



# Guatemala Human Rights **UPDATE**

Guatemala Human Rights Commission/USA

Vol 17 No 14/ July 29, 2005

## FUNDAMENTAL VIOLATIONS

### DEATH THREATS

#### Union Leaders Threatened

Eight leaders of the Workers Union of the Mortgage Credit Bank have been threatened with death. On July 25, at about 7:30 A.M., a funeral wreath was found hanging from the window of the headquarters of the Labor Union of Guatemalan Workers (UNSI TRAGUA). Two obituaries were found inside the building, addressed to the Workers Union of the National Mortgage Credit Bank, which is a member of UNSI TRAGUA. One of the obituaries specifically threatened with death eight leaders of the Workers Union of the National Mortgage Credit Bank.

The obituary stated, "Rest in peace, National Mortgage Credit Union. On the back was the message, "What a shame to lose pseudo-leaders sons of bitches," followed by the names of the eight leaders.

The leaders threatened with death are Vinicio Ordóñez García, Secretary General; Luis Erenesto Morales Galvez, a member of the Consultative Council; Fernando Cirín Aroche, Secretary of Labor and Conflicts; Efraín López Quiche, Secretary of Communications, Acts, and Accords; Elio Santiago Monroy López, Secretary of Finances; Manuel Francisco Arias Virula, Secretary of Social Provision; Danilo Enrique Chea Herrera, Secretary of Publicity and Organization; and José Douglas Acencio, Secretary of Athletics. (See enclosed Urgent Action for more information.)

### EXTRAJUDICIAL EXECUTION

#### Human Rights Leader Murdered

Alvaro Juárez, 64 years old, was assassinated on the night of July 8. According to the Unity of Protection for Human Rights Defenders, he was eating dinner with

his wife at his house in San Benito Petén when heavily armed men arrived at the door. His wife went back into the kitchen. Then she heard shots. When she returned to the room where her husband had been, she found him dead.

Mr. Juárez was director of the Association of the Displaced of the Petén. He was working on issues of development related to health, education, land, housing, and humanitarian assistance. He was also working against impunity in the Petén and often denounced injustice, corruption, and abuses of authority committed by the National Civil Police. The Association of Displaced of the Petén is a member of the Alliance for Life and Peace, a network of organizations that has been carrying out campaigns against the Central American Free Trade Agreement (CAFTA) and against the construction of hydroelectric dams in the Petén.

The motive for the killing is unknown, but Guatemalan human rights analysts note with concern that his murder coincides with the intimidation of two other human rights defenders who have been active in the struggle against CAFTA. Those two human rights defenders have received written death threats. The characteristic that unites these three cases is that the attacks are being directed against leaders who have been important in the movement but have not been public.

An attempt had previously been made on Mr. Juárez's life, also while he was in his home. He had reported the attempt to the authorities, but it was never investigated, and it was not reported to other organizations within civil society. Several days before his murder, according to reports, he had received threats and had reported them to the Public Prosecutor's Office and to the Human Rights Procurator's Office in Guatemala City.

### OTHER HUMAN RIGHTS VIOLATIONS

#### Journalists Beaten by Ex-PACs

Angry former members of the Civil Self Defense Patrols (ex-PACs), who blocked the San José

bridge in Chiquimula on July 11, attacked five journalists and numerous drivers and residents with clubs and machetes. They also destroyed the equipment and vehicles of reporters Denys Roldán, Edwin Paxtor, and Benjamín Martínez, of *Prensa Libre*, and Rolando Hernández Castellón and Arnulfo Ortiz, of Radio Chiquimula. Martínez sought refuge with a nearby National Civil Police patrol, but the two officers did not assist him and instead left the area. The ex-PAC members were requesting the resignation of the departmental governor, Boris Roberto España.

### **320 Women Murdered this Year**

Susana Villarán, Special Rapporteur on Violence Against Women for the Organization of American States, visited Guatemala recently to assess the state of human rights. One of her main concerns was the ongoing, brutal violence against women. According to Villarán, the Inter-American Commission on Human Rights (ICHR) of the OAS has received continual information on the issue, both from organizations defending women's rights and from the Presidential Commission on Human Rights (COPREDEH). "We know that the situation remains more or less the same," she said, "and it was already very serious."

Groups in Guatemala have reported an increase in murders of women. Estimates by the Human Rights Procurator's Office indicate that in 2005 the number of women murdered could exceed 600. The escalation in murder rates has been a steady trend. In 2003, 383 women were murdered, and in 2004, the number of women killed rose to 527.

According to the statistics of the Human Rights Procurator's Office, from January 2002 to May of this year, 1,366 women were murdered, including 66 percent with "sadism and extreme force." Data from the National Civil Police (PNC) reveals that so far in 2005 at least 320 women have been murdered, a number that human rights defenders consider alarming, since it indicates that about two women a day are being murdered.

Villarán, who is the vice president of the ICHR, noted that the situation was more serious than in Ciudad Juárez, Mexico, which has been an international focal point. "The number of female victims of violence in Guatemala far exceeds those in Ciudad Juárez," she said. During her previous visit to Guatemala, in September

2004, Villarán cited World Health Organization statistics from 2002 ranking Guatemala the fifth worst country in the world regarding crimes against women.

### **Reports of Domestic Violence Nearly Double**

In 2004, 1,621 more cases of domestic violence were reported than in 2003, according to the Program of Prevention and Eradication of Domestic Violence (PROPEVI). This spike in reports represents a ninety-three percent increase over the previous year, when 1,736 cases were reported. In 2004 the number of cases reported reached 3,357, and the number is expected to rise again this year; from January to May, 1,352 cases were reported.

The majority of those reporting domestic violence reside in poor, crime-ridden areas of Guatemala City, zones 18, 12, 6, 7, 1, and 21. Women were the large majority of the victims in 2004, numbering 1,924. Men made up a small percentage, totaling 568. Young girls constituted 255 of the victims and young boys 235. Teenage girls reporting violence numbered 67. Only 2 teenage boys reported violence. The victims also included 61 elderly people.

## **CHILDREN'S RIGHTS**

### **ODHA Releases Child Abuse Report**

A study by the Archbishop's Human Rights Office (ODHA) reports that seven out of ten children in Guatemala are victims of physical, sexual, or psychological abuse. Fifty percent of children are victims of physical abuse, thirty-five percent are victims of sexual abuse, and fifteen percent are victims of emotional abuse. Among the worst cases found in the report were children stabbed, burned, or injured by metal objects. "Child abuse is used by parents to correct their children, who become violent people by growing up in a climate of violence," Claudia Agredas, investigator for the ODHA, said.

Haroldo Oquendo, director of National Commission Against Child Abuse (CONACMI), says it is worrisome that this problem has not diminished, despite various national campaigns. Nevertheless, the campaigns have succeeded in raising awareness and encouraging people to speak out against child abuse. Oquendo also expressed his concern over the increase in cases of sexual abuse. It is feared that children will not report this type of abuse

and that it will only be detected later when the children are treated in the hospital for sexually transmitted diseases. According to CONACMI's investigation, the departments reporting the highest levels of child abuse are Guatemala, Zacapa, Jalapa, Chiquimula, and Escuintla. Poverty, unemployment, illiteracy, and domestic violence are some of the factors that provoke child abuse, Oquendo said.

## RIGHT TO LAND

### Evictions Continue

According to a communique received from the Committee for Campesino Unity (CUC), campesinos continue to be evicted from their lands, and their crops, houses, and other buildings are destroyed. The government has recently reiterated that it will evict 350 families living in the Catorce de Febrero community located in the municipality of the Puerto de San José, Escuintla. According to the Union of Campesino Organizations of the Verapaces, the government is threatening to carry out thirty-eight evictions in Alta and Baja Verapaz and Izabal. The National Civil Police of Cobán indicated that thirty-five eviction warrants are on record for the same number of private estates, which are still occupied by several families. The occupied lands are in Santa Ines and La Primavera, Santa Cruz Verapaz; San Andres, in San Cristobal Verapaz; Chiquim Guaxcux, in Tamahu; La Serrania, La Bendicion and Sesaclech, in Chisec, all of them in Alta Verapaz.

## RIGHT TO JUSTICE

### Files on Disappeared Discovered

About 30,000 National Police files detailing decades of abuses were discovered in mid-July in an old police ammunition depot. Staff members of the Human Rights Procurator's Office were attempting to make the National Civil Police (PNC) move explosives stored in the depot to a place farther away from the population when by chance they stumbled upon thousands of bales of files that appear to be a complete record of the activities of the notorious National Police, disbanded after the end of the thirty-six year civil war.

With titles like "Disappeared People 1989" and "Kidnapped Children 1993," the files could end the search

for some victims of the war. Buoyed by the discovery, investigators from the Human Rights Procurator's office then searched police headquarters and found more files.

Mario Polanco, director of the Mutual Support Group (GAM), said, "We believe that these documents contain information that will allow us to find out what happened to hundreds of disappeared people."

"This is one of the most important discoveries in recent times," Human Rights Procurator Sergio Morales told local media. "We have found files about missing persons. The documents contain . . . a book with information about children who were disappeared and to whom they were later given."

The director of the PNC, Erwin Sperisen, said, "We do not have anything to hide. They are old files. If [the Human Rights Procurator] had asked for them we would have given them to him, and if there is something abnormal he can make a formal complaint to the Public Ministry." Sperisen said the PNC was keeping its files in that place because of its tight budget.

The archive, which runs from 1930 through 2002, is so huge it could take some five years to sift through. GAM offered to scan and photograph all of the documents to create an electronic database. Human rights activists fear that the files could meanwhile fall into the hands of those interested in destroying them.

"The state's obligation now is to protect these documents, so we can start working on them as soon as possible," said Frank LaRue, Presidential Commissioner for Human Rights.

"The information," said Iduvina Hernández, of Security in Democracy, "should be protected by and at the disposition of the Human Rights Procurator's Office."

The files currently remain where they were found, in four dank buildings infested with bats and cockroaches. Government rights workers are keeping a twenty-four-hour vigil over the archives, concerned that they might be stolen by groups who do not want their contents revealed.

### Government Apologizes for Massacre

The Guatemalan government has apologized for the government-directed massacre of 226 people in Plan de Sánchez, Baja Verapaz. Vice President Eduardo Stein traveled by helicopter to Plan de Sánchez, ninety-five miles north of Guatemala City, to formally accept government responsibility for the killings by soldiers on July 18, 1982.

The government was ordered to apologize by the Inter-American Human Rights Court, which in a ruling last fall also ordered the state to pay survivors and relatives \$7.9 million in damages.

Stein said the army had “unleashed bloodshed and fire to wipe out an entire community.” Soldiers aided by members of civil defense patrols stormed into Plan de Sánchez. They used machetes and machine guns to kill inhabitants, and forced groups of men and women into homes, which they set ablaze or pelted with grenades. A helicopter also bombed the area. The Plan de Sánchez massacre took place during the eighteen-month dictatorship of Efraín Ríos Montt.

### **Villarán Decries Impunity**

At least five humanitarian organizations met with Susana Villarán to express their concern about the human rights situation in general. Mario Polanco, director of the Mutual Support Group (GAM), said Guatemala was going through difficult times. He pointed to GAM’s statistics from the first trimester of the year, in which 1,580 people were murdered. Of these murders, eleven were extrajudicial executions. Eighty murder victims were under fifteen years of age.

Francisco Mateo, of the Association of Displaced People of the Petén, told Villarán that there was political repression in the Petén, which the government was making an effort to conceal. Villarán was also told about violence and threats against Guatemalan journalists. According to Ileana Alamilla, president of the Association of Guatemalan Journalists, this year alone journalists have been the victims of twenty-six attacks. Among the main incidents, she mentioned death threats, physical and verbal aggressions, and restriction of access to information.

Villarán said the aggressions and intimidations in Guatemala are occurring in a dangerous context, worsened by the lack of investigation and the prevailing impunity that she said stemmed from the “idleness of the State,” which has become a pattern.

“The greatest problem in Guatemala lies in how many people have access to justice and how many receive a sentence . . . only five percent of the total number of cases reach the final phase of sentencing.” She went on to say that Guatemala would not achieve reconciliation if it did not end impunity first.

She met with president Óscar Berger and other high-level government officials on July 20 to show her concern about “the regrettable wall of impunity.”

“Within the reparations (economic, psychological, and social), the element of justice is essential,” she told journalists after the meeting with the president. “It is not possible to mend the situation if the victim does not know the truth, does not identify and individually prosecute the physical and intellectual perpetrators of human rights violations and penalize them in accordance with the law after a proper trial.”

Two days earlier she had participated in an official ceremony with Vice President Eduardo Stein as he asked forgiveness, on behalf of the Guatemalan government, from the victims and survivors of a massacre that the army carried out in 1982 (see page 3).

“The victims receive forgiveness and financial compensation for the violation of their human rights, but they do not have access to justice, that is, to what actually happened and the identification of those responsible, so no reparation and reconciliation is possible,” Villarán said.

### **AI Demands Justice for Women**

Amnesty International’s Mexico section demonstrated July 14 outside the Guatemalan embassy in Mexico City to pressure the Guatemalan government to investigate and prosecute the murderers of 1,188 women and girls killed from 2001 to 2004.

The response of the Guatemalan authorities to these hate crimes against women is similar to that of the governor of Chihuahua, Francisco Barrio, said Liliana Velásquez, president of the AI Section, Mexico: “The women are at fault; they had bad reputations; what are they going off for with men they don’t know; they were wearing short skirts.”

She cited the case of Sandra Janet Palma Godoy, a girl of seventeen, who was murdered in 2004. Her right arm was cut off, her breasts were cut off, her left hand was severed, and her eyes and heart were ripped out. She also told of María Isabel Veliz Franco’s death. A fifteen-year-old student, she was abducted, beaten, raped, burned with cigarettes, stabbed, and strangled. She died from a severe blow to the head with an axe.

For these crimes of hatred toward women “we are here,” Velásquez said, “to demand justice.” Ambassador Soto Aguirre did not receive the protesters, although they had asked for a meeting with him a month in ad-

vance. An undersecretary of the embassy, Juan de Dios Soberanes, also in charge of media relations, did meet with them. In response to their concerns, he said the savage crimes against women and girls were a pattern and part of the context of Latin America and there was not much the government could do.

Amnesty International members visited the Guatemalan Consul, Armando Cruz Carvajal, in Guadalajara on the same day and gave him the recently released AI report on the murders on women in Guatemala. Then they set up an information table outside of the cathedral to educate Mexican citizens about the femicides occurring in the neighboring country and the Guatemalan government's lack of action on the issue.

## OTHER INFORMATION

### US Congress Approves CAFTA

The House narrowly passed the Central American Free Trade Agreement (CAFTA) by a vote of 217-215 late at night on July 27 amidst opponents' objections that the Administration was buying votes. The fifteen-minute voting session was held open for an hour to allow Republicans enough time to gather the necessary votes to pass the treaty. The deciding vote was cast by Representative Robin Hayes (R-NC), a previously adamant opponent of CAFTA because of its effects on the textile industry. House Speaker J. Dennis Hastert convinced Hayes to change his vote at the last minute by promising to push for measures restricting imports of Chinese clothing. The Bush Administration hopes CAFTA's passage will provide momentum for further free trade deals despite the deep political divide it caused, with only fifteen Democrats voting for the treaty.

### US Rep Says CAFTA or Troops

During the US Senate's one day of debate on the Central American Free Trade Agreement (CAFTA), Daniel Ortega's name was uttered twelve times, as senators in favor of CAFTA conjured up the specter of a communist-controlled Central America if the trade agreement perished. The former Nicaraguan guerrilla-fighter-turned-politician was voted out of office fifteen years ago and has since lost two electoral bids to regain the presidency. The remarks of Oklahoma Republican James Inhofe during the July debate were typical of those alluding to Ortega: "These Communists, these enemies of the United States,

Chavez, Ortega, and Castro, are all in opposition to CAFTA. If you want to be on their side, you would vote against CAFTA." Senator Pat Roberts, a Republican from Kansas, exclaimed, "I do not want to go back to the Nicaraguan situation and Danny Ortega. That is not in the best interests of these countries in the region, and it certainly is not in the best interests of our national security."

The strongest remarks to date have been made by Illinois Republican Mark Kirk, who served as a special assistant to the Secretary for Inter-American Affairs at the State Department in the early 1990s. Congressman Kirk told House colleagues on July 20 that Hugo Chavez—whom he called "Venezuela's Mussolini"—was purchasing weapons to fight a new war. "His war may be in Central America," Kirk said. "His agents are already funneling oil money to groups hostile to the United States and to free trade."

"We in the Congress have a choice to make," Kirk went on. "We can either send exports to Central America or troops. Next week let us enact a free trade agreement with Central America to lock in democratic growth and stability, and let us make sure that President Hugo Chavez's Venezuelan agents find no fertile ground in America's back yard."

### Hunger Strike Against CAFTA

A group of twelve people from various organizations conducted a hundred-hour hunger strike in Los Angeles to express opposition to CAFTA. The hunger strike, which ended on July 17, was successful in attracting the attention of some media, including Latino television networks. Mario Avila, a survivor of torture in Guatemala, was one of the organizers of the protest. Another participant was Salvadoran torture survivor María Guardado. Both are members of the Torture Abolition Survivors and Support Coalition, based in Washington, DC, and headed by Sister Dianna Ortiz.

### More Dams Planned

In April, Guatemala's National Institute of Electrification (INDE)—a state company that was partially privatized in 1996—announced the relaunching of three major hydroelectric projects. Xalalá and Serchil dams are expected to be built along the Negro, or Chixoy, River. The Chulac dam is planned for construction on the Cahabon River, also in western Guatemala, on the border between the departments of Izabal and Alta Verapaz.

According to INDE Manager Carlos Colom, construction on one of the plants could begin at the end of 2006. He predicts that all three plants could be operative between 2010 and 2011.

Sixty communities near the banks of the Chixoy River, between Alta Verapaz and Quiché, fear they will be displaced if the Xalalá dam construction project, begun twenty-five years ago, is relaunched. The controversial Chixoy dam was constructed in the 1980s and now accounts for twenty percent of the country's electrical power. The Chixoy dam's construction led to the massacre of about 500 indigenous residents of the area and the displacement of thousands more. Xalalá and Serchil's construction began the following decade but were not completed because of technical problems and the internal armed conflict.

The community of Copala, home to the first generation of refugees who returned from Mexico in 1993 to settle in this village, expressed their uncertainties about the situation. "We built all of this with our bare hands over the past twelve years. And now, what are we going to do? Leave again?" said a community leader who preferred to remain anonymous.

By the end of August this year, Colom said that technical and financial as well as social and environmental studies will be publicly presented, although there are no plans in place for a consultation, which is required by the ratification of the International Labour Organization's Convention 169 concerning indigenous people's rights. In relation to the financial viability of the projects, Colom confirmed strong interest from both Guatemalan and international investors. Even INDE itself could invest in the project. According to experts, the Spanish energy company Unión Fenosa, which holds 85 percent of INDE's shares, could benefit from entering into this new area of electricity generation. "The purpose of these projects is not to cover an energy deficit because there is already a surplus," Colom says. "At the moment, with 7,000 gigawatts/hour annually (and 1,550 megawatts of real power installed), we surpass the demand. In fact, we are selling energy to El Salvador. But it is necessary to keep in mind that demand grows by a rate of 100 to 120 gigawatts/hour each year," he added.

According to Colom, the aim of these new works—which will mean 700 megawatts of power and the production of roughly 3,000 gigawatts/hour more annually—

is to stabilize the electricity rates in Guatemala as well as alleviate the country's dependence on hydrocarbons for the electric generation, which currently generate sixty-five percent of the domestic electricity. Colom said that this surplus would be exported throughout the isthmus.

### **Zacapa Residents Vote No**

On July 3, in a democratic referendum, 2,831 residents of Río Hondo, Zacapa went to the ballot boxes to vote on the viability of the construction of three hydroelectric dams along the Río Hondo. An overwhelming majority—2,735 of the voters—gave a resounding no to the proposed construction of the dam. Only 2.63 percent voted for the project.

The plebiscite was organized, directed, monitored, and legalized by the Supreme Electoral Tribunal, the local mayor, and the coordinating board of residents. Immediately after the results became known, two companies—Río Hondo, Incorporated and Electro Oriente—filed legal appeals challenging the results. At the same time, Luis Ortiz, the Minister of Energy and Mines, began to question the results of the vote.

According to Article 64 of the Municipal Code, at least 20 percent of registered voters must participate in an election to give the vote legal value. The Town Council approved Act 33-2005 establishing the vote as binding, since more than 20 percent of registered voters participated. The Town Council also agreed that the current municipal corporation and all future municipal corporations will be obliged to respect the result of the plebiscite.

### **Gang Membership Increases 327 Percent**

The number of gang members in Central America has risen by 327 percent since 1992. This increase was a major topic of discussion at the Meso-American and Caribbean Congress on Pediatrics, which ended on July 22, 2005.

"In Central America we could reach 500,000 gang members," said Alicia Robledo, a pediatrician and expert on the subjects of childhood and youth. The number of gang members now is estimated at between 65,000 and 100,000. Robledo said that in 1992 the number was approximately 5,000. In thirteen years membership in gangs has increased 327 percent, according to studies by the Autonomous University of Mexico.

## Guatemala Forum Urges Approval of Security Laws

“In view of the terrible situation of violence, criminality, and impunity,” the Guatemala Forum asked Congress to expedite the approval of a package of security and justice laws. Representatives of human rights, professional, church, business, and analysis groups met with Jorge Méndez Herbruger, president of the Congress, on July 19 to urge the representatives to consider their proposal.

Helen Mack, Director of the Myrna Mack Foundation, said the Forum wants Congress to take action to accelerate the approval of the proposed laws regarding the penitentiary system, arms and munitions, regulation of private security businesses, and the creation of the Office of Civil Intelligence.

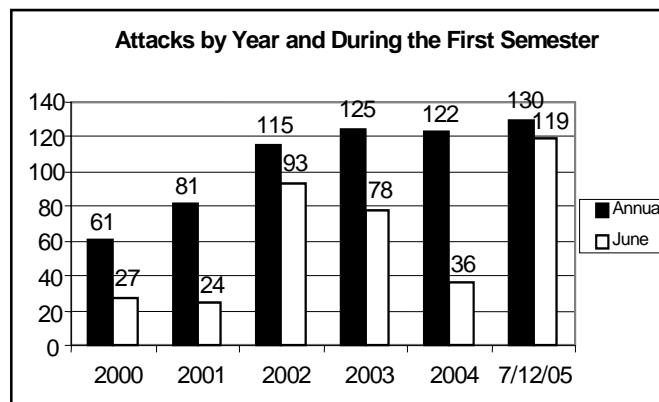
Roberto Ardón, a business representative, said levels of crime and violence in the country are generating great concern, and therefore the Forum is requesting that Congress fulfill its responsibility to control this problem. The Guatemala Forum also insisted on the need for reforms and laws related to justice in order to combat impunity. Following the Guatemala Forum representatives’ visit, Méndez made a commitment to push the security and justice laws through the congressional committees. Members of Congress say that they are still working on the analysis of the proposals, but it is taking a lot of time to reach a consensus. Congressman Luis Velásquez said each political group is bringing in an increasing number of ideas and proposals, making it even harder to reach a consensus. Only the Law of Weapons and Munitions has been ruled on, but some political groups want more changes to it when it is discussed in the plenary session. The penitentiary system bill and the one that will regulate private security organizations are also at an impasse, as other options are being evaluated. Members of Congress have said that the hardest issue to discuss, owing to its complexity, will be the bill on the Office of Civil Intelligence.

### LAST WORD

#### 130 Attacks on Human Rights Defenders in 2005

According to a report released by the Unity for the Protection of Human Rights Defenders, there have been 130 attacks against human rights defenders thus far in 2005, which is more than the total number of attacks in 2003. Furthermore, rather than peaks and dips through-

out the months of 2005, the number of attacks has steadily risen, an occurrence unseen in previous years. The categories of human rights defenders attacked most often in 2005 also changed over last year. Attacks on campesinos, indigenous activists, and, above all, those involved with development issues increased, while attacks on accompaniment personnel, religious persons, and judicial officials decreased.





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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ISSN #1085-0864

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