

Guatemala Human Rights

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CASE UPDATES

Anticipated Gerardi Case Moves Forward:

Attorney Announces Persecution And Threats In The Gerardi Case 1/16/01 Death threats and harassment against prosecuting attorney Leopoldo Zeisseg have increased. Zeisseg explained that the anonymous threats are often calls to his cell phone, and include funeral music, laughter, and talking among unknown persons.

New Witness: Cellmate of Byron Lima 1/23/01
(excerpted in part from *Centroamerica News*)

The Third Tribunal of Sentencing decided to hear the defense testimony of Hugo Enrique Izquierdo Banini, who will testify in the Bishop Gerardi case.

Izquierdo sought out prosecuting attorney Leopoldo Zeissig to offer new information, which has not previously been released. The witness spent 40 days as a cellmate to Byron Lima Oliva, who, together with his father, retired colonel Byron Lima Estrada and the former Presidential Guard (EMP) official Obdulio Villanueva, face charges in the extrajudicial killing of Gerardi on April 26th, 1998.

Robert Echeverria Vallejo, representing the military, indicated that Izquierdo Banini can not offer suitable testimony, given that he has seven criminal charges against him.

Legal Prosecutor Zeissig responded by saying that he was more concerned with the quality of information that the new witness had to offer than with the witness' personal problems. Izquierdo Banini reported to Zeissig that he has been threatened and harassed to not testify.

On January 22, Izquierdo, linked former president Alvaro Arzú and three members of the Guatemalan military with the assassination. Izquierdo testified that he shared a cell with Captain Byron Miguel Lima Oliva, in May and June of 2000. During that time, he said, Lima told him various details, including that former president Arzú maintained contact with him by telephone, through a third person, and provided funds for Lima's expenses. Izquierdo also said Lima had told him that Maj. Francisco Escobar Blas and Col. Rudy Posuelos helped him to have

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about 200 meters and shot him 3 more times. The witnesses said that the killers wore on their berets, bags and sleeves on the left side of their jackets, wore the emblem of the police institution. The National Civil Police (PNC) said to not know the identity of the presumed agents. The Human Rights Ombudsman's Office (PDH) is investigating the case. The witnesses also mentioned that one of criminals returned to the scene with different clothes, and for that reason they tried to stop the criminal by force; nevertheless, he escaped on a motorcycle.

RIGHT TO JUSTICE

Kidnapping Trial in Petén 1/25/01 The trial of Adeldo Carillo Leiva, age 42, and Rigoberto Pineda Agustín, age 22, the presumed kidnappers of businessman Armando Espina Berganza began in the Sentencing Court of San Benito, Petén. According to the National Civil Police (PNC), and the Public Ministry of Petén, they are members of a band of kidnappers that operates in the region. During the opening of the trial, relatives of the victim appeared, and approximately twenty witnesses.

The businessman, for whom they had demanded a ransom of Q500 thousand was kidnapped on April 28, 2000. Days later, he was freed by PNC agents in La Libertad, Petén.

PDH Blames Military for Student's Death 1/18/01 According to Human Rights Procurator (PDH) Julio Arango Escobar, Captain Hugo Roberto Orozco, the sub-lieutenant of the Angel Boanegres Carrera Infantry and the official doctor at the Jose Manuel Varela Pocom Polytechnical School are responsible for the death of a student, **DANILO ROLANDO CARDONA**. Cardona died after being subjected to cruel, inhumane and physical trainings.

Arango Escobar issued a resolution after Mirium Mejia Ramirez and Danilo Rolando Cardona, parents of the student, filed a complaint. The parents confirmed that on November 9th, 1999 their son was transferred to the group of student cadets at Sipacate, and Escuinla for a survival

practice in an area that was fumigated the day before.

During the training, Cardona, together with the other students, showed signs of intoxication - vomiting, dizziness and loss of consciousness - a situation for which he was given first aid. However, they were not moved to the hospital center immediately, but instead four hours later, to the Military Medical Center, where the young man died.

WOMEN'S RIGHTS

* Reports Of Domestic Violence Increase In 2000 1/15/01 Women's rights activist Giovanna Lemus announced that the Public Ministry recorded 7,760 cases of domestic violence in 2000, more than 5,000 of those directed toward women and children, while in 1999 there were only 3,315 cases recorded.

RIGHTS OF THE CHILD

Illegal Adoptions Shame Guatemala

Kidnapping Masked as Adoption 1/17/01 Two attorneys nearly sent 3-year old Kimberly Siomar Pineda Arbizurez to Spain for adoption, while her Guatemalan parents searched for her. Julio Cesar Pineda Pineda and Rebeca Arbizurez enrolled their daughter in childcare located in San Jose Pinula, Guatemala.

Zoila de Jesus Hernandez, director of the childcare contacted three attorneys to initiate adoption proceedings for Rodrigo Esposito y Luz Maria Rodriguez, a couple in Spain.

Family Social worker, Catalina Franco, stated that on November 14, 2000 the paperwork was under way. Hernandez had presented herself as Zoila de Jesus Ordonez Gonzalez, with phony documents before the San Jose Pinula Municipality, pretending to be the girl's mother and offering her up for adoption on the grounds that she could

not financially take care of her.

On January 9th, 2001, Kimberly Siomara was kidnapped by unknown persons. This same day, attorneys Jorge de Jesus Jimenez Garcia, Jaime Valenzuela Sacher and Alfonso Cacacho Ralda, requested a passport for the girl. Their requests were denied, however, in a Migration office because the signature of the alleged mother did not match.

Kimberly Siomara' father and grandfather filed suit against Hernandez attorneys as well as Francisco Calderon Munoz for kidnapping and falsifying documents.

Attorney General Asks Congress To Legislate for Children's Rights 1/19/01 In light of the great number of illegal adoptions, Attorney General (PGN) Carlos Garcia Regas asked Congress to pass legislation in favor of children's rights. Garcia Regas stressed that if there laws and agreements were in place to regulate the international adoptions, illegalities could be avoided. He added that Congress should immediately approve the Adoptions legislation. Garcia Regas called on President Portillo to ratify the Inter-American Convention on International Trafficking, Agreement of International Cooperation and Protection of Children, as well as the Hague Appeal.

Child Exportation Stains National Pride 1/17/01 Archbishop Guillermo Monroy, director of the Archbishop's Social Pastoral Office, spoke out against the "exportation" of Guatemalan children. Monroy criticized Congress for failing to act quickly and efficiently on Adoption Laws. Further, Monroy declared that it is a "stain on national pride" that foreign governments request DNA tests for internationally adopted children

Monroy also criticized the Attorney General for not revealing the names of 30 - 40 attorneys involved in the illegal adoption industry.

"Among the guilty, there are nurses, social workers, doctors and attorneys" Monroy stated, while urging those in each profession to seek them out and turn them in, as this industry has discredited their profession.

Casa Alianza and Rigoberta Menchu Foundation Challenge Congress for Stalling Children's Rights Legislation 1/24/01 Casa Alianza and Rigoberta Menchu Foundation partnered up to challenge Congress for unconstitutionally stalling on much-awaited legislation on children's rights. Congress has not moved ahead with this important legislation and indefinitely suspended its implementation last March, thereby evading the applicability of the United Nations Convention on the Rights of the Child.

The Consitutional Court has decided to review the case and could order Congress to observe the law, since the state has an obligation to change its national law to reflect the principles of the UN Convention.

Casa Alianza activist Arturo Echeverria said that, "with this effort, we are trying to force Congress to assume its responsibility to more than half of Guatemala's population, which is children and adolescents."

RIGHT TO A CLEAN AND HEALTHY ENVIRONMENT

* Contamination: Dirty Water Extreme 1/25/01 Barely three percent of water served in the country receive some type of processing, while the rest is used freely with all its polluting agents, including fecal matter. Adam Pocasangre, president of the Guatemalan Association of Sanitation and Environmental Engineering added that only 10 percent of water treatment plants are functioning correctly.

Pocasangre stated that out of a 12 million - strong population, only 8.4 have access to potable water and drainages. Pocasangre added that the water treatment facilities require a commitment of maintenance to avoid further contamination in other bodies of water.

Protecting water resources is vital because even if the summers are not particularly strong, they diminish the volume of water which is recovered in winter, but brings many persons to critical situations in this dry time, because water is limited to

them.

Communities Endangered by Deforestation 1/16/01
Approximately 10 communities in Santa Cruz del Quiche, Quiche are endangered because Ambrocio Lopez Mendoza, son of Crispin Mendoza Garcia, former paramilitary (PAC) leader, is about to destroy a forest which for years has served as home to water resources.

The Campesino Coordinating Committee (CONIC) denounced the deforestation. They reported that Antonio Panjoj Vicente sold the area without notifying the community, violating an agreement that the connecting road was intended for the community's development, not for deforestation.

CONIC reported that community residents have asked the Public Ministry to initiate an immediate investigation, and have asked the government to intervene in negotiations.

PNC Allow Deforestation 1/26/01 Forests in Cerro de Cal, San Jose La Arada, Chiquimula are being plundered by the National Civil Police (PNC). Catalino Ramirez Encarnacion initially denounced illegal logging and deforestation in the area. She cited that agents from the Criminal Investigations Service arrived at the forest and detained Apolinario Antonio Roque Argueta.

PNC officials explained that the deforestation will most likely continue in the forest areas of Chiquimula, since many people do not request authorization from the National Forestry Institute, to cut down trees. Chiquimula has been declared a protected area by environmental institutions. However, enforcement has been little.

LABOR RIGHTS

Ministry Works To Control Registration Of Maquilas 1/19/01 In a coordinated effort between the Ministry of Labor and the Commercial Agricultural Registry, all Maquilas must accurately register themselves with these organizations so to allow for oversight and protect that Maquila workers are not mislead or tricked. Head of the Labor Ministry Juan

Francisco Alfaro said that this measure comes after an incident last December in which Agrofrío, S.A., fled the country without paying Christmas bonuses and several benefits to its workers and of services to the suppliers. Francisco Alfaro explained that in the case of Agrofrío, the owner had the company registered under another name, with that, tricking and harming the interests of the workers and suppliers.

PEACE ACCORDS

MINUGUA Officials Meet With Congress Members to Discuss Rescheduling 1/18/01 According to Gerd Merrem, head of MINUGUA, this year is decisive in implementing the Peace Accords. Given the importance that the Legislature has in the development of the peace process, Merrem, together with the sub-head of MINUGUA Juan Pablo Corlazzoli, met congressional leaders to work on rescheduling the timeline for implementation of the Accords. Merrem indicated that MINUGUA sees 35 important points that need to be addressed this year, particularly the strengthening of institutions.

Among the legislation pending before Congress related to the Peace Accords are the Law of Development Council, of Decentralization, Electoral Law and Political Party reforms, and the Penal Process Code. Also, the Municipal Code, the Civil Service Law, those referring to labor laws, the law of the Guatemalan Institute of Social Security and Land Registry, as laws relating to land and housing.

MORE INFORMATION

DIA Party's Headquarters Are Robbed 1/15/01 Current board members of the Authentic Integral Development (DIA) political party reported the robbery of their headquarters in zone 1 of Guatemala city. They reported office equipment and furniture stolen. DIA, together with the Guatemalan National Revolutionary Unity (URNG) formed the New Nation Alliance (ANN) in order to participate in the