

Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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FUNDAMENTAL VIOLATIONS

Leaders Murdered in Izabal and Quetzaltenango

The Secretary of Youth for the Patriot Party in Izabal, Christian Humberto Gómez Sánchez, was shot to death by men driving past his home on Sunday, April 9. According to the police report, Gómez Sánchez was with friends when he was murdered. The previous week, his sister had been abducted. She was later released, reportedly after her captors demanded that her brother leave the political party. According to Congresswoman Anabella de León, of the Patriot Party, he did not obey this order.

Congresswoman Nineth Montenegro, of Encuentro por Guatemala, announced that the coordinator for the party in Coatepeque, Quetzaltenango, Eleazar Tebalán, was also murdered in a separate incident.

The recent murders of four politically active persons have raised fears of an early escalation of election-related violence. In addition to Tebalán and Gómez Sánchez, Rodolfo Vielman, a Patriot Party advisor, was shot and killed on March 29, and Congressman Mario Pivaral, of the National Unity of Hope (UNE), was murdered on April 6 outside party headquarters in Guatemala City (see UPDATE Vol 18 No 6).

PDH Office in Izabal Raided

The headquarters of the Human Rights Procurator's Office (PDH) in Izabal was broken into and burglarized on the night of April 15 in what has been named an act of intimidation against PDH personnel in response to their work to promote human rights, stated Waldemar Barrera, department representative. The Izabal PDH investigates acts of violence and extrajudicial executions, the majority of which are linked to security forces, according to Barrera.

Barrera stated that the act was not simply common crime, as most of the computer equipment in the office was destroyed rather than stolen. The intruders destroyed Barrera's equipment specifically, which held information on the most important cases that the PDH is currently investigating. In addition, Barrera's office was left in complete disarray, suggesting that the perpetrators were looking for documents pertaining to specific cases. According to Barrera, in order to fake an ordinary robbery the intruders also stole six fans, a camera, a video camera, two fax machines, and numerous books. Two additional computers were left in the hallway.

The same regional PDH office was broken into about one year ago, at which time the perpetrators stole the department representative's computer.

CUSG Headquarters Broken Into

The headquarters of the Confederation of Guatemalan Trade Unions (CUSG) was broken into on April 7 by unidentified individuals. Only the computers holding information on a number of other trade union organizations were stolen. Authorities presented the charges to the Public Prosecutor's Office (MP) and they are awaiting the advancement of the investigation to identify those responsible for the crime.

WOMEN'S RIGHTS

EU Holds Hearings on Femicide

On April 19, the European Parliament held a public hearing on femicide in Mexico and Guatemala. The hearing was organized by the Sub-Commission on Human Rights and the Commission for Women's Rights and Gender Equity of the European Parliament. A number of civil society organizations from Central America have been requesting the involvement of the international community

and, in particular, of the European Union on this issue.

Those attending the hearing will include Alba Estela Maldonado Guevara, a member of the Guatemalan National Revolutionary Union (URNG), who was involved in the publication of, "Femicides in Guatemala, Crimes against Humanity." The Guatemalan Minister of Women's Issues, Maria Gabriela Nunez Pérez, and the president of the Special Commission of the Mexican Parliament, Marcela Lagarde had also planned to attend, along with María Guadalupe Marfín Otero, the Federal Commissioner for the Prevention and Eradication of Violence against Women in Ciudad Juárez, Chihuahua. The United Nations Special Rapporteur on Violence Against Women, Yakin Erturk, and the Coordinator of the Mexican Commission for the Defense and Promotion of Human Rights, María del Mar Monroy García, were also among the participants hoping for a response from the EU.

According to various estimates, more than four hundred women have been killed in the last decade in Ciudad Juárez and other parts of the Mexican state of Chihuahua, which borders Texas and New Mexico, and disappearances number around 4,000. In Guatemala, some 2,800 women have been violently murdered since the year 2000, according to the Human Rights Procurator's Office (PDH).

Family Planning Law Held Up in Court

The controversial Family Planning Law has been held up in the Constitutional Court (CC) in Guatemala. The magistrates have said they plan to transfer the appeal to their replacements on the court, which will further delay the process.

Representative Nineth Montenegro, president of the Legislative Commission on Women, said that the attitude of the judges reflects the prevailing discrimination against women in Guatemala and the process itself demonstrates the exclusion experienced by the female sector in the country. If the CC fails to pass a resolution, Montenegro said the possibility of filing a discrimination complaint against the court would be explored. Montenegro said that the Congressional Commissions on Women and Human Rights would support the women's movement and request that the CC pass a resolution as quickly as possible.

Supporters of the family planning law often cite the Constitution, which states that men and women have the right to decide freely how many children to have and when to have them. Church leaders have presented some of the most vocal opposition to the legislation.

CHILDREN'S RIGHTS

Violence against Children and Youth Rises

Violence against children and youth has continued to escalate along with generalized violence in Guatemala. A recent report by the Legislative Commission on Women, "Analysis of Femicide in Guatemala," expressed concern regarding the number of children and youth living in violent situations and/or murdered in a violent manner. So far this year, 181 murders of people under eighteen years of age had been registered at the time of publication. The National Civil Police (PNC) and the Public Prosecutor's Office (MP) have registered twenty-five victims ages six to ten; forty-two victims ages eleven to fifteen; and seventy-three victims ages sixteen to seventeen.

The report cited a number of cases of particular concern, including the attack on three children from the Jean Piaget School in Mixco, which caused the death of eleven-year-old Gaudi Rebeca Escobar. The report also noted the death of thirteen-year-old Josué Haroldo Ramírez, who was shot in the head. His body was later found on San Isidro *finca* (farm).

Members of the commission said that these crimes should be rejected by society, but instead they are often minimized by the number of murders portrayed as gang-related violence in the press.

Among the causes of this increase in youth violence, the report listed the disintegration of family, paternal irresponsibility, increasingly aggressive youth behavior, and the early use of drugs and alcohol. Other factors noted in the research are the increase in child abuse, lack of access to formal education, lack of recourse for labor abuses, and the absence of a responsible state authority.

Minors Used in Drug Trafficking

Organizations like Casa Alianza continue their work to raise awareness about the exploitation of minors in drug trafficking operations. The minors involved are principally young migrant boys and girls who are forced to transport packets of drugs to the United States or forced to serve as lookouts or messengers. Some children are also held in custody while their mothers sell drugs.

In a report published in Prensa Libre, Arturo Echeverría, director of Casa Alianza, said that in spite of the fact that they have filed numerous complaints with the National Civil Police (PNC), informing them of minors that need to be rescued in the neighborhood El Gallito in Guatemala City, the police have failed to address the situation.

Echeverría noted the case of a Nicaraguan girl that was able to escape. She reported that the drug dealers rape the young girls in order to impregnate them. The dealers then assume custody of the babies and force the young mothers to sell drugs. According to the testimonies of a number of young women that have managed to escape, this serves the dealers' interests because the young women will not leave without their children.

Among other things, Echeverría called on the police to pay more attention to the disappearances of minors, as organized crime rings could be exploiting these disappeared youth.

MIGRANT RIGHTS

Organizations Call for Action on May 1

Organizations and individuals throughout the Americas are calling for action on May 1 to protest the current direction of US immigration reform, in particular HR 4437. The House version of this bill, passed last December, would expand a wall along the US-Mexico border, criminalize undocumented immigrants, and increase legal penalties for citizens that provide advocacy or support. The Senate, which has yet to approve the law, failed to reach an agreement before recess. One proposed change would allow for the legalization of over seven million undocumented migrants now living in the US.

Organizers have requested "a day without immigrants," asking that Latin American residents in the US stay home from work and school on May 1.

Others have called for a boycott of US products on this day as a means of demanding a more comprehensive and humane US immigration policy. Organizers hope that these actions will demonstrate the impact of migrant labor and Latin American markets on the US economy.

Social organizations in Guatemala and Mexico have already declared their support for the measures. The General Confederation of Guatemalan Workers (CGTG) to participate in the boycott, as well as organize a protest in front of the US embassy in Guatemala on that day. In Mexico, some unions, political groups, community associations, journalists, and government offices plan to support the action. Pablo González, a spokesman for the Revolutionary Federation of Workers and Campesinos in Mexico, said that his organization would support a boycott of at least four of the most important US companies, including Wal-Mart, one of the largest companies in the Mexican market.

Number of Migrants Rises

In addition to motivating protests, the recent immigration debate has also affected the number of people attempting to cross the US border. Some relatives already living in the US are encouraging their family members to cross the border before immigration reforms are adopted. Those residing in the US hope that their family members might benefit from any future guest worker program, but also fear that tougher security measures will make crossing the border even more dangerous in the near future. Since October 1, 2005, Border Patrol Agents in Tucson and Nogales have detained 105,803 immigrants, compared to 78,024 during the same period last year. Along the entire border, arrests increased by nine percent during the same period.

SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

Nation-Wide Protests Suspended

On April 5, after a protest blocking the entrance to the capital, the National Indigenous and Campesino Coordinating Committee (CONIC) and the National Teachers Assembly (ANM), announced that the organizations were ending communication with the government, due the administration's un-

satisfactory response to their demands. Leaders within these organizations called for nation-wide protests. Organizers noted that rather than one day of actions, they were building a movement based on legitimate resistance to the government. CONIC specifically urged the government to resolve over 100 land conflicts throughout the country, cancel debts accrued during the transfer of certain *fincas*, suspend mining licenses, and adopt legislation addressing nationality and indigenous peoples.

CONIC, ANM, the National Coordinating Committee of Campesino Organizations (CNOOC), the Campesino Development Committee (CODECA), the Unity of Popular and Labor Action (UASP), and the Agrarian Platform were among the organizations supporting land occupations, roadblocks, and demonstrations for the week of April 17.

The government responded to these actions, particularly those along major traffic routes, with anti-riot police and soldiers. There were varying reports of the authorities' use of teargas, batons, and rubber bullets to allegedly control crowds and ensure freedom of movement. Prensa Libre reported twenty-eight related arrests, including three minors, as well as at least three people injured.

On the night of April 20, following hours of negotiation with Vice President Eduardo Stein, the administration and the movement leaders managed to reach an agreement. The negotiating parties drew up a proposal in which the government agreed to meet with representatives of various groups on April 24 to continue negotiations, provided that the nation-wide protests ended.

Among other issues, the government agreed to discuss the most urgent agrarian problems, assistance to hurricane victims, solutions to labor disputes, including the case of Joviel Acevedo, and a minimum wage increase. Stein also announced that twenty-seven of the demonstrators arrested by the police in different parts of the country during the protests would be released.

Campesino and union leaders expressed their satisfaction for the government's new stance and indicated that all future acts of protest would be cancelled, as long as the dialogue with the government continued. CONIC leader Juan Tiney said that the government could have avoided the drastic

measures taken that week if it had adopted a similar stance earlier. UASP leader Nery Barrios said that they were satisfied with the change in the government's attitude and hoped for a similar attitude as the negotiations continue. The leaders within the movement also added that the actions would continue nation-wide in the form of community consultations.

Campesinos Evicted in Alta Verapaz

(From an Amnesty International urgent action)
Approximately 400 indigenous peasants living and working on the San Jose La Moca coffee farm, in the municipality of Senahú, Department of Alta Verapaz, were forcibly evicted on April 6, and are living in the open by the side of a nearby road. They have no access to clean water, food, or shelter.

On the morning of April 6 approximately 200 police officers and 80 soldiers arrived to carry out the eviction. There was dialogue and negotiations with the community until around midday when the community members were escorted from the property. There was no violence.

The only source of water is reportedly contaminated and many are becoming ill and developing skin conditions. Very few of them have received medical attention; a local NGO took fifteen people to the hospital during the weekend of April 8-9, and managed to supply them with a small amount of bottled water. The community has also been cut off from their sources of food as they no longer have access to land where they grew vegetables: some are reportedly beginning to show signs of malnutrition.

These farm workers are among 800 families who have been living on the farm all their lives. They have been in a labor dispute with the farm owners since 2002, when most of the workers were dismissed when world coffee prices collapsed. They had been living by a river on the farm, where they also had some land allocated for their own farming. This land was flooded during Hurricane Stan in October 2005 and their homes and crops were destroyed.

In November 2005 the farm owners apparently offered ownership of some land in lieu of money they owed to some of the workers, without specifying how much land each family would receive,

or where it would be. The community occupied a central part of the farm to protest and pressure the farm owners into resolving the labor dispute. They were then accused of seizing the land illegally by the farm owners and forcibly evicted on February 1. They resisted, and the security forces beat some of them, and used tear gas. The temporary shelters they had built were destroyed and set alight, along with their remaining belongings, including their new crops. The following day the families returned to the farm and set up new shelters.

Two days later four members of the community were shot and wounded by the farm's security guards when they tried to collect water. The four men went to the hospital but soon went into hiding for fear that they would be arrested. Manuel Federico Cu Bol, who was shot in the abdomen, has since gone back to hospital to have surgery. Gerardo Bol, Domingo Caal, and Matias Chpe Tox also sustained bullet wounds. Some of the security guards were also apparently wounded in the incident.

Guatemala is a party to the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and is therefore obliged to ensure that "evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights."

Government Requests Moratorium on Mining Licenses

Almost a year after beginning, negotiations on mining laws could yield a proposal for reform. The Ministry of Energy recently submitted a proposal to the congressional commission on energy that included a nine-month moratorium on the granting of mining exploration and exploitation licenses. The High Level Commission, made up of members of the executive branch, the Episcopal Conference of Guatemala (CEG), and civil society, had previously recommended this measure.

The legislature plans to debate the proposal in the near future. "We will look at it, but it would be best if, after a year of talks, the High Level Commission sent a proposal for reforming the mining law once and for all," said Maynor Lopez, a congressman for the Grand National Alliance (GAN).

Some are skeptical about the possibilities of implementing mining reform that is acceptable to

all parties. On March 1, the CEG and civil activists withdrew from the negotiating table as a means of protesting the government's failure to carry out their part of the agreements. The dialogue reopened after Ortiz and CEG president, Álvaro Ramazzini, in particular, pushed for a compromise.

Raquel Zelaya, a member of the High Level Commission, said that the parties have reached an agreement on ninety-four of ninety-six articles included in the proposal for reform. The only major issues still pending are royalties and consultations. The Guatemalan press reported that a more complete proposal for reforms could be ready within the next few weeks.

Court Validates Community Consultations

On April 4, the Constitutional Court (CC) upheld the validity of the popular consultations held in Rio Hondo, Zacapa, and Sipakapa, San Marcos, in which residents voted against the establishment of a hydroelectric plant and an open-pit mine respectively. The companies involved then filed appeals to invalidate the popular consultations held in these two departments.

In Sipakapa, at least two thousand six hundred residents from thirteen different communities passed a referendum on June 18, 2005. Of the thirteen participating communities, eleven voted against the mining company, one in favor, and one abstained. Among other things, those voting against the mine feared that mining activity would contribute to environmental damage and long-term health concerns. Residents also argued that the company had not adequately consulted the local population before starting operations.

Montana Exploradora, a subsidiary of the Canadian company Glamis Gold, argued that the consultation was illegal because it was held after the deadline. The CC, however, denied their claim, basing the decision on the International Labor Organization's Convention 169, regarding indigenous peoples in independent countries. When Montana sought legal protection from the consultations in Sipakapa, San Marcos, the CC ruled that the consultations were in fact valid.

A ruling by the CC also upheld the popular consultation held in Rio Hondo, Zacapa. On June 3, 2005, a majority of community members opposed the installation of a hydroelectric plant in that region. Two thousand eight hundred people

turned out to vote against the project. The Rio Hondo, S.A. hydroelectric company and Electoriente, S.A., presented a challenge to the Municipal Regulation for Local Consultations by the town council in Rio Hondo, which had served as a basis for the referendum.

Although the press reported that the court upheld both popular consultations, some organizations expressed the concern that the Sipakapa resolution had not been ratified or signed by the CC magistrates. The organizations were especially alarmed given that the CC is in the process of restructuring, and any resolution that is not signed and ratified will be passed on to the new magistrates for review, which would not necessarily ensure the same outcome.

Opposition Parties Call for Social Protection Laws

Legislators of the Guatemalan National Revolutionary Union (URNG), the Guatemalan Republican Front (FRG), the National Unity of Hope (UNE), the Party for National Advancement (PAN), and the Patriot Party (PP), warned that they will not approve the law to implement the Dominican Republic-Central America Free Trade Agreement (DR-CAFTA), unless ten other laws designed to mitigate its negative effects are also passed. These opposition parties maintain that the government assumed this responsibility in previous agreements, but has failed to pass the necessary laws. Meanwhile, the US continues to pressure Guatemalan lawmakers to adopt national legislation that either reflects or goes beyond the agreements included in DR-CAFTA.

Carlos Barreda, of the Collective of Social Organizations (COS), said that they support the legislators' position, noting the lack of transparency in the free trade negotiations at this point. He added that Guatemalans don't have any reason to hurry and that it would be better to take more time to discuss the predicted impacts and what kind of protection to include in the law.

The Guatemalan business sector, on the other hand, has urged Congress to speed up the implementation of DR-CAFTA and avoid making too many changes to the proposal presented by the executive branch. Businesspersons in the maquiladora sector have been some of the most vocal, saying they are losing valuable business because of

the delay in implementation. Guillermo Zimeri, of Southern Textiles, said they were considering moving operations to El Salvador or Nicaragua, in order to avoid losing millions of dollars due to the delay.

INDIGENOUS RIGHTS

Court Members Charged with Racism

Edgar Vany, an indigenous interpreter for the Sentencing Tribunal in Chimaltenango, has accused the local judicial officials of discrimination. Judge Miguel Eduardo León is accused of referring to indigenous people in the court as "dirty Indians" that smell. Other members of the court, including; first official, Nelson Eduardo Medina; second official, Tommy Medina Guzmán; third official, Brenda Maribel Estorban; and commissioner, Nery Clinton Morales reportedly repeated these comments. The harshest sentence the members could receive is twenty days without pay, although the case could also be sent to the Ministry of the Interior for criminal proceedings.

"The people that arrived at the court were told that they could only present their case before the judges if they had a defense attorney, when they were the plaintiffs, not the defendants," said Vany.

In addition to these comments, the members of the court reportedly mistreated Vany as well. Rather than call the interpreter by his name, they often referred to him using derogatory terms. One of the judges confirmed this during witness testimony in the case. Vany also endured many racist jokes during his time at the tribunal. On one occasion, some of his co-workers told him, "Congratulations, today is your birthday." When he answered that it was actually not his birthday, they responded, "Of course it is, today is the day of Tecún Umán."

According to the medical statement presented by Vany's defense attorney during the first hearing, the situation was so distressing that Vany had to undergo surgery for a stress-induced hernia

OTHER INFORMATION

Lynching Incidents Increase

A man and a woman accused of kidnapping a minor were lynched by a mob of approximately 5,000

residents in the central park of Sumpango, Sacatepéquez, according to the assistant chief of operations of the National Civil Police (PNC), Faustino Sánchez. The man was identified as José Miguel Vela Alonso, a thirty-six year old living in Guatemala City. The woman, approximately twenty-five years old, was not identified.

The police initially arrested the two victims, who were accused of attempting to kidnap youth from the municipal school. When community members learned that they had been arrested in connection with child abduction, some of them arrived at the police station armed with sticks. The angry group then removed the two detainees from the station and started to beat them. A local news station reported that the group beat the two suspects until they were unconscious, then threw fuel on them, and lit them on fire. The authorities have pointed out that the group did not attempt to negotiate with the police or representatives from the Human Rights Procurator's Office (PDH).

José Luís Pérez, a community member that witnessed the lynching, said that six children have been abducted in the area since January of this year. He said the police circulated flyers to alert the population to this risk.

Later in the evening, the same group encircled the mayor's house, throwing rocks at his house and burning his door. They demanded that the mayor coordinate with the authorities in order to provide better security in the area. The group then moved on to the police station, burning and looting the building.

Similar incidents in which local residents tried to lynch alleged criminals in Aguacatán, Colotenango, and the municipality of San Gaspar Ixchil in the past few weeks have caused concern. More and more local residents throughout the country seem to be taking matter of justice into their own hands. A local representative of the Presidential Human Rights Commission in Huehuetenango expressed concern not only for the lynching, but also for the evident lack of faith in the justice system throughout the country.

In May, the Guatemalan government will have to explain these incidents, as well as efforts to prevent and punish them, before the United Nations Committee on Torture. In addition to lynching, the committee plans to address the prison system and the number of massacres that have been brought to trial.

Illegal Armed Groups Detected in San Marcos

Minister of Defense Francisco Bermúdez reported that military officials collaborating with the National Civil Police (PNC) on opium eradication in San Marcos recently reported the existence of armed groups linked to drug trafficking in the area, identified by the military as Illegal Armed Groups (GAI). According to the military's sources, these groups recruit members by spreading discontent about the government's failure to implement the Peace Accords and by offering payments of fifty *quetzales* per day.

A military intelligence report identified one of these groups as Nuevo Amanecer, which is allegedly operating in the municipality of San Pablo, San Marcos. The report also noted that the region is ideal for organized crime operations because of its inhospitable and hilly territory, which includes twenty-six "blind" passes along the border used to transport contraband and migrants on the way to Mexico.

A police investigator declared that many of the organized groups carry assault weapons (M-16, AR-15, and AK-47) and shotguns. These groups also have vehicles, homes, and in some cases airplanes, used to transport and guard drug shipments. Another investigator noted that these groups are working for at least three "strong" organized crime rings that drive drug activity in the area, whether it is via air over Guatemala, via land, or via water.

Bermúdez said that due to drug trafficking, human trafficking, and prostitution, the heavily populated border regions have registered an increase in violent crimes in the last few years.

NEW RESOURCES

Latin America Working Group, *Tarnished Image*
Available online at www.lawg.org.

Washington Office on Latin America, *Cross Currents: Elections Issue*. Available online at www.wola.org.

Amnesty International, *Guatemala: Land of Injustice?*. Available online at www.amnestyusa.org/countries/guatemala/index.do.



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

Editor: Carrie Stengel (cstengel@ghrc-usa.org)
Additional Assistance: Eleanor Lewis, Liz Kyriacou, Allysun Jackson

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3321 12th Street NE Washington DC 20017 Tel - 202-529-6599 Fax - 202-526-4611



Guatemala Human Rights Commission/USA

Vol 18 No 7

3321 12th Street NE
Washington, DC 20017

- Leaders Murdered in Izabal and Quetzaltenango..... 1
- EU Holds Hearings on Femicides.....1
- Organizations Call for Action on May 1.....3
- Nation-Wide Protests Suspended.....3
- Campesinos Evicted in Alta Verapaz.....4

Insert: Death Squads Said to Target Youths *Boston Globe*