

GUATEMALA

MAQUILA WORKERS AMONG TRADE UNIONISTS TARGETED

INTRODUCTION

Workers and trade unionists seeking union recognition and improved working conditions in Guatemala have been subjected to a renewed increase in violence against them, including extrajudicial execution, abduction, rape and beatings, as well as receiving threats to their lives. The recent wave of persecution frequently appears to be the work of gunmen hired by employers and factory owners in an attempt to destroy any or all attempts to unionize or vindicate their rightful labour claims. Amnesty International believes that the pattern and circumstances of these incidents, as well as the background of repression against trade unionists in Guatemala, indicate the participation of members of the security forces or those working with them.

A HISTORY OF REPRESSION AGAINST TRADE UNIONISTS

A very low percentage of workers are unionized in Guatemala and over a period of many years those who have tried to form trade unions have been a constant target of human rights violations, including extrajudicial execution, "disappearance" and torture. Many hundreds of trade union leaders and activists "disappeared" or were murdered under the military governments which ruled Guatemala before the return to civilian rule in January 1986. Between May 1978 and May 1979 alone, Amnesty International documented over 148 cases of human rights violations against trade unionists in Guatemala, including 12 assassinations and nine "disappearances". In the 1980s and 1990s those attempting to unionize in food-related industries were among those targeted. Two Secretary Generals of the trade union at the *Embotelladora Guatemalteca S.A. (EGSA)*, a bottling plant under franchise to Coca-Cola, were killed between December 1978 and April 1979. A third Secretary General was forced into exile in February 1979, after an extrajudicial execution attempt against him failed. Eight other trade union activists at the plant were extrajudicially executed between 1979 and 1984. Those alleged responsible were members of the security forces as well as private plant police, acting upon occasion in unison or with the complicity of regular police forces. Widespread international protests eventually led to the signing of a collective agreement with the unionists which included undertakings for their security and compensation for families of those who had been "disappeared" or killed because of their trade union organizing activities. Nevertheless trade unionists in the food-related industries, as well as many other sectors have continued to be consistently targeted under successive governments.

RENEWED ACTION AGAINST TRADE UNIONISTS

Despite the systematic and long-term levels of repression against them, trade unionists have continued their efforts to secure basic legal trade union and employment rights. Trade unionists and workers who have denounced serious labour violations against workers, as well as those who

have taken cases before Labour Tribunals¹ have been targeted. Trade union activists report that no action has been taken by the authorities despite repeated appeals and denunciations to the Ministry of Labour, the Ministry of Interior and the Public Ministry. Amnesty International believes the pattern of the abuses to be consistent with past abuses, where the perpetrators were identified as belonging to the security forces. Victims reported that the perpetrators, who were unknown to them, acted in broad day-light, using unmarked cars to carry out abductions and surveillance operations. The widespread use of anonymous telephone death threats, is a consistent pattern in most cases reported. The use of houses or disused buildings where victims were kept captive during periods of abduction is also consistent with previous testimonies from victims of abductions received by the organization, where members of the security forces were believed to be implicated. In some cases, the perpetrators were clearly acting under orders from superiors, were heavily armed, and had access to intelligence information of the kind only available to members of the security forces. Amnesty International is concerned at the failure of the authorities to investigate these violations and bring those responsible to justice, thereby creating a climate of virtual impunity. In its March 1995 report, the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA), stated that the existence of widespread impunity in Guatemala was "the greatest obstacle to the effective exercise of human rights". MINUGUA also pointed to the failure of the Public Ministry to investigate human rights violations and bring to justice those responsible, as a contributory factor to impunity in Guatemala.

GOVERNMENT PROMISES ON HUMAN RIGHTS

Despite the signing of the March 1994 United Nations-brokered human rights accord by the government and the *Unidad Revolucionaria Nacional Guatemalteca* (URNG), armed opposition, committing the government to respect human rights and to take firm action against impunity, the Guatemalan security forces have continued to commit human rights violations with virtual impunity. Little or no progress has been made in bringing to justice those responsible either for new violations or for violations committed under previous administrations.

Elections are currently scheduled to take place in Guatemala on 12 November 1995. Under Ramiro de León Carpio, Guatemala's current President and former Human Rights Procurator human rights violations, including extrajudicial executions, abductions, as well as of persistent threats and harassment have continued. Victims have included human rights workers, indigenous activists, suspected government opponents, returning refugees, students, academics, journalists, members of the clergy as well as trade unionists.

Guatemala's current *Procurador de los Derechos Humanos* (Human Rights Procurator), Jorge García Laguardia, in his report covering the first seven months of 1995, cited members of the security forces as those responsible for carrying out many human rights violations. The report stated that impunity continues to prevail in Guatemala and that the government is not complying

¹ Labour Tribunals which were created under the 1947 Guatemalan Labour Code have the power to grant legal recognition to trade unions and to declare on the legality of trade union strikes.

with its constitutional obligation to guarantee the security of Guatemalan citizens. The report also condemned the lack of progress in investigations into the increased number of incidents of human rights violations.

THE MAQUILA (assembly for export)² SECTOR

An Amnesty International delegation which recently visited Guatemala met with trade unionists and workers attempting to gain union recognition at the *maquila* plants and collected first-hand testimonies regarding the increasing levels of intimidation and harassment, carried out particularly against female members, including abduction, rape and beatings they have been suffering at the hands of *maquila* owners and hired gunmen employed by them, who it is alleged, operate in collusion with members of the security forces.

The *Maquila* sector has seen some of the most serious recent human rights violations against workers and trade unionists. Several union organizing drives are taking place in the *maquila* sector in an effort to improve working conditions for the workers. Trade unionists and workers told Amnesty International about working conditions in some of the factories. They reported that in many cases the salaries paid fall well below the minimum wage. Workers, the majority of whom are women, are forced to work long hours, and reported that in many cases, workers are locked in and forced to remain to fulfill their daily quota of output. Sanitary conditions are reported to be very poor, with only 2 - 3 toilets for from 500 up to as many as 800 workers in some factories. In other factories workers report poor lighting and very little ventilation, with no protection against chemicals and dust, and little or no health and safety training. They also reported instances of sexual assaults and physical beatings by factory officials against the mainly female workforce. Efforts to organize to combat these abuses have met with further abuses. In some cases owners have closed down their factories, and reopened under different names and have carried out massive dismissals as a means of evading their legal responsibilities to their workers.

◆ Killing of Trade Unionist Alexander Yovany Gómez Virula - Empresa Maquiladora R.C.A.

The badly tortured body of trade unionist Alexander Yovany Gómez Virula, was found on 19 March 1995 in a ravine bordering the neighbourhoods of Galilea and El Limón in Zone 18 of Guatemala City. He had last been seen at about 7.30pm on 13 March 1995, some 800 metres from his home in Guatemala City, on his way home from the headquarters of the trade union confederation, the *Unión Sindical de Trabajadores de Guatemala* (UNSI TRAGUA), Labour Union of Guatemalan Workers. Preliminary forensic reports, indicated that he had been held for two days before being killed, and that he had been beaten to death, with visible fractures to the back of his head, face and chest. The exact circumstances of his death have never been fully clarified; despite two attempts by UNSI TRAGUA to seek meetings with the Minister of Interior, Enrique Reynoso Gil, they have received no response. A denunciation was passed to the Human Rights Procurator,

² There are some 198 *maquila* factories employing over 40,500 workers in Guatemala. The growth of the *maquila* or *maquiladora* sector is based in part on attractive Guatemalan investment and is founded on cheap labour and poor working conditions.

who have yet to release his findings. The Public Ministry is currently investigating the killing, and the prosecutor (*fiscal*) initially assigned to the investigate case has recently been replaced.

The United States Committee of Appropriations recently included a provision conditioning the approval of military aid to Guatemala's armed forces during the next fiscal year, to cooperation by the armed forces in the resolution of human rights abuses which their members are alleged to have committed, and including a list of cases of particular concern. The case of Alexander Gómez was among the list of cases cited.

1 Alexander Yovani Gómez Virula

Alexander Gómez was Finance Secretary of the trade union for the Korean-owned *Empresa Maquiladora R.C.A.*

The trade union, which is affiliated to UNSITRAGUA, was involved in a dispute with the owners of the *maquila*, along with 70 workers from the factory demanding their legal right to form a union at the factory, arising from the owners abrupt closure of the factory in August 1994. The workers subsequently occupied the factory charging that the owners had not paid the wages owed to the workers when the factory shut down. According to UNSITRAGUA, the factory owners had been using hired security guards for some time prior to the killing of Alexander Gómez to carry out acts of intimidation against the trade unionists. Following his killing, other trade unionists at the factory reported that they were being watched by men in unmarked cars with polarized windows.

◆ *Sylvia Lilia Escobar - Empresa Maquiladora R.C.A.*

Among those targeted was Sylvia Lilia Escobar, the Secretary General of the R.C.A. *maquila*, who along with Alexander Gómez, had been closely involved in the negotiations with the owners of the R.C.A. *maquila*. She reported that she had been the subject of a pattern of intimidation and violence since April of 1994, during which she received repeated warnings from the owners of the *maquila* to the effect that if she continued her union activities, she may be "disappeared" or killed. She also reported that on one occasion an Inspector from the Government's Ministry of Labour, who was carrying out an inspection of the *maquila* warned her, in the presence of managers and owners of the *maquila*, along with several workers, that trade unionists ended up dead in ditches.

On 22 March 1995, four days after the discovery of the body of Alexander Gómez, Sylvia Escobar noticed an unmarked car with polarized windows, with three men standing by the car observing her home. Two days later she noticed three unknown men near her home. She reported

that she heard the men mention her name and the name of Alexander Yovany Gómez. When she challenged the men, they accused her of being the person responsible for Alexander Gómez' death. A day later, three different men again appeared near her home and in raised voices named her and Alexander Gómez. Again, when challenged, the men accused her and refused to explain their statements.

By July 1995 the owners finally paid the money owed to the workers following the closure, but Amnesty International learned that the same owners are now operating a new *maquila* factory under a different trading name.

◆ ***Trade Unionists at Lunafil S.A. ; L y L Modas and M y J Modas Maquila Factories***

Workers at the *Lunafil S.A.* textile factory in Amatitlán, Department of Guatemala, have been long-term targets of repression as a result of their efforts to unionize. From June 1987 to May 1988 workers occupied the factory after labour negotiations broke down due to disagreements over working hours and conditions that management were trying to impose and which the workers said were in breach of Guatemala's Labour Code. During the dispute, one of the trade unionists, Julio Coj, was shot at, reportedly from a police car, when riot police intervened on 27 May 1988 to end the occupation. Trade unionists reported that private security guards, hired by the *Lunafil* management and acting with the acquiescence or complicity of the Guatemalan security forces, were using intimidation tactics and threats against those occupying the factory. The conflict was settled and the workers ended their occupation in July 1988.

2 Workers protesting outside Lunafil factory

However, in May 1994, problems began again at the factory in Amatitlán after it was closed with the loss of 200 jobs. Workers and trade unionists who began a protest outside the factory at what they said had been an illegal and unjustified closure, began receiving death threats and

suffering other forms of intimidation, including abduction, surveillance and anonymous telephone calls and letters. The Amnesty International delegation to Guatemala earlier this year met with trade unionists and workers at *Lunafil* to obtain first-hand information on the series of abuses they had reported. The delegation learned that immediately following the closure in May 1994, unknown armed men went to the home of trade union leader José Gil on several occasions looking for him. Another trade union leader at *Lunafil* interviewed by the delegation, reported that in October 1994 he and Félix González, another trade union leader, also received death threats. The delegation also interviewed the wife of Félix González, Débora Guzmán, also a trade unionist at *L y L Modas* and *M y J Modas*. As catalogued below, she and her husband were singled out for a sustained campaign of harassment and intimidation including a series of anonymous death threats.

◆ On 6 October 1994, Débora Guzmán was violently intercepted by a group of armed masked men who threatened to kill her if her husband, Félix González, and Julio Coj, also a trade union activist, did not stop their union activities. On 7 October the offices of UNSITRAGUA received a series of anonymous telephone calls. One of the callers said that they were holding Débora Guzmán and that her life was in her husband's hands. On the following day she and her husband also received anonymous death threats at their home.³ After several weeks in hiding following these incidents, Débora Guzmán returned to her home and resumed her normal activities. Since then, she has continued to receive several anonymous threats.

³ *UA 395/94, AI Index: AMR 34/43/94, 3 November 1994*

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3 Débora Guzmán Chupén

1995, Débora Chupén, was abducted and held period of 24 hours, being released away from her. Her captors and beat her and to make a call to the UNSITRAGUA office. She was leave a message husband telling leave the *Lunafil* she would not be him.⁴

Written death threats delivered to the couple's home followed on 5 March, advising her to ensure that her husband resigned from the union within seventy two hours.

⁴ UA 395/94 - Further Information - AI Index: AMR 34/06/95, 9 March 1995

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- ◆ On 20 May 1995 Débora Guzmán received an anonymous hand-written letter delivered to her home. According to the new threat, she had eight days to comply with the demands made during her abduction in February, or face the "death penalty."⁵
- ◆ A further series of incidents against Débora Guzmán and her husband took place on 21 August 1995 at 12.15, when Débora Guzmán, who is pregnant, left the M y J Modas factory to do some shopping. According to reports, she noticed a black car with tinted glass near the factory. A few minutes later a child handed her an anonymous letter he had been given by the occupants of the car. The note said,
- "Acuérdese que lleva mucho tiempo y la hemos dejado estar. Si quiere usted a su bebé exígale [sic] a su marido ya que ninguno de los dos hace caso. Pero si él quiere a su bebé tendrá que decidirse ahora: o deja el sindicato o pagarán las consecuencias su mujer y su hijo. Acuérdeselo lo que le decimos. Exígale [sic] que renuncie y si no ya sabrá quienes somos nosotros. Si la vez pasada no se le hizo nada, esta vez pagará todo y hasta su bebé. Dígale a su marido que prefiere: tenerla viva o muerta."*
- "Remember that you have had a long time and that we have left you alone. If you love your baby, convince your husband since neither of you has taken any notice. But if he loves his baby, he will have to decide now, either leave the union or his wife and child will pay the consequences. Remember what we say. Urge him to resign and if he doesn't he will know who we are. If the last time, we didn't do anything, this time everyone will pay, even the baby. Ask you husband what he prefers, to have you alive or dead".⁶
- ◆ The latest threats directed against Débora Guzmán and her husband took place on 6 October, when she was leaving M & J Modas for lunch, when she was handed another anonymous note again saying that she had 72 hours to leave the country, or she would be abducted, for not carrying out what they had asked, that her husband Félix González resign from the Lunafil trade union.

Amnesty International appealed to the government on numerous occasions to launch immediate and exhaustive investigations into the incidents of human rights violations being carried out against the above trade unionists, asking for the results of the investigations to be made public and that those found responsible be brought to justice. Amnesty International believes this is a fundamental step in bringing an end to the impunity which currently exists for those targeting trade unionists in Guatemala. Following the abduction of Débora Guzmán, Félix Guzmán filed a complaint with the police. The *Fiscal* (Public Prosecutor's) office in Amatitlán is currently investigating the incident involving the abduction of Débora Guzmán. At the time of writing no information was available on the progress of the investigation. The Human Rights Procurator has denounced the lack of will on the part of government to investigate these incidents, despite appeals

⁵ UA 395/94 - Further Information - AI Index: AMR 34/14/95, 25 May 1995

⁶ UA 395/94 - Further Information - AI Index: AMR 34/22/95, 29 August 1995

to the Director of the National Police in February 1995, asking for protection for Débora Guzmán, her husband and the Lunafil workers protesting outside the factory.

◆ ***Adela Agustín, Maquiladora Cortex Internacional***

Adela Agustín, aged 49, Secretary General of the Trade Union of the Maquiladora Corporación Textil Internacional S.A. Cortex, has reported that since its formation in May 1993, members of the trade union have been subjected to acts of intimidation, threats, and reprisals, including ill-treatment, carried out by the owners of the factory. On 23 March 1995, the administrative manager of the factory was heard to say that if the trade union leaders at the factory did not cease their activities, he would send someone round to beat or kill, once and for all, the Secretary General of the Union, Adela Agustín. On 29 March, Adela Agustín was attacked by two men and a woman as she got off a bus to go home. They threw some kind of liquid at her face, which momentarily blinded her. The unknown assailants, who were in civilian dress, beat Adela Agustín about her whole body, and leaving her with a cut to her hand. The assailants took nothing from the victim, discounting therefore that the motive for the attack may have been robbery. The attack was denounced to the Human Rights Procurator's Office.

4 Adela Agustín

◆ ***Abduction and Rape of Maquila Trade Unionist Flor de María Salguero de Laparra***

At the same time as the campaign was being waged against Débora Guzmán and her husband, trade unionists involved in other sectors of the maquila industry were also being targeted. In late March 1995, Amnesty International interviewed Flor de María Salguero, an active trade unionist with the *Federación Sindical de Trabajadores de la Alimentación Agro-Industrias y Similares* (FESTRAS-UITA), Labour Federation of Foodworkers, who has been active attempting to set up trade union affiliations in the *maquila* sector. She is a member of the *Comité de Mujeres Filiales* (Committee of Women Affiliates) of FESTRAS-UITA. She also represents workers in cases of individual or group disputes with management and owners in the *maquila* sector, and has denounced nationally and internationally labour violations, particularly in these sectors. In 1994 she attended United States (US) congressional hearings on working conditions in Central America. The day before she was interviewed by Amnesty International Flor de María Salguero received an anonymous death threat. On 23 March, she received a telephone call saying that the caller was from a radio show and that she had won a prize - when she questioned the man further, he revealed that he knew her name, and where she worked. He also knew that she had attended the

International Women's Day celebrations in Guatemala City the previous week. He said "*Usted es una de esas feministas*" ("you are one of those feminists"), and asking whether she was not afraid of being kidnapped or killed. The man finished the call by saying that they might be calling on her with "*un regalito*" (a little present). There followed another anonymous call on 30 March at 7.00am, during which Flor de María could hear the screams of someone in pain, possibly of someone being tortured. The following day another anonymous caller said "*Todavía falta más*" ("there is more to come").

Flor de María Salguero believes that she was singled out because of her work on behalf of workers in the *maquila* textile sectors. She referred to difficulties with various factory owners, during the course of negotiations with them on behalf of workers. During a difficult meeting with one textile factory owner in March 1995, the owner told Flor de María that he would be sending her a "little present" ("*un regalito*"), the same expression as that used by the anonymous caller of 30 March.

5 Flor de María Salguero de Laparra

On 17 May 1995, Flor de María Salguero was the subject of a brutal attack during which she was abducted and raped three times. She was on her way to work at 8.15 pm. when two men boarded the bus she was travelling on in the Mixco area of Guatemala City, in Zone 7. In her testimony, made available to Amnesty International, Flor de María describes how the men grabbed her and forced her off the bus. She was given a drink, which she said tasted of a mixture of coffee, alcohol and other ingredients, which rendered her semi-unconscious. She remembers being dragged along a number of streets before being taken to a house. One of her assailants covered her eyes so she could not see where she was being taken. She was forced into a room which contained a bed. She was beaten about the chest and one of the assailants who carried a pistol beat her on the knees with the butt of the gun. She remembers that her clothes were removed and she was thrown on the bed, insulted and pulled by the hair before being raped three times by one of the men. She was then put into a shower room and the men left. When she heard no sounds she noticed the door had no lock and was able to leave. Still under the effects of the drug, she managed to make her way to the street and asked for help to reach the offices of FESTRAS, where she later received medical treatment.

On 29 May at approximately 8.30pm Flor de María Salguero received an anonymous telephone call asking if she had "enjoyed what they had done to her", "*si le había gustado lo rico que le habían hecho*". On 7 June, she received another call asking how she was feeling.

OTHER RECENT ATTACKS AGAINST TRADE UNIONISTS IN OTHER INDUSTRIES IN GUATEMALA

As in the case of trade unionists in the *maquila* sectors, trade unionists generally continued to be targeted. Often the abuses occur in the context of efforts to pursue their legal right to form trade unions, in the course of disputes with management over working conditions, and labour claims presented before the Labour Courts.

On 12 September 1995, at approximately 4.00 am, Ivo Adilio García Rivera, Secretary General of the trade union of the public sector Light and Power Company (*Luz y Fuerza*), was forcibly abducted from his home in Zone 21 of Guatemala City, by heavily armed men and taken away in a white vehicle. He was released the following day, physically unharmed, but suffering psychological trauma from his ordeal. He has since left the country to go into exile. The abduction, according to union leaders, was apparently linked to the union's denunciation of corruption by management, which culminated in the workers coming out on strike on 31 August 1995. On 4 September 1995, the government ordered the army to take over the installations of the company. Trade union leaders from the *Luz y Fuerza* union have also reported that following the release of Ivo García Rivera, they have been under constant surveillance by men in unmarked cars and that they are being followed, and have received anonymous telephone calls threatening them with death if they do not cease their trade union activities.

Amnesty International also learned of a recent wave of intimidation against the family of trade union leader Luis Lara, Secretary General of the *Asamblea de Trabajadores de Salud Pública* (Public Health Workers Union), and also a member of the Executive Committee of the umbrella trade union confederation, the *Acción de Unidad Sindical y Popular* (UASP), United Trade Union and Popular Action, apparently intended to force him to cease his trade union activities. He reports that he is the subject of a sustained campaign against him to cease his trade union activities dating back to April 1995, when he began receiving telephone calls, during which the unidentified caller warned him to cease his trade union activities or his family would suffer. On 14 July, an attempt was made to kidnap his 14-year-old daughter Corina in Zone 7 of Guatemala but the attempt failed when neighbours intervened. On 7 September, another daughter of Luis Lara, 22-year-old Olimpia Azucena Lara, a nurse in the San Juan de Dios Hospital in Guatemala City, was waiting for a bus in the Zone 12 area of Guatemala City, when she was approached by an unknown man who threatened her with a pistol. The man took her to a nearby field where the assailant brutally beat her. She was found by neighbours with her face totally swollen and unable to speak.

INTERNATIONAL STANDARDS

Article 46 of the Guatemalan constitution states that international human rights standards take precedence over national legislation when they have been ratified by Guatemala.

Guatemala acceded to the United Nations' International Covenant on Civil and Political Rights on 5 May 1992. Article 6 of the Covenant states that:

"Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."

Article 9 of the Covenant states that:

"Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."

Guatemala is also a party to UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and has ratified the UN Convention on the political Rights of Women, as well as the Convention on the Elimination of All Forms of Discrimination against Women .

CONCLUSIONS AND RECOMMENDATIONS

Amnesty International believes that the pattern of abuses against trade unionists is consistent with past human rights violations where the perpetrators were identified as being members of the security forces. Amnesty International is concerned at that many of the victims referred to above, particularly those in the maquila sector involved women, and that because they are women were subjected to particularly vile forms of harassment, torture and ill-treatment. Amnesty International is concerned that until effective government action is taken to ensure that members of the security forces and those working with them responsible for human rights violations against trade unionists and many others are brought to justice, trade unionists will continue to be a major target of human rights violations.

Amnesty International is calling on the Guatemalan government to:

- Investigate immediately and thoroughly all cases of suspected political killings, abductions, torture, threats or harassment carried out against trade unionists by the security forces or those working with them;
- Make the results of these investigations public and where those responsible are identified, they should be brought to justice;
- Adhere to the recommendations put forward in Article 4 of the United Nations' (UN) Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Resolution 1989/65 of 24 May 1989), which calls for "effective protection through judicial or other means to be guaranteed to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats."
- Take immediate steps to fully implement the Human Rights Accord, to respect human rights and take firm action against impunity, particularly in respect of the following:
 - the commitment for illegal security and clandestine structures not to exist and regulation of the bearing of arms;
 - guarantees of freedom of association and freedom of movement.

- take effective steps to prevent rape, sexual abuse and other torture and ill-treatment in custody;
- ensure that the practice of abducting, and torturing women in order to bring pressure on their relatives should not be tolerated, and that those responsible for such acts be brought to justice.