

Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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RIGHT TO LIFE AND HUMANE TREATMENT

Bus Drivers Murdered by Gangs

07.02.07 Two urban bus drivers and one assistant were murdered in the Kennedy neighborhood, in zone 18 of Guatemala City because they allegedly refused to pay an extortion fee to local gang members. The victims were Byron René Tiesa Ovando, 19, José Ramón Morán Calderón, 27, and assistant Jesús Chachic Guzmán, 19. So far this year, twenty-nine urban bus drivers and nineteen assistants have been murdered. In 2006, fifty bus drivers lost their lives at the hand of gangs for refusing to pay extortion fees.

Cases of Lynching Are on the Rise

07.03.07 The National Commission for the Prevention of Lynching (CNPL) issued an alert regarding the recent increase in cases of lynching. So far this year, twenty-two have been reported. Mobs have also been implicated in burning police stations and judicial offices. On several occasions, security forces have chosen to abandon their posts.

According to CNPL, the primary cause of this recent outbreak of vigilante justice is due to the alleged theft of children. Mobs attempt to take justice into their own hands so that women stop the buying and selling of minors. Statistics reveal that most cases of lynching occur in the Western highlands. The department of Quiché has registered the most incidents of lynching, with six cases and twelve victims, followed by the departments of Chimaltenango, Quetzaltenango, and Huehuetenango.

Different analysts have stated that lynching is not part of the local indigenous legal system. According to Amílcar Pop, member of the Association of Mayan Lawyers, these acts are “the

result of the inefficiency of the State, because it is not able to resolve the needs of the population.”

Pedro Ixchiú, of the Indigenous Defense Office, which is part of the Public Defense Institute, stated that this phenomenon demonstrates the “people’s disenchantment with the justice system” and he reiterated that physical aggression, taken to the extreme in a lynching, “is beyond the control and the framework of the indigenous legal system.” He emphasized, “Lynching is not included in their framework for justice. Instead, the system includes a trial, which is carried out in front of the community and serves as an example.”

Analysts believe that “the government has succumbed to a level of social decay never before seen, which has generated social turmoil and ungovernability throughout the country.”

Political Violence Increases

07.04.07 In the last several months, sixteen activists of the National Unity of Hope (UNE) political party have been assassinated, including congressional representatives, municipal coordinators, mayoral candidates, and party sympathizers. Most recently, Marvin Valdés León, the mayor of San Cristóbal Acasaguastlán, in the department of El Progreso, was murdered in Zacapa. Carlos Barrientos, 32, and Claudia Gloribet Buesso Chacón, 19, were shot and wounded. José Carlos Marroquín, UNE’s campaign manager, denounced the crime and demanded that authorities fully investigate the act.

Jaime Zapata, political operative of the Great National Alliance (GAN), the current party in power, was killed in Jalapa. According to witnesses, the victim was in a meeting with Alfonso Melgar, the chief of the Ministry of Agriculture and Livestock regional office, when two men arrived and shot at Zapata more than ten times. However, the attack did not injure Melgar. For this reason, Melgar

is considered suspect, since hired guns do not usually leave behind witnesses.

Mobs Lynch Suspected Criminals

07.05.07 A mob killed a man and beat two foreign women in Dolores, Petén, for allegedly kidnapping children. The mob then proceeded to destroy the local police outpost. Abelino Ramírez, police station chief, tried to mediate the situation, but sustained a gunshot wound, as did Moisés Cacao, a local resident. An angry mob of residents took German Noriega Madrid from the police station by force and then killed him. Mirna Hernández, a Honduran, and Morena Guadalupe Rivera, a Salvadoran, were beaten.

In the department of Quiché, three women and a man, accused of robbing stores, were handed over to the police in Chichicastenango after residents of the Camanchaj community whipped them twenty-five times and cut their hair as punishment.

Joint Patrols Have Not Reduced Crime

07.06.07 The joint patrols executed by three thousand military reservists, members of the Special Body of Reserves for Citizen Security (CERSC), and the National Civil Police (PNC) to reduce crime rates have not achieved the expected results. In the last fifteen months, the time that CERSC has been in operation, police records indicate that 7,246 people were murdered, while during the fifteen months prior to the functioning of CERSC, only 6,833 homicides were recorded. This means that the violence has actually increased by six percent under the joint patrol program.

Last year, the government increased military spending by Q126.4 million (US \$16.6 million) for the CERSC program, and in 2007, another Q100 million (US \$13.2 million) will be spent for the program.

Berger Criticized for Homicide Rate

07.07.07 Human Rights Ombudsman Sergio Morales stated that the government should not take pride in the homicide rate, when there are more than 5,000 murders per year. Morales made this statement in reaction to President Oscar Berger's comment that, thanks to the presence of soldiers in the streets, the homicide rate has held steady in relation to prior years. According to the president, the program is therefore successful.

Meanwhile, Mario Polanco, director of the

Mutual Support Group (GAM), said that the fact that the murder rate has remained the same is no reason for the government to feel triumphant. In reality, it shows the government's weakness. Polanco added that the president's comments frustrate people and create a greater sensation of vulnerability, since the violence continues and there is no attempt to implement a policy to combat the high level of violence.

Agrarian Platform Denounces Attacks

07.10.07 The organization, Agrarian Platform (PA), and its members have suffered several attacks in recent months. Armed men along Roosevelt highway illegally detained both Omar Ventura, a member of the Association of the Formation for Holistic Development, and Carol Puigarnau, a Spanish volunteer. Their vehicle was stolen while they were still in it, and later abandoned near the El Naranjo bridge in Guatemala City. At the same time, on July 6, Abisaías Gómez, of the Marquensian Coordination "Mother Earth Nan Tx' Otx", received a death threat from Fredy Rolando Alcántara, who was later detained by security forces.

In June, Amarildo Vásquez, from the Los Altos Mayan Peasant Coordination, was kidnapped and appeared three days later, unable to speak, and with a disfigured face. In addition, the PA offices were illegally raided. The organization has publicly denounced these acts of aggression against its members.

Social Cleansing Group Active in Quetzaltenango

07.11.07 A clandestine group that calls itself the Non-governmental Armed Forces (FANOG) made its first appearance in the municipality of Coatepeque, Quetzaltenango, causing concern among local residents. Via fliers, FANOG warned, "We have all the necessary information about how gangs and dangerous delinquents operate in the streets of our beloved village, collecting the famous war tax and extorting the people. We now have names, nicknames, residential addresses and hideouts of these parasites and today we bring a beautiful gift to all the damned societal garbage."

The communication continued, saying: "we beg all parents who know about and hide their sons and their crimes, to no longer support them because they will be given the same gift." The flyer ends with the phrase "For a Coatepeque free of pestilence, for a Guatemala in which the future brings the Promised

Land to our children. Our struggle is just, until we are victorious.”

Mario Polanco, director of the Mutual Support Group (GAM) expressed concern regarding the formation of this clandestine group, which, he affirms, is being led by former soldiers or former police officers, similar to the group called the “Southern Whip” (Látigo del Sur). Polanco urged authorities to investigate this case, since the group has threatened to kill all of the alleged delinquents, gang members, and their families.

Murders Show Signs of Torture and Coup de Grace

07.11.07 The bodies of two men were found along the Naranja Boulevard, in zone 4 of Mixco. Both bodies had been tied up and tortured and each had received a *coup de grace*. Earlier on July 8, in two different locations, the bodies of two more men were found, naked, with their faces wrapped in their shirts. One was found along the route from Las Charcas, in zone 11, that leads to zone 10 of Mixco, and the other body was discovered near Villa Canales. Some analysts have indicated that there are illegally armed groups that are attempting to draw attention away from the elections by carrying out acts of social cleansing.

Electoral Violence Increases

07.12.07 According to a report presented by Electoral Watch (ME), from May 2, 2006 to July 9, 2007 there have been fifty serious acts of political violence committed, forty-four of which have been directed towards political leaders and candidates, or during political events. Six were directed towards those who hold public office. The ME reported thirty-six fatalities, thirty-four killed with high caliber firearms or explosives, and two killed with knives, and sixteen individuals seriously wounded.

A report presented by Sergio Morales, the Human Rights Ombudsman (PDH), indicated that the current attacks against candidates or their political sympathizers are more serious than those that occurred during the 2003 electoral cycle, especially given the number of homicides. During the present electoral campaign, there have been sixty-one violent attacks registered, in which twenty-six individuals have been killed. According to the PDH, only sixteen murders were registered during the 2003 electoral campaign. The Public Prosecutor’s Office investigates only a third of registered cases.

The political parties that have been hardest hit include the National Union for Hope (UNE), with sixteen attacks against leaders; the Great National Alliance (GAN, the current party in power, and the Patriotic Party (PP) with nine attacks each; the Party for National Advancement (PAN), with six and the Guatemalan National Revolutionary Union (URNG), with five assassinations.

The presidential candidates for these parties demanded that security measures be increased in order to avoid more assassinations. Minister of the Interior Adela de Torrebiarte affirmed that the only thing that she could offer political parties was the investigation of all the cases, in collaboration with the Public Prosecutor’s office.

WOMEN’S RIGHTS

Women Attacked During Demonstration

07.03.07 Representatives of diverse Guatemalan civil society organizations, accompanied by a delegation of US women, were violently evicted by the Guatemalan police during a demonstration in front of a hotel where members of the International Olympic Committee (IOC) were staying. The demonstrators’ goal was to call international attention to the increased killings of women, also known as femicide, in Guatemala. During the manifestation, approximately fifty National Civil Police (PNC) officers used aggressive force and threats to evict the participants, despite the demonstrators asserting their right to leave the site peacefully.

The protesters stated that the eviction is part of an overall strategy by the State to repress actions taken by civil society. According to the participants, this kind of intimidation still occurs, along with illegal raids of non-governmental organizations and increased attacks against grassroots activists.

The demonstration leaders demanded that the government implement effective policies to eradicate violence against women and cases of femicide. Moreover, they asked that the government cease attacks against those who defend constitutional rights and repression against civil movements.

Because of this incident, the left wing political movement, URNG-MAIZ sent out a public announcement in solidarity with those who were attacked, stating, “In 2006, 455 women were violently killed and according to the Human Rights Ombudsman’s Office, another 238 cases have been

registered in the first five months of 2007. The majority of the cases include signs of torture and mutilation, done with great cruelty. The government recognizes the problem of femicide; nevertheless, nothing significant has been done to stop the deaths from happening.” URNG-MAIZ explained further that, “This is why organizations that have been victimized, and those that are struggling against this scourge hold the government responsible for acts of omission and for not fulfilling their constitutional duty.”

Women Unable to Access Justice System

07.09.07 In Salamá, Baja Verapaz, the Office for the Defense of Indigenous Women (DEMI) presented its second report on “Indigenous Women’s Access to the Official Justice System in Guatemala.” The report stated that seven out of ten cases presented to justice officials are for domestic violence against women; nevertheless, the victimizers are not prosecuted by the Public Prosecutor’s (MP) Office or by the judicial system. The report also highlighted the failing of the justice system to act against institutional discrimination and the refusal by fathers to provide child support.

Ana Rutilia Icaal Choc, a member of DEMI, explained that when the crime is reported, court officials do not open cases but instead try to pressure women to “obey their husbands and show them respect.” Women end up accepting reconciliation with their partner out of fear and due to the indifference of the justice system.

CHILDREN’S RIGHTS

Community Reacts to Alleged Child Theft

07.02.07 A turbulent group of residents from the different villages in the municipality of Cunén, Quiché set fire to local police headquarters and a local power plant, when their attempts to lynch an alleged child thief were thwarted. Some 3,500 inhabitants participated in the riots. The alleged thief, identified as Juan Maldonado, 18, sought refuge in the municipal offices, which were also almost destroyed by the mob.

The enraged group destroyed and then burned Edna Reina’s home. Reina allegedly paid Maldonado and two accomplices Q25,000 (US \$3,290) for the “sale” of a child, who was rescued by the same mob and returned to his parents. Meanwhile, the alleged thief was tied up, whipped by his own father, and

then turned over to local security forces.

The increase in child theft has alarmed inhabitants and has put authorities on alert. They believe that foreigners are illegally adopting the kidnapped minors. Nidia Aguilar, director of Child and Youth Protection Services of the Human Rights Ombudsman’s (PDH) Office revealed that her office has registered 230 cases of child theft in the first six months of 2007.

Congressman Pushes for Adoption Law

07.05.07 Congressional representative Jorge Luis Ortega, former president of the Child and Family Legislative Commission, urged the immediate approval of a bill that would regulate adoptions, in order to stop the theft of minors. Ortega stated that while the Hague Convention for Adoptions will take effect on December 31, it is necessary to approve norms now, since lawyers who practice the illegal adoption of minors are taking advantage of the time left before the convention takes effect in order to make as much money as possible.

The Human Rights Ombudsman Office (PDH) estimates that mafias are responsible in the majority of the cases, and they sell children through irregular transactions. In the last four months, police have detained fifteen women accused of child theft. All of them have been set free after posting bond, set at Q5,000 (US \$658).

LABOR RIGHTS

Guatemala Violates Freedom of Association

07.14.07 The Evaluation Commission of the International Labor Organization (ILO) determined that Guatemala is one of the leading three countries in Latin America that violates Conventions 87 and 98, which relate to the freedom of association and collective bargaining. Beatriz de León, former president of the Supreme Court, represented the Guatemalan justice sector in the Commission’s annual meeting. Alexánder Godínez, the ILO project coordinator to strengthen Labor Justice in the region, stated that a high level mission will visit Guatemala in 2008 to review the guarantees for labor unions and to decide whether or not to condemn Guatemala for its labor conditions.

LAND RIGHTS

Center for Agrarian Arbitration Inaugurated

07.09.07 The Center for Agrarian Arbitration was recently inaugurated. The Center's objective is to expedite land conflict resolutions. The Presidential Secretariat for Agrarian Matters will coordinate this Center. Cases will be accepted if both parties to the conflict ask for arbitration. Analysts have stated that this will limit the effective function of arbitration.

In recent months, social organizations worked to create an Agrarian Code that includes mechanisms to address land conflicts. They took into account all the relevant players, since current legislation excludes campesinos, indigenous groups, and small agricultural producers.

MIGRANT RIGHTS

Record Number of Deportations in June

07.11.07 A record number of Guatemalans were deported from the United States in June, according to the Guatemalan Vice Minister of Foreign Relations, Marta Altolaquire. There was a fifty-nine percent increase over May, with 2,644 deported, according to statistics provided by the Guatemalan Migration Office. The causes include the security policies that the US government has implemented.

SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

Bilingual Education Takes a Blow

07.02.07 The National Permanent Commission for Educational Reform (CNPRE), created within the framework of the Peace Accords, denounced that the Coordination for Intercultural, Bilingual Education (DIGEBI) closely linked to indigenous populations, is struggling to survive. The Ministry of Education (MINEDUC) has vetoed DIGEBI's ability to make their own decisions and to have independent financial resources. This has made it difficult for them to take political, technical, and administrative action. Due to these changes, DIGEBI will no longer train bilingual and intercultural teachers.

CNPRE denounced that such measures demonstrate once again that the State has violated both national and international legislation and impedes the educational reform processes outlined in the Peace Accords. Those processes strive for

equality, equity, and educational priority. The group urged the Guatemalan government and MINEDUC to immediately suspend the political and administrative measures taken against DIGEBI and to fulfill what was established in Agreement 169 of the International Labor Organization (ILO), in Article 7. CNPRE called on all national and international, social organizations to study the intentions of MINEDUC and to make public their rejection of "this new attempt against life and development of our Mayan and Garifuna brothers and sisters."

Hospital Lacks Water for Over a Month

07.05.07 In the Ixcán region of the department of Quiché, the local hospital has lacked running water since May 25. Health officials are forced to use barrels to cart in water. Patients bathe using buckets of cold water. Surgical equipment is disinfected by adding drops of bleach to a pressure cooker, since there is no autoclave for proper sterilization. Workers wash hospital bedding by hand on the riverbank of the Chixoy River. Despite the hospital containing thirty-five beds and performing select surgeries like other departmental hospitals, the Ixcán hospital is classified as a type "A" health center, and therefore, does not have its own budget.

The hospital is set up in the area's former military base and offers services to more than 83,000 residents. Of a total Q13 million (US \$1.7 million) budget, Q6 million (US \$805,370) is dedicated to keeping the doors open while the remainder is appropriated for supplies. Last year, the center attended to 25,000 patients.

NGOs Warn of Hospital Crisis

07.08.07 The Social Organization Collective (COS) alerted that the Guatemalan health system faces an "imminent hospital crisis" because hospitals lack sufficient economic resources to meet their costs. Hospitals in Escuintla, Mazatenango, Retalhuleu, Jutiapa, and Quetzaltenango have been placed on a list of 13 institutions that are bound to face a crisis since they will have already spent eighty percent of their yearly budget at the end of July. Among those listed are the Roosevelt Hospital and the San Juan de Dios Hospital in Guatemala City.

Cost of Living Increases

07.10.07 The cost of living for families has increased 5.64% during the month of June, due to

price increases in food, drinks, and rent, according to the Consumer Price List. The National Statistics Institute (INE), which creates the List each month, reported that the food cost for an average family rose by Q85.48 (US \$11.25) in June, and now the total cost per month is Q1,600.67 (US \$210.61). The overall increase to cover just the basic needs and staples was Q156 (US \$20.52).

Price increases for food staples have negatively affected the basic cost of living, according to INE. Corn and tortilla prices also rose 2.75% and 2.88%, respectively. At the same time, the price of imported corn flour rose 5.83%. In terms of household expenses, propane gas prices jumped the most, with an increase of 5.34%.

RIGHT TO JUSTICE

International Community Pushes for CICIG

07.13.07 Several international institutions, leaders, and civil society organizations have publicly encouraged the Guatemalan Congress to approve the establishment of the International Commission Against Impunity in Guatemala (CICIG).

Myrna Mack Foundation analysts reported that there is ample evidence for the need to implement the CICIG. They commented that the Guatemalan government has been unable to effectively respond to the problems of violence and criminal activity through their own intelligence activities, political investigations, and criminal prosecutions. They asserted that the government's failure to address these issues has allowed certain problems to flourish, such as organized crime, drug trade, and corruption.

Analysts argue that criminal groups penetrate and corrupt State institutions and they affirm that even though the Public Prosecutor's (MP) Office is responsible for investigating and prosecuting crimes, there is no legal impediment for other entities, such as the CICIG, to collaborate in evidence gathering and the investigations.

Amnesty International (AI) also stated that it is urgent for the Guatemalan Congress to ratify the establishment of the CICIG if the government wants to address the problem of clandestine criminal groups. "The existence of, and operations by, clandestine groups seriously discredits the respect for the Rule of Law and certain fundamental guarantees," Sebastián Elgueta, AI researcher, emphasized.

The Secretary General of the United Nations, Ban Ki-moon, issued a written statement on July 3, saying that he hopes that, "...Guatemala takes advantage of the opportunity to use international assistance to strengthen its judicial institutions in the fight against impunity, and in a manner that respects Guatemalan sovereignty."

In a joint statement, Ambassadors of the European Union urged Guatemalan legislators to ratify the bill to create the CICIG. They also expressed concern for the electoral violence and levels of impunity, especially regarding violence towards human rights activists, and asked that they be extended governmental protection.

On the opposite side of the CICIG debate, Efraín Ríos Montt, general secretary of the Guatemalan Republican Front (FRG) political party, proposed renegotiating the agreement that would create the CICIG. Instead of an international commission, "...there should be an office dependent on the Presidency, the Public Prosecutor or the Ministry of the Interior, to avoid the creation of a fourth entity," Ríos Montt said. In an extraordinary session, members of the FRG and the National Union for Change (UCN), despite having only twelve members present of the total forty-one congressional representatives between the two parties, were able to block the attempt by the majority to approve the CICIG and send the bill to the Human Rights Commission.

PDH Advocates for Witness Protection

07.09.07 The Supreme Court heard arguments from the Human Rights Ombudsman's (PDH) Office advocating for the formation of a commission to establish a new witness protection law. María Eugenia Morales de Sierra, the adjunct Human Rights Ombudsman, stated, "We are aware that the victims often do not want to collaborate because their lives are threatened, and there is no program that guarantees them protection. This is why we are asking that this commission be established."

LEGAL CASE UPDATES

Update on Assassinated Salvadoran Parliamentarians

07.11.07 In a July 6, interview with the *Los Angeles Times*, an FBI investigator, whose name

has been withheld, asserted that Guatemalan authorities have impeded the investigation of the assassination of the three Salvadoran representatives to the Central America Parliament (PARLACEN) and their driver.

Álvaro Matus, from the Public Prosecutor's Homicide Division, denied the accusations and stated that the Attorney General and the Salvadoran lawyers asked for the FBI's presence. David Young, from the US Embassy's Press Office in Guatemala, indicated that "the US functionaries who have participated in the investigation have had an excellent level of cooperation from the Guatemalan government...the article published by the *Los Angeles Times* attributes this statement to a Central American intelligence officer and not the FBI, as several media sources have reported".

For Attorney General Juan Luis Florido, the case has been "clearly resolved". In the many reports that the Attorney General's Office has presented to the public, no motive has been offered and the intellectual authors are unknown. Nevertheless, this is a crime in which several members of the police were involved.

Florido's Salvadoran equivalent, Felix Garried Safie, said he was in agreement with the investigation process, and indicated that the investigation of the material authors has concluded, but not the investigation to determine the whereabouts of the intellectual authors.

Human Rights Ombudsman Sergio Morales stated that until there are condemnations of both the material and intellectual authors of the crime, and until there is a clear motive established for the assassination of the three Salvadoran parliamentarians and their chauffeur, it cannot be reported that the crime has been resolved or that the case closed, as Florido had stated on July 11. Morales commented that it is possible that the Guatemalan officials have moved forward in their hypotheses, but that does not mean that the case is resolved.

RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

Plan Implemented to Protect Water Reservoir

07.02.07 Four municipalities in Chiquimula and three in Jutiapa signed an agreement with eight Salvadoran and five Honduran municipalities to

form the Trinational Unified Community of the Upper Lempa River Basin, in order to protect the river basin and promote sustainable development in the region.

Julio Lima, mayor of Esquipulas, stated that one of the priorities is to protect the water reserve on the mountain known as the "Macizo de Montecristo", located between Esquipulas and Concepción Las Minas since it is a cloud forest that has remained intact since the Pleistocene era and it feeds the Lempa River. The project had the support of all three national governments through the Trinational Commission, as well as the support of international organizations such as the Spanish Cooperation.

Employees Sue US Banana Companies

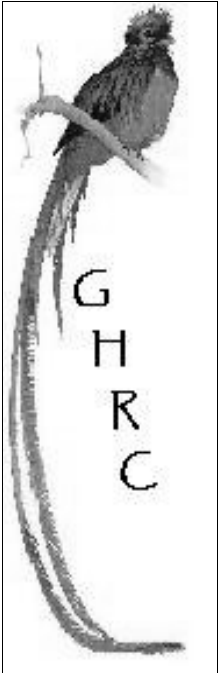
07.10.07 Some 5,000 employees from Guatemala, Honduras, Nicaragua, Costa Rica, and Panama presented five lawsuits in the United States against Dole Fresh Fruit Co. and Standard Fruit Co. The employees accuse these companies of lying about the toxic effects of the DBCP pesticide that they have been obliged to use since the 1970s. This pesticide, which destroys parasites affecting banana plants, has caused workers to become sterile. Dow Chemical Co. and Amvac Chemical Corp., the manufacturers of DBCP, "actively suppressed information about the toxicity of DBCP" as stated in the complaint.

OTHER INFORMATION

Disturbances During National Army Day

07.12.07 During the celebrations for the 136th Anniversary of the Guatemalan army, several disturbances were registered between security forces and families of victims of the armed conflict. Some 200 youth, mostly children of war victims as well as human rights activists, demanded that the army be punished for the abuses that were committed during the civil war.

Shouting "Assassins, assassins", demonstrators threw bottles of red paint, simulating blood, on cadets. A few minutes later, authorities responded with tear gas and by beating back the crowd. After the first confrontation, one group tried again to stop the military parade, but was stopped by the soldiers' family members, who beat them with belts and fists. There were no arrests made during the confrontations.



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.

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Insert: Action Alert – Ask Senate to Help End Killings of Women in Guatemala