



Guatemala Human Rights **UPDATE**

Guatemala Human Rights Commission/USA

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DEATH THREATS AND OTHER INTIMIDATIONS

Bomb Scare at CALDH Office

1/11/05 - On January 11, staff members of the Center for Human Rights Legal Action (CALDH) had to leave their workplace because of an anonymous bomb threat. According to Miguel Angel Albizúrez, a CALDH representative, at approximately 8 AM that morning, an unidentified male caller warned that a bomb had been placed on the CALDH premises and could detonate at any moment. No bombs, however, were found.

Albizúrez added that a similar incident occurred last July when CALDH members were forced to leave their offices due to a bomb threat, which turned out to be a false alarm. This previous intimidation occurred during a nationwide increase of threats against human rights activists.

Women's Convergence Offices Robbed

1/07/05 - The offices of the Women's Civic and Political Convergence were broken into despite extra security measures. According to director Dora Amalia Taracena, the offices were closed for holiday vacations; however, organization members visited the building daily. On the day of the incident, Taracena arrived to find the offices empty but saw indications that intruders had broken into the offices through the garage.

Neighbors who were questioned said they had not noticed anything strange. In addition, the crime occurred despite the fact that security personnel for a nearby factory constantly patrol the zone 3 area.

Taracena, concerned by the robbery, urged authorities to find those responsible for the crime. Among the items stolen were documents and computer equipment worth an estimated Q85,000 (approximately \$10,500), all efforts of years of hard work. Human excrement was also found at the scene.

The Women's Civic and Political Convergence is a Guatemalan women's empowerment organization and

is part of the Coordinating Office of Political Action for Women's Health and Development, as well as the Political Equity Commission.

HIJOS Foundation Robbed

1/10/05 - The headquarters of the Foundation of Children for Identity and Justice Against Forgetfulness and Silence (HIJOS) was robbed during the early morning hours on January 9. According to Raúl Nájera, a member of the group, the stolen items included testimonial files on army tortures, sound equipment, personal journals, and an electricity generator. The office, which was relocated to zone 1 from zone 2 in Guatemala City, was robbed just one day after its official opening.

According to Nájera, the act was not part of the wave of common crime. Instead, he stated that the robbery, "has to do with the parallel powers," referring to clandestine armed groups.

FUNDAMENTAL VIOLATIONS

Police Shoot Two Campesinos Protesting Mining Activities

1/13/05 - On January 11, at least two people were killed and twelve other campesinos and police officers were injured when protesters fired handguns, threw stones, and erected barriers of burning tires to block a truck carrying equipment headed to a gold mine in northern Guatemala.

More than 750 police officers and soldiers, many wearing riot gear and flanked by an armored vehicle fitted with a massive metal scoop to clear the highway, were escorting the truck after residents of the provincial capital of Sololá vowed to refuse to let it pass through their city.

Local officials initially granted permission for the mining equipment to move through the community; however, they changed their minds when they learned a Sololá pedestrian bridge that leads over the highway would have to be taken apart and then later reassembled in order to allow the truck and its cargo of a towering metal cylinder

to pass through. The pedestrian bridge, built by residents who donated their time, has become a source of civic pride for many in Sololá, as well as the surrounding province of the same name. Locals have also objected to a gold mine located sixty miles to the north where the equipment is headed, saying activities there may be damaging the environment.

The mayor of Sololá, Dominga Vásquez, has publically denounced mining activities; consequently, she has received telephone threats warning her that she would have to face the consequences if she continued to support the obstruction of the truck and pipe from passing through. An anonymous caller asked her, "Why are you mad at the government? If you continue with this attitude, be advised of what will happen to you." Vásquez demanded the name of the caller, to which he responded, "Sooner or later, you'll know."

The truck originally began its journey from Guatemala City to the mine 185 miles to the north on December 6 but was forced to pull off the two-lane transnational highway and wait for weeks while authorities negotiated its trip through Sololá. Shortly before dawn on January 11, the truck began its northward push again. Facing threats of violence, police and soldiers were ordered by the Guatemalan government to help it complete the journey.

As the truck reached the town of Los Encuentros, located along an important interchange of highways ten miles from Sololá's outskirts, hundreds of protesters on either side of the highway pelted it with rocks and sticks, and at least a few opened fire with guns, said Óscar Sánchez, a spokesman for the area's volunteer fire department.

Police ignited tear gas canisters and fired in the air to try and disperse the protesters. Sánchez said seven police officers had been transported to a hospital in the city of Chimaltenango to be treated for injuries. According to Daniel Pascual, a representative of the Campesino Coordinating Committee (CONIC), Raúl Castro Bocel and Miguel Tzorín Tzuy were killed, and at least five other locals were injured. A day later, Interior Minister Carlos Vielmann issued sixteen arrest warrants for assumed leaders of the event, including an arrest warrant for mayor Vásquez.

About 1,500 people participated in a funeral procession for Raúl Castro Bocel carrying signs, which said "killer police." Leaders of the movement, Vicente Chumil and Santos Mendoza, of the Indigenous Defense, instigated a rally in the center of town shouting, "the fight con-

tinues." Some people continued marching to the police substation where they threw rocks at the windows and lit a police car on fire. Immediately, police forces responded by throwing canisters of tear gas into the crowd. Nearby shops closed down, and campesinos warned, "We do not want police in our communities." They also said that if Vielmann's arrest orders were carried out, they would react with more force.

In the end, the truck and pipe were able to fit under the pedestrian bridge without taking it apart. The caravan began making a slow trek up the mountain highway, but its path continued to be impeded by a number of makeshift, burning roadblocks.

Carlos Calju, a spokesman for the national police force, said authorities would continue to battle protesters until the mining equipment reached its destination. "The order from the Interior Secretary is that the cylinder must move on," he said. According to authorities, the caravan is well equipped to handle any future attempts to block its passage to San Marcos.

Meanwhile, campesinos continue to protest mining exploration by the Montana Company. In the past, Berger has said that the government must comply with Convention 169 of the International Labor Organization, which states that local communities must be consulted before mining exploration can begin. However, speaking to reporters in Guatemala City before the Sololá protest turned deadly, President Óscar Berger said his government "had to establish the rule of law. We have to protect the investors."

WOMEN'S RIGHTS

Reduction in Officers Responsible for Investigating 257 Femicides

1/8/05 - The number of police officers in charge of investigating the assassination of women has declined from twenty-two to five. These agents are responsible for investigating 257 cases; last year the twenty-two officers from the Section on Homicides of Women arrested seventy-seven suspects and resolved 142 cases.

Erwin Sperisen, director of the National Civil Police (PNC) stated that the reduction of officers is due to a serious lack of detectives and because the ratio of deaths of men to women is three to one. Statistics from the PNC indicate that during 2004, there were 531 violent deaths of women. The No Violence Against Women

Network recorded 527 femicides; this is 144 more deaths than the women's organization reported in 2003.

Last September, the Organization of American States rapporteur on issues of Women's Human Rights, Susana Villarán, met with President Óscar Berger, Interior Minister Carlos Vielmann, officials from the Public Prosecutor's Office (MP), and Sperisen. During her meeting with representatives from the MP and PNC, Villarán stated that the investigation should be taken "more seriously" after observing that the PNC had only twenty-two officers investigating femicide, all of whom were located in Guatemala City while neglecting rural areas.

RIGHTS OF THE CHILD

EU Asks for Passage of Adoption Law

1/7/05 - Ambassadors from the European Union (EU), led by Dutch ambassador Bea Ten Tusscher, requested that Guatemala approve a law that regulates adoption. Tusscher stated that the new adoption law should incorporate rules contained in the Hague Convention. The incoming president of Guatemala's Congress, Jorge Méndez, said that he foresees the passage of such a law.

LABOR RIGHTS

CC Requests for Explanation of Minimum Wage Freeze

1/4/05 - The Constitutional Court (CC) has asked President Óscar Berger to explain the basis of Government Accord 378-2004 which resolves to freeze the minimum wage. According to an injunction law, the president has forty-eight hours to submit a report explaining the background and nature of the accord, in response to a claim made against the accord by the Guatemalan Workers' Union (UNSI TRAGUA).

According to the labor union, the legislation does not provide workers with the rights as stipulated in article 102 of the Guatemalan Constitution. Additionally, article 103 of the Labor Code states that the minimum wage must cover at least the basic cost of living; however, the wage that is currently set is essentially half of a living wage.

On December 16, Berger set the daily minimum wage for 2005 at the current rate of Q38.60 (approximately \$4.89) per day for non-farm work and Q39.67 (approximately \$5) per day for farm work. The last wage

increase occurred last July when the non-farm rate increased by sixteen percent, and agriculture work wages were raised by twenty-one percent.

UNSI TRAGUA also announced that various unions throughout Guatemala may take the claim before the Inter-American Human Rights Court.

SOCIAL AND ECONOMIC RIGHTS

Congress Cancels Lawmakers' Raise

1/6/05 - The Permanent Commission of Congress, which will direct and govern the Legislative body between December 1, 2004 and January 14, 2005, announced in a recent press conference that it would not support the salary raises for the 158 members of their parliament.

Antonio Arenales Forno, second chair of the Permanent Commission, said the decision was taken at the request of several parliamentary members. Rolando Morales Chavez, outgoing president both of the commission and Congress, said he had already instructed Congress' Financial Department to follow through with the decision.

Arenales Forno said the decision was taken to prevent social upheaval from civil organizations that have been protesting the salary spike.

USTR Increases Pressure to Drop Data Protection Law

1/14/05 - In a meeting with ambassadors from the Dominican Republic and five Central American countries, the Office of the US Trade Representative (USTR) warned that a continuing pharmaceutical dispute with Guatemala could delay congressional consideration of a free trade agreement package. The goal of the meeting was to "make certain all CAFTA governments understood our position on this issue firsthand, since they are all parties to CAFTA and are all equally affected by its progress," said a US trade official.

USTR wants Guatemala to resolve a conflict between a pharmaceutical law it passed late last year and its obligations under the US-Central America Free Trade Agreement (CAFTA) to provide five-year's worth of protection for clinical trial data used to ensure safety and gain marketing approval.

The Guatemalan law "gives the US Congress the impression that Guatemala is not serious about complying with commitments it made in the CAFTA," according

to a January 10 fact sheet issued by the US embassy in Guatemala. This could “result in CAFTA not being ratified by the US Congress, where a close vote is expected,” the fact sheet said.

According to informed sources, Guatemala’s ambassador said that his government intends to resolve the issue expeditiously. However, it still remains a question as to how Guatemala intends to settle the dispute, informed sources said.

At issue is a law the Guatemalan Congress approved by an overwhelming majority late last month that essentially kills a five-year period of data protection that Guatemala had offered for patented drug companies’ clinical trial data. It does so by stipulating that Guatemala will offer five years worth of protection to “new” pharmaceutical products, according to the fact sheet. However, the law defines new products as those that have never before received marketing approval in Guatemala and the rest of the world, according to the embassy.

The fact sheet said that drug companies with a patent usually receive marketing approval in the countries where the drugs are invented before they seek marketing approval in Guatemala.

Therefore, the new law effectively eliminates the five-year data exclusivity provision, according to the US embassy. The CAFTA deal obligates countries to provide five year’s worth of protection for patented drug companies’ clinical trial information. The five-year period begins once the drug company with a patent receives approval to market the drug.

Generic companies rely on this information to demonstrate that the drug they have manufactured is safe in order to secure marketing approval, NGO sources said. Without access to these data, generic drug makers would have to complete their own clinical trials, which generally prove too costly to pursue, NGO sources said. Generic companies are also responsible for proving their drug is biologically equivalent to the brand named drug.

NGO sources questioned how USTR could charge that the new Guatemalan law violates CAFTA, given that the deal has yet to take effect.

Separately, Democratic House members are considering ways to convey to the Bush Administration that data protection of clinical trial data should be excluded from the CAFTA package, a House source said. According to the source, imposing this requirement on developing countries such as Guatemala would impede their access to affordable medicine.

JUSTICE AND RECONCILIATION

Civil Society Objects to Creation of Special Military Prosecutor

1/4/05 - Human rights organizations objected to the creation of a special prosecutor whose duty will be strictly to investigate military personnel. This new position was proposed in the new Military Code, which Congress approved.

Mario Polanco, of the Mutual Support Group (GAM), believes that civil society should oppose the creation of this position. Orlando Blanco, of the International Center for the Investigation of Human Rights, stated, “This position of special prosecutor will be turned into a filter for impunity in investigations against military personnel.”

Armando Paniagua, president of the Congressional Defense Commission, signaled that the position will not be approved until March, in which case there is time to hear reservations.

EX-PACS Ask To Be Taken Into Account Like Victims

1/7/05 - Former members of the Civil Defense Patrols have asked administrators of the National Reparations Program (PNR) to consider them as victims of the internal armed conflict when determining who should receive financial compensation. In the upcoming weeks, the PNR will discuss the possibility. Carlos Aldana, of the PNR, acknowledged that the inclusion of the ex-Pac’s in the reparations program would be extremely problematic since many people see them as murderers.

Four variables are considered when deciding whether to include an individual in the list of those to receive reparations: the act in which the individual’s rights were violated, the effects of that act, the victim’s subsequent quality of life, and the victim’s future prospects.

Judge Orders Reinvestigation into Spanish Embassy Massacre

1/13/05 - Judge Saúl Álvarez ordered the Public Prosecutor’s Office (MP) to continue with the investigation that began twenty-five years ago into the burning of the Spanish Embassy in which thirty-seven people were killed. Missing evidence includes a report from the now defunct National Police (PN) regarding the officers who were responsible for the eviction of the campesinos from the embassy on January 31, 1980, as well as, forensic

studies on weapons at the scene of the massacre.

The attack, which included setting fire to the embassy, claimed the lives of the first secretary of the Spanish diplomatic delegation Jaime Ruiz del Arbol, former Guatemalan vice-president Eduardo Caceres, former foreign minister Adolfo Molina, and Vicente Menchú, Rigoberta Menchú's father. Those accused are former de facto president Efraín Ríos Montt, former president Romeo Lucas García and his brother Benedicto, former Minister of Defense Óscar Mejía Vítores, Lucas García's Minister of Defense Ángel Aníbal Guevara, Chief of the National Police Germán Chupina Barahona, former Interior Minister Donald Álvarez Ruiz, and former head of the now defunct "6th Command" (a secret counterinsurgency squad) Pedro García.

Citizens Do Not Trust Justice Sector

1/15/05 - In a survey published by the daily newspaper Prensa Libre and conducted by Vox Latina, the Guatemalan public rated their level of confidence in their justice system. According to the poll, fifty-two percent of citizens feel that the Public Prosecutor's Office (MP), the institution charged with criminal investigation, does not do an adequate job; only 42.3 percent gave the MP their approval.

Regarding the National Civil Police (PNC), 69.8 percent of the population surveyed look unfavorably on their work. The Constitutional court received disapproving marks by 55.6 percent of the population, and even worse among young people aged eighteen to twenty-nine. The courts in Guatemala are viewed negatively by 66.8 percent, and the government as a whole was only given a 33.8 percent approval rating.

While citizens of Guatemala are wary of the courts, the police, the CC, and the MP, they expressed faith in local government, the churches, the media, and the Human Rights Ombudsman's Office.

OTHER INFORMATION

PNC: A Violent Beginning for 2005

1/3/05 - The beginning of 2005 has been tragic for Guatemalans; the act of combating the escalating violence threatens to be one of the most difficult factors for the president's second year in office. Forty people died violently the first day of the year; this equates to 1.7 deaths per hour. Additionally, sixty-five others were wounded in

some of the same circumstances, according to Carlos Caljú, a representative of the National Civil Police (PNC). Director of the PNC, Erwin Sperisen, did not comment on the matter. He did indicate that he would give a press conference at a later date to discuss official data and proposals for citizen security.

According to Mario Polanco, representative of the Mutual Support Group (GAM), these statistics are troubling, above all, because they signal that there continues to be a climate of political insecurity. Polanco stated that although GAM did not put out its customary end-of-the-year report for 2004, there were a total number of 1,960 violent deaths, according to official reports. This marks a 42.5 percent increase from the 1,375 violent deaths registered in 2003.

542 Police Officers Fired in 2004

1/6/05 - For crimes ranging from corruption, kidnapping, assault, drug trafficking, homicide, and rape, 542 police officers from the National Civil Police were dismissed in 2004. According to PNC director Erwin Sperisen, restructuring brought on numerous changes that will continue into 2005.

Statistics from the PNC show that eighty-three percent of the dismissals were in response to officers' participation in illegal activities, while seven percent were let go due to administrative reorganizing.

Berger Says Anti-Violence Policies a Priority

1/10/05 - In his state of the nation speech, President Óscar Berger lamented the uncontrollable spate of violence that has marked his first year. As a result, Berger promised to invest more resources into education, security, and infrastructure this year.

Secretary for Economic Planning, Hugo Beteta, disclosed the government's new plan of action. In this "1000 Day Plan," the government will invest Q8 billion (approximately \$1 billion) into security, infrastructure, and job creation.

Menchú to Seek OAS Chair

1/11/05 - On January 11, Nobel laureate Rigoberta Menchú said she is determined to head the Organization of American States. "I am determined to put all my capacity and experience into service, taking advantage of the enormous potential offered to the continent," said Menchú, who was awarded the Nobel Peace Prize in 1992 for her work as an organizer of resistance to op-

pression in Guatemala and the struggle for indigenous peoples' rights.

Menchú said that the possibility of competing for the position of secretary-general "would fill me with deep pride for the honor it would mean for Guatemala."

"I am a person familiar with the continent and the enormous needs of the rural areas, particularly of the indigenous people and the impoverished social sectors," Menchú added.

Though the Guatemalan government has not officially endorsed Menchú's candidacy to head the OAS, the president said he would support the Guatemalan activist for the position.

Striking Controllers Fired and Airport Reopened

1/13/05 - Guatemala's main international airport reopened on January 13 after the government fired striking controllers and brought in foreigners to oversee air traffic. Civil Aeronautics Director, Jose Presa Abascal, said the use of controllers from Honduras, Mexico, and El Salvador was "a temporary measure while we organize and contract local controllers."

Five of the eighty controllers who went on strike on January 11 were detained on January 13 on charges of having abandoned their duties. Their attorneys told broadcasters that the charge was invalid because they had been working without a contract since the start of the year.

The Civil Aeronautics Department estimated losses at about \$9 million because of lost flights, uncollected travel taxes, and perishable goods that could not be shipped.

The walkout forced twenty-five flights to land at other airports and twenty-five other flights were grounded in Guatemala City. Presa Abascal said the controllers wanted a raise of Q5,000 (approximately \$625) a month. But Roberto Girón, the controllers' spokesman, said they only wanted to be considered full-time staff members with full benefits, as opposed to contract workers. Controllers earn between \$625 to \$2,185 a month, Presa Abascal said.

Gunmen Kill Six in Guatemala Quarry

1/14/05 - Gunmen shot and killed six youths in a quarry on January 14 after snatching them from the streets of Guatemala City a day earlier, in what may have been a

gang killing, police said.

"The victims come from poor neighborhoods; they are all young, and the shootings do not look professional. For this reason, we think this is a gang problem and not drug traffickers," officer Hugo Blanco said.

However, none of the victims bore the distinctive tattoos that identify members of Central America's ultra-violent street gangs, the "Mara Salvatrucha" and "Mara-18."

The six youths were found in a makeshift sand quarry tunnel on a hilltop at the edge of the city. Gunmen had shot them in their heads, faces and bodies.

Two of the victims were half-brothers, and another victim was a young female and thought to be Nicaraguan. Witnesses said the brothers were ambushed in a poor district of the city on Thursday and carried off by fifteen armed men traveling in five cars.

Guatemala is one of the world's most violent countries, with a homicide rate of around thirty-six per 100,000 citizens. Government sources admit less than five percent of murders result in a conviction.

Retaliatory killings between the gangs are responsible for many of the deaths, although vigilante-style extra judicial killings of suspected criminals are also common.

Civil Society Presents Alternative Report to Congress

1/15/05 - While President Berger presented his yearly report to Congress, hundreds of campesinos, unionists, retired citizens, indigenous Mayans, teachers, women, and other social activists marched to Congress to present their analysis of President Berger's first year in office and the political agenda of the social justice movement.

Civic groups were primarily demanding the following 1) improved rural development policy; 2) increased respect for human rights, as well as, social, cultural, and economic rights; 3) that Congress does not ratify the pending US-Central America Free Trade Agreement (CAFTA); and the articulation of labor and wage policy.

Furthermore, groups criticized the mining activity that provoked the death of two campesinos on January 11 and presented legal and grassroots actions to revoke mining licenses.

RESOURCES

Buried Secrets: Truth and Human Rights in Guatemala. Victoria Sanford. Newly released in paperback. Buried Secrets chronicles the journey of Mayan survivors of the armed conflict seeking truth, justice, and community healing, and demonstrates that the Guatemalan army carried out a systemic and intentional genocide. Available at <http://www.palgrave-usa.com/Catalog/product.aspx?isbn=1403965595>

Landing Vote: Representation and Land Reform in Latin America. Nancy Lapp. An unique exploration of the conditions under which democratic Latin American governments address the persistent political and economic inequities. Available at <http://www.palgrave-usa.com/Catalog/product.aspx?isbn=1403965048>

LAST WORD

According to a survey conducted for El Periódico by Borge and Associates:

- Percentage of Guatemalans who feel they are worse off now than under the Portillo administration: 33
- Percentage who think things are the same: 45
- Percentage who feel they are better off: 17

According to a Vox Latino survey conducted between December 26, 2004 and January 5, 2005, progressive Congresswoman and human rights advocate Nineth Montenegro was selected as Person of the Year out of a field of five candidates chosen by the media.

- Nineth Montenegro: 32.1 percent
- Hilda Morales: 21.9 percent
- Sergio Morales: 18 percent
- Juan Luis Florido: 4.3 percent
- Calvin Galindo: 3.7 percent

2005 Guatemala Calendars on Sale

Woven in traditional, centuries-old patterns, Guatemalan textiles now shimmer in the dazzling colors made possible by modern dyes. In this calendar, photographer Lisl Dennis, author of five books on travel and the decorative arts, presents twenty-five colorful images of Guatemalans and their fantastic *trajes*, clothing forms dating back more than

300 years. Dennis's accompanying text describes the significance of the clothing and provides snippets of cultural information.

Enjoy colors of Guatemala all year long for \$5 plus shipping and handling (\$2). Offer valid through February 28.

Write checks to GHRC/USA, with "Calendar" in the memo line, and send to 3321 12th St. NE Washington DC 20017. You can also call or send us a fax to pay by credit card or find out more information (telephone: 202.529.6599; fax 202.526.4611)

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

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