

NOBEL WOMEN'S INITIATIVE DELEGATION TO MEXICO, HONDURAS AND GUATEMALA 2012

BRIEFING NOTE: GUATEMALA¹

Introduction:

Guatemala has a population of 14.7 million people; more than half the population lives below the [poverty line](#) and 15% in extreme poverty. Indigenous peoples make up 38% of the population and poverty among them averages 76%. More than 43% of children under five are chronically malnourished.

The long years of conflict and military rule kicked off by the well-documented US-backed overthrow of the democratically-elected government of Jacobo Arbenz in 1954, have left Guatemala with weak democratic institutions and a fragmented society. A new influx of transnational companies, facilitated by the Central America Free Trade Agreement (2006) and national laws to attract foreign investment, has led to local conflicts over land use and control over natural resources, and forced evictions. Community consultations on mining projects and hydroelectric dams carried out over the past years have all shown popular rejection of these projects but proceed nonetheless.

I. Context

1) Genocide and the aftermath

The *Unidad Revolucionaria Nacional Guatemalteca* and the Guatemalan government signed a peace agreement in 1996, ending 36 years of internal armed conflict. During the conflict, some 200,000 people were murdered, many tortured, and roughly 90,000 disappeared. One million people left the country or were displaced from their homes. More than 300 villages disappeared completely, primarily in the indigenous-populated areas, which make up the majority of the country.

Government forces supported by the U.S. government pursued a strategy of genocide, considering the magnitude and type of violence and repression exercised against people opposed to the regime or undertaken to eliminate entire populations. Thousands of women were raped during this period. Their testimonies remained hidden until July 2011, when a Spanish court agreed to hear the cases of the brave women who have decided to speak out.

The perpetrators of these crimes have not been brought to justice, although recently, some military personnel accused of massacres are facing trial. The current Attorney General and civil society organizations have been instrumental in bringing cases to the courts. In August 2011, a judge sentenced four former soldiers to more than 6,000 years in prison for their role in a 1982 massacre in the north of the country. On Oct. 11, 2011, the Public Prosecutor issued an arrest warrant for a former Minister of Defense and former President and two

¹ Compiled by Laura Carlsen, America's Program-CIP; Patricia Ardon, Sinergia No'j/JASS Mesoamerica; Lucky Ardon with information from Claudia Somayoa, the Union of Human Rights Defenders of Guatemala.

other military officials on charges of genocide and crimes against humanity. This process represents progress but it is still very limited.

On Nov. 6, 2011, former military general, Otto Perez, won the elections, becoming the first member of the military to take power since democracy was restored in 1986. He has been implicated in numerous massacres while he served as a commander in some areas where the most violence took place, and headed a military intelligence unit accused of arranging assassinations of political rivals.

Widespread violence of all kinds, including a significant rise in femicides and violence against women, continues to plague the country. Illegal drug trafficking organizations have gained strength and presence in recent years, as have street gangs, leading to increasing justifications for a return to militarization and strong-arm police tactics. Human rights groups are voicing concerns about Perez's crime-fighting message in the context of his own history and the nation's history of killings by security forces.

2) Violence against women, femicide, and the criminalization of women human rights defenders

Women in Guatemala experience violence and insecurity at ever-rising levels. Femicidal violence, the cycle of physical and psychological mistreatment and violence exercised against women resulting in their death, is carried out in both private and public domains. According to the Guatemalan Human Rights Commission, femicide includes not only the murder of women by men because they are women, but also state responsibility for these murders whether through commission of the act by politicians or security forces, or inaction in prosecuting acts of violence against women, or omission of state responsibility to ensure the safety of its female citizens.

In Guatemala, femicide exists in a context of the absence of guarantees to protect the rights of women. In 2010, 685 women were killed and the government, as is the norm, failed to conduct investigations and prosecution of perpetrators. Last year, only 86 cases were brought to trial (12%) and [just 28](#) resulted in sentencing.

Recent data indicates that Guatemala rates seventh in the world in terms of violent deaths, with more and more victims being women as targeted attacks against them rise. At the same time, the majority of women, particularly indigenous women, are suffering high levels of poverty and oppression limiting their political and social participation and free exercise of their culture.

Many women are involved in the defense of their territories and natural resources, for which they are threatened, persecuted, and in some cases, murdered. The defense of women's rights also brings with it high risks, and there have been incidents in which women's demand for child support has resulted in death. In the months leading up to the elections, threats and violence against women rose sharply during political campaigning.

Violence against both male and female human rights defenders skyrocketed in 2011. Women human rights defenders have been subjected to illegal arrests, persecution, cruel and inhumane mistreatment, rape, robbery, intimidation, murder, threats, and home invasion and destruction.

II. Cases

1) Violent Evictions:

The National Civil Police and private security guards from the Chabil Utzaj sugar processing company evicted a total of 14 communities, affecting 710 families, from their homes in the Polochic Valley in violent attacks. The attacks took place in March and August of 2011. Four women were severely beaten, five homes were burned, 18 people were injured and three people were killed. This region has historically been characterized by conflict arising from the steadfast resistance carried out by the population in opposition to outside interests that want to use the land to plant African Palm for production of agro-fuels and liquors. The land has been inhabited by the Q'eqchi' Mayan ethnic group who continue to be evicted by agribusinesses and the state.

2) Femicide: Emblematic cases

Maria Isabel Franco: Maria Isabel Franco, a 15-year old, was abducted, raped, and brutally killed in December 2001. The Guatemalan government ignored the case for years, and the Inter-American Commission on Human Rights “admitted the case on the grounds of unjustified delay in the investigation by the Guatemalan state” in October 2006. While the case remains pending before the Commission, the Guatemalan government has failed to provide information requested by the Commission. Maria Isabel’s mother has faced death threats because of her continued fight for justice.

Mindi Rodas: Mindi Rodas, a 22-year-old domestic worker, was brutally attacked by her husband in December 2009. The husband was charged and sentenced but never sent to jail. After living in a shelter, Mindi decided to return to her community in July 2010. On December 18, 2010 her body was discovered in Guatemala City. Police forces have failed to initiate an investigation into the case to this day.

Cristina Siekavizza: The case of Cristina Siekavizza drew major media attention as it involved an upper-class woman beaten and murdered by her husband, who escaped with their two young children. The husband’s mother, president of the Supreme Court of Justice, is currently in jail for participating in an attempted cover-up of the crime.

3) Assassination of women organizing against mining companies

Margarita Chub Che was assassinated on June 4, 2011 in San José Panorama (Panzós). Between 11:45 and 12:00, Margarita walked out of her house alone to bathe in the nearby water tank. She asked her husband to accompany her because she was afraid of going outside alone, but he stayed in bed. Upon reaching the water tank, she was shot three times—once in the back, again in the left lung, and again on the left side of her forehead. Chub Che was a human rights defender, actively involved in protesting mining companies in the Polochic Valley, and member of the Council of Communities of Polochic.

Diodora Antonia Hernández, a Maya-Mam from San José Nueva Esperanza is another victim of an attempted murder on July 7, 2010. Around 17:00, two men approached her home supposedly to ask for a place to spend the night. When their request was denied, they asked for coffee. When Diodora came out with two cups of coffee, without saying a word one of the men shot her in the head. The bullet entered through her right eye and exited through the right ear. Diodora opposed the Goldcorp subsidiary Montana Company, refusing to sell her land to them. The men arrested were former or present employees of the company.

III. Facts

1. The homicide rate in Guatemala is more than 49 persons per 100,000 inhabitants. In 2011, 599 women have been murdered up to October 25.
2. During the first eight months of 2011, 302 attacks against male and female human rights defenders were documented, averaging 1.4 per day.
3. Attacks against human rights defenders linked to agrarian and territorial issues (including environmental defense) account for 82.95% of documented attacks. The UDEFEGUA has counted 253 direct attacks this year.
4. During these eight months of 2011, 72 direct attacks have been registered against women human rights defenders. Of these women, 65% have been attacked for defending the rights of indigenous peoples and environmental rights; 21% for defending the campesino-farming sector; 6% for supporting unions; 4% for championing processes for establishing truth and justice in history; 3% for defending women's rights; and 1% for defending indigenous rights.

IV. Petitions to the Guatemalan Government

1. We ask the government of Guatemala to publicly denounce violence against women and support women's organizations working to end violence and assist victims. The violence must be treated as a public health problem recognizing Guatemala as a post-conflict society that continues to be deeply divided by the past.
2. We demand that the Guatemalan government take additional measures to ensure the safety of women human rights defenders, investigate pending cases, and bring the perpetrators to justice.
3. We demand an end to the criminalization of human rights defenders and social movements mobilizing in defense of life, dignity, land and territory. This must include an end to violent evictions and expropriations carried out against communities.
4. The government must comply with the precautionary measures dictated by the Inter-American Human Rights Commission, particularly in favor of the 14 communities evicted in Polochic.
5. The Special Prosecutor for Human Rights must step up efforts to investigate and prosecute attacks against human rights defenders.
6. We ask the new government to:
 - Continue to clarify and recover the historic memory, its archives and institutional agreements, and to seek justice for crimes against humanity, and genocide committed during the conflict.
 - Maintain and strengthen the progress made in protecting and promoting women's rights, including adaptation of legislation and the institutionalization of key agencies.
 - Resolve outstanding agenda items on security and justice matters from the Peace Agreements, including reform of the police forces, the judiciary, civil intelligence, and pending regulations to effectively implement progress in these areas.
 - Address agrarian and environmental conflicts taking into consideration the perspective and rights of indigenous peoples as seen in the community consultations and enact a rural development policy and laws that reflect the rights of the population.