\$36.5 million) for the Ministry of Defense in the budget for 2007. The Army justifies the increase by citing increased citizen security duties. The budget allocation for the Ministry of the Interior for 2007 was less than what the Ministry had requested in order to reform the prison system, combat organized crime, and start up the National Institute of Forensic Sciences (INACIF). Sandino Asturias, of the Center for Guatemalan Studies (CEG), said that instead of giving the PNC the budget it needs, the government is using the Army to provide security.

During the first seven months of 2005 there were 3,051 murders. Between January and July of 2006, the number of murders reached 3,455, in spite of the presence of soldiers patrolling the streets.

Report Details Inefficiencies of Reparations Program

10.20.06 Human Rights Ombudsman Sergio Morales has released a report that analyzes the work of the National Reparations Program (PNR). The report responds to complaints by various victims’ organizations about the inefficiencies of the PNR.

The PNR was created in response to the Peace Accords and the recommendations of the Historical Clarification Commission at the end of the civil war. The report provides evidence of the PNR’s poor execution and details the program’s finances. According to the PNR’s directive board, 33 million *quetzales* (approximately US\$4.4 million) have been granted to victims over the past four years, although the PNR’s budget allocates that 300 million *quetzales* be granted each year. Through August of this year, 15,313,600 *quetzales* had been distributed to 623 people, which amounts to only 7.5 percent of the total number of people awaiting reparations.

Rosalina Tuyuc, President of the National Reparations Commission, said that the PDH’s report does not surprise her, but that reparations should be the responsibility of all three branches of the government, not just the executive branch.

Portillo Awaits Decision on Extradition

10.19.06 Public Prosecutor Carlos Patricio Rodriguez declared that the Mexican Secretariat of Foreign Relations has until November 2 to decide whether or not to grant the extradition request for former Guatemalan president Alfonso Portillo. Judge Veronica Sanchez ruled that the extradition request should be denied, but the Public Prosecutor argued that the judge did not review all of the documents presented.

Judge Sanchez ruled against extradition because the arrest warrant issued by the Fifth Court of Criminal Instance did not indicate the time period for the Public Prosecutor's Office to prosecute the former president for transferring 120 million *quetzals* (approximately US\$16 million) to the Ministry of the Defense. The money was later withdrawn from a national bank during the administration of Armando Llort.

RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

Residents Protest Development Projects

10.16.06 Community members in San Lucas, Sacatepéquez have expressed opposition to development projects in the area that would cause deforestation. The municipal authorities, as well as the Ministry of the Environment, did not authorize the real estate company's projects, due to the environmental impact. The real estate company owners, pledging to begin a process of urbanization, began to dismantle their properties, with the intention of constructing a highway. Municipal representatives have opposed construction in the area, saying that the area is environmentally fragile.

WFP Commemorates World Food Day

10.14.06 The World Food Program (WFP) commemorated World Food Day with the slogan "Invest in agriculture for food security." Even though there is sufficient food in the world for every human being, more than 25,000 people die of hunger every day. The World Food Program supports eighty poor countries through economic and social development programs and emergency aid.

According to the National Secretariat of Food Security in Guatemala, people have many basic needs that are not being met, as evidenced by poverty, a lack of infrastructure, and high unemployment rates that leave most of the population vulnerable.

The current administration in Guatemala has passed legislation to address the issue. These efforts include the National Policy on Food and Nutritional Security and the Law on the National System for Food and Nutritional Security (Decree 32-2005), which offer advice on improving health and nutrition, particularly in rural areas and marginalized urban areas.

SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

Social Security Suspends Medicine Delivery

10.16.06 The Constitutional Court, ruling in favor of a pharmaceutical company, decided that the Guatemalan Social Security Institute (IGSS) should suspend the delivery of medicine to patients with chronic illnesses. The IGSS has filed requests for clarification of specific articles that were violated, but the case has not been resolved. Patients living with AIDS and children with leukemia are among those most negatively affected by the court's ruling.

Claims Charging Fathers with Negligence Increase

10.16.06 Claims filed to report violations of the law to protect children born within or outside of marriage and laws regarding paternal responsibilities have increased. Statistics provided by the judiciary indicate that from 2005 to October 11 of this year, 7,515 lawsuits have been filed in the First Instance Family Courts throughout the country. The department of Guatemala had the highest number filed with 2,022 cases, followed by Quetzaltenango with 707; San Marcos with 643; Escuintla with 497; Alta Verapaz with 419; and Sacatepéquez with 327. The high volume has led to the opening of the new Seventh Family Court of First Instance.

Groups Commemorate for Eradication of Poverty

10.17.06 To mark the International Day for the Eradication of Poverty, Guatemalan families from

different marginalized areas in Guatemala City gathered for a march. One of the leaders, a member of the Fourth World Movement, said that it was not a protest march, but an effort to unite people living in extreme poverty in efforts to eradicate hunger in Guatemala. Human Rights Ombudsman Sergio Morales stated that nearly two million people in Guatemala live on less than one US dollar per day. Morales gave an energetic speech criticizing the government for the lack of effective policies to address poverty in the country.

IACHR Grants Hearing on HIV/AIDS

10.20.06 The Center for Justice and International Law (CEJIL), the Foundation for the Prevention of AIDS, the Association for Integral Health, and the National Network of People Living with HIV/AIDS participated in a hearing before the Inter-American Commission on Human Rights (IACHR). The organizations argued that the State of Guatemala has violated the right to life and the right to health.

Three years ago forty-nine patients affected by the virus went to the IACHR to accuse the Guatemalan State of failing to provide medical attention and the medicine they needed to survive. Six of the original participants in the case have since died. Thirty-two of them currently receive medical treatment from Doctors without Borders.

The organizations also criticized the US government for denying visas for two of the victims planning to testify before the IACHR. The visas were denied because the victims are living with HIV/AIDS. The organizations participating in the case argued that this was a clear act of discrimination.

Graduates Returned from Cuba Denied Work

10.25.06 More than five years ago, the Ministry of Public Health and Social Assistance (MSPAS) signed an agreement with the Cuban government for Guatemalan students to receive scholarships to study community medicine in Cuba. The agreement stated that the students would return to Guatemala after finishing their degree and that the state would hire the recent graduates for six-year terms of service in communities throughout the country.

Both the first and second round of graduates, however, faced complications upon return to

Guatemala. The second round of graduates, approximately 150 doctors, has waited months for their placements for the Professional Supervised Practice, a requirement for the recognition of their titles. The Ministry of Health reportedly cannot contract all of them and prohibits them to work elsewhere. The graduates planned to file a formal complaint against the MSPAS with the Human Rights Ombudsman's Office (PDH).

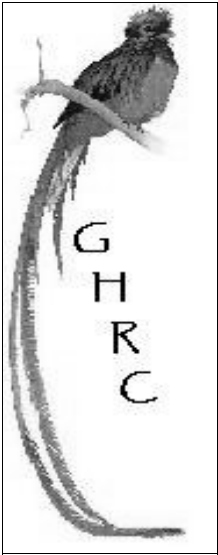
OTHER INFORMATION

Government Begins Tenth Mobile Cabinet

10.13.06 During the Tenth Mobile Cabinet, residents of Chimaltenango and Sacatepéquez expressed their frustration over rising crime rates and the lack of resources for health and education. The main concerns expressed to the president and vice president were the incapacity of the National Civil Police and the growth of gangs. In Chimaltenango, there are only 254 policemen to protect almost 516,000 persons. With regard to education in the area, Silvia Raxán of the Mayan Society of Sacatepéquez, complained that teachers are still not able to give classes in the region's Mayan languages.

Forum Warns About Weak Institutions

10.18.06 In a meeting with Vice President Eduardo Stein, the Guatemala Forum, made up of representatives of the Church, universities, unions, and other civil society groups, warned the government about the weakening of institutions such as the Supreme Court of Justice, the Supreme Electoral Tribunal, and the Congress of the Republic. The Forum urged the government to strengthen them in order to guarantee institutionalism in the country. The Forum also addressed issues such as declarations of a state of prevention, the election for the nonpermanent seat on the United Nation Security Council, and the future of the Commission to Investigate Illegal Groups and Clandestine Security Apparatus (CICIACS).



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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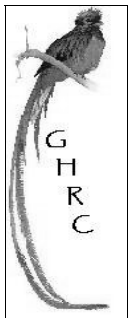
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