

# Guatemala Human Rights Review

GUATEMALA HUMAN RIGHTS COMMISSION/USA

January - December 2006

On September 20, 2006, President Oscar Berger assured the United Nations General Assembly that Guatemala had significantly advanced in creating a pluralistic and participatory society as envisioned in the 1996 Peace Accords.

Yet, that vision is far from reality. The human rights situation has only deteriorated in the past few years. Extreme poverty has risen from 16% to 21.5% during Berger's administration and the government has done little to address the needs of marginalized communities.<sup>1</sup> The murder rate has escalated, up 5.5% from 2005. In particular, the killings of vulnerable populations such as women, adolescents, and children have become epidemics in Guatemala. Impunity prevails for both past and current crimes. Human rights defenders working for change also do so under threat, with few efforts on the part of authorities to prevent or investigate the attacks.

To make matters worse, the police and military have been implicated in several human rights violations against citizens. The Office of Professional Responsibility within the PNC reported that it received 1,571 complaints against police officers in 2006, which included: 37 killings, 36 forced disappearances, 10 kidnappings, 260 thefts, 16 rapes, 398 cases of corruption or bribery, 80 threats, and 51 instances of illegal detention.<sup>2</sup>

Moreover, during a meeting with representatives from the World Organization Against Torture (OMCT), authorities acknowledged an increase in cases of torture in Guatemala.<sup>3</sup> Participants from the Public Prosecutor's Office (MP), the Justice Department (OJ), the National Civil Police (PNC), and the Penitentiary System concluded that PNC officers use illegal torture techniques to gain information.

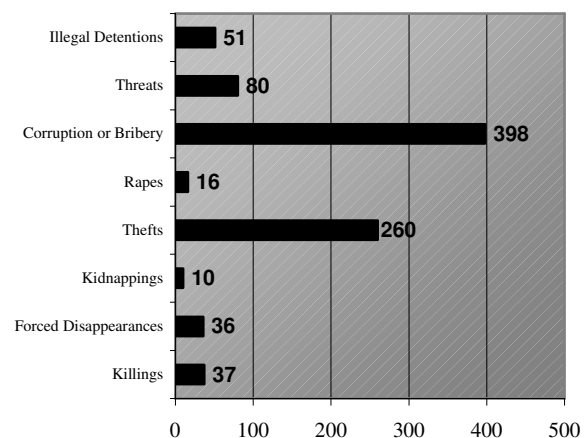
The combination of rampant corruption in the security apparatus and prevailing impunity for perpetrators of crimes has led to an environment where economic,

cultural, physical, and psychological human rights abuses are committed freely.

While corruption in Guatemala has slightly improved over the last year, the country still ranks among the eleven most corrupt countries in Latin America, according to a report by Transparency International.<sup>4</sup> Although the country's rank rose from number 120 to 111, the Corruption Perceptions Index (CPI) in Guatemala remains below three points, which indicates a generalized perception of uncontrollable corruption. The index for Guatemala is 2.6, which is the same as Nicaragua, and just a tenth of a point above Honduras.<sup>5</sup>

Nevertheless, within the past year, Guatemala did take an important step in the right direction to combat corruption and impunity. On December 12, 2006, Guatemalan President Berger signed an agreement with the United Nations to establish the International Commission Against Impunity in Guatemala (CICIG), formerly known as CICIACS. The agreement seeks to establish an independent commission to investigate illegal armed clandestine groups.

Complaints Filed Against Guatemalan Police Officers 2006



For years clandestine groups have used violence to protect their political and illicit financial interests. They have plagued the country, terrorizing human rights defenders, judges, witnesses, political leaders and anyone else who stands in their way. These clandestine groups' considerable influence on state actors and their ability to infiltrate state institutions has impaired the Guatemalan authorities' capability to effectively investigate and bring them to justice.<sup>6</sup>



*Clandestine groups arrested in Guatemala*

The CICIG will attempt to determine the nature, structure and modus operandi of these clandestine groups as well as dismantle their supporting structures, bring their participants to justice, and prevent future attacks on human rights

defenders and the society at large. While the agreement has been signed, it is still pending approval and funding in the Guatemalan Congress.

Overall in the past year, the most egregious human rights violations have fallen into the categories of Violence and Impunity, Attacks on Human Rights Defenders, Violence Against Women, and Inequality and Land Conflicts. A steady continuation of abuses in all of these categories has signaled that the human rights situation in Guatemala is only worsening. Therefore, a concerted effort is still needed to accompany Guatemalans in the pursuit of a more just and equitable society in Guatemala.

## **VIOLENCE AND IMPUNITY**

Although the war officially ended more than ten years ago, violence has once again reached wartime levels. The Guatemalan government is increasingly unable to afford security for its citizens. An indicator of this escalating violence lies in the fact that the number of homicides in Guatemala rose by more than eighty percent from 2000 to 2006.

According to the Criminal Investigation Division (DINC) of the PNC, 5,530 men and 569 women were murdered in 2006.<sup>7</sup> These numbers indicate a 5.5% increase over the previous year, when 5,336 homicides were recorded.<sup>8</sup> The number of men killed in 2006 increased by thirteen percent over the 4,887 recorded for 2005. On the other hand, police data indicated a decrease in the number of women

killed, down from 665 in 2005 to 569 in 2006. However, the US State Department reported that 603 women were murdered in 2006.<sup>9</sup> According to the Mutual Support Group (GAM), 82 children under the age of fifteen were murdered in 2006.<sup>10</sup>

With an average of sixteen murders a day, Guatemala's homicide rate rose to 45 per 100,000 inhabitants, a number well above the average rate in Latin America and above the average murder rate of 7 per 100,000 throughout the world.<sup>11</sup> Guatemala has a population of 12.7 million and totaled 6,099 homicides in 2006. By way of comparison, New York City, with a population of 8 million, averages fewer than 600 murders per year. Given this panorama, Guatemala continues to earn its place as one of the most violent countries in the Western Hemisphere.

After a visit in August 2006, Philip Alston, the United Nations' Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, stated that, "The killing of women, the execution of selected individuals by elements within the police and military, gang and crime-related killings, social cleansing, and other acts of random violence have created a widespread sense of insecurity among the population. Official estimates of 5,000 or more... [homicides] per year certainly understate the real death toll."<sup>12</sup> Alston added that Guatemala is "the perfect place to commit a crime..."<sup>13</sup>

This mounting violence is symptomatic of larger social, economic, security, and judicial troubles. Moreover, Guatemalan society's apathy towards the violence and its devastating effects on all citizens, especially the poor and marginalized, stems from the thirty-six year bloodbath that befell Guatemala from 1960 to 1996.

The majority of this senseless violence can be attributed to clandestine groups, organized crime, drug trafficking, and gang activity. However, former and active government security agents (i.e. police officers, military personnel) have also been implicated in crimes or have cooperated with criminal entities like clandestine groups, organized crime rings, drug cartels, and gangs.

Nevertheless, prevailing impunity has only added fuel to the fire. Impunity reigns as criminals go unpunished. The most notorious, high-ranking human rights abusers all the way down to common, petty offenders face no repercussions for their actions.

Due to the shortcomings and/or lack of will on the part of the Guatemalan authorities (i.e. police officers, prosecutors, justice officials, policy makers), the perpetrators of violence have not been held accountable. In many cases, valuable forensic evidence is not gathered,

crime scenes are not preserved, family members and witnesses are not interviewed, and arrest warrants are not acted on. In other cases, investigators hand over blood and semen soaked clothes to the family members or bury them with the body without doing proper DNA and fluids analysis. Human rights activist Norma Cruz commented on the failings of the investigations of the killings of women by saying that, "There is no fingerprint data base, no DNA testing, no profiling of the victims, or of the murders themselves. There is no ballistics database, no cross-referencing."<sup>14</sup>

The pursuit of justice is further hindered by the lack of coordination among prosecutors, investigators, forensic doctors, and psychologists.<sup>15</sup> In many instances, the victim or victim's relatives are forced to undergo the same forensic exams several times or retell the trauma they have faced. This lack of cooperation, particularly between the Public Prosecutor (MP), who is responsible for leading the criminal investigation, and the police has further mired the investigative process in terms of identifying specific responsibilities, sharing information, and establishing goals.<sup>16</sup> Due to this lack of coordination among the responsible entities, there is often an omission or duplication of investigative efforts.



*Protestors Demand Justice for Genocide in front of Spanish Embassy (Prensa Libre)*

As a result, the conviction rate in Guatemala is atrocious. Approximately 98% of crimes never reach a verdict.<sup>17</sup> Therefore, due to the increasing lack of confidence in the police and judicial system, communities have taken justice into their own hands. During 2006, fourteen people were publicly lynched in expositions of public vigilante justice.<sup>18</sup>

Other groups, including former Civil Defense Patrol (PAC) members, police officers, former security forces, and/or private citizens have also chosen to take law enforcement into their own hands. Often the targets of these groups are petty thieves, tattooed gang members, prostitutes, and other "social undesirables." However, just as often, the targets appear to be victims of mistaken identity, false accusations or petty personal feuds.<sup>19</sup> Officials state that these extrajudicial murders may be the work of frustrated police officers, former paramilitary members and ex-guerrillas who have the support of their communities.<sup>20</sup> In 2006, these acts of social cleansing claimed the lives of more than 640 Guatemalans.<sup>21</sup>

Nevertheless, impunity today for current crimes stems from impunity for past crimes. The overwhelming majority of those responsible for egregious human rights abuses committed during the civil war were never held accountable for their actions. In particular, crimes committed by members of the military and PACs have, in large part, remained uninvestigated and unpunished.

A clear example of the lagging justice is evident in the current legal cases against former dictator Efraín Ríos Montt and other military officials for genocide, war crimes, and crimes against humanity during Guatemala's internal armed conflict. On the domestic side, the Association for Justice and Reconciliation (AJR), consisting of numerous indigenous communities and plaintiffs, presented petitions against Ríos Montt and other military officials to the Guatemalan Attorney General's Office in 2000 and 2001. In more than six years, very little progress has been made in the case.

As an international attempt to provide justice for affected families of war, in 2006 the Spanish National Court issued arrest warrants for Ríos Montt, six other military officers, and two civilians for war crimes, torture, and terrorism. The Spanish Court requested the extradition of the accused; nevertheless, the Guatemalan State only arrested a few of the individuals while Ríos Montt and others remain free. What is more, Ríos Montt's legal team has been allowed to use legal tricks and petitions to impede, or at least stall, his arrest and extradition to Spain.

Even more alarming, those individuals or organizations working on the few cases that have been brought to trial have faced severe reprisals, including threats, break-ins, attempts on their lives, and in some cases, death. As stated by the United Nations High Commissioner for Human Rights, Louise Arbour, "Where impunity is the rule for past violations, it should come as no surprise that it also prevails for current crimes."<sup>22</sup>

Despite more than ten years of an established civilian government, Guatemala has made few advances in guaranteeing human rights and the rule of law, which are essential elements in a functioning democracy.<sup>23</sup> Violence continues unabated and impunity prevails for past and current crimes. Yet, amidst this raging inferno, there are many brave human rights defenders that stand ready to put out the flames. However, in their fight to end impunity and calm the violence, they have become the new target of attacks in order to obfuscate and conceal the truth.

## ATTACKS ON HUMAN RIGHTS DEFENDERS

Attacks against human rights defenders and human rights organizations have drastically increased in recent years. In 2006, the National Movement for Human Rights (MNDH) recorded 278 attacks against human rights defenders and institutions, representing a twenty-four percent increase over the 224 attacks registered in 2005 and more than double the 127 attacks in 2004.<sup>24</sup> Within the past three years of the current Berger administration, Guatemala has seen a 64.6% increase in the number of attacks against human rights defenders and organizations from the previous president's term. The attacks are also becoming more serious, with fourteen murders in 2006 compared to three that occurred in 2005.

Most of the attacks in 2006 occurred in the department of Guatemala, where Guatemala City is located, but officials have registered attacks in 21 of the 22 departments throughout the country. The type of attack and the target often coincide with the major issues in the department. The most frequently attacked human rights defenders and institutions in 2006 were those defending the right to development (64), followed by union leaders (43), campesino leaders (40), and finally, those defenders of the rights to truth and justice (39 and 31, respectively).

Other categories of attacked human rights defenders included environmentalists (11), indigenous rights activists (4), women's rights activists (7), those protecting the rights of children and youth (3), and others. The most frequently attacked human rights defenders and institutions were resisting companies and plantation owners (70), working against clandestine armed groups (52), resisting the government (42), and seeking justice in cases against the military (41).<sup>25</sup> The number of attacks against human

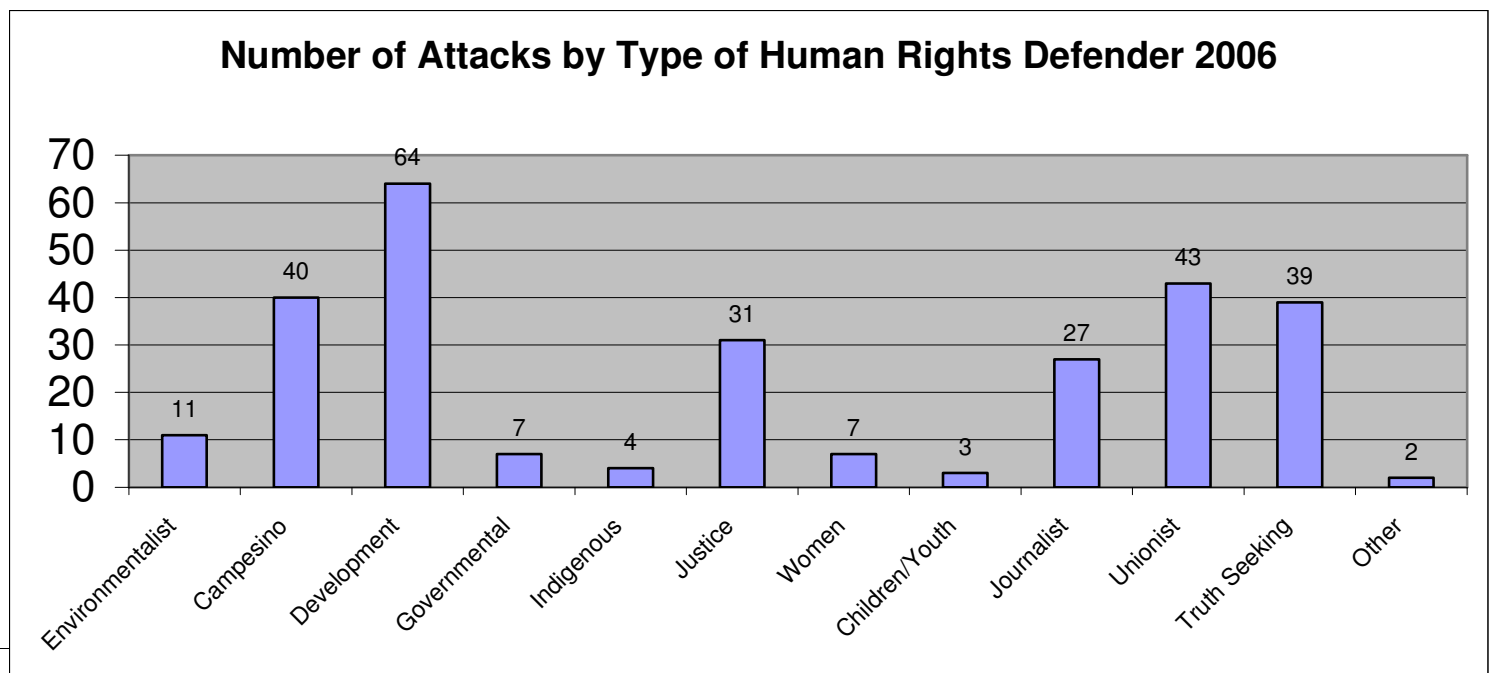
rights defenders increased in every category except those against indigenous rights activists.

The most common types of attacks against human rights defenders and organizations included surveillance, intimidation, threats, and break-ins. However, some attacks also included violence, kidnapping, and murder. The most regular type of attacks were threats by telephone (51), intimidation including surveillance (43), threats in person (39), persecution (34), and vigilantism (32). Fourteen human rights activists were assassinated in 2006, with a previously unseen count of four women among those killed.

As in the past, any attempt to investigate prior human rights violations, stand for the rights of the masses, or hold former military leaders accountable for the atrocities committed during the civil war has resulted in strong resistance.<sup>26</sup> To protect their political and illicit financial interests, there is concrete evidence that clandestine armed groups, state security forces (i.e. former and active police agents and military officers), and private citizens have carried out the attacks against human rights activists and organizations.

The following examples briefly highlight the persecution that human rights defenders face in Guatemala:

- On August 31, 2006, human rights lawyer Maynor Roberto Berganza Bethancourt received a series of death threats in what appears to have been an attempt to dissuade him from continuing his work. These threats came in the form of menacing phone calls. One caller threatened, "*If you don't love your family, there are two people here with me asking to kill them.*" Another caller said, "*Let's talk straight, I am a member of organized crime and we have*



been hired to kill you. Just like we shoot down the governor, we also shoot you down. We are now going to take you out from where you are because we have you under control.” Berganza Bethancourt is a reputable human rights attorney and a survivor of the disappearance and execution of student leaders in 1989.<sup>27</sup>

- On September 4, 2006, Juan José Atz García, the assistant mayor of Esquintla, was murdered while in a barbershop in his district. Atz Garcia was a member of the Guatemalan National Revolutionary Union (URNG) party, which has strongly encouraged authorities to bring perpetrators of human rights violations to justice.<sup>28</sup>

- On October 2, 2006, the Community Studies and Psychosocial Action Team (ECAP) was threatened with kidnapping and “*something more*” if they did not discontinue their investigations into massacres that occurred during the internal conflict. ECAP is a non-governmental organization that works with survivors of the internal armed conflict in Guatemala. The organization develops multi-disciplinary and integral projects to provide psychosocial support for survivors. The organization brought evidence against the Guatemalan Government at the Inter-American Court on Human Rights in the case of the massacre at Plan de Sánchez, Rabinal, Baja Verapaz. The threats are an apparent attempt to silence ECAP and stop them from pushing forward genocide cases moving through the national court system.<sup>29</sup>

Whether clandestine groups, state security forces, or unknown individuals carry out the attacks on human rights defenders and institutions, these cases remain in impunity, further emboldening illegal armed entities.

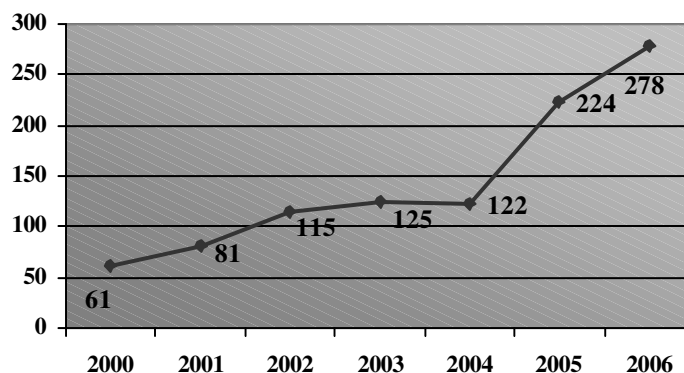
Furthermore, in December 2006, another election cycle began in earnest as political parties and other individuals prepare for the upcoming September 2007 elections. Given a weakened Guatemalan state, a lack of sufficient investigation and prosecution, and stalled ratification of the CICIG, many fear that politically motivated violence will increase even more dramatically in the upcoming months.

## VIOLENCE AGAINST WOMEN

The increase in violence throughout Guatemala has particularly impacted women and girls. The United Nations has defined violence against women as any act that, “results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion, arbitrary deprivation of liberty, whether occurring in public or private life.”<sup>30</sup> It may include, but is not limited to, abuse, battery, sexual assault, rape, forced sexual servitude, systematic humiliation, and murder.<sup>31</sup>

This type of violence is considered “gender-based” because it

Attacks on Human Rights Defenders by Year



“evolves in part from women’s subordinate status in society,” whether it takes place in an interpersonal relationship (by an intimate partner or family member) or in the larger community.<sup>32</sup> Due to the violence that women suffered during the civil war, Guatemalan society has become apathetic and tolerable of gender-based violence today. Gender-based violence is no longer limited to indigenous women, but rather affects all women and girls, whether Maya, or *ladina*.<sup>33</sup>

In 2006, the Guatemalan Public Prosecutor reported having received more than 9,657 complaints of family violence.<sup>34</sup> The Network for Non-Violence against Women estimates that 90 percent of incidents of family violence go unreported.<sup>35</sup> More than 36% of women who live with a male partner have suffered from domestic abuse.<sup>36</sup> In addition, Guatemala’s Penal Code still does not specify sexual harassment as a crime.<sup>37</sup> Women and girls are also victims of commercial trafficking and sexual exploitation.

Sexual assault and rape are also alarming indicators of the violence against women in Guatemala. Prosecutors from the Special Unit for Crimes Against Women noted that reports of rape have increased by thirty percent over the past four years.<sup>38</sup> However, it wasn’t until 2006 that the law that exonerated a rapist by marrying his victim if she was twelve-years-old or older was deemed unconstitutional.<sup>39</sup>

Nevertheless, the most alarming expression of violence against women has surfaced in the continued and increasing killings of women and girls. Since 2000, more than 3,000 women and girls have been murdered in Guatemala. Almost every year the number of femicides has risen. According to police statistics, the number of women slain rose steadily from 213 in 2000 to 665 in 2005. While a slight decrease from 2005, 603 women were killed in 2006.<sup>40</sup>

However, due to the police departments' and Public Prosecutors' failure to enter data into a computerized system and to synchronize and coordinate efforts between both entities or even within their own departments, the accurate number of women killed is unknown.<sup>41</sup> In addition, the police figures may be conservative estimates because victims' relatives are fearful of reporting a murder and there is a lack of public confidence in state institutions to adequately and appropriately respond to complaints.<sup>42</sup>

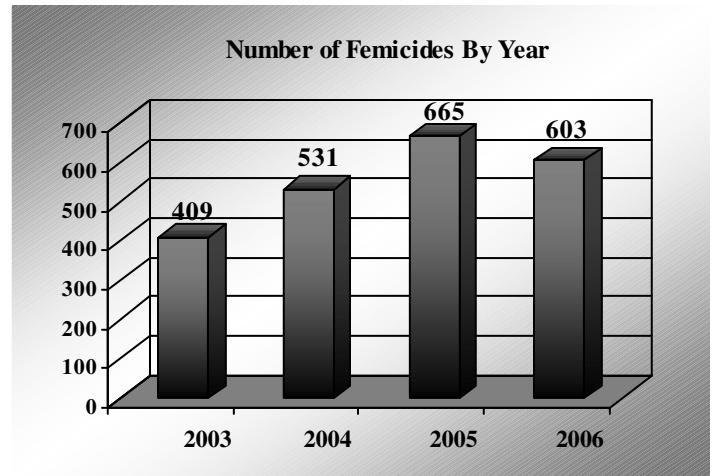
The media too has been a culprit in underreporting the cases of femicide, thus diluting the increase and gravity of gender-based violence. In a recent study released by the Center for Informative Reports on Guatemala (CERIGUA), the top five newspapers throughout the country underreported the number of women killed. For example, even though the police stated that 531 women were killed in 2004, the press only reported on 465 killings. The trend continued in 2005 when the newspapers covered only 413 murders out of the conservative total of 665, and in 2006 when the media reported on only 413 of the 603 known cases of femicide.<sup>43</sup>

Although the number of murders is sobering, the killing of women is not simply a question of statistics. A key characteristic in a large number of cases is the brutality with which the murders were committed. Many of the victims are raped and tortured first and their mutilated bodies are left in public places for members of their families and communities to find. The majority of the victims are young, poor women between the ages of thirteen and thirty.

Contrary to numerous Guatemalan authorities' claim that the rise in femicides is linked to more young women joining gangs and becoming increasingly involved in criminal activity, in fact, the majority of victims are students, housewives, factory workers, domestic employees, workers in the informal sector, and even some professionals.<sup>44</sup>

While violence against both men and women has increased in the past years, the murders of women are distinct because of the disproportionate rate at which they are increasing, the brutality in which they are committed, and the gender-specific violence that is used. More women are killed by direct contact with the perpetrator than men, who tend to be murdered by firearms.<sup>45</sup> The Guatemala Human Rights Ombudsman (PDH) concluded that:

“In the case of women, the brutality used in cases of mutilation is definitely unique in comparison to male victims. Although sexual violence has been used in the case of many murdered women, it is also true that there have been cases of women who



have been mutilated without being subjected to sexual violence which also demonstrates a particular type of cruelty that manifests itself in cuts to the face and inherent notion of the disfigurement of women's beauty, the severing of organs...In other cases...the bodies are found with the hands tied and with a single shot to the head, as happened in the [civil war].<sup>46</sup>

Even more troubling than these tragic, senseless murders of women is the fact that very few cases are properly and thoroughly investigated. In many instances, investigators fail to collect or destroy important evidence or fail to question key witnesses. When autopsies are carried out, evidence of sexual violence and mutilation is more often than not unrecorded. Therefore, this phenomenon of gender-based violence goes largely unmonitored. The PDH admits that 70% of all of the cases of murdered women go completely uninvestigated, and 97% of these killings never result in an arrest.<sup>47</sup> Of the more than 3,000 women killed since 2000, GHRC knows of fewer than twenty court rulings including both convictions and exonerations.

The lack of resources, technical capacity, collection of evidence, and political will on the part of Guatemalan authorities often means that even if a suspect is brought to trial, he or she is usually released for lack of witnesses and evidence. Many witnesses are afraid to testify in femicide cases because they will not receive proper protection from the government, which can make convicting the perpetrator almost impossible.

Moreover, families of the victims often do not have the economic resources to pursue legal action, are not well protected, and often receive death threats if they pursue investigations into the murders of their loved ones.

While authorities often make poor efforts to investigate the murders, they are also negligent in preventing them. Often

when a girl or woman is reported as having been abducted or having disappeared, the police do not begin a search for her until forty-eight or seventy-two hours have passed.<sup>48</sup> In several instances, the police assume that the girl has run away from home or has left to live with her boyfriend and therefore delay serious searches and investigations.

Once a body is found, authorities often presume that the reason for the killing was due to the woman's involvement in gang activity, drug trafficking, or prostitution and is therefore deserved. Public officials have towed the line that the overwhelming majority of victims are involved in criminal activity, or that they are somehow inherently to blame for their fate.

The discourse of blaming the female victim is a product of a larger institutional and social norm of gender discrimination in Guatemala. This sentiment is often blatant, as evidenced by a statement made by the Chief of police on May 5, 2006 on how to avoid the murders of women in which he said, "ask them to not get involved in street gangs and to avoid violence within the family, which we as police cannot do."<sup>49</sup>

The following cases of femicide in 2006 demonstrate the misogynistic brutality in which women and girls are specifically being targeted and killed on a daily basis in Guatemala:

- On September 25, 2006, a lifeless female body was found in a ditch by a main road in Mixco, near Guatemala City. People out for their morning exercise found the woman dressed in a black dress, pink sweater, and pink sandals and wrapped in a green poncho. Volunteer firefighters at the scene reported that the woman was dark-haired, around thirty-five years of age, and was strangled to death with a telephone cord. At the time of press the woman was still unidentified and no one had come to claim her body.<sup>50</sup>



*Police investigate murder scene*

- On October 10, 2006, María Santa Mixtún Cuma, 69, her granddaughter Ana Odilia Vásquez López, 13, and another young girl, Manuela Yohanna Quino López, 7, were killed and beheaded in their home.<sup>51</sup> The murders have been described as an act of vengeance, carried out by a local criminal in order to silence testimony against him. The criminal, known simply as "Malince," had previously broken into the family's home and was accused of burglary. The family was provided no protection by the police after coming forward with the accusations.<sup>52</sup>

The Guatemalan government's failure to address the increasing violence against women suggests a public

policy of tolerance for gender-based violence and a lack of political will to turn the tide. While some international treaties have been signed, domestic laws legislated, and programs established, the State's efforts have failed to stem violence against women. This is because public officials' pledges and laws have not answered the numerous shortcomings during investigations and prosecutions, a deep-seated mentality of blaming the victim, a lack of coordination among the entities responsible for preventing and resolving the crimes, a deficiency in protecting the victim from future violence, and a failure to end impunity for past and present perpetrators of gender-based violence.

## INEQUALITY AND LAND CONFLICTS

One of the root causes of the increasing violence in Guatemala is the sheer inequality between the "haves" and "have-nots." Guatemala is now one of the most unequal countries in Latin America, and is considered by some to be the third most unequal nation in the world. While 56% of Guatemalans eke out a living on less than US \$2 a day, Guatemala boasts some 4,000 millionaires. Guatemala has the lowest rate of public investment in social services in the region and ranks lower on the UN Human Development Index than all other countries in Latin America, except Haiti.<sup>53</sup> However, this stark inequality is most evident when analyzing the land situation. Despite the fact that more than half of the Guatemalan population depends on agriculture for their livelihood, an elite 1.5% of landowners own 62.5% of the land.<sup>54</sup>

Nonetheless, rather than address the underlying causes, President Berger, former businessman and landowner, has resorted to using evictions to solve the agrarian crisis. His policies have continued to favor wealthy landowners over poor, mostly indigenous, campesinos. Although the number of documented evictions has slightly decreased in recent years from 40 in 2004 to 22 in 2005 to 29 in 2006, state security forces used violence during many evictions.<sup>55</sup> Police officers were implicated in using aggression, burning homes, and damaging belongings.

The Government defends its actions by asserting its obligation to protect private property. Nevertheless, it ignores its obligation to recognize the fundamental right of Guatemalans to access sufficient food and appropriate housing. Guatemalan authorities have failed to recognize that ancestral lands passed down through generations are not accompanied by proper documentation. Upon removal from their land, evicted families are left with no plots to cultivate and nowhere to lay their heads. It is imperative

that the rights of landowners are recognized and respected, and if relocation is the only option, families must be compensated in a fair and timely manner. The following are two examples of violent land evictions in 2006:

-On September 15, 2006, more than 125 officers of the National Civil Police (PNC) and the Municipal Transit Police used tear gas to evict 160 families who were occupying roughly twenty acres of municipal land in zone seven of Guatemala City. Some of the families initially resisted the eviction and tried to prevent the police from arresting community leaders. At least four people were injured and at least two people were arrested and later released. Assistant Director of Public Security for the PNC, Henry López, stated that he had notified the occupants three days prior to the eviction, informing them that they would need to abandon the area due to the environmentally vulnerable nature of the land.<sup>56</sup> In this instance where Guatemalan authorities attempted to protect the occupiers from environmental danger, the Government failed to provide the families with appropriate shelter and resources, leaving all 160 families destitute.

- On November 21, 2006, nearly 1,000 families were violently evicted from lands in El Estor, located in northeastern Guatemala. More than 90% of the families were Maya Q'eqchi'. Confrontation ensued between police forces and the inhabitants of El Estor. By midday, the families had calmly left the site carrying with them their makeshift shelters and belongings. However, a group of townspeople, some carrying machetes, threw stones at a pickup truck from the mining company. Later that day, the police went to the site and forcibly evicted more occupants using tear gas. The Guatemala Ministry of Energy and Mines granted more than 1,000 square kilometers of El Estor to international mining companies for the purpose of exploration and exploitation of nickel through strip mining, despite the fact that the indigenous families lived and worked on nearly all the land. While some families obtained titles to the land, many were still in the process of collective titling.<sup>57</sup>

In the last three years, 91 evictions have taken place, many of them turning violent. These evictions have left thousands of families destitute, without shelter and land for subsistence farming. Even more troublesome, however, is the fact that a lack of adequate legal means to address land disputes and the ensuing violent evictions almost guarantee further conflict.

## CONCLUSION

Amidst ten years of “official” peace, the human rights situation in Guatemala remains in grave condition. Violence has once again reached wartime levels, human

rights defenders and institutions face escalated attacks, gender-based violence continues at a critical degree, and increasing inequality persists – particularly evident in land evictions and conflicts.

Nevertheless, the toughest hurdle for the Guatemalan Government to overcome is not those specific issues, but rather the hurdle of widespread impunity and the infiltration of illegal entities into the state apparatus. Impunity has only exacerbated the violence, allowing past and current perpetrators of crimes to run free and freely commit more criminal acts. More emboldened by this impunity, illegal entities such as clandestine groups, organized crime rings, drug cartels, and gangs continue to use violence, connections, power, and resources to infiltrate all levels of the Guatemalan Government.

In the face of this grave panorama, authorities lack technical skills, resources, and the political will to thoroughly investigate crimes and prosecute those responsible for the violence. Better trained police officers and prosecutors, more police agents, a stronger judicial system, and a concerted political will are needed to stem violence and end impunity.

While overall corruption is reportedly lower than previous years and President Berger took a positive step in signing the CICIG agreement with the United Nations to combat and investigate clandestine groups, there is still major cause for concern.

To transform this concern into cautious optimism, Guatemalans must continue their struggle for justice, peace, and a more sustainable democracy. Because we call ourselves sisters and brothers in humanity, we too must continue to accompany Guatemalans in their efforts.

Therefore, the Guatemala Human Rights Commission/ USA (GHRC) recommit itself to defending and protecting human rights and human rights defenders, while also supporting victims of abuse, past or present. As a part of the Peace Accords, Guatemala agreed to defend and protect human rights workers. Through our education and advocacy initiatives, we shall remain vigilant to ensure that human rights and those that struggle to uphold them are not betrayed or forgotten.

We ask that you join us in our collective efforts to bring about positive, systemic change in Guatemala. Your support of GHRC and solidarity with our mission helps us to build a brighter tomorrow for all Guatemalans.





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

## ENDNOTES

1. Interview with Miguel Ángel Albizuere of the Center for Human Rights Legal Action (CALDH). Guatemala City. August 2, 2006.
2. U.S. Department of State Bureau of Democracy, Human Rights, and Labor (DOS 2007). 2007. *Country Reports on Human Rights Practices – 2006: Guatemala*, pg.11. Released on March 6, 2007. (*hereinafter* “US DOS 2006 Report”) at pg. 10.
3. Guatemala Human Rights Commission/USA. *Guatemala Human Rights UPDATE*, Vol. 18 No. 22. November 30, 2006.
4. Guatemala Human Rights Commission/USA. *Guatemala Human Rights UPDATE*, Vol. 18 No. 21. November 14, 2006. (*hereinafter* “GHRC UPDATE Vol.18 No.21”)
5. *Ibid.*
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41. A variety of governmental agencies gather crime and homicide data, including the National Civilian Police (PNC), the Public Prosecutor, the National Institute of Statistics (INE), and the morgues. Most organizations use PNC statistics because the morgues lack the appropriate standards to record information and use antiquated medical technology, however the PNC numbers fall short of the actual total as well. See Center for Gender & Refugee Studies, *Guatemala’s Femicides and the Ongoing Struggle for Women’s Human Rights: Update to CGRS’s 2005 Report Getting Away with Murder*. September 2006. at pg.8.
42. Amnesty International 2005 Report, *supra* note 16 at pg. 4
43. Guatemala Human Rights Commission/USA (GHRC). *Guatemala Human Rights UPDATE* Vol.19 No.04. February 13-28, 2007
44. While a portion of the femicides can be attributed to young women joining gangs, becoming sex workers, using or trafficking drugs, and becoming involved in criminal activity – and therefore getting killed for it, the Guatemalan authorities frequently falsely categorize the murders of women as gang-related before carrying out proper investigations. Available statistics from the UN Special Rapporteur on Violence Against Women (*supra* note 35), Yakin Erturk, indicate that 24 percent of the victims were housewives, 13.6 percent were domestic workers, and 11 percent were students. This data demonstrates that government authorities have misdiagnosed the motives of the perpetrator(s) and the status of the victims
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