Guatemala Human Rights UPDATE

Guatemala Human Rights Commission/USA

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RIGHT TO LIFE AND HUMANE TREATMENT

Candidate Renounces Following Threats

07.18.07 Tulio Haroldo Guevara, congressional candidate for the Democratic Union (UD) in Sacatepéquez, renounced his candidacy after receiving numerous death threats. Guevara is one of several in Sacatepéquez who have abandoned their candidacies. Others include Gloria Hernández, member of the Guatemalan Christian Democrats; Francisco Padilla, of the Grand National Alliance (GANA); and Florecita Cobián, of the National Union of Hope (UNE).

Human Rights Defenders Face More Attacks

07.18.07 The Human Rights Defenders Protection Unit (UPDDH) published "The Situation of Human Rights Defenders: Preliminary Report, January-June 2007." The report registered 136 attacks against human rights defenders and organizations compared to 121 attacks during the first half of 2006. The most common forms of aggressions against activists in 2007 included written threats, threatening phone calls, acts of intimidation, and illegal break-ins. Twelve groups suffered break-ins, including five international organizations. Seventy-nine attacks occurred in the department of Guatemala, while ten took place in each of the departments of Petén and Quetzaltenango, followed by the departments of Baja Verapaz and Sacatepéquez, with eight The number of attacks against incidents each. international organizations in Guatemala increased in May and June. Project Counseling, Action Aid, and the International Alliance for the Consolidation of Peace were among those broken into. attacks affected those that defend truth, justice, and the environment.

Forensic Training on Torture Given

07.29.07 The Justice Department's (OJ) forensic doctors met to share their experiences regarding the best practices on how to examine tortured bodies and observe international protocols in such cases. Mary Luz Morales, a forensic pathologist from Colombia's National Institute for Legal Medicine and Forensic Sciences, discussed ways to complete forensic exams in accordance with the Istanbul and Minnesota protocols. Morales said many cases of torture are hard to identify since cadavers are examined quickly and under poor conditions. addition, many unidentified bodies are already decomposed, making it almost impossible to recognize signs of torture. Miriam Ovalle de Monroy, director of the National Institute of Forensic Sciences (INACIF), indicated that morgues must be better administrated, with systems in place for quality control and supervision.

WOMEN'S RIGHTS

306 Women and Girls Killed Since January

07.27.07 During the first seven months of 2007, 271 women and thirty-five girls were violently killed, to the Congressional according Women's Commission. Nevertheless, authorities have only arrested twelve suspects, and have only obtained convictions in two cases. According to police authorities, eighteen percent of the murders were gang related, while thirteen percent were drug related, eight percent were to settle personal scores, six percent were linked to personal problems, and five percent were connected to acts of vengeance. However, motives had not been established in forty percent of the murders. The majority of the murders occurred in urban areas within and surrounding Guatemala City, followed by killings recorded in the departments of Chiquimula, Escuintla, Petén, Jalapa, Huehuetenango, San Marcos, and Jutiapa. Murders have also been registered in Sacatepéquez, Zacapa, Sololá, and Retalhuleu, according to the Commission's report. Congresswoman Nineth Montenegro, who presides over the Commission, emphasized that the impunity in these cases contributes to the lack of credibility that Guatemala's justice system suffers. She added that it is vital that they receive adequate funding, have better inter-institutional coordination, and end impunity.

The Women's Defense Section of the Human Rights Ombudsman's (PDH) Office urged authorities to investigate the murders of women. Ana Gladis Ollas, of the PDH, stated that neither the Public Prosecutor's (MP) Office nor the Ministry of the Interior have implemented the mechanisms necessary to investigate these crimes, and thus the cases remain in impunity. She explained that when a woman goes to the MP's Office to denounce domestic violence, she is not attended to the majority of the time or her case is not investigated until it is too late.

Women's Political Participation Promoted

07.16.07 The National Union of Guatemalan Women and the San Carlos University's Women's Institute launched a joint campaign called, "I Decide: More Women In Public Offices," to promote women's participation as voters and candidates in the September general elections. Project participants confirm that women's participation has increased in the last few years; nevertheless, they believe that still not enough women are involved. Of the 158 Congressional seats, women currently fill only fourteen. The campaign hopes to improve the quality of women's level of participation in order to promote a truly representative, democratic, and inclusive State.

CHILDREN'S RIGHTS

Locals Lynch Alleged Child Thief

07.20.07 Five hundred residents of Sayaxché, Petén, lynched Manuel Leopoldo Saguén, 40, an alleged child thief. They also detained and punished his wife, Luz Aracely Max Muz, 35. The mob then took over and occupied the municipal building, a ferry, and the local military barracks by force, to pressure

authorities into combating child kidnapping. Mayor Luis Navarijo Estrada's whereabouts were unknown. Residents planned to confront him regarding allegations that his office had falsified birth certificates so that children can be given up for foreign adoptions. After three days of disturbances, authorities freed four residents accused of participating in the incident. In exchange, the community released eleven police officers held hostage.

Guatemala Ranks No. 1 in Child Malnutrition

07.21.07 According to UNICEF, Guatemala ranks number one in the Americas, and sixth place in the world, for chronic malnutrition among children under age five. Guatemalan authorities propose to reduce malnutrition rates from forty-nine to twenty-five percent by 2015. This year, the World Food Program has designated US \$384,616 in order to buy 720 metric tons of corn and eighty metric tons of vegetable oil to be distributed among 11,185 families in eleven departments, including Quetzaltenango, Escuintla, and Retalhuleu.

Child Trafficking on the Rise

07.23.07 The organization End Child Prostitution, Pornography and Trafficking (ECPAT) reported that in Tapachula, Chiapas, there are 1,552 bars and brothels with 21,000 victims of child trafficking. Fifty-eight percent of the affected minors are Guatemalans, and the rest are from Honduras, Nicaragua, and El Salvador. Along the Guatemalan-Mexican border, girls between the ages of eight and fourteen are sold for US \$100 to \$200. Forty-five percent of the minors targeted by these networks were sexually abused prior to the age of twelve. In the first half of 2007, the number of reported cases has already surpassed the total number of cases in 2006. Guatemalan law does not include drastic sanctions for these crimes. Those who are arrested for child trafficking are usually released after posting bail.

Guatemala Considered "Child Producer"

07.27.07 "Guatemala is considered to be a 'child producer' for foreign adoptions," stated Laura Martínez-Mora, head of a Hague delegation visiting Guatemala. "This is a critical situation because there are no laws that regulate this process,"

Martínez added. She insisted that an integrated system must be put in place to protect children and offer help for at risk families, so that international adoption will only be used as a last resort. Hague experts asked Congress to make sure that the Adoption Law, ratified during the second debate, makes the stealing and selling of children punishable offenses under the law. Under current Guatemalan legislation, these acts are not classified as crimes. According to the General Ombudsman's Office (PGN), currently in charge of approving all adoptions, 4,496 adoptions were authorized in 2006, a ten percent increase over 2005.

Victims of Sexual Abuse Become Teen Mothers

07.28.07 Many minors have become teen mothers as a result of sexual abuse and rape. Covenant House, a non-governmental organization dedicated to protecting the rights of Guatemalan children and youth, is extremely worried about this situation. Recent examples include the following: Ana, 12, was raped by a candy vendor and as a result, is now mother to a three-month-old. Lucrecia was abused by her stepfather when she was eleven and now she is the mother of a nine-month-old. Mónica was repeatedly abused by her stepfather and his father. She became pregnant when she was ten, suffered a miscarriage, and now at age eleven, Mónica is pregnant again.

Covenant House insists that the Guatemalan government does not guarantee the respect for the rights of this vulnerable group. On the contrary, this forgotten sector continues to fall victim to adults who cause them irreparable harm. Covenant House expected this problem to be addressed by the Law for Integrated Protection. Nevertheless, no funds have been allocated to reinforce this law.

LAND RIGHTS

Settlers Ask for Land Titles

07.18.07 Over five hundred occupants of Guatemala City squatter settlements met with Rubén Darío Morales, the president of Congress, to ask that the Law for the Adjudication of State Owned Property be reformed to include individuals who occupied State or municipal lands since 2004 and 2005. Recently, the Congress approved a law to extend titles to people who occupied State or municipal lands up until 2003, but the law excludes those who

have occupied lands after that date. The squatters are looking to legalize their situation and obtain deeds to the public land that they have squatted on since 2004 and 2005.

INDIGENOUS RIGHTS

Commission Created to Define Sacred Sites

07.18.07 Guatemalan President Óscar Berger approved the creation of the Commission to Define Sacred Sites, as a part of the Presidential Secretariat for Peace (SEPAZ). The goal of this Commission is to define sacred sites where indigenous spiritual rituals are traditionally performed in order to guarantee their preservation. Governmental representatives, members of indigenous organizations, and spiritual guides will form the Commission.

Indigenous Women Are Still Vulnerable

07.19.07 Indigenous women continue to be vulnerable to a number of problems in Guatemala, according to María Teresa Zapeta, head of the Office for the Defense of Indigenous Women (DEMI). Despite efforts to ameliorate this, poverty, illiteracy, and maternal mortality rates have all worsened for indigenous women. She added that this sector does not have equal access to essential public services such as health, education, and justice, since services are rarely accessible in their maternal languages.

Zapeta did confirm that indigenous women's participation in politics and civil society has increased despite their vulnerability. She noted that women in rural areas have become more involved in different departmental institutions. They have organized and worked to be elected to important posts and involved in development projects. In addition, she added that in areas where DEMI has representation, reports of domestic violence have increased because women are more empowered to denounce their partner's aggression.

CAMPESINO RIGHTS

Campesinos Face Poor Work Conditions

07.15.07 In a recent report, the General Center for Workers (CGTG) exposed the deplorable labor conditions that agricultural workers endure. The report detailed mass firings, underpayment, and withholding of benefits as some of the principle

grievances. The official minimum wage in the agricultural sector is Q 44.58 (US \$5.98) per day. However, most workers only receive Q 8 (US \$1.07) per day, depending on their productivity levels. The CGTG plans to meet with campesino organizations and to carry out political and international legal actions, including denouncing the situation before the International Labor Organization (ILO).

Food Production Losing Ground

07.18.07 The National Coordination of Campesino Organizations (CNOC) indicated that Guatemalan campesino families might suffer a considerable increase in malnutrition this year. According to CNOC, food production is losing priority to export crops in certain areas, especially along the southern coast and in the department of Petén where corn crops are being replaced by sugar cane and African palm. CNOC's Aniceto Montiel indicated that the government is not interested in subsidizing national food production, but rather in increasing US imports that enjoy duty-free tax privileges in Guatemala, despite US products costing more than local goods.

MIGRANT RIGHTS

"Coyotes" Use New Routes

07.20.07 Tightened security measures along the border between the United States and Mexico are forcing "coyotes" (human traffickers) and their Central American and Mexican migrants to use less patrolled, but more dangerous, routes into the US. Los Angeles newspaper La Opinión reported that so far this year, 210 migrants have died while crossing into the US, according to statistics provided by the Mexican National Immigration Institute. Eighty-four of the cadavers have not yet been identified. They died along the new routes: in the desert of Tucson, Arizona: on the El Paso and Laredo borders: and in Houston and McAllen on the Texas side. Guatemalan Vice Minister of Foreign Relations, Marta Altolaguirre, indicated that 136 Guatemalans have died while migrating to the United States so far this year. This figure surpasses the 109 deaths last year and the eighty-four deaths registered in 2005. She added that most deaths occurred after arriving in the US, although some died while still in Mexico.

Remittances Increase Despite Deportations

07.24.07 Despite increases in deportations from the

United States, Guatemalans are sending more remittances home to their families. Statistics from the Bank of Guatemala show that in the first half of 2007, remittances reached US \$1.969 billion, which is US \$248.7 million more than the first semester of 2006. According to the International Immigration Organization, more than 40,000 Guatemalans migrate towards the US each year, and almost half of them arrive.

SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

Hurricane Stan Victims Still in Shelters

07.16.07 Twenty-one months after Hurricane Stan ripped through Guatemala in early October 2005, three hundred of the nine hundred families affected in the village of Panabaj, in Santiago Atitlán, Sololá are still living in temporary shelters. In March 2006, President Oscar Berger declared Panabaj, a "model of reconstruction." However, in May 2006, the construction of the first two hundred houses was suspended after the National Coordination for Disaster Reduction (CONRED) declared the zone uninhabitable. After months of negotiation, CONRED and the Commission for Reconstruction of Santiago Atitlán reached an agreement and purchased the land where seventyfive of the houses were finished. Nevertheless, families are forced to collaborate by donating their manual labor and finding gravel to mix with concrete. However, families claim that this is too much to ask since they also need to work to sustain their families. Until the problem is resolved, the three hundred families remain living in shelters built out of wood, plastic sheets, and tin. Each room measures 3x6 meters, roughly 160 sq. ft.

Returnees Receive No Municipal Support

07.16.07 Seven thousand residents from fourteen communities in Santa Cruz Barrillas, Huehuetenango that resettled in the area after fleeing the military repression of the 1980s have not had their lands legalized nor are they recognized by municipal authorities, though ten years have passed since their return. The Municipality of Santa Cruz Barrillas refuses to extend birth certificates to the children of returned refugees, or returnees, under their jurisdiction. Returnees have been forced to travel to the civil registry office in Playa Grande,

Ixcán, Quiché. The majority of returnees live in precarious conditions without electricity, running water, or latrines. The overwhelming majority are campesinos, but the roads are in poor conditions and do not allow for the commercialization of their goods. Authorities in Barillas and Playa Grande plan to meet with the staff from the Presidential Secretariat for Agrarian Concerns to try to work out a solution.

Guatemala Invests Least in Social Services

07.20.07 Guatemala invests the least in social development compared to other Central American countries, according to "Financial Policies in the Crossroads: the Case of Central America," a report issued by the Central American Institute of Fiscal Studies (ICEFI). The report reveals that, according to 2005 estimates, Guatemala invests just 10.2% of its Gross National Product (GNP) in public social spending. This is the lowest in the region. The data collected took into account spending on housing, health care, culture and recreation, education and social safety nets. In comparison, Costa Rica invests 17.5% of its GNP; Panamá, 17.3%; Nicaragua, 14.3%; Honduras, 13.1%; and El Salvador, 11.7%.

Guatemala Facing Hospital Crisis

07.20.07 After visiting Roosevelt Hospital in Guatemala City, Human Rights Ombudsman Sergio Morales confirmed that Guatemala is facing a hospital crisis. The Ombudsman's (PDH) Office monitors forty-seven health centers throughout the country. Morales stated that Roosevelt Hospital only has enough money to keep its doors open until September, and he added that the situation could be even worse for other hospitals. For several days, the Roosevelt Hospital has lacked running water. This has resulted in between seventy-five and ninety-five surgeries per day being cancelled. Despite this, President Oscar Berger recently made public assurances that all is well in the public hospitals.

Groups Make Education Recommendations

07.27.07 Four different national and international entities presented their research findings on Guatemala's education system and ways to improve educational outreach to assure that more than two million children and youth, between the ages of four and seventeen, attend school. The Central American Institute of Fiscal Studies (ICEF) reported that the annual education budget would need to be increased

to US \$1.2 billion in 2008, and arrive at US \$2.75 billion by 2021, in order to properly reform the education system. The Guatemalan government would need to budget more than four percent of the GNP towards education, an annual increase of between 1.6% and 1.7%. According to their research, this increase in allocating resources for education would serve to compensate the negative effects of poverty and child labor.

The Central American Commission Educational Reform suggested that teacher education be improved through an innovative incentive system that would award teachers whose students obtain positive results. The US AID along with Program, Dialogue for Social Investment in Guatemala, suggested that spending be increased in the rural areas, and that adult and youth literacy programs be reinforced. Research done by these groups on a municipal level indicated that the education system in rural areas needs to be reinforced.

Corn and Petroleum: External Inflationary Factors

07.30.07 Corn and petroleum are the two major external inflationary factors affecting Guatemala's economy. forcing higher prices for goods throughout the country, according to the Bank of Guatemala. Corn used to produce ethanol in México and the US has caused national corn prices to increase despite international prices falling, according to the United Nation's Food and Agriculture Organization (FAO). The local increase in the prices for corn and corn products, like corn flour and corn tortillas, is reflected in July's Consumer Price Index, which reported a negative impact on consumers. This is because local food industries have been hardest hit by the price hike due to the fact that they import large quantities of yellow corn to manufacture snacks and pet food.

Petroleum prices are also on the rise. The price at the end of July was US \$77.02 per barrel, the highest so far in 2007. On July 19, a barrel of crude oil had increased 8.25% (at US \$73.10 per barrel) over the average price in June (US \$67.53).

RIGHT TO JUSTICE

Murders of Bus Drivers Remain Unsolved

07.18.07 Thirty-four urban bus drivers and their assistants have been killed so far in 2007. Of those,

sixteen were murdered in rural areas and the rest in Guatemala City. The Public Prosecutor's (MP) Homicide Division still has no results from their investigations of these cases. Human Rights Ombudsman Sergio Morales criticized this lack of results. Morales commented that all crimes are unfortunate, but the worst are those that go unpunished.

Disappearance of Priest Investigated

07.26.07 The Mutual Support Group (GAM) petitioned the Supreme Court in a public hearing to order the investigation of the disappearance of Belgian priest Sergio Berten, which occurred during the armed conflict. Berten came to Guatemala when he was twenty-three years old in order to train local leaders in Santa Lucía Cotzumalguapa. Members of the army captured him along with two others. In the hearing, GAM requested that the Human Rights Ombudsman's (PDH) Office carry out a special investigation to locate Berten's remains and uncover those responsible for his disappearance. Judges on the panel ruled in favor of the petition and ordered the PDH to carry out this mandate. Plaintiffs in the case denounced that "the State never assumed any responsibility for these types of disappearances," and added that this case is also being heard in Belgian Among those to be investigated is former courts. military dictator Fernando Romeo Lucas García, as well as those officers in his chain of command, including Benedicto Lucas, many of who are still alive.

Update on Assassinations of Salvadorans

07.30.07 After five months as a fugitive, former police officer Carlos Humberto Orellana Aroche was captured in La Libertad, Petén. He is a suspect in the assassination of three Salvadoran parliamentarians to the Central American Parliament (PARLACEN) and their driver. According to the investigation, Orellana allegedly participated in the planning and execution of the crime. He was a member of the National Civil Police's Crime Investigation Division (DINC), and had been hiding in a relative's home since his arrest warrant was issued in February 2007.

According to Ministry of the Interior investigators, the alleged suspects made 307 phone calls that connect them to the crime. In addition, it was revealed that independent Congressman, Manuel Castillo, was also in contact with the suspects. The suspects allegedly made phone calls to eight different

Salvadoran telephone numbers before and after the crime was committed. One investigator confirmed that a call analysis had been completed and that it had been passed onto the Public Prosecutor's (MP) Office. A member of the MP stated that the call analysis will serve as court evidence and was to be shared with the FBI regional director.

Controversy Surrounds CICIG

07.31.07 On July 18, the Guatemalan Republican Front (FRG) political party, in alliance with the National Union of Hope (UNE), the National Party for Advancement (PAN) and smaller political parties, convinced the Guatemalan Congress' Foreign Relations Commission to block the ratification of the creation of the International Commission Against Impunity in Guatemala (CICIG). This fueled controversy since the decision regarding the CICIG's ratification was to be made during a plenary session of Congress, and not by the Commission.

Leaders of UNE were questioned since their presidential candidate Álvaro Colom made public assurances that his party would support the creation of the CICIG. Nevertheless, some members of UNE voted against it. The FRG remained firm in its position against the CICIG and instead, proposed the creation of a national commission made up of the Public Defender's Office, the Supreme Court and the Public Prosecutor's Office.

The Foreign Relations Commission justified its ruling, stating that the creation of the CICIG violated Guatemala's sovereignty, despite the fact that the Constitutional Court (CC) recently ruled that the CICIG did not violate the constitution. Human Rights Ombudsman Sergio Morales emphasized that the CC's ruling on the constitutionality of the CICIG was binding for all public employees, including members of Congress. Morales added that the failing to implement the CICIG might cause foreign aid to be withdrawn from Guatemala.

In effect, Thomas Shannon, assistant Secretary of State for Western Hemisphere Affairs, affirmed that by ratifying the CICIG, there would be "more" possibilities for cooperation with the US, since the international community is very interested in the CICIG. Senator Patrick Leahy (VT-D) stated that it would be hard to provide support to Guatemala for

any regional security initiatives unless the CICIG is approved and supported.

Human rights activists saw this block as another tactic to protect current criminal entities. Several spokespeople from the Convergence for Human Rights, a coalition of seven national human rights groups, including the Myrna Mack Foundation, the Women's Sector, and the National Coordination of Campesino Organizations (CNOC), spoke out against the Foreign Relation Commission's decision to reject the CICIG.

Nevertheless, a week later, the Guatemalan Foreign Relations Congressional Commission's decision against the CICIG was declared invalid after Luis Velásquez, a member of the UNE, changed his vote. For the rejection of the CICIG to be binding, the Commission needed to secure at least eleven of the twenty-one Commission members' votes. With the switch by Luis Velásquez, it opened the door for the entire Congress to vote on the implementation of the CICIG. As a result, Rubén Darío Morales Véliz, the president of Congress, called on the congressional representatives to attend a plenary session on August 1, so that there would be a quorum to vote on the CICIG bill. Morales Véliz stated that the bill had three different fates. It could be approved as a matter of national urgency if it obtained 105 votes in favor, passed on to another commission with eighty votes in favor, or not approved at all.

The UN-led CICIG would have an initial two-year life span and attempt to determine the nature, structure, and modus operandi of clandestine groups and organized crime rings. Moreover, the CICIG aims to dismantle those illegal armed groups' supporting structures, bring the participants to justice, and prevent future attacks on human rights defenders and the society at large. Currently, clandestine groups and organized crime rings remain out of reach of the long arm of the law due to their infiltration into the State apparatus, corruption, and fear.

LEGAL CASE UPDATES

Military Documents Declassified

07.21.07 The First Court of Appeals in Guatemala ordered decades-old military plans declassified,

thereby denying a motion filed by former dictator Efraín Ríos Montt's attorneys to keep the documents secret due to national security. According to the presiding judge, the military documents would not compromise national security because they detailed information on activities that had already taken place. The Ministry of Defense must now turn over certified copies of those plans that, according to human rights activists, detail massacres that the army committed against indigenous communities. The Ministry of Defense must hand over the documents to the Second Court of the First Criminal Tribunal, the court in charge of trying the cases of genocide against Ríos Montt and his military high command. The documents allegedly contain information on Plan Victoria, Plan Sofia, Plan Firmeza, and Operation Ixil, massacres that were executed during the 1980s.

Human rights organizations in the country celebrated this historic ruling, even though they fear that the army will destroy the documents before they reach public light. Carmen Aída Ibarra, of the Myrna Mack Foundation, said that this ruling breaks away from the State's usual practice of using the "State Secret" label to hide their actions, including financial ones. Eduardo León, of the Rigoberta Menchú Foundation, commented that this decision gives hope to the victims that the truth about the massacres will be discovered. For the Center for Human Rights Legal Action (CALDH), who is providing legal counsel to the victims of these massacres, this ruling further breaks down the wall of impunity that the army has upheld.

RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

Communities Reject Mining

07.18.07 Residents of Santa Cruz Barillas, Huehuetenango handed in the results of a referendum they held on mining to the Guatemalan Congress and other State institutions. The referendum was held on June 23 with 46,490 community members participating. The results show that nine people voted in favor of opening the area up to mining, while 46,481 residents voted against it.

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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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