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PETITION BY THE INTERNATIONAL LABOR RIGHTS
EDUCATION AND RESEARCH FUND
Labor Rights in Guatemala

May 30, 1988

1987 petition
IN STATE

The International Labor Rights Education and Research Fund requests a review by the United States Trade Representative of labor rights in Guatemala. The information contained herein was obtained from a variety of sources, including interviews conducted by the Labor Rights Fund within Guatemala during a six week investigation of labor rights in April and May 1988. Sources are cited throughout this petition.

This request is filed pursuant to Section 502(b)(8) of the Trade Act, and relates particularly to the statute's provision that countries receiving benefits under the Generalized System of Preferences must be taking steps to afford internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, and freedom from forced or compulsory labor. The petition is not a complete review of impediments to the right of association in Guatemala, which will be discussed at length in an upcoming full-

length report by the Fund, but rather, selected examples of abuses against organized workers and a brief discussion of impediments to organizing. This petition does not deal explicitly with the limits on labor activity in the Guatemalan labor code. The Fund will submit supplemental information on this and other labor rights issues to the U.S. Trade Representative upon completion of our report in July 1988.

The International Labor Rights Education and Research Fund requests this review of worker rights in Guatemala as a means by which the United States can encourage the Cerezo Government to take specific steps to protect organized workers, prosecute those responsible for gross abuses of trade unionists and other civilian victims of political violence, eliminate forced labor, and expand associational rights by improving government procedures to legally recognize new unions.

ASSASSINATIONS OF ORGANIZED WORKERS

During the first two years of President Cerezo's government, Americas Watch, an independent human rights monitoring organization, recorded six unionists killed, eight disappeared, dozens threatened and eleven teachers assassinated. ("The Reagan Administration's Record on Human Rights in 1987" at 59.)

It should be noted that assigning responsibility for political violence in Guatemala is difficult, because neither the police, the press, nor human rights groups investigate most political killings or disappearances. Under military

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dictatorships in the past, labor unionists were among those sectors of the Guatemalan citizenry who were particularly targeted for repression by the police and military forces. While the civilian president of Guatemala, Vinicio Cerezo, is clearly not selecting political victims, as did his predecessors, and does not support military abuses, it also appears that his government is incapable of ending participation in political violence by elements of the military and police.

While the Government of Guatemala has dismissed all killings as the work of common criminals, there are a number of factors which indicate that much of the violence is politically-motivated, and that elements of the armed forces and police are involved: 1) the armed forces have never been disciplined for thousands of murders and disappearances committed under previous governments, and indeed took care to immunize themselves from possible prosecution for past crimes by promulgating a sweeping amnesty law in January, 1986, just prior to the inauguration of the current civilian government; 2) not a single member of the armed forces or police has been brought before a court of law, tried and punished for abuses against civilians since President Cerezo took office, in spite of dozens of cases which bear clear signs of official involvement; 3) the same groups of people who were targeted for murder and disappearance in the early 1980's -- students, peasant organizers, trade unionists, teachers -- are still the victims of political violence; 4) many of the victims' bodies are found with their money intact -- they were clearly not

murdered in the course of a robbery; 5) many of the victims bear the marks of mutilation and torture, practices not normally associated with common crime; 6) many of the victims are kidnapped and "disappeared" for days or weeks before their bodies later appear. Kidnapping and disappearance are not a characteristic of common criminal activity, but rather of political violence.

It is important to note that "death squads" in Guatemala which were responsible for thousands of murders and disappearances in the early 1980's, did not operate independently from the armed forces. According to Amnesty International in "Guatemala: A Government Program of Political Murder," February 1981, "Amnesty International believes that abuses attributed to the [death squads] are perpetrated by the regular forces of the civil and military security forces." Accordingly, when "paramilitary groups" are described in some of the cases listed below, we are concerned that they may be operating with the acquiescence or actual participation of members of the armed forces, as they did in the past. To our knowledge, the authorities have never dismantled paramilitary death squads, impeded their activities, or brought any of their members to trial for gross violations of human rights.

Described below are several cases of assassinations of organized workers which have occurred since President Cerezo took office. In some of the cases there were reports of official involvement. Sources are cited where possible. Throughout this

document, GAM refers to the Grupo de Apoyo Mutuo, a Guatemalan association of families of the disappeared which frequently collects testimony from witnesses and relatives of victims of political violence. GNIB refers to the Americas Watch publication "Guatemala News in Brief." GNIB sources include personal interviews and reports in Guatemalan newspapers. Central America Report is a weekly summary and analysis of trends and events in the Central American region published in Guatemala by Inforpress Centroamericana. "Interview" refers to interviews in Guatemala conducted by James Goldston, a consultant to the International Labor Rights Education and Research Fund, and author of its forthcoming report.

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-- In April 1988, a man referred to as a "supposed guerrilla" was found dead with several perforations in his head from bullets of unknown calibre in the aldea (small village) of Canche, San Pedro Necta, Huehuetenango. Jorge Lainez Mendez, 39, was found with a "great quantity" of literature of the Committee for Peasant Unity (CUC), an organization of rural Guatemalans which resurfaced in late 1987 after several years during which it could operate only clandestinely. According to the National Police, his body was found near a 20mm. shotgun and three cartridges. (Prensa Libre April 7, 1988). The CUC was unable to confirm or deny whether the victim was a CUC member or whether the literature he was carrying had been placed there after the fact, saying only that his murder was an example of government repression of legitimate peasant organization. (Interview, C1)

Guatemala City, May 1988.)

-- On March 19, 1987, Edgar Arana Castillo, who had been back from exile less than a year, was kidnapped near his home in Zone 5 of the capital. A physician who had worked as a teacher, Arana was working in the promotional department of the newspaper, El Grafico. His body, savagely tortured, was found under a bridge in the department of Santa Rosa. Before receiving death threats and moving to Panama, Arana was active in a teachers' union. (Central America Report, April 10, 1987 at 106.)

-- On February 28, 1987, Manuel de Jesus Lopez Morales, member of the Luz y Fuerza electric power union, was kidnapped after leaving his home in Escuintla for Guatemala City, where he was going to drop off personal documents. His body was found in March in the capital, with hands severed and face so mauled as to make identification difficult. National Police director Colonel Julio Enrique Caballeros attributed Lopez's death to his past criminal record -- four previous arrests. Despite the fact that the body of law student Jose Derick Calderon, kidnapped one day before Lopez's disappearance, turned up simultaneously at the same site as Lopez's body, Caballeros dismissed the possibility that political motivation lay behind the murders. (Americas Watch GNIB 12 at 3; GAM, Boletin Informativo No. 4, Feb - April 1987, citing La Hora, March 9, 1987.)

-- During May/June 1987, Abel Enrique Recinos, a peasant leader active in the land reform movement in Fray Bartolome de las Casas, Alta Verapaz, was kidnapped, tortured and later found

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dead. During the same period another peasant who was petitioning the government for land, German Chicay, was machine-gunned to death. (Central America Report, July 31, 1987, at 226).

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-- On June 6, 1987, Cesar Manuel Osorio, a 44-year-old union leader and Christian Democrat official from Santa Maria Chiquimula, Totonicapan, was assassinated while working on his land. Julio Celso de Leon, then head of the CGTG (General Confederation of Guatemalan Workers), reported that Osorio was killed by the Army. According to Celso de Leon, "This did not come out in the press. The CGTG leadership there did not tell us anything until a week after his death, for fear of reprisals in the area." A sign was left next to Osorio's body saying, "This is how communist agitators die." (Americas Watch GNIB 15 at 2.)
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-- In July 1987, a member of the Guatemalan Telecommunications Workers Union (STETG) was killed, according to press reports. (Americas Watch GNIB 16 at 5.)
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-- On October 25, 1987, peasant leader Hermenegildo Dolores Fuentes, 30, was kidnapped in San Rafael Socho, San Marcos by a paramilitary group. According to his family, he had recently been organizing a group of peasants to petition the government for land. His body was discovered on October 26, with multiple tortures and burns and an eye cut out. (GAM, Boletin Informativo No. 6, August - Nov. 1987; Americas Watch GNIB 19 at 4, citing Amnesty International's "Urgent Action" petitions.)
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-- On November 30, 1986, Andres Ruben Ramirez Escobar, 25, a farmworker leader, was kidnapped in Nuevo Progreso, San Marcos.
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At dawn several armed men forcibly took him from his house. He was found killed on December 8 in Pajapita, San Marcos. His wife said that Ramirez was organizing a farmworker association to petition the government for land. (Prensa Libre, Dec 1, 1986; GAM, Boletin Informativo No. 3 (Nov-Dic-Ene 1986-87)).

-- Efrain Cotzol Sisimit, a member of the SCTM (municipal workers union) died January 17, 1986 as a consequence of shots fired by unidentified armed men. (Amnesty International, "Cronica Laboral," November 1987, No. 7.)

-- On November 14, 1986, Juan Vasquez Velasquez, a member of the SCTM municipal workers union in Guatemala City, disappeared. Several days later he reappeared, tortured and severely beaten. Vasquez died on November 28. (Americas Watch GNIB 9 at 2; GAM, Boletin Informativo No. 3 (Nov-Dic-Ene 1986-87)).

-- On July 23, 1986, Justo Rufino Reyes Alvarado, Secretary for Social Welfare of the Central Union for Municipality Workers (SCTM), was stabbed to death twice in the chest just after noon two blocks from City Hall by two unidentified men who escaped in a car. None of his documents, nor the money he was carrying, were stolen. Mayor Alvarado Arzu and President Cerezo condemned the crime. The president of the congressional labor commission, Carlos Escobedo, said the crime was intimidating to unions. Christian Democrat Congressman Otto Baechli stated that the act constituted a political crime: "The circumstances in which it was carried out and the victim's positions in the city union indicate it was politically motivated." Another Christian Democratic

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Congressman, Alfonso Alonzo, added that "it is certain that the government is incapable of controlling violence." Revolutionary Party congressman Jose Rolando Ruano noted that, "perhaps we are facing a new wave of repression against union organizations." He said he did not believe that the killing had been ordered by the government. Some observers suggested that the murder might have been the responsibility of extreme right-wing elements intent on destabilizing the government. Police Chief Colonel Julio Enrique Caballeros attributed the killing to common criminals. Two weeks later two suspects were charged: one was arrested and another was sought. The latter was found murdered and the arrested man was released because a judge found the evidence insufficient. (Central America Report, September 5, 1986, at 266; Central America Report, August 1, 1986, at 231; Americas Watch GNIB 5 at 4, citing El Grafico, July 24, 1986, La Hora, July 26, and La Hora, July 24.)

DISAPPEARANCES, ABDUCTIONS AND OTHER VIOLENCE

Abductions, kidnappings, and disappearances were a common means of repression against trade unionists and other civilians under previous military dictatorships. As the following examples indicate, trade unionists continue to be subjected to these forms of reprisal. While it is not possible to identify the perpetrators in most cases, it is disturbing that the Guatemalan Government is unable to stop kidnappings and disappearances, or to effectively investigate them and prosecute those responsible. In Guatemala, "disappeared" people almost never reappear alive.

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-- On May 12, 1988 half-brothers Gaspar Mendoza y Mendoza and Gaspar Mendoza Mendoza -- two trade unionists affiliated with STINDE, a union of workers of the state-run electric power institute -- were arrested in Aguacatan, Huehuetenango when they were taken from their place of work by the military commissioner of Aguacatan, who was accompanied by members of the local civil patrol. The Mendoza brothers were taken away on foot and although a writ of habeas corpus was submitted on their behalf to the Supreme Court, there is no further information on their whereabouts. The authorities have denied holding them. (Amnesty International, "Urgent Action", May 17, 1988.)

-- According to reports in the Guatemalan press, on April 5, 1988, the evening after her union had won a court-ordered election to determine which of two rival unions at the Guatemalan Red Cross facilities would be granted legal recognition, Lillian de Barrios, Secretary of Finances of one of the unions in formation, was abducted for six and one-half hours, threatened and tortured. Union officials report that their organizing efforts have met with continual harassment on the part of the Red Cross administration since the union's formation on October 22, 1987.

According to de Barrios, she was abducted by three young men at 7:30 PM on April 4, 1988 in Colon Park, shortly after leaving the Red Cross offices. Two of the men forced her into a white car and took her to the Belice Bridge, where they asked her why she was working for the union and persuading others to

affiliate. During the time de Barrios was in their custody, the men used a pliers to pull skin away from the area behind her right ear. They also kicked and hit her, poured alcohol on her body, and threatened her with death if she continued her union activities. At about 2a.m. on April 5, the men left her in the Isabel Catholic Park in Zone 2 of the capital. Union leaders attributed the incident to intimidation of Red Cross personnel collaborating with the former president of the organization. (Prensa Libre, El Grafico, La Hora, April 6, 1988.)

-- On June 12, 1986, Benjamin Borja Leonardo, 35-year-old secretary general of the Hopy S.A. Peasant Workers' Union (union of workers on an agricultural estate) was kidnapped by unidentified individuals while on his way home in the Morales municipality in the department of Izabal. (Americas Watch GNIB 4 at 1.)

-- On November 3, 1987, Nicolas Martinez Martinez, 57, a unionist from Guazacapan, disappeared. As of December, the case was being investigated by local police authorities. (Americas Watch GNIB 19 at 5, citing press reports.)

-- On March 24, 1988, Augusto Mendoza Monney, Secretary General of the union in formation at the Bank of the Army, was attacked by two men near his home in Guatemala City, as he was returning from work around 6 p.m. Mendoza suffered three knife wounds. After the attack, the two men fired gun shots into the air, and left on a motorcycle. That morning, a labor judge had rejected the Bank's motion to deny the union recognition. The

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Bank had argued that its employees are members of the Army, and hence do not enjoy rights of unionization. The judge ruled, however, that the Bank is a "Sociedad Anonima" organized, like most other private businesses, according to civil, not military law, and that since the Bank's formation in 1971, work contracts had been reviewed not by the Ministry of Defense, but by the Ministry of Labor. The bank workers' federation, FESEBS (Union Federation of Bank and Insurance Employees), condemned the attack and held the Bank's directors responsible. FESEBS officials report that other leaders of the union in formation at the Bank of the Army have received death threats. FESEBS leaders said that Defense Minister Gramajo pledged on April 15 that he would meet with them to discuss the matter of opposition to unionization at the Bank of the Army, but as of late April, no meeting had taken place. It should be noted as well that on March 14, ten days before the attack, Bank of the Army general administrative director Maximo Ruano Ayala transferred Mendoza to an inferior work category. FESEBS alleges that the move was a reprisal for union organizing activity previous to the attack ten days later. (Interview, Guatemala City, April 1988; Prensa Libre, Mar. 26, 1988; El Grafico, Mar. 26, 1988.)

-- In the early morning of October 20, 1987, at about 3 a.m., two armed unidentified men fired shots at a leader of a union on a sugar plantation in the department of Escuintla. (The individual and the union permit publication of this incident only on condition that, for security reasons, their names not be

disclosed.) The assailants missed the unionist, but two bullets injured a bystander. According to union sources, the assailants were later reported by eyewitnesses to have been waiting for some time that night for the appearance of the targeted unionist. Little more than one hour after the incident, a note was found by the entrance to the hall where the dance was held telling the unionist that the two bullets had been intended for him. Union officials have not publicly denounced the incident for fear of reprisal. (Interview, Escuintla, April 1988.)

-- In early 1988 an organizer of the Union Front of the Southern Coast (Frente Sindical de la Costa Sur) and a unionist from one of its constituent members in Escuintla were walking along a sidewalk in the capital one afternoon when a car with five unidentified persons inside pulled up next to them, a window was opened, and the two were sprayed in their faces with a bluish substance from a canister. The car pulled immediately away, and the men felt sick and faint for about an hour and a half. The unionists believe that the attack was designed to intimidate the newly forming regional union organization. The Frente Sur contains some 25 agricultural and commercial unions in the area of the southern coast. (Interview, Escuintla, April 1988.)

-- On January 16, 1988, Julio Alberto Lopez, leader of a union of merchants of the La Placita market in Guatemala City was grabbed and detained by four unidentified men after he had been handing out literature advertising a January 18 march to protest the government-proposed rise in electricity rates. Lopez was hit

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by the men and warned not to participate in the march. The incident occurred around 8 p.m. as Lopez was returning home from distributing literature at the various markets in the capital. The four men, who carried firearms, came upon him in a white van and forced him inside. He was released after less than an hour. Lopez's union is an affiliate of the CUSG, the AIFLD-funded Union Unity Confederation of Guatemala. The US Embassy Labor Adviser suggested that the detention was related to Lopez's labor activities. (Interviews, Guatemala City, April, May, 1988; Prensa Libre January 17, 1988.)

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-- On December 7, 1986, Edgar Leonel Marroquin, a farmworker unionist, was kidnapped in Puerto Barrios in the department of Izabal. (GAM, Boletin Informativo No. 3 -- Nov-Dic-Ene 1986-87.)

-- On December 7, 1987, during a nationwide strike by breadmakers, 10 unidentified men assaulted the baker Oscar Rolando Villeda Sagastume, 27 years old, in Guatemala City and then kidnapped him. Villeda's companion reported the incident, and offered her belief that Villeda's abductors were fellow workers, and that his kidnapping was related to ongoing bakery labor disputes. (Americas Watch GNIB 20 at 3.)

-- On September 16, 1987 Carlos Perez Oscar, a 44-year-old leader of the SCTM (municipal workers union) and activist in the Socialist Democratic Party (PSD), was kidnapped by a group of unidentified men traveling in a car. The kidnapping occurred in downtown Guatemala City, ten blocks from National Police headquarters, as Oscar was leaving a cafeteria with a fellow

unionist following a union meeting at the Bellas Artes Theater. Oscar's companion was beaten and Oscar was forced into a waiting vehicle. Habeas corpus writs were filed on Oscar's behalf; he was released two days later. After his release Oscar reported that the armed assailants who had abducted him had thrown salt in his eyes and choked him with their feet, while holding him captive at an unknown location. On September 17 his captors threw him into a ravine in San Pedro Ayampuc, outside the capital, and threatened to kill him if he continued participating in union activities. Oscar accused city officials, including Mayor Alvarado Arzu, of responsibility for his kidnapping. This was Oscar's second abduction. (Americas Watch GNIB 18 at 3.) The city's Vice Mayor denied that the kidnapping ever occurred, implying that union accusations were nothing more than efforts to discredit Mayor Arzu. (Central America Report Oct. 9, 1987, at 308.)

(26) -- On December 23, 1987, five unidentified, armed persons abducted Luis Roberto Orozco, a municipal worker who was not a union member. Just after leaving work that day, he was taken by the men, blindfolded and driven around Guatemala City for three hours. He was then stripped and beaten at the edge of a ravine in Zone 7. According to Orozco, his abductors repeatedly questioned him about the activities of Carlos Oscar, a leader of the SCTM (municipal workers union) who was himself kidnapped in September. (see above.) When Orozco denied any knowledge of Oscar's union activities, he was thrown into the ravine.

case stated, "[t]here was probably no doubt they intended to kill her." Figueroa alleged that her kidnapping was carried out by security forces hired by enemies at the Customs House. (Americas Watch GNIB 17 at 4; GAM, Boletin Informativo No. 5, April - June 1987; Interview, Guatemala City, April 1988.) (NOTE: The US Embassy makes apparent reference to this case in its August 1987 report, "Labor Trends in Guatemala," saying, "[o]f the few violent incidents involving trade unionists, none of which showed a pattern of reprisals, only one could be linked to government officials. This particular case involved a long-term corruption problem among low-level bureaucrats. The Christian Democratic GOG [government of Guatemala] was in no way responsible." U.S. Embassy, "Labor Trends in Guatemala," August 1987, at 16.)

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-- On February 18, 1987, Andres Tocay, a peasant leader from the department of Retalhuleu, was kidnapped by assailants who identified themselves as police agents and forced him to drink a liquid before interrogating him. He was released two days later, and his abduction was publicly denounced by Christian Democrat Congressman Otto Baechli. (Americas Watch GNIB 11 at 3.)

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-- In June 1986 SCTM (municipal workers union) leaders denounced an assassination attempt against then-Secretary of Finances Jose Mercedes Sotz Catu in which Sotz's three-year-old son was seriously wounded. On May 31, Sotz's son was shot in the back when he was walking with his father toward a bus stop on the campus of the University of San Carlos. The child was paralyzed from the waist down. (Amnesty International, "Cronica Laboral,"

Although police said they would report the incident to the courts, as of January, Orozco had not been called to present his case. (Americas Watch GNIB 20 at 14.)

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-- On September 22, 1987, in Palin, near Purulha, Alta Verapaz, six unidentified employees of the "Moscamed" Mediterranean fruit fly program were kidnapped by guerrillas. According to press accounts, the guerrillas stopped the workers, burned their jeep and took them away on foot. (Americas Watch GNIB 18 at 3.)

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-- On August 19, 1987, Rene Araujo, a leader of the municipal workers union in formation in San Antonio Suchitepequez, was kidnapped, according to Ricardo Bonilla, Deputy Secretary General of the CUSG (Union Unity Confederation of Guatemala) union coalition. According to eyewitnesses, Araujo was intercepted on his way home by two armed men who forced him into a black vehicle with polarized windows and drove away. Bonilla says that the kidnapping may have been related to Araujo's recent denunciations of the local major for illegal firings. Araujo's kidnapers ordered him to retire from the union; he was freed August 20. (Americas Watch GNIB 17 at 3.)

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-- On June 25, 1987, Georgina Yolanda Figueroa, a customs workers union leader, was kidnapped in Guatemala City by unidentified men armed with machine guns. Figueroa, who escaped the next day, told journalists she had been taken to a village five hours from the capital and overheard her captors discuss how they would kill her. A U.S. Embassy official commenting on the

Nov 1987, No. 7). On February 4, 1986, Sotz had been seized on a Guatemala City street by three heavily armed men who held him for several hours while they tried to intimidate him into withdrawing from activities with the union. According to Sotz, the men hit him with weapons and kicked him. Sotz alleged that his captors were the personal guards of Mayor Arzu. (Amnesty International, "Cronica Laboral," Nov 1987, No. 7; Amnesty International, 1987 Report, at 169.)

-- In August, 1986 the education workers union (STEG) asked the defense minister to have local military authorities investigate the June 18 kidnapping of a Peten teacher, Byron Efrain Salazar. (Central America Report, September 5, 1986, at 266.)

-- On December 28, 1986, at dawn "various armed subjects" kidnapped peasant leader Pedro Lopez Gutierrez, 40, from his home in Lantuquizi, Comotan, Chiquimula, the National Police reported. His wife, Nicolas Perez Marcos, said that Lopez had never been involved in "political activities," but that he had recently organized a group to solicit land from President Cerezo. (Prensa Libre, December 29, 1986; GAM, Boletin Informativo, No. 3, Nov-Dec-Ene 1986-87.)

-- On October 22, 1987, German Ventura Hernandez, an ex-trade union leader who had recently returned from Mexico to visit his family, was kidnapped in Talisman, San Marcos, on his way back to Mexico. According to Amnesty International, he was abducted by Kaibil Army forces driving three "Suburban" station

wagons with license plate numbers 203129, 203232 and 33771.
Ventura's family presented a habeas corpus writ in Guatemala City
on October 24. (Americas Watch GNIB 19 at 4.)

(C25) -- Jorge Herrera, a legal adviser to several trade unions
and a former teacher at the School of Trade Union Studies at the
University of San Carlos, was abducted in Guatemala City on July
26, 1986, and was still missing at the end of the year. Herrera
was the fifth member of his family to have "disappeared" or been
killed in recent years reportedly because of union activities. *Family*
(Amnesty International, 1987 Report, at 169.) *Death +4 = (29/30)*

THREATS AND INTIMIDATION

Death threats, harassment, and intimidation of trade
unionists seriously impedes their ability to organize and *FOA*
bargain. Death threats, surveillance, and intimidation either
by uniformed members of the armed forces or by plainclothes men,
are an ominous reminder of the early 1980's, when an entire
generation of Guatemalan labor and peasant leaders disappeared or
were assassinated by the Army, police, or death squads
affiliated with them. In the present context, when numerous
trade unionists and peasant organizers continue to be killed and
"disappeared", and the government has been unable to bring anyone
to justice for the crimes, threats such as those described below,
have particular resonance.

(cases) -- According to union sources, members of the union at the
Petrosteel plant in Guatemala City, which produces plastic bags,

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have received numerous death threats in 1987 and 1988. In December, 1987, unidentified armed individuals waited outside the home of the union's secretary general and threatened him with death over half a dozen times. In early January, four armed plainclothes men allegedly confronted him near the government Office of Immigration, grabbed him and warned him to quit the union and leave the country. Shortly thereafter, in January, 1988, he went into exile in Canada. He denounced government security forces as being responsible for his persecution. (Interview, Guatemala City, April 1988; Americas Watch GNIB 20 at 14.)

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-- On January 28 another Petrosteel union member, Pedro Daniel Garcia, was accused of having robbed some pieces of wood from the factory, a charge that he and the union denied. The National Police came to the factory that day to detain him, but he was released shortly thereafter without any charges lodged. Other union leaders have been denied entrance to the Petrosteel plant for several days at a time. (Interview, Guatemala City, April 1988; Press Release, Union of Workers at Petrosteel, Jan. 29, 1988.)

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-- During December, 1987, the secretary general of the union of workers at Bonin Laboratories, received telephone death threats and was followed by unknown persons. (Americas Watch GNIB 20 at 14.) The recently formed union, which has met with staunch employer resistance, has been awaiting government action on an application for legal recognition since October, 1987.

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-- In April 1988 the union of workers of the Ministry of Culture and Sports denounced death threats that had been issued against Aura Violeta Flores de Hernandez, a Ministry employee and union affiliate. The union denounced the acts as part of a "systematic campaign against union organization in the Ministry," and accused two Ministry workers of having placed a note on the door of the home of Flores de Hernandez, which said, "Abandon your work in the Ministry, because your life is in danger." Flores de Hernandez was accused of having stolen \$40 from one of the two workers who are said to be responsible for the threat. (El Grafico, April 21, 1988.)

-- In February, 1988, teachers from the "Mateo Herrera" school in the village of Cerro de Oro, near Santiago Atitlan, Solola, were forced to abandon the municipality after allegedly receiving death threats. Shortly before, the national teachers union (STEG) had issued a declaration referring to Santiago Atitlan, that "the army is engaged in acts of intimidation against teachers and the population in general." On January 22, members of the Solola teachers union called on President Cerezo to investigate threats allegedly received by teachers in Santiago Atitlan. (Central America Report Mar. 18, 1988, at 83.)

-- In early 1987, Sergio Guzman, a leader of UNSITRAGUA (Union Unity of Guatemalan Workers), a loose coalition of more than 30 independent unions, received a number of telephone death threats at home and at the UNSITRAGUA office warning him to stop his union activities. (Americas Watch GNIB 17 at 2).

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-- On May 4, 1987, in the midst of the public employee strike that affected most of the country, "armed unidentified individuals surrounded the post office [in Guatemala City] and issued death threats to at least four union leaders employed there. One of the assailants took out an automatic pistol from his jacket and told the leaders, 'If by May 15 this shit hasn't ended, then we're going to take reprisals against you and all union leaders. . . . The government and the people are fed up with [the strike]. We're going to break you. . . and then everyone will work.'" (Quoted from local press sources). Outside the post office a car waited with three more armed men inside. Union leaders reported that the armed man in the post office had shown them his identification, but that they were too nervous to take note. (Americas Watch GNIB 14 at 4-5, citing El Grafico May 5, 1987.)

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-- Manuel Meneses, secretary general of the Public Finance Ministry union, reported that leaders^{plura} of the public employee strike of April-May 1987 received death threats and warnings as well as anonymous messages to leave the country. According to Meneses, "the repressive forces have even said that they are going to 'disappear' union leaders, but we have sufficient sectors prepared to take over for us at any given moment. . . . The minute they 'disappear' a unionist, or do anything to him, we'll go into the streets with our wives and children and this can only lead to civil war." (Americas Watch GNIB 13 at 6.)

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-- Leaders of the SCTM (municipal workers union) and the

Public Finance Ministry union also denounced alleged telephone death threats communicated to union leaders during the public employee strike of April-May 1987. SCTM leader Alfonso Loarca reported that, on April 22, he received an undated, xeroxed death threat at his home. The threat was signed by "The Right" and contained the following message: "Directors of the ... SCTM ... We know that you continue to create problems for us. Be very careful because we have you on a list. If you [are not careful] we will break your... ! ! ! at any given moment." According to press accounts, nine SCTM leaders received this message at their homes. (Americas Watch GNIB 13 at 6.)

-- Father Andres Giron, leader of the National Peasant Association (ANC), which for the past two years has been petitioning the government to sell land to landless peasants, and Juan Francisco Alfaro Mijangos, CUSG secretary general, reported in March, 1987, having received threats signed by the Secret Anticomunist Army (ESA), accusing them of being "communists." National Police spokesperson Carlos Escoto said that "any individual or organization that receives death threats from the clandestine organization 'ESA' should denounce this so that the Police can investigate the denunciations" Escoto said that the Police had no proof that the ESA exists, but that citizens such as Giron could not be criticized for making such denunciations, because "there is freedom of expression" in Guatemala. (Americas Watch GNIB 12 at 5.)

-- In mid-March, 1987, Father Giron accused civil patrol

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leaders from Quezaltenango and San Marcos of threatening to kill members of his peasant land movement if they do not abandon their cause. (Note: Civil patrolmen are unpaid militia who are organized and commanded by the army.) Rafael Flores, one of those threatened, said that the threats originated in villages and municipalities of El Quetzal, La Reforma, Chibuy, and Colomba Costa Cuca, in San Marcos and Quezaltenango. Flores also said that, at times, the civil patrolmen had been accompanied by Guatemalan Army members. (Americas Watch GNIB 12 at 11.)

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-- Father Giron has received death threats at least since 1986, when a sign was spray-painted on the wall of a hospital he was building in Nueva Concepcion, Tiquisate, Esquintla: "Priest Son of a Bitch, We're Going to Kill You." The sensitivity of labor demands in Guatemala is such that even congressmen are not immune. Christian Democratic Congressman Otto Baechli reported in August 1986 that he received death threats after defending a salary increase proposal. (Americas Watch GNIB 6 at 5.)

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-- Father Giron said he currently receives telephone death threats at his house "regularly." "Fifteen days ago [in early April, 1988] a rich man came here on a Saturday afternoon and said, 'Father, I believe in what you are doing. I think you're right. I think there must be justice for the people. But I want to tell you. A bunch of us recently had a meeting and a lot of people were saying, 'We're going to have to kill Giron.'" Giron reported that in early April 1988 he received a telephone call which said, "Take care of yourself. You have one week to go."

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(Interview, Nueva Concepcion, April 1988.)

-- In May, 1987, in the midst of the major public employee strike, according to officials of STINDE (National Electrical Institute Workers Union), then-secretary of organization Jaime Izaguere was held for two hours by elements of the Army G-2, during which time he was hit and told to abandon union activity. He left the union movement shortly thereafter out of fear for his life. (Interview, Guatemala City, April 1988.)

-- In November, 1987, shortly after STINDE had presented documentary evidence to President Cerezo of what they alleged to be corruption on the part of the Electrical Institute's management, Jorge Castillo, STINDE secretary of conflicts, received a telephone call which said, "Remember. You have a family. Stop making these denunciations."

STINDE officials allege that the Electrical Institute's security force is part of the Army G-2. According to them, the new chief of security at the Electrical Institute as of March 1988 was transferred from Quezaltenango, where he had been implicated in the assassinations of two former university students and agronomists in October 1987. (Interview, Guatemala City, April, 1988.)

-- For one and a half years workers at the Costa Rica plantation (Annex to the La Torre plantation) in Pochuta, Chimaltenango have been seeking, through judicial means, the reinstatement of what have now amounted to 34 union members fired since November 22, 1986. (Three were fired Nov 22, 1986; 26 more

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were fired on Nov 28; and 5 more were fired Aug 19, 1987). The employer has appealed a Chimaltenango tribunal's August 19, 1987 order to rehire and pay back wages to 29 of the fired, but thus far the fired workers have secured no adequate remedy. The CGTG, the confederation of which the union is an affiliate, has pressed this issue, meeting with the Archbishop, the President, the President of Congress, the Minister of Labor, the Human Rights Prosecutor and the Minister of Defense, all to no avail. On February 28, 1988, the local chief of Mobile Military Police in Pochuta called the union secretary general and eight other members of its executive committee to his office and told them they had better just pick up their severance pay and leave the farm forever, or there would be problems. He had earlier warned the union not to meet after 6 p.m., as he could not guarantee their physical safety at night. (Interview, Guatemala City, April 1988). (In mid-March Defense Minister Gramajo told CGTG leaders that the local police chief would be transferred. As of mid-April, CGTG officials could not confirm that this in fact had occurred, but they reported no further threats.)

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-- In November 1987, leaders of the union of workers of the government immigration office received telephone death threats. The union leaders alleged that these threats were linked to allegations of corruption which workers had recently brought against the government agency and its chief, Milton Cerezo, brother of the President. Cruz Antonio Barrios, secretary general of the union, reported that each of the union leaders had

received threats by telephone at home and at work. In June 1987 Milton Cerezo was accused by his predecessor as Director General of Migration, Clodoveo Dominguez, of having sold 88 passports to citizens of China and Saudi Arabia who wanted to live in Guatemala. At this time Milton Cerezo served as Subdirector of the office. (El Nuevo Diario Nov 11, 1987; Interview, Guatemala City, April 1988; Central America Report, June 19, 1987, at 182.)

(043) -- In April 1987, a labor lawyer who had recently won an important legal victory for one of his union clients [name and matter withheld for reasons of security] walked toward his car in a large parking lot late one afternoon. Three men were waiting for him at his car. They forced him into the car and made him drive around the capital, passing by his house to assure him they knew where it was located. Throughout the 45-minute ride, the lawyer, while driving, had the tip of a machine gun pointed at the back of his head. The men threatened him continually, and one said, "[i]t wouldn't be convenient for you to continue doing this kind of union work." After about 45 minutes, the men left the car and let the lawyer go on his way.

Since the incident the lawyer has received numerous threatening telephone calls at home: "Licenciado, how nice it is to live, isn't it?" When he is not there, his children frequently get calls, "[i]s it true that your father is dead?" (Interview, Guatemala City, May, 1988.)

-- In March 1988, at the banana plantation Finca Eskimo

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near Puerto Barrios in the department of Izabal, a union began to form, and a provisional leadership was elected. In the months of April and May, the newly formed worker organization confronted a series of threats. First the employer bribed most of the union's leaders, thereby securing their resignations. This maneuver, in conjunction with several others, permitted the employer to petition the courts to lift the legal protection against firings which the union had initially secured. Immediately after the petition was granted, more than 40 union members were fired. In addition, on different dates in April, the army sent letters to all union leaders and some members of the union in formation ordering them to present themselves for military service at the local base in Puerto Barrios. None of the workers responded to the Army's call, but the union argues that it was timed to buttress the employer's efforts at breaking incipient organization at the farm. (Interview, Guatemala City, May 1988.)

C45

-- In January 1988, the evening before two large popular-labor demonstrations against proposed electricity rate hikes were to take place, Interior Minister Juan Jose Rodil accused the Committee for Peasant Unity (CUC) of responsibility for the 1980 Spanish Embassy massacre and demanded that the CUC, which was about to take part in such demonstrations for the first time in several years, submit itself for government amnesty under the terms of the Central American peace agreement. Formed in the late 1970's, the CUC played a significant role in peasant

organizing before massive repression forced the organization underground in the early 1980's. The CUC's anticipated participation in the January 1988 marches marked the resurgence of above-ground political activity for the organization. The CUC indeed marched in the January 13 and 18 demonstrations, and has participated since then in the May Day commemorations and as a participating member of the UASP labor-popular coalition. (NOTE: With regard to the issue of CUC responsibility for the 39 deaths in the 1980 Embassy massacre, National Police spokesperson Carlos Rafael Soto said that the CUC could not have been responsible for the killings, since the corpses showed traces of white phosphorous, which, he said, is used only by security forces.) (Americas Watch GNIB 21 at 9; Interview, Guatemala City, May 1988.) For its part, the CUC contends that Rodil's unsuccessful effort to make the organization admit to crimes for which it denies responsibility, is simply a government propaganda tactic to discredit a legitimate peasant labor organization. (Interview, Guatemala City, May 1988.)

C46
-- At the textile plant Francisco Capuano and Sons in Quezaltenango, where 300 workers are employed, a union formed in October, 1987 and applied for legal recognition. Over the next three months, 28 employees were fired or resigned under employer pressure, including, in violation of the Labor Code, several members of the executive committee of the union in formation. The union claims 200 members. Since January, the employer and his administrative representatives have issued a constant stream

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of daily threats against the workers, saying, "[y]ou better leave the union," and, "The union will only bring you trouble." In March, the employer began to require that members of the union's executive committee intensify their work productivity -- one was asked to perform the same level of work by himself that it had previously taken three people to do. Finally, in early April, according to union members, two unarmed plainclothes men appeared several times at the factory and stood at the entrance, simply watching workers. Three times during one week in early April these men followed members of the union's executive committee from the factory to union offices. Union officials allege that the men were from the Army G-2 security apparatus. In mid-April the Coordinating Committee of Affiliates of the International Union of Food and Allied Workers' Associations in Guatemala (COFUITAG) solicited the intervention of the President and the Minister of Labor in the matter. As of mid-May, no official response had been received. (Interviews, Quezaltenango, April 1988; Guatemala City, May 1988.)

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-- In June 1986, 200 employees of Alarmas de Guatemala -- a well-known security company -- received death threats from their superior after deciding to form a union and requesting a salary increase. According to local press reports, the workers stated that their boss, Custodio Lorenzana de la Cruz, threatened workers, warning that they would "turn up dead, one by one, if you don't quit the union." (Americas Watch GNIB 4 at 3.)

(C48)

-- Officials of the union of workers at the Rosmo bus

factory in Quezaltenango report that all members of the union's executive committee have received death threats since the union was founded in June 1986. The two most frequent recipients of these threats have been Secretary General Victor Coyoy and Secretary of Conflicts Raul Dominguez. (Interview, Quezaltenango, April 1988.)

-- In September 1986, 35 workers at the Pindu textile factory in Guatemala City were fired after attempting to form a union. In response, workers took over the factory, bolted the doors and changed the locks to pressure the Korean owners to accept a union. Two police units came to the factory to end the occupation. One of the workers reported that, the week before the takeover, factory security agents beat her to the point that she required hospitalization at the Guatemalan Institute of Social Security. (Americas Watch GNIB 7 at 11.)

During a strike at the Pindu factory in April, 1987 workers denounced death threats allegedly emanating from factory management and a management legal adviser. According to CGTG officials, during the course of the strike several armed individuals came to the factory in a car without license plates and questioned workers about the activities of Pindu union leader Isabel Camey. (Americas Watch GNIB 14 at 5; GNIB 13 at 6.)

-- On February 15, 1988, about 17,500 health workers nationwide went on strike to protest a new job and salary reclassification system for all public sector workers. The strikers argued that the newly instituted reclassification

avored professional and technical workers with large salaries. The comprehensive revamping of job categories and wages was embodied in three government decrees approved toward the end of 1987, which established eight work categories (from operational to executive), set a pay scale from Q135/month (\$54) to a maximum of Q2600/month (\$1040) for executives, and legislated an across-the-board Q25 (\$10) monthly increase for all state workers. Several public employee union leaders alleged that the reclassification disproportionately favored Christian Democratic affiliates over those lacking ties to the ruling regime.

On February 23, several hundred strikers occupied the Central Plaza in front of the National Palace and were joined by hundreds of other strikers coming from around the country. Estimates of those in the Plaza ranged from 2,000 to 5,000. Those in the Plaza were demanding the re-installation of 150 fired strikers, the participation of the organization leading the strike action -- the National Association of Public Health Workers -- in a revision of the re-classification, a raise for the lowest-paid employees, and an increase in the total amount available for pay increases. By the first week of March the government negotiating stance appeared to be easing, although Health Minister Dr. Carlos Armando Soto had threatened that he would begin firing strikers who did not return to work by March 4. (NOTE: The strike and occupation were led by the National Association of Public Health Workers, one of several associations -- NOT unions -- of public employees which predates the 1986

authorization of unionization in the public sector. Although both FENASTEG (a public employee federation that is part of the UASP) and the CGTG (Christian Democratic-aligned union confederation) claim unions of public health workers, they appear not to have played a leading role in the conflict. Indeed, the FENASTEG health workers supported the reclassification. The government tried to portray the conflict as a battle between rival worker organizations, and CGTG secretary general Pinzon confirmed that such heated competition was not absent from the conflict. Nonetheless, the source of the conflict appeared to be genuine worker dissatisfaction with the economic dispensation being tendered by the government as employer.)

At about 8 a.m. on March 7, 300 riot police surrounded the protesters in the Plaza and told them they had ten minutes to leave. Even as the strikers began to pack up their belongings, the riot police used tear gas, clubs and plastic shields to forcibly end the occupation. Observers on the scene reported that strikers who offered no resistance were nonetheless beaten by the police. The significance of the police action was not lost on a watching public. As Central America Report noted, "It was the first time during the Christian Democrat government that such direct measures have been used to stifle a labor conflict." (Mar. 11, 1988, at 83.)

The confrontation at the Plaza ended with the strikers moving their encampment to the Cultural Center of the University of San Carlos, a more hospitable environment. Nonetheless,

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shortly thereafter, a new conflict erupted between hospital patients and riot police on March 8, at the San Vicente Hospital in Zone 7 of the capital. There patients, including some in wheelchairs, lined up at the entrance to demonstrate sympathy with the strikers by barring entry to 53 new health employees who had been sent by the government as replacements. In what El Grafico called a "pitched battle," hospital patients threw stones and bricks at riot police, who forcibly dislodged them from the entryway. Thirteen were injured -- five police, seven patients, and one new worker.

On March 12, the strike ended with workers promising to withdraw grievances against the Health Minister and the government promising that no reprisals would be taken against any striker. Although the workers went back to work, the conflict dragged on into May. On April 4, Health Minister Soto announced his resignation. And although his replacement, Dr. Carlos Armando Gehlert Matta, appeared at first more disposed to reach a favorable settlement of the dispute, in early May it was announced that the final decision regarding the re-installation of the 150 fired strikers rested with the President. (Central America Report, Mar. 4, 1988, at 70-71; Central America Report, Mar. 11, 1988, at 83; Interview, Guatemala City, May 1988; scattered press reports in Prensa Libre, El Grafico, La Hora, Mar. 30 - May 5, 1988.)

FORE
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FORCED LABOR

The Guatemalan armed forces maintain a system of civil patrols, which, according to Colonel Letona, head of Army Public Relations, include some 800,000 men required to provide unpaid service to the army which may amount to as much as 25% of their time. The Cerezo Government has said that the civil patrols are "voluntary", but this claim is disputed by almost all observers. In a January 1988 interview with the Chairman of Americas Watch, Adrian DeWind, and other Americas Watch representatives, Guatemalan Supreme Court President Edmundo Vasquez said that the civil patrols were "unconstitutional, illegal, and despicable."

Amnesty International reports that:

Service in the Patrullas de Defensa Civil (PAC), civil defense patrols, which were formed under military behest and are supervised by the military, is officially obligatory for males between the ages of 18 and 50, although in rural areas both younger and older men are also reportedly forced to serve. Those who object have been subjected to human rights violations in the past, including 'disappearance'. On 22 October 1987, Domingo Morente Gomez was abducted by uniformed members of the armed forces, after he requested a reduction in the number of hours of civil patrol duty required in his village from 24 hours to 12 hours. He was subsequently released. On 17 February 1988 Amnesty International reported the 'disappearance' of seven peasant workers detained on 15 February by uniformed members of the armed forces in San Lucas Toliman, Solala Department. Their whereabouts remain unknown. Renewed abuses in the area of San Lucas Toliman and Santiago Atitlan began in December 1987, shortly after soldiers based at Santiago Atitlan circulated a list of some 220 people whom they said had been identified as guerrilla collaborators. The Army claims that the list was captured from a dead guerrilla. Sources in the area have stated that this list has been used by the

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Army to put pressure on the population to form a civil patrol. (Amnesty International "Urgent Action", May 17, 1988. emphasis added.)

The civil patrol system, which is in place in rural areas of the country, is clearly a means by the Army to control the lives of the local populace, who are largely indigenous. The civil patrol system is not necessitated by actual security considerations. Defense Minister Gramajo stated in Prensa Libre on February 25, 1988 that he estimated guerrilla strength to be 500 to 700 combatants. And in July 1987 Inforpress Centroamericana cited a speech in which the Defense Minister said that the guerrillas are "cornered, living from acts of vandalism" and represented no danger.

The International Labor Rights Education and Research Fund's upcoming report will address in somewhat greater detail the question of forced labor in the civil patrols. For the purposes of this petition, it is sufficient to note that forced labor has long been outlawed by the international community (see International Labor Organization Conventions No. 29, 105), and that the Guatemalan Constitution states explicitly, "[n]o one is required to become associated with, or to become a member of, self-defense or similar groups or associations." (Art. 34). Several incidents relating to forced labor in the civil patrols are cited below.

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-- On May 12th, two half-brothers affiliated with the electrical workers union STINDE were arrested by the Army and later "disappeared" (see above.) According to Amnesty

International ("Urgent Action" May 17, 1988), "[t]he arrests come in the context of a conflict with the military commissioner, who two weeks before the disappearance of the Mendoza brothers had obliged the workers at STINDE, as well as the whole community to carry out civil patrol duty during working hours. The union STINDE's central office approached the procuraduria de derechos humanos [government human rights procurator's office] to intercede in the dispute."

-- At the May Day march in Guatemala City on May 1, 1988, (CSY)
GAM (Group of Mutual Support) President Nineth de Garcia read a statement given to her from "the indigenous community of Quiche," which denounced the Army for violating the Constitution's Article 34 prohibition on forced association. The statement alleged that many persons in the Quiche were being forced under threat to work and participate in the civil patrols. (NOTE: On March 6, 1988, persons from twelve communities in the Quiche department sent a joint letter to President Cerezo asking that the civil patrols be withdrawn from their respective communities and that persons not be compelled to participate in patrol service. A March 10 letter from Miguel Angel del Cid, Oficial Mayor in the Secretario Particular de la Presidencia, replied that the matter would have to be referred to the Defense Minister [implicitly undercutting the government's argument that the patrols are a purely civilian matter out of the Army's jurisdiction]. As of mid-April, the communities had heard nothing further. The communities were Chimatzatz, Turbala, Pasojoc, Pacoc, Cnihuca, Trapicnitos,

Tunaja, La Vega, Potrero Viejo, San Jose Sinache, San Antonio Sinache, and Pueblo de Zacualpa. (Interview, Santa Cruz del Quiche, April, 1988.)

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-- Two civil patrollers from the Quiche department reported that it is still common practice for patrollers to perform work other than purely security functions. In addition, they said, many patrollers frequently build roads, clean the sides of roads or underbrush, and gather firewood for patrol leaders to use. The two men said there is no question that the patrol service is obligatory. "If we say we don't want to work, they [the patrol leaders] accuse us of being communists and guerrillas. We have no choice."

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According to the two patrollers, in their own small town near Sacapulas, Quiche [town not published to protect sources] there had recently been widespread resistance to performing patrol duties. On April 25, in response to this popular sentiment, the local patrol leader [name not published to protect sources] gathered together all of the town residents and explicitly reaffirmed that patrol duty is an obligation for all. According to the two men, the leader warned that if anyone refused to undertake patrol duty, his name would be forwarded directly to the Army, and the Army would have to take appropriate action. The two men said that the ^{+100?} community understood such action to include the possibility of wholesale massacre of all resisters.

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According to these two men and other persons participating

in the May Day march from the Quiche, there have been other incidents this year of threats by patrol leaders against people who have expressed resistance to patrol service. In another town near Sacapulas, three men who refused to serve in the patrol in April were threatened with violent reprisal by patrol leaders. Furthermore, these sources contended that in 1988 the Army had "disappeared" at least ten people for refusing to undertake patrol service in several villages surrounding Nebaj, Quiche. (Interviews, Guatemala City, May, 1988.)

-- More evidence of forced civil patrol work that was not simply vigilance/security was offered by a farmworker who worked in a small village [name withheld to protect source] in the Playa Grande region of the Quiche department from April to December, 1987 and in February and March, 1988. This man stated emphatically ("The patrollers are obligated to patrol.") that, throughout the Playa Grande zone, patrollers are made to do work that is not simply patrolling -- cleaning, repairing and constructing bridges and roads are perhaps most common tasks -- and they receive no remuneration of any kind for their work. Every three months patrol members work for about three days -- all day each day -- cutting back the brush and trees on both sides of the highway which extends from Playa Grande to Xalbal. Both before and after these road-cleaning periods, patrollers must perform regular patrol services to safeguard the community once or twice a week. (In addition, the patrollers must always be prepared for the Army to come to town and demand their services

in military actions against the guerrillas. "From time to time the Army comes to town and says they need 20 or 30 of us to go to the mountains. Many people don't want to go. You never know if it will be for a week or a month, and you receive nothing for doing this. They make you wear Army uniforms and they always put the patrollers at the front of the line, because that's the most dangerous place. They give you very old and very heavy M-1's. Sometimes they don't work.")

For six weeks in October and November, 1987, some of the patrollers in the man's village worked to construct a bridge. For 15 days ten people worked during the day, and another 10 worked at night. For the next month 10 people worked every day (including Saturdays and Sundays) from 7 a.m. to 6 p.m. They were not permitted to break for lunch. Says the man, "[t]hey had to do this work. The orders came directly from Army Zone No. 22 in Playa Grande."

Several times during the course of this man's stay in the village, numbers of patrollers -- he estimates that it amounted to about one-half the 150 patrollers over the course of 1987 -- told the local patrol leader that they did not want to continue doing patrol work. Once, in August or September, the patrol leader communicated this opposition to the military zone commander. "The lieutenant from the local Army base came by and called together all the people in the village. He said that he had heard that some people did not want to continue serving in the patrol, and that anyone who didn't want to continue

collaborating with the Army should step forward. But nobody moved. They were all too scared." The man elaborated further, "[t]his is a zone under strict military control. What the Army says, you have to do. And for the Army, to reject patrol service is to be a subversive."

At some point during the course of 1987 patrollers in the man's village learned that other communities in the area were receiving food through the Food for Work ("Alimentos por Trabajo") international aid program. After petitioning for some time, some members of the community began to receive food in November. "Soon after the food started arriving, a lieutenant from the local Army base came to say that, now that the community was getting food, we were all obliged even more than before to work with the Army."

The extent of military control over labor in the area is indicated by a story related by this man concerning a 17-year-old boy who was denounced by his own father, with whom he lived, to the local military base, for failing to work his father's land two or three days a week. The father alleged that the boy's failure to work might indicate support for the guerrillas. "Around Christmas Day, the same day his father denounced him, four soldiers came to the house of a friend and took the boy away. He was held for two months, until the end of February. When he was released, the boy said he had been held in underground cells of the military base in Playa Grande. He said he had been fed well, so that he would be more sensitive to

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punches and kicks in the stomach. So he would try not to eat for a while, because it hurt less when they hit him. But they hit him anyway. And after some time he had to eat again. And still they hit him. . . . He asked them to kill him because he couldn't take the pain. The soldiers would say, 'Wait. Later we'll kill you.' They would put a pistol to his head and say, 'You have a few minutes left.' They did this to see if this would make him talk about his experience with the guerrillas. But he was never with them. He just didn't want to work every day. So he didn't say anything."

[NOTE: It is not the case that patrollers are never remunerated for work they undertake. There are instances and statements which indicate that some patrollers receive food and/or pay for performing work that is not simply patrolling. But there are apparently many instances in which patrollers are compelled to do non-military work for which they receive nothing.]

FOA

IMPEDIMENTS TO UNION ORGANIZING: LEGAL RECOGNITION OF UNIONS

The Guatemalan Constitution provides that the "right of free trade unionization . . . can be exercised without any discrimination and without being subject to previous authorization whatever, it being merely necessary to fulfill the requirements established by the law." (Art. 102(r)). The Labor Code directs the Ministry of Labor to act upon all union applications for juridical personality within sixty days. (Art. 217). Although the Cerezo government has streamlined the process of obtaining recognition to some extent, the legal timetable is still frequently flouted, with dozens of applications pending for more than a year.

According to Labor Ministry statistics, as of May 1, 1988, 31 unions which had submitted applications for legal recognition since January had not received a response. Moreover, 97 applications for juridical personality submitted in 1987, and 47 more tendered in 1986, were still awaiting Ministry action as of May 1988. (Interview, Guatemala City, May 1988.)

The U.S. Embassy has acknowledged that "[g]overnmental procedures which grant unions legal status or legal strike status are time-consuming, troublesome and bureaucratic. The Ministry of Labor has a complicated and lengthy procedure for the legal recognition of labor unions, which is constantly cited by unions as a barrier to organization." (U.S. Embassy, "Labor Trends in Guatemala," (August 1987) at 13.)

The question of legal recognition is of more than academic interest. The Guatemalan Labor Code states explicitly that unions cannot function as such before obtaining official authorization from the Ministry of Labor. Prior to such authorization unions may act only to elect provisional leaders, approve governing statutes and formally request legal recognition. (Art. 217). Ministry of Labor officials offered vague and somewhat contradictory assessments of the extent to which such restrictions on union activity are enforced. Nonetheless, most union leaders agreed that unrecognized unions are, in practice, limited severely in their powers to negotiate collective contracts and strike.

Delays in recognition appear to afflict unions across the political spectrum. Thus, leaders of the AIFLD-linked CUSG, as well as those of the Christian-Democratic affiliated CGTG, echoed the criticisms of other union officials on this issue. Juan Francisco Alfaro, CUSG secretary general, acknowledged some improvement in the process of granting recognition, but stated, "The Ministry of Labor still does not apply the law regarding juridical personality." He said that more than 100 applications for legal recognition were pending as of early this year. (Interview, Guatemala City, April 1988.)

According to CGTG officials, one affiliate, the union of workers of the government agency INAFOR (the Forestry Institute), applied for legal recognition in May, 1987. Although the Labor Ministry finally gave its approval on March 22, 1988, as of

April, they were still awaiting the president's signature necessary to make official the union's inscription in Ministry registers. One CGTG leader described the process: "You present your papers. Then an official will say that you haven't complied with one or another legal requirement. Then you have to refile. Then they check it again and may find something else wrong. This all takes a lot of time." (Interview, Guatemala City, April 1988.)

Union leaders complain that government officials frequently return applications for trivial reasons, including grammatical or spelling errors, which policy is not aimed at promoting unionization. Under the Cerezo government 72 unions have secured recognition, 26 of them in the public sector. Although this represents an advance over the virtual shutdown of union activity in the early 1980's (from 1981 through 1985, 15 unions were granted juridical personality), the intransigence of Ministry personnel on this issue appears to endure. Despite a government promise, embodied in a March 8 agreement with the Unity of Union and Popular Action, (a coalition of labor, students, and families of the disappeared) that all pending applications for union recognition would be processed within 30 days, by early May only six more unions had been inscribed by the Ministry in the list of recognized unions.

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In April 1988, UNSITRAGUA reported that four of its affiliate unions had applications for recognition pending for an average of five months. One of these, the union of workers at

Bonin Laboratories, applied for juridical personality in October 1987, and had heard nothing since. (Interview, Guatemala City, April 1988.)

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The union of workers of the Ministry of Labor itself applied for juridical personality March 14, 1986, and as of late April 1988, was still awaiting the President's signature for final approval. (Interview, Guatemala City, April 1988.) The union of workers at the Capuano textile factory in Quezaltenango submitted an application for legal status in October 1987, but had received no response as of April 1988. In the meantime the employer has been employing a variety of devices -- including threats and surveillance -- to discourage unionization (see above under Threats and Intimidation). The Quezaltenango teachers union, Educacion Extraescolar, applied for recognition in May 1987, but as of April 1988 it had not been granted. According to union officials, "Every fifteen days they [personnel in the Ministry's General Direction of Labor office, which reviews applications] come up with a new problem on the application, and send it back. First they say, 'you're missing a name.' Then fifteen days later the date won't be right; then it's something else." (Interviews, Quezaltenango, April 1988.)

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According to officials of FENASTEG, the National Federation of Unions of Guatemalan State Workers, the value of Decree 71-86, the 1986 law which authorized public employee unions for the first time in 30 years, has been diluted significantly by delays in processing applications for legal personality. FENASTEG