

Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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FUNDAMENTAL VIOLATIONS

CONIC Leader and Wife Murdered

At 7:00pm on April 5, Antonio Ixbalán Cali and his wife, María Petzley Co, were attacked in Valparaíso, Chicacao, Suchitepéquez. Four armed men wearing black shot at the couple in their home, instantaneously killing María Petzey and gravely wounding her husband, Antonio Ixbalán, who died hours later in a hospital in Mazatenango. Antonio Ixbalán was the president of the Association of Farmers in Santiago Atitlán, a member of the National Indigenous and Campesino Coordinating Committee (CONIC). The couple was originally from Santiago Atitlán, Sololá. Along with 44 other families, their struggle for land was rewarded on February 8, 2002, when they received land on the Valparaíso *finca* in Chicacao, Suchitepéquez. They were still struggling for the cancellation of a debt of 2,180,000 *quetzales* (approximately \$287,000).

CONIC considers the murders of these two Tz'utujil leaders a direct attack on the organization itself. The attacks occurred just nine hours after CONIC and other organizations broke negotiations with the government and called for national actions calling for agrarian reform. CONIC demands that the Oscar Berger administration quickly and thoroughly investigate this act and bring the intellectual and material authors to justice.

UNE Representative Murdered

On April 6, National Unity of Hope (UNE) representative Mario Pivaral was shot and killed outside the party headquarters in Guatemala City in an apparently politically motivated attack. Witnesses said Pivaral was shot by two men on a motorcycle as he stepped outside the office to answer a call on his cell phone. Another member of Congress said that the gunmen had followed Pivaral and were ly-

ing in wait for him. The victim's brother said that the legislator had been threatened and followed for days preceding his assassination.

Leaders within the UNE party linked the killing to the upcoming presidential and congressional elections. Authorities said that the attack could be the result of external opposition to the UNE party or internal divisions within the UNE party in Alta Verapaz.

Pivaral is the second lawmaker to be assassinated in the country since 2004. More than a year ago UNE representative Hipólito Miralda was murdered and those responsible for his death were never held accountable. Carmen Aída Ibarra, of the Myrna Mack Foundation, said that the assassination suggests that such acts may become more common as the elections approach.

Community Leader Murdered in Chiquimula

On April 2, community leader and human rights activist Meregilda Súcite, was brutally murdered in Tuticopote Abajo, Olopa, Chiquimula, while she and her husband were on their way to the community church for the 7:00 am mass. According to information provided by the Center for Human Rights Legal Action (CALDH), Súcite was shot six times. Her aggressor also attacked her with a machete, striking her four times (once in her eyes, once in the mouth, and twice in her lungs).

César Pérez González, the main suspect in the murder, has not been arrested and according to information from community members, he remains in his house, armed, and threatening to kill other members of the Díaz Súcite family. Pérez González works for Integral Security Services (SIS), a private security company contracted by Banrural in Esquipulas.

Meregilda Súcite was a prominent community leader and midwife, and her husband serves as a

spiritual guide. Both have been involved in defending and promoting human rights in the area. SÚchite participated in the Network of Women for Human Rights Monitoring, promoted by CALDH in the Ch'orti' region. On March 28, she also participated in the Days of Monitoring held in Olopa. Because she was receiving reports of land conflicts in the area, CALDH believes that her murder cannot be separated from the couple's work to defend human rights in their community.

For CALDH, the brutality with which she was murdered clearly demonstrates that her attacker wanted to intimidate anyone who, in the search for justice, hears, sees, or reports on incidents in the region.

SÚchite's husband, Longino Díaz, was an eyewitness to the murder and filed the initial reports with the National Civil Police (PNC) of Olopa and the local Justice of the Peace. While official documents from both authorities were sent to the Public Prosecutor's Office (MP) in Esquipulas, this office has not yet received either of the reports. On April 4, Díaz went to the MP to give his statement and the doors to the office were locked. The public prosecutor in Esquipulas told CALDH that he could not investigate the murder or record the statement until he received the reports from the PNC and the judge in Olopa, even though the MP is legally obligated to receive all reports and remain open in order to do so.

According to CALDH, the attitude of the regional authorities demonstrates the inefficiency of the Guatemalan justice system and contributes to an environment of complete impunity for acts of violence. In light of these acts, CALDH demanded that the MP proceed with the investigation and issue an arrest warrant for the accused in order to prevent further attacks on the Díaz SÚchite family, who continue to receive threats.

Teacher and Family in Danger

(From an Amnesty International urgent action) On March 20 an attempt was apparently made on the life of Claudia Jeannette Rivas Rosil, a teacher and a member of the Guatemalan Union of Educational Workers (STEG), in Jutiapa, near the border with El Salvador. Amnesty International is deeply concerned for the safety of Claudia Jeannette Rivas Rosil and her family, including her seven children.

At approximately 5pm on March 20, after Claudia Rivas had left a meeting in the town of Jutiapa (the regional capital of Jutiapa department), a man approached her, brandishing a pistol with the apparent intention of shooting at her. Claudia Rivas was able to get into a colleague's car, and the colleague managed to drive away quickly.

Claudia Rivas has received numerous death threats believed to be related both to her work as Departmental Secretary of STEG and her efforts to seek justice for the killing of her brother, German Adolfo Rivas Rosil, the former departmental representative of STEG. German Adolfo Rivas Rosil "disappeared" on August 23, 2005. His body was discovered on January 23, 2006.

In her work for the STEG, Claudia Rivas has denounced alleged corruption within the Ministry of Education in the Jutiapa department. She has filed a number of complaints with the central education authority in the capital, Guatemala City, concerning the allegations. Since she began filing these complaints, she has received numerous death threats. On July 19, 2005 Claudia Rivas was abducted by three men after leaving the offices of the Ministry of Education in the town of Jutiapa. She was held for four hours, and during her captivity she was warned that she would be killed if she did not stop her work for the STEG. Her captors also told her that she was being watched.

On August 25, 2005 her brother German Adolfo Rivas Rosil went missing, allegedly after he had agreed to meet a local police officer. German Rivas's mother filed a complaint about his "disappearance" with the local public prosecutor's office in Jalapa town in the neighboring department of Jalapa the following day. On September 24, Claudia Rivas filed a complaint with the Office for Professional Responsibility (ORP), the internal investigations body of the National Civilian Police, calling for an investigation into three police officers thought to be behind the "disappearance" of her brother. To Amnesty International's knowledge no such investigation has been carried out. Since the body of German Rivas was discovered 4km outside the town of Jalapa on January 23, 2006, the campaign led by his family to bring those responsible for his death to justice has intensified, and Claudia Rivas has been threatened and intimidated a number of times. On several occasions, police patrol cars and unmarked cars with no license

plates and tinted windows have been seen outside her house. Since her brother's body was discovered she has also received numerous anonymous telephone calls in which the caller threatened Claudia Rivas telling her that if she doesn't stop going to Jalapa and inquiring into the case of her brother she will suffer the same fate as him. The anonymous caller also told her that she is being watched and that the caller knows where she lives.

The local Ministry of Education has reportedly tried to obstruct Claudia Rivas's work with the STEG. In January 2006 she was re-elected to serve for two years as one of the two STEG delegates on the local education board, which had given her a platform from which she could denounce alleged corruption within the Ministry. As an elected member of the education board, Claudia Rivas should be exempt from her teaching duties. However, the Ministry of Education has forced her to teach in the remote village of Tunas in Jutiapa department. Amnesty International fears that Claudia Rivas is put at further risk by having to travel to and from her teaching post in Tunas.

Claudia Rivas has reported all the threats and intimidation she has experienced, as well as the recent apparent attempt on her life, to the Public Prosecutor's Office in Jutiapa. However, to her knowledge no steps have been taken to identify who is behind the threats. On March 23, the Inter-American Commission on Human Rights ordered that the Guatemalan government provide protection measures for Claudia Rivas to ensure her safety. No protection measures have yet been implemented.

Journalist Threatened in Zacapa

Reporter Juan Carlos Aquino, of Zacapa, has been targeted with death threats and harassment, apparently because of his report on exhumations in the area. Aquino, of the news program Punto Informativo of Radio Novedad in Zacapa, reported on the activities of the Committee of Victims of Repression in Zacapa this February. The organization is part of the Lutheran Church and has been involved in exhumations of the remains of family members who were killed during the armed conflict. Aquino reported on the group's activities and interviewed human rights experts. To date, the group has carried out two exhumations and hopes to finish one more before May in the village of La

Palma. During his report on the Committee's work, both Aquino's personal telephone and that of the radio station did not stop ringing. Aquino received messages warning him that if he did not stop the report, he would be executed. As he was leaving work, Aquino was followed by a blue Toyota Land Cruiser with tinted windows and blurred license plates.

CGTG Reports Threats Against Committee Member

The General Confederation of Guatemalan Workers (CGTG) fears for the life of Felipe de Jesús Sirín, member of the ad hoc Committee of National Civil Police (PNC) workers. For months he has been harassed, persecuted and threatened with death, due to reports of anomalies he filed against the PNC. CGTG believes that the intimidation of Sirín is the result of reports he filed regarding the withdrawal of police workers' life insurance funds, which may have been carried out by high-level officials within the institution. In a press conference, José Pinzón, director of the CGTG, said that even the director of the PNC, Erwin Sperisen, confessed that these resources were used for campaign funds during the last elections. The death threats against Sirín have intensified since February, and the CGTG fears for his life and the life of his family members.

BREAK-INS

Social Organizations Raided

On March 27, the Highland Campesino Committee (CCDA) announced that the organization's offices in San Lucas Tolimán, Sololá had been broken into over the weekend. At dawn on Sunday, March 26, unknown persons forced their way into the central office. They took computers containing information on the CCDA's armed conflict compensation project, audiovisual equipment, a number of 100-pound sacks of coffee, and financial documents. The CCDA believes this was a politically motivated attack, carried out because of their work for social justice. The organization demanded that the authorities conduct an investigation and present the results to the CCDA, and that the police fulfill their duty to provide security to the population. On March 2, the CCDA celebrated twenty-four years of organized struggle. Responding to the government's policies of persecution, repression,

and marginalization in indigenous and campesino communities, the organization formed to demand justice and development in rural areas of Guatemala.

The same weekend, the offices of the Foundation for Community Development (FUNDESCO), an organization affiliated with the Coordinating Committee of NGOs and Cooperatives (CONGCOOP), were also raided. The intruders took computer equipment and financial documents, as well as other belongings. The organization asked the authorities to carry out an appropriate investigation, holding those responsible accountable. They also asked social organizations and both the national and international community to condemn this type of intimidation and insecurity.

LAND RIGHTS

Army Violently Evicts Campesinos in Petén

According to information received from the Agrarian Platform, on the morning of March 29, some 310 members of the Worker and Campesino Labor Federation (FESOC) in the community of La Bendición, Flores, Petén, were violently evicted by army troops from land they were occupying. The army reportedly entered the area with tanks and helicopters, then burned homes and injured campesinos during the eviction.

Since last year the campesinos had been waiting for the National Council of Protected Areas (CONAP) to comply with its commitment to relocate them on other suitable land. The land where the campesinos were living had been reclaimed by CONAP as a protected area. Although FESOC had presented the case to the Presidential Commission to Resolve Land Conflicts (CONTIERRA) so that a solution favoring the campesino families could be reached, CONTIERRA was apparently unable to stop the eviction.

The Agrarian Platform, of which FESOC is a member, expressed support for the campesino group and is demanding that the government attend to the families who were evicted and to the persons who suffered injuries during the eviction by the army, in which the campesinos' belongings were also destroyed. The Agrarian Platform asserted that this recent eviction reveals the current administration's incapacity to resolve agrarian

conflicts in the country and confirms the government's lack of political will in attending to the demands of campesino groups.

Tensions Rise on Finca in Alta Verapaz

Residents of the Tampama property of La Mocca *finca* (farm) in Senahú, Alta Verapaz, filed an official complaint before the Presidential Commission Against Discrimination and Racism. The head of the Presidential Commission Against Discrimination and Racism Against Indigenous Peoples (CODISRA), Blanca Estela Alvarado, said in a press conference that the situation there is very tense. Community representatives say that landowner Roberto Hempstead and his private security forces continue to pressure the former *finca* workers now occupying the property.

In 2002 the majority of the workers were dismissed from work on the coffee plantations. The families, some of which had lived and worked on the *finca* for most of their lives, have since been involved in a labor dispute with the landowner. He reportedly asked the workers to sign a labor settlement agreeing to receive land in lieu of compensation, yet the landowner has failed to specify the size or location of the plots. On February 1, police, soldiers, and private security agents showed up to evict the campesinos. Their homes and belongings were reportedly burned after they fled the area. The following day, the families returned. A few days later, the landowner's private security guards reportedly shot at and wounded community members who were trying to collect water.

Tensions have continued to escalate since that time. According to leaders Mateo Yat and Emiliano Xe, the community's water sources have recently been contaminated and 125 people have become ill. The affected families live in terrible conditions and the local health center will not attend to them, per orders of the landowner. One local leader, Alejandro Icol, recently committed suicide, reportedly due to the community's situation.

On April 6, Amnesty International received a report that the authorities were planning a forced eviction for later that day. Amnesty expressed concern for the safety of the community members and stated that the police have not received proper training on international standards for carrying out forced evictions.

Government Urged to Halt Evictions

Amnesty International (AI) urged the Guatemalan government to halt evictions in rural communities and revise its legislation and current practices. The recently released AI report, "Guatemala Land of Injustice?" examines the human rights violations committed in the context of land conflicts. Among other issues, the report looks at the impact of forced and violent evictions and the discrimination suffered by rural workers and indigenous peoples. The report also includes sixty recommendations, many of which do not require large investments, but do require the will to resolve the problem. Javier Zúñiga, AI's Program Director of the Americas, said that President Berger has not yet shown interest in meeting with AI or receiving an international delegation to discuss the conflicts and their possible solutions, in spite of the increasing tensions and social pressure in rural areas.

SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

Group Warns of Possible Food Crisis

On March 27, the Food Security Social Forum warned that Guatemala could experience a severe nutritional crisis in the upcoming months if the Food Security Law approved by Congress last year is not implemented. Representatives of the forum met with officials from the National Reconstruction Commission to request support for the launching of a national plan for disaster prevention and risk control. They pointed out that malnutrition and food insecurity have been a problem for the past several years and Hurricane Stan only aggravated the situation. An even more acute crisis is foreseen this year, due to the storm and flood conditions that have been predicted. Víctor Ferrigno, a member of the forum, explained that the plan aims to set up the Food Security and Nutrition System included in the Food Security Law. This system would help define the direction of nutritional policies. Ferrigno added that the forum would also like to establish an information and early alert center that would focus on food insecurity.

Hurricane Victims Block Highway

Starting on March 27, residents affected by Hurricane Stan set up a roadblock in Tecún Umán, San

Marcos to demand that the Suchiate, Meléndrez, and Cabuz rivers be cleaned, as flooding in the area has damaged homes and crops and drowned domestic animals. The residents were also protesting the government's response to the hurricane. Six months after Hurricane Stan, the residents have still not received aid in housing or food assistance. According to the mayor, Marco Vinicio Hernández, there are currently twenty-seven thousand people at risk because they are settled near the rivers. The mayor has requested aid from the Executive Secretariat of the Presidency, the National Reconstruction Committee, as well as other institutions; but he has not received a response.

President Óscar Berger said the protests were absurd and assured the public that the government is trying to meet their demands, although he acknowledged that some paperwork has delayed the process.

On March 16 the Berger administration requested 143 million *quetzales* (over \$18 million) from the international community for reconstruction and risk reduction. The government intends to launch construction on eighty-seven housing projects, as well as increase investment in forty-two river basin areas. According to the Guatemalan press, the majority of the projects are in Chimaltenango, Sololá, and Quetzaltenango.

DR-CAFTA Delayed Further in Guatemala

Although the Dominican Republic-Central America Free Trade Agreement (DR-CAFTA) has now gone into effect in El Salvador, Honduras, and Nicaragua, implementation in Guatemala could be delayed another few months. The US continues to press Guatemala on a number of issues ranging from agricultural tariffs to intellectual property rights. Among other points of contention, the US objects to Guatemala's plan to implement agricultural tariff-rate quotas for chicken and rice.

In late March, Guatemala submitted its implementing bill to Congress, which would require changes in up to fifteen laws. Meanwhile, the Office of the United States Trade Representative (USTR) reportedly consulted US pharmaceutical companies on Guatemala's latest proposal. Guatemala and the US continue to disagree on whether or not Guatemala's national laws need to be changed to reflect agreements made in DR-CAFTA.

As the government continues negotiations, the legal complaints filed by civil society organizations against DR-CAFTA have been dismissed. Guatemala's Constitutional Court (CC) recently ruled that the legal action against DR-CAFTA, filed by civil society organizations, unionists, and the University of San Carlos, was without legal basis. Among other complaints, the organizations argued that DR-CAFTA is unconstitutional because the government failed to consult the population.

A recent report by the United Nations Development Program emphasized that the opportunities, advantages, and costs of by DR-CAFTA are not universal. The report warns that while certain areas will experience improved infrastructure and market access as a result of the trade agreement, others could experience increasing inequality and marginalization. The international organization stated that marginalized areas, often predominantly indigenous communities, would have difficulty countering the negative effects of the agreement.

Water Tribunal Rebukes Guatemala

The Latin American Water Tribunal (TLA) condemned the government of Guatemala and President Óscar Berger for encouraging open pit mining activities and for "prioritizing the interests of transnational companies to the detriment of the rights and interests of its citizens." The TLA also denounced the World Bank and international financial institutions for economically supporting gold mining in a number of countries, with negative consequences for the environment and the population's health. The condemnation specifically addresses the case of Montana Exploradora, a subsidiary of the Canadian Glamis Gold operating in San Marcos, Guatemala, citing inadequate community consultations and the risk posed to the environment.

In response, the general manager of Montana Exploradora argued that the company does not compete with the community for water, because they have their own well and all water is recycled. He said the TLA is trying discredit the environmental work that the company has already carried out in the area.

Mining Company Cited For Violations

The regional representative for the Human Rights

Procurator's Office (PDH), Carlos Martínez Ríos, announced that employees of Montana Exploradora working on the mine in San Miguel Ixtahuacán, San Marcos, suffer from poor health conditions due to inadequate protective equipment. Those filing an official complaint said that, due to the nature of the job, employees should be using industrial facemasks, rather than simple facemasks, to help prevent respiratory problems. When employees currently report illnesses they do not receive adequate medical attention, and they are not paid for hours missed because of illnesses. The PDH representative said that even though he was denied entrance to the mining facilities, he could see that a number of people were hanging barbwire without protective gloves, which shows that the company does not always consider the rights of the workers. Martínez was also informed that the security forces guarding the mine work extended hours without receiving overtime pay, which clearly violates the country's labor laws.

MIGRANT RIGHTS

HR 4437 Stirs Nationwide Protests

As the debate surrounding US immigration reform continues, hundreds of thousands of protesters throughout the US gathered to voice their opposition to HR4437 and call for a just immigration reform. The version passed by the House in December would criminalize undocumented immigrants and advocates, increase border security, and expand a wall along the US-Mexico border. On March 27, the Senate Judiciary Committee approved the bill with a vote of 12-6. The committee agreed on several amendments, including one eliminating legal penalties for clergy, doctors, and activists that assist undocumented immigrants and another requiring the Border Patrol to keep accurate statistics of migrant deaths. Debate on the Senate floor has begun, but experts doubt that the bill will be passed before spring recess.

Meanwhile, across the US, immigrants and their supporters have rallied to protest HR 4437. Over fifty protests were held in the last few weeks in cities across the US, including Milwaukee, Providence, Trenton, Minneapolis, Knoxville, Seattle, St. Louis, Staten Island, Chicago, Washington, Portland, Grand Rapids, Tucson, Phoenix, At-

lanta, and Los Angeles. On March 25, over 500,000 protesters marched in Los Angeles to voice their opposition to the bill. An estimated 300,000 rallied in Chicago and in Atlanta some 80,000 Latinos did not show up for work as part of a citywide boycott. In Denver, organizers expected 2,000 people at the most, but an estimated 70,000 to 100,000 people attended.

A recent Zogby poll found sixty-two percent of Americans surveyed wanted more restrictive immigration policies, and a Field Poll last month found that the majority of California voters surveyed believed “illegal immigration” was hurting the state. According to a US Census Bureau survey a year ago, the nation's 35.2 million immigrants — documented and undocumented — represent a record number. California led the country with nearly ten million, constituting twenty-eight percent of the state's population overall and one-third of its work force.

JUSTICE AND RECONCILIATION

Reparations Funds used for Hurricane Relief

Because the National Reparations Program (PNR) failed to fully execute its programs in 2005, the government decided to use 260 million *quetzales* (approximately \$34 million) originally marked for victims of the armed conflict as aid to those affected by Hurricane Stan. Although some human rights activists criticized the move, government representatives maintained that the PNR agreed to the measure and only requested that the money be used in areas affected by the armed conflict.

Nery Rodenas, director of the Archbishop's Human Rights Office (ODHA), conceded that errors have been made in the execution of the PNR. He said that the emergency use of the funds was understandable, but he added that some victims have been waiting for decades for reparations and there may have been other solutions. Mario Polanco, director of the Mutual Support Group (GAM), questioned why the government did not use funds marked for compensation for former civil patrollers.

OTHER INFORMATION

Army Begins Joint Patrols

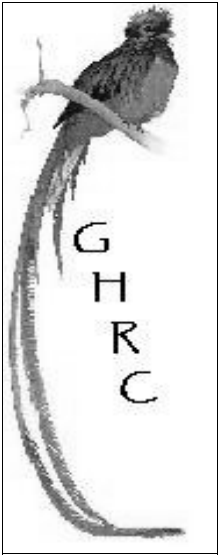
In early April, the Guatemalan army began patrolling the streets, participating in joint patrols with the National Civil Police (PNC). The measure, with plans to eventually include some 3,000 members of the armed forces, was designed to improve public security in the face of alarming rates of violence.

Some civil society organizations have expressed concern about the implications of the joint patrols and the participation of armed forces in civil police duties. As late as March, there were still questions regarding the implementation of this specific measure. The Ministry of the Interior reportedly did not oversee the selection process and the Ministry of Defense failed to provide information on the soldiers that were selected to participate. In addition, officials from the Ministry of the Interior clearly stated that the soldiers would receive orders from the police, while army officials said that the group would have their own officials in charge of making decisions.

Law to Combat Organized Crime Progresses

On March 28, the Guatemalan Congress partially approved a bill designed to combat organized crime. The final approval of the law is still pending. Among other provisions, the bill would legalize wiretapping with the authorization of a judge, as well as the use of undercover agents in investigations. It would also strengthen the role of the Public Prosecutor's Office (MP) in managing undercover agents. Car theft and the commercialization of goods acquired through criminal activity were originally not included in the bill, which also sought to criminalize the union of two or more people for the purpose of carrying out illegal activities.

While many individuals and civil society groups in Guatemala are calling for improved laws on organized crime, critics argue that this particular bill is inadequate. An article in *Prensa Latina* reported broad criticism of the law due to loopholes, reduced penalties, and the authorization of special privileges for security forces. Some fear that the targeting of criminal association could allow authorities to hound popular organizations whose activities are labeled as terrorism or causing public disorder.



GHRC/USA is a nonprofit, nonpartisan, humanitarian organization committed to monitoring, documenting, and reporting on the human rights situation in Guatemala while advocating for survivors of human rights violations.

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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