

Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

Vol 19 No 19 / Oct. 1 - 15, 2007

RIGHT TO LIFE AND HUMANE TREATMENT

Mayor-Elect Shot and Wounded

10.01.07 José de Jesús Morales, mayor-elect of Pueblo Nuevo Viñas, Santa Rosa from the National Unity for Hope (UNE) party, was shot in the chest by unknown assailants while driving his car. His daughter, Wendy Patricia Morales, 17, was unharmed, although passenger Rony Chinchilla, 37, was shot in the leg. Morales is in stable condition.

Massacre Victims Exhumed

10.02.07 Scientists from the Guatemalan Forensic Anthropology Foundation (FAFG) exhumed the remains of twenty-one men, women, and children in Sechinapemech, a community in Chisec, Alta Verapaz. Evidence indicates that the victims were killed sometime between 1981 and 1984 during the internal armed conflict. According to a press release from the Association of Families of the Detained and Disappeared of Guatemala (FAMDEGUA), who coordinated the exhumation, relatives and friends buried the victims in clandestine graves after the army massacred them. Witnesses say that soldiers used Chisec as a base and massacred communities in the area that they believed were supporting the guerrillas. The bodies of five children, aged ten, eight, six, three, and two; three women, aged fifty-six, forty, and thirty-five; and several young adults under the age of twenty-four were recovered. While FAFG was able to identify the victims' gender and ages, a more complete analysis is needed in order to determine their exact identities. It is expected that more clandestine cemeteries in the area will be exhumed in the future when permission is granted.

In the meantime, FAMDEGUA said they faced several obstacles in obtaining permission to exhume massacre sites, including opposition by former members of the Civil Defense Patrols (PACs) who fear legal repercussions, since many are accused of collaborating with the army during the massacres. Another roadblock is within the legal system itself. Certain members of the Public Prosecutor's office (MP) have ignored the petitions seeking permission to carry out exhumations. According to Aura Elena Farfán, a FAMDEGUA leader, the reason behind the exhumations is to find the thousands upon thousands of Guatemalan men and women who were disappeared or massacred during the internal armed conflict and give them a dignified burial.

Human Trafficking on the Rise

10.05.07 Human trafficking cases are increasing in Guatemala, particularly near international borders, but also in Guatemala City. Victims include boys, girls, teens, and adult women. The Central American Social Studies and Development Institute (INCEDES) expressed concern that an alarming number of people are being exploited sexually and commercially. According to INCEDES, some victims' organs are even removed to be sold on the black market. Despite the rise in numbers, the general population remains largely unaware of the extent of human trafficking. Public forums have become an important mechanism to educate Guatemalans on the issue.

In early October, the Guatemalan government and the Public Security Department of the Organization of American States (OAS) held a regional workshop to address legislation on human trafficking. Congressional leaders from Central America and the Dominican Republic, with support from other Latin American countries, worked together to draft a

model law against human trafficking in Central America. The law addresses the criminalization of human trafficking, prevention measures, and protection for victims, and serves as a reference for countries interested in updating their national legislation. The workshop was funded in part by the US State Department.

Alleged Gang Member Lynched

10.08.07 A group of more than one hundred people set Moisés Tepeu Cuc on fire in San Raymundo in the outskirts of Guatemala City. Tepeu Cuc was allegedly a member of the “Mara 18” gang. He initially escaped, but a few hours later was recaptured and killed.

Persons Close to Pérez Molina Killed

10.09.07 Tensions rose as the latest rounds of accusations flew between presidential candidates Otto Pérez Molina, from the Patriot Party (PP), and Álvaro Colom, from the National Unity for Hope (UNE), in the wake of the murders of three people close to Otto Pérez Molina. On October 5, unidentified persons murdered Colonel Giovanni Pacay in his office. Pacay worked with Pérez Molina in the 1990s in the now dismantled Presidential High Command (EMP), during Ramiro de León Carpio’s administration. A few days later, Aura Esperanza Salazar Cutzal, Pérez Molina’s secretary in the PP, and Valerio Castañón, an agent in the Secretariat of Strategic Analysis (SAAS), were gunned down in Guatemala City’s zone 1. Castañón worked in the EMP with Pérez Molina and later as one of his bodyguards. Pérez Molina said that the murders were “a message from organized criminals who are financing Álvaro Colom’s party.” In defense of his party, Eduardo Meyer, UNE’s Adjunct General Secretary, said that it is the PP that has ties to organized crime and narcotrafficking. Colom said that Pérez Molina’s accusations were “immature and irresponsible.” He went on to say that Pérez Molina is accustomed to practicing a “culture of terror” and that the murder investigations should be left to the authorities.

Municipal Workers Beaten, Threatened

10.09.07 The Guatemalan National Revolutionary Union (URNG) reported that fifteen municipal employees and officials in Colotanango,

Huehuetenango were taken hostage, beaten, and issued death threats. The URNG believes that the incident was perpetrated by right wing parties in the community. The current mayor, a URNG party member, said that this was not the first time an attack like this had occurred.

Attacks on Human Rights Activists Increase

10.12.07 More than 150 human rights workers have been attacked or murdered in Guatemala during the first eight months of 2007. The number of attacks clearly demonstrates the government’s inability to guarantee the safety of activists. International human rights organizations, including the Guatemala Human Rights Commission/USA (GHRC) and Amnesty International (AI), say that these attacks will continue as long as the government does not effectively investigate the clandestine groups who operate in Guatemala or obtain concrete results through the justice system. The government needs to send a clear sign that these kinds of incidents will no longer be tolerated, that cases will be resolved, and that those responsible will be tried in courts of law, representatives from AI said.

WOMEN’S RIGHTS

Femicide Rises to Alarming Levels

10.12.07 National Civil Police (PNC) statistics show that 377 women were murdered in Guatemala between January 1 and October 2, 2007. With differing reports from the PNC, the Survivors’ Foundation in Guatemala documented more than 420 women killed thus far in 2007. According to the evidence, poor young women have been particularly targeted, especially in the departments of Chiquimula, Jalapa, Jutiapa, and Petén. The Center of Informative Reports on Guatemala (CERIGUA), in its “Investigation of Media Reports on Violence against Women,” states that one particularly brutal case captured the media’s attention on September 26, when a mother and her three young daughters, ages nine, seven, and three, were decapitated in their home. In other cases where women have been murdered in front of their children, the CERIGUA report says that these children now suffer from serious emotional scars related to the crimes. The Congressional

Commission on Women's study, "Violent Deaths of Women, Girls, and Boys in 2007," stated that in all the homicide cases of women and minors, the PNC has only arrested twelve suspects. There are no records of cases brought to trial or sentences issued for any of the 2007 murder cases.

In light of this information, the European Parliament urged the European Union and member countries to keep femicide in Mexico and Central America at the forefront of all negotiations and agreements with these countries. The resolution, based on the report titled "The Murder of Women in Central America and Mexico and the Role of the European Union in the Struggle Against this Phenomenon," urged affected countries to redouble their efforts against impunity and to eliminate "all discrimination against women in national laws." According to official statistics, six thousand women and girls were murdered in Mexico between 1999 and 2006. Similarly in Guatemala, the Guatemala Human Rights Commission/USA (GHRC) reports that more than 3,000 women have been murdered since 2000.

Maternal Mortality Rates Very High

10.12.07 Women in Guatemala suffer from the third highest maternal mortality rates in the world, according to the United Nations Population Fund (UNPF). The government has not taken the necessary steps to improve women's health and prevent the deaths of women during pregnancy, birth, and the postpartum period, said the UNPF.

CHILDREN'S RIGHTS

Children Live in Deplorable Conditions

10.01.07 Many children live in deplorable conditions in Guatemala, said Alejandra Vásquez, a member of the Social Movement for the Rights of Children, Adolescents, and Youth, during a march to promote children's rights on National Children's Day. Vásquez said that most children do not have access to health services, education, or adequate housing. Each day, more cases of chronic malnutrition and infant mortality are uncovered. In addition, child abuse is on the rise. She emphasized that authorities need to address these problems and guarantee all constitutional rights, because minors are especially vulnerable to human trafficking,

illegal adoption, and pornography.

Congress Pressured Not to Pass Adoption Law

10.08.07 Guatemalan Vice President Eduardo Stein said that certain groups are trying to block the ratification of the Adoption Law in Congress by pressuring particular legislators. He said that the government wants to make sure that the adoption process is transparent and that it guarantees and respects the rights of the children and their biological parents. Stein mentioned that adoptions cost between US \$25,000 and \$30,000 in Guatemala, but that he did not know how the price was negotiated in the United States or other countries. The adoption "business" in Guatemala generates around US \$300 million annually. In the first three quarters of 2007, the Attorney General's office (PGN) received 4,141 petitions for adoptions and has approved 1,544; the total approved in 2007 may reach seven thousand, a number that is on the rise from previous years. Stein said that the government hopes that Congress will approve the Adoption Law without distorting its original spirit.

INDIGENOUS RIGHTS

Indigenous Need More Information on Elections

10.02.07 The Indigenous Observation Mission recommended that the Supreme Electoral Tribunal (TSE) better inform the public and increase citizen participation for the presidential runoff elections on November 4. The Mission also recommended that the TSE make sure that equal resources are given to all voting centers. Currently, outlying voting centers have much lower budgets than Guatemala City's centers. Álvaro Pop, director of the Indigenous Observation Mission, noted that indigenous observers were present in the fourteen departments with an indigenous majority during the first round of elections, and that the TSE did make an effort to make voting stations more accessible to the people. Pop added that the decentralization of voting centers is a step toward democracy and highlights the importance of rural voters.

Bill to Support Referendums Introduced

10.09.07 The Guatemalan Congress sent the proposed "Indigenous Referendum Law" to the Congressional Commission on Indigenous Communities for further study. The law, introduced

by representative Víctor Dionicio Montejó Esteban, from the National Unity for Hope (UNE), would develop norms to allow indigenous communities to exercise their right to hold popular referendums, a right that was established in the International Labor Organization's Agreement 169 (ILO). The current legislation is not adequate or detailed enough to facilitate indigenous referendums, while decisions currently reached in popular referendums are not binding.

UN Supports Indigenous Women

10.09.07 Anders Kompass, the United Nations High Commissioner for Human Rights in Guatemala, inaugurated the "Regional Seminar on Violence against Indigenous Women" in Antigua, Guatemala. The seminar's objectives included generating reflection about the violence that indigenous women from Guatemala and Mexico suffer every day, promoting strategic alliances between indigenous women in both countries, and identifying political and institutional mechanisms to address the violence. The event took place as part of the UN project to "Promote and Protect the Human Rights of Indigenous Peoples in Central America, with Special Attention to Guatemala and Mexico." The Office for the Defense of Indigenous Women (DEMI), the Educational Program "Pop N'oj" and the Mayan Women's Political Association "Moloj" co-sponsored the seminar.

"Day of Resistance" Celebrated

10.13.07 On Columbus Day, known as Hispanic Day in Spanish, more than two thousand indigenous people and other activists marched in protest of the racist and exclusive practices in Guatemala. In addition to asserting the rights of indigenous peoples, activists spoke out against mining and exploitation of natural resources. They also presented demands for an integrated agrarian reform, respect for the United Nations Declaration on Indigenous Peoples' Rights, and the right to hold popular referendums in communities before carrying out projects such as hydroelectric dams.

LAND RIGHTS

Agrarian Conflicts on the Rise

10.06.07 The Human Rights Ombudsman's office (PDH) has received fifty reports of agrarian conflicts

so far in 2007, while the Secretariat of Agrarian Affairs reports that 1,448 conflicts have been recorded in 2007, a sharp increase from 1999 when only 402 were recorded. According to the PDH's Research and Analysis Unit, campesinos often assert their right to use fallow land, while landowners ask that their constitutional right to own private property be respected. Another common problem arises when more than one owner is registered for a given piece of land. The Research and Analysis Unit said that the Guatemalan government has not approached this problem in a productive way, and that the way agrarian affairs are handled must be improved. No data is available regarding the percentage of cases that have been resolved. There is a proposal for the Supreme Court to create fifteen courts that would specialize in resolving land issues, but there is no Agrarian Code in place to guide the cases.

MIGRANT RIGHTS

Remittances Sustain Guatemalans

10.04.07 The International Organization for Migration (IOM) has conducted a survey on remittances, which revealed that 916,732 households in Guatemala receive remittances from relatives living abroad, especially from those living in the US. This figure has risen by 42,913 in the last year. The majority of remittances are sent from California, Florida, and New York, however, funds have increased in the last two years from Nebraska, Tennessee, Indiana, Kansas, and Oklahoma. Guatemala received US \$375.41 million in remittances in 1996, a figure that has risen each year. By the end of 2007, the figure will be US \$4.2 billion, according to estimates from the Bank of Guatemala. Víctor Lozano, director of the IOM survey, said that remittances make up 11% of Guatemala's Gross National Product (GNP). He reported that of the 1.3 million Guatemalans living in the US, only 30% have legal documentation. He estimates that Guatemalans will lose at least US \$100 million this year as a result of deportations.

Council to Aid Immigrants Created

10.11.07 The Guatemalan Congress approved the creation of the National Council for Aid to Guatemalan Immigrants (CONAMIGUA) to coordinate policies and programs that will protect

and attend to the needs of Guatemalans living abroad, as well as their families back home. Guatemalans living in the US applauded CONAMIGUA's creation, but were disappointed that not all of their needs were addressed and that some of their suggestions were ignored. CONAMIGUA will include members from the Ministries of Foreign Relations, Economy, and Labor; the Human Rights Ombudsman's office (PDH); the Bank of Guatemala; the Secretariat for Economic Planning and Programs for the Presidency; and Congress. Immigrant organizations will also appoint a representative to the council. CONAMIGUA will define strategies to improve the attention and services offered to immigrants, and consular services will be expanded so that people have a place to turn to if they feel threatened. In addition, the Council will make sure that economic growth and development continue in Guatemala, in order to stimulate the local job market and reduce the number of people who leave in search of employment elsewhere. Another goal will be to provide programs for relatives of immigrants and families of those who are deported. In addition, the Ministry of Education (MINEDUC) will provide literacy training for immigrants, since 40% of Guatemalans living abroad cannot read or write.

SOCIAL, ECONOMIC, AND

Victims of Hurricane Stan Still Suffering

10.05.07 The local Human Rights Ombudsman's office (PDH) in Sololá filed a complaint against the Guatemalan government because victims of Hurricane Stan continue to live in temporary shelters two years after the storm hit. The PDH carried out a survey of the communities that were the most affected in the Sololá department: Santiago Atitlán, Nahualá, Santa Catarina Ixtahuacán, Panajachel, and San Lucas Tolimán. The majority of those affected are still living in shelters or in temporary homes designed to last for six months, not two years. The PDH believes that the government has violated the people's right to shelter. Eduardo Aguirre, a representative of the National Reconstruction Commission, indicated that the first seventy-five of 230 houses would be ready in November in Panabaj, Santiago Atitlán.

Santa Lucía Conquers Illiteracy

10.04.07 The Cuban Embassy in Guatemala declared the town of Santa Lucía Cotzumalguapa, Escuintla a "literate zone." The Embassy recently presented the results of a literacy project carried out in rural areas of Escuintla, Quetzaltenango, and Quiché. The Cuban literacy project taught more than 127 people in Santa Lucía Cotzumalguapa to read, using a method called "Yes, I can." According to educational experts, this method teaches a person to read and write in three months and motivates people to continue learning and helping others in their communities. The program will be expanded to twelve communities in San Marcos, Sololá, Quetzaltenango, Escuintla, Quiché, and Huehuetenango.

Protest Held to Demand Housing

10.04.07 In a protest that took place in front of the Congressional building in Guatemala City, members of the Guatemalan People's Movement, the Federation of Associations and Organizations for the Development of Affordable Housing, the Urban Platform, the Council of Displaced Peoples (CONDEG), and the Consultative Assembly for Uprooted Peoples demanded their right to affordable housing. The groups urged Congress to create laws that will make housing available to all those in need. The protest was carried out in commemoration of World Habitat Day. Over 1.5 million people in Guatemala are homeless or live in high-risk areas because they cannot afford housing in safer zones.

MINEDUC Criticized by Indigenous Groups

10.05.07 The Collective of Organizations to Promote the Education of Indigenous Peoples criticized the Ministry of Education (MINEDUC) for being unwilling to dialog and for their undemocratic dealings with indigenous organizations. They also criticized the recent government measures that weaken the Coordination for Intercultural, Bilingual Education (DIGEBI). The Collective expressed its disapproval for the upcoming MINEDUC workshop because indigenous organizations were not consulted about MINEDUC's strategic plan for bilingual education. Groups say that the MINEDUC activity does not respect Agreement 169 of the International Labor Organization (ILO)

and distorts the definition of “active participation by indigenous groups.” The Collective urged indigenous organizations not to participate with MINEDUC but to unite and create an alternative strategic planning process for intercultural, bilingual education that is in harmony with the Peace Accords and international agreements ratified by the government regarding indigenous rights.

“Tierra, Tortilla y Trabajo” Campaign Launched

10.14.07 On World Food Day, with the theme “Right to Food,” Guatemalan civil organizations launched their “Land, Food, and Work” campaign (“Tierra, Tortilla y Trabajo”). The campaign’s objective is to raise awareness about the food shortage facing many Guatemalans. Organizations presented solutions to the food shortage problem, including agrarian reform, controls on imported food, stabilization of staple good prices, and credits for small farmers. The National Coordinating Committee of Campesino Organizations (CNOC), the Campesino Unity Committee (CUC), the Coordination Committee of Non-Governmental Organizations and Cooperatives, and the Catholic Church’s Land Ministry Office are all sponsors of the campaign.

Hospital Crisis Continues

10.15.07 The hospital crisis in Guatemala continues, despite months of denouncements by the Human Rights Ombudsman’s office (PDH). The PDH’s recent study of forty out of forty-six hospitals reveals that there is only one hospital bed for every 2,110 people, and 93% of all beds are already in use. The health system would be unable to handle a catastrophe or national emergency with so few beds available. Medication shortages continue and 38% of patients interviewed said that they did not receive their medications when needed. The Guatemalan government only invests 0.9% of the Gross National Product (GNP) in health services.

RIGHT TO JUSTICE

Mayor Accused of Several Crimes

10.03.07 The Public Prosecutor’s office (MP) brought charges against Ismael Erasmo Gómez Esteban, the mayor of Tajumulco, San Marcos, for his alleged ties to an organization that illegally

confiscated several homes, set fire to others, and threatened several residents. The mayor was also accused of a partnership with Cornelio Chilel, an alleged narcotrafficker in San Marcos. The MP’s Organized Crime Division charged Gómez Esteban with criminal instigation, abuse of authority, arson, and making threats. Chilel, currently a fugitive, is also implicated in these crimes.

Justice Demanded in Genocide Cases

10.11.07 Approximately five thousand people, including relatives of victims and grassroots organizations, participated in a march to demand that the justice system properly investigate the military officers who were implicated in crimes against humanity during the internal armed conflict. Marchers demanded that the Guatemalan government make sure that the genocide cases go to trial. Several high level military officials from the Guatemalan Defense Department and the Judicial Police have been implicated.

RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

Communities Reject Dams

10.10.07 Guatemalan communities located in the northern and western regions of the country demanded that the Guatemalan government halt the construction of approximately seventy hydroelectric dams that threaten inhabitants, ecosystems, and water supplies. The departments that are affected are Petén, Huehuetenango, Baja Verapaz, Quiché, Chiquimula, and Zacapa. Members of the Guatemalan Front of Peoples Affected by Dams and Defenders of Water Sources said that the different popular referendums held regarding the construction of hydroelectric dams have been positive for communities, but the Guatemalan government has not respected their opinions. Authorities called the referendums “nonbinding” and have continued with the construction of dams, without relocating the three thousand families that will be affected or protecting water sources. Local leaders expressed concern about the militarization in the departments where dams are being built and believe that it is a government strategy to intimidate the people and impose policies through repression. Domingo

Ixcoy, coordinator of the National Mayan Coordination and Convergence “Waquib Quej,” said that environmental impact studies carried out prior to construction did not accurately reflect the situation and, in the majority of cases, construction permits were given without regard to the risks that affect the inhabitants.

Community representatives demanded that presidential candidates make sure that the next government respects referendum results, protects natural resources, and creates development projects to benefit locals. They are concerned that some companies use their water sources to generate energy, and that mining precious metals and petroleum places the health and well being of inhabitants and natural resources at risk.

OTHER INFORMATION

US to Combat Violence in Central America

10.01.07 The US House of Representatives unanimously approved a nonbinding resolution to support the struggle to combat violence in Central America. According to the US Southern Command, there are around 70,000 gang members in Central America, and many of them have ties to gangs in the US. Representative Eliot Engel (NY), chair of the Subcommittee on the Western Hemisphere of the House Committee on Foreign Affairs, said that President George W. Bush would present a plan in the next several weeks to collaborate with Mexico and Central America in response to their problems related to crime and violence generated by drug trafficking. The support given would be between US \$8-10 billion and would include equipment for intelligence and vigilance as well as technical training. Engel said that homicide rates in Guatemala and El Salvador have increased so much that the levels are higher than those during their respective armed conflicts. The homicide rate in Guatemala, for example, has doubled since 1999 according to official statistics.

Take Action!

Call your Senators today to urge them to co-sponsor Senate Resolution 178, which condemns the increasing brutal attacks against women and girls in Guatemala, expresses sympathy and condolences to the families, and urges Guatemalan authorities to take appropriate measures to stem the killings of women.

You can call the Capitol Switchboard at (202) 224-3121 to be connected to your Senator's offices.

DRAFTED PHONE CALL!

When the Senator's phone is answered, say politely:

“My name is _____, and I live in [your town/city], and I would like to speak with the foreign policy aide.”

When you are transferred to the foreign policy aide, say politely:

“My name is _____ and I live in [your town/city] and as a person concerned about the tragic violence against women in Guatemala, I would like Senator [name] to co-sponsor Senate Resolution 178 that condemns the ongoing abductions and murders of women and girls in Guatemala; expresses condolences to the families of victims; recognizes the struggle of the victims' families in seeking justice; and recommends specific actions on the part of the US President, Secretary of the State, and US Ambassador to Guatemala, to encourage Guatemala to properly investigate, report, and prevent these crimes. Senator [name]'s support of Resolution 178 will help end the killings of women in Guatemala. If Senator [name] is interested in co-sponsoring the resolution, you can contact Senator Jeff Bingaman's office. If you would like more information about violence against women in Guatemala, you can contact the Guatemala Human Rights Commission at (202) 529-6599. Thank you for your time.”

Find out more at [http://www.ghrc-usa.org/
Resources/UrgentActions/
UrgeSenatorstoCosponsorResolution.htm](http://www.ghrc-usa.org/Resources/UrgentActions/UrgeSenatorstoCosponsorResolution.htm)



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 Carney, 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.**

3321 12th Street NE Washington DC 20017

Tel - 202-529-6599 Fax - 202-526-4611



Guatemala
Human Rights
Commission/USA

Vol. 19 No. 19

3321 12th Street NE
Washington, DC 20017

- **Human Trafficking on the Rise - PG 1**
- **Persons Close to Pérez Molina Killed - PG 2**
- **Attacks on Human Rights Activists Increase - PG 2**
- **Femicide Rises to Alarming Levels - PG 2**
- **Justice Demanded in Genocide Cases - PG 6**

Insert: GHRC Human Rights Review: January - September 2007