

Guatemala Human Rights *UPDATE*

Guatemala Human Rights Commission/USA

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POLITICAL RIGHTS

Álvaro Colom Wins the Presidency

11.05.2007 Álvaro Colom Caballeros, candidate for the National Unity for Hope (UNE) party, was elected president of Guatemala in a November 4 runoff election. Colom's running mate, Dr. José Rafael Espada of the UNE, was elected vice president. According to the official results published by the Supreme Electoral Tribunal (TSE), UNE garnered 52.82% of all ballots cast, winning in twenty of Guatemala's twenty-two departments. The Patriot Party (PP) presidential candidate, Otto Pérez Molina, only earned a majority of votes in the departments of Guatemala (59.5%) and Baja Verapaz (56.25%). Absenteeism, however, was the talk of election day. Due to negative campaign ads between the candidates and the fact that election day coincided with a holiday weekend, only forty-seven percent of eligible voters turned out to vote.

Colom announced that his administration would increase spending on education, health care, and housing in order to reduce the vast social inequalities in Guatemala. Colom also committed to tackling a principal problem that plagues Guatemala: public security. He stated that he would start by increasing social spending on public security and implementing a new security plan for nine different municipalities in January 2008. Colom reiterated that his administration would support the International Commission against Impunity in Guatemala (CICIG), adding that there will be no special privileges granted to those who break the law.

Colom stated, "There is an agreement with Salvadoran President, Antonio Saca, to solve the case of the three Central American Parliament (PARLACEN) members who were assassinated in Guatemala. We do not want to cover-up for anyone

and we will fight against impunity. We want to fight organized crime and uncover the truth of what happened in this case."

The President Elect added that he would meet with the Council of Mayan Elders and give priority to the needs of indigenous peoples. Colom also plans to travel to the US to discuss his policy for immigration assistance with Guatemalan immigrants and to strengthen his relationship with the US government, making sure that current levels of economic and technical assistance continue.

Colom took advantage of a recent Latin American Summit to talk with Chilean president Michelle Bachelet about modeling training courses for the National Civil Police (PNC) after those done by the Chilean Carabineros. In addition, Colom spoke with Colombian president Álvaro Uribe about implementing aspects of Colombia's Community Security Plan into Guatemala's security plan. Venezuelan president Hugo Chávez showed interest in including Guatemala in an energy program that Venezuela has established with fourteen other countries. Participating countries are able to purchase gasoline at a price lower than the international market rate.

Vice President Elect Rafael Espada, a heart surgeon, commented that the new administration would regulate the economy and support medium and small businesses. He added, "My dream is that all children will eat three meals a day for free, a special meal...with high caloric and nutritional levels," in reference to Guatemala's pandemic malnutrition rates.

Pérez Molina, a retired military general, congratulated UNE and stated that he would continue to work to combat corruption, impunity, injustice, and poverty. He added that his party would strive for peace and development. He urged Colom to do a good job as president.

RIGHT TO LIFE AND HUMANE TREATMENT

Municipal Workers Receive Death Threats

11.07.07 The mayor of San Mateo Ixtatán, Huehuetenango, Andrés Alonso Pascual Alonso, reported that several municipal employees have received death threats. As a safety measure, he closed the municipal offices until the Ministry of the Interior could guarantee their safety. Alonso, who was recently re-elected, is a member of the Guatemalan National Revolutionary Union (URNG) political party. Alonso added that citizens against his re-election incited disturbances in October and that his brother was injured as a result.

Kidnappings on the Rise

11.08.07 Seven “speedy” kidnappings occurred during the first week of November in Guatemala City, Antigua, Sacatepéquez, and Escuintla. This type of kidnapping, which is primarily for economic extortion, is characterized by the relatively small amount demanded as ransom, ranging from Q10,000 to Q20,000 (US \$1333 to \$2667). Alejandro Arriaza, a representative from the Public Prosecutor’s Organized Crime Unit (MP), indicated that three of the seven victims were set free after the ransoms were paid. Authorities reported that prisoners often use prepaid telephone cards to coordinate the kidnappings from jail since prepaid cards make it difficult to trace the caller.

Bus Drivers Suspend Services in Protest

11.11.07 Eighty-five drivers covering the route between the department of Quiché and Guatemala City suspended services until the police agreed to provide them with security both inside the buses and along the highways to avoid being intercepted by gangs. This measure was taken after the drivers decided not to pay the “taxes” demanded by local gangs. They also suspended services in protest of the murder of yet another bus driver along Roosevelt highway in Guatemala City. According to the drivers, gangs demand to be paid Q400 (US \$53) per bus per day. Forty-four bus drivers and six assistants have been murdered thus far this year, from both urban and interdepartmental routes.

Congress Approves Convention Against Torture

11.12.07 The Guatemalan Congress approved the United Nations’ (UN) “Protocol for the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment,” adopted in New York on December 18, 2002. The Convention’s goal is to establish a system that would allow international organizations and independent national groups to make periodic visits to penitentiaries in order to prevent torture and cruel, inhuman, or degrading treatment or punishment of the prisoners. Each signatory country has committed to maintain, designate, or create one or more independent national programs to prevent torture at a national level, to be done within one year of when the protocol is enacted.

Human rights groups in Guatemala, with the support of the European Union and in compliance with the recommendations made by the United Nations’ Committee Against Torture, will develop programs to prevent torture. Those programs would include providing workshops to personnel from the National Civil Police (PNC), the Penitentiary System, and political authorities over the next few months. The first workshops, to be held in Escuintla, Suchitepéquez, Retalhuleu, and San Marcos, will focus on heightening awareness of and preventing torture. The Institute for Comparative Studies in Criminal Sciences of Guatemala (IECCP) will facilitate the workshops.

Guatemalan Human Rights Ombudsman Sergio Morales said that torture in Guatemala is no longer exclusive to the State security forces, as it was during the internal armed conflict. Currently, clandestine groups and social cleansing groups also use torture, particularly against juvenile delinquents and gang members.

WOMEN’S RIGHTS

Femicide Victims Remembered by Women’s Groups

11.01.07 Several women’s groups visited Guatemala City’s main cemetery to stand in solidarity with the relatives of the women who have been murdered in Guatemala in the last seven years. Due to an increase in violence against women, more than 3,000 women have been killed since the year 2000. Sandra Morán, a representative of the Women’s Sector, stated that her organization tries to present female

victims as well as relatives with information on how the justice systems works and ways they can carry forward their cases.

CHILDREN'S RIGHTS

New Office to Investigate Child Trafficking

11.01.07 The Public Prosecutor's Office's Organized Crime Unit (MP) established the Unit against Human Trafficking, which will handle cases related to irregular adoptions and the sexual and commercial exploitation of minors. Jorge Luis Donado, chief of the Organized Crime Unity, said that two lawyers and four legal assistants will be assigned to the new Unit. Alexander Colop, head of the Unit, said that one of the first few cases includes the Casa Quivirá case in Antigua, where 46 children were found without proper documentation. Two lawyers are under investigation for irregular adoption proceedings at Casa Quivará. Two more cases assigned to the Unit include the theft of a baby in a tortilla shop in Guatemala City's zone 2 and the theft of a girl in a shoe store in zone 6 of Guatemala City.

Congress Stalls on Adoption Issue

11.13.07 In recent weeks, certain Congressional blocks have worked to postpone the implementation date of the recently acceded Hague Convention on Adoptions. Several children's organizations criticized Congress for dragging their feet on the issue. Activists reiterated the need to stem child theft, the subsequent sale of children in adoption, and to ensure that all adoptions occur in accordance with the law. Vice President Eduardo Stein expressed his concern saying, "The decision to postpone the implementation of the Convention seems to benefit the baby-selling market rather than protect the integrity of the children in question."

The Guatemalan lawyers in charge of processing the adoptions would benefit from Congress postponing the date the Convention takes effect in Guatemala because the cases already in process will be grandfathered in under the current regulations, with little oversight. In Guatemala there is an entire network of lawyers dedicated to seeking out pregnant women, providing foster care services, and completing the paperwork for adoptions.

The Human Rights Office of the Archdiocese of Guatemala (ODHAG) and the Social Movement for the Rights of Children, Adolescents and Youth in

Guatemala also spoke out against postponing the implementation of the Convention on Adoptions. Different groups urged President Óscar Berger to veto any law that might postpone the Convention.

The Attorney General's Office (PGN) reported that the number of adoptions has slowed in the last few months, from 4,918 in 2006 to 2,845 approved through October 2007. The PGN attributed this to the increased adoption regulations this year. Nevertheless, these figures contrast greatly with official information from the US Embassy in Guatemala, which reported that 4,758 Guatemalan children have been adopted by US couples so far in 2007, a 15% increase over 2006. The US Embassy stated that the number of adoptions has increased despite the US government's recommendation not to adopt children from Guatemala.

Representatives from the US, Sweden, and Mexico encouraged the Guatemalan Congress to swiftly approve the needed adoption laws which would make Guatemala's adoption system compatible with the Hague Convention on Adoptions. The Guatemalan Congress has the possibility to declare the adoption laws a matter of national urgency and approve them at the end of November.

Cases of Child Abuse Increase

11.12.07 The National Commission against Child Abuse reported an annual increase of 10% in reported child abuse cases. Family courts receive an average of fifty cases per day of child abuse, twenty of which are sexual abuse cases. According to investigations, the aggressors usually include the biological father, the mother's boyfriend, neighbors, grandfathers, uncles, or teachers. The main victims are children between the ages of seven and nine, although there are also cases registered that include victims as young as four years old.

US and Mexico Deport 4,177 Minors

11.13.07 So far this year, 4,177 immigrant minors have been deported from Mexico and the US, after being detained first by security forces. "The majority of these children travel alone, without documents, money or references and they fall victim to sexual exploitation and forced labor," reported Jean Philippe Chauzy from the International Organization for Migration (IOM) located in Geneva, Switzerland. In some cases, the minors' families sold them to traffickers who promised the

families that the children would work and send home money after arriving in the US.

INDIGENOUS RIGHTS

Indigenous Women Prioritize Issues

11.08.07 The Office for the Defense of Indigenous Women (DEMI) introduced a plan to improve the lives of Mayan, Garifuna, and Xinca women in Guatemala. In addition, DEMI presented a horizontal strategy to be undertaken by all institutions so that gender and cultural identity issues are included in plans, programs, and policies at a local and national level. DEMI's nine priorities include the economy, employment, and immigration; education from the perspective of cultural identity; health and cultural identity; land, housing, and natural resources; political participation; access to justice; racism and violence against women; spirituality and sacred places; and institutional mechanisms for the protection and development of women.

Discrimination Cases Face Obstacles

11.08.07 The Myrna Mack Foundation (FMM) presented a study detailing the many obstacles that victims of discrimination face as they struggle to bring those responsible to justice. One of the principal obstacles is the prejudice within the justice system itself. One example of the institutionalized prejudice is in the documentation of reports. For example, while the Human Rights Ombudsman's Office (PDH) has received a total of fifteen denouncements for discrimination, the Public Prosecutor's office (MP) only reported having received six. Only two cases have resulted in guilty verdicts: the cases of Rigoberta Menchú and María Tuyuc, both of whom had the support of international and domestic human rights organizations. The larger question raised in the report by FMM was who should be brought to trial for the institutionalized discrimination in Guatemala.

MIGRANT RIGHTS

Sea Rout Used to Migrate to the US

11.05.07 According to a recent report published by the Guatemalan daily *Prensa Libre*, three or four barges per week carry undocumented Central Americans, Ecuadorians, and Asians from Guatemala to the US, using a sea route in the Pacific

Ocean. The sea route used to be an alternate migration route, but became the primary course when Genesee & Wyoming Inc. halted the operation of their cargo train route used by migrants for decades.

Most Central Americans begin their voyage in Ocos, San Marcos, Guatemala, where they set sail for the Gulf of Tehuantepec in Oaxaca. The lack of security and the indifference of local authorities have meant that the illegal trafficking of drugs, arms, and people is on the rise in the area. Adela Camacho de Torrebiarte, Guatemalan Minister of the Interior, commented that the free flow of Central Americans through Guatemala complicates the issue and makes it harder to address human trafficking since neither Salvadorans nor Nicaraguans need special permission to pass through Guatemala.

Rate of Remittances Slow

11.07.07 Despite the fact that Guatemalan migrants living abroad will have sent home an estimated \$4.5 billion to Guatemala by the end of 2007, a 12.3% increase over 2006, these figures represent a slower growth rate than in past years, according to a survey by the Multilateral Investment Fund (FOMIN) of the Inter-American Development Bank (IDB). The rate increase is only a little more than half of what it was in 2006, when remittances rose 20.6% over 2005. This deceleration will be felt gradually, and is a result of the immigration crackdown in the US and the eventual economic recession, according to a study by the Central American Institute for Fiscal Studies.

The Institute recommends generating more employment opportunities in Guatemala in order to reduce the country's dependence on remittances. FOMIN reports that remittances are an important factor in alleviating poverty in Central America, even though a good share of the remittances is used to help individuals purchase basic goods and just "get-by" on a daily basis.

Mexico Reinforces Border with Guatemala

11.13.07 Mexican newspaper *La Jornada* reported that the Mexican government plans to reinforce its border with Guatemala in order to reduce the trafficking of drugs, weapons, and people. In 2008, the National Immigration Institute of Mexico (INM) will receive 702 million pesos (US\$ 700,000) to strengthen the Southern Border Program.

SOCIAL, ECONOMIC, AND CULTURAL RIGHTS

Government Owes Millions to Social Security

11.01.2007 According to several civil society groups, the Guatemalan government, municipal governments, and businesses have failed to contribute their due share to the social security system. The Federation of Union Workers in Agroindustry, Food, and Other Goods; the Coordination of NGOs and Cooperatives of Guatemala (CONGCOOP); the Social Security Workers' Union; and the National Coordination for Unions and Grassroots Groups hired an independent consultant to investigate how much different entities owe to the Guatemalan social security system. Édgar Ortiz, the consultant in charge of the study, reported that the federal government owes the Social Security Institute (IGSS) Q12.09 billion (US \$1.6 billion) and that as of April 2007, businesses owed the IGSS Q525.6 million (US \$70 million) and municipal governments owed Q327 million (US \$ 3.6 million).

The different civil society groups responsible for the study hoped that this realization would motivate the IGSS to recover its unpaid capital. Marco Tulio Ovalle, assistant financial manager for the IGSS, said that the government fails to acknowledge its obligation to pay a portion of the social security quota.

Guatemala Has High Rate of HIV/AIDS

11.06.07 The Joint United Nations' Program on HIV/AIDS (UNAIDS) indicated that Belize, El Salvador, Guatemala, Honduras, and Panama have the highest rate of HIV positive populations in Latin America. Belize has the highest rate, with 2.5% of the population affected by HIV. Honduras followed with 1.6% of the population HIV positive, and then El Salvador and Guatemala with 0.9% of the population HIV positive. Experts concluded that the main risk factors for Central Americans include sexual relations between young men and sex trade in the region. Regional directors for the UNAIDS and the United Nations' Children's Fund (UNICEF) in Latin America and the Caribbean, César Núñez and Niels Kastberg respectively, expressed their commitment to take the necessary actions to intensify the fights against HIV/AIDS in Central America

Private Sector Works to Prevent AIDS

11.08.07 The National Business Council for the Prevention of HIV (CONEVIH) was recently founded by twenty businesses from the private sector and will work to raise awareness among employees about HIV/AIDS prevention. The CONEVIH plans to ensure that businesses receive the necessary training and information about HIV/AIDS, its impact on the workforce, and the rights of employees that test positive for HIV/AIDS. Workers will also receive information on the virus and how to prevent its transmission. CONEVIH's goal is to train 30,000 workers by the end of the Council's first year.

The Council was formed in compliance with a recommendation by the International Labor Organization (ILO), since HIV infection has greatly impacted the workforce in Guatemala. In Guatemala, there are at least 70,000 individuals that are HIV positive, according to data from the Joint United Nations Program on HIV/AIDS (UNAIDS). UNAIDS reports that roughly ninety percent of those infected are not aware that they carry the virus.

Transport Services Demand Price Hike

11.13.07 The Association of Urban Transport Companies gave authorities a deadline for approving a price hike for public transportation without reducing their monthly subsidy. They threatened to suspend service in mid-November if the price increase is not approved. Luis Gómez, the spokesperson for the transportation companies, explained that the real cost for urban transport services is Q3.88 (US \$0.52) per person. He added that if the government increased their monthly subsidy to Q150 million (US \$20 million) the cost could be reduced to Q2 per person (US \$0.27). Students from the San Carlos University of Guatemala (USAC) and leaders from the National Market Front rejected the proposed price increase. They countered that regional transport services have already recently increased their prices Q0.05 more per kilometer traveled (US \$0.006).

Food Prices Rise, Salaries Stagnate

11.15.07 From August to October 2007, prices for seventeen staple goods rose an average of 5.4%. Those seventeen items make up roughly sixty-five percent of the typical Guatemalan diet. Carlos Barreda, an analyst from the Council of Social

Organizations (COS), stated that the increase is due in large part to the rising international petroleum price, since it is used for transportation, generating electricity, and as an ingredient in raw materials, all of which impact production costs and are passed on to the consumer. Barreda added that the ripple effect provoked by crude oil prices not only diminishes the purchasing power of the quetzal, affecting buyers, but also decreases local economic growth.

Mynor Cabrera, an analyst for the Central American Institute for Fiscal Studies, warned that public transportation costs for passengers in Guatemala City could rise even more, causing hardship for families that depend on this service since salaries are not being adjusted for the cost of living increases. Silvia de Padilla, head of Consumer Protection Service (DIACO), said that market speculation has also resulted in price hikes for other products that would otherwise not be impacted by oil prices.

RIGHT TO JUSTICE

Crimes Increase, Convictions Decrease

11.02.07 According to statistics from the Justice Department (OJ), decisions issued in court cases have decreased in the last three years. For example, in 2005 the courts handed down roughly 421 decisions a month, a figure that dropped to 343 decisions a month in 2006 and only 225 decisions a month thus far in 2007. The dismal conviction rate has been further complicated by the fact that of the 10,532 verdicts issued since 2005, almost two thousand were acquittals. Nonetheless, the number of crimes committed in Guatemala has risen, yet the convictions handed down in the criminal court system are lower than ever. Criminal investigations carried out by the Public Prosecutor's Office (MP) and the National Civil Police (PNC) are weak and courts are oversaturated with work and bogged down by bureaucracy, all of which contribute to the declining number of guilty verdicts in the last few years.

Political Murders Poorly Investigated

11.05.07 At least fifty-three political candidates or political operatives were murdered between 2006 and 2007, although the Public Prosecutor's Office (MP) maintains that some of the murders were caused by common crimes, not electoral violence. Álvaro

Matus, prosecutor for the MP's Homicide Division, said that he investigated five murders of different party leaders and that none of the cases were political in nature. Nevertheless, the Human Rights Ombudsman's Office (PDH) and the Electoral Watch group indicated that the cases remain open and that clear motives have not yet been established. A PDH report concluded that there were twenty-three murders that were politically motivated in 2007 and another eighteen from 2006, giving a total of forty-one people who were killed due to electoral violence in 2006 through 2007.

The Mutual Support Group (GAM) issued a report registering fifty-three political murders. The report indicates that probable causes for the murders during the electoral campaign include the infiltration of organized crime in political parties and the desire to eliminate political rivals.

Former Officials Found Guilty

11.09.07 The Seventh Sentencing Court for Criminality, Narcoactivity, and Crimes Against the Environment sentenced former Minister of the Interior Byron Humberto Barrientos Díaz to nine years in prison - seven for embezzlement and two for the falsification of private documents. The latter two are commutable. Judges ruled that the evidence showed that Barrientos Díaz was responsible for embezzling more than Q3 million (US \$400,000) from the budget under Alfonso Portillo's administration. Barrientos Díaz's former Vice Minister of Security, Luis Alberto Dávila García, was also sentenced to seven years in prison for embezzlement and given a fine of Q15,000 (US \$2,000). Dávila García must also pay the government Q1,486,528 (US \$198,204) in damages. The following accomplices were sentenced to two years in prison, commutable by paying Q100 per day (US \$13): Claudia Mejía Mansilla, David Mejía Mansilla, Élfego Vinicio Álvarez Muñoz, Josefina de los Ángeles Mansilla, Byron Barrientos, (son of the former minister), and Mercy Amarylis Monroy.

GAM Reports on Exhumations

11.09.07 The Mutual Support Group (GAM) issued a report detailing their exhumations carried out in Guatemala over the last twenty years. The largest clandestine cemeteries of war victims have been

located in different municipalities of the departments of Quiché, Baja Verapaz, and Chimaltenango, the regions most affected during the war. In Quiché, GAM carried out thirty-four exhumations, recovering a total of 404 victims, while in Baja Verapaz, 171 skeletons were recovered in two communities. In Alta Verapaz, Chimaltenango, and Huehuetenango, GAM exhumation teams recovered thirty, fifty-nine, and forty-three skeletons, respectively. In total, 738 remains have been recovered and it is very likely that more will be found in outlying communities in the region known as the Ixil Triangle in Quiché.

Poverty Implies Restricted Access to Justice

11.10.07 The latest data published by the National Survey on Living Conditions (ENCOVI), carried out by the National Statistical Institute (INE) in 2006, placed the Guatemalan poverty level at 51%. This included 15.2% of Guatemalans living in extreme poverty (on less than US \$1 per day) and 35.8% of Guatemalans living in poverty (on less than US \$2 per day). Analysts indicate that the indigenous and campesino populations are the most affected by economic inequality and the subsequent restricted access to justice in Guatemala.

According to ENCOVI, the majority of Guatemalans are indigenous and 74.95% of them live in poverty. Those who are poor have limited access to the justice system since most professional services require payment. To improve the situation, the Guatemalan government has started recent initiatives to improve access to justice. For example, the government recently launched a pilot program to provide free legal aid to victims of violence, including those affected by domestic, psychological, physical, and sexual abuse. The program offers assistance to individuals who cannot afford legal services.

The program, which has eight offices around the country, was launched by the Institute for Public Criminal Defense, with the support of the Office for the Defense of Indigenous Women (DEMI), and the Coordination for the Prevention of Domestic Violence.

12,000 Arrest Warrants Remain Outstanding

11.14.07 Between 12,000 and 14,000 arrest warrants have remained outstanding for the last

three years, according to Attorney General Juan Luis Florido. Florido met with Interior Minister Adela Camacho de Torrebiarte to ask for more police officers to be assigned to carrying out the outstanding warrants. Some five to six thousand arrest warrants are processed by the Public Prosecutor's Office (MP) each year.

RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT

Villagers Protest Cement Factory

11.03.07 Several residents from the villages of Las Trojas, San José Ocaña, Santa Fe, El Pilar, and Lo de Ramos, located on the outskirts of Guatemala City, gathered at the entrance of the Cruz Blanca in order to protest the opening of a cement factory by Cementos Progreso. During the protest, villagers blocked the passage of heavy machinery. The National Civil Police (PNC) and the army were called in to evict the group. The demonstrators stated that they were against opening the cement factory because "it would only bring more deforestation to our communities."

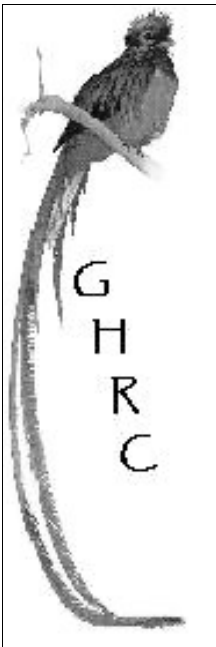
Insecticide Victims Seek Justice in the US

11.15.07 Central American campesinos medically affected by using the Nemagón pesticide continue to push forward their US lawsuit against Dole, Chiquita, and Del Monte fruit companies, and Dow Chemical, the maker of the pesticide. The law firm Provst & Humphrey collected data from banana plantations in Izabal, Guatemala and confirmed that the pesticide in question has caused infertility among male campesinos since 2001. The lawsuit, filed two years ago, is based on 2,368 medical exams of plantation workers and 1,200 documented cases of infertility due to the pesticide.

OTHER INFORMATION

Thousands Isolated by Bridge Collapse

11.07.07 Villagers from several communities near the city of Huehuetenango protested because the authorities have not rebuilt the historic bridge in La Unión that collapsed due to heavy rains in mid-September. The locals say that at least ten thousand people remain isolated from the city.



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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- **Álvaro Colom Wins the Presidency - PG 1**
- **Congress Approves Convention Against Torture - PG 2**
- **Congress Stalls on Adoption Issue - PG 3**
- **Crimes Increase, Convictions Decrease - PG 6**
- **Political Murders Poorly Investigated - PG 6**

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