

Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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RIGHT TO LIFE AND HUMANE TREATMENT

Government Denounced to IAHR

09.22.07 A group of residents from Los Cimientos, San Bartolomé Jocotenango, in the department of Quiché, denounced the Guatemalan government to the Inter-American Human Rights Commission (IAHRC) for not protecting the citizens from persecution at the hands of seventeen alleged paramilitaries. For months the residents have asked Guatemalan authorities to disarm and arrest the paramilitaries, but the government claims that it has not been able to dialogue with the paramilitaries. For protection, residents from Los Cimientos have been living in the Academy of Mayan Languages building in Guatemala City for the last four months. Tomás Us, one of the community leaders, said that they have not received the support they need from authorities in order to return to their village.

Incidents of Lynching Continue, Civil Patrols Form

09.23.07 More and more Guatemalans are taking justice into their own hands, frustrated that the government and the justice system are unable to prevent crimes or punish criminals. One recent example occurred in the hamlet of Choacamán III, in Santa Cruz del Quiché, Quiché. María Gutiérrez, 30; Hilario Ajpop, 21; and a minor were whipped by residents, after being accused of robbing three heads of cattle. They were then forced to return the cattle to the owner. Before the three were punished, someone alerted the National Civil Police (PNC), who sent 20 officers to the scene. The angry crowd barred the police from entering the neighborhood.

In a separate incident, also in the department of Quiché, in Chumanzana, near Chichicastenango, locals beat six alleged assailants until they signed a

paper saying that they would never return to the area and threatened to kill them if they assaulted anyone again. The six were finally handed over to the PNC for processing.

Residents of the village of Buena Vista, in Iztapa, Escuintla, learned that police officers Óscar Hernández and Félix Calito released the suspects accused of theft. The angry crowd burned their patrol car in protest and the officers were forced to flee to safety by boat. Ingrid Sucup, from the Center for Justice, said that the incidents of lynching reflect the public's lack of trust in authorities.

Another response to the violence in Guatemala has been citizens forming night patrols in order to prevent crimes. In San Martín Jilotepeque, Chimaltenango, after two alleged criminals were obliged to fight to the death or be lynched by an angry mob in August, locals organized night watches. The idea for the patrols came from the residents themselves and participation is voluntary. Men over the age of eighteen form groups of eight to fourteen people to patrol the area each night, armed with cell phones, walkie-talkies, and machetes. Those with permits carry guns. Each evening after 8:00 pm in the village, a curfew is enforced and anyone found in the street is subject to being searched and interrogated by the civil patrols.

Former URNG-MAIZ Candidate Threatened

09.24.07 The National Front for the Struggle to Defend Public Services and Natural Resources (FNL) reported that Calixto Morales, student leader and former congressional candidate for the Guatemalan National Revolutionary Union - Broad Left-Wing Movement (URNG-MAIZ) political alliance was threatened and harassed by armed men. The FNL stated that the group of armed men patrolled the street outside Morales' home, showing their weapons in an intimidating manner. The FNL

demanded that Interior Minister Adela Camacho de Torrebiarte provide security to all citizens and said that any attack on Morales or his family would be the Minister's responsibility.

Environmentalists Murdered

09.24.07 Three environmentalists were killed and more than three thousand people were threatened in La Unión, Zacapa, according to Rodemiro Han Tan, leader of a Chortí environmental group. Han Tan, another local leader, added that the threats against Guatemalan environmentalists have increased during the recent electoral cycle, and that those who defend natural resources are in danger of becoming murder victims in Guatemala.

Death Squads Control Sololá

09.25.07 More than thirty-five people have been extrajudicially executed in the towns of Santiago Atitlán, Cerro de Oro, and San Lucas Tolimán, all in the department of Sololá. Residents believe that there are at least four death squads dedicated to social cleansing in the area: "Social Cleansing" (Limpieza Social), the "Justice Seekers" (Los Justicieros), "Armed Groups without Borders" (Grupos Armados sin Fronteras), and another group with ties to local drug traffickers. Those individuals murdered were informally accused of drug trafficking, infidelity, or rape. In addition there is a special list for those who, according to their executioners, participate in witchcraft. Some of the killers wear olive green fatigues and ski masks while others cover their faces with red bandanas (normally used to identify local leaders in this largely indigenous area) and straw hats. Nevertheless, the weapons of choice are the same: AK-47's, M-16's, and homemade rifles.

The Human Rights Ombudsman's Office (PDH) in Santiago Atitlán has received more than ten denunciations per month of death threats attributed to the death squads. In addition to frightening locals, the death squads, estimated to have some eighty members, greatly outnumber the twenty National Civil Police (PNC) agents in the area that are in charge of protecting more than forty thousand inhabitants. Anders Kompass, the UN High Commissioner in Guatemala, sent personnel to investigate the security crisis Santiago Atitlán, Sololá.

According to an exposé done by the Guatemalan

paper, *El Periódico*, the Public Prosecutor's Office (MP) is investigating whether the social cleansing in Santiago Atitlán is responsible for the murder of Julio Urrea Ruíz, who was the governor of Sololá at the time of his death. Urrea Ruíz witnessed several criminal cases in the area, including a fraud case and a case against drug traffickers that operate in the department of Sololá. He was also responsible for the arrest of foreigners who ran a local child pornography ring. In January 2006, Urrea Ruíz, with the help of the Ministry of the Interior, participated in a sting operation resulting in the capture of seven people linked to a clandestine group that extorted people in the municipality. The arrests were made in the village of Cerro de Oro. Days later, the group that calls itself "Social Cleansing" printed fliers warning that they would kill witches, the unfaithful, the corrupt, and drug traffickers. The group carried out those threats. Seven people, allegedly linked to the "Social Cleansing" group, have been arrested.

CODECA Leader Survives Attack

09.25.07 Unidentified men, driving a truck with tinted windows, shot at and attempted to kill Estanislao Calel Tzic, president of the Campesino Development Committee's (CODECA) local office in the village of Barrios, in San Antonio Suchitepéquez, Suchitepéquez. Fortunately the assailants missed Calel Tzic, enabling him to escape uninjured. CODECA believes that this attack is related to Calel Tzic's work to defend campesinos' rights.

Izabal Union Leader Murdered

09.25.07 While on his way to work, Marco Tulio Ramírez Portela, a leader of the Izabal Banana Workers' Union (SITRABI) was killed by several men wearing ski masks and carrying automatic weapons. His wife and children were present but not harmed.

Ramírez Portela's murder is the most recent in a series of threats and attacks against SITRABI and its leaders. In 1999, the union suffered a devastating attack by armed individuals. In November 2006, assailants stoned and then shot at a SITRABI-owned vehicle driven by an elected union officer. In late July of this year, military officers forcibly entered SITRABI's headquarters and demanded to know the identity of the union leaders. The assassination of

Ramirez came just three days after SITRABI learned that military officers had been disciplined by the Ministry of Defense in response to SITRABI complaints about the unlawful entry.

SITRABI considers the military's recent acts of intimidation to be retaliation for the union's significant role in worker rights training and support for workers on banana plantations in the Izabal and Southern Coast regions. Union members demanded that authorities investigate this killing. Selfa Sandoval, SITRABI's press secretary, said that the military's actions violate the right to unionize. Defense Minister Cecilio Leiva, stated that the search was an error and that those involved will be sanctioned. Noe Arana, lawyer for the Public Prosecutor's Division of Crimes against Journalists and Union Members (MP), said that his office was still investigating the case and that appropriate actions would be taken.

Gang Members Almost Lynched

09.26.07 Tension returned to Cerro Alto, in San Juan Sacatepéquez, Guatemala, when locals, despite a truce that was made between the residents and gang members, took three alleged gang members into custody. The mob threatened to lynch them but finally handed them over to the National Civil Police (PNC), unharmed. This incident occurred just weeks after residents in Cerro Alto lynched two gang members.

As a result of the vigilante justice, more than 150 gang members decided to turn in their weapons and register with community leaders. The community asked authorities to help rehabilitate these youth, and three groups have responded to this request: the Presidential Human Rights Commission, (COPREDEH), the Youth Alliance Program, and the People Helping People Association. Juan Carlos Arrivillaga, the coordinator for People Helping People, said that they would initiate an emergency plan that would include recreational and formation activities, as well as small business training, so that former gang members could make a living without resorting to crime, and so that the local economy in Cerro Alto improves. The rehabilitation program is scheduled to end in December 2007.

Police Extrajudicially Execute Five Men

09.28.07 Witnesses reported that on September 21,

police agent Sabino Ramos Ramírez, inspector Wilson Tobar Valenzuela, and two unidentified officers, arrived in the El Gallito neighborhood in zone 3 of Guatemala City. The police agents allegedly got out of their patrol car wearing SWAT Team vests, with their assault weapons drawn, and forced four men and a minor to get into the vehicle. The neighborhood is notorious for its connections to local drug lords and residents control all vehicles entering or leaving the area. Relatives of the five people who were taken by the police went to the Eleventh Commisary, in charge of that sector, but they were told that there was no record of the arrests. The five taken into custody were identified as brothers Óscar Enrique Luna Gómez, 21, and Juan Enrique Luna Gómez, 25; Tomás Eduardo de León, 17; Gerber Josué Aquil Pérez, 18; and Edwin Alexander Alfaro. The five allegedly belonged to a group of drug traffickers called "Los Shumos" who operated in El Gallito.

Four days later, the five individuals were found dead near a local highway called El Naranjo, each shot execution style. The primary suspects in the murders are the personal bodyguards of Julio Hernández Chávez, the General Director of the National Civil Police (PNC). Hernández Chávez commented that the PNC is investigating whether the agents acted as hired guns for a rival group of narco-traffickers. The route of patrol car DG-002, driven by the accused, was tracked by GPS and was presented as evidence before a judge, along with the statements of several witnesses. Based on this evidence, the judge issued arrest warrants for Ramos Ramirez and Tobar Valenzuela.

The Guatemalan Interior Minister, Adela Camacho de Torrebiarte, asked for Hernández Chávez to step down as the Director of the PNC in order to avoid any conflict of interests in the investigation of the alleged extrajudicial executions. As a result, Hernández Chávez stepped down from his post. One day later, Camacho de Torrebiarte, swore in the new director of the PNC, Isabel Mendoza Agustín, and confirmed the post of Assistant Director, Henry López. Mendoza Agustín said that she is waiting to receive an evaluation of every police officer in order to continue purging the ranks of the PNC.

Iduvina Hernández, head of Security in Democracy (SEDEM), said that the fact that there are death squads inside the PNC structure, carrying

out extrajudicial executions, means that an independent unit that will work alongside the Ministry of the Interior must be created to weed out these elements. The Center for Human Rights Legal Action (CALDH), the International Center for Human Rights Investigations (CIIDH), the Human Rights Office of the Archdiocese of Guatemala (ODHAG), and the Institute of Comparative Studies in Penal Sciences in Guatemala (IECCP) sent a letter to the government demanding that the authorities implicated in extrajudicial actions be fired.

WOMEN'S RIGHTS

Bill Created to Protect Women Against Violence

09.17.07 The Guatemalan Women's Movement presented a bill to members of the Congressional Human Rights Commission for the creation of a law on Violence Against Women. The proposed law would establish the legal basis necessary for the government to guarantee that women do not become victims of violence and criminally classify the different forms of gender-based violence, including the killings of women, also referred to as femicide.

PDH to Investigate 600 Plus Cases of Femicide

09.25.07 The Human Rights Ombudsman's Office (PDH) is investigating more than six hundred cases of murdered women whose cases remain unresolved, according to PDH legal advisor, Alejandro Rodríguez. He explained that the Public Prosecutor's Office (MP) does not have the capacity to promptly investigate the cases and added that the National Civil Police (PNC) need to act quickly when they receive denouncements rather than waiting twenty-four hours to investigate.

The Homicide Division of the MP reported that of the six hundred plus cases, 114 cases involved women killed in Guatemala City between January and August 2007. Statistics indicate that of those, firearms killed 101 women, knives killed five others, and eight women were strangled to death. Three out of every ten women who died violent deaths had previously reported that they had been threatened.

High Teen Pregnancy Rate Recorded

09.27.07 Miriam de Najarro, the vice president of the Guatemalan Gynecological-Obstetrical Association, said that for every thousand women who give birth 114 are between the ages of fifteen

and nineteen, the third highest birth rate for teenagers in Central America. She added that 44% of women between the ages of twenty and twenty-four became mothers before they reached age twenty.

The problem is related to lack of education and access to resources. Even though 83% of teens that are living with a partner say that they do not want to have a child in the next two years, only 18% of them use an effective method of birth control. Rossana Cifuentes, from the Guatemalan Association of Female Doctors, explained that whether or not a teenager uses some method of birth control largely depends in part on her family's economic level. Statistics show that only 27.1 % of those in the upper class become pregnant before the age of twenty, while 52.2% of middle class teens do, and 62.4% of lower class teens become mothers before age twenty. Sixty-eight percent of teen mothers are illiterate and 54% are indigenous.

LABOR RIGHTS

Mayor Lays Off Personnel in Puerto Barrios

09.17.07 The Municipal Worker's Union of Puerto Barrios, Izabal, denounced that the National Union of Hope (UNE) mayor, Noel Vargas, laid off thirty maintenance staff because Vargas was not re-elected. Porfirio Osorio, general secretary of the union, said that when the workers were laid off, they did not receive the corresponding payments for indemnization, back pay, vacation time, and other benefits stipulated by law that the municipality owes them.

Minimum Wage Agreement in Stalemate

09.20.07 The Multisector Commission on Minimum Wages ended in a stalemate. While union representatives proposed a 50% increase to the minimum wage, employers opposed the raise and insisted that wages be tied to production levels. Rigoberto Dueñas, a union representative, said that the unions' proposal is based on the price for staple goods, which has risen 115%. The National Wage Commission will meet at the end of September to discuss the proposal and decide whether to recommend that the Executive Office raise the minimum wage. Wages are currently fixed at Q44.58 (US \$5.94) per day for agricultural workers

and Q45.82 (US \$ 6.11) per day for all other workers.

LAND RIGHTS

Government Indifferent to Agrarian Issues

09.19.07 The Guatemalan government seems indifferent to campesinos' issues and responds to agrarian problems with bureaucratic measures rather than integral solutions, according to Clara Arenas, director of the Association for the Advancement of Social Sciences in Guatemala (AVANCSO), a member of the Agrarian Platform (PA). Arenas added that the next government to be in place in January 2008 needs to respond to the accords made by the Executive Office, and underlined the importance of a governmental transitional period that would include agrarian issues as one of its priorities.

The PA demands that the government pay out Q108 million (US \$24 million) in order to resolve the most urgent cases, since only one of nine priority cases from 2006 has been resolved. Abisaías Gómez, from the Marquensian Madre Tierra Coordination, said that the government originally assigned Q75 million (US \$10 million) of the budget to resolve the agrarian problems and in the end, reduced this to Q40.5 million, (US \$5.4 million), not enough to buy land and relocate homeless campesinos. The PA also announced their temporary suspension of the Program to Improve Campesino Economy, claiming that the results were not what they expected because representatives of the National Peace Fund (FONAPAZ) and the Secretariat of Agrarian Issues did not implement "serious" policies.

Bishops Concerned About Agrarian Problems

09.25.07 The Pastoral Land Commission of the Guatemalan Episcopal Conference published a statement regarding the agrarian situation in the country. The statement expressed the bishops' concern over the development of large plantations and narcotrafficking that may completely destroy certain communities. The bishops also reported that social turmoil could occur as a result of the lack of information from government officials and the lack of contingency plans where mega infrastructure projects are being planned, such as the Xalalá hydroelectric project, the superhighway along the northern strip, and the exploitation of petroleum.

They warned that if such projects are carried out without taking into account the opinions of the affected communities, the people may respond with massive demonstrations or forcefully.

The Pastoral Land Commission asked the government to redirect investment policies that "privilege capital rather than human beings, with negative effects that provoke the rupture of the indigenous social fabric and the destruction of campesino lands." The statement went on to further say that, "if it is true that to find alternative energy and fuel sources is good for the country, it should not be done by sacrificing the subsistence and survival of large sectors of the population in impoverished rural areas." They called on key players in the agricultural sector, including campesinos, indigenous peoples, business owners, and their companies to be mature and flexible in their stances towards the resources to be invested in rural development, to create new legal frameworks that fulfill the Peace Accords, meet the Millennium Goals, and resolve the challenges of a country full of social injustices. Finally, the bishops concluded that the Mining Law and the Integrated Rural Development Laws needed to be passed.

MIGRANT RIGHTS

Immigrant Hotline Created

09.21.07 The Foreign Relations Ministry inaugurated a special hotline for Guatemalans living outside of the country in order to provide them with consular information, general assistance, and help in the event of an immigration emergency. Persons who speak different languages including English, Spanish, Q'anjob'al, and K'achiquel staff the hotline. The Industrial Bank (BI) provided the resources, infrastructure, and technical equipment for this service.

SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

More Malnutrition Cases Detected

09.16.07 The Health Ministry identified seven cases of severe malnutrition and forty-five moderate cases while screening children under age five in La Unión, Zacapa. Of the 3,498 children examined, 82.4% are healthy, 16% are slightly malnourished, and 1.5% are severely

malnourished. Jaime Guerra, director of Zacapa's Health Department, said that rations of "Vitacereal," a nutritional supplement, will be handed out to families with malnourished children for the next three months and they will be monitored.

Illiteracy Rates Reduced to 22.4%

09.27.07 Illiteracy rates among adults and youth in Guatemala have fallen 3.88% in the last three years, according to Hilda de Morán, head of the National Literacy Commission (CONALFA). De Morán said that other advances include increased participation of women in literacy classes. The departments with the highest illiteracy rates include Quiché, Alta Verapaz, and Huehuetenango. It is estimated that by the end of 2007, the overall illiteracy rate will be 22.4%, down from 26.28% in 2004.

RIGHT TO JUSTICE

Carlos Castresana Named Head of the CICIG

09.18.07 The Secretary General of the United Nations (UN), Ban Ki-moon, named Spanish lawyer Carlos Castresana as the head of the International Commission Against Impunity in Guatemala (CICIG). Castresana arrived in Guatemala on September 17 in order to meet with key people in the Executive and Judicial branches, police officials, political leaders, and representatives of civil society. In his first press conference, he said that he would seek the support of the presidential candidates since the success of the Commission will depend on the cooperation of the government. Castresana has extensive experience as both lawyer and judge, and he worked between 1995 and 2005 for the Spanish Anticorruption Legal Unit, and was in charge of important cases tried in Spanish tribunals and other courts. In 1996, in the name of the Progressive Lawyers' Union, he presented charges against former Chilean General Augusto Pinochet for genocide, torture, and terrorism, which led to Pinochet's detention in London.

Prison Deaths Remain Unresolved

09.25.07 One year after authorities retook control of the Pavón Prison from inmates, the investigation of the seven deaths that resulted from the operative remains open. Authorities from the Ministry of the Interior and the Defense Ministry planned and

executed the operative that left the seven inmates dead. The Human Rights Ombudsman (PDH) issued a report concluding that the seven were extrajudicially executed. Nevertheless, Álvaro Matus, head of the Homicide Division of the Public Prosecutor's Office (MP), indicated that the MP continues to explore a different hypothesis, that authorities and inmates exchanged fire. He explained that the investigation is still open, but that the autopsies did not indicate that the deaths were a result of extrajudicial executions.

RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

Mines Pollute Sipacapa Rivers

09.19.07 The San Marcos Diocesan Peace and Ecology Commission expressed concern that two rivers in Sipacapa, San Marcos are being polluted from mining residues dumped by the Glamis Gold Ltd.'s Montana Exploradora/Marlin project. Mining officials denied the possibility that the rivers have been contaminated, even though arsenic is used in the process of separating gold from the ore.

OTHER INFORMATION

Electoral Fraud Accusations Continue

09.17.07 Residents of Usumatlán, Zacapa, protested in front of the Supreme Electoral Tribunal (TSE) stating that the local mayoral election was fraudulent. This is the forty-sixth case in which locals have demanded that the TSE scrutinize results and repeat elections due to fraud charges. A similar case occurred in Santa Lucía Cotzumalguapa, Escuintla, where the (URNG) also asked for the TSE to nullify results because of fraud. José Enrique López, re-elected mayor for the National Unity for Hope (UNE), in Palín, Escuintla, returned to his office one week after his residence and part of the municipal offices were burned by a mob that was unhappy with the election results.

US Funds Antinarcotic Programs

09.21.07 The United States government signed three cooperation agreements with the Guatemalan government promising to give a total of \$2.2 million to combat drug trafficking in the Central

American nation. US Ambassador James Derham said that the agreements demonstrate the US government's commitment to support Guatemalan initiatives to combat drug trafficking, money laundering, and other illicit activities carried out by organized crime. According to a press release, the cooperation is a result of a common interest to halt the annual shipment of more than four hundred metric tons of cocaine and heroine through Guatemala and to combat other international crimes such as human trafficking, auto theft, and arms trafficking. The US has offered training, technical and logistical support to Guatemalan authorities.

The funding is broken into three programs. One of the principal programs aims to control narcotics. The operating budget will be US \$990,000 and the program has three sub-components: support and strengthen the Guatemalan government's ability to eradicate illegal drugs; strengthen the capacity of the National Civil Police (PNC) to combat narcotrafficking and organized crime; and train the specialized units in charge of high impact investigations, including corruption cases.

A second program to eliminate narcotrafficking, corruption, and money laundering will receive US \$350,000 and is designed to improve the government's ability to prosecute drug traffickers, organized criminals, money launderers, and people who commit public acts of corruption. Specialized prosecution units in the Public Prosecutor's Office (MP) will receive funding and training.

The third program will receive US \$983,667 to focus on criminological and special investigation units in the Ministry of the Interior. Designed to strengthen the judicial system, the program aims to resolve gang-related crimes and to protect communities and youth through multisector services offered by the police, courts, the Public Prosecutor's Office, and civil society.

Heavy Rains Cause Death and Destruction

09.25.07 Mudslides caused by heavy rains affected more than two thousand people in different squatter settlements in Guatemala City during the third week of September. The victims were moved to twenty-three temporary shelters where they received food and blankets while they waited for machinery to clear away the debris. The worst damage was caused in zone 5 of Guatemala City where,

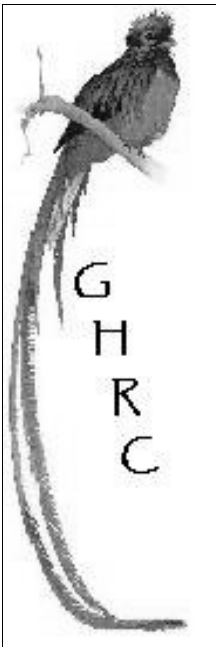
according to the National Coordination for Disaster Reduction (CONRED), rescuers found four victims dead among the rubble. Six individuals are still missing. The heavy rains affected 2,063 people in Guatemala City, and 1,506 were moved to temporary shelters. Forty homes were destroyed, forty-three were declared uninhabitable, 204 homes were damaged but habitable and 324 homes are considered at risk. In addition, twelve highways, one school and a bridge were damaged.

Berger Highlights Advances in Guatemala

09.27.07 Guatemalan President Óscar Berger, in his speech to the United Nations General Assembly, highlighted advances that his administration has made. He said that Guatemala has created a national agenda to increase competition in international markets. Berger emphasized that the poverty rate was reduced by five points, falling from 56% to 51% during his administration, though he admitted that the rate is still too high. He said that this reduction in poverty inspires one to believe that Guatemala has moved closer towards fulfilling the Millennium Goals. Berger also said that 95% of all children attend primary school, and that 4.1 million more Guatemalans now have access to health services.

He said that the country has improved its human rights record, saying that individual guarantees have been promoted "in every public policy that we have created" and that the National Compensation Program (PNR) recognizes that the victims of the internal armed conflict have a right to receive compensation. In terms of security issues, Berger said that his administration has addressed citizen security in an integrated manner and that there are several contributing economic, political, and cultural factors to the ongoing violence.

He admitted that a great deal still remains to be done but despite this, "significant advances have been made," although he did not elaborate on them. Human rights organizations and civil society actors disagreed with many of the points made by President Berger and they were frustrated with his glowing analysis of the current state of Guatemala.



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: GHRC Action Alert—Union Leader Killed