

Guatemala Human Rights **UPDATE**

Guatemala Human Rights Commission/USA

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RIGHT TO LIFE AND HUMANE TREATMENT

Environmental Activist Threatened

01.29.07 Environmental activist Flaviano Bianchini has reportedly received a series of anonymous threatening telephone calls and is being stalked by unknown parties. Bianchini, an Italian national, works as a volunteer for the Guatemalan environmental group *Colectivo MadreSelva*, which is investigating the environmental effects of mining. At a press conference in Guatemala City on January 5, he presented a report on the pollution allegedly caused by a gold mine to the Tzala River in Sipakapa, San Marcos. The report stated that the river, which is the main source of water for indigenous people in the region, has been contaminated with heavy metals. A government official is reported to have told journalists on January 10 that five criminal charges against Flaviano Bianchini and *MadreSelva* were to be presented to the Public Prosecutor's Office.

On the following days, Bianchini received several threats by phone, and was followed by a man dressed in black wearing a cap and by an individual in a gray Hyundai car.

The Inter-American Human Rights Commission ordered the government to provide police protection to members of *MadreSelva* in October 2005, after the organization suffered intimidation, threats, and attacks as a result of their work to protect the environment. They have campaigned actively on issues relating to the damaging effects of mining in Guatemala.

Leftist Leader and Journalist Assaulted

01.23.07 Newspaper columnist and leader of the Broad Movement of the Left (MAIZ), Miguel Angel

Sandoval, was attacked on January 22 by two unidentified men in Zone 2 of Guatemala City, just outside an office. The attackers, armed with pistols, stole his portable computer and his cellular telephone. A labor adviser with Sandoval was unharmed, and the attackers did not steal the men's wallets or other belongings, suggesting that it was an act of political intimidation rather than a common theft. MAIZ, a coalition of political parties and popular organizations, declared in an official statement that the attack was most likely due to Sandoval's politics and for his criticism of powerful interests.

106 Police Agents Murdered in 2006

01.29.07 According to the newspaper *El Periódico*, 106 agents of the National Civil Police (PNC) were murdered in 2006, most of them by a band of assassins that operates in Villa Nueva and has connections both with the PNC and organized crime. Most of the victims were agents of Police Station 15, just south of Guatemala City.

Minister of the Interior Carlos Vielmann gave his assurance that all the murders are under investigation. The PNC is currently under scrutiny, as several agents have been imprisoned for kidnapping, homicide and extortion. A member of the force investigating the PNC stated that PNC officers carried out the murders of police officers.

Organizations Quit Talks After Attacks

01.16.07 Nery Barrios, secretary general of Labor and Popular Action Union (UASP), announced that organizations of the National Accord would end discussions with the government due to police attacks on activists during a march toward Congress on January 14 in protest of President Berger.

Barrios added that talks were also suspended due to the unsolved murder of Pedro Zamora, the

secretary general of the Dockers' Union in the town of Puerto Quetzal, Escuintla, which occurred on January 15. Barrios called for an investigation into the murder and for punishment of the responsible parties.

State Fails to Comply with Witness Protection Law

01.16.07 Human Rights Ombudsman Sergio Morales criticized the Guatemalan government for not enforcing the Witness Protection Law, in response to the murder of several people considered to be important witnesses in a number of cases. One of the cases mentioned by Morales is that of Edwin Rolando Escobedo López and María Elena Siliézar, who were removed from protection after testifying against two murder suspects. Morales called on Minister of the Interior Carlos Vielmann and Attorney General Juan Luis Florido to comply with the law within one month and to encourage the National Office of the Witness Protection Program to become more active. He also urged the President to name a director of that office, as stipulated by the law.

Government Spying a Threat to Democracy

01.19.07 Study and Promotion of Security in Democracy (SEDEM) expressed its concern over the government's announcement that it plans to tap phone lines and intercept e-mails for reasons of national security. SEDEM noted that the government, without legal authorization, twice in one week used national security as a reason for limiting or violating civil liberties. The first instance came from Vice President Eduardo Stein, who said that environmental defense groups, which he connects with organized crime, are a threat to national order and should be monitored. The second came from the Ministry of the Interior, announcing the tapping of phone lines for the purpose of protecting financial institutions.

SEDEM believes the announcement signals a grave attack on democracy, the rights and liberties protected by the Political Constitution, the laws of the country, and international treaties and agreements concerning human and civil rights ratified by the Guatemalan Congress. SEDEM added that in the absence of proper checks on the government, authorities can illegally spy on political leaders, journalists, businessmen, social leaders,

human rights advocates and the population in general.

The association demanded that the courts and the Human Rights Ombudsman's office fulfill their roles of protectors of rights and liberties and begin an investigation into telephonic and electronic surveillance.

RIGHT TO JUSTICE

Union Demands Justice for Death of Leader

01.17.07 Members of the Dockers' Union in Port Quetzal, Escuintla demanded the arrest of the persons responsible for the murder of their secretary general, Pedro Zamora, who was attacked and killed the night of January 15 in Iztapa, Escuintla, while returning from a health clinic with his young son. Five unknown assailants fired approximately one hundred bullets at Zamora's car, twenty of which injured Zamora. After crashing his vehicle, Zamora was killed when one assailant shoved a pistol in his mouth and shot him point blank in the face. Zamora's three-year-old son was wounded in the knee by a bullet during the incident. The only information known about the attackers is that they drove a white vehicle and that they were armed with 40-caliber weapons.

Zamora, who was elected to the post of Secretary General in December 2005, had been a very active union leader. He mobilized dockworkers to demonstrate against the privatization of the Port of Quetzal. In addition, Zamora asked the government to fund a plan to modernize the Port in order to increase its productivity. Zamora also requested the dismissal of the General Manager, who apparently was the one plotting the privatization of the Port. Furthermore, Pedro Zamora had advocated for the return of nine Port employees who had been illegally arrested and fired by the general manager during a peaceful protest against the privatization of the Port. To the anger of the Port's general manager, during the week prior to Zamora's murder, the Minister of Communications, Transportation, and Public Works granted the reinstatement of the nine employees.

Nery Barrios, secretary general of the Unity of Popular and Labor Action (UASP) noted that the murder might have been another extrajudicial execution on the part of elements within the government.

Victims of Embassy Burning to be Compensated

01.29.07 Thirty-seven families of campesinos, indigenous leaders, and employees of the Spanish embassy that burned to death on January 31, 1980 will receive economic compensation for their losses, twenty-seven years after the incident. Although justice has yet to be imparted, victims' family members will receive an economic compensation of 24,000 quetzals (approximately US \$3,114).

Rosalina Tuyuc, president of the National Reparations Committee, said that all family members who have completed the paperwork will receive compensation. One family member commented that while the reparations are nice, they do not address the principal demand for justice.

Rios Montt to Run for Congress

01.17.07 Former dictator Efraín Ríos Montt has announced that he plans to run for Congress in Guatemala's September 2007 elections, which could make it harder to prosecute him on charges of violating human rights during the country's thirty-six year civil war. He said he would not run for the presidency - he ran in 2004 and came in third - but expressed confidence he would win a congressional seat. Members of the country's Congress enjoy immunity from prosecution unless they are suspended from office by a court. "I am certain and sure" of getting a seat in Congress, Ríos Montt told a news conference.

A Guatemalan court is still considering whether to order the arrest of Ríos Montt for crimes allegedly committed while he ran the country from 1982 to 1983. Ríos Montt ruled during what was considered the bloodiest period of Guatemala's 1960-1996 civil war, in which 200,000, mostly Mayan Indians, were killed or disappeared.

Spanish Judge Santiago Pedraz has issued arrest warrants for Ríos Montt and others on charges of genocide, torture, terrorism and illegal detention. The case stems from charges levied in Spanish courts by Guatemalan Nobel Peace Prize Winner Rigoberta Menchú against five former military officials and three former government officials in the disappearance of Spanish priests and a fire at the Spanish Embassy in Guatemala City that killed Menchú's father and thirty-six others.

Ríos Montt has denied any wrongdoing. He said the Guatemalan Republican Front (FRG) party is

still gathering names for the presidential candidate. He stated that he hopes to win the leadership of Congress. His party would either need to win a majority of seats, or form alliances with other groups, to achieve that end.

Proposed Law to Search for the Disappeared

01.16.07 The Human Rights Ombudsman's (PDH) office and other human rights groups have proposed a law that would initiate a search for the disappeared of the armed conflict. María Eugenia de Sierra, from the PDH's office, explained that the proposal is backed by the Public Prosecutor, who has committed to investigating the whereabouts of the disappeared and to assuring that the parties responsible for the disappearances are brought to justice. The proposal was written by the National Commission for the Search of the Disappeared and presented to the Congressional Human Rights Commission for submission to a full session of Congress. The proposal was presented at the end of December 2006, and supporters hope that it will be discussed during the current legislative period.

WOMEN'S RIGHTS

Thirty-Two Women Murdered to Date in 2007

01.22.07 Sandra Morán, member of woman's advocacy group Sector de Mujeres, said that in the first three weeks of 2007, thirty-two women have been reported murdered throughout the country. She demanded that the Presidential Secretariat of Women (SEPREM) implement a strategy against femicide. Morán stated that there were more than 500 violent deaths of women in 2006.

Young Women Vulnerable to Health Risks

01.18.07 The Pan American Health Organization (PAHO) noted in a recent report that life expectancy in Central America is lowest in Guatemala and Honduras, where women will live an average of sixty-nine to seventy-one years. The report stated that forty percent of Central Americans are less than fifteen years of age, eight million of which are female. The report concluded that the female population - particularly female children, adolescents, and young adults - continues to be the sector most affected by poor living conditions and is at a greater risk of poor health.

PAHO indicated that the most common illnesses

in Central America among children and adolescents are malnourishment and iron-deficiency anemia from an inadequate diet and intestinal parasites. Repeated pregnancies also damage the health of young women. Obesity, hypertension, and heart trouble are other health problems affecting women.

DEMI and UNIFEM Sign Plan for Indigenous Women

01.25.07 The United Nations Development Fund for Women (UNIFEM) and the Defense of Indigenous Women (DEMI) have signed an agreement to create measures for economic empowerment and the prevention of violence against indigenous women. The agreement will have a two-year duration and the level of funding will be defined according to the specific plans of each program.

RIGHTS OF THE CHILD

Legislation Against Child Exploitation Demanded

01.23.07 Children's rights organizations have asked the United Nations to call for legislation in Guatemala that would prohibit the sexual exploitation of children, which at present is not officially recognized as a crime. The organizations report that about 15,000 minors are victims of sexual exploitation in Guatemala.

Among the proposals is one that would require the state to provide compensation for damages to the victims. The groups also demand punishment for those individuals forcing minors into prostitution and for those clients sexually exploiting minors.

INDIGENOUS RIGHTS

Bilingual Education for Indigenous to Expand

01.22.07 The Vice Minister of Bilingual Intercultural Education, Celso Chaclán Solís, reported that one of the ministry's goals for this year is to provide schooling for 400,000 indigenous children throughout the country. He identified the most challenging regions as Huehuetango, Alta Verapaz and Quiché, where the full plan for elementary education will be put into effect.

Another goal for 2007 is to give an economic bonus to the approximately 7,000 bilingual teachers and to support the eighteen Bilingual Intercultural Schools in the country. Another objective is to make students bilingually competent in such skills as reading and writing, both in Spanish and in

indigenous languages. Chaclán said that bilingual intercultural education currently reaches 309,000 indigenous children from different linguistic communities.

LABOR RIGHTS

Thousands of Employers Fail to Pay Benefits

01.20.07 Over 8,000 lawsuits concerning labor disputes are filed yearly at the Ministry of Labor, most of which are for a failure to pay employee benefits, which is a violation of the labor law. According to Labor's General Inspector, this failure reflects ignorance of both employers and workers about these mandatory payments.

Among the benefits are a Christmas bonus (payment of an extra month's salary for a full year of service or proportionate part); a yearly bonus (paid at midyear, an extra month's salary for a full year of service or proportionate part); an incentive bonus (an agreement between worker and employer providing extra payment on the basis of productivity); and payment for vacation time.

Former Employees Burn Down Factory

01.20.07 Hundreds of former employees of the Génesis Feliz Tex S.A. *maquila* (assembly and packaging factory), who were laid off in mass and not paid their due compensation, burned down the *maquila* in protest. It is reported that the workers seized what little they could from the factory to try to recover some of what they were owed, and then set the factory on fire. The volunteer firemen said there were no casualties. Police officers, who refused to give their names, said police used tear gas to disperse the crowd, but there were no arrests.

MIGRANT RIGHTS

Mexico Asked to Respect Migrant Rights

01.20.07 Human Rights Center "Fray Matías de Córdova" in Tapachula, Chiapas, Mexico asked newly elected Mexican president Felipe Calderón to put a stop to the mistreatment of Central American migrants along the border with Guatemala. Fermina Rodríguez, from the Center, sent a letter to President Calderón concerning Oscar David Hernández, a Honduran citizen who has filed a lawsuit for abuse by Mexican troops. The suit states that on January 8, four soldiers captured

Hernández and his companions after they crossed the Suchiate River. The soldiers allegedly stole 500 Mexican *pesos* from them and forced them into a bathroom, where they stripped the victims of their clothing and abused them, claiming that the search was for money and drugs.

The organization has demanded that Calderón punish those responsible for the constant human rights violations perpetrated by the military and the migratory, federal, state, and local police forces.

US Ambassador Denies Mistreatment of Migrants

01.22.07 US authorities denied that undocumented Guatemalan migrants in the US are subjected to abuse. During a visit to the Guatemalan Supreme Court of Justice, US Ambassador to Guatemala, James Derham, said that all complaints of abuse are investigated, and gave assurances that the US is committed to humane treatment of all migrants.

Yet organizations supporting migrants have reported several cases of abuse against migrants by authorities in Mexico and the United States. Many Central Americans have even disappeared while in the custody of officials.

127 Migrants Arrested in Mexico

01.22.07 At least 127 Central American citizens who had entered Mexico illegally were detained along the border of Guatemala by agents of the Mexican Federal Preventive Police. Twenty-three of the detainees (nineteen Guatemalans, two Hondurans, a Salvadoran and a Nicaraguan) were found traveling in a cargo truck in horrific conditions. The police arrested another forty migrants while they were boarding a cargo train headed north. Trains are commonly used by migrants trying to reach the US, although many of them die or are severely injured from falling off the train. Police agents often have X-ray devices capable of detecting double bottoms in trucks where many migrants hide.

Bishops Demand Respect for Migrants

01.23.07 Mexican Bishops Leopoldo González González, Felipe Arizmendi Esquivel, and Archbishop Rogelio Cabrera López asked the Mexican government to humanely treat the Central American migrants passing through Mexico to the US. The three bishops from Chiapas were joined by Monsignor Alvaro Ramazzini, bishop of the Diocese of San Marcos and president of the Episcopal

Conference of Guatemala.

Monsignor Ramazzini declared that the Mexican government must grant free transit for undocumented Central American migrants. He described the measures employed by the US government during its massive deportations of immigrants as “despicable.”

Migrant Minors Treated Poorly in Mexico

01.23.07 Walter Arreaga Nájera, of the Migrant House Human Rights Office in Tecún Umán, Guatemala on the Mexican border, announced that thousands of Guatemalan adolescents migrate annually for temporary farm work on private lands in Chiapas, although the hiring of minors is prohibited in Mexico. Arreaga reported that the minors’ labor rights are not recognized and that they live in inhumane conditions. A 2005 Migrant House study, based on 400 interviews, described the long workdays and poor treatment to which the minors are subjected.

SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

Hospital Fails to Accommodate Patients

01.23.07 Patients who have waited five months for medical care from the Roosevelt Hospital, due to the strike at public hospitals, will have to wait a little longer. Currently, the Roosevelt Hospital is only accepting patients with health emergencies. The Human Rights Ombudsman’s (PDH) office, which performed an inspection of the hospital, verified the information. Although the hospital only has capacity for 800 beds, some 950 patients are currently admitted. Gustavo Batres, the director of Hospital Roosevelt, stated that the hospital performs between eighty and ninety-seven operations a day. He added that the hospital hopes to return to normal by mid-February.

Hospital Reforms Proposed

01.22.07 The Ministry of Health announced the creation of a Vice Ministry to conduct hospital reforms. José Mauricio Rodríguez, former inspector of Roosevelt Hospital, will direct the reform and produce a working plan in March 2007. One of the projects includes the construction of two new hospitals to reduce the number of patients at Roosevelt Hospital and San Juan de Dios Hospital.

Another priority will be to guarantee building and equipment maintenance, which has recently been neglected.

LEGAL CASE UPDATES

Former Narcotics Chiefs Sentenced

01.19.07 Fourteen months after their arrest in Washington, the former chiefs of the Guatemalan Antinarcotics Analysis and Information Service (SAIA), Adán Castillo Aguilar and Jorge Aguilar García, were sentenced to ten years in prison and five years probation.

The two men were arrested at an airport on November 16, 2005, after being tricked by an invitation to a DEA conference in Washington. The DEA explained that their arrest was for smuggling and distributing narcotics in the US. Judge Rosemary M. Collyer noted that the sentence is in accordance with a deal between the prosecution and defense that included a guilty plea on the part of the accused.

Warrants Issued for Former Bank Executives

01.19.07 The Seventh Court of the First Criminal Instance has ordered the arrest of Eduardo Manuel González Riviera and his son Jorge Alfredo González Castillo, whose signatures appear on a document granting an unauthorized 30 million quetzal (approximately US \$3.8 million) loan to José Fernandez and the company VIPASA. According to Jorge Luis Donald, the district attorney for Organized Crime, arrest warrants were also issued for Ingo Henrich Haberland, Mayra Elisa Kausel, Celeste Aída Desirée Soto, Ariel Estuardo Camargo Fernández, and Eduardo Palomo Mahr - all members of the Administrative Council of the Banco del Café - and María del Rosario González Rodas, of the company Bonds and Investment. They are charged with fraud and money laundering. Seven searches carried out simultaneously by the National Civil Police and the Public Prosecutor failed to find the parties involved, and they are now considered fugitives.

Guatemala Encouraged to Join International Court

01.24.07 The Presiding Judge of the International Criminal Court (ICC), Philippe Kirsch, visited Guatemala by invitation from President Berger to

offer information to legislators, officials, human rights activists and other groups about the workings of the ICC and to make the case for why Guatemala should join the tribunal. Established in 2002, the ICC is governed by the Rome Statute. It tries individuals who are accused of committing crimes such as genocide, crimes against humanity, and war crimes. The tribunal cannot act retroactively; therefore, no Guatemalan could be brought before the court for any crimes committed before ratification.

During his visit, Kirsch met with Vice President Eduardo Stein and Minister of Foreign Affairs Gert Rosenthal. Kirsch also met with leaders of human rights organizations that stressed the importance of ratification. According to the organizations, if the Guatemalan legislature decides to ratify the Rome Statute, the ICC will be a valuable instrument for preventing crimes against humanity such as war crimes and genocide, since it will require the State to act against such crimes.

The ICC is located in the Hague, Netherlands. To date, 104 countries are members.

Spain Able to Request Extradition of Guatemalans

01.25.07 Spanish Secretary of State for Ibero-America, Trinidad Jiménez, declared in a press conference that the National Spanish Court has the authority to request the extradition of Guatemalans in genocide cases. She added that conversations on the case have been held with Vice President Eduardo Stein and Minister of Foreign Relations Gert Rosenthal for the purpose of deepening the cooperation that already exists between Guatemala and Spain. The National Spanish Court has asked the Guatemalan government to extradite military officials and civilians accused of burning the Spanish embassy in 1981. The case is pending.

LAND RIGHTS

Conflict with Montana Mining Co. Continues

01.24.07 Representatives of the Montana Mining Company (MMC), which has operations in San Miguel Ixtahuacán, San Marcos, finally agreed to dialogue with the community members who blocked the entrance to the Marlin Mine for twelve days. Campesinos from Angel, Nueva Esperanza, San José Ixcamiché, Siete Platos, and Salem in

Sipaca participated in the demonstration and blockade. The community members claim that they were deceived in 1999 when they sold their lands to MMC. They explained that MMC made a partial payment for the lands purchased, then promised to conduct studies as to whether the land would be a good location for the Marlin Mine. Residents were told that if the land was suitable, MMC would complete the payment. To date, no second payment has been made. The campesinos lifted their blockade to the mine after representatives from MCC agreed to engage in dialogue with them about renegotiating the value of the land.

One of the campesinos that sold his land stated that he was duped. He said that MMC never told him why they were buying his land in 1999 and only offered 4,000 quetzals (US \$519) per cuerda (roughly 1 acre). Now, however, he and other campesinos request that the company reevaluate the value of the land and compensate them 35,000 quetzals (US \$4,541) per cuerda. Negotiations between MMC and the community members will be held at the San Marcos Diocese.

According to Carlos Martínez, from the Human Rights Ombudsman's (PDH) office, the residents have also demanded that the Ministry of Energy and Mining and the Ministry of the Environment and Natural Resources issue a formal opinion on the pollution of the Tzalá River and other rivers in the region, as well as the surrounding environment. The community is also waiting for the results of a study by the Institute of Seismology, Vulcanology, Meteorology and Hydrology explaining why several building's walls in the towns of Angel and Esperanza are cracking.

OTHER INFORMATION

Commission Established to Monitor Poverty

01.19.07 Vice President Eduardo Stein established the Commission to Monitor Social Spending and the Reduction of Poverty. The commission will focus on health and nutrition, indigenous communities, and rural development. In addition, the commission will commit to administering social spending as set out in the Peace Accords and in accordance with the Millennium goals.

Minister of Agriculture, Bernardo López will preside over the commission. Participants in

commission are to include Patricia Orantes, Chief of the President's General Secretariat of Planning and Programming; Jaime Gómez, Vice Minister of Health; Edgar Ajcip, Director of the National Fund for Peace; and Luis Felipe Polo, Executive Director of the Agreement.

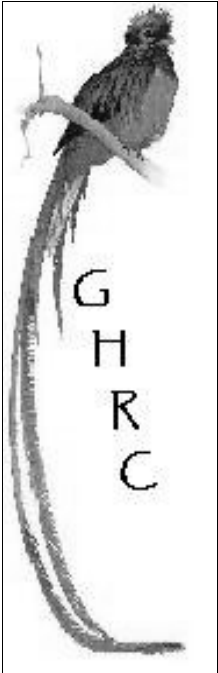
Death Row Pardons May Fall on President

01.23.07 Members of the Congressional Commission for Reform of the Justice System ruled in favor of giving authority back to the President to spare the life of a prisoner who is on death row. The plan would give the President thirty days to consider a request for pardon. Should he refuse the request, the prisoner would be executed within the following twenty-four hours. Prisoners would have fifteen days to send a request to the President. All parties except for the Patriot Party (PP) and the Grand National Alliance (GANA) party signed the initiative. It was sent to the full Congress for discussion during the next sessions and for approval early in the year.

FNL Opposes Presence of US Soldiers in Guatemala

01.24.07 The National Front in the Struggle (FNL) announced its opposition to the forthcoming arrival of 1,000 US soldiers to Guatemala as participants in the "New Horizons" program. FNL stated that communities in San Marcos, the area to which the soldiers will be sent, do not want a US military presence. The FNL argues that US military exercises in Guatemala violate the sovereignty of the country.

The document released by the FNL included a declaration by Sandino Asturias, director of the Center for Guatemalan Studies (CEG), that the plan amounts to US Army occupation of Guatemalan territory. Asturias said that the geopolitical interest of the United States in the region, especially in Guatemala, is no secret. However, he stated, this "New Horizons" program is a flagrant violation of national sovereignty. The FNL pointed out that in the department of San Marcos, opposition is also strong to the presence of foreign mining companies.



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.

Editor:: Carmen Carney (ghrc-usa@ghrc-usa.org), Additional Assistance: Marty Jordan, Julie Suarez, Tom West, Abby Weil, and Charlotte Colón

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3321 12th Street NE Washington DC 20017

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



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3321 12th Street NE
Washington, DC 20017

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- **Insert: GHRC Action Alert: Urge Congress to Co-Sponsor Resolution on Violence Against Women**