

Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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RIGHT TO LIFE AND HUMANE TREATMENT

Police Attack Leaves One Dead

01.30.07 Residents of San Pedro Soloma, in the department Huehuetenango, reported that on January 26, agents from the Analysis and Anti-Narcotic Information Service (SAIA) of the National Civil Police (PNC) attacked three residents, one of whom was killed.

Alexis Ramirez, a citizen of San Pedro Soloma, said that the SAIA agents, who are also members of the community, stopped the vehicle that the three victims were traveling in and demanded 2,000 quetzals (US \$261) for their release. When the victims refused, the police officers attacked them with weapons, killing Andrés de León.

January Homicides Fill Morgue

01.31.07 The Forensic Sciences Institute of the Judiciary reported 373 homicides for the month of January, including fifty-two women. Authorities stated that the number of bodies has over-saturated the morgue. The autopsies revealed that some of the victims, especially women, were tortured before they were murdered. Police indicated that the majority of the victims had connections with gangs or organized crime. In some of the cases, the victims' families were not aware of those connections. Those murders were attributed to common crime. Most of the deaths were by firearms or stabbings. The typical age of the victims at the morgue was between nineteen and thirty-four years. Many human rights organizations have spoken out against the level of violence in Guatemala and have urged the government to take action.

Human Rights Organizations Attacked

02.05.07 In a little more than a week's time, five Guatemalan human rights organizations were attacked. On January 27, 2007, the Community Studies and Psychosocial Action Team (ECAP) reported that the organization had been receiving constant threats since October 2006 because of their psychosocial initiatives related to exhumations and the survivors of the massacre of Plan de Sánchez.

On February 2, a tire of the vehicle of Otto Navarro, a lawyer who works with the Center for Human Rights Legal Action (CALDH), was slashed in a parking lot with private security guards. Later that day, José Roberto Morales, coordinator of the Indigenous Peoples' Rights Department of CALDH, left the office in a company vehicle. Upon arriving at his home in Guatemala City, he was kidnapped by two armed men. After driving around with Morales lying face down in the back of the vehicle, they released him in a nearby neighborhood. Later, the vehicle was reportedly found intact, with all of his belongings, including a laptop computer. CALDH employees stated that this affirmed the assumption that the motive had not been robbery. On February 5, a threatening note was left on the windshield of the car of Angélica González, another CALDH lawyer. The note indicated that the CALDH lawyers were being closely watched.

CALDH has been actively involved in investigating past cases of human rights violations that took place during the internal armed conflict in Guatemala (1960-1996). For example, in 2004 CALDH brought the case of the Plan de Sánchez massacre, carried out by government forces in 1982, before the Inter-American Court on Human Rights and achieved a ruling against the Guatemalan state, which was ordered to apologize and pay compensation to survivors. In addition, CALDH's legal team has been advising the Association for

Justice and Reconciliation (AJR) in the case charging former dictator Gen. Efraín Ríos Montt and other former military officials with genocide. The case charging Gen. Ríos Montt was initiated in early 2001 and has not progressed since.

Over the weekend of February 3 to 5, the offices of the National Movement for Human Rights (MNDH), the Human Rights Defenders Protection Unit (UPDDH), and the Association for the Communication of Art and Peace (COMUNICARTE) were broken into and raided. Every office had been forcibly broken into, and the vast majority of files and electronic equipment was taken. Thirteen computers, video equipment, and several USB flash drives were stolen. The stolen computers and files contained information on human rights violations, including financial figures, information about the indigenous communities affected by mining companies, and documentation of attacks against human rights defenders since 2002.

While staff members of the organizations waited for the Guatemalan authorities on the morning of February 5, a person in a red Toyota Corolla vehicle drove past and videotaped the group. MNDH is the national umbrella organization for Guatemalan human rights organizations, while the UPDDH investigates and documents attacks against human rights defenders.

All of the organizations attacked and threatened are concerned for the safety of their members and have demanded that authorities investigate and put a stop to the assaults.

Campesino Leader and Two Sons Killed

02.06.07 The Campesino Unity Committee (CUC) reported that Israel Carías Ortíz, 33, the president of the Campesino Association for Integral Development for the community of Los Achiotés, was killed along with his two sons, Ludwin Alexis, 9, and Ronald Aroldo Carías Ramirez, 10, when they were on their way home from Zacapa. Upon learning of the killings, Nely Ortíz, a relative of Carías, also passed away.

According to the CUC, the murders occurred in the midst of a struggle for land. For several years, the Los Achiotés community has been fighting for the recovery of the Los Achiotés Finca (plantation), located in Zacapa. The CUC reported that

repression has increased against the communities that are fighting for the defense of their land and natural resources. The CUC blamed the landowners, Geraldina Córdón, Faustina Barillas, Jorge Madrid, Victor Hugo Salguero, Edwin Ruíz, Salvador Goatherd and others for the killings. According to the CUC, the landowners had been threatening the leaders of the Association, among them Israel Carías and his family, as well as the regional leader, Abelardo Roldán.

The National Civil Police confirmed that Carías had received several death threats for his opposition to the deforestation of the area.

WOMEN'S RIGHTS

US Congresswoman Denounces Femicide

01.30.07 United States Congressional Representative Hilda L. Solis introduced a resolution to the US House of Representatives to condemn the murders of more than 2,500 women and girls in Guatemala during the last six years. Representative Solis stated that the victims' relatives had thus far been ignored by the Guatemalan authorities or had been threatened, and therefore, the only recourse was to apply international pressure.

The resolution, which calls on the Guatemalan government to investigate the murders and bring justice to the families of the victims, was initially proposed in November 2006 to the House Foreign Affairs Committee. The resolution never made it to the House Floor before the close of the 109th Congress. However, Rep. Solis reintroduced the resolution in the 110th Congress. The resolution, introduced as H.Res 100, continues to gain support from other congressional representatives. In addition to Solis, Rep. Tom Lantos, chair of the committee; Rep. Elliott Engel, who presides over the subcommittee in charge of hemispheric relations; Rep. Dan Burton, who until 2006 held Engel's position; and Rep. Barbara Lee, a Democratic congresswoman from California with a special interest in Latin American affairs, have also cosponsored H.Res 100.

The Guatemala Human Rights Commission/USA (GHRC) estimates that between 2000 and 2006, some 3,000 women have been killed in Guatemala. Petitions for investigation into these crimes have come from GHRC, Amnesty

International, other organizations, and the public at large.

Guatemala and UN Promote Policies for Women

02.05.07 The Guatemalan Presidential Secretariat for Women (SEPREM) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) formally agreed to cooperate in strengthening the work of the Secretariat, which advises and coordinates public policies concerning Guatemalan women. OHCHR agreed to offer technical advice and assistance to SEPREM on how to fulfill international commitments to the welfare of women, which Guatemala has agreed to do.

RIGHTS OF THE CHILD

Government to Tighten Adoption Regulations

01.30.07 The Guatemalan government is preparing a series of regulations that will keep the adoption process from becoming commercialized, while also respecting the rights of the children.

The regulations will be laid out in the Good Practices Protocol document, which is undergoing revisions. The document will define seven changes to the current adoption system, which the governmental institutions involved in the adoption process will carry out. Among the changes described in the Protocol is the establishment of a database that would collect the fingerprints of the biological parents and the child involved in an adoption. This will keep the biological parents from changing the name of the child in order to try to give the child to another family if the first adoption was denied.

The proposal would also create a consultative group comprised of social workers, psychologists and lawyers who will explain to the biological parents the implications and consequences of their decision. Another regulation would be to include the Office of the Attorney General in investigations prior to the approval of an adoption.

MSDNJ Demands Regulation of Child Labor

02.02.07 Alejandra Vásquez, director of the Social Movement for the Rights of Childhood, Adolescence and Youth (MSDNJ) demanded that Guatemalan authorities regulate the manner in which youth between thirteen and eighteen years of age are employed. She observed that the Ministry

of Labor does not have a proper source of information on the matter, and that the inspectors do not check into how the young workers are being treated and whether they are continuing their schooling.

INDIGENOUS RIGHTS

Xinca Representative Denounces Discrimination

01.30.07 Enio Donald Benito, representative of the Xinca communities in Guatemala, denounced that the Guatemalan state discriminated against them in failing to involve them in the activities of the Presidential Commission against Discrimination and Racism (CODISRA). Benito commented that if the Xinca community is not allowed the opportunity to participate in the political processes of Guatemala, then Guatemala will not become a true multiethnic and multicultural state.

LABOR RIGHTS

Two Hundred Fired From Fincas in Izabal

02.02.07 Some two hundred workers at the banana fincas (plantations) of “El Real Uno” and “El Real Dos” in the municipality of Morales in the eastern department of Izabal reported that they were fired without justification. In response to their dismissal, the workers detained an administrative inspector of the plantations. Members from the Human Rights Ombudsman’s Office (PDH) arranged the release of the inspector from the workers and coordinated a meeting between the parties. The PDH proposed open negotiations on the matter under conditions of transparency.

MIGRANT RIGHTS

Activists Initiate Second Migration March

02.01.07 Activists and human rights defenders commenced a Second Migration March that for two weeks will cover the length of the border between the United States and Mexico. Enrique Morones, director of the organization Angels of the Border, stated that the purpose of the march is to gather testimonies of migrants, their families, and those who advocate for just and inclusive immigration reform. The statements will be used to provide wavering members of the US Congress with information that will help them decide on

immigration reform.

José Rodríguez, the county commissioner for El Paso, Texas, commented that the current proposal under debate in Texas that would strip undocumented migrants' American-born children of state benefits could bring a strong reaction. The children, he explained, would continue receiving federal aid while losing state benefits such as schooling, work permits, and public housing.

Church Demands Respect for Migrant Rights

02.06.07 The Roman Catholic Pastorate for Migration asked that the countries of origin, transit, and destination of migrants maintain respect for human rights, which are currently facing violation as demonstrated by the massive deportations from the US within the last few months.

An official statement from Bishop Rodolfo Bobadilla, president of the pastorate, condemned violations against migrants. The statement declared that the massive operations in the US and Mexico against undocumented migrants are unjust and cruel. In addition, the pastorate criticized the Guatemalan government for failing to defend the migrants, despite the fact that their remittances to relatives in Guatemala are an essential component of the economy.

Fr. Mauro Verzeletti of the pastorate observed that this year has seen an increase in persecution against and deportation of Guatemalan migrants. He also added that more than three hundred Central Americans head north each day in search of better opportunities.

MENAMIG Reports Violations of Migrant Rights

02.08.2007 Ávaro Castellanos, advisor of the National Migration Board in Guatemala (MENAMIG), declared that the violations of the rights of undocumented migrants in the United States are extremely serious. Castellanos reported that deportees are shackled hand and foot like criminals. MENAMIG warned that deportations will have a social impact on Guatemala due to the reduction in family remittances, increased unemployment, and the lack of opportunities for migrants.

Juan García of the Group of Migrants in Action, based in Rhode Island, reported that organizations of migrants in the United States have formed a coalition and have written to President George W. Bush asking him to stop the roundups and

deportations. He added that if migrants continue to be under attack, a massive demonstration will be held in Washington, DC on March 25.

Carlos Cisneros, of Maya Quetzal in West Palm Beach, Miami, stated that immigrants in southern Florida are fearful of deportation because of the recent detention of 178 undocumented migrants held under the US deportation program "Operation Return to Sender." Eighteen of those detained are Guatemalan.

According to data from the General Migration Office (DGM), there were 18,000 repatriations in 2006 and under present conditions that number could be surpassed in 2007. So far this year 1,837 people have been deported from the US, including 460 men, 228 women, and 122 children.

SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

Minister of Health Resigns

01.30.07 Minister of Public Health Manuel Gutiérrez Longo resigned from his post stating that he was unable to make the necessary changes in administration of the Ministry and that the hospital crisis needs more government attention.

Gutiérrez reported that he had been denied the necessary resources for vaccination and health programs. He added that for renovating Roosevelt Hospital's operating rooms, the Executive Branch will spend 60,000,000 quetzals (US \$7.8 million) a year for five years, while in rural areas, people die for lack of a 8 quetzals (US \$1) dose of penicillin. Gutiérrez will return to Congress as an independent representative.

New Hospital Opens with Cuban Support

01.31.07 A new ophthalmology hospital in Jalapa, to be attended by Cuban doctors, was inaugurated by Vice President Eduardo Stein as part of a cooperative health agreement between Cuba and Guatemala. It is the second ophthalmologic center opened in Guatemala in the last seven months with the support of Cuba. The first opened in July 2006 in San Cristóbal Verapaz, in the department of Alta Verapaz. More than 5,000 people have received treatment in that facility thus far. All procedures are conducted free of charge. The arrangement is part of a continuing project called "Operation Miracle" involving several Latin American

countries, including Guatemala.

Cuban specialist Dania Saavedra observed that since 2004, Operation Miracle has benefited six million people from Latin America and the Caribbean. Cataract removal is the most common procedure. Of nearly 500,000 operations, 300,000 were performed on Venezuelans, 100,000 on Cubans, and 100,000 on patients from twenty-eight other countries in the region, including Guatemala. In recent months, Cuban and Venezuelan authorities have had to defend Operation Miracle against conservative political parties, said Saavedra.

In the last eleven months, 622 Guatemalans have received treatment in Venezuela. Lucrecia Alfaro, spokeswoman for the Ministry of Health, said that 7,000 patients have received care in San Cristóbal since July 2006.

Activists Concerned About Spread of AIDS in Prison
02.01.07 Leaders in the struggle against AIDS in Central America are concerned about the lack of attention to prisoners who suffer from the disease, reported *La Prensa Gráfica* of El Salvador.

A study conducted in El Salvador indicated that five of every one thousand inmates in the country suffer from AIDS. There appears to be no data on the statistics in Guatemala, although Annelise Salazar, an activist against AIDS, said that two thousand tests were carried out within the Guatemalan prison population in 2006. According to Salazar, efforts are being made to coordinate various social sectors to address the problem, but she did not indicate the degree of success or estimate the number of the affected in Guatemalan jails.

Leaders of the campaign in Central America have signed an agreement to establish a network of programs combating HIV in prisons; they also aim to reduce discrimination against the victims and to lessen their stigmatization.

RIGHT TO JUSTICE

Failure of Justice System Due to Many Factors
02.07.07 Legal activists have concluded that the breakdown of the Guatemalan justice system is due to several factors, including a lack of evidence presented by the Public Prosecutor's office, a delay in pursuing investigations, an absence of witnesses, delays in prosecutions, a backlog of court cases, and the lack of integrity of the judicial process. Activists

said that the perception that crimes can go unpunished is deplorable. Statistics provided by the Center of Analysis and Judicial Documentation covering 2005 and the first half of 2006 indicate that only 4.5 percent of 126,000 cases have reached the sentencing stage. Of these, sixteen percent ended in favor of the accused.

Eliú Higueros, president of the Supreme Court of Justice, traced the problem in part to a scarcity of judges, as there are only four judges for every 100,000 citizens. Public defenders are also overburdened. On average, each public defender works between twenty and thirty cases a month.

Seventy-three percent of the cases registered by the judiciary are crimes including homicide, abduction, and rape. The remainder of cases includes civil suits and family and labor disputes.

Spanish Embassy Burning Remembered
02.01.07 Activities throughout Guatemala commemorated the twenty-seventh anniversary of the fire that destroyed the Spanish Embassy in Guatemala on January 31, 1980, killing the thirty-seven people trapped inside. Among the activities was a demonstration carried out in Plaza España by social organizations and surviving relatives of the victims. Hundreds gathered to decry the absence of justice on the case.

On December 31, 1980, members of the police and the judicial branch intentionally set the Spanish Embassy in Zone 9 of Guatemala City on fire. Vicente Menchú, father of Nobel Peace Prize winner Rigoberta Menchú, died in the arson along with other campesinos. They had gathered at the Embassy to demand an end to military repression and forced disappearances in the department of Quiché.

In 1999, the Nobel laureate presented a formal lawsuit to the National Court of Spain against various military and civilian authorities who had been in power at the time of the arson. Four arrest orders for General Efraín Ríos Montt, Pedro García Arredondo, Benedicto Lucas García (deceased) and Óscar Humberto Mejía Vítores are pending. A motion presented to the Constitutional Court by attorneys of the accused has so far prevented the arrest. Menchú criticized the Court for their delay in resolving the case.

The government has stated that it will compensate the families of those who died in the

fire with a sum of 24,000 quetzals (US \$3,117). The intended beneficiaries of the reparations say that the money will not satisfy their demand for justice. Menchú has declared that she will not accept an economic settlement that leaves genocide unpunished.

Convention Against Forced Disappearances Signed

02.07.07 The International Convention for the Protection of All Persons from Forced Disappearance has been signed by fifty-seven countries, including Guatemala, which will hasten the ratification and implementation of this new legal instrument of the United Nations. The Convention penalizes the detention, disappearance, kidnapping or any other assault upon individual freedom perpetrated by government employees or groups related to the state. To take effect, the Convention needs ratification by twenty countries. A committee composed of ten experts with four-year terms will monitor the Convention.

The movement to penalize disappearances was motivated by the dirty wars led by dictatorships in Latin America during the 1970s. Louise Arbour, UN High Commissioner for Human Rights, emphasized that the issue needs to be immediately confronted. The ratification of the Convention will provide truth and justice for victims and their relatives about the disappearance of their loved ones.

LEGAL CASE UPDATES

Seven Police Agents on Trial for Murder

01.31.07 Seven National Civil Police agents are being tried at the First Sentencing Court, accused of trespassing and covering up a shootout that claimed the life of Lucia Mijangos, 4, on May 11, 2005 in Agua Tibia, Palencia. District Attorney Cándido Bremer stated that there is evidence that agent Silvia Ixtacuy opened fire during the shootout and upon noticing what had happened, rushed the girl to a hospital, where she died. Agent Ixtacuy, the suspected shooter, is still at large. The other police agents undergoing trial are Otto Leonel Xitumul, Walvin Orlando Bailón, Ángel Gustavo Donis, Israel Ayala Cucul, Amílcar Soto Aguilar, Édgar Teni Tiul, and José Concepción Medrano.

Activists Demand Action Against Genocide

02.07.07 Representatives of human rights organizations and the Association for Justice and Reconciliation (AJR) have demanded that the Guatemalan courts hear accusations of genocide brought against General Efraín Ríos Montt, Óscar Mejía Víctores, Héctor López Fuentes, Francisco Gordillo Martínez, and Horacio Maldonado. The applicants believe that the Public Prosecutor possesses evidence that has not been presented before the judge, and that no steps have been taken to bring Ríos Montt to court.

RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

Cardinal Criticizes Mining Law

01.29.07 Cardinal Rodolfo Quezada Toruño, a metropolitan archbishop, has criticized the government's Mining Law, which allows authorities to grant licenses for exploration and exploitation without considering potential environmental damage. The cardinal said that in granting the permits, authorities might be allowing transnational companies to drive the country into ecological destruction. Quezada added that he does not reject progress, but wants to preserve the natural beauty of the country and keep water sources from being polluted.

Deforestation Threatens Water Supply in Jutiapa

02.03.07 Authorities and community members in Jutiapa, a southern department bordering El Salvador, have demanded the dismissal of Luis Chacón, representative of the National Forest Institute (INAB) in Jutiapa, for providing licenses to timber companies that indiscriminately deforest the region, thereby threatening the water supply.

Members of the organization *Siembra Nueva* said that deforestation began twenty-five years ago and contributes to an inability to locate water sources. Chacón responded that he would continue to provide licenses to timber companies, as many have vowed to reforest the land. He added that logging is being permitted throughout the country.

Guatemala to Host Conference on Water

02.06.07 Guatemala will host the sixth Inter-American Conference on Water Management,

which will address climate change and prospects for new water sources. The event, led by the Inter-American Network of Water Resources, will be held in August 2007 and will attract delegates from all Latin American countries as well as Canada and the US. Approximately 300 experts are expected to attend.

OTHER INFORMATION

GAM Opposes Appointment of Military Official

01.31.07 The Mutual Support Group (GAM) issued a press statement opposing the potential appointment of Francisco Bermúdez, former Minister of Defense, as the new Guatemalan Ambassador to Argentina, noting that the appointment would taint the achievements of the Peace Accords. GAM stated that the former military officer was involved both directly and indirectly in the armed conflict, in which the military openly violated human rights. GAM pointed out that one of the main goals of the Peace Accords was to lessen the role of the military in society, limiting it to the defense of national sovereignty and the Guatemalan territory. Chancellor Gert Rosenthal said that several candidates are under consideration and that no decision has been made at this time.

Transparency Requested in Ombudsman Election

01.31.07 Social activist groups have asked the Congressional Commission on Human Rights to guarantee transparency in the process of electing the new Human Rights Ombudsman. Orlando Blanco, leader of the Collective of Social Organizations (COS), said that the request was made to ensure that the appointment will not serve as a tool for various political interests, as has happened in the past.

Vice President Advocates for CICIG

01.31.07 Vice President Eduardo Stein began a series of meetings with members of Congress to explain the benefits of the proposed International Commission Against Impunity in Guatemala (CICIG). Upon ratification by the Guatemalan Congress, the agreement would establish a UN-led commission to investigate the existence of illegal security forces and clandestine security organizations operating in Guatemala. CICIG

would have a life-span of two years with an option to extend depending on its progress. Stein noted that CICIG would not have the authority to initiate legal actions; this authority would remain with the Public Prosecutor.

President Asks for Increase in Military Budget

02.03.07 President Oscar Berger has asked Congress for an additional 100 million quetzals (US \$12.9 million) for the military's Civilian Security program, in which the military provides three thousand soldiers to patrol the streets along with the National Civil Police (PNC). The additional funds would raise military spending for 2007 to 1,210 million quetzals (\$157 million).

Human rights activists have questioned the need for additional military spending. They stressed that it is the PNC that needs strengthening, not the military. Iduvina Hernández, of Security in Democracy (SEDEM), argued that nothing positive has come of incorporating the army into the arena of citizen safety.

PDH Identifies Issues Facing Guatemala in 2007

02.05.07 The Human Rights Ombudsman's Office (PDH) has identified major problems that could affect Guatemala in 2007, including the scarcity of cash, bank closures, violence and social instability, lack of access to land, and partisan political conflicts. The PDH singled out fifteen departments facing severe social problems. The department most troubled with social conflicts is Alta Verapaz, followed by the department of Guatemala, and then Chimaltenango. Ombudsman Sergio Morales said that the report shows the weakness of the country's institutions and reflects the failure of the government to comply with its obligations.

Violence Against Gangs Counterproductive

02.08.07 Fighting violent youth gangs with violence in Central America and the US has caused gangs to work more closely together, according to a study by the Washington Office for Latin America (WOLA) and a team of investigators from the Technological Institute of Mexico. The study recommends programs that prevent rather than react to violence, and proposes that the communities affected by gang activity be invited to suggest alternative solutions.



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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Insert: Guatemalans Denounce President Bush's Visit to Guatemala