



# AMERICAS WATCH

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## Americas Watch Petition concerning Labor Rights in Guatemala

Submitted to the United States Trade Representative on  
 June 1, 1990

Americas Watch requests that the United States Trade Representative review the situation of labor rights in Guatemala. Americas Watch submits this request pursuant to Section 502(b)(8) of the Trade Act. In particular, this request relates to the provision in the Act which states that in order to receive benefits under the Generalized System of Preferences, a foreign country must be taking steps to afford its workers internationally accepted labor rights, including the freedom of association, the freedom to organize and bargain collectively, and freedom from forced or compulsory labor.

The information contained in this petition was gathered from a variety of sources, including interviews with labor leaders and activists, and with government officials. Americas Watch has conducted a number of research missions to Guatemala over the

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approximately 15 month span that this petition covers. Sources other than Americas Watch are cited within the petition.

This petition highlights numerous cases of death, disappearance, threats and intimidation carried out against union leaders and members and labor activists. Americas Watch believes that these cases paint an accurate picture of the danger that Guatemalan union organizers, lawyers and rank and file members face simply because of their attempts to exercise internationally recognized labor rights. Americas Watch also believes that the Cerezo government is not fulfilling its responsibility to ensure that workers in Guatemala enjoy basic labor rights, and in some instances, is actively persecuting Guatemalan workers.

In our view, the USTR should deny Guatemala benefits under the Generalized System of Preferences because the current government of Guatemala is not taking steps to guarantee fundamental labor rights for its workers.

#### Deaths and Disappearances\*

##### STINDE - Union of Workers of the National Electricity Institute

STINDE, the union of electrical workers of the state electrical company INDE, has suffered a systematic campaign of harassment and intimidation since it was legalized in 1987.\*\* According to labor sources, in December 1989, STINDE was the first public sector union to sign a collective bargaining pact. In April of 1990, STINDE charged the administration of INDE with not complying with many of the conditions agreed to in their pact.

*AKI*  
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Néstor Rene Osorio Sandoval: Osorio, a 41-year-old member of STINDE in Chiquimula Department, was assassinated on March 2, 1990 under circumstances that suggest a possible extrajudicial

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\* According to the International Labor Organization (ILO), "...murder or disappearance of trade union leaders constitutes a serious obstacle to the exercise of trade union rights; such acts require measures to be taken by the authorities." From "Freedom of Association, A Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO, Third Edition", Geneva, 1985, p. 20.

\*\* See Americas Watch, Closing the Space, Human Rights in Guatemala, May 1987 - October 1988, November 1988, pp. 38-40.

execution.\* He was killed when three armed men, believed to be official security force agents, entered the plant where he worked and shot him. Osorio had worked for 19 years as a security guard at the electrical plant in Chiquimula. Other members and leaders of the union view the killing of Osorio as one of the most recent warnings to them to stop their union activities.

José de León Segura de la Cruz: A STINDE leader from the affiliate to which Néstor Osorio belonged was assassinated on September 27, 1989. Two unidentified men assassinated Segura de la Cruz, 35, the General Secretary of the Pasabién affiliate of STINDE in Zacapa, and a member of the central union's Consulting Council. Segura de la Cruz was shot as he left his home in Chiquimula at 5:00 a.m. According to union members, Segura de la Cruz had received written death threats related to his union activism. At the time of his death, STINDE was in the middle of a campaign to obtain the ratification of a collective bargaining agreement.\*\*

#### Coca Cola

José Rolando Pantaleón: Following several months of harassment and violence against members of a Coca Cola union theater group\*\*\* to which he belonged, Pantaleón was kidnapped and murdered on July 2, 1989.\*\*\*\*

\* Amnesty International Urgent Action appeal, UA 105/90, March 14, 1990.

\*\* U.S. Department of State, Country Reports on Human Rights Practices for 1989, February 1990, p. 599.

\*\*\* The theater group *Dos Que Tres*, or 2Q3 (roughly translated as "six of one, half a dozen of another."), was formed by members of the union of workers at the Coca Cola bottling plant in Guatemala City during their 376-day occupation of the plant in 1984-85 in protest of its shutdown. The Coca Cola workers' union has suffered a long history of extraordinary persecution, including the assassination of seven unionists and the disappearance of four more a decade ago. After surviving this experience, the union emerged as the vanguard of labor organizing in Guatemala. 2Q3 served as an organizing tool, its satirical performances ridiculing the army, landlords, and corrupt politicians and rallying workers and peasants to unite in defense of their rights.

\*\*\*\* See Americas Watch, News from Americas Watch, "Guatemala: Labor Activist Murdered as Rights Abuses Deepen," No. 7, July 1989.

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At about 10:00 a.m. on July 2, 1989, three armed plainclothesmen driving a grey and black jeep with tinted glass windows seized José Rolando Pantaleón yards from his house in Guatemala City's Zone 18. His brother-in-law tried to intervene, but was told to get away if he didn't want to be killed. At 4:00 p.m., the National Police informed his common-law wife, Consuelo Hernández Ramírez, that Pantaleón's body had been found and transferred to a morgue. According to Hernández, the body had four bullet holes in the head and one in the stomach. The face was swollen, apparently from beatings, and the skin on the top of his back had been stripped off. THAT ALL

Pantaleón received a string of threats beginning two weeks before his death. Plainclothesmen in cars with smoked-glass windows came to the house and workplace asking for him by name, according to his widow. In the last such incident before his death, two members of the army who live in the same neighborhood, brothers Rolando and Jaime Alay, sought Pantaleón out at his home and told him "dead men don't talk."

Shortly after the murder, plainclothesmen visited Hernández, asking where they could find Fladio Pantaleón, José's brother. When Hernández said she didn't know, the men threatened to kidnap her four children. Another sister-in-law of Fladio was also visited and offered 1,000 quetzales (worth about \$370 at the time) if she would disclose Fladio's whereabouts.

Guatemalan authorities have shown little interest in investigating and prosecuting this murder. Hernández presented witnesses to the kidnapping to the police investigative unit (DIC) and gave a statement to the court in Palencia with jurisdiction over the case. However, a court official told her that her statement was invalid because she had not been married to Pantaleón. We understand there is no basis in Guatemalan law for rejecting the declaration of a common-law-spouse. And, despite numerous requests to the Guatemalan government, Americas Watch received no response to its queries concerning this case until January 1990. In a January 19 meeting with Americas Watch, President Cerezo said he would investigate the case, but as of this writing, we have not been informed of any subsequent investigation having been carried out.

#### Other Unions

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Diego Velásquez Ac: Velásquez Ac, 30, a leader of STUSC (the University of San Carlos labor union), has been missing since April 6, 1990. His car was found around 10 p.m. that day on the Ruta al Pacífico near Palín, Escuintla. He was believed to have been returning from Villa Nueva, where he apparently went to get paid. Velásquez's disappearance was denounced to police, and his wife reported her husband's disappearance to the Mutual Support

Group (GAM), who subsequently submitted a writ of habeas corpus on his behalf.

According to GAM and labor sources, Esteban Salanic, another STUSC leader, was abducted several days before Velásquez Ac, beaten severely and thrown into a ditch in Zone 21 of Guatemala City.

Victor Velásquez Fuentes and Lorenzo Sales Ambrosio: The Unity of Union and Popular Action (UASP) denounced on May 9, 1990, the recent kidnapping and murder of Velásquez Fuentes and Sales Ambrosio, both members of SITRADIGESA (Workers Union of the General Direction of Agricultural Services).

Four Agricultural Workers Killed, San Marcos: Four agricultural workers from the village of Tejutla, San Marcos department, were kidnapped on September 12, 1989, under circumstances which suggest army involvement, as the vehicle suspected in the men's kidnapping was later seen parked inside an army base. The bodies of the victims, Genaro Angel Robles Barrios, 44, Lionel Gregorio Robles Chávez, 19, Gustavo Robles de León, 22, and Juan Ovalle López, 32, were found on September 14. Gustavo Robles's body reportedly had the eyes gouged out, the lips and part of one cheek cut off, and a bullet in the head. The body of Genaro was said to have only a small knife wound near the heart. We have no information as to the condition of the other two bodies.

Americas Watch interviewed witnesses who provided the following reconstruction of the incident:

At about 6:00 or 6:30 a.m. on September 12, the four victims left their house in a truck owned by the family, heading north to gather some stones. At about 11:00 or 11:30 a.m., a witness saw the truck pass in front of the house with the four inside, driving rapidly towards San Marcos to the south. A red Toyota jeep with darkened windows closely followed the family truck. Shortly afterwards, the family truck was seen parked -- empty -- at the monument in the village of Ixcamal, between Tejutla and San Marcos.

At about 12:30 p.m., witnesses in San Marcos saw the red jeep which had been pursuing the family truck heading out of town. The witnesses noted the license plate number and proceeded to Army Base No. 18 in San Marcos to ask for information as to the whereabouts of the four victims. A soldier told them to ask the National Police. There, an official took down the information in writing and promised to investigate.

When the witnesses returned to the military base at about 6:00 p.m. the same day, they saw the red jeep which had been chasing the family truck parked inside the base with the license plates removed.

Another witness saw the family truck at about 10:00 p.m. that night parked near the highway heading towards the southern coast in Santa María, Quezaltenango. The witness asked a man near the truck where its owners were and he said they had gone to get a mechanic.\*

On September 14, family members were notified that several cadavers had been found in Quezaltenango and Coatepeque. Genaro Robles's body was reportedly found on the road between San Pablo and San José Rodeo Cruz in San Marcos. The other three were found in the hamlet of Buena Vista, San Juan Ostuncalco, Quezaltenango.

Carlos Humberto Cabrera Rivera: Heavily armed men in plain clothes driving two cars -- one red and one grey -- seized Cabrera Rivera, a former director of the University of San Carlos Student Association (AEU), and a founder of another university student movement, AVANZADA, at 8:30 a.m. on September 9, 1989, in Zone 21 of the capital. The men were using a radio to communicate with unknown persons as they grabbed Cabrera Rivera. An elementary school teacher and humanities student at the USAC, Cabrera had been an organizer of the 1989 teachers' strike\*\* and had returned from exile in 1986. His body -- reportedly bearing signs of torture -- was found in a ravine near the University of San Carlos (USAC) on September 10, 1989, with those of three other members of the university community.\*\*\*

The red Blazer pickup used in the kidnapping showed up at Cabrera's funeral, according to a diplomat. The vehicle -- with six individuals in it -- followed Cabrera's son and a companion as they left the funeral, boarded a public bus, and traveled to Cuilapa. One of the men boarded the same bus and got off to pursue the son and his companion. The two hired a taxi and managed to elude the men, who apparently intended to capture them.

\* Americas Watch, Messengers of Death, Human Rights in Guatemala November 1988 - February 1990, at 34-5.

\*\* The AEU was actively supportive of the 1989 strike by Guatemalan teachers.

\*\*\* See Americas Watch, Messengers . . ., pp. 15-20.

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**Finca La Patria - General Confederation of Guatemalan Workers:** Soldiers are believed responsible for the April 1989 abduction, torture, and assassination of the father of a union leader at this farm in Santa Barbara, Suchitepéquez. The union at the farm where the incident took place has been affiliated with the General Confederation of Guatemalan Workers (CGTG), a Christian Democratic labor group, since the 1970s. It now claims 110 members of the 127 workers. Tensions exist between the workers and the military and the farm's owners over military requirements of civil patrolling by the male farm workers and over the continued existence of the union.

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Five armed men seized Juan Méndez Mejía, father of Alfonso Méndez Mejía, Secretary of Conflicts of the union at the Finca, from his home on the Finca La Patria at about 10:30 p.m. on April 25, 1989. While other men waited outside, the five men broke down the door and demanded that Méndez accompany them. One of the men hit him on the back of the head with a rifle, then grabbed him and took him away. Three of the men stayed in the house with his wife for about half an hour. In the light of a flashlight brought by one of the soldiers, she saw the boots of one of the kidnappers. They were black with green and brown patches; identical, she said, to those worn by soldiers in the area.

ATT 3

Méndez's relatives went to the military detachment located on the farm the next morning and on several subsequent occasions to ask for him. The soldiers repeatedly denied having him, but told the relatives not to worry, that Méndez would reappear.

On April 30, Méndez's body was found hanging by a wire from a tree near the Moca River at the edge of the farm. It was dressed only in undergarments and had a stab wound in the stomach and the right arm. The back was burned and the head was bloodied.

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#### Threats and Intimidations

##### STINDE

In addition to the murders in the past nine months of Néstor Rene Osorio Sandoval and José de León Segura de la Cruz, STINDE has been particularly hard hit by threats and intimidations. In the time period covered by this petition, violence and threats directed against STINDE leaders because of their union activities have caused at least six national and regional leaders of the union to flee Guatemala because they feared for their lives. Their flight represents a clear impediment to the ability of this union to freely exercise internationally established labor rights.

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Juan Luis Coy Monzón: Coy, the STINDE secretary of

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organization and media, has received several threats from unknown men, according to Amnesty International and union sources.\* On January 17, 1990, two men in military uniform driving what witnesses described as an army jeep came to his home asking to speak to him. His wife informed the men he was not in. On January 22, the same men visited his home, this time dressed in civilian clothes. Upon learning he was not in, they reportedly told his wife to warn him not to return home and to advise him to leave the country, otherwise things would go very badly for him. A few weeks after these threats, in February 1990, Coy's wife, Guisela Reyes de Coy, was abducted in Guatemala City, beaten and interrogated about her husband's union activities, according to Amnesty International and labor sources.\*\*

Coy and his family have since fled Guatemala.

Three STINDE leaders: Since November 1989, General Secretary Luis Romero and executive council members Otto Calderón and Jorge Castillo have fled Guatemala due to death threats, according to labor sources. On September 13, 1989, Castillo, the Secretary of Conflicts of STINDE, received death threats by telephone and was pursued by unknown armed persons when he left his union office in Zone 4 of Guatemala City to call his family, according to labor sources.

Esdras Batún and Antonio Chavarría: In September 1989, Batún and Chavarría, STINDE leaders in the Petén, received threats from unknown persons telling them they should leave the country or "face the consequences," according to Amnesty International and labor sources.\*\*\*

Other national STINDE leaders, Secretary for Organization Sergio de León, and Secretary for Education Ernesto Bailey, were also reported to be receiving death threats for their trade union activities in the late summer and fall of 1989. According to labor sources, Bailey fled Guatemala after these threats were made.

Daniel Suram Cal: Suram Cal, 29, a member of the directorate of the Li-Chinatzul, Alta Verapaz STINDE affiliate, suffered an apparent kidnap attempt by two armed men in civilian clothing on June 14, 1989, according to union sources. As Suram

\* Amnesty International Urgent Action appeal, UA 40/90, January 29, 1990.

\*\* Amnesty International Urgent Action appeal, UA 105/90, March 14, 1990.

\*\*\* Amnesty International Urgent Action appeal, 379/89, October 2, 1989.



was heading home at 10:30 p.m., the men stopped him and asked for his identification papers. When he told them he would have to get them from his home, the men reportedly beat him and forced him into the back of a blue Toyota pick-up with polarized windows, tying his hands. Suram yelled for help as they passed the park in the center of the town of San Cristobal Verapaz. As the vehicle was leaving town, it came to a curve in the road, and the man in the back of the pickup guarding Suram at gunpoint lost his balance. At this point, Suram reportedly managed to untie the rope, hit the man who held him captive, and jump off the back of the truck. He spent the night hiding and then went to the house of a relative.

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The next day, police officers sought him at the INDE worksite, although no one had reported the attempted kidnapping. Suram is said to have subsequently gone into hiding in another part of the country and then to have fled Guatemala about a month after the June 14 incident.

#### Coca Cola

(C15)

Héctor Augusto González: Coca Cola unionist Héctor Augusto González, an occasional participant in 203 performances, suffered a series of threats and intimidations beginning in July 1989. González had attended the wake for assassinated theater member José Rolando Pantaleón before he began receiving threats.

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On July 14, González received the first in a string of telephone calls which sounded as if they were made from public phone booths to the Coca Cola plant where he works. The anonymous caller insulted González and told him his days were numbered. In early August, two men with dark glasses and jackets, which he said were typically worn by members of the army, asked for him at his house, but refused to identify themselves or explain why they wanted him. A few days later, González's wife admitted a self-described encyclopedia vendor into their house. Upon entering, the man lost interest in selling encyclopedias and began examining the home. The house was under surveillance afterwards.

Elsa Castro and Mauro Herrera: Castro, a former member of 203 and unionist at the Coca Cola bottling plant, and her husband Herrera were the victim of intimidation tactics over the course of several months in 1989. Castro is a member of the women's group of the International Union of Food Workers (UITA), and her husband is a senior member of the Coca Cola union. During May, June, and July, strangers repeatedly visited their home asking for Herrera. On numerous occasions, cars parked near the house at night, generally arriving at about 5:00 p.m. and leaving shortly after Herrera returned. The cars flashed their lights on and off repeatedly. A light grey car with smoked-glass windows came on four incidents, the last time on June 29. Three other

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times a purple car carried out the surveillance, Castro told Americas Watch.

At about 8:30 p.m. on July 19, Castro left the UITA office after a women's group meeting. When she got off a bus near her home, two men waiting at the bus stop approached her and said they knew where she had come from. She should take care of her children, the men warned. The week before, a strange woman had approached her on a bus and said "soon you're going to be crying."

Other attacks against Coca Cola workers include the February 25, 1989 shooting in the leg of José Pantaleón's brother, Fladio Pantaleón, as he left a performance by the musical group which accompanies 203 performances; several assaults on theater group member Carlos Humberto Rodas beginning in January 1989; and threats against participants, warning them to leave the theater group.\* The circumstances of the shooting of Fladio, in which his attackers wielded weapons of a caliber only the security forces are permitted to carry and a nearby police vehicle did not intervene, suggest it was carried out by plainclothes police. In addition, armed plainclothesmen visited the homes of both Fladio and José Rolando Pantaleón on several occasions after Fladio was shot. (see above)

Fladio and Carlos Humberto Rodas have since fled the country and the theater group has been disbanded.

Everardo Palma: Palma, who played the role of a cruel military officer in 203 presentations, received several anonymous threatening notes at his home and visits from unknown men beginning in October 1988. The threats told him to leave the country and to watch out for his family. Palma has since fled Guatemala.

#### Other Unions

Ronald Ibarra: Labor sources within Guatemala have informed Americas Watch that Ibarra, Secretary General of the union at Tabacalera Centroamericana, S.A. (STTACA) was approached by two armed men in Zone 18 of Guatemala City. Ibarra was returning home on May 28, 1990, when two strangers approached him near his house. Ibarra fled the men on foot. This event occurred roughly one month after two uniformed police officers arrived at his workplace and questioned Ibarra, managers and other workers about STTACA, its membership and its political affiliation. When Ibarra asked the policemen why they were questioning persons at

\* Amnesty International, "Guatemala: Human Rights Violations Directed at Trade Unionists and Trade Union Theater and Music Group Members," AMR 34/42/89, August 1989.

Tabacalera Centroamericana, they responded that they were following orders from their superiors.

According to labor sources, police visited also the Coca Cola bottling plant and the Hotel Guatemala Fiesta (see below) and inquired about union members and activities. The UASP denounced these visits on May 9, 1990. ↓

On May 25, 1989, various armed persons entered a meeting of the union of the *Auxilio Póstumo del Magisterio* in Baja Verapaz, Salamá and threatened the union members there. This teachers union is currently holding a strike for better wages and job stability. The legality of the strike was recently upheld by the Guatemalan Supreme Court. TH 53

Ramiro Rodas Oserio and Julio Abdón González: Rodas (the brother of exiled former Coca Cola worker Carlos Rodas (see above)), Secretary General, and Abdón, Finance Secretary, of the workers' union at the Hotel Guatemala Fiesta, both fled Guatemala on May 25, 1990. According to labor sources, four armed men made an attempt on Rodas's life approximately two months ago as he was arriving home in Zone 17 of Guatemala City. (C21) TH 54

Approximately six months ago, a member of hotel security shot Abdón in the head, and permanently damaged Abdón's sight and hearing. The assailant, whom Abdón knew, walked with Abdón from the hotel toward a bus stop until they reached the corner of Sixth Avenue and Fifth Street in the capital, where Abdón was shot. According to reports, proceedings were begun against the assailant, but as of yet, he has not been sanctioned or imprisoned. Roughly one month ago, when Abdón was leaving offices of the General Confederation of Guatemalan Workers (the hotel union is affiliated with the CGTG) when three men approached him. The strangers pushed Abdón against a wall and stole union documents that he had been carrying. AT17 TH 55

GNT (National Wheatgrowers Union): According to labor sources, four leaders of the GNT were jailed in April of this year as a form of intimidation. The four were subsequently released by police after no charges were filed against them. Union leaders are also said to have received death threats in recent months. There has been a conflict between the union and management since February of this year. (C22) OBT J 45 4 TH 54 50

Anibal Alonzo: Various strange armed men attempted to abduct Alonzo, Secretary of Propaganda for SITRAINDECA, the workers' union at the Agricultural Commercialization Institute, in mid-March 1990. Labor sources have informed Americas Watch that Alonzo fled Guatemala approximately one month ago, after he and other leaders of the union received death threats. According to (C23) TH 60

reports, the union has become nearly non-functional.

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Members of STICAVISA: On January 31, 1990, some 700 members of the union at the Central American Glass Industries (CAVISA) plant, occupied the plant in Guatemala City, according to labor sources. The occupation occurred after a number of workers were dismissed because of their membership in STICAVISA. Workers staged the occupation to demand that they be guaranteed security of employment. According to Amnesty International, during the night of February 2 - 3, unknown men reportedly opened fire with machine guns at the front and back of the plant presumably in order to intimidate the workers occupying it.

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According to an article in the September 18, 1989 issue of El Gráfico,\*\* several labor leaders denounced threatening phone calls made against leaders of numerous unions, including among them the Guatemalan Confederation for Trade Union Unity (CUSG), the Guatemalan Workers' General Central Organization (CGTG), the National Federation of State Workers' Unions (FENASTEG), and the Guatemalan Workers' Trade Union (UNSITRAGUA). In the telephone threats, received at union offices and in the labor leaders' homes, leaders of the various unions were told "You are next...", in apparent reference to the violence carried out against members of the labor community at that time. The leaders reported also that the offices of numerous unions had been watched by unknown persons in cars with tinted windows.

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Rodolfo Robles S.: Robles S., the Executive Secretary of the International Union of Food and Allied Workers office in Guatemala, which provides information on abuses against union members in Guatemala to international human rights groups, had the entrance to his house in Guatemala City blocked on August 15, 1989, from 2:00 p.m. until 5:00 p.m. by five armed men driving a Mercedes Benz. Robles's wife called the police, but they did not come. On August 16, a secretary at Robles's office was accosted by a man in the street as she left work. The man asked her if she knew Robles and told her to be careful.\*\*\*

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Joel Torres Orozco: At 11:30 p.m., August 12, 1989, members of the National Police attempted to abduct labor lawyer Joel

\* Amnesty International Urgent Action appeal, UA 55/90, February 9, 1990.

\*\* As cited in Foreign Broadcast Information Service, Daily Report, September 25, 1989.

\*\*\* Human Rights Watch, The Persecution of Human Rights Monitors, December 1988 to December 1989, A Worldwide Survey, December 1989, at 145-6.

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Torres Orozco from his Guatemala City office, according to the Lawyers Committee for Human Rights.\* Torres was representing teachers' unions in their strike against the government at the time of the incident. He was working late in his office, when approximately four police cars and two or three unmarked vehicles blocked off the street in front of the premises. A group of armed men, some of them wearing National Police uniforms, asked Torres to come with them. As they presented no arrest warrant, Torres refused and telephoned the chief of the Seventh Police Corps, who told him he had no knowledge of orders to arrest him. The armed men left his office, but towed his car.

According to the Lawyers Committee, the National Police then consigned Torres's car to a penal court, charging that shots had been fired at the police from the vehicle, although Torres was not charged with firing the shots. After witnesses testified that no shots had been fired or heard, the police returned Torres's car, presenting him with bills for towing and parking.

The apparent abduction attempt came hours after the Supreme Court, responding to an emergency appeal by Torres, suspended a lower court ruling declaring the teachers' strike illegal and ordering them to return to work.

Agents of the Office of Professional Responsibility, which is charged with internal police discipline, visited Torres's law office with an order to investigate the attempted capture in September. We know of no arrests or disciplinary action in the case.

Omar Byron Rodríguez Quiñónez: Rodríguez, Secretary of Conflicts of the union at Cenaltex (the National Center of Textbooks), has been detained, harassed, and threatened, according to labor sources. Rodríguez is an active member of the state workers' federation, FENASTEG, and is a UASP representative to the National Dialogue. (C28)  
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On June 28, 1989 at 8:00 a.m., Rodríguez left the Cenaltex office to go to a meeting of one of the commissions of the National Dialogue. He was followed by a white Mercedes Benz and a Cherokee jeep, both with smoked glass windows. When he got on a bus, a police car reportedly pulled up in front and ordered the driver to stop. Police agents are said to have boarded the bus and seized Rodríguez, without offering any explanation. The policemen reportedly put Rodríguez into the police vehicle, drove him around, interrogated him, and examined his documents. He was told that there was a formal accusation against him of being a guerrilla, which he must clarify with a police chief. They drove TH  
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\* Lawyer to Lawyer Network, "Joel Torres Orozco -- Guatemala," Lawyers Committee for Human Rights, October 1989.

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to another location where another policeman entered the car and began a more thorough interrogation. When Rodríguez explained that his activities were only of a union nature, one policeman is said to have commented "You all always say that, but then you get involved at other levels." Rodríguez was denied the right to call his companions to inform them of his situation. He was transferred to another police vehicle and driven to the Third Police precinct, where once again he was interrogated. He was finally allowed to call his union, and at 12:30 p.m., other directorate members arrived at the police station. They were told that the detention had been in error and Rodríguez was free to go. All of the union leaders then went to the office of the National Reconciliation Commission to denounce the detention and the accusation.

The next evening, June 29, Rodríguez was again reportedly followed by plainclothesmen in Zone 8 of Guatemala City. On June 30, while waiting for a bus at 8:30 a.m., three armed civilians reportedly approached Rodríguez, took his documents away, interrogated him and threatened him with death. On July 7, his sister-in-law was harassed in Zone 1 of Guatemala City and told to be careful or she, too, would suffer consequences. Since that time, Rodríguez has been accompanied by other union members and international human rights workers.

Luisa Carlota Pérez and Natividad Porón de Fernández: On May 17, 1989, two members of SINTRABOFARM, the union at Bonin Pharmaceutical Laboratories, Pérez and Porón de Fernández, received written death threats from a death squad called "Los Justicieros," or the Avengers, according to union sources. The letter addressed to Pérez stated, in part:

Knowing that you are about to be MARRIED and with the desire that everything proceed without problems, we strongly beseech your PRUDENCE, with the goal of successfully arriving at your wedding and not leaving your husband a WIDOWER. We ask that you withdraw from your current life and look for a place to LIVE for awhile outside of this city.

With this WARNING, we seek to collaborate with you, since if you continue the way you are you will have bigger problems....\*

The letter to Porón de Fernández adopted a similar tone.

Sara Villegas Ordóñez: A bank union member, Villegas Ordóñez received telephone and mail threats in March 1989. Villegas had

\* Americas Watch, Messengers..., p. 60.

been active in the union at the Banco de los Trabajadores and in the federation of bankworkers (FESEBS) for over eight years. She has also been involved in a labor education program.

After several weeks of anonymous phone calls at her home, Villegas received an anonymous threat in the mail on March 20, 1989, which said "Warning: Sara Must Leave Guatemala," with a photograph in the corner of a hooded individual chained to a brick wall. On March 30, she received another copy of the same threat, with "Number 2" typed on it. Villegas has remained in the union.

Lucila Guadalupe Avila de Estrada: Avila, a leader of SINTRABOFARM, received several anonymous handwritten notes by mail around the beginning of March 1989, threatening that she should leave the union, or she, her children, and other family members would be killed. On March 15, Avila was forced into a black car by unknown men, driven around the city and then to the eastern part of the country, where she was transferred to another car and dropped off on a road near the Honduran border, according to union sources. These men repeated the same threats mentioned in the anonymous notes. While she was at a meeting with the Labor Minister, her husband reportedly received a phone call asking "What she was doing in the National Palace if she was supposed to have dropped out of the union." On March 28, 1989, Avila terminated her employment with the company. Shortly thereafter, she fled Guatemala.\* At the time, the union was negotiating legal recognition with the Ministry of Labor, a move unionists say was opposed by the plant's owners.

Rubén Gamarro: Armed plainclothesmen driving a police patrol car detained for eight hours Gamarro, a member of the union of the Montecristo Shoe Factory, according to a March 11, 1989 denunciation by the General Confederation of Guatemalan Workers (CGTG).

Carlos Pérez Oscar: Pérez, a member of the Municipal Workers Union (SCTM) in Guatemala City who suffered a three-day abduction and beating in 1987,\*\* was again the victim of harassment and intimidation in 1989. As of 1988, the government refused to recognize the elected leaders of the SCTM and considered the union to be out of existence. However in 1989, SCTM workers began organizing again, and according to Amnesty International, suffered intimidatory tactics. Shortly after activities were

\* Amnesty International, Urgent Action appeal, 100/89, AMR 34/24/89, June 9, 1989.

\*\* See Americas Watch, Closing the Space..., p. 34.



resumed, Oscar reported being followed constantly by seven men.\*

*Force*  
**Forced Labor**

Americas Watch has received testimony which suggests that Guatemala's civil patrol system\*\*, whereby some 600,000 men and boys, most of them Indians, provide unpaid service for the army, in some cases constitutes forced labor. (In addition, Americas Watch has documented the involuntary nature of patrol duty itself, despite the Guatemalan Constitution's clear prohibition on such involuntary service.\*\*\*)

Forced participation in the Guatemalan civil patrols constitutes forced labor when the work performed by the patrollers is not military in nature. Americas Watch has collected testimonies stating that participants in the civil patrols have been forced to build, repair or maintain infrastructure, such as roads and bridges. According to ILO Convention No. 105, to which Guatemala ascribes, signatory countries must take steps "to suppress and not to make use of any form of forced or compulsory labour...(b) as a method of mobilising and using labour for purposes of economic development..."\*\*\*\* Forcing unpaid patrollers to perform services unrelated to self-defense violates this Convention.

International Labor Organization (ILO) Convention No. 105 also states in part that signatory countries are obliged "to take effective measures to secure the immediate and complete abolition of forced or compulsory labour".\*\*\*\*\* Although Guatemala has signed on to this Convention, in practice the Guatemalan government has encouraged the existence of the patrols despite

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\* Amnesty International Urgent Action appeal, UA 292/89, August 3, 1989.

\*\* Formerly known as the Civil Patrols (*Patrullas de Autodefensa Civil*, or PAC), patrols now are officially called the Voluntary Civil Defense Committees.

\*\*\* Article 34 of the Constitution states in part that "No one is obligated to associate with or form part of groups or associations of self-defense or similar organizations..."

\*\*\*\* As cited in James A. Goldston, Shattered Hope, Guatemalan Workers and the Promise of Democracy, Westview Press, Boulder, Colorado, 1989, p. 84, note 3.

\*\*\*\*\* As cited in James A. Goldston, Shattered Hope, Guatemalan Workers and the Promise of Democracy, Westview Press, Boulder, Colorado, 1989, p. 84, note 2.

their forced nature. The military provides training and technical and logistic assistance to patrol leaders and members. And, when persons wish to resign from the patrols, or refuse to participate, they often meet government-sponsored resistance or worse, threats or death.

Two examples of forced labor within the patrols is described below. These cases demonstrate how patrolers are obliged to perform unpaid labor that is not military in nature.

**Ixil triangle:** Participants in the civil patrols in the Ixil triangle area of El Quiché, which is comprised of the towns of are Nebaj, Chajul and Cotzal, complain of being forced to perform services unrelated to "self-defense". In particular, patrolers have complained about having to guard road machinery located in Sumalito from guerrilla attacks.

Civil patrol leaders refused to send patrolers to watch the machinery, arguing that it is not important enough to risk their lives over. They stated that watching over the machinery is not the same as guarding their own homes, and in addition, the machinery is located far from their homes. In particular, patrolers from Bakchocola, a nearby village, have objected to guarding the machinery because it is a six hour walk from the village to Sumalito. Once there, they have to stay awake guarding the machine for shifts lasting 24 hours. Then, they must walk another six hours back home. Because of the exhaustion caused by the long shifts and round trip, these patrolers may not feel well again for another three days.

At a December 1989 meeting with the military commander at the base in Nebaj, the patrol chiefs reasoned that soldiers, not patrolers, should be stationed at the machinery to guard it, because the soldiers receive a salary. At that point in the meeting, the lights went out. The commander suggested that the because the villagers were angry, they should go home, and that another meeting would be held to discuss this problem at a later date. No other meeting was ever called.

The army then obligated the patrolers from the villages closest to the machinery to guard it. Twenty men were made to stand guard for shifts of 24 hours each. The patrolers were upset also because the road machinery was not in constant operation while they were guarding it; apparently the machinery was not in use for a time while the

\* For a recent example of violence against persons not wishing to work in the civil patrols, see Americas Watch, News from Americas Watch, "Army Campaign against Rights Activists Intensifies," May 1990.





driver of the machinery went on vacation.

Some of the patrolers then went to the Department of Highways to complain about their patrolling, and to ask the Department to pay them for guard duty, or else to get someone else to guard the machinery. To the best of our knowledge, the Department has not paid the patrolers and has yet to send a paid worker to guard the machinery.

Bicalama, El Quiché: Bicalama is a newly constructed village north of Nebaj, El Quiché. According to residents interviewed by Americas Watch in Santa Cruz del Quiché, the army tightly controls the village through its own troops, civil patrol chiefs and military commissioners. Anyone wanting to leave the village must obtain permission from a civil patrol leader or military commissioner.

Adult males in Bicalama are required to complete a shift with the patrols once every six days for 24 hours. Those who do not wish to patrol are called guerrillas, which is an implicit threat, according to the patrolers interviewed by Americas Watch.

On January 9, 1990, the army called together the families of Bicalama for a four hour meeting. Some twenty soldiers, in the presence of an Ixil translator, told the families "You have to work, you have to respect what the [civil patrol] commissioners say because it will benefit you. You have to better your village. You have to get wood and donate five quetzales each to build a house for the five teachers who are coming to live here." The men were told to finish the house by January 25. As of this writing, Americas Watch is unaware of the status of this house building project.

When asked about forced patrolling in Bicalama, then Defense Minister General Alejandro Gramajo suggested to Americas Watch that there may be a problem at the "Lieutenant level," but reiterated that forced patrolling is not army policy. He expressed no interest in correcting the problem.