

# Guatemala Human Rights Commission/USA

# DEATH THREATS AND OTHER INTIMIDATIONS

### **Anti-CAFTA Groups Targeted**

**5/14/05** - A rash of break-ins at the offices and homes of activists opposing a free trade pact with the United States prompted Guatemala's top human rights official to criticize the government on May 14 for failing to protect the activists.

Eight groups opposed to the Central American Free Trade Agreement (CAFTA) were burglarized within forty-eight hours of each other this week. The attacks were similar to those against government critics routinely carried out by paramilitary groups during the internal armed conflict, and they raised concerns about renewed paramilitary activity.

Many of the break-ins took place as President Óscar Berger toured Washington to drum up support for the pact, which seeks to lower trade barriers between the US, Costa Rica, El Salvador, Nicaragua, Guatemala, Honduras, and the Dominican Republic. The accord is opposed by many US and Central American labor groups who say it fails to protect workers' rights.

Daniel Pascual, leader of the National Coordinating Committee of Campesino Organizations (CNOC), blamed the government and agri-business leaders for being the intellectual authors of a break-in at the CNOC offices between the night of May 7 and dawn the following day.

Pascual stated that locks on the doors were forced open with special equipment and many items were stolen, including monitors, a television, and fifteen computers, which contained information and data on: strategic plans, operating plans, lists of leaders and constituencies, financial figures, histories of past activities, and proposals for rural development, reforms to labor laws, and agricultural development. Hard-copies of the archives were also stolen.

The campesino leader dismissed the idea that the break-in was a common crime since many other valuable

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items were left in place; printers, a scanner, photocopiers, fax machines, and telephones were not stolen.

The campesino rights organization expressed its concern for the safety and security of the leaders of the organizations within CNOC since all their personal information, plus each organization's strategic and operative plans, were stolen. Plans to pursue cases of landowner threats against campesinos were also taken, said Pascual. The break-in and information theft happened as the Guatemalan Congress is debating the Land Registry Law, which affects the interests of large landowners and business people. CNOC is one of the organizations pushing for the law, which should have been passed years ago according to the peace accords.

The CNOC office has also hosted meetings of the Indigenous, Campesino, Popular and Union Movement, which has been leading recent protests against CAFTA. The Committee Unity Campesinos, a member of CNOC, expressed its concern for the stolen information which could result in repressive acts against indigenous, campesino, union, and popular movement groups.

These raids come on the heels of an incendiary comment made by US Secretary of Commerce Carlos Gutiérrez, who claimed that those who opposed CAFTA are "the same people who opposed democracy and liberty twenty-five years ago," and are essentially communists, a remark that was later described by President Berger as "light" and "out of place."

Additional concern comes from a comment made by US Secretary of Defense, Donald Rumsfeld, to the presidents of five Central American nations and the Dominican Republic at a breakfast meeting at the Pentagon on May 11. According to President Berger, who was present at the meeting, Rumsfeld suggested that not passing CAFTA would lead to strained relations between Central American countries and the US and would thereby hinder any aid the US would provide for counter-narcotics operations. (See URGENT ACTION insert, "Guatemalan Human Rights Activists and Opponents of CAFTA Suffer Raids and Attacks.")

### **Campesino Leader Faces Persecution**

**4/27/05** - According to the National Coordinating Committee of Campesino Organizations (CNOC), campesino leader Carlos Morales has been the victim of extrajudicial persecution.

Gilberto Atz, member of CNOC, said that Morales, leader of the Verapaz Union of Campesino Organizations (UVOC), has been the victim of intimidations and persecution by unknown people for the last several days. The aggressors have gone to such extremes boarding busses and questioning passengers if they have seen Morales. Atz indicated that unidentified persons, who have followed Morales in cars with tinted windows or on foot, have pursued him on many occasions.

To address the situation, the Human Rights Ombudsman's Office offered the campesino leader protection. Consequently, Morales been relocated to a safe location in Guatemala City.

According to the CNOC leader, wealthy landowners who are reclaiming lands occupied by campesinos could be behind the persecution

# WOMEN'S RIGHTS

### **CEJIL Criticizes Guatemala for Femicides**

**5/1/05** - The Center for Justice and International Law (CEJIL) criticized the State of Guatemala before the Inter-American Human Rights Commission (IAHRC) for the hundreds of femicides that have been committed in the Central American nation. Soraya Long, director of CEJIL, indicated that the case would be formally presented in the coming months with the hopes of pressuring the government to put an end to the violence against women.

# Canada Approves of Legislation to Strengthen Role of Women

**5/4/05**- Guatemalan Interior Minister Carlos Vielmann, Canadian ambassador to Guatemala James Matthew Lambert, and director of the Institute of Studies for Sustainable Development (IEPADES) Carmen Rosa De León signed an agreement of cooperation to strengthen the importance of women's rights within Guatemala's National Civil Police (PNC). They also agreed to install various offices to provide services to victims of criminal acts.

Ambassador Lambert stressed that the signing of this agreement is an important step in the development of

gender policies, but new training programs and equipment will be needed.

The Canadian Embassy is providing authorities of the Interior Ministry Q400,000 (approximately \$50,000) within a six-month period to initiate these policies. Lambert assured that not only will the Canadian government work to reinforce security in Guatemala, but other nations will as well.

Rosa de León stated that IEPADES will be in charge of training the agents who are participating in the program to strengthen women's rights and give attention to victims.

To strengthen women's rights by increasing the participation and role of women in Guatemala's security forces, IEPADES will train a total of twelve PNC agents, who will, in turn, be in charge of training other groups within the PNC.

**PNC: 208 Women Murdered Thus Far in 2005 5/5/05** - From January 1 through May 1 of 2005, there were 208 registered murders of women. The majority of murders occurred in the departments of Escuintla, Petén, Izabal, and Guatemala. According to statistics from the National Civil Police's (PNC) Unit against the Murder of Women, 39 percent (or eighty-two women) were murdered in the department of Guatemala. The police report indicated that there were twenty-three, thirteen, and nine women murdered in Escuintla, Petén, and Izabal respectively.

"At the moment, the violence is mostly attributed to crimes of passion and revenge; it has not been proven that the crimes are gang-related," said sub-chief of the PNC, Marco Sandoval.

Hilda Morales, of the Stop Violence against Women Network, noted that although more men have been murdered than women, the nature of the crimes against women is more brutal, consisting of rape, torture, and other acts of cruelty inflicted prior to the victims' death. Moreover, Morales indicated that she hopes the PNC will strengthen security, as there is no department in which these murders have not been reported.

**Government Plans to Fight Domestic Violence 5/7/05** - Frank La Rue, Presidential Human Rights Commissioner, met with United Nations representatives in Geneva, Switzerland and promised to strengthen the National Plan against Domestic Violence (PLANOVI) and the National Commission to Prevent Domestic Violence

#### (CONAPREVI).

Yakin Ertürk, Special Rapporteur for Women's Rights at the UN, expressed her concern for the increase in violence against women; according to official information, there were more than fifty murders of women in January 2005.

According to LaRue, violence against women and girls has increased, in part, due to impunity in the court system. As such, he considers the strengthening and institutionalization of CONAPREVI and PLANOVI of vital importance.

From 1999, when the Human Rights Procurator's Office began to keep track of statistics of murdered women in order to shed light on the phenomenon, through April 2005, there have been 1,877 registered cases of female murders in Guatemala. In comparison, there have been 412 registered cases of murdered women in Ciudad Juárez, Mexico over the last ten years.

### Regional Representatives Agree to Create International Network against Femicide

**5/9/05** - With the goal of exchanging information, promoting local and regional norms, and creating the Parliamentary International Network against Femicide, legislators from Guatemala, Spain, and Mexico met in Mexico City on May 5 and 6 to engage in the Parliamentary International Dialogue on Violence.

Guatemala was represented at the Dialogue by the president of the Congressional Women's Commission, Myrna Frynee Ponce Brocke, who gave a report on the 1,107 violent deaths of women that occurred between January 2003 and April 2005.

In the meeting, international treaties and agreements were discussed, as well as proposed reforms to local legislation that have been deemed necessary to enforce sentences for those found guilty of violating women's rights.

Delegates from Mexico's House of Representatives, from the UN International Institute of Investigation for the Promotion of Women, and from the UN Convention on the Elimination of All Forms of Discrimination Against Women participated in the conference.

## **RIGHTS OF THE CHILD**

Government Presents Policy on Youth 5/4/05 - President Óscar Berger presented the National Plan of Action on Children and Adolescents on May 4 to the National Commission on Children and Adolescents (CNNA) to cover the years 2004-2015. César Reyes Lucero, president of the CNNA, stated that the main goal of the organization is to enforce the basic human rights of children and adolescents.

The law of Comprehensive Protection establishes that the CNNA receives the necessary support and resources from the Secretary of Social Welfare through various contributions and aid from both national and international sources.

**Nearly One Million Guatemalan Children Work 5/12/05** - With 938,000 child workers, Guatemala is the Central American country with the most minor laborers according to statistics from the International Labor Organization (ILO). From within this population, 295,000 youth (55 percent) do not attend school and 488,000 (90 percent) live in rural areas. After Guatemala, Honduras has the second highest number of child laborers at 197,000.

These figures were presented in a forum on child labor and agriculture organized by the ILO. The ILO added that of the 2.4 million children working in Central America, Panama, and the Dominican Republic, 48 percent work in the agricultural sector.

### **UNICEF Supports Adoption Legislation**

**5/13/05** - Gladis Acosta, from the United Nations Children's Fund, said she would support any reforms to Guatemala's adoption legislation that would increase vigilance of the high number of adoptions. With nearly four thousand adoptions being processed currently, Guatemala has more adoptions than any other Latin American national. "There needs to be adequate legislation that isn't so permissive," stated Acosta. She added that a significant forward step would be for Guatemala to readopt the Hague Convention, which is used as an international standard for adoptions. Another positive step would be for Guatemala to prioritize domestic rather than international adoptions.

## FREEDOM OF PRESS

Media Unites for Freedom of Expression

**5/4/05** - As part of celebrations marking International Press Freedom Day, Guatemalan press stalwarts such as

the Guatemalan Journalists' Association (APG), the Guatemalan Chamber of Journalists (CGP), the Association of Sports Writers (ACD), the Guatemalan Chamber of Radio Announcers (CLG), the National Press Circle (CNP), and the Association of Guatemalan Female Journalists and Writers (AMPPEG), joined forces for a united Guatemalan press.

The press conglomerate was formed by mutual agreement between the various heads of press groups, whose aim is to protect the journalistic freedom of the Guatemalan press, in accordance with the international standards celebrated on International Press Freedom Day. APG president Ileana Alamilla lamented the violations of press freedom in Guatemala over the years.

The aim of this press conglomerate will be to defend freedom of the press and of expression, as well as fight the many abuses of press freedoms and rights in Guatemala. This will promote creative license among journalists and enhance communication and dialogue across the board.

# LABOR RIGHTS

### Workers' Day Protests in Guatemala

**5/1/05** - Estimates of over five thousand labor rights activists and campesinos took to the streets on May 1, International Workers' Day, to protest the signing of the Central American Free Trade Agreement (CAFTA). "CAFTA, along with the Concessions Law, will only bring more unemployment, insecurity, and poverty," stated José Pinzón, Secretary General of the General Central of Guatemalan Workers (CGTG).

Starting on May 2, the over twenty organizations that form the Indigenous, Campesino, Union, and Popular Movement (MICSP) will initiate a series of visits to US human rights and labor groups, as well as members of congress to voice their opposition to CAFTA. Labor rights leader Nery Barrios, said the groups will ask congressional representatives to request that the Government of Guatemala offer a popular referendum before ratifying CAFTA.

Numerous protests, blockades, and strikes have been held to protest the March 10 ratification by the Guatemalan Congress of CAFTA. On March 14, thousands of Guatemalans demonstrated around the country in a national strike called by MICSP to demand that President Berger not sign the measure (which he did on the following day). The agreement joins Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, and the US in a trade bloc. The Guatemalan legislature approved the agreement by a vote of 126-12, with twenty lawmakers absent.

# LAND RIGHTS

# Organizations Reject Changes to Proposal of Land Registry Law

**5/6/05** - The Indigenous, Campesino, Union, and Popular Movement (MICSP) denounced that, in spite of the fact that Congress has already approved the Land Registry Law, officials from the GANA coalition and the FRG party are trying to introduce changes to the law which would benefit landowners.

Bonifacio Martín, leader of the MICSP, said in a press conference that the changes would put the institution under government control and would strip it of autonomous decision-making abilities. This would be a mismanagement of national and international resources set aside for the Land Registry Law.

According to the MICSP, the changes would legitimize excessive land ownership that has been achieved by landowners by means of illegal expropriations. The MICSP made a public announcement to campesino organizations and rural communities to be ready to fight the proposed changes.

# CONTIERRA Absorbed into Secretary of Agrarian Affairs

**5/12/05** - According to a governmental accord published on May 12 in the Official Daily, the government's newspaper, the Presidential Office for the Resolution of Land Conflicts (CONTIERRA) will become part of the Presidential Secretary of Agrarian Affairs.

# CULTURAL AND ECONOMIC RIGHTS

### Central American Presidents Seek CAFTA Approval

**5/12/05** - Central American leaders are looking to Washington for hints on the future of their regional free trade agreement, an accord that has sparked both optimism for a stronger regional economy and deadly protests among those opposed to the proposed pact.

Leaders from five Central American nations and the Dominican Republic are lobbying for passage of CAFTA and will seek answers to what Congress plans to do with the measure when they meet on May 12 with President George Bush in Washington. Bush has been a strong proponent of CAFTA. They will also visit ten other US cities.

The free trade proposal, being considered in the US Congress, has generated both optimism and fear in the Dominican Republic and Central America. Leaders argue the accord will generate jobs in a region that suffers from severe poverty, while unions and farmers say the agreement will weaken their ability to compete.

The Salvadoran Congress was the first to approve the proposal, followed by Honduras and Guatemala. Costa Rica, Nicaragua and the Dominican Republic have balked, saying they want to wait and see what the U.S. Congress does while developing reforms aimed at helping those who might be left behind.

A US congressional vote on CAFTA could come as early as this month, depending on whether Republicans find the votes to approve it. House Democrats are worried about labor and environmental provisions in the agreement that they say will do little to correct abuses.

In Central America, farmers, union leaders and students have held months of street protests against the proposal, including massive protests on May 1. Thousands took to the streets across the region, arguing that the pact would be a boon for American producers while driving small farmers off the land and continuing the trend toward low-paying industrial jobs, like clothing factories.

In March, Guatemalan President Óscar Berger had to order troops to restore order after trade unionists, student groups, and farming cooperatives held massive protests and blocked roads, criticizing the legislature's recent approval of the agreement. At least one person was killed and several more were injured during a clash between police and protesters.

Berger has been steadfast in his support of CAFTA, saying it "is an opportunity for our countries and for the United States, too." He also argues it will slow the steady stream of migrants who head to the United States through Mexico each year.

The agreement is among the most substantial the United States has negotiated since the North American Free Trade Agreement took effect more than 11 years ago.

CAFTA is also the first in a series of Latin Ameri-

can free trade pacts the United States is negotiating after talks on a proposed Free Trade Area of the Americas stalled.

Workers from the United States, Dominican Republic, El Salvador, Costa Rica, and Guatemala are leading their own US tour this week, dubbed "CAFTA — We Don't Hafta," to oppose the trade deal. The workers are scheduled to rally in the District, New York, and San Antonio, the AFL-CIO labor federation said.

# JUSTICE AND RECONCILIATION

## Officials Agree to More Security for Judges

**5/4/05** - President Berger, in a meeting with the heads of Congress and the Judicial Body, promised to allocate Q30 million (approximately \$3.75 million) to protect judges after a wave a crimes against justice operators. With the funding, the Supreme Court of Justice (CSJ) is slated to have its own special police force, financed by the President's Office. "We need double the number of agents to provide personal security to judges and protect them from lynchings. In total, we would need approximately thirty million quetzals," demanded Rodolfo de León, from the CSJ. The Justice system has 181 police agents assigned to protect judges and provide administrative services. "This is not sufficient to take care of over one hundred judges," stated De León.

Berger is planning follow-up meetings with Interior Minister Carlos Vielmann and head of judicial security Ángel Conte Cojulún.

# Berger, Ministers, and PNC Implicated in the Death of Protestor

**5/6/05** - Nery Barrios, director of the Union and Popular Action Unity (UASP), presented a legal action against President Óscar Berger and other officials for their alleged responsibility for the death of Juan López Velásquez.

López Velásquez was shot to death on March 15 while participating in a protest against the ratification of the Central American Free Trade Agreement (CAFTA) by Guatemala's Congress. Also charged with responsibility for López Velásquez's death are Interior Minister Carlos Vielmann, Defense Minister Carlos Humberto Aldana Villanueva, and director of the National Civil Police (PNC) Erwin Sperisen.

Berger responded by declaring his support for those singled out and reiterated that he was in no way

responsible for López Velásquez's death.

### Fifteen Bodies Exhumed from Military Base

**5/6/05** - The Mutual Support Group (GAM) reported the discovery of fifteen skeletal remains in a clandestine cemetery inside a former military base in Playa Grande, Ixcán, Quiché. Mario Polanco, director of GAM, stated that the first phase of exhumations ended May 6 with the exhumation of thirteen graves. According to Polanco, there may be as many as 150 bodies in the area. Testimony given by family members of the deceased supports evidence that the victims were taken from their homes by soldiers and brought to the military base where they were tortured before being killed.

Other organizations doing forensic science and clandestine grave exhumations have found remains throughout the country. So far in 2005, the Guatemalan Foundation of Forensic Anthropology (FAFG) has found 160 remains in fifty-three different cemeteries, mostly located in Quiché, Chimaltenango, and Alta Verapaz. Anthropologists from the FAFG added that only 52 percent of the bodies could be identified due to lack of information from victims' families and deterioration of remains.

### CC Denies Immunity for FRG Congressmen for Involvement in Black Thursday Riots

**5/13/05** - Guatemala's Constitutional Court (CC) rejected provisional protection against investigation for congressional representatives for their alleged participation in the riots in Guatemala City on July 24 and 25, 2003.

Juan Santa Cruz Cu, Leopoldo Cruz Clavería, and Julio Morales, all aligned with the Guatemalan Republican Front (FRG) party, have been accused by the Public Prosecutor's Office for the planning, execution, and supervision of the riots that were better known as Black Thursday and Friday of Mourning. During these riots, thousands of FRG supporters caused terror in the streets of Guatemala demanding that former general and FRG secretary general Efraín Ríos Montt be allowed to run for president despite a constitutional ban against it.

## **OTHER INFORMATION**

### Authorities Charged with Cover-up

**5/10/05** - According to a study by the Central American Political Studies Institute, Guatemalan agencies in charge of fighting crime are altering figures on violence in Guatemala. At a press conference, the Institute accused the Guatemalan police of numbers-doctoring, saying they report a mere 13 percent of violent incidents in the country.

"We have reservations about the trustworthiness or veracity of the figures provided by the National Civil Police," said Francisco Garcia, head of political analysis at the institute.

In a study called "Uncontrollable Violence in Guatemala," the institute found that in 2004, the judicial investigative branch was informed of 11,236 killings, the judiciary body received 5,103 cases, but Guatemala's police reported 4,507. Regarding general crime, the judiciary investigative branch recorded 255,208 crimes, the judiciary body 151,392, and the police 34,229.

Garcia said police lower crime figures under instruction from the government so as not to scare citizens. Interior Minister Carlos Vielman denied the allegation.

### COPREDEH Critiques Police Patrolling In High-Danger Zones

**5/5/05** - Frank LaRue, president of the Presidential Commission of the Office of Human Rights (COPREDEH), presented his conclusion on police patrols to the Guatemalan Cabinet. His report concluded that police often violate detainees' rights.

"I don't think that the massive operations are an efficient way to combat violence, since they create expectations for security that they don't actually provide," LaRue argued. He voiced this opinion in a weekly Cabinet meeting. COPREDEH believes that people are "indiscriminately arrested at random, due to their tattoos or the neighborhood they live."

According to statistics provided by LaRue, only 3 percent of detainees arrested by patrols receive due process, and judges have been overburdened with the number of cases.

Carlos Vielmann, Interior Minister, appeared surprised by LaRue's statements. "I don't know which side the public is on; the only thing I can say is that neither LaRue nor the Procurator of Human Rights have been in these neighborhoods," said Vielmann.

Forces began patrolling two weeks ago in highdanger zones, also known as red zones, with the highest rates of gang violence – such as El Mezquital, El Milagro, and El Búcaro.

"Youth, who had participated in COPREDEH programs, were arrested just for living in these neighborhoods," complained LaRue. Sergio Morales, Human Rights Ombudsman, stated, "We cannot accept these types of abuses because they make the work of the police force illegitimate." Morales publicized the use of a telephone number the public should call to report police abuse.

Vielmann did not consider these arguments credible, because "no relative of a prisoner has reported police brutality nor has he complained." In addition, he invited LaRue to be present at one of the operations.

### **Bush Nominates Ambassador to Guatemala**

**5/6/05** - President George W. Bush announced on May 6 his choices for US ambassadors to Guatemala, Belize, and the Slovak Republic. James M. Derham, a career foreign service officer, was nominated ambassador to Guatemala. He is now deputy assistant secretary of state in the department's Western Hemisphere affairs bureau. From 1970-1972, Derham was a member of the US military. He later held the post of director of the Department of State's Bilateral Commerce Office and has served as a diplomat in Japan, Italy, and Argentina. The announcement was made by a White House communique and awaits US Senate confirmation before it is official.

## RESOURCES

The following titles are available in Spanish from http://www.fygeditores.com:

Alfaro Arellano, Rolando. *Ruido: contaminante no legislado en Guatemala*. Editorial Óscar de León Palacios, 2003. \$11.30. Q.73.00.

Arévalo Bermejo, Juan José. *Fábula del tiburón y las sardinas*. FLACSO/SOROS, 2005. Octava edición. \$7.00. Q.45.00.

AVANCSO. El reto de no ser racista...ni víctima del racismo. Bases para un trabajo pedagógico contra la discriminación y el racismo. AVANCSO, 2004. \$8.50. Q.55.00.

Castellanos Cambranes, Julio. *La presencia viva del Che Guevara en Guatemala*. Editora Cultural de Centroamérica, 2004. \$17.60. Q.114.00.

Del Valle Cóbar, Dora Ruth. Violencia política y poder

*comunitario en Rabinal, BajaVerapaz*. Equipo de Estudios Comunitarios y Acción Psicosocial (ECAP), 2004. \$7.10. Q.50.00.

Paz, Olga Alicia. *La tortura. Efectos y afrontamiento. Estudio psicosocial*. Equipo de Estudios Comunitarios y Acción Psicosocial (ECAP), 2004. \$7.10. Q.50.00.

Sáenz de Tejada, Ricardo. ¿Víctimas o vencedores? Una aproximación al movimiento de los ex PAC. FLACSO, 2004. \$10.20. Q.66.00.

Taracena Arriola, Arturo; et al. *Etnicidad, estado y nación en Guatemala, 1944-1985. Volumen II. Colección ¿Por qué estamos como estamos?* Cirma, 2004. \$28.20. Q.182.00.

## LAST WORD

Percent of Guatemalan youth who suffer from malnutrition: 49

Guatemala's ranking of Central American nations with the worst situation regarding malnutrition: 1

Source: UN Food and Agriculture Organization (FAO)

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Raids and Attacks ○ Urgent Action: Guatemalan Human Rights Activists and Opponents of CAFTA Suffer

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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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