



# El Quetzal

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## Judicial Crisis in Guatemala

While Guatemala City lay covered in ash spewing from the Pacaya volcano, and neighbors in Sololá watched as tropical storm Agatha assaulted their homes and crops, the judicial system was whirling from a political tempest.

On May 26, after a long and flawed deliberation process, Conrado Reyes was appointed Attorney General and head of the Public Prosecutor's Office of Guatemala. His appointment caused a national and international uproar and a massive disruption within the Prosecutor's Office.

Immediately upon taking office, Reyes fired more than 20 prosecuting attorneys who were advancing important human rights cases. Reyes hired as security chief a former army captain with links to drug trafficking, and he began dismantling the special prosecuting unit designed to replace the UN Commission against Impunity in Guatemala, CICIG (upon expiration of its mandate). He also demanded to



*Carlos Castresana (left) resigned as Secretary General of the CICIG on June 7; Conrado Reyes (right), was removed from the office of Attorney General on June 12.*

oversee all wiretaps and closed the case of a former prosecuting attorney charged with abuse of authority. Key information was leaked and it is feared that key evidence has disappeared under Reyes' brief term.

"The head-on collision between the campaign against impunity and the military leadership responsible for the genocide in Guatemala has officially begun," com-

mented Jennifer Harbury from Guatemala. She is the wife of murdered indigenous resistance leader Everardo Bamaca, and has been closely monitoring the process.

June 7, Dr. Carlos Castresana, Director of the CICIG, resigned, asserting that CICIG could not function with Reyes as Attorney General. Over the past three years, the CICIG has worked effectively and tirelessly with the Public Prosecutor's Office, the National Civil Police, and other state institutions to investigate a limited number of difficult cases, with the goal of un-

covering and dismantling illegal clandestine organizations. The CICIG also works to strengthen the national judicial system in order to confront illegal groups and organized crime.

Then on June 10, the Human Rights Convergence (including 20 Guatemalan human rights organizations) demanded that

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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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## Judicial Crisis

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Reyes be removed from the position of Attorney General. “If he is not removed, the criminal network will take over the justice system,” they stated in a press release. Investigations by the CICIG linked Reyes to lawyers involved in child trafficking, illegal adoption rings, and drug trafficking.

Meanwhile, congresswoman and renowned human rights activist Nineth Montenegro presented a petition challenging the selection process that resulted in the appointment of Conrado Reyes.

On June 12, the Constitutional Court unanimously ruled in her favor. “There is a real institutional crisis; in order to rescue the country, we must annul the election,” said Roberto Molina Barreto, president of the Court.

Following the Court’s decision, President Colom removed Reyes from his position. That evening the National Civil Police, in an apparent attempt to secure documents that had been in the control of Reyes and his associates for the previous three weeks, took over the Attorney General’s office.

The following morning, Guatemala City was again in a state of shock upon the discovery of four severed human heads placed in highly transited locations, including the entrance to the National Congress; the decapitated bodies were also left in public places.

This macabre terror tactic is typical of organized crime in Guatemala. The spokesperson for the police explained that members of organized crime, who have taken control of prisons, are seeking a series of demands related to prison conditions. However, Guatemalan society, including Guatemalan President Colom, broadly interpreted the action as an act of intimidation by organized crime.

Elements of organized crime have infiltrated the justice system, the legislative branch, agencies of executive authority and local mayoral governments. They work to ensure that illegal activities, from massive and gruesome killings to trafficking and corruption, are carried out

without prosecution. They also prevent prosecutions of the egregious human rights violators responsible for the massacre, forced disappearance, killings, and torture of hundreds of thousands of Guatemalans.

For this reason, the CICIG was created under the auspices of the United Nations in December 2006. The CICIG functions with the attributes of a prosecuting attorney and with a team embedded within the Attorney General’s office.

The CICIG has made a number of high profile arrests, including former prosecuting attorneys, high ranking Ministry of Defense officials, the

See inset, p. 11, for a chronology of the election process of Reyes.

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acting head of the National Civil Police, and key arrests in cases of illegal adoption and drug trafficking rings. It has also made progress in the prosecution of former president Portillo.

The impact of the CICIG’s work became particularly clear in 2009, as the Commission took on the Rosenberg murder, a case which threatened the stability of the Colom Administration. Investigation of the Rosenberg case also helped uncover evidence of ties between Conrado Reyes and organized crime.

On June 23, 2010, Senator Leahy, chairman of the Appropriations Subcommittee on State and Foreign Operations, stated on the Senate floor that he “would find it difficult to justify investing further resources in Guatemala’s judicial

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## Guatemalans Seek Temporary Protective Status after Agatha

Tropical storm Agatha raged across Guatemala on May 30, destroying homes, lives, roads, and infrastructure. One of the worst storms in the past 60 years, Agatha left 172 people dead, over 100 disappeared, more than 150 wounded, and 79,000 flooded. The areas hardest hit were Zacapa, Sololá, Chimaltenango, Quetzaltenango, and Izabal.

An estimated 22,000 homes were destroyed, forcing over 155,000 people to evacuate to 171 shelters across the country. Over 100 bridges were destroyed, leaving communities isolated, with no transportation, goods, or services entering the community. The tropical storm has also had a severe impact on crops; food and income will be severely cut this year due to lost harvests. An estimated 100 million pounds of corn (\$10.3 million) was lost, affecting 44,000 farm families.

Unable to pay for clean-up, new infrastructure, and food and shelters for the displaced, Guatemala solicited aid from the international community. The US pledged \$150,000 in immediate disaster relief to purchase and distribute basic food supplies via 63 helicopter trips, including the distribution of 215,000 pounds of food from different donors. The European Union pledged \$3.6 million in humanitarian aid. The World Bank lent an additional \$85 million for disaster relief.

However, at least \$475 million is needed to rebuild, according to the Guatemalan Human Rights Ombudsman's office. The cost of operating temporary shelters alone (for the next six months) is \$45 million.

On June 4, President Colom requested Temporary Protected Status (TPS) for Guatemalans in the US to halt deportations of Guatemalan immigrants for at least 18 months as the country recovers from the devastation caused by Agatha. TPS is a legal status granted to immigrants unable to return to their native countries

because of war or natural catastrophes.

Under US immigration law, a country can apply for TPS if it has suffered from large-scale natural disasters. TPS would allow thousands of Guatemalans to remain in the US to work. Approximately 1.2 million Guatemalans live in the US, 60 per-



*Amatitlan, Guatemala: Overflow from the Mixco river that half-buried the front door to this house.*

cent who do not have legal status. Since 2006, over 106,000 Guatemalans have been deported. 5,665 have been deported in the first trimester of 2010 alone.

Several countries in Latin America, including Nicaragua, Honduras, and El Salvador, still have protected status from past catastrophes; immigrants living in the US prior to the natural catastrophe for which it was granted may remain until the status is removed, which can take years.

Though granting TPS does not correct the underlying injustices in economic and immigration policy that cause immigration, it is a positive step. Guatemalan Assistant Secretary of Foreign Relations stated that 800,000 Guatemalans would benefit from TPS. The nation requested TPS in 2005 after the devastating effects of Hurricane Stan; the request was denied. (The US was ready to approve TPS for Guatemala in 1997, following Hurricane Mitch, but then President Álvaro Arzú rejected the offer.)

After the storm, US Ambassador to Guatemala, Stephen McFarland, announced that the US response would be "thoughtful and quick." The Guatemalan government stated that President Obama would decide within 30-45 days.

In support, GHRC signed onto a letter to Janet Napolitano written by Guatemalan immigrant organizations. And in mid June, GHRC board member Yolanda Alcorta accompanied a group of Guatemalans during visits to congressional offices, the Department of State, and Homeland Security to increase awareness of the devastating effects of Agatha and the need to pass TPS for Guatemalans.

Yet almost two months later, Obama had only approved temporary relief measures for Guatemalans, with no mention of TPS.

On July 15, Senator Kerry (D-MA) joined the chorus of support for TPS with a letter to President Obama. He stated: "As with many of these disasters, it is the poorest and the neediest that have felt this the most. [...] While Guatemala begins to try to find shelter for those whose homes were destroyed, repair the infrastructure and rebuild, it would be unnecessarily taxing for the Government of Guatemala to repatriate Guatemalan nationals at this time. Additionally, many Guatemalans currently in the United States are providing much needed economic support for their families, support that would cease without TPS. The temporary assistance provided by TPS would go a long way to help Guatemala get back on their feet."

***Ask the U.S. government to support Temporary Protected Status (TPS) for Guatemalans currently in the U.S.: call the DHS comment line at 202-456-1111.***

## An Enforcement-Only Approach to Migration at the US-Mexico Border Results in Death and Waste

President Obama's focus on border enforcement without addressing comprehensive immigration reform resulted in unnecessary deaths and wasteful spending of \$800 million in tax dollars in 2009.

The construction of the virtual wall and heightened militarization of the border with 17,400 border patrol agents has not resulted in increased safety for US citizens, while violating the basic rights to water, food, shelter, and the right to aid a person in need.<sup>1</sup>

An estimated 417 immigrants died while crossing the desert in 2009. The number of deaths has increased each year, the majority from heat stroke, dehydration, and hyperthermia.

A broad movement of organizations, coalitions, communities, and unions are working hard to ensure that migrants who come to the US seeking living wages to support their families, or to be reunited with their families, can do so safely rather than suffering under poor working conditions and the fear of being deported.

While President Obama has modified some extreme policies, he has continued to prioritize a security-based approach to immigration over comprehensive reform. He continues to support repressive mechanisms such as the promotion of the "E-verification system," which keeps tabs on migrant workers, as well as the training of local police to enforce immigration law. During President Obama's first year in office, more immigrants were deported than in the last year of the Bush administration.

In a July 1 speech at American University,



*Patrols at the US-Mexico Border*

the President recognized that "people everywhere [are] frustrated with an immigration system that seems fundamentally broken." He extolled the increased US presence at the border as a positive sign. "We have more boots on the ground on the Southwest border than at any time in our history. We doubled the personnel assigned to Border Enforcement Security Task Forces. We tripled the number of intelligence analysts along the border."

Yet increasing spending on militarization of the border, building bigger walls, and increasing the number of armed guards on patrol will not increase security for the US. It simply pushes economically desperate people towards isolated stretches of the border region, causing greater risk and, ultimately, more deaths.

In the 15 years since the United States began increasing border patrols along the 2,000-mile border with Mexico, an average of one migrant per day has died during the crossing. At least 4,375 people died while crossing between 1998 and 2009.<sup>2</sup> Customs and Border Protection reported 417 deaths in 2009, compared

with 390 in 2008, 398 in 2007, 454 in 2006, and 492 in 2005.

The American Civil Liberties Union and Mexico's National Human Rights Commission (CNDH) allege that consistently high numbers of border deaths - hovering around 350 to 500 a year, depending on which government's figures are used - are a predictable but largely unrecognized result of border security policies.

In a 2008 survey by the Mexican Migration Field Research Program of over 3,000 Mexican immigrants, results showed that current risks do not deter most immigrants; 91% believed it was "very dangerous" to cross the border and 24% knew someone who died trying. Despite this, they came anyway, 72% reporting their reasons for migration to be economic.<sup>3</sup>

### The Border Wall

In 2005, Bush launched a multi-year, multi-billion-dollar effort known as the Secure Border Initiative; the virtual border wall is part of this package. In 2007, the federal government set aside \$833 million for a 655 mile fence (including cameras and sensors) along the 2,000 mile border with Mexico. To date, \$800 million has been spent on 53 miles of that fence, at a whopping \$15.2 million per mile, or twelve times the original estimated cost.<sup>4</sup>

The border wall was planned for New Mexico, Arizona, and Texas, but is currently only in Arizona. The project was suspended in March by the Homeland Security Department until further notice. Randolph Hite, a Government Accountability Office official, commented: "It's hard to redirect an iceberg once it's started moving in one direction, and that's what we are facing."

<sup>1</sup>Border Patrol Director of Media Relations Lloyd Easterling, September 2009

<sup>2</sup>National Foundation for American Policy, Policy Brief May 2010, Death at the Border, Stuart Anderson

<sup>3</sup>Wayne Cornelius, *Controlling Unauthorized Immigration from Mexico: The Failure of Prevention through Deterrence and the Need for Comprehensive Reform*, Mexican Field Research Program, Center for Comparative Immigration Studies, UC-San Diego, 2008

<sup>4</sup>House Homeland Security Committee, Homeland Security Department, Customs and Border Protection.

## Voiceless Speak Recipient: In Search of the “Guatemalan Dream”

By Willy Barreno, June 2010.

I was born in the city of Quetzaltenango in the early 1970s in the middle of Guatemala's internal armed conflict. Like many Guatemalan families, we suffered the loss of family members during those tough times. We also inherited trauma and a fear of thinking and speaking, ever since we were children. I was part of that generation of children and adolescents that were abused and humiliated in the schools. We were trained to keep quiet and to deny our indigenous ancestry in a city that was segregated. During the 80s, like any boy in the city, I was attracted to the culture of the United States, especially the music, food, and clothing that I saw on national television.

As a child, I was ignorant of the impact of the conflict; many of our people and our communities were massacred and disappeared by an army financed and trained by the US. I remember that the simple act of listening to the song “Casas de Cartón” could cause problems for us, because it was considered anti-government. People were disappeared for such acts.

We were simultaneously outraged and questioning why our country was heading down this path. Upon finishing high school, I was very restless after learning about the history of so much discrimination, racism, classism, and violence that I had personally experienced during my childhood and adolescence.

I entered the University of San Carlos in Guatemala to study rural social work, which gave me a more extensive and clear perspective of my reality and the situation of my people in Guatemala. This is how I began my participation in the revolutionary and student movement.

I have always said and will continue to say that the internal armed conflict left great wounds and broke the social fabric in Guatemala, which even today has yet to be recovered. But, what followed the

signing of the Peace Accords was more devastating than the war itself. Free trade agreements and globalization brought about the displacement of more people than during the years of the conflict.

During 36 years of war, the hope was to achieve the dream that Guatemala lived from 1944-1954, “the ten years of spring,” to finally distribute the wealth and provide free health care and education to the majority of the population. In 1996, we heard that the blessed Peace Accords would come. But, this meant the end of political exile and the beginning of economic exile that pushed more than one million Guatemalans towards the US.

Months before the signing of the Peace Accords, I decided to leave for the North, due to my frustration with the peace process. Like many others, I left in search of the American dream, giving up on the Guatemalan dream.

One of the most difficult experiences of my life was leaving and beginning another life in the US. I never realized that not speaking the language and being a different color could be so difficult. I carried the burden of being an immigrant and felt the fear, as do so many people, of being undocumented while working. I realized that the free trade agreements weren't only importing cheap products to the US but also a cheap labor force.

In 1997, I joined the immigrant struggle in Santa Fe, New Mexico. “Somos un Pueblo Unido/We are a United People” was an inspiring organization for many years of my life, dedicated to obtaining the same rights that we were fighting for in Guatemala: the infamous “Human Rights.”

In New Mexico, we were the driving force behind undocumented immigrants being allowed to obtain their driver's licenses. We also converted Santa Fe into a sanctuary city for immigrants and

helped raise the minimum wage to the highest in the US.

I dedicated a decade of my life to the fight for immigrant rights in states such as New Mexico, Texas, Wisconsin, and Illinois.

I passed many years living in different parts of the US, always working for basic necessities and working to send money to my family in Guatemala. In the course of these years, I began to feel that the American dream was only an illusion. I confirmed this after the attacks of September 11<sup>th</sup>, 2001, when discrimination and the criminalization of immigrants became a daily occurrence. In 2001, a thousand Guatemalans were deported. From 2006-2009, approximately 27,000 Guatemalans were deported each year.

After staying in the US for 12 years, I decided to voluntarily return to Guatemala in search of my roots, my history, and my past.

In 2007 and 2008, I undertook a project to document video testimonies of immigrants and Guatemalans that had lived in or had been deported from the US. This project opened many doors for me and allowed me to meet people who are trying to transform Guatemala. From this project, a group of young Guatemalans in the US and in Guatemala founded our network DESGUA.

Today DESGUA works to create educational programs with adolescents in both countries regarding historic memory, globalization, and the structural causes of migration. We are in the beginning stages of creating an autonomous program called “Una Vida Digna/A Dignified Life” focused on the reintegration of Guatemalans who have been deported or have voluntarily returned after many harmful years.



## Colom Orders Suspension of GoldCorp Operations in Marlin Mine

For the last five years, the communities of Sipakapa and San Miguel Ixtahuacán, San Marcos, have been fighting the Marlin mine, an open-pit, cyanide-leaching gold mine that affects the health and environment of 18 Mayan communities in San Marcos. Their continued efforts, despite repression from Canadian mining giant Goldcorp, have attracted the attention and support of many in the international community.

This year, a series of independent impact assessments finding water contamination and human rights violations, opened the possibility for change. On May 21, the Inter-American Commission on Human Rights (IACHR) ordered Colom to provide precautionary measures to Sipakapa and San Miguel and to suspend mining operations. The unprecedented decision breathed new energy into the resistance movement. And, in an even more surprising and somewhat heartening move Colom announced he would comply with the ruling.

“We must applaud the government for taking this first step; we are heading down the right path,” said Javier de León, community leader from Maquivil, a municipality of San Miguel. Since 2004, Javier has been educating and organizing Maya Mam communities and working to resist and demand justice for the health and environmental harms and human rights violations caused by the mine.

“We are very satisfied with the President’s decision, but there is much left to do. The Commission will visit Guatemala in mid-July. We want to make sure that the mine is permanently shut down, not simply temporarily suspended,” de León told GHRC in an interview on June 25.

Colom's decision to comply, submitted on June 23, came after almost a month of deliberation amid a barrage of pleas from local and international organizations, a

reflection of the growing public awareness of the nefarious impacts of gold mining. Protests in Guatemala, Canada, and the US called for Colom to side with community health and welfare over profits.

On June 3, GHRC joined with Rights Action and the Center for International



Residents of San Miguel express their opposition to the mine to local officials. Photo: [www.theesperanzaproject.org](http://www.theesperanzaproject.org).

Environmental Law outside the Guatemalan embassy in Washington, DC to urge President Colom to shut down operations at the Marlin mine. A group of 25 people held signs, chanted, and marched on the sidewalk in solidarity with the 300 people marching simultaneously in Guatemala City outside the National Palace.

On June 10, Nobel Peace Prize recipient Rigoberta Menchu and Bishop of San Marcos Alvaro Ramazzini issued a statement in Guatemala’s daily newspaper, urging Colom to comply with the IACHR ruling.

The visit of James Anaya, UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples, added important pressure on the Colom administration to heed the calls of the communities. Anaya traveled to the Marlin mine in mid-June to evaluate how the Guatemalan government has complied with international law in

relation to consulting with indigenous communities on the extraction of natural resources.

Anaya concluded that “there is a significant risk to the health and physical well-being of people because of the mine. The Ministry of Energy and Mines should proceed with the suspension of the mine’s activities until they can remedy the negative impact.”

While the mining-affected communities are heartened by Colom’s decision to stop operations at the mine, they also are fearful of possible reprisals and repression.

“The communities affected by the mine are meeting today to discuss protection measures. We are asking for police presence, security around the perimeter of the communities, and security during transit

between communities. We face increased risk of attacks now and want to avoid reprisals,” de León explained two days after Colom’s announcement.

Community activists remain vulnerable, however. On July 7, Diodora Hernández was shot in the head; she survived, but has lost her eye. Others have been physically intimidated by mine workers and have received threats.

Goldcorp, and its local subsidiary Montana Exploradora, was granted a 20-year license for the Marlin mine in 2003 and has been extracting gold since 2005. Goldcorp can sell its product on the world market at \$1,250 per ounce, and pays only 1% royalties to the Guatemalan government. Meanwhile, communities surrounding the mine continue to live in absolute poverty with drinking water that is contaminated with copper, iron, aluminum, arsenic, and manganese.

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## Cement Mining Instigates Continued Attacks Against Community

The Maya Kakchiquel communities of San Juan Sacatepéquez rely on flower and vegetable farming for their livelihood. They have organized in opposition to the construction of a cement mine in their community that will contaminate the local soil, water, and air; affect their health; and negatively impact the quality of their produce.

The community held a referendum in 2007 in which the overwhelming majority voted against the cement mine (*Cementos Progreso*, a Guatemalan company), in defense of their land and environment. Since the referendum, the community leaders have been accused of criminal acts and terrorism, despite their constitutionally guaranteed right to protest the mine. Violent actions against community members are part of an ongoing defamation campaign against these local leaders.

Tropical storm Agatha raged across Guatemala during the last week of May, destroying lives, homes, roads, and infrastructure. The people of San Antonio Los Trojes organized on June 2 to fix the road leading to their community. The goal was to fix the road by June 13, the patron saint day, when the village erupts in festivities. However, the cement company's trucks blocked the road and began to do their own repairs. A mediator from the

Catholic Church and from the Presidential Commission on Human Rights were called in but were temporarily kidnapped by the workers and released that same afternoon.

On June 5, during a community meeting to discuss the events and the patron saint

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*"I don't believe, sincerely, that these men and women who carried these banners were manipulated. Confronting an extractive industry project that only brings negative impacts, that will affect the land where I have always lived, that will provoke conflict in my community, and that will not improve my living conditions, I would also say no to mining."*

-James Anaya

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day festivities, approximately 100 armed company workers arrived in the evening and verbally insulted the community members. The violence escalated as the company men threw rocks at people and houses. The electricity suddenly went out, and the aggression escalated. The

men employed by the mine attacked the community meeting hall with bullets, rocks, sticks, chunks of wood, glass bottles, overturned vendors' carts, kicked in the door of the local church, broke windows, and called out

threats against specific local authorities. They also pulled a man out from under a truck, tied his hands together, dragged him 200 feet, and beat him. A woman in her 8th month of pregnancy was beaten in the stomach with a rock. Others were attacked with machetes on the body and head. The electricity returned at 11pm and the firefighters arrived at 1am to take the wounded to the hospital. Seven community members were wounded, including two women.

The following day, police officers with an anti-riot squad arrived on the scene. Surrounding communities attempted to support those in San Juan, but the roads were blocked by company workers with dogs and weapons.



*James Anaya, UN Special Rapporteur on Human Rights and Fundamental Freedoms of Indigenous Peoples*

Community leaders speculate that the cement company's strategy was to provoke a violent reaction from those opposed to the cement mine to then justify imposing another state of emergency in the region. Some think it also aimed to prevent UN Special Rapporteur on indigenous peoples, James Anaya, from visiting and hearing the testimony of local Mayan leaders who have been criminalized for their protest of the mine.

The tactic did not work, however, and Anaya traveled to San Juan Sacatepéquez in mid-June during his visit to the country. In his nine-page report of observations on fundamental rights of indigenous peoples, Anaya commented that "during the community assembly attended by a multitude of people, I read many signs. One said 'No to mining, we want peace.' Another read 'I am Mam (Mayan ethnicity) and I take care of my land. All mining contaminates.'"



*February 2010; community members march in protest of San Juan Sacatepéquez leader killed in opposition to the cement mine.*

## Human Rights Defenders Update...

From January to June, there were 189 attacks against human rights defenders in Guatemala—approximately equal to the total number of attacks in all of 2007; a rate of one defender attacked per day.<sup>1</sup>

UDEFEGUA's mid-year report documents a marked increase in attacks against women and women's rights activists; with 100 documented attacks, it was by far the category with the largest number of attacks. June was a particularly violent month, and Guatemala City was the site of the vast majority of attacks. GHRC has taken action on behalf of numerous defenders and organizations

### Journalist Threatened; House Ransacked and Robbed



Marvin David Del Cid Acevedo, a 35-year old investigative journalist for *El Periódico* newspaper in Guatemala, was the victim

of a robbery on June 24. His house in Zone 1 of Guatemala City was ransacked, and selected items related to his work (two laptop computers and an envelope containing \$290) were stolen by a team of two women, who left a message on his mirror: "You are going to die..."

During the two weeks previous to the robbery, Del Cid received a series of threatening phone calls from an anonymous man, demanding to know who was paying him for his investigative work.

Del Cid was called as a witness in the case of "Black Thursday," a dark day in Guatemalan history. On July 24, 2003, thousands of masked rioters (FRG political party supporters) took over the capital streets, burning buildings and shooting windows in protest of the Supreme Court's suspension of Rios Montt's presidential campaign. This resulted in the

Constitutional Court overturning their decision that the 1985 Constitutional ban on coup leaders could not be applied retroactively.

In support of Del Cid and the constitutional right to exercise the freedom of the press in Guatemala, GHRC sent a message to the interim Guatemalan Attorney General, urging an immediate, thorough, and transparent investigation of the robbery and threatening calls.

Claudia Samayoa, director of UDEFEGUA (Guatemala Human Rights Defenders Unit), commented "this type of break-in is typical; it is more than searching for information, it is meant to cause fear and to make the person feel persecuted." UDEFEGUA reported 43 acts of aggression against journalists in 2009.

### Three Courageous Women Working for Human Rights Are Victims of a Break In, Sabotage, and Death Threats

One of GHRC's closest partners in Guatemala is UDEFEGUA (Unit for the Defense of Human Rights Defenders of Guatemala). UDEFEGUA was established in 2004 to further the work and security of human rights defenders (HRDs) in Guatemala and Central America. The program helps at-risk HRDs and their organizations to prevent and respond to security threats through education, monitoring, and mental health support; and it advocates for protection by government institutions and the international community.

Three of UDEFEGUA's staff members were recently victims of a series of attacks, intimidation, and threats.

On March 5, two unidentified men broke into the house of Erenia Vanegas, an UDEFEGUA staff member. Luckily, no one was home. A neighbor reported seeing a black car with tinted windows parked outside the house and saw two men get out of the car. They broke into

the house. When the family came home, the bedrooms and a box of documents had been searched. The locks on the front door were broken, as was one of the windows. However, nothing, not even cash in plain sight, was stolen. She reported the break-in to police.

This is the latest in a series of incidents that seem to deliberately target UDEFEGUA staff. On February 2, Claudia Samayoa, Coordinator of UDEFEGUA,



noticed the hood of her car was open, and the battery tampered with. When she began driving, she realized that the pedals of the car were covered in oil, causing her foot to slip, and she briefly lost control of the car. Further investigation showed that the oil on the pedals was unusual, and not a result of an oil leak. Claudia believes that her car was sabotaged with the intention of causing an accident; she reported the incident.

Between April 30 and May 3, 2010, Claudia Samayoa, Erenia Vanegas and a third staff member, Luisa Pineda, received over 30 threats via text messages to their cell phones. These threats have been reported to police, but it is not known who is behind the threats or any of the recent incidents.

Members of the UDEFEGUA staff believe that the recent incidents are an attempt to intimidate them into discontinuing their vital work to protect Guatemalan human rights defenders.

The Guatemalan government has not yet implemented an effective protection program for human rights defenders at risk. In early 2008, civil society organizations and state agencies presented the Minister of the Interior with a draft decree that has yet to be approved. The United States provided \$2 million for the Guatemalan police and Interior Ministry to fund specific protection programs for human rights defenders, earmarked under the

## ...Attacks and Intimidations Continue

2010 Foreign Operations bill. It remains to be seen how the money will be invested and how it will benefit defenders in Guatemala.

GHRC calls for an independent, thorough and impartial investigation into the threats and acts of intimidation against members of UDEFEGUA, public access to the results of this investigation, and that those responsible are brought to justice. Guatemalan authorities must provide efficient, thorough protection to the members of UDEFEGUA staff. GHRC has contacted the Inter-American Commission on Human Rights, requesting that protection measures be granted according to the wishes of UDEFEGUA staff.

### Trade Unionists Under Attack

The Guatemalan Labor, Indigenous and Campesino Movement (MSICG) denounced the murder of two more union leaders this year; both were members of the organization.



One hundred and one trade unionists were murdered worldwide in 2009; Guatemala ranked second (following Colombia) with 16 unionists killed, and an additional 76 threatened or attacked.<sup>2</sup> From 2005-2010, 40 union workers were killed in Guatemala.<sup>3</sup> These killings appear to be planned operations that target specific unionists who are deeply involved in current labor rights campaigns. Since the 2006 implementation of the Central America Free Trade Agreement (CAFTA-DR), more unionists have been murdered than at any other time since the signing of the Peace Accords.

On March 6, 2010 the body of Luis Felipe Cho, a member of the Executive Council of the Workers Union of Santa Cruz, Alta

Verapaz, was found with signs of torture, including at least ten gun shots to the head. His ears, eyes, and tongue had been amputated and the skin had been removed from his face.

Mr. Cho had resigned from the executive committee of his union in January 2010 due to threats citing his union activities. However, he continued his work as a union member and member of the Workers' Trade Union of Guatemala (UNSITRAGUA) and the MSICG. He was in charge of the grievance process for labor and trade union violations.

On March 26, another MSICG member was murdered. Samuel Ramírez Paredes, General Secretary of the Panchoy district banana workers' union (SITRABI), was killed while members of MSICG were holding meetings with the US government in order to lodge complaints against the government of Guatemala for serious violations of labor and trade union rights in the banana sector.

The continued murder of Guatemalan trade unionists is a clear example of how illegal and clandestine organizations operate with impunity, using tactics of terror reminiscent of the 1980s. The message sent by torturing Cho was clear to his fellow unionists; it was meant to silence those who might denounce the crime and instill fear in those who continue union work.

Thus far in 2010, 13 unionists have been attacked and at least five have been killed. According to UDEFEGUA, during the past 10 years, 65% of the 110 human rights defenders murdered were members of *campesino*, labor, and development organizations.

*Sign up on our listserv to receive future urgent actions supporting human rights defenders.*

### According to the 2010 International Trade Union Confederation Survey:

- 93% of the workers killed were in the process of negotiating labor rights or access to natural resources.
- 90% of those killed were members of MSICG.\*
- 98% of the murders were committed several weeks after their colleagues took action to support workers' rights
- 75% of the victims had received death threats for their union work.
- Over 200 Guatemalan unionists currently live in exile due to the danger they face in Guatemala.

\*Guatemalan Labor, Indigenous and Campesino Movement

### RECENT URGENT ACTIONS

**Community member shot: Diodora Hernandez loses her eye after being attacked for resisting mining activity.** GHRC sent a petition with 687 of your signatures to the Guatemalan interim Attorney General, requesting support for Diodora and a thorough investigation. We continue monitoring acts of intimidation and violence in the communities near the Marlin Mine.

#### **Petition and Call Campaign in Support of Jennifer Harbury.**

After an intense week of daily calls to Guatemala, and 840 petition signatures, Jennifer expressed her gratitude to the international community for the support for her case and noted its success in raising awareness in the Prosecutor's Office.

<sup>1</sup> *Criminalizar, una forma de paralizar y debilitar la respuesta social*, Informe Primer Semestre 2010, UDEFEGUA.

<sup>2</sup> International Trade Union Confederation, Annual Survey 2010

<sup>3</sup> "Violence and Aggression Let Loose on Unionists," *El Periódico*, April 26, 2010.

## Massacre Survivor Seeks Justice for Genocide Victims and Survivors

Jesús Tecú Osorio, recipient of the Human Rights First Roger Baldwin Medal of Liberty, spoke to a crowd of 50 guests at the Stewart Mott House on May 17. GHRC helped coordinate the event to honor Tecú, a survivor of the 1982 Rio Negro massacre, where 177 women and children were brutally tortured and killed by the Guatemalan civil patrol under command of the army. At the age of 10, Tecú became an orphan when his parents were killed by civil patrol members (75 adults from his village were killed that day); one month later he witnessed the murder of his three siblings, including his two-year-old brother. He was then enslaved in the household of his baby brother's murderer for two years. He and his pregnant sister were the only survivors of seven family members.

Tecú is now a leading human rights activist seeking justice for the genocide in Guatemala and promoting the rights of indigenous Mayans. He is the author of the book *Memories of the Massacre of Rio Negro*. Tecú is one of the founders of a human rights lawyers collective in Rabinal, Baja Verapaz.

Tecú has received numerous awards and recognitions for his work. He received the Reebok Human Rights Award in December 1996. In December 2007, Tecú received an honorary doctoral degree in

Law from the University of San Francisco Javier in Antigonish, Nova Scotia.

Tecú continues his fight for justice despite continued death threats directed towards him and his family.

*The following is an excerpt of the interview of Tecu by Danilo Valladares of the the Inter Press Service and Tecu's statements at the May 17 event in Washington, DC.*

"It all began with the announcement of the hydro-electric dam construction. They told us to leave, or we would be drowned by the flooding of our homes and land. Our community was accused of being guerrillas, and this was a way to get rid of us.

"We began our struggle for justice in May 1993, when we filed a report on the massacre. In 1994 an arrest warrant was issued for the ex-military commanders; we received many death threats as a result.

"I considered giving up, but then I received the Reebok award for human rights; such pain, blood, and tears were suffered that I knew I had to invest the money in a social program. The New Hope school was founded, providing scholarships for young people. In 2004, we founded the Bilingual Institute for the Rio Negro community, with 150 young

students. We also purchased land for the Association for the Integral Development of Victims of the War.

"The civil patrol members were condemned to death, and the authorities searched for the military members for nine years. The state appears to be protecting them. Mayan civil patrol members were given the death penalty in order for Guatemala to improve its international image, to be able to say that justice was served in Guatemala. Justice here is racist and discriminatory.

"In our country, justice is often pushed by international organisms. For example, the CICIG (International Commission Against Impunity in Guatemala) was needed to push for transparency. Democracy and the rule of law have completely deteriorated in Guatemala. After the Peace Accords, murder continues, and the judicial system has lost credibility. Violence is everywhere in Guatemala today. Many of the criminals today were active during the war. The Peace Accords did not deliver the necessary changes; the justice system was not strengthened.

"So many innocent children were killed without even knowing why. We must demand justice. I cannot allow the death of my parents and siblings to remain unpunished," Tecú said.

### Suspension of Marlin Mine

*Continued from page 6*

Canadian businesses and lawmakers have remained apathetic to the impact of Gold-Corps' mine, as have investors. There are no laws in Canada to hold Canadian companies accountable for violations of human rights committed outside of Canada.

Despite community resistance, the IACHR ruling, and Colom's decision, Goldcorp has stated they will not suspend operations.

GHRC has put out an urgent action alert in support of Diodora and the affected

communities and will meet with the IACHR to discuss the communities' needs, prior to the Commission's trip to the Marlin mine in mid-July.

With approximately 300 mining concessions across the country already granted by the Guatemalan government, its actions in this case will have much larger implications than just in San Marcos.

***Diodora needs continuing medical attention; if you know of an organization that***



*GHRC and partners demonstrate in front of the Guatemalan Embassy to support a suspension of mining activities in San Marcos.*

## Judicial Crisis

*Continued from page 2*

system unless its own government demonstrates a strong commitment to ending impunity and combating organized criminal networks and corruption, which must be rooted out from their entrenched positions within Guatemala's state institutions."

Although the Constitutional Court ruling recommended that the nominating committee present a new list of candidates, the appointment process will undoubtedly remain very complicated and must be closely observed.

"There has been total chaos," commented Harbury. "A number of the jurists on the selection panel have resigned, and I cannot say I blame them. They are trapped between the army and the human rights community. Other government officials are resigning also. A purge of corrupt police has also begun. Given a choice between a polygraph or resignation, there was a wave of official resignations."

As the nation awaits a new Attorney General, the Public Prosecutor's Office under interim prosecutor María Mejía is again moving forward on important human rights cases including the massacre at Dos Erres and the forced disappearance of Fernando Garcia. Many of the attorneys who were forced out under Reyes have returned to their post, though not without fear.

*Annie Bird of Rights Action helped contribute to this article.*

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### Election of the Guatemalan Attorney General: A process fraught with problems

**April 20:** A list of six candidates was selected by the committee after only 15 minutes of deliberation. Two of the candidates were vetoed by the CICIG and four of the six selected were unofficially named before the committee met, prompting accusations of back-room deals and a potential lack of judicial independence if one of those candidates was named. The former Attorney General, Amílcar Velásquez Zárate, who has worked well with civil society and was open to prosecuting cases of human rights abuses, was not included in the list of six, nor were any other candidates supported by civil society groups.

Those named: Arnulfo Conrado Reyes, Julio César Rivera Clavería, María Eugenia Morales de Sierra, Leopoldo Liú, Renato Durán, and Édgar Enrique Lemus Orellana.

**April 20:** Civil society denounced those selected in the short list for lack of experience and judicial independence—chosen in a faulty selection process.

**April 22:** Senator Leahy made a statement before the US congress on the importance of the new Attorney General, calling it "one of the most important decisions he (Colom) will make this year".

**April 29:** Civil Society announced its support for revising the selection process to ensure judicial independence.

**May 11:** G13 made a public statement about using a transparent process to pick the best candidates (included ambassadors of US, Germany, Holland, Italy, Spain, who met with Constitutional Court.)

**May 12:** After deliberating for almost 12 hours, the committee released the second list of candidates – the exact same 6 (of 29) from April 19<sup>th</sup>.

**May 15:** Deadline to name the new Attorney General. Lawyer Luis Carrillo Marroquín initiated a judicial challenge of the process. Deadline passed without new appointment.

**May 16:** Interim Attorney General, María Encarnación Mejía García de Contreras, was named unanimously by the committee.

**May 25:** President Colom swore in the nation's new Attorney General and head of the Public Prosecutor's Office, Conrado Arnulfo Reyes Sagastume.

**June 7:** Carlos Castresana, head of the CICIG, resigned in protest of the appointment.

**June 10:** The Constitutional Court annulled the election of Reyes and reappointed María Mejía as interim Attorney General.

## Human Rights *UPDATE*

### RECENT HEADLINES

April 22: Guatemala's government handed over a key military document on Thursday containing evidence soldiers massacred villagers during the country's civil war which could help prosecute top officials for genocide, including ex-President Rios Montt.

June 7: Guatemalan courts gave a sentence of 820 years to Juan Carlos Policarpio, found guilty of the massacre of 15 Nicaraguans and a Dutchman in November 2008.

June 14: Guatemala remained on the grey list of the United States for human trafficking for the fourth year in a row. The grey list includes countries that are not in compliance with the Trafficking Victims Protection Act, but have made some efforts to address the issue.

June 15: Human Rights Ombudsman Sergio Morales was given the task of investigating the disappearances of Miguel Angel Reyes González and Gustavo Adolfo Castañón Fuentes, in 1984.

June 25: Colom named a new director of the National Civil Police (PNC), Jaime Leonel Oztín. He also dismissed eight of his 11 police chiefs, including the ex-Director of the PNC, Baltazar Gómez, who is currently in jail with 10 charges against him. The police has begun to use polygraph testing as its primary vetting method in the naming of police officials.

The same day, the Inter-American Court on Human Rights condemned the Guatemalan government for the forced disappearance in 1981 of Florencio Chitay Nech, an indigenous leader, and ordered that they compensate the family for their loss.

June 27: Guatemala will be the third most vulnerable country for climate change in 2015 because of the recent tropical storms and lack of environmental laws, according to the minister of the Environment and Natural Resources, Luis Ferraté.

June 30: United Nations Secretary-General, Ban Ki Moon, named a new Commissioner to CICIG. The new Commissioner is the current Attorney General in Costa Rica, Francisco Dall'Anese Ruiz. He is known for his high level prosecution of two former Costa Rican Presidents.

July 7: The former executive secretary of National Council of Protected Areas (CONAP), Sergio Enrique Véliz Rizzo, admitted that he altered the master plan for Tiger Lagoon National Park to show that petroleum is not a threat to the area at the center of the Mayan Biosphere Reserve. Colom has received strong criticism for his decision to extend a concession for oil exploration in the Petén to Perenco, a French company.

### IN BRIEF

#### VIOLENCE AGAINST WOMEN

Women continue to be victims of violence in Guatemala. In 2009, femicide was 30 times higher than in 2008, according to the CICIG; 700 women were murdered of which only 53 had trials that ended in convictions. For 2010, the National Civil Police have already recorded the violent murders of 532 women. The violence has been attributed to high levels of organized crime, delinquency, and drug-trafficking as well as domestic violence.

The Minister of the Interior and the National Coordinator for the Prevention of Domestic Violence and Violence against Women (CONAPREVI) signed an agreement to reduce domestic violence, create better methods of recording data, and improve the victim care. In a presentation at the UN Secretary General's Campaign to End Violence against Women in Costa Rica, the recently resigned commissioner of CICIG, Carlos Castresana, called for the creation of a convention to define the crimes that occur against women in order to create uniformity.

#### IMMIGRATION

July 12, 2010: the 9<sup>th</sup> Circuit U.S. Court of Appeals encouraged the Board of Immigration to consider granting asylum to Guatemalan women as a "particular social group" that is threatened by high levels of violence in their country.

July 16, 2010: Senator John Kerry asked Obama to grant TPS to Guatemalans living in the United States.

#### ADVANCEMENTS IN CASES

Rosenberg: Two of the intellectual authors of Rodrigo Rosenberg's murder turned themselves in to the CICIG on July 3, 2010. Nine others were sentenced from 8 to 48 years for assassination, illegal association, and illegal possession of firearms in relation to Rosenberg's murder.

Dos Erres: Ex-Guatemalan commando, Gilberto Jordan, admitted to lying about his involvement in the Dos Erres Massacre on his US citizenship papers. In his testimony, he described his role; he threw people down the community well and admits to killing a baby. The judge said his US citizenship will be taken away and he could receive up to 10 years in jail and a \$250,000 fine.

Portillo: On June 24, the Constitutional Court said that Portillo's extradition to the United States where he would be tried for the laundering of \$70 million can go forward.

## EVENTS AND ANNOUNCEMENTS

### CALENDAR

**July 29:** National Day of Solidarity against Arizona's SB1070

**Aug. 7-15:** GHRC delegation to Guatemala on violence against women

**Sept. 5:** Gran Día Chapín. Celebrate Guatemala's Independence with the music from local and international artists, crafts, and food. *Buck Lodge Middle School, 2611 Buck Lodge Rd, Adelphi, MD; 10am-8pm.*

**Sept. 10:** GHRC evening of music food and fun. *See below for details.*

**Sept. 15:** Guatemalan Independence Day

**Oct. 13:** Guatemalan Police Archives receive special recognition at 34th annual Letelier-Moffitt Human Rights Awards Ceremony

**Oct. 30– Nov. 7:** GHRC delegation to Guatemala on immigration

**Dec. 12:** GHRC holiday fundraising dinner and report on Guatemalan Immigration. *Unitarian Universalist Church of Arlington, 4444 Arlington Blvd., Arlington, VA 22204; 5-8pm.*

### Stay Informed

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

[www.ghrc-usa.org](http://www.ghrc-usa.org)

### GHRC is on Facebook!

Log in to your facebook page and [become a fan](#) to get news updates and event invitations.



## The Guatemala Human Rights Commission invites you to An Evening of Music, Food, and Fun!

Date: Friday September 10, 2010

Time: 7:00-10:30pm

Location: The Potter's House, 1658 Columbia Road NW, Washington, D.C. 20009

Suggested donation: \$10

Enjoy good food, great company, and fabulous music!

Featuring: SongRise, a new DC-based women's a cappella group who believe that, through music, they can ignite hope, bring joy, inspire courage and motivate themselves and others to create change. These women use their talents in pursuit of social justice to inspire people to action, to enhance and intensify protests and rallies, and to spark discussions and bring people together at community events and gatherings.

### Volunteer or Intern with GHRC

Interested in getting more involved with the Guatemala Human Rights Commission? Let us know! Whether it is in our DC office or from afar, there are many opportunities to help out. We are looking for translators (must be fluent in Spanish), helpers for large mailings, and passionate activists who would like to help educate or fundraise in their own community. We are also accepting applications for our 2011 Spring Internship positions.

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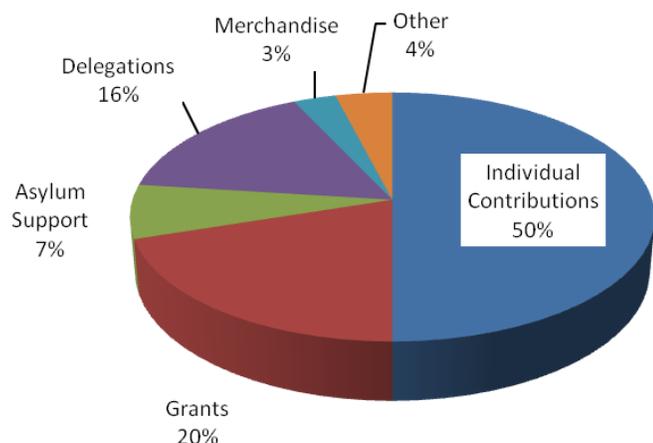
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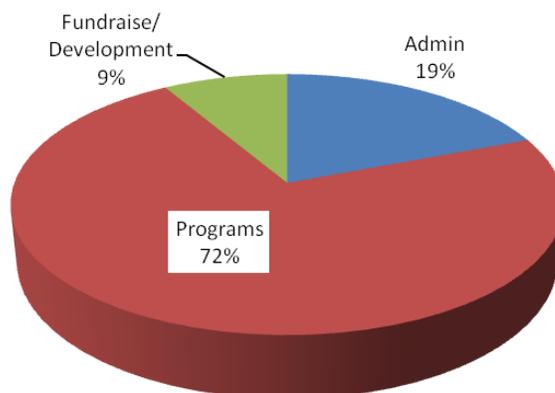
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# ***El Quetzal***

*A Quarterly Publication*



**Judicial Crisis in Guatemala**



**Communities continue to reject megaprojects**



**Update on human rights defenders in  
the first half of 2010**