

# Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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## RIGHT TO LIFE AND HUMANE TREATMENT

### **Mob Paranoia Leads to Rioting**

08.01.07 Villagers from communities in Fray Bartolomé de las Casas, Alta Verapaz, angrily pursued a group of twenty-one alleged child kidnappers. Five vehicles were burned by the mob, including the local mayor's car. The group of falsely assumed child thieves was carrying out a census of teachers and public servants in the area prior to the incident. The mayor had tried to convince the villagers that the people were census-takers, not delinquents. Nevertheless, the individuals had to flee into the mountains to escape the mob.

### **Cadavers Appear with Messages**

08.01.07 The bodies of three unidentified men, dressed only in their underwear, were found in a sector of Guatemala City's zone 16. Two of the victims had tattoos, and the words "car thief" and "ex-gang member" were written on their bodies with a marker. All of the cadavers showed signs of torture. Authorities presume that this was an act of social cleansing and that the possible cause of death was strangulation.

### **Adolescent Beaten by Mob**

08.02.07 Residents of Santa Cruz del Quiché tied up Santiago López, 17, and beat him. López was accused of trying to sexually molest a 10-year-old girl. He was later handed over to the National Civil Police (PNC).

### **Residents Beat Alleged Murderers**

08.06.07 Two brothers, Germán Ché Caal, 22, and Víctor Ché Caal, 18, were captured and beaten by a

mob of residents that accused them of murdering a community leader and pastor. According to local residents, the brothers entered a school, stole eight computers, and killed Arnoldo Cucul Cuc, 41, who was guarding the school. After beating the Ché Caal brothers, the mob forced them to walk naked through the community and then handed them over to the National Civil Police (PNC). The PNC searched the brothers' residence, but did not find any physical evidence.

### **CODECA Member Killed**

08.09.07 Sixty-five year old María Juana Xojolá Pelicó, a member of the organization Campesino Development Committee (CODECA), was shot three times in the back and killed in the village Barrios I, in San Antonio Suchitepéquez, Suchitepéquez. CODECA expressed their shock and concern over this killing, since Xojolá Pelicó was a very poor woman. CODECA also reported that days earlier, Xojolá Pelicó had argued with members of the Patriot Party (PP) after discovering that they wanted to place PP political propaganda on her house without her consent.

### **More Bus Drivers Killed**

08.10.07 On August 3, two urban bus drivers were shot to death by unknown assailants. The drivers, Rogelio Chibalan and Germán Estrada, were attacked in the La Florida neighborhood in Guatemala City. William Rabanales, a passenger, was injured during the attack. In another incident on August 10, a driver identified as Pedro Élmer Gómez Monzón, 29, was killed when two gang members entered the bus to rob passengers.

### **Pre-Electoral Violence Continues**

08.14.07 Retired colonel Héctor Rosales Salaverría, presidential candidate for the Integral Authentic

Development party (DIA), was shot at while traveling through Zacualapa on his way home from a political rally in Santa Cruz del Quiché. He reported that the shots came from a black van pulling out of the Guatemalan Republican Front (FRG) headquarters. Edwin Antonio Rodas, mayoral candidate for the Grand National Alliance (GAN) in Tecpán, Chimaltenango, reported that an armed group shot at him while he was driving his car near kilometer 68 on the Inter-American highway.

Abel Cruz Sandoval, who is the mayoral candidate for Jalapa from the Guatemalan National Revolutionary Union - Broad Left-Wing Movement (URNG-MAIZ) political alliance, reported that the Unionist Party (PU) candidate threatened to cut off the water supply to the residents of Montañas de Santa María Xalapan if they did not vote for him. Cruz Sandoval explained that the river provides water for several villages and its source is located on one of the PU candidate's properties.

On August 14, Werner Velásquez, mayor of Santa Ana Huista, Huehuetenango, was murdered by unknown assailants using AK-47 assault weapons. According to the National Civil Police (PNC), three men allegedly got out of their car and fired their guns at him near the municipal offices. The PNC believes that the attack is due to the mayor's personal problems. Velásquez was running for re-election for the National Advancement Party (PAN). Relatives told the Public Prosecutor that Velásquez had been threatened, but were reluctant to provide more details. Three more people were injured in the attack, including Alejandro Pérez and Esaú Morales who accompanied Velásquez. The third person injured was a pedestrian identified as Alberto Morales.

Raúl Bonifacio Lemus, 31, Union for National Change (UCN) candidate running for an alternate council member position in Ipala, Chiquimula, was shot and killed on a soccer field in the village of Cepacapa. Authorities consider vengeance as one possible motive.

### **Armed Group Threatens Politicians**

08.11.07 In Coatepeque, Quetzaltenango, pamphlets containing death threats to several politicians, political leaders, and political operatives were found. The group, calling itself the "Justice Whip," warned that it would take care of "exterminating gang

members; corrupt governmental, municipal, and judicial officials; teachers; and professionals involved in unlawful activities."

### **URNG-MAIZ Candidate Threatened**

08.15.07 Lolita Chávez, a congressional candidate for the National Guatemalan Revolutionary Union - Broad Left-wing Movement (URNG-MAIZ), was allegedly threatened by Mario Rivera Tejeda, from the National Coordination for Disaster Reduction (CONRED), and an unidentified Guatemalan Republican Front (FRG) activist. They allegedly approached her, pulled out a weapon, then threatened and insulted her. Chávez is a Ki'ché woman.

## **WOMEN'S RIGHTS**

### **Health Services Need Expansion**

08.03.07 In a forum entitled "Reproductive Health: Status and Proposals," political leaders made a commitment to expand health coverage for women, especially for indigenous women. Yolanda Hernández, from the Network for Indigenous Women's Health, presented several demands, including the enforcement of two laws: the social development law and the law for universal access to family planning services. The two laws would broaden health care coverage for women, reduce maternal and infant mortality rates and HIV/AIDS infection rates, and provide access to objective information.

Statistics presented at the forum paint a bleak picture. The national maternal mortality rate is 153 per one hundred thousand births, but that index rises to 219 per one hundred thousand births in the indigenous population. Fifty-three percent of these deaths are due to hemorrhages and 54% of those occur during home births. State institutions attend to only 40% of all births. Every day, twenty-five people are infected with HIV and 94% of them contract it through sexual contact. Approximately 42% of Guatemalans have sexual relations before the age of eighteen and only 12% of women between the ages of fifteen and twenty-four know when they are most likely to become pregnant during their menstrual cycles.

## CHILDREN'S RIGHTS

### **US Intensifies Adoption Monitoring**

08.06.07 Starting August 6, the United States required a second DNA test be done on Guatemalan children given up for adoption to US families in order to verify that they are the same children put up for adoption by the biological mother at the beginning of the process. In the past, the US Embassy in Guatemala only required one comparison DNA test between the child and the mother who gave up the child at the beginning of the adoption process. Now however, the second DNA test will assure that the child put up for adoption at the beginning of the process is the same child actually being released to the adoptive parents.

### **Child Sexual Abuse Rates Rise**

08.09.07 Child abuse and sexual molestation rates against children are on the rise. From January 2006 to August 2007, the General Ombudsman's Office (PGN) has received 280 reports of child abuse or sexual molestation of children. In eighty percent of the cases, judicial proceedings have been initiated against the alleged abusers. PGN Attorney Nineth Guevara stated that in the majority of the cases, minors between the ages of five and fifteen were sexually molested, and a smaller number were raped. In ninety percent of the cases, family members committed the abuse. She explained that the PGN serves as an advocate in the 122 current judicial proceedings, to assure that the abused children receive compensation from their abusers.

### **More Laws to Protect Children Proposed**

08.10.07 An estimated fifteen thousand children and adolescents are victims of sexual exploitation in Guatemala each year. Vice President Eduardo Stein asked Congress to approve reforms to the Penal Code that would make the sexual exploitation of children a criminal offense. He urged Congress to approve these reforms during the current congressional session. The changes awaiting congressional approval include making commercial child sexual exploitation, child pornography, sexual abuse, and physical and psychological domestic violence all criminal offenses.

## INDIGENOUS RIGHTS

### **Indigenous Girls Lack Services**

08.14.07 UNICEF and the Office for the Defense of Indigenous Women (DEMI) presented a joint study called "Look at Me: the Situation of Indigenous Girls in Guatemala." Manuel Manrique, representing UNICEF in Guatemala, explained that there are unjust and unacceptable gaps in health, labor, and protective services for indigenous girls, which ultimately impedes their development. The study highlights that there is no integral system in place to protect girls, and parents are not obliged to register the birth of a daughter in the municipalities. The majority of indigenous girls in the study do not have a birth certificate. A little more than nineteen percent of indigenous girls do not attend school compared to 10.4% of non-indigenous girls. Girls raised in rural areas are more likely to be malnourished than girls in urban areas; and 69.5% of indigenous girls under the age of five are chronically malnourished, the majority of which suffer from gastrointestinal illnesses.

## CAMPESINO RIGHTS

### **Campesinos Demand End to Evictions**

08.01.07 Approximately two hundred campesinos occupied the Land Fund (FONTIERRAS) offices in Guatemala City to demand that authorities stop evicting campesinos occupying *fincas* (plantations). They also demanded that authorities review the mortgage payments and purchase agreements for certain properties. César Fión, vice minister of Agriculture, Mariela Aguilar, adjunct secretary for Agrarian Affairs, and campesino representatives signed an agreement in which authorities promised to investigate the campesinos' demands.

## MIGRANT RIGHTS

### **Immigrants Face New Dangers**

08.02.07 The National Round Table for Immigration (MENAMIG) report, "Immigration Reform: Low Intensity War Against Undocumented Migration," stated that, since 2006, migration to the US has become more expensive and more dangerous for migrants due to anti-immigrant measures taken by the US. According to the report, the migrant routes

are longer and migrants, under harsh conditions, are forced to cross remote deserts in order to avoid detection by US immigration officials.

Alvaro Caballeros, a MENAMIG consultant, revealed that human traffickers have increased the cost to travel across the Arizona desert, from US \$300 in 1994 to over US \$4000 now. The deaths of Guatemalan citizens along the Mexican–US border are on the rise, and deportations have increased, he added. Nevertheless, immigration to the US has increased in the last 30 years. In 1971 there were 17,356 Guatemalans reportedly living in the US and now that figure has risen to just over 1.2 million, which represents one tenth of the current Guatemalan population. According to the General Migration Office in Guatemala, 14,212 undocumented Guatemalans were deported from January to August 10, 2007, while a total of 18,305 were deported in 2006. One hundred forty-nine Guatemalans have died this year while trying to reach the US.

### **New Immigration Measures Criticized**

08.10.07 The US government announced new punitive measures to “control” undocumented immigration. The proposed bill will oblige employers to fire workers whose social security numbers contain inconsistencies and to confirm the identities of all workers within ninety days after problematic social security numbers have been identified. Even though this measure already exists, sanctions and penalties would be applied and violations would be treated as criminal acts. Other measures include having state governments share information on drivers’ licenses, expediting the deportation of immigrants, especially those who overstayed their visas, and improving the detection of international criminal rings.

Owners of agricultural and service oriented companies, along with immigrant rights organizations, rejected the proposed sanctions and stated that an exclusive focus on security and control, without creating the means to regulate and legalize undocumented workers, is not a viable solution. The Coalition for the Immigration of Essential Workers, one of the primary national business coalitions focused on unskilled manual labor in the service sector, declared that these measures would have a serious impact on the economy. In a joint communiqué, the Agrarian Coalition for Immigration Reform, an association of agricultural employers,

and the Union of Field Workers (UFW) also criticized the measures.

### **24,000 Guatemalans to be Deported in 2007**

08.13.07 The total number of Guatemalans deported from the US in 2007 has risen to 14,000. The Guatemalan Ministry of Foreign Relations estimates that by the end of the year, the figure will increase to more than 24,000, which would be five thousand more deportations than in 2006. Many migrants return to their homes frustrated at having been caught in the desert and in debt to the “coyotes” (human traffickers) that led them. Others have their lives and families torn apart after working several years in the US. The tension due to the increased round-ups and deportations has dramatically increased in the last several months. Undocumented Guatemalans in the US have had to change their lifestyles; they are no longer able to go out for a walk and are forced to change the way they travel. Undocumented Guatemalans live with constant tension and do not leave their neighborhoods because they fear that one day they will be caught.

This is a drama that is painful for the hundreds of migrants that have endured suffocating truck rides, the trek through the Arizona desert, only to be detained and deported back to their country of origin, with a large debt weighing heavily on their shoulders. Manuel Manrique, a UNICEF representative in Guatemala, stated that the magnitude of the problem of adult migration has made others lose sight of the fact that this is a problem that affects children too, and that children need to receive different treatment by immigration officials and have their rights respected and protected. In a recent survey of youth, 66.6 % responded that they would leave Guatemala to look for a better life. Manrique said that authorities need to take this into account because it shows that youth are willing to risk their lives in order to immigrate to the United States.

### **More Investment Needed for Development**

08.14.07 Mauro Verzeletti, Secretary of the Catholic Church’s Pastoral Office for Immigrants, stated that the Guatemalan government should not hide behind remittances that immigrants send back to Guatemala nor disregard its duties toward Guatemalan citizens. According to Verzeletti,

authorities often shirk their obligation to alter the dismal economic situation by only seeking out foreign investment. Authorities use remittances as their excuse to avoid investing state funds in development projects to reduce poverty. The Episcopal Conference of Guatemala (CEG) proposed that specific funding be created via special taxes and remittances in order to invest in local development programs.

Despite the fact that from January to August 2007, more than fourteen thousand Guatemalans have been deported from the US, remittances to Guatemala have increased 14.6% over 2006, according to statistics provided by the Bank of Guatemala (BANGUAT). Guatemalans living in other countries sent their relatives US \$381.1 million in July, the second highest amount ever registered, and US \$2.35 billion during the first seven months of 2007, which is US \$299.3 million more than during the same period in 2006. In 2006, a total of US \$3.61 billion dollars were sent to Guatemala through remittances. BANGUAT projects that remittances sent to Guatemala will total US \$4.2 billion in 2007.

## **SOCIAL, ECONOMIC, AND CULTURAL RIGHTS**

### **Health Reform Bill Presented**

08.01.07 The San Carlos University of Guatemala, the Guatemalan Medical Association, and various social organizations presented a bill on health reform that would increase the budget for health services. Mario Córdón, president of the Guatemalan Medical Association, said that Guatemala currently spends approximately 0.9% of the Gross National Product (GNP) on health services. The proposed bill would immediately increase spending to 4% of the GNP, and over time would increase expenditure on health services to 6% of the GNP. As a result of the bill, the Ministry of Health would have a budget of Q5 billion (US \$666.7 million) during the first year that the law goes into effect.

Rolando Yoc, from the Human Rights Ombudsman's office (PDH), is responsible for monitoring the health crisis. Yoc estimates that with Q325 million (US \$43 million) the health crisis could be fixed. The current health crisis has the potential to affect 85% of the hospitals in Guatemala. Yoc stated that transferring Q58.3 million (US \$7.7

million) to hospitals is an act of desperation and is irresponsible, although the Ministry of Health believes that this amount will resolve a problem that is largely structural.

### **1,960 Families Still Need Housing**

08.13.07 Twenty-one months after Hurricane Stan destroyed parts of Guatemala, 1,960 families who lost their homes in Ayutla, San Marcos, are still waiting for the help that the Guatemalan government promised them. The Inter-American Development Bank (IDB) loaned the government more than Q13 million (US \$1.73 million) in order to build new houses for those residents affected, but the houses have still not been built. The majority of the 1,960 families have been living with relatives, but 301 families have been transferred to a temporary shelter in the village of Las Delicias, located near the town of Tecún Umán, along the Mexican border. The families are living in tin houses where they must use public restrooms, wash basis, and well. The area has no asphalt so that when it rains, the roads are muddy and many people have become ill.

### **DIGEBI Salaries Unpaid**

08.14.07 One hundred seventy-two professionals hired as technicians by the Coordination for Intercultural, Bilingual Education (DIGEBI) have not received their salaries for five months, stated Mario Rolando Cu Cab, the DIGEBI coordinator in Alta Verapaz. Cu Cab stated that the Ministry of Education has not paid salaries in thirteen of the departments where DIGEBI operates. Authorities ordered that DIGEBI initiatives be incorporated into the departmental headquarters of the Ministry of Education, but Cu Cab stated that this is an attempt to weaken DIGEBI. Thirteen national DIGEBI coordinators sent a letter to the Minister of Education, María del Carmen Aceña, petitioning her to allow for access to education in indigenous languages and assure that the technicians are paid.

## **RIGHT TO JUSTICE**

### **CICIG APPROVED**

08.05.07 On August 1, the Guatemalan Congress approved the creation of the International Commission Against Impunity in Guatemala

(CICIG) as a matter of national urgency. The bill for CICIG, written in December of 2006 as a collaborative agreement between the Executive branch and the United Nations, was ratified by 110 legislators. Rubén Darío Morales, president of Congress, congratulated his colleagues for passing the bill into law, despite a phoned in bomb threat at the beginning of the session.

Ban Ki-Moon, the secretary general of the United Nations (UN), will appoint the Head Commissioner for the CICIG. The resident UN Coordinator in Guatemala, Bear Rohr, indicated that together Commissioners and the Guatemalan government would decide which investigations would be a priority. The New York UN office stated that a clear message had been sent to the Guatemalans and the international community of the Guatemalan government's commitment to combat organized crime and impunity.

Guatemalan Vice President Eduardo Stein asserted that when the members of the CICIG are appointed, the Guatemalan Executive Branch would ask the investigators to put as a priority the investigations into the existence of parallel groups, and the infiltration of organized crime and clandestine groups into the National Civil Police (PNC), the penitentiary system, and the General Migration Office. Guatemala's Foreign Relations Minister, Gert Rosenthal, stated that he had received messages from the UN and ten countries, including the US, Sweden, Spain, and México, offering financial support for the initiative. Rosenthal explained that the CICIG is innovative and could be applied to other nations. He added that the implementation of the CICIG would be followed by many nations.

Human Rights Ombudsman Sergio Morales Alvarado, and the Dean of the San Carlos University, Estuardo Gálvez, believe that the creation of the CICIG is a step in the right direction. Violence indexes have grown to alarming figures, including 2,857 homicides and 136 attacks against human rights defenders committed in the first six months of 2007. For both Morales Alvarado and Gálvez, the CICIG opens up an important opportunity for the government to combat organized criminals and illegal, clandestine apparatuses that undermine the rule of law in Guatemala. Nery Rodenas, director of the Guatemalan Archbishop's Human Rights Office

(ODHAG), criticized the position taken by the Guatemalan Republican Front (FRG) and the Unionist Party (PU) against the CICIG. Cardinal Rodolfo Quezada Toruño celebrated the news and stated that with the CICIG, the intellectual authors of Bishop Gerardi's assassination can now be found.

### **US Companies on Trial for Pesticide Use**

08.03.07 Five thousand agricultural workers from Nicaragua, Honduras, Guatemala, Costa Rica, and Panama are suing three companies in the United States because the workers were forced to use the pesticide Nemagón in the 1960s and 1970s, without being informed of the applicable health risks. According to a BBC report, the trial began in Los Angeles, California on July 19. The three transnational corporations are Dow Chemical and Amvac Chemical, the manufacturers of the pesticide, and Dole Fresh Fruit Company.

The trial could set a precedent of workers from poorer nations being able to sue large transnational corporations in their countries of origin. The plaintiffs assert that Nemagón and Fumazone, the commercial names of the DBCP pesticide, caused sterility. The workers used the pesticide to combat plagues on banana plantations. Dow Chemical spokesperson, Scout Wheeler, denied the existence of studies proving that Nemagón caused sterility. The BBC report stated that in Costa Rica alone, the pesticide had caused serious problems for 30,000 workers, and that experts consider this to be "the worst labor tragedy in the world."

### **War Victims Demand Reparations**

08.08.07 More than four hundred victims of Guatemala's armed conflict occupied the regional office for the National Reparations Program (PNR) in Rabinal, Baja Verapaz, demanding payments that had been promised to them last April by the government. The war victims negotiated with the Coordinator of the National Commission for Reparations, Rosalina Tuyuc, the Director of the PNR, Martín Arévalo, and Juan Ramón Ruiz from the Human Rights Ombudsman Office. In the end, they agreed to hold periodic meetings and to establish reparation payments for individuals, starting after the September elections.

### **Banner Presented With War Victims Names**

08.09.07 In a solemn ceremony, relatives of those who had been kidnapped and disappeared in Quiché during the armed conflict prayed for justice. In addition, they publicly presented a banner made of five pieces of cloth, with the names of one thousand victims from the department embroidered around the border. The banner, on display in Nebaj, Quiché, was presented to authorities of the Public Prosecutor's office and the municipal judge, so that they will expedite the paperwork required to bring to trial those responsible for crimes against humanity.

## **LEGAL CASE UPDATES**

### **Ríos Montt Appeals Declassification Decision**

08.03.07 Efraín Ríos Montt's defense team filed an appeal to avoid the declassification of four military plans executed during the 1980s. In July, a judge ordered the military documents regarding the operations to be declassified. The plans for the military campaigns of Sofía 1982, Victoria 1982, Firmeza 1983, and Operation Ixil may contain data that could help the investigations into the massacres carried out by the army under Ríos Montt's administration. The appeal was sent to the Constitutional Court, the highest court in Guatemala, to be resolved.

### **Execution Plan Foiled**

08.06.07 The National Civil Police (PNC) foiled a plan to murder Marvin Contreras Natareno and Carlos Humberto Orellana Aroche, two former police officers allegedly involved in the assassinations of the three Salvadoran members of the Central American Parliament (PARLACEN) and their driver in February. Contreras and Orellana are currently imprisoned in zone 18 of Guatemala City. According to authorities, gang members in the prison were to execute the police officers on August 15. Before the murder, a group of five hundred agents entered the prison in order to search the premises. After several hours, authorities informed the public that they had found four firearms and almost five hundred bullets. Nery Morales, spokesman for the penitentiary system, stated that there are 125 members of the "Mara 18" gang in the prison where the ammunition was found.

In other news, the Salvadoran paper *Diario Colatino* reported that Salvadoran authorities are concerned that the investigation into the assassinations has only become more complicated since the information regarding phone calls made between the alleged authors of the crime was publicly released. The call analysis points to the involvement of Guatemalan Congressman Manuel Castillo and two others identified only as "Montaña 1" and "Montaña 3."

## **OTHER INFORMATION**

### **Army Has Disproportionate Budget**

08.06.07 According to the Integrated Accounting System (SICOIN), despite the fact that the Guatemalan army has reduced its troops by 11,000 since 2004, its operating budget is disproportionate to its size. During the four years under former President Alfonso Portillo, the army's budget grew to Q3.75 billion (US \$500 million) in addition to Q906 million (US \$120.8 million) in anomalous transfers that Portillo ordered. When current President Oscar Berger ends his term, the army will have received Q4.4 billion (US \$589 million) in a four-year period. Of this, eighty percent was appropriated for salaries. Ronaldo Leiva, minister of Defense, admitted that the majority of the army's budget is to pay salaries but that the Ministry of Defense only receives half of what was allowed for in the Peace Accords. However, the Peace Accords established that 0.66% of the GNP should be given only when the annual economic growth is more than 6%, which has not happened. The army had 27,163 members, but after the reduction in 2004, there remain only 15,500. In the last few years, three thousand more troops have joined as part of a joint task force to support the police with fighting crime.



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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