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GHRC's New Initiative: The Human Rights Defenders Relocation Program.

In 2008, more than 220 acts of aggression were committed against human rights defenders in Guatemala. These include threats of harm, death threats, shootings, kidnappings, and murders. In response to urgent pleas from our partners, GHRC now supports selected cases of defenders who are forced to relocate within Guatemala.

When an individual is threatened or attacked for his or her work in defense of human rights, the entire family is often at risk. Immediate removal from the region where the threats were made is a short-term, emergency solution to a long-term, systemic problem. Our new relocation program is meant to provide immediate emergency support for defenders and their families until the long-term problems of violence and impunity are solved.

You may have met the first recipient of this program in November 2008, when GHRC brought Manuel Calel Morales to the US on a speaker's tour. Manuel has

received death threats over the past two years that target him, his wife, and his nine children. These threats have been sent by text messages, phone calls, and even two drive-by shootings (in May 2008 and April 2009 at his house in rural Guatemala).

Manuel's worst fears became reality on Tuesday, February 17, 2009, when his 17-year-old daughter Juana was kidnapped on her way to school.

Manuel is a Mayan community leader in the small Mayan village of Lacamá II, department of K'iché, in the central highlands of Guatemala. He and his community are working on the exhumation of mass graves there, to rebury their family members in dignified graves and to document the history of the internal armed conflict that ravaged the area during the 80's and 90's. His work uncovers evi-

Rosenberg Case

On May 10, Guatemala was shaken by a video accusing President Colom and members of his staff of the murder of a prominent lawyer. GHRC supports a full investigation by the CICIG into this complex case. See page 12 for description of the case and visit our website for ongoing updates.

dence of massacres committed by state forces. However, former soldiers and PAC (Self Defense Patrol) members, responsible for the atrocities, also live in the community and do not want the atrocities uncovered.

Manuel's worst fears became reality on Tuesday, February 17, 2009, when his 17-year-old daughter Juana was kidnapped on her way to school. She was thrown into a car and driven out to a field, where she was physically attacked and interrogated. After several hours, she was abandoned and thrown into a ditch of muddy water. A farmer found Juana and

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GHRC Mission

Founded in 1982, the Guatemala Human Rights Commission/USA (GHRC) is a non-profit, nonpartisan, humanitarian organization that monitors, documents, and reports on the human rights situation in Guatemala, advocates for survivors of human rights abuses in Guatemala, and works toward positive, systemic change.

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First Femicide Case Heard in the Inter-American Commission on Human Rights

GHRC's "For Women's Right to Live" campaign brought Rosa Franco to Washington, D.C. for her hearing at the Inter-American Commission on Human Rights. Funds were provided through a generous grant from V-Day, a global movement to stop violence against women and girls since 1998.

On March 20, 2009, Rosa Franco testified at her daughter's hearing, the first femicide case to be heard at the Inter American Commission

Rosa was offered the option of a "Friendly Settlement Agreement" to enter into negotiations with the Guatemalan Government to agree upon a list of demands. These could include economic compensation, naming a street in Guatemala City after her daughter, providing forensic training of police investigators who are the first to arrive on a murder scene, among other possibilities.

"I am not interested in economic reparations. My daughter is gone. I want the murderers held responsible so that they don't repeat their crimes. I want justice. I want to live in peace."

- Rosa Franco

on Human Rights (IACHR). She spoke with emotion about the hardship her family has endured and told the Commission, "I'm pleading for justice in the case of my daughter."

Eight years ago (December 16, 2001), Rosa's 15-year-old daughter, María Isabel Franco, disappeared in Guatemalan City. She was raped, tortured, and murdered. Her mutilated body was found several days later. The case was never properly investigated and no one was ever brought to trial.

In November 2006, the IACHR accepted a petition against the Guatemalan government for having failed to ensure a timely investigation in the murder of María Isabel.

When the Guatemalan government failed to convince witnesses to testify and authorities were unable to provide any concrete information about the investigation or prosecution of those responsible for the murder, the case returned to the IACHR. In March 2009, Commission lawyers condemned the government's inaction. During the hearing, representatives of the Guatemalan government publicly recognized its failings, but said the lack of proper investigation was "not because of lack of will. We are dealing with systemic problems that aren't so easy to change."

"I am not interested in economic reparations. My daughter is gone. I want the murderers held responsible so that they don't repeat their crimes. I want justice. I want to live in peace," Rosa said, after the hearing. "I have my sons, but I miss my daughter. I don't want other mothers to have to go through this."



GHRC Board President Kathy Ogle, Rosa Franco, and GHRC Program Associate Kelsey Alford-Jones.

In 2008, 722 women were violently murdered. This number is far higher than the 590 reported in 2007, despite the new Law Against Femicide and Other Forms of Violence Against Women (passed by the Guatemalan Congress in April 2008). Of the 722 reported cases of femicide in 2008, only two have resulted in sentencing.

See page 11 for more on Guatemala's Law Against Femicide

Guatemalan Lawyer and Torture Survivor Speaks Out on Behalf of Guatemala's Victims of Violence

Gladys Monterroso, lawyer, university professor, Secretary General of a Guatemala political party, and wife of Human Rights Ombudsman Sergio Morales, was kidnapped in Guatemala City on Wednesday March 25 at 7am and released 13 hours later.

"Who accompanies the victims? The victimizers are portrayed in the movies, interviewed for the front page of the newspaper. But the victims are invisible. I am here to tell the story," Gladys said, to a crowd of 35 Guatemalan men and women at the Chapina Bakery, in Hyattsville, Maryland on April 8, 2009.

"I had a normal life. I taught classes at the university, worked as Secretary for the Encuentro por Guatemala party and Congresswoman Nineth Montenegro, and returned home to eat dinner with my daughters. On Wednesday March 25, my life was forever changed; marked as before and after that date."

Three men in yellow hoods abducted Gladys on the street in Guatemala City early on a Wednesday morning. "It is normal for university students to wear col-

"I was given a gift from God. I survived to tell my story. Thousands of women in Guatemala have been brutally murdered. I am here to tell you what happened."

ored hoods at this time of year, for the Huelga de Dolores, thus I was not alarmed when the men approached me. They shoved me in a black car, blindfolded me, forced some pills down my throat with a bottle of liquor, and then proceeded to tie my wrists and ankles. They forced a gun against my temple and then shoved it into my mouth. They burned my arms and legs with cigarettes,

strangled me, beat me in the face, and raped me. I must wait six months before I can take the tests that will tell me whether or not they gave me a fatal disease," she said.

"Through my testimony, I call upon the state authorities to stop the orgy of blood that the citizens of Guatemala live through every day, that forces respectful citizens to migrate because there are no opportunities or solutions here in the land where we were born and raised."

"The only thought in my mind was will I ever see my daughters again? Will I accompany them on their wedding day, and see their children? And now my question is, why me? I didn't do anything wrong," she said, staring across the GHRC office at Sister Dianna Ortiz, who suffered similar torture by the Guatemalan military in 1989.

"Now I understand how the millions of victims of violence live in fear, victims of the armed conflict and post-war Guatemala, and I know that I am not alone," she reflected.

This violent attack occurred just eleven hours after the release of the first report on the contents of the police archives. The archives were discovered in 2005; over 11 million documents were cleaned, scanned, and filed (of over 80 million documents from the 1960-1996 conflict).

GHRC staff Kelsey Alford Jones, TASSC volunteer Alice Zachmann, Gladys Monterroso, GHRC director Amanda Martin, Human Rights Ombudsman Sergio Morales, Ombudsman director Oswaldo Enriquez, Guatemalan Embassy Deputy Chief of Mission Rita Claverie, TASSC founder Dianna Ortiz, and Blanca Vargas

The report includes information connecting the Guatemalan National Police to atrocities committed during the war. Evidence from the report has already helped in important cases, such as the first arrest in a case of forced disappearance (of the 47,000 disappearances during the conflict.) Four officers linked to death squads have been accused of the 1984 disappearance of Fernando Garcia, student leader and husband of Nineth Montenegro. Two were arrested on March 5, 2009.

"The day that I released the report, we received death threats and a bomb threat," commented Human Rights Ombudsman Sergio Morales. Luis Romero, investigator for the Ombudsman's office in charge of the Garcia case, was attacked 12 days before. Gladys and Nineth appeared in a photo on the front page of the newspaper the day of the release, creating a perceived link between Gladys and the Garcia case. "The torture and the fact that no ransom was demanded are indicative of tactics utilized during the armed conflict," Morales said.

Morales spoke of Gladys' courage and determination to tell her story. He added, "Our daughters decided to stay in Guatemala, despite the ongoing danger. We will return to fight this battle against violence and impunity. We are here to tell the US government, Congress, and the Department of State that violence in Guatemala is forcing people to flee to the US."

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The Tragic Cycle of Poverty and Migration GHRC's March 2009 Delegation to Guatemala

In the US, the topic of immigration is oversimplified, politicized, defined as a problem, expressed through numbers rather than human faces, and marginalizes immigrants as "illegals."

In Guatemala, migration is a question of survival.

The GHRC delegation to Guatemala in March 2009 gathered the following statistics:

- 28,000 Guatemalans were deported from the U.S. in 2008.
- 1.5 million Guatemalans are presently in the U.S.; 80% of them undocumented.
- Victims of ICE raids are detained an average of 5-11 months in prison before being deported.
- In 2008, Guatemalan immigrants in the US sent U.S. \$4.1 billion in remittances, representing 10% of the Guatemala's GDP.

The numbers are mind numbing. But the human dimension is even more so. "The phenomenon of Guatemalan migration must not be reduced to statistics," said Bishop Mauro Verzeletti, Secretary of the Commission for the Pastoral Care of Migrants, of the Guatemalan Conference of Catholic Bishops. "The innumerable human faces of children, youth, adults, and the elderly do not allow us to remain indifferent," he said.

GHRC's delegation examined the sources of the migration phenomenon, the push factors, the impact on the families left behind, and the impact on communities and traditional Mayan culture when remittances are sent home, and when family members are deported.

The delegation visited three rural communities severely affected by migration and heard personal testimonies of migration and economic hardship.

An unforgettable meeting with 130 peasant farmers and their families was held in a local school auditorium in San Miguel Dueñas, Sacatepéquez. The majority of the people present were deported from Postville, Iowa, where they worked at a kosher meat packing plant. They shared their personal trauma of detention and



Human Rights Ombudsman staff person addresses the Postville deportees at GHRC delegation meeting in San Miguel Dueñas, Sacatepéquez.

deportation, and the impact on their families and survival back home.

The room buzzed with expectation. We were surprised that several uninvited guests were in attendance, including the mayor, a representative of the Guatemala human rights ombudsman's office, a psychologist from the First Lady's rural development program, the director of consular services, and a representative from the Golan private security firm (offering security guard jobs to local people).

One of the community leaders outlined the deportees' concerns. "What we want is justice," he said, recalling their ordeal in Iowa. "We were treated as criminals, denied our basic rights, our hands and feet shackled to our waists, we were stripped of our possessions and even our clothing, forced to live in crowded cells for five months, separated from our families, and denied the right to appeal before an immigration judge. We were told to declare ourselves guilty of the federal crime of identity theft, in order to get a five-month sentence, instead of two years."

He added: "We were not guilty; the Agriprocessors company gave us false Social Security numbers in order to work. We want to work. They owe us our last paychecks, vacation pay, our taxes, and damages for brutal and inhumane treatment by ICE officers."¹

A Mayan woman spoke up. "My husband was imprisoned for five months after the Postville raid," she sobbed, balancing her baby on her hip. Her husband returned home to Guatemala in November 2008. Two months later, he was struck by a bus and killed. "My children and I are now \$7,500 in debt with 10% monthly interest, and will soon lose our house and land," she said.

A Mayan woman added: "My husband is missing. He was arrested during the Postville raid 11 months ago, and I haven't heard anything since. Where is he?"

The discussion turned to the reasons Guatemalans migrate to the US. The president of the Provisional Board of Directors of the community of Postville Deportees said: "There are no jobs here [in Guatemala]. Loans are given at 12% monthly

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The Postville Raid

On May 12, 2008, US immigration agents seized 389 undocumented workers (including 290 Guatemalans) at the Agriprocessors food processing plant in Postville, Iowa. It was one of the largest US immigration raids in history. More than 260 workers were charged as serious criminals for using false Social Security numbers or residency papers, and most were sentenced to five months in prison.

¹ ICE is U.S. Immigration and Customs Enforcement. Workers' last paychecks have since been paid.

Poverty and Migration

Continued from page 4

interest. We earn \$12.50 for a 100-pound sack of freshly picked coffee. Every family here has mortgaged their house and land to pay the \$6,000 fee to the *coyote* for passage to the US. Every time a Guatemalan is deported, a family loses their home." And, he added: "Over 28,000 Guatemalans were deported last year. That means 28,000 families bankrupted."

"We want work. We want jobs with a dignified salary, overtime pay, and health care benefits. In Postville, we worked 18-hour shifts with no overtime, no benefits, and no health insurance."

- Woman who was a victim of the Postville raid speaks up at the community meeting

A woman who was deported from Postville asked: "If the Free Trade Agreement (CAFTA) allows Guatemala to send fruits, coffee, gold, and other minerals to the U. S., why doesn't it allow for the free trade of labor?"

Another woman who was a victim of the Postville raid pointed out to the GHRC delegation: "You come to Guatemala with just a passport, no visa. Why can't we go to work in the US?"

She added: "We want work. We want jobs with a dignified salary, overtime pay, and health care benefits. In Postville, we worked 18-hour shifts with no overtime, no benefits, and no health insurance."

At the conclusion of the meeting, dozens of deported workers approached us, pushing scraps of paper into our hands. They contained names, dates, paychecks and vacation time owed, photocopies of national ID cards of missing persons who were incarcerated after the raid, and requests for legal work permits to help pay

off onerous debts incurred from the trip north.

These papers were etched with pain, loss, humiliation, degradation, and criminalization of people living in dire poverty. People who simply want to work so that their children won't be condemned to suffer as they have.

Since our delegation left Guatemala, GHRC has remained in contact with the group of Postville deportees. Many haven't had a steady job since they were deported and are in danger of losing their property or their house. The Guatemalan government has provided only nominal support, but taken no real action to provide economic relief for the community. In May 2009, twenty of the women (victims of the Postville raid) were granted U visas, giving them legal status to live and work in the US for four years as non-citizen victims of crimes.

As we were leaving our meeting, a young boy at the school was asked what he wants to be when he grows up. He replied, "An immigrant to the US. There are no jobs here."

That may be his fate. The United States government continues to support free trade agreements that devastate local economies. Since CAFTA was implemented in June 2006 in Guatemala, more

At the conclusion of the meeting, dozens of deported workers approached us, pushing scraps of paper into our hands.

than 200,000 jobs in the textile industry have been lost, 11 trade unionists have been murdered, factories have shut down, and poverty (living on \$2 a day or less) has increased from 51% to 60% of the population. The basic cost of food for a family of five is \$247 per month. The minimum wage is \$195 per month.

The pattern of forced migration has not slowed and US immigration officials simply continue to detain and deport Guatemalans at an alarming rate.



GHRC leads delegations to Guatemala twice a year. Our March delegation focused on US economic policy and the effects on immigration. Our next delegation occurs in August and will investigate violence against women and femicide.

GHRC Immigration and Trade delegation to Guatemala, March 2009.

Detention and Deportation Do Not Address “Push Factors”

Big Business: Raids, Detention, and Deportation

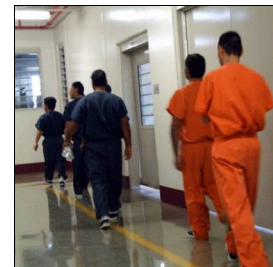
- ⇒ ICE officials detain more than 300,000 men, women and children each year.¹
- ⇒ Over half the nation’s 260 immigrant detention centers are now privately owned and operated by Corrections Corporation of America (CCA), whose stock more than quadrupled from 2003 to 2008.²
- ⇒ Imprisoning immigrants costs the U.S. government \$1.7 billion a year, twice the amount spent in 2003.
- ⇒ For this fiscal year, ICE has budgeted enough to house 33,400 detainees on any given night - \$250 million.
- ⇒ It costs an average of \$141 a night to house each detainee. CCA earns \$200 per night per detainee.
- ⇒ 58% of detained immigrants went through immigration proceedings without an attorney in fiscal year 2007.³
- ⇒ On January 25, 2009, the U.S. detainee population was 32,000⁴; 18,690 of these people had no criminal conviction, and 400 of them had been in detention for a year or more.⁵ In the past 15 years, the detainee population has grown by over 500%.

Profiles of Two Detention Facilities

T. Don Hutto Residential Center, Taylor, TX: 512 beds, former prison, run under CCA, a for-profit corrections company. The facility houses families awaiting immigration or asylum hearings and first opened in 2006, when children and parents alike were allowed out of their cells for just one hour a day. An ACLU lawsuit in August of 2007 greatly improved conditions, especially for children, and opened Hutto to immigrant rights organizations. The period of oversight required by the suit ends in August of 2009, and there are no guarantees that ICE will maintain the standards demanded by the ACLU.



“B-18,” Los Angeles, CA: originally intended to house detainees for no more than 12 hours, now subject of a lawsuit by the American Civil Liberties Union (ACLU). Officials have kept detainees in this basement facility with no water, soap, change of clothes, hygiene products, or showers, for weeks, getting around the time limit by shuttling detainees to and



from jails on evenings and weekends. Detainees are kept 50 or more per cell and denied basic due-process rights such as access to mail or to an attorney, not to mention basic sanitation and medical care.

GHRC calls for a renegotiation of CAFTA, an immediate halt to ICE raids and deportations, cessation of the use of local American law enforcement to enforce federal immigration laws (287(g) program), stopping the separation of undocumented workers and their families, a halt to federal charges of identity theft for undocumented workers, an end to racial discrimination against undocumented workers, and respect for immigrant labor rights.

Detention and Deportation Do Not Address “Push Factors”

- Violence: over 6,000 people were violently murdered in 2008; this is over 4 times the world average of 7 murders per 100,000 people.
- Impunity: 98% of all crimes go unpunished
- Poverty: 56% live on \$2 per day or less.
- Lack of land rights: 50% work in agriculture, but 92% of the farmers cultivate only 22% of the land.
- Rising prices: in 2008, prices rose an average of 14% while minimum wage remained \$6.50 per day, \$130 per month. An estimated \$450 per month is needed for a family of 5 for food, health, and education.
- Lack of jobs: 75% of laborers work in the informal economy, with no job security, health care, time off, or overtime pay.
- US economic policy: free trade agreements such as CAFTA have decimated local economies and food security, granted multi-nationals tax-exempt status, prioritized profits over people, and negated indigenous land rights and has failed to enforce existing labor rights

¹ Amnesty International 2009 report “Jailed Without Justice”

² CNN Money

³ Executive Office for Immigration Review, of the US Dept. of Justice

⁴ Immigration and Customs Enforcement database

⁵ Associated Press, March 15, 2009 Michelle Roberts “US: Immigrants Face Detention”

Thousands March in Support of Immigrant Rights

On Friday, May 1, tens of thousands of people marched for immigrant rights in demonstrations across the US. The marches and rallies called for legalization of the undocumented, an end to the raids and deportations and maintaining family unity.

The march in Washington, DC drew several thousand people from a broad array of backgrounds. Individuals and families from Latino communities, a large number



of trade unionists and individuals from the Asian and African American communities, and others marched from Malcolm X Park to the White House. The march concluded at Lafayette Park in front of the White house with an energetic rally. A wide variety of speakers demanded comprehensive immigration reform, including an end to using local police forces for immigration control (287(g) program), and a viable pathway to citizenship for immigrants.

GHRC staff marched with the masses while GHRC board president Kathy Ogle interpreted on stage.

The simultaneous marches in Milwaukee (20,000 people), Los Angeles (10,000), Chicago (5,000), Detroit (5,000) and

over one hundred other cities focused on President Obama's campaign promise to over 12 million undocumented immigrants in the US to provide a path to citizenship through immigration reform during his first year in office.



Left and above: May 1 March, Washington, DC

Obama has since taken a step back from the immigration issue. On April 9, 2009 his staff said that immigration reform might not happen this year. He has, however, invited members of Congress to the White House for a June 8th meeting to highlight immigration reform to discuss policy.

Meanwhile, over 10,000 Guatemalan immigrants have been deported already this year. An estimated 30% of Guatemalan

families depend on remittances; each person deported represents a family whose primary source of income is cut off. The \$6,000 smuggling fee with a 10% monthly interest then becomes an enormous burden in a country where 75% of the population works in the informal economy without guarantee of even the minimum wage.

Immigrants' Economic Contribution to the US

- ❖ Granting legal status to current undocumented immigrants would provide a net benefit of \$407 billion to the Social Security system over 50 years.¹
- ❖ Undocumented workers who gained legal status in 1986 paid more in taxes and spent more as their wages increased by 15% over five years.
- ❖ Immigrant labor increases the US Gross Domestic Product by \$37 billion each year²
- ❖ Latino purchasing power in the US totaled \$509.1 billion in 2008 and is expected to increase to \$1.4 trillion in 2013.³

¹ National Foundation for American Policy

² White House Council of Economic Advisors

³ Immigration Policy Center

Manuel Calel is First Recipient of Relocation Program

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called firefighters, who arrived and contacted her family.

Manuel made his first call to GHRC director Amanda Martin to report the crime. Martin called the Guatemalan Presidential Commission on Human Rights to begin an immediate investigation of the case. The coordinator of protection for defenders immediately contacted Manuel. A mental health team from the Archbishop's office on human rights provided a psychologist for Juana for the next few weeks. Manuel traveled to the capital city of El K'iché to report the crime at the public prosecutor's office and to reconstruct the scene of the crime with the public prosecutor's team.

"It is of vital importance to get the family out of the village immediately."

- Claudia Samayoa, UDEFEGUA director, on Manuel's situation

After Juana's kidnapping, Manuel continued to receive threatening calls and was told where he could find the body of his daughter. Fortunately, she had already been found, alive.

Two days later, GHRC interns at American University in Washington, DC organized a fundraiser to raise over \$600 for Juana to enroll in a new school in Guatemala City, which she did two weeks later.

Why did this happen to Manuel's daughter? The men who kidnapped Juana did not ask for a ransom. According to Manuel, they see his role as conflict mediator as supporting the kidnapping rings and defending criminals in the village, and so they sought revenge against him through the abuse of his daughter. Some believe it was retaliation for an incident the day before Juana was kidnapped; Manuel and Juana had gone to the public prosecutor's office to demand a full investigation into the recent kidnappings and "linchamientos" (acts of community justice/vigilantism) in a nearby village. Two

men had been caught kidnapping a woman and her daughter; they were dragged down to the village square, doused with kerosene, and set on fire.

Since he is a community conflict resolution arbitrator, Manuel was called in to mediate the situation. But by the time he arrived, the men were dead. "This has to stop," Manuel told GHRC. "There is no state presence in these villages; people are fed up with crime. They have taken matters into their own hands, without due process or rule of law."

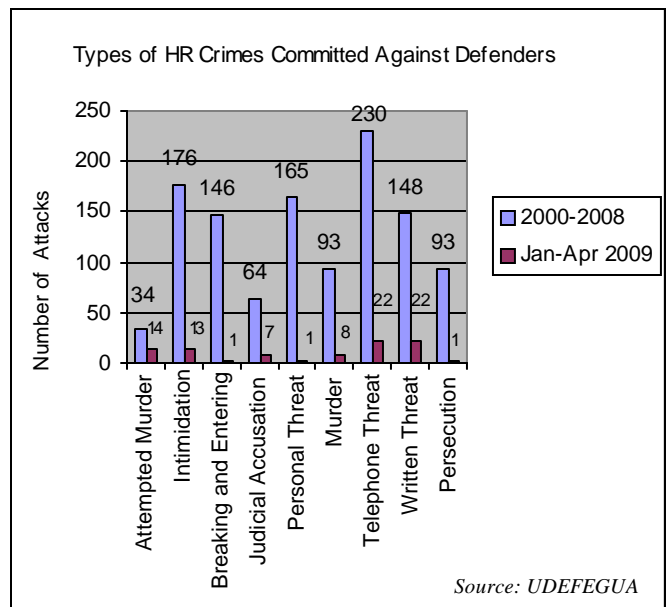
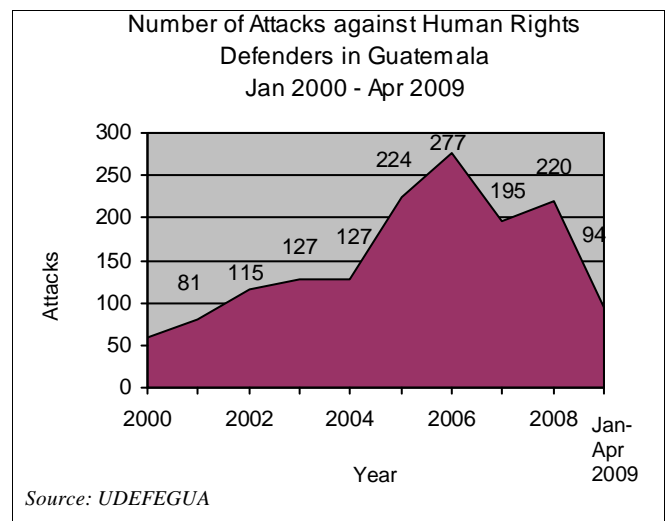
Claudia Samayoa, Coordinator of the Guatemalan Unit for the Defense of Human Rights Defenders, stressed that there are no Guatemalan government programs to support human rights defenders who must relocate immediately due to continued threats, adding: "It is of vital importance to get the family out of the village immediately."

With GHRC's support, Manuel, his wife, and five children moved from their rural village to a sprawling, bustling city where they are not so easily recognized. The four older children (ages 12-21) stayed behind with their grandmother, to continue going to school and to work their cornfield, so as not to lose the harvest. But they were not safe. On April 15, 2009, at 1 a.m., a car drove by, shooting seven bullets into the roof of their house. Manuel went back to the village immediately to bring his remaining children to the city.

Today, Manuel is working at a fruit and vegetable market in the city to feed his family. He works several days a week, lifting boxes of produce, at the minimum wage (US\$6 per day). This does not provide enough money for him to support his family.

Manuel is the first recipient of our Human Rights Defenders Relocation Program grant and will receive funds to cover three months of rent, food, and education costs.

Please make a donation today to help feed and house Manuel and his large family; write a check to GHRC with "HRD relocation program" in the subject line. Thank you for your generosity.



Labor Leaders Become Prime Target in 2009

The Unit for the Protection of Human Rights Defenders in Guatemala (UDFEGUA) recently released their preliminary report for January to April 2009. According to the report, 94 threats and attacks were carried out against human rights defenders. If this rate continues, 2009 will be a very difficult year for human rights activists in Guatemala. (Five more attacks are yet to be verified for this period; if confirmed, the number of attacks will be greater than for the same period last year.)

January to April 2009, farmers and truth activists were most often targeted, but the labor movement saw an increase of 250% in aggressions. Human rights activists comprised 57% of the victims of targeted aggressions, an increase of 11%.

During the armed conflict, 14 people were killed each day. It is estimated that in 2009, the number will reach 20 per day. Is this post-conflict?

- Sergio Morales
Human Rights Ombudsman

The methods of attack have changed from previous years; in 2009, there has been an increase in the number of threats via text messages and phone calls. More troubling, however, are the assassinations. Five human rights defenders were assassinated in March and April, bringing the total for the first four months to eight, the vast majority from the labor movement. The majority of aggressions took place in and around the capital, though these last five assassinations of labor activists occurred in Quezaltenango.

Finally, there was an increase in the percentage of female human rights defenders attacked; for this period, 25% of the threats and attacks were committed against women.

Read the complete UDFEGUA report on our website.

Plant a Tree Today

Who speaks for the trees in Guatemala? The deforestation of Guatemala affects the land, people, food supply, and water sources. The country has lost 66 % of its forest cover, and continues to lose an additional 2% each year. The heavy use of firewood for cooking contributes to ongoing deforestation, as does the use of agricultural land for monocropping of corn, sugarcane, and African palm for biofuel production.



Students plant seedlings in Quezaltenango

GHRC supports reforestation in Guatemala through tree sales. Many of you have purchased a tree to honor your family members and friends on Mother's Day, Father's Day, birthdays, and for holiday gifts. Your trees are planted in Guatemala through ICAmigos, whose reforesta-

tion project plants thousands of trees including alder, cypress, and pine.

The work at the tree nursery involves local schools, community members, and foreign volunteers. ICA also hosts special events to promote environmental awareness and recycling. Collecting seeds, transplanting, and caring for trees is a group effort.

Support reforestation and GHRC: buy a tree today. The cost is \$15 per tree. Please email ghrc-usa@ghrc-usa.org or call (202) 529-6599 to order trees. Customize the greeting in the card for special occasions.



Trees at the ICA nursery wait to be planted.

Monterroso Speaks Out

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Gladys spoke of the much-needed support for Guatemalans fleeing violence who migrate north. "Through my testimony, I call upon the state authorities to stop the orgy of blood that the citizens of Guatemala live through every day, that forces respectful citizens to migrate because there are no opportunities or solutions here in the land where we were born and raised."

Monterroso asked President Obama to express solidarity with his Guatemalan brothers and sisters by providing aid to decrease poverty and violence, and to grant legal status for the 1.5 million Guatemalans living and working in the US in to mitigate poverty in Guatemala.

"Violence in Guatemala is indiscriminate; 7,000 people are killed each year, and impunity is so high that the UN had to create a special commission to address it,"

Monterroso said.

"I speak out in order to break the silence and impunity, to put an end to the uncontrollable violence in Guatemala that forces thousands to migrate to the US," she said.

The Guatemala Human Rights Commission sent faxes with over 330 of your signatures, demanding an immediate investigation of the crime in order to identify, process, and sentence the material and intellectual authors. We demand that the necessary steps be taken to dismantle the criminal structures that obstruct citizens' rights, liberties, and guarantees under the Guatemalan

Constitution. We also demand protection for Gladys and the PDH staff and their families, and protection for the Police Archives.

Gladys Monterroso will be on speaker's tour with GHRC this fall. See page 14 for details.

Voiceless Speak

Healing Through Creativity and Fighting for Justice

By *Voiceless Speak* Recipient Mario Avila

Several years ago, 1990 to be exact, I arrived in the U.S. and settled in East Los Angeles. I came from the armed conflict in my country of Guatemala, and I arrived in a great deal of physical and emotional pain. My close friends had died in the conflict and others had been disappeared, including my family members. Some of my family fled to Canada where they were given political asylum. There my mother and a brother both died.

Thus when I stepped into the ordinary world of Americans, I found myself very disoriented, although I was very clear about my political ideals. I was lucky to have found a *compañera* who supported me, and with her we raised two daughters. There were moments of crisis given that I had immersed myself for so many years in the struggle for justice for my people, and here in this country I knew no one and had no contact with others involved in social justice.

My experience is that when some lights are extinguished we have the power to light them again. I say this because despite the fact that I was brutally tortured, I survived to continue to fight for true justice.

Fortunately, after some time, I met a group of Salvadorans who were in solidarity with the struggle for justice in their own country. I made a commitment to collaborate with them in helping them raise awareness among the Salvadoran community regarding the injustices in El Salvador. Through these ties I was put in contact with those in the Guatemalan community who were also doing solidarity work. My contact with them was ini-



tionally very frustrating because I found a great deal of political division among them. Yet I came to realize that the work of solidarity was more important than the internal

problems of these organizations. Some time later, I met a group of Mexican and Salvadoran artists. Some were poets, others painters, and also musicians. My contact with them was very healing since the internal conflicts among my own people were physically and emotionally draining. These creative people were my support, and provided a means to share our struggle for justice in Guatemala. I was able to express my experiences by means of my paintings, which portrayed the horror of the massacres in my country. I also dedicated time to inform others about the historical memory of Guatemala and of Central America in general. This has been my work with the universities.

And having come to know the work of TASSC and GHRC some years back, I now also work to disseminate information regarding torture and its causes. I wish to emphasize that the contact with these two groups has served as my base of emotional support. I now have many connections, and I collaborate with many *compañeros* from this country organizing to close the School of the Americas located at Ft. Benning, Georgia.

I wish to emphasize that the work that I do here in California is owed in no small part to the moral and financial support that I have received from the Voiceless Speak Grant. I deeply appreciate this support, and I also wish to make a call to those of you who provide financial support that you continue to do so. Rest assured that your contribution is of great benefit to the promotion of human rights in various parts of Latin America.

My experience is that when some lights are extinguished we have the power to light them again. I say this because that despite the fact that I was brutally tortured, I survived to continue to fight for true justice. I believe that I will continue in this struggle until the criminal and corrupt military element from my country are brought to justice in a national or



A piece of Mario's artwork

international tribunal and charged with war crimes. My brief article is written in memory of all the fallen of Guatemala, and my fervent hope is that all in Guatemala one day enjoy the riches of our country. My profound respect for the Mayan people.

*Los Angeles, CA
May 19, 2009*

Seeking 09/10 Voiceless Speak Fund Applicants

The Fund

Many Guatemalans survivors of human rights abuses have fled to the United States. They have suffered deeply in many ways, not the least of which is their inability to go back to their homeland because they would likely face more repression upon returning to Guatemala.

Some Guatemalans who have survived a great deal of suffering and anguish are willing to speak out in the US about their experiences. Often what prevent them from doing so are financial limitations.

It is for this reason that since 1987 GHRC/USA has encouraged Guatemalans in the US speak truth to power through the Voiceless Speak program. GHRC/USA provides direct assistance to Guatemalans in the U.S. who:

- * Have suffered human rights abuses in Guatemala;
- * Are in financial need;
- * Are engaged in Guatemala human rights work under the auspices of a human rights group or other appropriate organization, or have demonstrated an ability and desire to do such work.

In practical terms, this program is meant to help those with personal knowledge of human rights violations in Guatemala relate their experiences to the many in the US who are unaware of the

situation, its root causes, and its current conditions. The funds are to be used by the individual for her or his living expenses and/or those of her or his child(ren). This may include: rent, food, medical care, child care, English language classes, transportation, etc.

Application and Selection

Detailed guidelines and applications are available on our website. GHRC will be accepting applications through the month of June.

A selection committee made up of GHRC board members and staff has drawn up guidelines and will administer the grants. Assistance will in no way be considered payment for services to GHRC. GHRC considers applications from Guatemalans living in any part of the country who are working with an organization that publicizes the human rights situation in Guatemala to the US public.

Apply or nominate someone today!
Please visit our website for eligibility requirements, or call the office for more information.

Guatemala's Femicide Law: Progress Against Impunity?

On May 12, 2009, GHRC hosted a wine and cheese fundraiser at the Stewart Mott House on Capitol Hill and released a report on Guatemala's Law Against Femicide and Other Forms of Violence Against Women. Intern Christina Hayes researched the topic and presented the report to event participants.

The report, *Guatemala's Femicide Law: Progress Against Impunity?* attempts to answer the questions:

- Why does femicide exist in Guatemala?
- How did it begin?
- What are the components of the law?
- How has the law impacted the current levels of violence against women?

The new law defines four types of violence against women: femicide, physical/sexual, psychological, and economic. It

sets specific prison terms for each, ranging from 5-50 years. It also establishes specialized judicial courts and a *Crimes Against Life Unit*, charged with reviewing and investigating cases of gendered violence. The State pledged US\$1 million for the Centers of Integral Support for Female Survivors of Violence (CAIMU) under the supervision of the National Coordinator for the Prevention of Domestic Violence and Violence Against Women.

A year after its successful passage, the Femicide Law has yet to be implemented fully. The number of women murdered in 2008 was higher than ever before.

By criminalizing violence against women, the law reflects a gradual shift in the perception of women. The CAIMU have been providing much-needed shelter, medical care, and therapy to female

victims of domestic violence and their children.

To date, there have been two convictions under the law. In February of 2009, Calixto Simón Cum was sentenced to five years in prison for repeated domestic violence. In May 2009, William Alarcón Melgar was sentenced to 30 years in prison for killing his wife.

The law's focus on prosecution – not prevention and rehabilitation – may be too narrow to create the kind of comprehensive results advocates hope for, especially with cases of domestic violence.

GHRC's recommendations, based on information from our Guatemalan partner organizations, can be found in the full report and executive summary, both available on our website.

Father Seeking Justice for Son's Murder: *Amílcar Méndez, Human Rights Defender for 25 Years*

By Amanda Martin

Amílcar Méndez Urizar's living room walls are covered in human rights awards and photographs of martyred and deceased human rights defenders embracing him with broad smiles. Amílcar's family hosted GHRC staff in their home, telling the story of Pepe (José Emanuel), Amílcar's beloved 28-year-old son who was killed in August 2007. I sat next to Pepe's widow and 9-year-old twin children, who pointed out pictures of their father in the family photo album. "We will never be the same again. Pepe was our life, our joy. Our family died when he was murdered," said Miriam, Pepe's mother. "We just have to keep fighting. I am studying to be a human rights lawyer," said Ana Maria, Pepe's sister.

Amílcar came to Washington, D.C. to bring the issue of impunity, a broken judicial system, and lack of protection for human rights defenders to the US Congress. We met with Congressional offices, the Department of State, and several human rights organizations to ask for a thorough investigation and sentencing of the intellectual authors of the crime.

"I am dedicated to spending each of my waking hours to seek justice for the murder of my son."

- Amílcar Méndez

"First they said that Pepe's wife had a lover, and the lover killed Pepe. Next they said that Pepe had a boyfriend, who killed Pepe in a crime of passion. The reason Pepe was killed is because he was doing his job. He was an air traffic controller at the Guatemala City airport. He refused to allow an unscheduled plane (carrying Colombian cocaine) to land; it had to take a detour to the Petén. The drug traffickers expecting the shipment were very angry

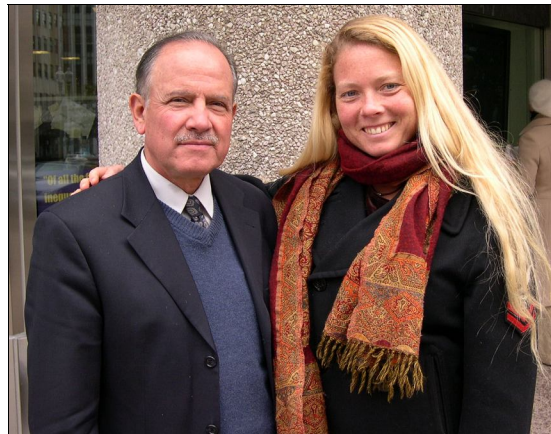
and killed Pepe in revenge for the loss of their cargo," Amílcar explained.

In January of 2008, Amílcar and his family organized a two-day hunger strike to protest the thousands of violent deaths in Guatemala that go un-prosecuted. In June 2008 a trial court issued a guilty verdict and 20-year prison sentence to Pepe's co-worker and passenger at the time of the shooting; however, three months after this decision, an appellate court declared the case a mistrial. The Méndez family has now taken the case to the Guatemalan Supreme Court, still seeking justice for their son and for all Guatemalans who struggle for their rights in a country with 98% impunity. "I cannot take my case to the Inter-American Commission on Human Rights until I have exhausted the legal channels in Guatemala. This will take time," Amílcar explained. However, we did meet with the IACHR during his visit. As we waited in the lobby for our meeting, almost everyone who entered the building knew Amílcar on a first name basis.

Amílcar is internationally recognized for his dedication to the fight for human rights in Guatemala. "My father was the mayor of K'iché. He was thrown out in 1954 during the CIA coup in Guatemala. Since then I have been fighting for indigenous rights," Amílcar said.

Amílcar was a primary school teacher for 23 years. In 1988 he founded the Council for Ethnic Communities, "We Are All Equal" or CERJ, a Mayan organization

that promotes the defense of human rights. In 1990 he received the Robert F. Kennedy Human Rights Award and the Carter-Menil Human Rights Prize for his humanitarian work in the midst of Guatemala's internal armed conflict.



Amílcar Méndez and GHRC director Amanda Martin during his trip to Washington, DC

Due to kidnaping and death threats, and raids on his home, Amílcar went into exile four times in Canada, the US, and Mexico between 1981 and 1993. He returned and was elected to the Guatemalan Congress in

1995. He served from 1996 to 2000 on several committees, including the Human Rights Committee in 1997.

"I am dedicated to spending each of my waking hours to seek justice for the murder of my son," Amílcar said, as we said goodbye. "When I next see you in Guatemala, things will be better," he smiled hopefully.

GHRC's joint lobbying efforts with Amílcar, WOLA and UDEFEGUA Coordinator Claudia Samayoa resulted in a letter from Representative Eliot Engel, Chairman of the House Western Hemisphere Subcommittee. The letter urges Secretary of State Hillary Rodham Clinton to focus greater attention and resources on Guatemala, including: support for judicial and police reform, support for the CICIG, and youth gang prevention programs.

Goldman Book Event on 11th Anniversary of Bishop Gerardi's Murder

GHRC hosted a book launch for the Spanish version of "The Art of Political Murder: Who Killed the Bishop?" on April 22, marking the 11th anniversary of the murder of Bishop Juan Gerardi.

The book, which was published in English in 2007, was named by the New York Times as one of the hundred most notable books of that year. Author Francisco Goldman spoke to a crowd of over 100 people at American University. Goldman spent several years investigating the case in Guatemala and reflected on the courage of those who continue to pursue justice to bring the criminals to trial.

Four convictions were made in 2001 in the precedent setting case of Bishop Gerardi; it was the first time that members of the military had faced trial before civilian courts. Three army officers were convicted of his murder and sentenced to 30-year prison terms, and a priest was sentenced to 20 years. The case continues; another 13 military officials are being investigated.



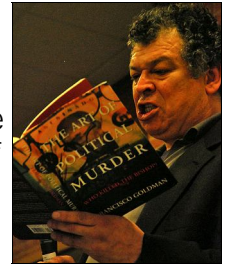
GHRC Booklaunch

"The International Commission against Impunity in Guatemala (CICIG) could be a great help in continuing with the case," assured Goldman, who confirmed that the book will be sold in Guatemala in upcoming months. "With such high levels of impunity in Guatemala, the international community plays an important role. With the involvement of the CICIG, the judges will have greater protection, and be able to make advancements in the case," he said.

"The Murder of Monsignor Gerardi shows that truth overcomes fiction. Guatemalans can really get in-depth knowledge on how the Presidential Guard operated," said Goldman during the event.

The Spanish version includes an epilogue with new information explaining the fierce political propaganda and reaction to the book. So many versions of "the truth" of the murder circulated among the public; Goldman addresses several of these, including the publication of another book with the same name, in Spanish, distributed on DVD for free on the streets of Zone 1 in Guatemala City (charging that Goldman's version is fabricated). In the epilogue, Goldman clarifies the role of Otto Pérez Molina (retired general and 2007 presidential candidate) and Guatemala City mayor Alvaro Arzú.

GHRC Director Amanda Martin said "Goldman's book helps to keep this case alive. The courage of the Archbishop's Office on Human Rights, and the team with whom they work, is an inspiration to the families whose testimonies are told in the Historical Memory Project, for which Bishop Gerardi was killed. This book knocks a crack in the wall of impunity in Guatemala."



Francisco Goldman

Gerardi Case Makes Slow Progress

By Mario Domingo, ODHAG lawyer
April 21, 2009

On April 7, 2005, when the legal case on the brutal murder of Monsignor Gerardi was in one of its final phases, Public Prosecutor Jorge García decided to move forward with a deferred court order to gain entrance to the facilities of what used to be the headquarters of the Presidential High Command (EMP). Previous efforts had been met with denials, evasion, or delays by the military.

The situation looked promising, but the day after the request was made, on April 8, 2005, the Attorney General of the country and Chief of the Public Ministry, Juan Luis Florido, ordered the complete dismantling of the Prosecutor's Office. Later we discovered that Luis Leal, the head of SAAS (Civilian Presidential Security Agency), was the nephew of General Otto Pérez Molina.

About three years went by without any further investigation on the Gerardi case. Three lost years. But adversity doesn't last forever when you are persistent in searching for truth. We believe that three factors have allowed a new turning point: a) the presidential elections (a time when

damaging information, true or false, is used by the candidates to weaken their adversaries); b) the formation of the CICIG; and c) the publication of the book *The Art of Political Murder* by Francisco Goldman. The Attorney General ruled that the Special Prosecutor's Office on the case should be established once again.

Since then, the investigation has moved forward. More than 100 possible witnesses have been interviewed, including many former members of the EMP. We now have a clear idea of what happened

on the night of the crime, and there are new elements that shed light on this terrible event. New suspects have been identified who appear to be inextricable from the plot; there is now an idea of who the material authors of the crime might have been... And the plot has thickened.

We know that progress would not have been possible without the help of those who have worked so hard to get at the truth, such as Francisco Goldman and people like Jorge García (and his entire enthusiastic team) at the Public Ministry. Of course, there is still much to do, but this work is a good example of how all crimes can be solved if tireless efforts are made to do so.

This work is a good example of how all crimes can be solved if tireless efforts are made to do so.

Human Rights *UPDATE*

RECENT HEADLINES

March 15

Mojomayas youth members hit by truck from Hydroelectric company in Santa Avelina, San Francisco, El K'iché, where a hydroelectric dam is scheduled to be built. Indigenous resistance, blocking of highway.

March 25

Gladys Monterroso, lawyer, university professor, mother, and wife of Guatemala Human Rights Ombudsman is victim of kidnapping, torture, and rape in Guatemala City.

Coordinated bus attacks in Guatemala City leave several busdrivers dead and kill a two-month-old baby.

March 26

Ríos Montt's son, retired general Enrique Ríos Sosa, former chief of military finances, placed under house arrest for stealing US\$15 million under ex-President Portillo.

In reponse to March 25 bus attacks, US Ambassador McFarland announces that US will support Guatemala with a special anti-gang program, training and equipment for 80 police officers.

March 26

Ramiro Choc, indigenous leader, sentenced to eight years in prison for sedition, land usurping, robbing, and holding 19 police officers hostage. The K'ekchi community is fighting for land reform. Choc is accused of terrorism with no evidence against him. He was captured February 14, 2008 in Izabal.



April 1

Two gunmen on a motorcycle shot and killed Rolando Santis, 42, a reporter for Telecentro Trece television, and seriously wounded Juan Antonio de León Villatoro, a camera operator. Santis is the fourth Guatemalan journalist killed in the past 12 months. During the same time 13 journalists were assaulted and ten received death threats.



The November 2008 murder of 15 Nicaraguans and one Dutch man has resulted in arrest warrants issued for 11 members of a cocaine and arms trafficking ring, at least one of whom is a member of the Guatemalan National Police.

April 2

Former "Crimes against Life" Prosecutor Álvaro Matus released on parole, under house arrest. Matus was accused of conspiracy and obstruction of justice in the investigation into the assassina

tion (April 2008) of the former advisor to the government, Victor Rivera. He was exonerated of those charges and will be tried for abuse of power and incomppliance with his duties.

April 14

Norma Cruz, director of the Survivors Foundation, holds a protest to stop illegal adoptions and to ensure respect for the rights of children and mothers

April 15

State representatives sign a national agreement for security and justice, pledging to take 101 concrete actions to improve security

April 30-May 3

Human rights workers from SEDEM (Association for the Study and Promotion of Security under Democracy) and UDEFEGUA (Human Rights Defenders Protection Unit) receive at least 40 threatening text messages and report surveillance by unknown, armed men.

May 1

On International Workers' Rights Day, adults and children march in Guatemala city demanding jobs and an end to the violence, in conjunction with 164 cities across the US demanding immigration reform and a halt to raids and deportations.

May 10

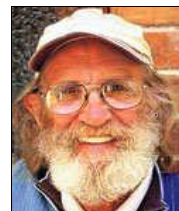
Prominent lawyer Rodrigo Rosenberg murdered in Guatemala City. At his funeral, 150 copies of a video are distributed. In it, he accuses President Colom, First Lady Sandra Torres, and Presidential Secretary of his murder, provoking national protests in favor of and against the President. The CICIG (U.N. Commission Against Impunity in Guatemala) is investigating, as well as the FBI.

May 13-15

Norma Cruz, director of the Survivor's Foundation receives three death threats by phone due to her work on a legal case involving José Santos, who is accused of murdering his wife.

May 18

Father Lawrence Rosebaugh, 74, of Milwaukee, WI was shot to death in Playa Grande, Guatemala. Two men assaulted him and four other Oblates in a car-jacking.



[See our website for a more detailed biography of Father Lawrence Rosebaugh.]

Human Rights *UPDATE*

LAWS & INVESTIGATIONS

March 31: Arms and Munitions Law approved in Congress, which stipulates new crimes for carrying and selling firearms (among other things) and limits the number of weapons and bullets citizens can purchase. The law was highly controversial and was debated for years before its passage

April 21: Access to Information Law passed (to ensure public access to expenditures of public funding, including salaries of government employees).

STATISTICS

*From January to March 2009, 1,038 people were murdered in Guatemala, the majority in Guatemala City and Quetzaltenango.

*As of May 19, 2009, 68 bus drivers and attendants have been killed in Guatemala this year.

*May 20: Over 10,000 Guatemalans have been deported from the US since January 1, 2009.

EVENTS AND ANNOUNCEMENTS

CALENDAR

June 25-28: TASSC Survivor's Week

August 1-16: GHRC leads delegation to Guatemala to investigate violence against women and femicide.

October 18-31: GHRC Speaker's Tour with Gladys Monterroso. See below for details.

Stay Informed

Visit our website and sign up for our list serve to receive urgent actions, event invitations, and other important information.

Fall Speakers Tour Oct. 18-31 with...

Gladys Monterroso

A Guatemalan torture survivor speaks out on violence, impunity, and immigration reform.

Hear Gladys speak in:
Virginia,
Washington, DC,
Maryland,
Pennsylvania,
New York,
Rhode Island, and
Massachusetts

"The Day that Changed
My Life Forever"



See our website for dates and venues. If you would like to host an event for the tour, please contact our office.