Colom and Pérez Molina Head to Runoff

09.10.07 With 96.18% of the ballots tallied from the general elections held on September 9, presidential candidate Álvaro Colom Caballeros and his running mate, Rafael Espada, from the National Unity for Hope (UNE) party, obtained 28.33% of the votes cast for the most sought after positions in Guatemala. Otto Pérez Molina and Ricardo Castillo Sinibaldi, from the Patriot Party (PP), gained 23.78% of the votes. Since neither party earned more than 50% plus one of the cast ballots, a runoff election will be held on Sunday, November 4, 2007 to decide who will become the next president and vice president of Guatemala.

New Congress Faces Many Changes

09.11.07 As a result of the recent elections, the new Guatemalan Congress beginning in January 2008 faces many changes and a new panorama. The 2008 Congress will be made up of fewer political parties, weakened traditional parties and no clear majority party to make rogue decisions or push through legislation. The number of political parties with congressional representation will also be reduced from seventeen to eleven.

With 97% of the votes tallied, and out of a total of 158 Congressional seats, the National Unity for Hope (UNE) earned forty-eight seats, the Grand National Alliance (GANA) gained thirty-seven, and the Patriot Party (PP) obtained thirty. The Guatemalan Republican Front (FRG), a long-time conservative party that currently has twenty-nine congressional representatives, only garnered fifteen seats. The National Advancement Party (PAN), who has fifteen representatives in the current Congress, will have only four in 2008. The Unionist Party (PU) gained three more seats, totaling eight representatives in the new Congress.

Four political parties, however, may disappear since they did not receive at least 5% of the votes for the presidential election or a seat in Congress. The four parties in danger of collapse are Authentic Integrated Development (DIA); the New National Alliance (ANN), lead by Pablo Monsanto, a former guerrilla leader; the recently formed Democratic Front; and the oldest political party in Guatemala, the Guatemalan Christian Democrats (DCG). The Democratic Union (UD), despite winning few votes in the presidential elections, was saved from this fate when their candidate Edwin Armando Martínez Herrera was re-elected to represent Huehuetenango in Congress.

Two Fifths of Registered Voters Did Not Vote

09.11.07 With roughly six million people registered to vote in Guatemala, less than sixty percent turned out to vote on Election Day. Despite “get out the vote” campaigns by the Supreme Electoral Tribunal (TSE), civic organizations, and international observation missions, some forty percent of registered votes did not show up at the polls. Analysts cited a number of reasons for the poor
Conflicts and Charges of Fraud Mark Elections
09.14.07 Conflicts and charges of fraud marked Guatemala’s recent September 9 general elections. Fifteen municipalities registered disturbances serious enough to delay the final results. In certain municipalities, residents made accusations of election fraud or they were dissatisfied with the results. The Supreme Electoral Tribunal (TSE) documented several serious violations and will decide what towns, if any, will repeat elections in conjunction with the November presidential runoff election. Certain election results have been challenged because of ballot burning, the disappearance of official computer equipment, and the kidnapping of election officials in charge of supervising the polls.

One of the most serious incidents occurred in El Cerinal, Barberena, in the department of Santa Rosa, where seventeen of twenty ballot boxes were set on fire at one voting center. Even though the National Civil Police (PNC) arrested nineteen individuals involved in the incident, officers were not able to rescue the ballots in time. In another incident, the organization Election Watch (ME) reported cases of foreigners being brought to certain rural towns and communities on the outskirts of Guatemala City to vote using false identification.

Manfredo Marroquín, from the ME, stated that in Santa Lucía La Reforma, Totonicapán, and in Sololá, the Guatemalan Republican Front (FRG) paid 100Q (US $13.33) per vote, and that in eight municipalities, including Amatitlán, just outside of Guatemala City, people attempted to vote using falsified papers. Arturo Herrador, attorney for the National Unity for Hope (UNE) also presented a denouncement to the TSE against the Grand National Alliance (GANA) for voter fraud, campaigning on Election Day, and the use of public funds to pay for campaigns. Herrador stated that in San Marcos, GANA’s congressional and mayoral candidates campaigned during a gathering to pay restoration to former Civil Patrollers (PACs). Herrador provided copies of his denouncement to the different international observer missions.

During the post-election period in Uspantán, Quiché, 350 residents from eighty-six communities located in the Zona Reina region camped out in front of the municipal building to demand that re-elected Mayor Víctor Figueroa from the UNE step down. The group insisted that his re-election was not valid. In another case, representatives from different hamlets in Antigua Guatemala, Sacatepéquez went to the departmental TSE headquarters to demand that the ballots for the mayoral race be recounted, stating that there was fraud, including votes cast by nonresidents and the duplication of identity papers. More claims of fraud came from Villa Nueva, in the department of Guatemala and in San Miguel Panán, Suchitepéquez, among others. Spokespeople for the PNC stated that more than two hundred people have been arrested for participating in Election Day disturbances, and that the PNC hopes to obtain information from them as to who are the intellectual authors behind these incidents.

Organized Crime Cited in Electoral Violence
09.01.07 Forty-five political activists and candidates were killed during the pre-election cycle in Guatemala. Even though violence is an every day occurrence in Guatemala, these particular killings appear to be politically motivated. Both the Inter-American Commission on Human Rights (IACHR) and the Organization of American States (OAS) blame the rise in political violence on the increased power that organized crime holds throughout Guatemala. The IACHR noted, “The notorious increase in organized crime, general delinquency, violence against women, increasing attacks against human rights defenders, and the reign of impunity all reveal a profound weakness in the justice system and place the rule of law at risk in Guatemala.” The IACHR has urged the Public Prosecutor’s Office (MP) to investigate these murders in a “serious and thorough manner, in order to determine the motives and punish those who are responsible.” Experts are especially concerned about the violence occurring along international borders, where local mafias compete for the control of international drug trafficking.

Human Rights Defenders Under Fire
09.01.07 Human rights defenders in Guatemala continue to face an increase in attacks and violence.
In the first six months of 2007, 136 attacks against human rights activists were registered. This has led the Guatemala Human Rights Commission/USA (GHRC), based in Washington, D.C., to launch a new Human Rights Defenders Program. Through the Program, GHRC intends to raise awareness among concerned citizens and apply both international and domestic pressure on the Guatemalan government to address this alarming issue. In addition, Amnesty International (AI) recently published an open letter to the Guatemalan presidential candidates, urging them to guarantee that human rights activists be able to work in an unrestricted manner, without fear of reprisals. AI demanded that the candidates, if elected, guarantee the immediate and exhaustive investigation into the killings of, threats, attacks, and intimidations against human rights activists.

Incidents of Lynching Continue
09.04.07 Cristian José Larios Rivera, 19, was captured and beaten by an angry mob from the Ixpac neighborhood in San Sebastián, Retalhuleu. The mob accused him of robbing a house. The National Civil Police (PNC) rescued him from being burned to death and brought him to a local hospital where he was treated for severe injuries. In an unrelated incident, a mob lynched an alleged gang member, accused of theft, in the village of Cerro Alto, San Juan Sacatepéquez, in the department of Guatemala. He was burned to death in front of his family.

EG Candidates Murdered
09.05.07 Days before the September 9 elections, Esmeralda Puyú Sicán and Wenceslao Ayapán, local candidates in San Raymundo representing the Encounter for Guatemala (EG) party, were murdered along a local highway while putting up political propaganda. Benjamín Ajvix, EG’s mayoral candidate in San Raymundo, said that the crime was politically motivated. Seven members of the EG have been killed since the official campaigning began in May. In Retalhuleu, three individuals fired shots at the home of Luis Galindo, who is the local mayoral candidate for the National Unity for Hope (UNE) party. Galindo stated that the suspects, who were arrested, pertain to the rival Grand National Alliance (GANA) party, and that they work for María Hidalgo, the GANA mayor in Retalhuleu who is seeking re-election.

Politicians and Reporter Threated
09.06.07 A shot was fired in front of the radio station, “Radio Libertad” (Freedom Radio) during Jose Pelico’s live program titled “We Elect our Future,” in Escuintla, Guatemala. Moments later, an unidentified caller made death threats against the three mayoral candidates being interviewed on the show. The candidates who received threats were Junior Salguero, from the Unionist Party (PU); Gustavo Collado, from the Guatemalan Christian Democrats (DC); and Hugo Salazar, from the Union for National Change (UCN). In a separate incident, reporter César Augusto López Valle received death threats after publishing an article in Panorama magazine detailing allegations of corruption during the last two municipal administrative periods in El Asintal, Retalhuleu. López received several calls threatening to kill him and rape his wife.

Bus Driver Murdered by Gangs
09.10.07 Bus driver Alberto Bladimiro Gómez, 29, was murdered when he refused to pay extortion fees to gang members. Gómez worked for one of the bus services in San Pedro Ayampuc, near Guatemala City. Gangs in the area have obligated drivers to pay Q500 (US $67) per week for “safe” passage through the neighborhood. To protest the killing, other drivers suspended service in the area for one day.

Killings of Women Increase
09.12.07 Two hundred seventy-two women were murdered in the first half of 2007, up from 236 women killed during the same period in 2006, according to preliminary reports from the Center for Informative Reports on Guatemala (CERIGUA). The murders are becoming increasingly violent: three women have been decapitated, including Evelin Karina Isidro Velásquez, a six-year-old child whose death caught the attention of an otherwise numbed public. Most of the women killed are between the ages of thirteen and forty-eight, and are killed with firearms or knives. The majority of documented killings have occurred in zones 18, 12, 1, 5, 6, and 7 of Guatemala City, and in the municipalities of Villa Nueva, Mixco, San Juan Sacatepéquez, Villa Canales, and San Miguel Petapa, all located on the outskirts of Guatemala City. Seventy-two women were killed in other
departments. The media classified twenty cases as gang-related, fifteen cases as the result of assaults, and eleven cases as domestic violence. The motives for the rest of the cases of femicide were unknown. CERIGUA’s data, published as “Investigation of Media Reports on Violence against Women,” is the result of monitoring the following major media outlets in Guatemala: Prensa Libre, Nuestro Diario, Siglo Veintiuno, La Hora, and El Periódico.

Men Continue to Hold Majority of Public Offices
09.13.07 Of the 332 mayoral positions available in Guatemala, only eight will be occupied by women in 2008. Likewise, of the 158 Congressional seats, only nineteen will be filled by women. A joint Election Watch (ME) and Indigenous Mission report noted that election results demonstrates that a wide gender gap exists between the number of males and females elected to public offices. Miriam Maldonado, director of the Women’s Institute of the San Carlos University (USAC), commented that the manner in which people can participate politically in Guatemala is based on an antiquated, biased system that does not support the participation of certain segments of the population, especially women.

Many Births Not Registered
09.01.07 Ricardo Gómez, director of Plan International of Guatemala, reported that the births of at least 400,000 children in Guatemala have not been registered and therefore those children are not eligible to receive State-funded services such as education or public health services. Guatemala has one of the highest percentages of unregistered births in the world. Reasons for this include the lack of understanding about the benefit of registering births, especially in rural and indigenous areas, and the lack of resources to pay for registration or to travel to municipal offices in order to catalog a birth. The registration process is also complicated by the fact that many Guatemalans do not speak Spanish, and though all registry offices should have interpreters, many do not. Another problem is the way in which births are recorded; some municipalities still document births by hand in books that are frail and easily destroyed or lost.

Teens Forced to Work in Brothels
09.01.07 Héctor Dionisio, from Covenant House Guatemala, stated that some seven hundred sexually exploited teenagers have been identified in 275 of the 300 brothels that exist throughout the country. Half of the minors found are Guatemalan and the remaining adolescents are Nicaraguan and Honduran. The Association against the Sexual Exploitation of Children and Adolescents categorizes Guatemala as a strategic country for this illicit activity due to its geographic location and socio-economic status. The Association cited Guatemala as one of the main countries of origin, transit, as well as destination for victims of international human trafficking, including minors.

Judge Accused of Irregular Adoptions
09.03.07 Judge Elia Berdúo Samayoa was accused of authorizing the adoption of ten Guatemalan children to US families in June and July 2007, under questionable circumstances. According to Josefina Arellano, chief of the Child and Adolescent Section of the Attorney General’s Office (PGN), the judge did not obtain the authorization of the PGN, which oversees adoption procedures. In addition, prior to their adoptions, the children were housed in “Asociación Primavera,” which is not licensed by the Secretariat of Social Well-being to operate as a foster home.

Indigenous Candidates Gain Local Power
09.13.07 Eduardo Zacayón, from the Inter-Ethnic Studies Institute at Guatemala’s San Carlos University (USAC), stated that the electoral process has been marked by the exclusion and limitation of indigenous participation in political parties. While this reflects the national level, indigenous candidates are gaining ground at the local level. For example, 129 of 332 newly elected mayors are indigenous. This is an increase from the 123 indigenous mayors elected in 2003. A member of the Guatemalan Association of Mayors and Indigenous Authorities (AGAI) commented, “Little by little, political parties have respected and taken advantage of indigenous leadership and potential.” The region with the highest number of elected indigenous mayors is the western highlands, since it has a largely indigenous population. Nonetheless,
even in the department of Guatemala, a largely non-indigenous region, four of the seventeen municipal mayors are indigenous.

Besides gaining ground at the local level, indigenous people are participating more and more in choosing who leads the country. At least fifty percent of registered indigenous voters participated in the elections, according to AGAI, while Election Watch (ME) and the Indigenous Mission reported that between 85% and 89% of registered indigenous voters participated. The Indigenous Mission, with observers present in fourteen departments, noted an increase in the number of indigenous women exercising their right to vote. Traditionally, this group has not voted in large numbers for several reasons, including not being registered, not being encouraged by their families, not having adequate child care, and not having the necessary resources to travel long distances to vote.

**UN Declaration of Indigenous Peoples Approved**

09.14.07 After two decades of negotiations, the United Nations’ General Assembly, approved the “Universal Declaration of Indigenous Peoples,” which aims to protect more than 370 million indigenous people all over the world, including Guatemala. Álvaro Pop, Guatemalan indigenous leader and political scientist, called this a “historic” act for all native communities, especially those in the Americas.

**CUC Denounces Violent Land Evictions**

09.12.07 The Campesino Unity Committee (CUC) reported that President Berger’s government has violently evicted approximately 10,000 campesino families since his administration assumed power in 2004. Rafael González, a CUC leader, noted that the majority of evictions have occurred in Quiché, Baja Verapaz, Alta Verapaz, and Izabal. Despite the fact that organizations such as CUC have denounced the evictions, in which campesino leaders have been killed, authorities have not adequately investigated the cases or charged and prosecuted those who are responsible.

**LAND RIGHTS**

1,631 Unresolved Land Conflicts

09.10.07 In January, Guatemala’s new government will inherit 1,631 land conflicts from the Secretariat of Agrarian Affairs (SAA). The conflicts are categorized as ownership disputes (1,089), occupied lands (347), legalization and registry of land titles (152), and territorial limits (43). These conflicts have the potential to become violent, especially in areas such as the Northern Transversal Strip, Alta Verapaz, Baja Verapaz, and the Polochic River Basin in the northeast. Conflicts have also been registered in southwestern Guatemala. Ingrid Urízar, member of the Agrarian Platform, stated that the lack of a clear national land registry, the fact that the majority of the land is owned by a few individuals, and the lack of recognition of historical land ownership by certain groups all contribute to the current agrarian crisis. This problem has become more critical since the current government has not been interested in addressing the root cause of the problems, including access to the land. Rafael González, director of the National Coordinating Committee of Campesino Organizations (CNOC), stated that the campesino movement plans to pressure the new Congress to pass a bill for improved rural development and comprehensive agrarian reform.

**Poverty Rate Decreases But More People Are Poor**

09.05.07 The Guatemalan government announced that the poverty rate in Guatemala decreased from 56% to 51% between 2000 and 2006 due to two factors: the increase in remittances from Guatemalans living abroad and the “best” period of global economic growth in Guatemala’s history. However, data from the 2006 National Survey of Living Conditions (ENCOVI) reveals that the number of Guatemalans living in poverty has increased from an estimated 6,368,360 in 2000, to 6,625,892 in 2006. The general population grew from 11.3 million to almost 13 million during this same period.

Even though the National Statistical Institute (INE) has not yet made the 2006 ENCOVI database public, the preliminary results show various factors, called “poverty traps,” that keep people from being able to break the vicious cycle of poverty. Some of the poverty traps include: **Child labor:** There are one million child laborers. **Lack of education:** The
2006 ENCOVI reveals that less education results in greater poverty. Poverty rates are 71.6% for people without formal education, and fall to just 1.1% for those who attended a portion of college and 0.4% for college graduates. **Chronic Malnutrition:** Guatemala has the highest child malnutrition rate in Latin America, at 48.7% of children under the age of five, which affects their physical and intellectual development as well as future job prospects. **Demographics:** Many poor people decide to have large families because more children mean more income when parents grow old. However, having more children inhibit mothers from finding formal employment since they must care for their children. This means less income and more child laborers. Guatemala also has the highest birth rate in Latin America (2.9% annually).

Other poverty traps include: **Teen mothers:** The income of a teen mother is usually below the poverty line, which affects the education and nutrition of her children. **Access to Productive Land:** Hunger and the need for income force poor landowners to over use their land since they do not have access to technical assistance, organic methods, or chemical fertilizers. **Violence:** The lack of education and opportunities for youth leads them to join gangs or other criminal entities. Their actions further impoverish their victims and communities. **Geographic Isolation:** Isolation leads to problems in opening local markets and contributes to higher transportation costs. **Fiscal trap:** Very poor Guatemalans are unable to finance local programs to fight poverty. This trap is even more entrenched when public officials launder constituents’ taxes or resources. **Environmental Fragility:** The lack of resources to build in environmentally safe areas forces people to live in high-risk zones where they are very vulnerable to natural disasters. **Lack of investment:** Private companies do not invest in poor areas where there are allegedly no qualified workers or infrastructure, which further limits employment and development possibilities.

**7,000 Senior Citizens To Receive Pension**

09.12.07 Guatemalan Labor Minister Rodolfo Colmenares announced that adults over the age of sixty-five who do not receive social security, live in extreme poverty, and who were included in the Older Adult Program will now receive a pension if they provide proof of their eligibility. One hundred thousand people have already applied, although the new program will only benefit around 7,000 senior citizens.

**Youth Lack Opportunities**

09.13.07 More than one million Guatemalan youth between the ages of fifteen and twenty-four (30% of Guatemalan youth) do not work or attend school, according to an International Labor Organization (ILO) study titled “Decent Jobs and Youth in Latin America and the Caribbean.” This is the second highest rate in Latin America and the Caribbean, second only to Honduras, with 32% of its youth not engaging in work or academics.

Only 18% of Guatemalan youth are able to study full-time. In rural areas, 35% do not work or study, while another 44% work but do not study and 12% study but do not work. Only 8% of youth in rural areas both study and work. Youth living in urban areas have more opportunities available to them, although 23% do not work or study, while 26% study but do not work, 39% work but do not study and 12% both study and work. Young women have the fewest opportunities available to them. Since many do not have access to formal education, some 72% work as domestic employees.

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**Political Crimes Go Unpunished**

09.08.07 Only one person has been convicted in the more than forty-five political murders documented during the electoral cycle leading up to the general elections in Guatemala. The Public Prosecutor’s Office (MP) won its case against Estuardo Vinicio Hernández Girón, who was sentenced to thirty-three years in prison for shooting and killing Rodolfo Vielmann Castellanos, a Patriot Party (PP) consultant. Vielmann was found dead on March 29, 2006 in zone 9 of Guatemala City.

**CICIG to Function Before End of 2007**

09.13.07 Guatemalan Vice President Eduardo Stein asked United Nations (UN) General Undersecretary, Lynn Pascoe, and her team in New York to form the International Commission Against Impunity in Guatemala (CICIG) before the November runoff elections. Marta Doguet, UN Political Undersecretary for Latin America, will
head up a UN technical mission to prepare for the CICIG. Frank LaRue, spearheading the Presidential Human Rights Commission (COPREDH), indicated that the official UN mission agreed to form the CICIG before the end of President Óscar Berger’s administration.

**LEGAL CASE UPDATES**

**Ríos Montt’s Election Will Not Halt Case**
09.07.07 Although former dictator, General José Efraín Ríos Montt was elected to Congress, the genocide case being pursued against him in Spain will continue. Benito Morales, the lead attorney from the Rigoberta Menchú Foundation in the case against Ríos Montt and six other former Guatemalan military officers, stated that Ríos Montt’s attempt to gain impunity via his election to Congress would not work. Morales stated that the Foundation, as a plaintiff advocate (*querellante adhesivo*), would insist that the arrest warrants and subsequent extradition to Spain be honored by the Guatemalan judicial system. He also said that the immunity provided to an elected official only protects Ríos Montt “for actions that are committed while exercising his office as a congressional representative,” but not for crimes committed before he fills the post.

**Witness Deposed in Embassy Massacre**
09.08.07 María Odeth Arzú Castillo, 85, who witnessed the burning of the Spanish Embassy in Guatemala on January 31, 1980, was deposed in a hearing held in the Eleventh Criminal Court as part of the investigation against former President Romeo Lucas García, who died in May 2006. Arzú Castillo indicated that she was the third person to enter the Embassy, along with two firefighters. “While I was in there, I saw several people lying close together, burned from the waist down, whose bodies were still moving. Then, we rescued Ambassador Máximo Cajal-López and another person who was alive, but I don’t remember who it was. I just know that when I left, I heard the voice of an army officer who said, ‘Don’t leave anyone alive in there,’” she explained. She added that the firefighters arrived after the majority of the victims had already died.

In her deposition, she stated that she saw authorities in light blue shirts and camouflage uniforms, some of who got into the bus with the former Ambassador. “At the time, I thought they would kill us, and I began to shout. I told them I had six children and that my husband didn’t live with me. I don’t know how, but the former president and vice president of the Red Cross intervened on behalf of us and they let us go.” Arzú Castillo received death threats and suffered several attempts on her life before she went into exile for many years. The plaintiff advocate (*querellante adhesivo*) in this case, Walter Robles, said that Arzú Castillo’s testimony is important since it provides enough information for local arrest warrants to be issued for those individuals that participated in the crime. International arrest warrants have already been issued, but not recognized by Guatemalan authorities.

**CC Says Referendums Not Legally Binding**
09.06.07 The Guatemalan Constitutional Court (CC) ruled that community referendums are not binding decisions. CC Magistrate José Quesada explained that while local authorities should consider the people’s opinions, they do not override the authorities’ decisions. In Río Hondo, Zacapa, a 2005 referendum determined that locals were against the issuance of licenses to construct a hydroelectric dam in the community. In Sipacapa, San Marcos, a similar referendum was held and residents made it clear that they were against mineral exploration and mining in the area. Most recently in April 2007, more than 20,000 women, men, adolescents, and children united from 144 communities in Ixcán, Quiché to hold a referendum opposing the Xalalá hydroelectric dam, future dams, and the exploration and exploitation of oil concealed in their ancestral lands.

**More Species in Danger of Extinction**
09.14.07 The World International Conservation Union (UICN) published their new 2007 Red List of species in danger of becoming extinct, including fifty-three animals that live in Guatemala. As a result of the new additions, nearly 1,200 Guatemalan mammals, reptiles, birds, mollusks, amphibians and other invertebrates are on the List, up from 1,144 in 2006.
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.

Research Coordinator: Carmen Camey, Editor: Shannon Lockhart, (ghrc-usa@ghrc-usa.org), Additional Assistance: Marty Jordan, Julie Suarez, Remle Crowe, and Francesca Pisano

*GHRC/USA relies on the support of individuals like you. Without your contributions of ideas, action, and resources, GHRC/USA would not be able to stand in solidarity with Guatemalans as they struggle for their rights and freedoms. We greatly appreciate all types of support so that we can continue our education, advocacy, and human rights efforts. Please remember that no contribution is too small, or too big. To donate, please visit our website at www.ghrc-usa.org or send a check to the address below.