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HUMAN RIGHTS DEFENDERS NETWORK ACTION
Guatemala
Human rights activists under attack in 2005

To: Human Rights Defenders Network (Americas)
From: Human Rights Defenders Program (Americas)

Amnesty International is seriously concerned about renewed attacks by clandestine groups and organised crime against human rights defenders and other social activists in Guatemala aimed at intimidating and hindering their human rights work. Attacks have included threats, attacks with firearms, bomb scares, "burglaries", in which important information about their work was taken and valuable items left behind, as well as spurious charges and detentions of individuals perceived to be leading or acting on behalf of their communities. According to the *Coalición de Derechos Humanos contra las Estructuras Clandestinas*, Human Rights Coalition against Clandestine Structures, between 1 January and 25 February 2005, 26 human rights defenders were threatened or attacked¹.

Amnesty International believes that lack of political will to deal with the longstanding issues of impunity, weak judicial system and clandestine groups in Guatemala has allowed this wave of attacks against human rights defenders to go unchallenged.

Even though on repeated occasions the Government of Óscar Berger has publicly committed itself to ending impunity and combating clandestine groups, there is little in the way of actual achievement; Amnesty International understands that there has been no progress in establishing an effective mechanism to investigate and prosecute members of clandestine groups.² Proposals made since November 2004 to designate a special prosecutor within the Public Prosecutor's Office or create a Special Unit (*Fiscalía de Sección*) to investigate clandestine groups have reportedly not advanced. The impunity with which clandestine groups operate and the damage they do to the rule of law in Guatemala is one of the biggest obstacles facing human rights defenders in the country.

On 10 January 2005 the High Commissioner for Human Rights and the Guatemalan Minister of Foreign Affairs signed a new agreement for the establishment of a new office of the High Commissioner for Human Rights in Guatemala. The new agreement was sent to Congress on 23 February, where it requires further approval.

CASES REVIEWED BY AMNESTY INTERNATIONAL

Threats to human rights defenders and social activists

- On 7 January 2005, armed assailants chased Leonel García Acuña, a trade unionist working in a small town in the east of the country. They shot at Leonel and shouted amongst themselves to "kill the son of a bitch, don't let him live", "*Maten a ese Hijo de puta, no hay que dejarlo vivo*", but he managed to flee and reach a nearby village where he sought refuge. A week earlier Leonel had taken part in a meeting to help resolve an ongoing labour dispute, in which the employers had said they considered the trade union the "worst type of enemy".

¹ 'Las Estructuras Clandestinas funcionan con total impunidad', *Coalición de Derechos Humanos contra las Estructuras Clandestinas*, Press release 25 February 2005.

² On 7 January 2004 the Guatemalan government signed an agreement with the United Nations to create the Commission for the Investigation of Illegal Bodies and Clandestine Security Apparatus – *Comisión de Investigación de Cuerpos Ilegales y Aparatos Clandestinos de Seguridad* (CICIACS). On 6 August the Constitutional Court gave its advisory opinion against some key aspects of the agreement (see News Service No: 198, AMR 34/000/2004, 7 August 2004).

- On 11 January 2005, a phone call warning of a bomb threat was received at *Centro de Acción Legal de Derechos Humanos*, (CALDH), Legal Action Centre for Human Rights. The organisation had been receiving threats from members of the former Civil Patrols, paramilitary units that supported the army during the 36-year internal armed conflict and were responsible for many human rights violations. The ex-Civil Patrol groupings have publicly denounced CALDH and other organisations because of their opposition to government plans to pay compensation to ex-civil patrol members. During the previous 10 months the organisation had been subject to numerous threats and attacks, including the temporary abduction of its staff members.
- On 14 January 2005, unidentified individuals followed Makrina Gudiel's car and then drenched it with gasoline in an attempt to burn her alive. She managed to escape and is now in hiding. Makrina Gudiel works in the local council of Santa Lucia Cotzumalguapa, in the department of Escuintla, South Guatemala and has been active in campaigning against corruption. Her father Florentín was the Mayor of the same town. On 20 December 2004, according to press reports and eyewitness testimony, he was cycling home when several men shot him in the back. Whilst lying on the ground the men shot him twice in the head and killed Florentín. Nothing was taken from him. He was also an active campaigner against corruption.
- The *Procuraduría de Derechos Humanos*, Human Rights Ombudsman, announced at the end of January 2005 the existence of a plan to kill Monsignor Álvaro Ramazzini, Bishop of the Diocese in San Marcos, apparently because of his work in favour of Guatemala's indigenous communities. According to reports, an unknown woman had contacted a former member of the intelligence services to kill Monsignor Ramazzini in exchange for \$50,000. Monsignor Ramazzini has been subject to constant threats for his work supporting poor rural communities in their negotiations with land owners and in their legal efforts to secure land. Monsignor Ramazzini has also opposed mining in Guatemala, in particular the open cast gold mine in San Marcos and has denounced the violent eviction of rural farmers from the Nueva Linda farm in August 2004.
- Sara Poroj and Sergio Rivera, members of *Grupo de Apoyo Mutuo* (GAM), Group of Mutual Support, were intimidated and threatened, in what appears to be an effort to stop their work to exhume secret mass graves. At 3am on 3 February, a man armed with a gun entered the hotel room where Sara Poroj was sleeping in Playa Grande, Ixcán municipality, Quiché department. He searched her documents and belongings, while keeping his gun pointed at her head. According to eye witnesses, two other armed men were keeping watch outside the room. The three men left after about five minutes. The following day, as Sara Poroj and Sergio Rivera were inspecting the site of a secret mass grave found within a former military base in Playa Grande a car stopped by. The occupants watched them for approximately four hours and then followed them to the hotel. At the hotel, a second car drew up, and armed men got out from both vehicles and walked around the hotel. Despite a request by GAM to the Presidential Human Rights Office (COPREDEH) to send police to the hotel, they arrived too late to intervene. On 5 February, when Sara Poroj and Sergio Rivera drove back to the GAM office in Guatemala City they were followed for approximately three hours by the same car they had seen at the exhumation site.

Break-ins and theft from offices of human rights and social organizations

- On 9 January 2005, the offices of *Hijos por la Identidad y la Justicia contra el Olvido y el Silencio*, HIJOS, an organisation that works to locate "disappeared" parents and prosecute those responsible, were raided. Three computers with information about the organisation's work, folders containing important documents, two digital cameras and photographic materials were taken during the raid. Valuable items such as scanners and printers were left behind.
- On 10 January 2005, members of the *Asociación Constitutiva de las Poblaciones Desarraigadas*, (ACPD), Association of Internally Displaced People, returned to their offices to find equipment and sensitive documents missing. The Association works with communities displaced during the internal armed conflict and for the fulfilment of government promises in relation to those communities.

- On 31 January 2005, the offices of Rights Action in Guatemala, a non-governmental organization that supports community development projects that promote and defend both political as well as economic, social and cultural rights in Central America, were broken into and important information was stolen. While a laptop containing important information was stolen, a box file with the equivalent of \$500 cash, though forced open, was left behind and no money was taken.
- On 3 February 2005, the offices of the *Consejo Nacional de Educación Maya*, (CNEM), National Maya Education Council, were broken into and computers and files with information on the organization's projects were stolen. Other, more valuable equipment was left behind.
- On 7 February 2005, the *Centro Evangélico de Estudios Pastorales en Centroamérica*, (Cedepca), Evangelical Centre for Pastoral Studies in Central America, suffered a break-in in which five computer hard drives containing information about the Centre's work were stolen. Keyboards and monitors were reportedly left behind as were cash and other electronic equipment.

Spurious charges against human rights defenders

Amnesty International is concerned that criminal investigations of human rights defenders are initiated by the authorities in order to impede human rights defenders in carrying out their legitimate work.

- Indigenous mayor Dominga Vásquez and other indigenous leaders in Sololá have received threats following a series of protests against the mining company, Montana Exploradora, and its mine, Proyecto Marlin, in San Marcos in December 2004 and January 2005. On 5 January 2005 Dominga Vásquez reportedly received a threatening phone call from an unknown man and was urged to be aware of the consequences of her activities against the mining company, that she would suffer the consequences for having lead [this] ...and be careful with what will happen to you (*que debía atenerse a las consecuencias por haber encabezado [esto]...ten cuidado con lo que te puede pasar*). Dominga Vásquez, four other indigenous leaders and a journalist were reportedly accused by the Governor of Sololá of inciting protests and blocking the route of the transportation of mining equipment in San Marcos. Detention orders were issued against them. The Human Rights Ombudsman's office has reportedly requested precautionary measures from the Inter-American Commission on Human Rights on behalf of the indigenous mayor and activist Dominga Vásquez and five others.
- On 20 January, Carlos Chen Osorio leader and negotiator for the *Coordinador de comunidades afectadas por la hidroeléctrica Chixoy*, COCAHICH, Coordinator of the Communities Affected by the Chixoy Dam, was detained on charges of illegal detention, threats and coercion of two Chixoy dam operators, false entry into INDE offices (State Electricity Institute), actions against public services, actions against the internal security of the nation. Carlos was given conditional release later that same day, although the charges against him have not been dropped. Antonio Vasquez Xitumul, leader of the Coordinator of the Communities Affected by the Chixoy Dam, was also reportedly detained at the beginning of February 2005 and held for approximately 30 hours. On 16 February the remaining seven community members presented themselves to the judge in Cobán. All nine are under restriction orders, *medidas sustitutivas*, whereby they have to present themselves to their local Magistrates, *juzgado de paz* every 15 days during the duration of the investigation, which can last up to six months.

TAKE ACTION!

Amnesty International calls on the Guatemalan authorities to investigate all attacks against human rights defenders, to bring to justice those responsible and to ensure that human rights defenders are able to carry out their legitimate work without fear of attack, theft or spurious charges.

1. Please send appeals to your government's foreign relations/affairs department/ministry/office.

In their contacts with their Guatemalan counterparts urge your government to:

- Express concern at the way criminal and clandestine groups in Guatemala have been harassing and threatening human rights defenders through a wave of threats, attacks and information theft at the offices of human rights and social organizations throughout Guatemala and call for an effective mechanism to investigate and prosecute such groups.
- Call on the Guatemalan government to develop a national plan of action to implement the UN Declaration on Human Rights Defenders as an important first step to ensure that human rights defenders are able to carry out their legitimate work.
- Call on the Guatemalan government to secure the approval and speedy implementation of the agreement to establish an office of the UN High Commissioner for Human Rights in Guatemala;
- For those of you in EU countries, remind your foreign ministries of their obligations to human rights defenders within the EU Guidelines on Human Rights Defenders (<http://register.consilium.eu.int/pdf/en/04/st10/st10056-re01.en04.pdf>).

2. Please send appeals to the Guatemalan authorities:

- Express concern at the recent attacks on the lives and offices of human rights defenders in Guatemala, urging the authorities to take immediate measures to guarantee their safety and to establish an effective mechanism to investigate and prosecute members of clandestine groups..
- Express concern that criminal charges may be used to punish and prevent community leaders and representatives for their work with communities. Urge him to ensure any judicial proceedings against human rights defenders are independent and impartial.
- Call on the Guatemalan government to develop a national plan of action to implement the UN Declaration on Human Rights Defenders to ensure they are able to carry out their legitimate work.

3. Please contact journalists and other media in your countries

- Inform them of the situation of human rights defenders and other social activists in Guatemala;
- Urge them to express concern for the safety of Guatemalan human rights defenders in articles, news items, radio spots, etc., and urge them to call for improved protection for human rights defenders under threat in line with measures requested by those at risk.

For further advice regarding press work on behalf of human rights defenders in Guatemala please contact the Americas Human Rights Defenders team on defensoresamerica@amnesty.org

Please send your appeals in Spanish or your own language to:

President of the Republic of Guatemala

Licenciado Oscar Berger Perdomo
Presidente de la República de Guatemala
Casa Presidencial, 6 a. Avenida, 4-18 zona 1
Ciudad de Guatemala, Guatemala

Fax: +502 221 4423

Salutation: Excelentísimo Sr. Presidente/Dear President Berger

Attorney General

Juan Luis Florido
Fiscal General
Fiscalía General del Ministerio Público
8a. Avenida 10-67, Zona 1,
Ciudad Guatemala, Guatemala

Fax: + 502 2251 2218

Salutation: Estimado Fiscal General/Dear Sir

Minister of the Interior

Ministro de Gobernación
Carlos Vielman
6a. Avenida 4-64, zona 4, nivel 3.
Ciudad de Guatemala
GUATEMALA

Fax: +502 2362-02 37

Salutation: Señor Ministro/ Dear Minister

Minister of Foreign Affairs

Jorge Eduardo Briz Abularach
Ministro de Relaciones Exteriores
Avenida 'La Reforma' 4-47, Zona 10,
Ciudad de Guatemala,
Código Postal 01010,
GUATEMALA

Fax: + 502 2348 0110 / 2331 8410

Salutation: Señor Ministro/ Dear Minister

Presidential Human Rights Office

Comisión Presidencial de Derechos Humanos (COPREDEH)
Lic. Frank La Rue
13 Calle 15-33 Zona 13
Ciudad de Guatemala
GUATEMALA

Telefax: + 502 2334-1615

Salutation: Señor Licenciado