



Guatemala Human Rights **UPDATE**

Guatemala Human Rights Commission/USA

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FUNDAMENTAL VIOLATIONS

Five Journalists Threatened, Attacked

6/7/05- In the past month, five departmental media correspondents and one Guatemala City reporter have been threatened or physically assaulted.

One of the threatened journalists, Miguel Angel Barrios, is director of the news program "Noti Galaxia," broadcast by a TV station in Tecún Umán, San Marcos. Barrios said he began receiving the threatening phone calls after a report he did on the municipality's establishment of name changes to the streets, avenues, and zones of the urban area of Tecún Umán.

Juan Carlos Aquino and Marvin Herwing, directors of a TV show called "Multinoticias," in Zacapa, have also been threatened. Aquino reported that around 6:30 P.M. on June 1 he received a phone call from an unidentified person who ordered him in very crude words to stop his work or he would die.

In the same time period, Selvin Espinoza, the correspondent for *Prensa Libre* in Totonicapán, was stopped on the street by two National Civil Police (PNC) officers who without a word handcuffed him and hit him indiscriminately.

News reporters Augusto Escobar and Jaime Morales Mejía, with Radio Sonora, in Baja Verapaz, reported physical and verbal attacks. Both were threatened by phone and Escobar was punched by two Colombian citizens as he was coming out of a judicial hearing.

According to data from Journalists Watch of the news agency CERIGUA, to date this year twelve cases of death threats and physical aggression against journalists have been reported, most directed at departmental journalists. Moreover, various accusations of restricted access to public information have been reported.

Torture Attributed to Security Forces

Guatemala's National Civil Police (PNC) have put forth two theories to explain the pattern of murders in

which bodies appear with signs of torture: participation of members of the security forces in the murders of members of organized crime; and murders of members of gangs by means of paid assassins.

From January through May, according to PNC records, 657 men were murdered in the department of Guatemala. During the same time period, 255 women were murdered. According to police investigations, seventy-six of these murders resulted from fights among organized crime groups, whose trademark patterns are signs of torture, strangling, the tying of hands and feet, and the use of a gag. Gang members' bodies have been found in the same manner. Police officials said they reached these conclusions after reviewing the files of victims who had been tried for various crimes, such as aggravated robbery, drug dealing, and kidnapping.

"Fights among gangs and organized bands to gain territory to distribute drugs and the repartition of money gained from drug dealing and kidnapping are among the causes of the power struggles," said Hugo Soto, Criminal Investigation Service (SIC) chief. Soto said initial investigations suggest that gang members are killed by paid assassins, since "people who have been injured by them pay to get rid of them." Verónica Godoy, of the Commission for Public Security Assistance (IMASP), said it might be true that some groups of residents try to take the execution of gang members into their own hands, since there is a lack of police response to the growing crime in the country.

Human Rights Procurator Sergio Morales explained that in analyzing the phenomenon of multiple murders, his office does not use the term "social cleansing" in its usual sense, meaning a State policy to eliminate people who are undesirable to society. He said the murders represent a new form of social cleansing, carried out by members of organized crime. "In these organizations members of the security forces are participating. They are the ones in charge of killing the traitors or rivals of the crimi-

nal organizations, with the difference that the members of the security forces are not obeying orders of the State. They are directed by a criminal band.” Morales said that the participation of members of the security forces within the criminal structures “strengthens a parallel power.”

WOMEN’S RIGHTS

Femicides May Be Crimes Against Humanity

6/3/05-A meeting will be held in Guatemala with female members of Parliament from Spain, Mexico, and Guatemala to continue discussion of categorizing murders of women as crimes against humanity. The discussion began in Mexico last month.

Myrna Ponce, a representative of the Guatemalan Republican Front (FRG) party, said the next meeting would take place June 30 and July 1. The meeting will focus on the creation of a network of female legislators who will commit to placing the issue of femicides and discrimination against women on their legislative agendas.

The main obstacles Guatemala has faced in ending the violent deaths of women are a lack of experts who can effectively investigate the cases, contamination of crime scenes, impunity, and scarce budgetary resources allocated to the agencies involved, Ponce said.

According to Ponce, the brutality of the murders in 2005 has escalated. According to the Human Rights Attorney’s Office (PDH), the number of Guatemalan women who suffered a violent death has reached 1,939 in just six-and-a-half years, but the government has yet to develop an effective policy for ensuring women’s safety.

AI Presents Report on Femicides in Guatemala

6/9/05-Amnesty International (AI) presented in a press conference a report on the violent deaths of women and girls, entitled “Neither Protection nor Justice: Killings of Women in Guatemala.” According to the report, approximately 1,188 women and girls were brutally murdered in Guatemala between 2001 and 2004. Only nine percent of these murders have been investigated by the Public Prosecutor’s Office.

The AI report noted that the failure of the Guatemalan State to effectively prevent, punish, and eradicate violence against women means that it incurs international responsibility under the obligations it has entered into through ratification of regional and inter-

national standards, such as the American Convention on Human Rights (ACHR) and the International Covenant on Civil and Political Rights (ICCPR). Violence against women, the report noted, violates a whole range of fundamental human rights, civil and political as well as economic, social, and cultural rights. Those responsible for carrying out crimes of violence against women, including state officials and third parties, can be held responsible under international law. Although those responsible for the violence may not be state officials, that does not mean that the cases in question fall outside the scope of international law. International human rights standards place a clear responsibility on States to take effective measures under the obligations to prevent and to deal with any type of conduct by private individuals which impedes the full exercise of human rights.

Hilda Morales, a representative of the Network for Nonviolence against Women, said the report would be a helpful tool to limit the number of cases that remain unsolved and unpunished and to raise consciousness and place a greater burden of responsibility on the Guatemalan government. Also participating in the press conference was Rosa Franco, the mother of María Isabel Véliz Franco, who was found murdered in December in 2001. She had been raped, burned with cigarettes, stabbed, and strangled. She died of a severe axe blow to the side of her head. Rosa Franco questioned the work of justice officials, who “washed their hands” of their responsibilities by insisting that the murder victims were involved with gangs, organized crime, or prostitution. “If the murdered woman were the daughter of the Minister of Government, it would be a whole different story,” Franco said, adding that laws were only made for the rich.

Amnesty International in its report urged the Guatemalan authorities to publicly condemn the abduction and murder of women and girls; issue instructions to prevent officials from making unfounded public statements that would dismiss or discredit the serious nature of the crimes being reported; and make clear that the full force of the law would be brought to bear on those accused of violence against women and that those found responsible, including members of the security forces, would be brought to justice.

According to data from the National Civil Police, to date this year, 259 women have been murdered. Sta-

tistics from the Human Rights Ombudsmen's office (PDH) indicate that a total of 1,741 people were murdered between January and April, 369 more than in the same period in 2004.

RIGHTS OF THE CHILD

Child Labor Remains Rampant

Three-and-a-half years after signing the International Treaty on the Worst types of Child Labor, the Guatemalan government still lacks a policy to protect the approximately million-and-a-half minors who work in high-risk conditions. As World Day Against Child Labor was recently celebrated, the following facts came to the fore: 1,200,000 girls and boys between five and seventeen years of age work in industries considered to be the worst. These industries include stonecutting, mining, horticulture, fireworks production, prostitution, agriculture, fishing, and the production of construction materials. Another 300,000 children do other types of labor, such as the selling items on street corners and at traffic lights, cleaning shoes, or juggling. Six out of every ten children in Guatemala work in industries considered to have the worst labor conditions. Their education, housing, and personal development is not considered a crucial issue on the government agenda.

Working children between the ages of five and fourteen are primarily employed in the countryside. Seventy percent work in agricultural and rural labor industries. Eight percent work in manufacturing industries, and eight percent more work in peripatetic sales and trade. Seven percent are employed in domestic labor, and the remaining three-and-a-half percent work in pornography and prostitution.

In Latin America, Guatemala ranks second in child exploitation. According to a study by the International Labor Organization, Ecuador employs thirty percent of its children; Guatemala employs twenty-five percent; Brazil twenty percent; Peru and Colombia, sixteen percent respectively; El Salvador and Costa Rica, twelve percent respectively and Chile; two percent.

Nidia Aguilar, Defender of Childhood and Youth at Human Rights Procurator's Office (PDH), said that the approval of the Law of Full Protection of the Rights of Children and Adolescents (LEPINA) is one of the first steps in eradicating this plague.

According to the report "Situation of Children 2004," produced by the Archbishop's Human Rights Office (ODHA), child and adolescent labor is not only a consequence of the country's economic problems, but also stems from political violence, cultural norms of child rearing, the ignorance of parents regarding laws protecting children, and familial disintegration.

LABOR RIGHTS

CAFTA Passes in Mock Mark-Up

The Senate Finance Committee endorsed the Central America Free Trade Agreement (CAFTA) June 14 in an 11-9 nonbinding vote. The legislation was passed with only one amendment, which would provide aid for workers who lose their jobs as a result of the trade agreement. Consensus was reached only after the administration agreed to future negotiations on concessions for the sugar industry. CAFTA was taken up in the House Ways and Means Committee the next day, where draft legislation was approved by a vote of 25-16. The draft included two amendments, requiring the Administration to report on the activities of CAFTA countries in regard to labor laws and to examine the effect of the agreement on the services industry after one year.

While CAFTA supporters in the House and Senate tried to accommodate the concerns of US trade unions and the sugar industry, little was done to address the agreement's potential negative effects on Central America. Senator John Kerry (D-MA) proposed an amendment to ensure that labor laws are enforced in CAFTA countries, but this amendment failed. The House similarly rejected a proposed amendment by Representative Charles Rangel (D-NY) that would have required CAFTA countries to bring their labor laws into compliance with the International Labor Organization's basic standards within three years. The House did pass largely symbolic language that would require the US to report periodically on other nations' efforts to improve labor standards. Currently, CAFTA requires each country to enforce its own labor laws. This provision is clearly inadequate, considering the poor track records of Central American governments as far as protecting workers' rights. The Bush Administration has promoted CAFTA as a necessary security measure that would stabilize and democratize the region.

For CAFTA to be ratified, the Bush Administration must now formally submit the legislation to Congress, which it is expected to do shortly. The House and Senate must then pass the legislation within ninety legislative days for it to take effect. Despite CAFTA's recent successes in committee, Democrats remain confident in their ability to defeat it. Democrats are unusually united against the legislation and are joined in their opposition by Republicans concerned over the loss of jobs CAFTA would cause.

LAND RIGHTS

Land Registry Law Approved

On June 14 the Guatemalan Congress approved 44 of 91 articles of the Law of the Registry of Land Information, fulfilling one of the commitments included in the Peace Accords. The debate continued the following day to approve the remaining articles.

According to the first article of the law, the Registry of Land Information (RIC) will function as a government institution but with autonomy, its own legal status, and its own resources. It will be composed of a seven-member Council of Directors, presided over by the Minister of Agriculture, Livestock, and Food. Other members of the Council will include the Register of Property, the director of the National Geographical Institute, a representative of the National Association of Municipalities, as well as representatives of the College of Agricultural Engineers and the College of Attorneys and Notaries.

Representatives of the campesino movement and members of the Chamber of Agriculture, which represents the interests of large landowners, were excluded from the Council of Directors, to avoid polarization. Jorge Soto, of the New Nation Alliance (ANN), said, "the Council of Directors is being left in the hands of sectors that always have appropriated the land."

MICSP Decries Changes to Land Registry Law

6/7/05- The popular, labor, campesino, and indigenous movement (MICSP) expressed disagreement with the actions taken by legislators in relation to the approval of the Land Registry Law. The leaders of MICSP warned that if Congress executes new reforms to the land registry law, the campesino and indigenous organizations of the country may take up measures to pressure the government, since many changes were made to a previous bill that had been agreed to by diverse sectors of the population.

Agrarian Conflict Remains One Year After Strike

6/9/05- One year has passed since the national strike organized by the Guatemalan indigenous and campesino movement, but the government has yet to fulfill the agreement reached as a result of the strike. Agrarian conflicts and judicial persecution of campesinos have actually intensified, according to Justo Mendoza, of the National Indigenous and Campesino Coordinating Committee (CONIC).

CONIC is concerned about the government's failure to resolve land conflicts, end evictions and illegal arrests, and investigate threats and intimidations aimed at campesino leaders. Government institutions responsible for answering the campesinos' demands have only delayed a solution, Mendoza said, establishing negotiations and discussions but in the end breaking the agreements reached. He gave as two examples the Land Registry Law and the violent eviction from the Nueva Linda *fincas* (large farm). The government carried out that brutal eviction during the ninety-day period in which the president had promised to suspend evictions and offer a solution to the land crisis.

Mendoza also criticized the government for tolerating the extreme violence security forces have used during evictions. Such violence, he said, could be considered state policy, if one takes into account that not only the judicial and legislative branches but also the executive branch allow the violence to go unpunished.

He pointed to a report by the Interior Ministry that claimed groups of armed campesinos existed in 68 of 102 occupied *fincas*. The authorities' claims are false and defamatory he said and indicate the government's inability to resolve the country's social problems.

Campesino Families Evicted

6/9/05- The Committee of Campesino Unity (CUC) condemned the eviction of 110 campesino families from the community of La Arenera, located in kilometer 108 of the road to Puerto Quetzal, Escuintla. The eviction created a serious problem because the evicted campesinos had no safe place to spend the night after being thrown off the land, said Rafael González, leader of CUC.

The land conflict of La Arenera community has been going on for three years, during which time the families have negotiated with the Land Fund the purchase of the *fincas*. González demanded that the authorities respect the dialogue and negotiation established for the resolution

of the agrarian problems and said the resulting agreements were violated by the government officials who gave the orders to evict and arrest the campesinos.

Eight arrest orders have been issued for eight of the campesino leaders involved in the occupation of the *finca*. On May 28, the CUC representative in that community was abducted and detained by authorities. She was freed days later due to pressure exerted by the campesino movement, as well as a claim filed by the Human Rights Procurator's Office stating that the imprisonment was illegal.

Lucas García's Family Claims He Is Ill

Relatives of former Guatemalan president Romeo Lucas García, currently in exile in Venezuela, have provided the Venezuelan government with a medical report stating that Lucas García is in poor health. The family members aim to keep Lucas García from being arrested and extradited to Spain to stand trial on numerous counts of torture and murder. His wife, Elsa Cirigliano, said the former dictator has Alzheimer's disease and is physically and mentally disabled.

The arrest and extradition requests are based on seven charges of murder and one of torture involving Spanish citizens, and the attempted assassination of former Spanish ambassador to Guatemala Máximo Cajal y López, who survived the burning of the Spanish embassy on January 31, 1980. In the attack on the embassy, thirty-six other people died, among them Vicente Menchú, the father of Nobel Peace Prize winner Rigoberta Menchú. It is her foundation that is heading the prosecution of the case in Spain. A Spanish national court issued the arrest and extradition orders in February, but the Venezuelan government has still not responded. According to Gustavo Meoño, director of the Rigoberta Menchú Foundation, the next step will be to have a forensic doctor determine whether the information about Lucas García's health is true.

RIGHT TO JUSTICE

Police Charged with Assaulting Journalists

6/7/05- The case of five journalists who were physically assaulted by police officers will be tried by the Court of Criminal Sentences and Crimes against the Environment of Retalhuleu. The case was originally scheduled to be tried in the Regional Center of Justice of Quetzaltenango,

but according to Brenda Dery, Prosecutor for Cases of Organized Crime, the case is being moved because the Regional Center of Justice in Quetzaltenango only tries crimes of "high impact."

The Prosecutor's Office has accused police officers Boris Arcaime Morales and Nelson Wilfredo Rodríguez, as well as inspector Edwin Orlando Díaz Pérez, of robbery, coercion, and abuse of power.

The victims were journalists Mario Morales, a reporter for the morning newspaper *Nuestro Diarios*; Edwuar Morales, a cameraman for the news program *Guatevision*; Luis Romero and Mynor Toc from the TV channel DX; and Fredy Rodas, of the morning newspaper *Prensa Libre*. The journalists were assaulted by the officers and robbed of their video equipment, Dery said. The attack took place last August, as campesinos were being violently evicted from the Nueva Linda *finca*, in Puerto Champerico, Retalhuleu.

The judge in Quetzaltenango said a hearing would take place in Retalhuleu in twenty days, where evidence would be presented to begin the trial. Dery, meanwhile, said moving the case to the court in Retalhuleu would ensure a resolution of the case within about three months. Dery will continue as prosecutor.

The journalists say police officers attacked them and confiscated their cameras and videocameras to destroy evidence about the violent methods used against the campesinos during the eviction. The journalists stated that they had filmed scenes in which campesinos were cruelly beaten and extrajudicially executed.

Artists and NGOs Demand Álvarez Ruiz's Arrest

6/7/05- In a letter to Mexican president Vicente Fox, Nobel Prize winners, artists, writers, and nongovernmental organizations from various countries asked the Mexican government to arrest former Guatemalan interior minister Donaldo Álvarez Ruiz.

Álvarez Ruiz has been a fugitive since last December. The luminaries expressed concern that 180 days after Spain requested his arrest and extradition, Álvarez Ruiz remains at large, and Mexican authorities have failed to act.

Álvarez, Minister of the Interior of Guatemala during the administration of Romeo Lucas García (1978-1982), fled his home in the Mexican town of Tlalnepantla after the Spanish National Court announced an international warrant for his arrest.

Álvarez is being accused of military assault on Spain's embassy in Guatemala, an attack that left thirty-nine people dead. The letter asking the Mexican government to act was signed by Adolfo Pérez Esquivel, Argentinean winner of the 1980 Nobel Peace Prize; Mexican bishop Samuel Ruiz; Mexican writers Elena Poniatowska, Ángeles Mastreta, and Carlos Monsiváis; Eduardo Galeano, of Uruguay; former director of the United Nations Educational, Scientific, and Cultural Organization (UNESCO), Federico Mayor Zaragoza; and Peruvian singer Tania Libertad.

OTHER INFORMATION

Subcommittee Lifts IMET Ban

On June 16, the House Foreign Appropriations Subcommittee lifted the ban on International Military Education and Training (IMET) funding for Guatemala. The ban, established in 1990, was modified by U.S. Congress after the Peace Accords were signed to permit training in expanded-IMET courses, such as civil-military relations, military justice, and democratic sustainment. In recent years Congress had clearly expressed its intention not to allow the resumption of regular military training until the military provisions of the Peace Accords were fulfilled. Numerous human rights groups in Guatemala signed a letter earlier this year outlining the shortcomings in military reform and asking that the ban not be lifted. Likewise, Guatemalan human rights and civil society leaders such as Helen Mack and Nery Rodenas visited key congressional offices to lobby against the lifting of the ban.

Nonetheless, Representative Jim Kolby (R-AR), the chair of the subcommittee, lifted the ban on IMET. The ban on full Foreign Military Financing (FMF), requested by the Bush administration and by the Guatemalan government, was maintained. The full conference committee is expected to vote within the next two weeks.

Guerrilla Leader Gaspar Ilóm Dies

Rodrigo Asturias Amado, a founding member of the Organization of the People in Arms (ORPA) and of the Guatemalan Nacional Revolutionary Unity (URNG), died on June 15 of a heart attack in his residence in Zone 2 of Guatemala City. He was 65 years old. Known by his nom-de-guerre, Gaspar Ilóm, Asturias had a long, illustrious life as a leader of Guatemala's armed resistance movement. He participated in 1962 in Baja Verapaz in

the first armed uprising against the military regime of General Miguel Idígoras Fuentes. For his participation he was tried, jailed, and deported to Mexico, where he studied economics. In 1971 he returned to Guatemala and founded ORPA, which he led until its dissolution in 1997, after the signing of the Peace Accords.

In addition to creating and conducting guerrilla fronts and developing and participating in the ten-year-long Peace Process, Asturias wrote ground-breaking analytical works, such as *Racism I* and *Racism II*, published clandestinely in 1973 and 1974. He ran in the general elections in 2003, representing the URNG political party.

His father, Miguel Angel Asturias, was one of the 20th century greats of Spanish-language literature and won the Nobel prize in 1967. Rodrigo Asturias took the name Gaspar Ilóm after an indigenous campesino hero in his father's novel *Hombres de Maiz*. To let his father know he was well, Asturias once sent a message from the field on a small piece of paper which was then rolled up, stuffed into a cigarette emptied of its tobacco and smuggled via Mexico to the novelist in exile in Spain. It read simply, "The Men of Maize have turned into fighters," and was signed Gaspar Ilóm.

Prosecutor Shot to Death

In less than a month, a judge and a prosecutor in Chiquimula have been murdered. One of fourteen prosecutors is under protection since Monday, when Erick Gálvez was attacked.

On April 25, Jose Victo Bautista, judge of the High Impact Tribunal of Chiquimula, was reported dead; on Monday, Erick Moisés Gálvez Mis, prosecutor of the same region, was shot to death.

The justice workers that operate in Chiquimula live in terror, due to the assassination of a judge and a prosecutor assigned to that state.

The members of the High Impact Tribunal of Chiquimula each have a personal security guard. However, until yesterday, the auxiliaries and prosecutor of the Public Ministry (MP) had no security, with the exception of the district chief, Dagoberto Gutiérrez, who was assigned a bodyguard on the day Gálvez Mis was assassinated.

The public workers asked members of the media to not publish their photographs or interview them on local news programs, for security reasons.



The Guatemala Human Rights Commission/USA, based in Washington D.C., has been on the forefront of the struggle for peace and human rights in Guatemala since it was founded in 1982. GHRC/USA is a nonprofit, nonpartisan, humanitarian organization committed to monitoring, documenting and reporting on the human rights situation in Guatemala while advocating for victims of human rights violations.

Information in the Update that is not gathered directly is culled from various sources including ; the Guatemalan Human Rights Commission , Casa Alianza, Amnesty International, Associated Press, Reuters and the Guatemalan Press, including Cerigua, La Cuerda, Incidencia Democrática, Prensa Libre, La Hora, Guatemala Hoy, Siglo Veintiuno, and Patrullaje Informativo. *Dates written before the text indicate when the incidents were reported.

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