

Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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RIGHT TO LIFE AND PERSONAL SECURITY

National Human Rights Movement Threatened

Between May 11 and May 15 the National Human Rights Movement received several intimidating telephone calls. On Friday, May 12, between 8:10 and 8:15 A.M., Erenia Vanegas, of the Movement's Unit for Protection of Human Rights Defenders, received a telephone call at work. In the background was a sharp sound, and the caller said, "Don't get yourselves into shit" (no se metan en mierda). On Monday, May 15, at 8:45 A.M. Luisa Pineda received a call in which there was no background noise. The caller said, "If you continue looking we are going to kill you all." The caller in each case was a man of about 35 years of age.

On Thursday, May 11, the office received a suspicious call in which a woman asked for information about the people working at the Movement, as well as the type of work the organization did and the investigations they carried out.

The National Human Rights Movement is a coalition of organizations that work independently to monitor and promote human rights. Since its creation in 2002, the National Human Rights Movement has provided protection to human rights defenders who have been threatened. The organization's Unit of Protection for Defenders, formed in 2003, monitors and investigates attacks against human rights defenders. The Unit of Protection for Defenders has contributed to national and international reporting on political violence, publishing studies on the attacks suffered by human rights defenders, accompanied by a list of emblematic cases in various regions of Guatemala.

The National Human Rights Movement believes that because of its work, groups or sectors are

attempting to intimidate them and sow terror. The Unit of Protection for Defenders has recently been monitoring cases that are especially complicated because they may involve attacks by members of organized crime, the security forces, and/or public officials. The Unit of Protection for Defenders is involved in complicated cases in the Petén, Zacapa, Escuintla, Guatemala City, and Jutiapa, and its work on these cases could have provoked the threats.

As well as supporting the Unit of Protection for Defenders, the National Human Rights Movement participates in the Front against Mining and in various activities related to implementing the recommendations of the Historical Clarification Commission. The Movement is also supporting the Human Rights Procurator in his investigation of the National Police files found last year, which could be another reason for the threats.

In addition, the organization's reporting has become a threat to some sectors that prefer to keep hidden the facts that the Unit publishes. In April 2006, the Unit of Protection for Defenders published a report on the situation of human rights defenders, outlining 65 cases of attacks on human rights defenders working with various organizations.

Threats Related To Police Archives Raise Concern

The Human Rights Procurator of Guatemala, Sergio Morales, issued a communiqué on May 11 expressing grave concern about recent acts of intimidation aimed at hindering human rights investigations linked to the historic police archives, which were discovered nearly a year ago. These recent incidents only highlight the precarious security of the archives and all those involved in the process of restoring the documents and guaranteeing their security.

On May 10, the security guards that the Procurator's Office had stationed at the site noticed a small cloud of smoke rising from the stacks of junked police cars that surround the buildings where the archives are stored.

After putting the fire out, they found a plastic soda bottle that contained some type of fire accelerator (probably diesel or gasoline), leading them to suspect that the fire was set intentionally. If the fire had continued unchecked, a large section of the police archives could have been consumed by flames.

In addition to the security of the site itself, Morales also highlighted the security risks faced by all those involved. The third judge of the first civil instance, María Ester Roldán, has been subjected to various acts of intimidation, including an attempt on her life, since she authorized the Human Rights Procurator's Office last July to carry out a human rights investigation involving all of the documents and sites of the National Police archives.

The most recent act of intimidation occurred between May 9 and May 10. Arriving at her office, the judge noticed that the door had been forced open. Someone had entered the office while she was gone and rummaged through her case files. She has also been verbally threatened on a number of occasions by a man who apparently works as a legal advisor to the National Civil Police.

Judge Roldán told Prensa Libre that she had been threatened by attorney Carlos Humberto Rosales Mendizábal, who apparently works with the National Civil Police. According to Judge Roldán, Rosales came to her office and offered her money in exchange for changing her rulings on the archives, which transferred control of the files from the police to the Human Rights Procurator's Office. Rosales added that, for him, "it was easy to have a judge killed."

The archives, discovered last July, appear to include all of the files of the National Police, dating back over a century. Visitors are often struck by the sheer magnitude of the files, which to date represent the largest known collection of secret government documents in Latin America. Among the stacks of mildewed documents, there are file cabinets labeled "disappearances" and "murders"

and others containing information on the government's counterinsurgency campaign. Disbanded as part of the Peace Accords in 1996, the National Police is associated with some of the worst human rights abuses committed during the war. Many hope that the archives will provide information on the victims, as well as evidence to support the prosecution of those responsible.

Prison Director Threatened

The Director of the Penitentiary System, Alejandro Giammatei, announced on May 2 that he has again received death threats from unidentified groups dissatisfied with his work. This time he was urged to leave the country within twenty-four hours. Giammatei was a victim of an attempt on his life last April 6, when someone fired shots from an unidentified vehicle in zone 5 of Guatemala City. He was not hurt in the attack.

Bus Drivers Protest Extortion By Gangs

Drivers and owners of urban buses and motorcycle taxis covering zones 24 and 25 in Guatemala City went on strike starting April 29. The participants demanded protection the authorities' protection from the extortion they suffer at the hands of the gangs operating in those neighborhoods.

Drivers of thirty-five buses covering a route from zone 18 to the center of Guatemala City also reported extortion. Gangs operating along that route were demanding 1,000 *quetzales* (about \$130) to guarantee the buses safe passage through their territory. After a brief strike, the drivers negotiated an agreement with the police on the provision of security in zone 1.

The police reportedly failed to follow through on that commitment, however, and driver Rony Iván Sagastume was murdered on the morning of May 10. Passengers reported that the assailants were riding a red motorcycle in pursuit of the bus until they were able to shoot the driver. Eleven drivers and assistants have been murdered so far this year.

Police Agents Accused Of Youth Murders

The strangled bodies of two adolescents who disappeared on April 16 were found two days later in the farm La Escamilla in Amatitlán. The firemen's reports identified the bodies as Emerson Edilson

Aceituno Maldonado, fifteen years old, and Cristofer Eduardo Calderón García, sixteen years old. Both of the bodies showed signs of strangulation and multiple blows. There were also signs indicating that their hands and feet had been tied.

Relatives of the teenagers said they were playing soccer in the street with other youths when they were taken away in a green car. According to one relative, the car belonged to agents of the Criminal Investigations Office, and some of the witnesses had identified the police agents involved.

A police investigator noted that both of the young men had criminal records and that, according to official complaints, they were stealing cell phones and using a motorcycle to escape. Neighbors of the families said the two youths were members of a gang that assaulted and robbed homes in the neighborhood known as Valle de la Mariposa in Amatitlán

Three Men Lynched In Chimaltenango

On May 4, three men were lynched and their bodies were burned in Santa Apolonia, Chimaltenango. Two others managed to escape the lynching. The five men had reportedly assaulted a bus and fled in a car. A number of residents pursued them, later dragging them to the soccer field, beating them, and then burning them alive. Local police agents said they could not stop people from taking justice into their own hands and said they were forced to withdraw for their own safety.

The victims were identified as policeman Nery Antonio Contreras, whose brother confirmed his death, and brothers Carlos René and César Oswaldo Méndez Siney.

Just this year, eighty-seven people have been accused of participating in lynching incidents. Eleven dead have been reported, five of them women, as well as fifteen injured. In 2005, there were thirty-two registered deaths, eight of them occurring on the outskirts of Guatemala City.

US\$5 Million Spent In Arms And Ammunition

Guatemala spends around 5 million dollars (38.5 million *quetzales*) each year in arms and ammunition deals with countries like Czechoslovakia, Israel, and the US. Carmen Rosa de León, director of the Institute for Teaching for Sustainable Development

(IEPADES), says that the large influx of legal weapons supports her assertion that many of the crimes committed in Guatemala are actually carried out using legal weapons. León says that legal weapons are often stolen or reported as stolen, making it difficult to trace a particular crime to the weapon's owner. 3,716 firearms were reported as stolen in 2005, six percent more than in 2004 and thirty percent more than in 2003. About eighty percent of reported crimes in Guatemala are committed with firearms. Only four out of every ten firearms confiscated by the police are legally registered.

SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

Proposals Announced Following VIII Rotating Cabinet

On May 6, the government concluded the VIII Rotating Cabinet, with the promise of carrying out 100 projects this year and investing 445 million quetzales (approximately \$59 million) in the departments of El Progreso, Alta Verapaz, and Baja Verapaz. According to the government, the Rotating Cabinet was set up as a means of strengthening local communities, involving local populations in decisions on social investment, and developing an understanding of community problems while looking for ways to address those problems in the short, medium, and long terms.

Development, agriculture, security, and employment were the major themes discussed in El Progreso and the Verapaces during this Cabinet. The largest projects slated for the Verapaces include the construction of a regional hospital for the Social Security Institute (IGSS), the establishment and improvement of educational centers, the construction of infrastructure in the security and justice sectors, construction on a highway from Salamá to Guatemala through La Canoa, Panzós, the establishment of a regional center for land surveys, and the development of a tourist corridor in the Verapaces and Quiché. The government also acknowledged 383 agrarian conflicts in this region that have not yet been resolved.

The Presidential Human Rights Commission (COPREDEH) announced a program to combat exclusion in Guatemala, to be headed by COPREDEH, the Defense of Indigenous Women (DEMI),

the Presidential Secretariat of Women (SEPREM), the Guatemalan Indigenous Development Fund (FODIGUA), and the European Commission. The main objective of the program will be to monitor compliance with the Convention on the Elimination of all Forms of Discrimination against Women.

Glamis Gold Reports Rising Profits

The Canadian company Glamis Gold Ltd. released its first quarter financials, announcing that its stockholders shares' rose by 668 percent compared to the first quarter of 2005. The company reported a net profit of US\$16.9 million, while cash flow increased from US\$42.1 million to US\$81.4 million. The company credited the increase to the highest gold prices in twenty-five years and the productive capacity of the Marlin Mine in San Marcos, Guatemala, which just completed its first full quarter of production. The company's overall gold production was up fifty-eight percent from the first quarter of 2005.

The company has predicted a profit of US\$707 million over the next thirteen years that it plans to operate the Marlin Mine, but the actual profit could be much higher if gold prices continue to rise. The Guatemalan government and the municipalities of Sipakapa and San Miguel Ixtahuacán, where the mines are located, receive only one percent of the profits and Glamis Gold is exempt from taxes.

Bank Approves Loan To Guatemala

On May 3, the Inter-American Development Bank approved a loan of 30 million dollars (228 million *quetzales*) to fund programs on economic development in rural areas of Guatemala. The loan will fund projects in Sololá, Totonicapán, Sacatepéquez, San Marcos, Chimaltenango, Alta Verapaz, Huehuetenango, and Quetzaltenango, all departments with large indigenous populations.

CAMPESINO RIGHTS

Violent Evictions Continue In Spite Of Dialogue

On May 3, 300 soldiers, 300 police, and 300 anti-riot agents forcibly and violently evicted 50 families from the community of San Antonio Las Pilas, Tecún Umán, San Marcos. According to the Na-

tional Indigenous and Campesino Coordinating Committee (CONIC), while the families were leaving, approximately fifty men proceeded to destroy and burn the families' homes and belongings, while some fired shots into the air. Having nowhere else to go, the families have relocated temporarily to the edge of the *finca* (farm) to rebuild their homes. The families had occupied the land on February 10 of this year.

In a press release, CONIC denounced that the violent evictions have continued in spite of the dialogue between the government and campesino leaders and in spite of the agreements reached on April 20, in which the government promised to suspend forced evictions and resolve the most urgent agrarian conflicts in the country. CONIC held the Public Prosecutor's Office (MP) of Tecún Umán responsible for the eviction and harm inflicted as a result. The organization also urged the government agencies, CONTIERRA and the Land Fund, to carry out an investigation of this case to reach a comprehensive resolution. Representatives of the evicted families were scheduled to meet with CONTIERRA on May 11.

CONIC Offices Broken Into

Over the weekend of May 7-8, the central offices of CONIC in Guatemala City were broken into and left in complete disarray. The unidentified intruders destroyed desks, opened cabinets, rifled through documents and files, stole several pieces of equipment and money and also attempted to steal a car. For more than two weeks, the organization had been receiving suspicious phone calls and visits. The leaders of CONIC believe that this was not an act of common crime, but an act of intimidation. They called on the authorities to investigate the incident.

Agreement On Agrarian Conflicts Reached

On May 2, the Secretary for Agrarian Affairs and representatives of campesinos organizations agreed to define a mechanism to attend to the most urgent cases of agrarian conflict. The Coordination of Non-Governmental Organizations (CONGECOOP) said that there are around 100 high-priority cases in the country and emphasized the importance of establishing an emergency fund for these cases.

WOMEN'S RIGHTS

CUC Remains Skeptical Of Dialogue

The Campesino Unity Committee (CUC), along with many other social organizations in Guatemala, has expressed skepticism of the dialogue with the government. The organization announced that they would withdraw from the dialogue between campesino leaders and the government if the negotiations did not produce concrete results in one month's time. The leader of CUC, Daniel Pascual, said that he did not see much future in this dialogue. He said that CUC's demands cannot be carried out this year on account of the budget.

DR-CAFTA Implementation Laws Meet Opposition

Minister of the Economy Mario Cuevas attended a plenary session of Congress on May 2, in order to answer some questions from representatives of the Guatemalan National Revolutionary Union (URNG) political party on the Dominican Republic-Central America Free Trade Agreement (DR/CAFTA) and the impact it would have on the informal economy. URNG leaders reportedly left the meeting unsatisfied with Cuevas' response.

On a second day of meetings, National Unity of Hope (UNE) Representative Edgar Rodriguez commented, "We are giving in to the whims of the US, but it is not possible to lower taxes for financial companies while endangering the working class." URNG Representative Alba Estela Maldonado said it was a pity that the government could not answer questions about strategies to mitigate the impact the trade agreement would have on the informal sector.

As the US and certain business sectors continue to pressure the government to approve the implementation laws, a number of social organizations have continued their campaigns against DR-CAFTA. The Collective of Social Organizations (COS) joined with others in urging the government to halt the implementation of DR-CAFTA. COS asked the state to instead attend to the economic and social crisis now threatening Guatemala.

The multi-sector group criticized the Guatemalan Congress for its inclination to approve the law to implement DR-CAFTA, even though the trade agreement will increase poverty and hunger in rural areas, most likely destroying the livelihood of subsistence farmers.

Impunity, Insecurity Contribute to Femicide

A report published by the International Federation for Human Rights (FIDH) emphasized that the generalized insecurity and prevailing impunity have contributed to the increase of feminicides in Guatemala. The report "Femicide in Mexico and Guatemala" underlines that eradicating femicide will be impossible as long as the aggressors remain unpunished and the state fails to guarantee due process of law. Placing the feminicides in a larger context, the report also states that the rights of women are simply not considered a priority in Guatemala and Mexico. In the majority of cases, the victims are treated as delinquents and their families are stigmatized.

Mexican and Guatemalan members of the FIDH include the Mexican Commission for the Defense and Promotion of Human Rights, the Civil Association of Mexico, the Guatemala Human Rights Commission, and the Center for Human Rights Legal Action (CALDH).

BBC Releases Documentary On Femicides

BBC recently released Giselle Portenier's documentary "Killer's Paradise," which follows some of the 665 cases of women murdered in 2005. The documentary highlights the increasing attacks on women over the past few years. While naming romantic partners, organized crime, and gang members as possible perpetrators, the film mostly emphasizes the lack of investigation into these murders and the failure of the Guatemalan justice system to address violence against women.

Among other visits, the filmmakers went to a jail in Petén and interviewed three men accused of rape. The three men had raped girls ages fifteen, twelve, and seven, yet they all consider themselves innocent and blame the girls for provoking rape. "But in Guatemala, a man can get out of prison if he marries the victim," Portenier comments.

CHILDREN'S RIGHTS

Rights Demanded for Child Laborers

On April 30, leaders among child laborers from different regions in Guatemala demanded the government take steps to end the exploitation of mi-

nors. They also demanded full compliance with the Integral Law to Protect Children and Adolescents.

According to Save the Children, there are currently an estimated 247,000 minors working under exploitative conditions. Armando Tahuico, coordinator for Save the Children, said that the number of children that are forced to work has increased in the last few years, due to violence and economic necessity. The agency said that many children and youth travel to Guatemala City looking for work, but are then exposed to serious risks because of the escalating violence in the country.

The agency sought to highlight an educational program designed to meet the particular needs of child laborers. The program aims to reach 1,200 minors now working on the street or in markets. Through the program, teachers go directly to the places where the minors are working in order to better meet their needs.

Seven Departments Identified As Trafficking Routes

The National Commission Against Physical and Sexual Abuse signaled Jutiapa, Escuintla, Mazatenango, Retalhuleu, San Marcos, and Guatemala City as the departments used in routes for the trafficking of minors. According to a publication of El Periodico, seven coastal and border cities in Guatemala are part of a chain of child exploitation, which starts in Honduras.

According to María Eugenia Villareal of the Association for the Elimination of Sexual Exploitation of Children and Adolescents, these places are not only transit sites, but are also seen as attractive destinations because they are in border regions with a lot of commercial activity.

Sabrina Morales, spokeswoman for the Program for Attention, Mobilization, and Reporting for Children and Adolescents (PAMI), said that every year at least 15,000 migrants pass through these departments, of which 3,000 are minors who are tricked, recruited, and exploited sexually or in the workplace. The representative from PAMI said that in 2005, they received 225 reports of missing children, but she believes there are also many unreported cases. Morales emphasized that the majority of the youth are sold to an intermediary, who then re-sells them to brothels, strip clubs, or to exploitative workplaces. These youth are of-

ten held against their will. Many become indebted and have difficulty escaping the situation.

WORKER'S RIGHTS

Union Leaders Demand Wage Increase

A round of negotiations between the leaders of the Union of Workers and Medical Doctors of the Social Security Institute (IGSS) and the directors of the IGSS started on April 7. Union members requested a forty percent increase of their salaries. In response, the authorities offered the workers an "annual allocation" equivalent to sixty percent of the basic monthly salary, to be paid out in May and next January.

Etelvina Tojin, Secretary General of the union, said that this offer was unacceptable and it demonstrated that the government was not taking them seriously. She demanded that the workers be treated with dignity and that the government announce more respectful and consistent offers. The union members have vowed to continue pressuring for a forty percent increase.

MIGRANT RIGHTS

Foreign Ministers Discuss Migration

During a meeting held on May 3 in Washington DC, the Foreign Affairs Ministers of Colombia, Costa Rica, El Salvador, Guatemala, Mexico, Nicaragua, Belize, Panama, and the Dominican Republic urged the US Senate to approve integral immigration reform legislation. In particular the ministers emphasized the need to prioritize the legalization of undocumented workers in the US, measures for family reunification, and adequate safety along the borders.

On May 5, the XI Regional Conference on Migration was held in El Salvador. The governments of Guatemala, Mexico, El Salvador, Nicaragua, and Honduras signed an agreement of three years duration, with the possibility of extension. Each signatory agreed to provide measures for health, food, psychological aid, and family communication, with particular attention to children and pregnant women.

INDIGENOUS RIGHTS

Indigenous Women Meet In Panajachel

After three days of meetings in Panajachel, Sololá, fifty-five female leaders of indigenous organizations from Mexico and Central America signed the "Declaration of Panajachel." Participants analyzed social problems like racism, discrimination, exploitation, and marginalism, all of which indigenous peoples have lived with for centuries. In the declaration, the women demanded respect for the international conventions that recognize and protect their rights, particularly Convention 169 of the International Labor Organization (ILO). At the same time, they condemned the large-scale infrastructure projects, such as dams, mines, and highways that affect indigenous territories and sacred sites without responding to the urgent needs and interests of indigenous communities. They urged their respective governments to recognize and promote the participation of indigenous women in publicly appointed positions, particularly those with decision-making power, as well as elected positions. Participants pledged to maintain a space for meeting, reflection, and coalition building for the indigenous movement.

FUNDAMENTAL LIBERTIES

Press Society Concerned About Legislative Restrictions

As a means of marking the World Day for Freedom of the Press on May 3, the Inter-American Press Society (SIP) issued a report on freedom of the press in various countries in the hemisphere.

Ignacio Alvarez, Special Rapporteur on Freedom of the Press for the Inter-American Commission on Human Rights (IACHR), stated that Guatemala has advanced in terms of freedom of the press. He added, however, that there is an urgent need for a law to guarantee access to public information and for the government to demonstrate the political will to improve legislation in this area.

OTHER INFORMATION

Nine Thousand Families At Risk Of Mudslides

According to a study by the Guatemalan National Coordination for Disaster Reduction (CONRED), the onset of the rainy season places 9,100 families

living in forty-eight regions of thirteen different departments at risk of mudslides.

The study emphasized that San Marcos, with thirteen high-risk regions, is the most vulnerable department. In San José Ojetenam there are eight communities and 3,500 people living in the high-risk area near the San Fernando River. The governor of San Marcos, Axel López, called for the protection of the basins of the Suchiate and Naranjo Rivers, as these areas remain vulnerable in the aftermath of Hurricane Stan. Among other things, López called for reforestation programs in the area. The study also listed Huehuetenago, Chiquimula, and Quiché as vulnerable departments.

Commemoration Highlights Violence

During events to commemorate the life and work of Monsignor Juan José Gerardi on the eighth anniversary of his assassination, leaders within the human rights movement urged authorities to continue investigating his case. Monsignor Gerardi coordinated the Recuperation of Historical Memory Project (REHMI), which held state forces responsible for over ninety percent of human rights violations committed during the war. Gerardi was assassinated two days after presenting the final report. Mario Polanco, of the Mutual Support Group (GAM), said that although Gerardi's case has seen some positive advances, the authorities have failed to carry out an exhaustive investigation.

On the anniversary of his death, human rights activists, clergy, senior citizens, and youth gathered to remember Gerardi, while also calling attention to the current levels of violence in Guatemala. Nery Rodenas, director of the Guatemalan Archbishop's Human Rights Office (ODHAG), said that the country is far from achieving a different Guatemala, specifically the Guatemala that Monsignor Gerardi had envisioned. Rodenas pointed out that Guatemala is immersed in a situation that is just as violent as the civil war, while the Peace Accords have stalled and many of the REMHI report's recommendations were never implemented. Eight years after Gerardi's death, the country continues to face the effects of extended periods of violence and insecurity, a loss of values, and the lack of adequate responses to social needs.



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: Carmen Camey (ghrc-usa@ghrc-usa.org)

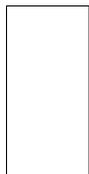
Additional Assistance:

Carrie Stengel, Eleanor Lewis, Liz Kyriacou, Allysun Jackson, Erin Gustafson

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3321 12th Street NE Washington DC 20017

Tel - 202-529-6599 Fax - 202-526-4611



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- **Police Agents Accused of Youth Murders**
- **Glamis Gold Reports Rising Profits**
- **Nine Thousand Families at Risk of Mudslides**

Main Feature: Labor Day Mobilizations Draw Thousands