



# Guatemala Human Rights **UPDATE**

Guatemala Human Rights Commission/USA

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## FUNDAMENTAL VIOLATIONS

### Chiquimula Judged Killed

**4/25/05** - JOSÉ VÍCTOR BAUTISTA OROZCO, a sentencing judge with twenty-five years experience, was murdered early in the morning of April 25 at the age of fifty-two. He was killed just outside of his home in El Mosquito, de San Pedro Sacatepéquez, San Marcos as he was leaving for work. According to preliminary reports, the judge was shot with eleven bullets by two unknown men in the door of his home.

Sources from the Judicial Body made public the news while the Supreme Court (CSJ) condemned the crime and asked the Public Prosecutor's Office to investigate it.

The court in Chiquimula has been assigned to investigate cases of drug-trafficking, kidnapping, murder, aggravated robbery, money laundering, auto theft, and bank robberies committed in the departments of Chiquimula, Petén, Izabal, and Zacapa. In January of 2002, the sentencing court of Chiquimula found sixteen former agents of the now defunct Department of Anti Narcotics Operations (DOAN) guilty of extrajudicial execution.

Bautista had been promoted a month ago to serve on a court that deals with major crimes - drug trafficking, homicides, and kidnappings. He previously worked in Suchitepéquez for seven years. According to Chief Justice Luis Fernández, of the country's Supreme Court, he was the only judge on the court who did not have bodyguards, because he did not feel threatened.

So far this year, the Public Prosecutor's Office (MP) has investigated thirty-eight threats against judges and lawyers. The National Association of Judges and Magistrates (ANJM) will formally request that the Supreme Court of Justice allocate \$14 million that was seized from a drug bust in 2003 for the protection of judges that receive death threats. (See "Judicial Officials Demand an End to Attacks Against Them" below.)

### Public Prosecutor Shot in Face

**4/28/05** - On April 26, public prosecutor José Meléndez Sandoval was shot in the face during an armed attack in zone 1 of Malacatán, San Marcos. Meléndez was seriously wounded and was rushed to a hospital in Guatemala City. Public Prosecutor spokesperson Guillermo Mendoza said the Meléndez attack was linked to a case he was investigating but refused to comment further for fear of harming the investigation.

### More Violence against Children

**4/21/05** - On April 20, seventeen-year-old DELFINA ELIZABETH CHOCOJ RUIZ was shot and killed as she lay sleeping. Prior to the shooting, a group of teenagers were running from a man with a gun. All escaped except for a seventeen-year-old Honduran youth who attempted to hide in the alley close to Chocoj Ruiz. The man fired on both the young man and Chocoj Ruiz, killing her and seriously wounding the boy who is currently in the hospital.

This situation is confirmation of the continual violence suffered by Guatemalans, especially children and teenagers. Casa Alianza reported that children often flee their homes looking for shelter in the streets due to the social, economical, and political crisis in Central America. Unfortunately, they find destruction, exploitation, rejection, and violent death.

During more than two decades, Casa Alianza has been denouncing this situation to government and society. However, no real actions have been taken to curtail violence against youth, according to Casa Alianza. The Inter-American Court on Human Rights condemned the Guatemalan State and requested that it implement an Action Plan to protect street children. According to recent statistics, an average of two violent murders of children occur every day in Guatemala City alone. Most of these murders are not investigated.

According to Casa Alianza, the violent death of Chocoj Ruiz is a call to provide a concrete answer to protect children and teenagers from the street. Casa

Alianza asks that Public Ministry authorities properly investigate and prosecute the perpetrator of the murder since justice is the only way to construct a different society respectful of human rights for everyone, including children.

Casa Alianza recently proposed the creation of “A Day of No Violence Against Children and Teenagers” to the Guatemalan Congress. According to Casa Alianza, such a day would show the government’s and society’s commitment to stop violence against youth and would honor the memory of those children who have been victims of violence.

### **CAFTA Protester Has Leg Amputated after Clash with Security Forces**

**4/15/05** - On March 15, campesinos and teachers who demonstrated against the Central American Free Trade Agreement, recently ratified by the Guatemalan Congress, met with repressive measures from Guatemalan security forces in Colotenango, Huehuetenango. During the demonstration, combined police and military forces fired upon protestors leaving Juan López Velásquez dead and twelve injured. Among the injured was Miguel Ángel Vásquez, a primary school teacher who has his left leg removed as a result of injuries he suffered that day.

### **Sololá Residents Beat Family**

**4/19/05** - Six members of a family who allegedly stole an infant were beaten by a mob of villagers on April 17, in the village of Camanche, Sololá. Residents accused six family members, two of whom were minors, of having stolen an eight-month old baby, who was later recovered by the National Civil Police (PNC).

According to the police report, the captured family members were held during the evening of April 18 by the villagers, whom then carried the suspected kidnappers to the central plaza of Camanche to “judge” them and then later burn them alive.

Fortunately, after discussion among the leaders of the vigilante group, the suspected kidnappers were not burned; however, villagers did beat them and later turned them over to the police.

The villagers suspected that the family had kidnapped the baby when they heard it begin to cry. Upon asking them to explain why they had the baby, the family showed them false documents, according to statements by authorities from a local court. Authorities indicated that the villagers did not want the family return to the community and threatened to kill them should they ever do so.

### **GAM Reports Rise in Violent Deaths**

**4/25/05** - According to a recent report released by the Mutual Support Group (GAM), the number of violent deaths continue to rise in Guatemala. The human rights organization registered 767 violent deaths in just the first quarter of 2005. Of these deaths, ninety-seven were against women, and thirty-six were against youth. GAM director, Mario Polanco, indicated that 97 percent of the cases that are reported to the authorities are not investigated, and those cases that are investigated are rarely resolved.

In the first quarter of 2005, Guatemala witnessed the death of a campesino who was protesting against mining activities. His death occurred on January 11th when the PNC reacted violently against the campesinos that were demonstrating peacefully in the department of Sololá.

In a similar situation, the PNC and the military attacked demonstrators who were protesting against the ratification of the Central American Free Trade Agreement (CAFTA) in Colotenango, Huehuetenango where Juan López Velásquez lost his life by a coup de grace bullet-wound to the head, a common tactic used during the Guatemalan counter insurgency. GAM and other human rights organizations presented accusations against the State of Guatemala before the Interior Ministry regarding this case.

In other data including in the GAM report, it was reported that fifteen boys and nine girls were stolen from their homes. There were twenty-four attempted kidnappings, seven of which were against women and two against girls. There were thirty-four actual kidnappings of which nine were men, nine women, seven boys and nine girls. This represents a total of eighty-two violations of civil liberty. Very few of these cases have been resolved.

During the month of March, there were 587 documented cases of human rights violations, which is an increase of thirty-four in comparison to January.

The report concluded by stating, “It is important that the national and international community pay attention to the situation in Guatemala in order to help stop these reoccurring human rights violations.”

## **RIGHTS OF THE CHILD**

### **ODHA Reports Increase in Murders of Minors**

**4/15/05** - According to Claudia Ágreda, an investigator

at the Archbishop's Human Rights Office (ODHA), the State of Guatemala has neither implemented a security program, nor proposed any plans to implement one, despite the alarming increase in the murders of children and adolescents.

Agrega stated that there has been a troubling upsurge in violence against women and youth. More troubling is the increasing degree of violence, where the victims are often tortured and mutilated before being murdered. The investigation was based on reports released by national media agencies alleging the deaths of about 400 minors in 2004 alone. According to statistics released by Casa Alianza, 107 women, 745 men, and 847 adolescents and children have been murdered during the past year. According to reports from the Judicial Body, so far in 2005, twenty-one minors between the ages of two and twelve have met violent deaths.

## INDIGENOUS RIGHTS

### Call for Policy against Discrimination

**4/14/05** - The Presidential Commission against Racism and Discrimination of Indigenous Peoples (CODISRA) began a process to form a national policy for the Elimination of Racism and Discrimination, whose principle objective will be the creation of a society respectful of differences among people. Such a measure will be taken with advise from all social sectors and the government.

Blanca Estela Alvarado, member of CODISRA, stated that the initiative is based on the work of all Guatemala's ethnic groups in order to promote social, political, economic, and cultural inclusion throughout the country. Alavarado stated that the initiative aims to provide the State with the necessary means to prevent, sanction, and eliminate discrimination.

## LABOR RIGHTS

### Evictions in Alta and Baja Verapaz

**4/18/05** - On April 18, campesino families from the communities of Cumbre de Sulín and Cumbre de Suqinay, Purulhá, Baja Verapaz, were evicted, according to the National Coordinator of Campesino Organizations (CNOC). As mentioned in a CNOC press release, the Chamber of Agro-buisness and the large plantation owners of Alta and Baja Verapaz are responsible for the act.

Additionally, landowner Julio Villela has provoked confrontations between the communities within Tamahu, Alta Verapa, leaving various people injured. The campesino organization also blames the rapid staff turnover and the decreased budget for State institutions.

In Fray Bartolomé de las Casas, Alta Verapaz, police evicted eighty Quechí families from land owned by the governmental Agricultural Science and Technology Institute (ICTA). Tension mounted as the eviction began when approximately 320 settlers refused to leave the property and approximately 400 police agents readied their weapons and tear gas canisters. After some dialogue, the campesinos gathered their most valuable possessions and left their homes. Seventy-five year old Juana Choc sadly commented, "I have nowhere to go." According to CNOC, five women and two men were injured by police during the eviction. Security forces also destroyed the campesinos' homes.

## HEALTH RIGHTS

### Legal Action on Behalf of AIDS Patients

**4/27/05** - The Inter-American Human Rights Commission (IAHRC) took legal action against the State of Guatemala for lack of care for thirty-nine AIDS patients. Cristina Calderón, director of the Fernando Iturbide AIDS Prevention Foundation, stated that five of the thirty-nine petitioners of the case, first presented in 2003, have already died. Calderón added that the State of Guatemala has only provided less than 1 percent of the HIV positive population with the necessary antiretroviral medications.

The Center for Justice and International Law (CEJIL), as well as four organizations advocating for the AIDS patients, blame the State of Guatemala for violating the right to life of these patients. To date, there has been no government response.

## JUSTICE AND RECONCILIATION

### Exhumations to Begin in Zacapa

**4/15/05** - Plans are being made to begin exhumation work in western Guatemala in June. The first exhumation site will be in La Trementina, Zacapa where it is believed that a clandestine cemetery with the remains of twenty-nine victims of the armed conflict exists. According to a document entitled "Time to be Silent, Time to Speak,"

which was edited by the Guatemalan Lutheran Church and the Alliance against Impunity, in the department of Zacapa alone, there were approximately seventy people disappeared or assassinated during the 1970's. The murders primarily occurred during the regime of General Carlos Manuel Arana Osorio (1970-1974). The army, which is allegedly responsible for the murders, had a base located in La Trementina in the 1970s.

José Pilar, from the Lutheran Church of La Trementina, explained that the investigation process began two years ago, and exhumations are planned to begin in a couple of months. Exhumation work will also be done in seven villages in the municipality of Gualán.

Fredy Peccarrilli, director of the Guatemalan Foundation of Forensic Anthropology (FAFG), stated that this exhumation could be the first of many that will be carried out in the eastern part of the country. To date, 2,900 skeletal remains have been found in the western part of the country. The majority of the murders were committed by the army between 1980 and 1983.

Additionally, FAFG and the Mutual Support Group (GAM) began exhumations in a clandestine grave located in a former military base in Playa Grande, Ixcán, Quiché. In the first of the thirteen sites, anthropologists found the remains of fifteen individuals who were murdered during the internal armed conflict.

### **Defense Appeals Gerardi Verdict**

**4/20/05** -Military officers Byron Disrael Lima Estrada and Byron Miguel Lima Oliva and priest Mario Orantes, each sentenced to twenty years in prison for complicity in the killing of Bishop Juan Gerardi, have moved to annul a March 22 sentence handed down by the Second Court of Appeals. While the defense presented legal action to Guatemala's Supreme Court of Justice, the Archbishop's Human Rights Office (ODHA), the co-plaintiff, has not. (See "Commemoration of Bishop Gerardi's Assassination" below.)

### **Fires Destroy Evidence against Army Officers**

**4/25/05** – A report, issued by explosive experts hired by the National Civil Police, indicates that three vehicles that could have potentially linked military personnel to criminal activities were purposely set ablaze. The investigation found inorganic chemicals used to start the fire and noted that none of the nearby guards alerted the fire department regarding the blaze. Even though the motive for the fires was not mentioned in the report, the Interior Ministry sent

it to the Public Prosecutor's Office to investigate further.

Attorney General Juan Luis Florido stated, "we are concerned, especially regarding the case of the Presidential High Command [EMP]." In addition to the case of Q500 million embezzled from the EMP, Florido added that the vehicles could be linked to cases of drug trafficking as well.

The first blaze took place on March 12 in Bárcenas, Villa Nueva. Even though the fire started at noon and there were four officers monitoring the lot, the fire department was not warned until an hour later. The vehicle in question was bulletproof and was meant to be used as evidence in the EMP embezzlement case.

### **Judicial Officials Demand an End to Attacks Against Them**

**4/28/05** - On April 28, Guatemalan judicial officials demanded "extreme measures" from the Supreme Court of Justice (CSJ) to guarantee their security, after shooting attacks against a judge and a prosecutor.

"We demand an explanation of these criminal acts," said Jaqueline Espana, president of the Association of Judges and Magistrates. Espana said an investigation would give judges more personal security and make them feel like they have some support, she added.

"Those responsible for these crimes will not intimidate us," said Attorney General Juan Luis Florido. "Even if they respond to our work with violence, we will continue to move forward," he added. Officials from the CSJ and its security explained that aerial protection and bodyguards would be provided to officials.

There have been thirty-one threats against judicial officials in Guatemala in 2005. This is a proportional increase compared to last year where seventy threats were registered the entire year.

According to the Myrna Mack Foundation (FMM), recent attacks directed at judges and justice officials have been planned and executed by organized crime and drug traffickers. In the past month, the following judges were murdered: Carlos Marroquín, auxiliary prosecutor for the Prosecution Office against Corruption; Antonio Cruz Hernández, Justice of the Peace of San Pedro Ayampuc; and José Víctor Bautista, High Impact Judge of Chiquimula. Judge José Víctor Bautista was shot to death on April 24 and public prosecutor José Meléndez Sandoval was shot in the face two days later.

## PEACE ACCORDS

### **Human Rights Groups Request High Commission on Human Rights from UN**

**4/14/05** - At the United Nations Office of the High Commissioner for Human Rights (OHCHR) 61<sup>st</sup> session in Geneva Switzerland, Guatemalan civil society organizations and the Human Rights Ombudsman's Office (PDH) expressed the urgency of installing an OHCHR in Guatemala.

Sergio Morales, Human Rights Ombudsman, indicated that human rights defenders, justice officials, journalists, and social and religious leaders continue to be victims of attempted murders, harassments, and threats and that the police and other authorities fail to carry out thorough investigations.

Morales mentioned that he has asked for protective measures to be taken in the Inter-American system in order to guarantee some degree of protection for those threatened.

Carmen Aida Ibarra, from the Myrna Mack Foundation, presented several reports regarding the human rights situation and reiterated the request for the installation of an OHCHR.

"The problem with the country is that the government is insistent that rapporteurs come, but afterward, the government doesn't observe the recommendations that they make. During the present administration, three rapporteurs have come," commented Ibarra.

In Guatemala, the Congressional Commission on Foreign Relations gave a positive report regarding the possible installation of the OHCHR.

### **Annan Recognizes MINUGUA**

**4/15/05** - At the UN headquarters, the Secretary General commented on the termination of the UN Verification Mission in Guatemala (MINUGUA) and the state of the Peace Accords. "The Guatemalan peace process has matured and has entered a new and important stage in that national actors are assuming greater responsibility for the monitoring and promotion of the objectives of the Peace Accords." The MINUGUA final report, handed in on April 14, highlighted the transition strategy initiated two years ago to replace MINUGUA personnel with Guatemalan nations.

Installed on September 19, 1994, at the request of the Guatemalan government and the Guatemalan National Revolutionary Unity, MINUGUA's primary aim was

to monitor the compliance with the Global Accord on Human Rights, the first of eight accords to be signed by the two parties. In 1997, MINUGUA's mandate was expanded to include verification of compliance with all eight Accords. Since then, it has undergone numerous changes. Never conceived of as a permanent mission, MINUGUA was slated to leave the country in 2000, but due to stalled compliance and the presence of continued human rights violations, they remained in Guatemala with reduced staff through November 2004.

### **CA Military Leaders Proposed Combined Forces to Combat Organized Crime**

**4/16/05** - After three days of meetings in Antigua, Guatemala high-ranking military leaders from Central American (CA) presented a proposal to the head of US Southern Command (SouthCom), John Craddock. The proposal solicited the US with "urgent necessity" to create a special force of military and police to combat the trafficking of humans, drugs, and arms as well as to combat youth gangs.

Jorge Flores Arana, head of the National Defense High Command, stressed the need for an elite security group and requested, via Craddock, that the US government provide technical and operative equipment as well as training. According to Arana, Craddock "regarded the proposal as interesting."

Romeo Vásquez Velásquez from Honduras added that the only way that the region can confront its security problems is to reactivate special combined forces, involving both civil and military units.

### **2006 Budget to Emphasize Social Reform**

**4/20/05** - According to Hugo Beteta, Secretary General for Presidential Planning (SGPP), the 2006 budget will emphasize social spending, including agrarian reform and commitment to the peace process. The budget, according to the Secretary General, will cover agrarian reform issues such as programs to ensure that local Guatemalans grow enough food to subsist on, so as not to depend on food aid as much. The budget proposal will focus on the various peace issues outlined in the Peace Accord, as well as health, education, and security reforms.

Vice-president Eduardo Stein reiterated the importance of social reform in the budget, which will be debated in Congress starting April 24. According to Stein, through the new budget he hopes to show that Oscar Berger's administration is dedicated to the Guatemalan

people and not “big businesses” or political affiliations.

## OTHER INFORMATION

### **2005: Forty-four Attacks on Human Rights Defenders**

**4/18/05** - So far in 2005 there have been forty-four attacks against human rights defenders and organizations. While the majority of the attacks have been officially classified as common crime, evidence shows otherwise. Organizations, such as the Center for Human Rights Legal Action, have received as many as six attacks in 2005 alone. In 2004, they received twenty-two such attacks, including telephone death threats, intimidation of staff outside of the office, and robbery.

### **Fifty-six Percent Below Poverty Line**

**4/17/05** - Fifty-six percent of Guatemala's population lives in poverty, according to the Poverty Profile released by Guatemala's National Statistics Institute (INE). According to World Bank figures, Guatemala ranks as one of the countries in Latin America and the Caribbean with the highest rate of poverty and most unequal income distributions.

Juan Alberto Fuentes, of the UN Development Program, agrees with these findings, adding that one out of every five Guatemalans lives on less than Q1,911 (approximately \$238) per year. Poverty rates for Guatemala's indigenous population are generally twice that of the rest of the population.

### **Commemoration of Gerardi's Assassination**

**4/27/05** - On the seventh anniversary of the death of Bishop Juan Gerardi, people gathered in various parts of Guatemala to dignify his death and honor his work. In Guatemala City, various priests celebrated a mass for the fallen bishop, which was well attended by individuals and representatives of human rights groups.

A photography exhibit covering Gerardi's work was on display, as well as the work of other martyrs of Guatemala's armed conflict.

In Santa Cruz del Quiché, hundreds of Catholics participated in activities in memory of Bishop Gerardi. Monsignor Gerardi was the bishop in Quiché from 1974-1982.

On April 25, over 100 activists, Catholics, and human rights workers gathered in Washington D.C. to

commemorate the seventh anniversary of the assassination of Bishop Gerardi.

Gerardi was killed with a concrete block in the garage of his Guatemala City seminary in April 1998, days after presenting a lengthy report blaming the military for 80 percent of the deaths during the country's 1960-1996 civil war. His work with the Recuperation of Historical Memory Project (REMHI) is particularly important today, as those in Guatemala who carry on his tradition of truth telling are persecuted. In January and again in March, plans were uncovered to assassinate Bishop Alvaro Ramazzini. Then, on January 22, the two-year-old daughter of a REMHI activist was strangled to death.

On the legal front, the Gerardi case in Guatemala has been emblematic of the impunity that exists there. In June 2001, a court sentenced military officers Byron Disrael Lima, Byron Miguel Lima Oliva, and José Obdulio Villanueva to thirty years in prison each for extrajudicial execution. Priest Mario Orantes Nájera was sentenced for twenty years as an accessory to the crime. However, in October of 2002, military lawyers succeeded in overturning the convictions of the four men linked to Gerardi's murder and were awarded a new trial. In February 2003, Jose Obdulio Villanueva was killed in a prison riot. Over the duration of the trial, two judges, three prosecutors, and various witnesses fled the country due to death threats. Early in 2003, the Constitutional Court upheld the June 2001 ruling.

In 1974, Juan Gerardi Conedera became bishop of the heavily-indigenous Guatemalan department of Quiché. In the late 1970s, as the conflict intensified and members of the clergy increasingly became targets of violence, Bishop Gerardi began to take an active role in denouncing the military's brutality. In 1980, after meeting in Rome with Pope John Paul II to discuss the violence in Guatemala, Gerardi was barred from returning to Guatemala and forced into exile in Costa Rica. He was able to return to Guatemala in 1982 and was named auxiliary bishop of Guatemala City in 1984. As auxiliary bishop, Gerardi continued to advocate for peace, participating in the National Reconciliation Commission, which helped facilitate contacts between the government and guerrillas. He founded the archdiocesan human rights office in 1990 and beginning in 1995, served as pastoral director of the REMHI project.

## European Parliament Concerned with Human Rights in Guatemala

**4/29/05** - On April 28, the European Parliament approved its report on the global human rights situation and included two specific articles regarding Guatemala. This is a positive step in terms of international exposure of the horrific human rights situation in Guatemala. To view the full report visit: [http://www2.europarl.eu.int/omk/spat2SAME\\_LEVEL=1&LEVEL=3&NAV=X&DETAIL=&PUBREF=//EP//TEXT+TA+P6-TA-2005-0150+0+DOC+XML+V0//EN](http://www2.europarl.eu.int/omk/spat2SAME_LEVEL=1&LEVEL=3&NAV=X&DETAIL=&PUBREF=//EP//TEXT+TA+P6-TA-2005-0150+0+DOC+XML+V0//EN).

Article 84. Is concerned about the large number of women violently killed in Guatemala and urges the authorities to investigate thoroughly those crimes and to prevent any recurrence of further violent acts;

Article 86. Remains concerned at an alarming number of attacks and threats against Guatemalans seeking justice for past human rights abuses, in particular attacks on human rights defenders, justice officials and journalists; welcomes as a positive signal the February 2005 convictions of an ex-paramilitary figure and a former mayor for kidnapping four journalists in 2003 and also the acceptance by the Guatemalan parliament of the opening of an office of the UN High Commissioner for Human Rights, which the Guatemalan Congress is expected to approve as rapidly as possible.

### RESOURCES

Available in Spanish from <http://www.fygeditores.com/>

Villagrán Kramer, Francisco. Biografía política de Guatemala. Años de guerra y años de paz. Guatemala: FLACSO, 2004. US\$9.30.

### LAST WORD

#### CAFTA Polls

**4/18/05** - In regards to the Central American Free Trade Agreement (CAFTA), the following was obtained via a national survey conducted by Vox Latina for the Guatemalan daily, *Prensa Libre*, and administered to 1,201 individuals between April 2 and April 9.

Of every three Guatemalans, one supports CAFTA, one opposes it, and a third will not respond due to a lack of interest or information.

- Percentage of population who feels they are well-informed on CAFTA: 5.3
- Percentage of population who feels they are somewhat informed on CAFTA: 63.6
- Percentage of population who feels they are not at all informed on CAFTA: 30.3

Despite the fact that those polled indicated they were generally not well informed on CAFTA:

- 48 percent feel the trade deal is a threat to Guatemalans Human Rights
- 36.1 percent feel that it will bring new opportunities
- 56.5 percent feel it will bring unemployment

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The Guatemala Human Rights Commission/USA, based in Washington D.C., has been on the forefront of the struggle for peace and human rights in Guatemala since it was founded in 1982. GHRC/USA is a nonprofit, nonpartisan, humanitarian organization committed to monitoring, documenting and reporting on the human rights situation in Guatemala while advocating for victims of human rights violations.

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

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