

# Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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## RIGHT TO LIFE AND HUMANE TREATMENT

### **Political Attacks Connected to Organized Crime**

12.19.06 The National Civil Police (PNC) reported that attacks against members of political parties stem from internal party quarrels, corruption, or organized crime. Police investigators concluded that, for example, the order for the murder of Mario Pivaral, a legislative representative from the National Unity of Hope (UNE) party, came directly from the UNE party leadership in Cobán. In another incident, the police stated that corrupt, former UNE members attacked José Carlos Marroquín, the lead strategist for the UNE party. According to the police, those UNE members wanted to warn Marroquín because he failed to bestow them any political favors. The commissioner in charge of the investigation declared that all analysis concluded that none of the incidents were a result of political violence, but rather stemmed from internal quarrels, corruption, and organized crime activities.

### **Two Community Leaders Murdered in Zacapa**

12.23.06 The National Civil Police (PNC) reported that two community leaders, Marco Antonio León Salazar, forty-six years old, and Rolando Eugenio Orellana Pérez, twenty-five years old, were shot on the night of December 21, 2006 in the neighborhood of La Majada in Zacapa. Neighbors from the communities of Jireh and Andalucía, the hometowns of the murdered leaders, condemned the action and demanded an increase in security for their communities. The perpetrators of these crimes remain unknown.

## INDIGENOUS RIGHTS

### **CAPIP Demands Multicultural Representation**

12.19.06 The Advisory Council on Indigenous Peoples and Plurality (CAPIP) presented a study demanding that action be taken to establish multicultural representation in Guatemala. The study requested that the leaders of indigenous communities be allowed to participate in defining and designing public works projects, that the state budgets reflect the needs of indigenous peoples, and that the public law recognize indigenous peoples' customary rights.

The study was presented in the reception hall of the National Palace of Culture. Vice President Eduardo Stein attended the conference. Irma Yolanda Davila of CAPIP stressed the need for political and financial conditions for the development of indigenous communities, and for looking beyond the mere fulfillment of the Agreement on Identity and Rights of Indigenous Peoples.

## LABOR RIGHTS

### **Minimum Wage Increases by Five Percent**

12.28.06 The Guatemalan Executive Branch announced a five percent increase in the daily minimum wage, starting January 1, 2007. With the increase, rural sector workers will be earning 44.58 quetzals (roughly US \$5.80) a day, amounting to Q1,337.40 (about US \$175) a month. Urban sector employees will earn Q45.82 (almost US \$6.00) a day, totaling Q1,374.60 (about US \$179) a month. An additional annual bonus of Q250 (US \$32) will be paid to both sectors. The 2006 minimum wage for rural and urban sector workers amounted to Q1,273.89 (roughly US \$166) a month and

Q1,309.20 (about US \$170) a month, respectively. In addition, a new hourly minimum wage was implemented in order to give flexibility to contracts and to stimulate productivity. The hourly minimum wage for rural sector employees is Q5.57 (roughly US \$0.70) an hour, whereas the hourly minimum wage for urban sector employees is Q5.73 (about US \$0.75) an hour.

Minister of Labor Rodolfo Colmenares explained that the increase in the daily minimum wage matches the 4.11% in inflation estimated for 2007. Minister Colmenares stated that an increase beyond five percent could be harmful for the national economy, driving up the cost of living.

On December 28, 2006 the official Government Report published “Decree 624-2006”, which urges employers to pay a wage higher than the minimum. The Agreement also encouraged employers to base wage increases on productivity. The Minister of Labor and the Technical Institute for Training and Productivity prepared to advise and support businesses interested in offering wages based upon productivity by devising indicators to measure productivity.

Union leaders reported that the governmental authorities only offered a meager increase. José Pinzon, director of the General Confederation of Guatemalan Workers (CGTG), stated that the minimal five percent increase neither satisfies the needs of most workers nor accounts for the rise in the cost of living for 2007.

## LAND RIGHTS

### **Skye Resources Orders Eviction**

12.28.06 The Canadian mining company, Skye Resources Nickel Mining Company, operating via its subsidiary Guatemala Nickel Company (CGN), applied for an official eviction of five communities located in the municipality of El Estor, within the northeast department of Izabal. According to officials from CGN / Skye Resources, the company bought the land from INCO, another Canadian mining company, and requested that the communities leave the property. The community members living on the disputed land stated that

several residents hold deeds to certain parcels, while other members are staking historical and ancestral claims on the territory. The residents asserted that they moved back on the lands in September 2006 because the property had been unproductive and unused for decades.

Members of the community of La Revolución, along with four other communities not listed on the eviction notice, were verbally informed just before December 25 that they would be evicted on December 27. Among the individuals named in the eviction order were environmental activist Loida Mejía [sic], Federico Pop Caal and his wife Carmelina Can from the National Indigenous and Campesino Coordinating Committee (CONIC), Emilio Yat, a former employee for CGN/Skye Resources, and journalist Santiago Caal, who has covered issues relating to mining for Radio Sonora. None of these individuals live in the contentious communities. Community members said that the inclusion of their names on the eviction order was CGN/Skye Resource’s attempt to defame the activists’ reputation and spread fear throughout the communities.

The National Civil Police (PNC) issued a notice reporting that police forces would convene at the headquarters of CGN/Skye Resources and begin the evictions at 8:00am on December 27th. However, community members stated that after preparing for the worst, they found out through a local radio station that the communities would not be evicted on December 27. Community leaders said they had not received written documentation informing them that they would not be evicted. They found out through rumors. Community members commented that they were still unsure why the eviction did not take place, although it was probably not considered to be in the nation’s best interest to remove hundreds of people from their lands two days after Christmas. Community members added that they live in a constant state of instability and insecurity, despite several of them containing deeds to the land and others making hereditary and ancestral claims to the land.

CGN/Skye Resources has evicted residents from these communities before. On November 12, 2006

at 3:00am, members from the National Civil Police (PNC) arrived in the communities of Chupon and La Revolución – without an eviction order signed by a judge, required by Guatemalan law, or the presence of the Public Prosecutor – and began to violently expel families, causing injury to several people. On December 8th, 2006, Guatemala's Public Prosecutor ordered the eviction of Chac Payla community, on Lot 8, which contained thirty-one individuals. According to residents, Chac Payla is the only piece of land that CGN/Skye Resources owns, despite them displaying "Property of CGN" throughout the whole area.

#### **Dispute Over Land Leaves One Dead and Three Wounded**

01.02.07 A confrontation between villagers from the municipalities of Nahualá and Santa Catarina Ixtahuacán, located in the department of Sololá, resulted in the death of one person and the injury of three others. The fight broke out after a group of farmers from Nahualá began to cut trees in an area disputed by both municipalities.

Francisco Tambriz, mayor of Santa Catarina Ixtahuacán, reported the death to authorities and added that the three injured persons were taken to a health center in Salcajá, Quetzaltenango. He stated that the land conflict had been brought up during round table negotiations, and that this most recent outbreak did not respect those negotiations. According to the mayor, calm had returned to the communities by nightfall, but the inhabitants denied the entry of the National Civil Police (PNC).

## **MIGRANT RIGHTS**

#### **UN Reports that Migrants Face Discrimination & Abuse**

12.18.06 In commemoration of International Migrants Day, outgoing United Nations Secretary General Kofi Annan stated that more and more migrants are victims of exploitation, xenophobia, racism, and discrimination. He urged UN member countries to join the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. To date, only thirty-four nations have signed on.

The UN calculates that 195 million people have emigrated from their countries in search of a better

life. Those migrants have sent approximately 167 billion dollars in remittances to their countries of origin, a number that far surpasses the amount given through official international aid. Annan stated that today, more people than ever before in history are affected by international migration. He urged all nations to work together so that this worldwide phenomenon benefits everyone involved, including the countries of origin and destination, and the migrants themselves.

UN High Commissioner for Human Rights Louise Arbour said that today, many migrants face a reality of exploitation, discrimination, abuse, and violence – all of which amount to human rights violations.

#### **Migrants Denounce Cruel Policies of US**

12.19.06 Dozens of participants signed a petition demanding an end to the violence against migrants during the ninth consecutive annual meeting of concerned migrants at the International Inn for Migrants in Tecún Umán, San Marcos. Migrants on their way to the United States, temporarily lodged in houses in Tecún Umán, Guatemala, and Tapachula, Mexico, participated in the activity. They carried placards attacking the immigration policies of the US.

Ademar Barilli, director of the House of the Migrant in Tecún Umán, declared "We open doors, we build bridges; let us humanize migration" as the message of 2006. He added that the principal violators of the rights of undocumented migrants are authorities that commit abuses in the name of official policy. Mario Verzeletti, assistant secretary of Migrant Affairs, denounced the previous week's detention of hundreds of Central Americans in the US. Both Barilli and Verzeletti agreed that the root causes of the migratory problem lie in extreme poverty, the lack of opportunities, and inadequate social investment in the country of origin.

#### **More Than 18,000 Migrants Deported from US in 2006**

12.29.06 On December 29, 2006, ninety-five Guatemalan migrants were deported from the US. With their arrival, the number of Guatemalan migrants forced to return to their country of origin in 2006 climbed to a historic record exceeding 18,000. Of the more than 18,000 Guatemalan deported migrants, 14,376 were men; 2,638 were

women; and 992 were minors. In 2005, only 11,000 Guatemalan migrants were deported from the US.

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

### **Social Security Implemented for Senior Citizens**

12.19.06 The Economic Support Program for Senior Citizens, a social security program for impoverished elders lacking coverage, was fully implemented on December 19, 2006. Passed by the Guatemalan Congress and authorized by President Oscar Berger, “Decree 39-2006” provides social security for senior citizens, ages sixty-five and older, that are living in extreme poverty and do not currently receive coverage. Qualifying senior citizens will receive 400 quetzals (roughly US \$52) a month. The Executive Branch estimates that the program will benefit between sixty and eighty thousand senior citizens. The bill also establishes an agency to handle the administrative and logistical aspects of executing the new program.

The program stipulates that the State will annually transfer 250 million quetzals to the Ministry of Labor. That amount will be included in the annual national budget. Other financial resources for the program will come from contributions by national and foreign entities.

In addition, the program requires workers that earn more than Q2,000 (roughly US \$261) a month to contribute, depending on their income, between Q150 (US \$19) to Q1,000 (US \$130) a year in support of the program. Employers are obligated by law to withhold a portion of employees’ paychecks for social security coverage, and transfer that amount to a Bank of Guatemala account. Businesses are required to contribute as well. Businesses netting more than 100 thousand quetzals (US \$13,060) a year will be required to give between Q500 (US \$65) and Q10,000 (US \$1,306) a year. Both workers’ and businesses’ contributions will be collected in two parts, fifty percent in January and the other half in July.

Héctor Montenegro, representing elderly adults, applauded the President for his support and

authorization of the program. Nevertheless, businesses are unhappy with the new program. Spokesman Ricardo Sagastume, director of the Industrial Chamber, stated that the project violates several articles of the Constitution.

### **Teachers Refuse to Start School Year on January 8**

01.02.07 Due to a disagreement with the Ministry of Education (MINEDUC) regarding insufficient funding for the education budget and stagnant teachers salaries, Joviel Acevedo, president of the National Teachers Assembly (ANM), announced that classes would not begin on January 8 as established by MINEDUC, but rather on January 15. Acevedo stated that the teachers’ demands had not been met, and they gave the government eight days, starting on January 15, to resolve the problem.

On December 27, 2006, MINEDUC reported that the request for a larger 2007 educational budget was rejected and that teachers would not receive an increase in salaries. Maria del Carmen Aceña, the minister of Education, said that the 2007 budget proposal included 200 million quetzals in order to raise the teacher salaries by five percent. Teacher salaries have not been increased for three years. In 2006, the assigned education budget was 5.2 billion quetzals. The Executive Branch requested a 2007 education budget of six billion quetzals, but it was denied. Teachers are expected to hold demonstrations in the first weeks of January.

### **Minister Assures Free Enrollment in Public Schools**

01.02.07 Minister of Education Maria del Carmen Aceña stated that enrollment in public schools, which began on January 2, is completely free of charge, and invited parents to report any anomalies to that effect. She stated that parents may donate a strictly voluntary contribution at the time of enrollment, but emphasized that a lack of contributing would not result in the rejection of a student. It has been established that the rate of contributions must be agreed upon by parents, principals, school teachers, and a properly authorized finance committee, and all contributions must be accompanied with a receipt.

### **Several Sectors Affected by Cash Shortage**

01.02.07 Guatemala recently faced a cash shortage

throughout the country. Both consumers and merchants complained about the lack of paper currency. The shortage forced consumers to purchase items via credit cards, whereas vendors only accepting cash saw a reduction in sales. Among those affected were retired government workers, who did not receive their pension checks on time. In addition, several victims from the armed conflict, who still receive compensation funds from the government, were unable to cash their checks.

Mariano Rayo, president of the Congressional Economic Commission, reported that consumers were most affected because they were forced to use credit cards and pay a higher percentage for their items. He stated that the Congressional Economic Commission would give due attention to the problem and would investigate who was responsible. Several authorities claimed that the crisis was due to the failure on the part of the Central Bank's former administration to anticipate the need.

On January 2, in an attempt to resolve the crisis, the Bank of Guatemala delivered twenty million quetzals in used Q100 bills to bank cashiers and ATMs. Jorge Montenegro, operations manager of the ATM network, stated that that amount of cash will barely supply thirty-eight of the 770 ATMs throughout the whole country. María Antonieta de Bonilla, president of the Central Bank, reported that the crisis is expected to be over by January 20, when a shipment of new bills, amounting to 8.7 billion Quetzals, from foreign printers will go immediately into circulation.

**Voices Weigh in on 10<sup>th</sup> Anniversary of Peace Accords**  
12.29.06 Representatives from the three branches of

## RIGHT TO JUSTICE

the Guatemalan government and international guests attended a formal celebration of the tenth anniversary of the signing of the Peace Accords. December 29, 2006 marks one decade since the signing of the 1996 Peace Accords that brought an official end to the thirty-six year civil war that wrought the nation.

During the main event, held at the National Palace

of Culture, President Oscar Berger announced his decision to submit a package of thirteen legal reforms to Congress that would further comply with the Peace Accords. Among the legal reforms, President Berger highlighted the rights and identity of the indigenous populations, developing the economy, and building a more tolerant and cohesive society. The National Council of the Peace Agreements will review the reforms. According to Berger, there have been advances in reducing discrimination and racism, gaining equality for women, and increasing spending for education, health care, and security.

In addition, the president mentioned the possibility of a popular referendum in conjunction with the next election in order to vote on a likely constitutional reform. Vice President Eduardo Stein described the constitutional reform as an initiative to reduce the number of congressional representatives, to strengthen social auditing procedures, and to establish mechanisms in achieving a more inclusive society. Stein commented that rejuvenating state institutions is key to enhancing Guatemala's development.

During the main event, approximately twenty young people from the Anti-Imperialist Block, a coalition comprised of children of the disappeared during the civil war and activists from social and human rights organizations, openly protested the President, businessmen and political parties attending the celebration.

Municipal authorities unveiled a monument to peace during an event held at Plaza Italia. The Patriot Party (PP) and the National Unity of Hope (UNE) sent messages commemorating the Peace Accords and claimed credit for the achievement of peace.

Cardinal Rodolfo Quezada Toruño criticized these isolated celebrations during a mass commemorating the signing of the Peace Accords, in which he called those celebrations "sterile initiatives," bypassing a process that was intended to embrace all Guatemalans. The cardinal insisted that the root causes of the armed conflict, such as poverty, exclusion, and the lack of permanent opportunities, still persist.

Representatives from the Guatemalan National Revolutionary Union (URNG), which took part in the signing of the Peace Agreements, were absent from the main event. Hector Nuila, secretary general of the URNG, stated that the commemoration has become a demagogic performance in which the government manipulates the accords. According to Nuila, there has been no change in the government, and no initiative to strengthen a democratic nation based upon constitutional laws. To the contrary, he commented that the democratic process has been weakened by the political disorder and impunity that reign in Guatemala.

In its commemorative declaration, the URNG stated that if the full extent of the Peace Accords were to be realized, then a richer, full participatory democracy would emerge and pave the way for political, social, cultural, and economic progress. The URNG's statement also described how the Arzú, Portillo, and Berger administrations, governing during the last decade, have usurped and manipulated the spirit and contents of the Peace Accords. It highlighted how those administrations have forced a neo-liberal economic agenda on Guatemala, based upon expanding privatization and imposing DR-CAFTA, the free trade agreement, on Guatemala's citizens. In addition, the URNG highlighted the surrendering of Guatemala's natural resources to foreign enterprises; racist discrimination of minorities; denial of the working class' rights; exploitation of *campesinos*; increase in unemployment and deterioration of working conditions; collapse of public health and education services; lack of a program for housing construction; environmental deterioration; and absence of an integral rural development policy and agrarian reform – as contributing to the surge in poverty, hunger and malnutrition. The URNG commented that the indigenous communities, rural populations, women, and children are affected the most by the past administrations' policies.

The URNG ratified its historical commitment to work for the good of the people and affirmed that only through the full compliance of the Peace Accords will it be possible to create a multiethnic,

multicultural and multilingual nation, as well as the necessary political reform to ensure a better future for all. The URNG promoted the further implementation and strengthening of the Broad Movement of the Left (MAIZ), a short and long-term instrument to bolster the collective efforts of leftist activists.

Several civil society leaders took the opportunity to weigh in. Regarding the topic of security, Carmen Rosa de Leon, a member of a council convened to make recommendations concerning security, stated that even after ten years, the goals of increasing civic action and reigning in the power of the military in accordance with a democratic society have not yet been achieved.

Idivina Hernandez, director of Study and Promotion of Security in Democracy (SEDEM), stated that, in some respects, the country is in far worse condition now than it was at the time of the signing of the Peace Accords because the full implementation of the accords remains to be seen. Hernandez gave several examples in which work still needs to be done, especially regarding the military's interference in matters not falling under its jurisdiction and the corruption of police officers, which weakens the police force.

Sandino Asturias, director of the Center for Guatemalan Studies, also commented on the issue of security. He stated that the Peace Accords already contain several provisions that would address the problem. He advocated for creating and developing professional security institutions, restricting civilian use and possession of firearms and ammunition, placing private security companies under government control, establishing an effective justice system, improving the process of criminal investigations, and fostering a penitentiary system that truly rehabilitates inmates. Asturias also mentioned the criminalization of social movements, referencing the more than ninety court cases against social, union, and rural leaders as well as acts of intimidation against human rights activists.

Vitalino Similox, from the Ecumenical Forum for Peace and Reconciliation (FEPAZ), and Raquel

Zelaya, former peace negotiator, commented that the enemies of democracy have opposed increasing taxes on affluent citizens in order to generate revenue for the state, and have opposed constitutional reforms.

The Human Rights Ombudsman criticized the delay in progress since the signing of the Peace Accords. He disapproved of the formation and strengthening of civil defense patrols (PAC), the failure of the state to combat clandestine security groups, and the high level of death due to violence.

The international community remains cautious about the peace process. João Melo Sampaio, representative from the European Union, stated that although the peace process had made progress, many large challenges remain to be overcome. Representatives from the US, Spain, Japan, and the Netherlands agreed. Spanish Ambassador Juan Lopez-Doriga added that although Guatemala's designed plans target the problems plaguing the country, the real challenge will be to put those plans into action. Dutch Ambassador Bea Ten Tusscher commented that reform has been hindered due to the scarcity of revenue and the failing to modernize public institutions.

Anders Kompass, a representative from the UN's Office of the High Commissioner on Human Rights (OHCHR), during his 2006 assessment of the status of Guatemala's fundamental rights, identified several issues for Guatemala to correct. Kompass commented that Guatemala needed to increase tax revenue and bring it up to Latin America's average tax rate of sixteen percent. In addition, Kompass urged Guatemala to do more in preventing violence by strengthening the institutions responsible for security, investing more in society, and improving the training of security forces. He also noted that a common ground needed to be reached between official standards of justice and Mayan methods of justice.

**San Marcos Residents Reject Hydroelectric Plant**  
12.23.06 Roughly 300 residents from Tajumulco,

## RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

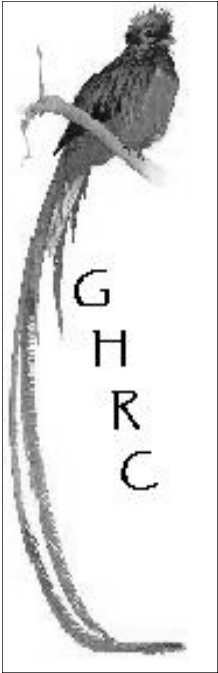
Malacatán and San Pablo, in the department of San Marcos, peacefully marched to protest the construction of a hydroelectric plant in San Pablo. The demonstration began in front of the local school and concluded in the central park. Humberto Orozco, a resident from Malacatán, stated that the construction of the hydroelectric plant would affect several of the neighboring communities. He said that the water table in the region is insufficient to feed the turbines for Tres Ríos, the company in charge of constructing the hydroelectric plant. Marcotulio Lopez, a resident from San Pablo, demanded that the enterprise be carried out with transparency.

**Fourteen Individuals Publicly Abandon Gangs**  
In front of the assistant mayor's office in the

## OTHER INFORMATION

community of Moca, in Chicacao, Suchitepéquez, eleven adults and three minors publicly announced their decision to abandon PNC. They handed over twenty-three homemade firearms and fifty shotgun shells. In addition, the former gang members offered an apology to the neighbors for the crimes they had committed.

Assistant Mayor José Chaclán Uxlan said that the community had already begun to implement plans that would put an end to the constant assaults perpetrated by gangs. He added that the former gang members were compelled to abandon their activities due to the deaths of fellow gang members. He praised the former gang members, stating that their decision merits great respect and gratitude to God. The assistant mayor reiterated his desire that this action serve as an example for other youth to rejoin society. Marcelino Yoc López, commissioner of the PNC, said that the community had been considered to be among the most crime-ridden. López stated his desire that neighbors accept the former gang members as they are and give them proper jobs instead of shunning them.



*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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