

FOR IMMEDIATE RELEASE
December 14, 2015

Overdue Justice for Guatemalan Victims of Venereal Disease Experiments

A petition for the victims of U.S. and Guatemalan experiments that infected vulnerable Guatemalans with venereal diseases was filed today in the Inter-American Commission on Human Rights by the Office of Human Rights for the Archdiocese of Guatemala, represented by the UC Irvine School of Law International Human Rights Clinic and the City Project of Los Angeles.

Contact information:

Robert Garcia, The City Project, can be reached at (213) 977-1035.

Hannah Robinson, Consultant for the Oficina de Derechos Humanos de Arzobispado de Guatemala, can be reached at (785)312-4533.

Catherine Sweetser, Co-Director, UC Irvine School of Law International Human Rights Clinic, can be reached at 646-549-6817.

First there was silence, then investigation, and then denial of a remedy. Now, over 70 years later, may come international justice — today, a petition was filed in the Inter-American Commission on Human Rights on behalf of the victims of the U.S. and Guatemalan governments' scientific experiments that infected vulnerable Guatemalan people with syphilis, gonorrhea, and chancroid. At least 5,000 Guatemalans were purposefully infected, and only a small fraction received treatment. The rest were left to suffer, almost without purpose; though the experiments were well-documented, the results were virtually abandoned before the research team pursued their purported aim: the discovery of whether penicillin could be used as a preventive treatment, or prophylaxis.

The idea for the experiments was motivated out of the government's desire to stamp out sexually transmitted infections that were ravaging soldiers during the Second World War. Similar experiments were started in the 1930s in rural Alabama with African American men with syphilis, known as the Tuskegee Experiments. The experiments were conducted with a team of researchers from the US Public Health Services. Dr. John Cutler, who directed the Guatemala experiments, also took part in the Tuskegee experiments. Other similarities between the Tuskegee and Guatemala experiments include the lack of individual consent to the experiments, lack of treatment for infected victims, and deception of victims and the public. In Guatemala, researchers intentionally infected the victims and generally left them without treatment or compensation for the remainder of their lives. In Tuskegee, the nearly 400 victims were already

infected but were left without treatment for nearly 30 years while U.S. government researchers observed the progress of their infections. The United States eventually provided treatment and compensation for victims, families, and heirs in Tuskegee, including funding to locate the victims and pay attorneys' fees.

In Guatemala, experiments were conducted beginning in the 1940s and continuing through at least the 1950s on some of the most vulnerable populations in Guatemala: mental health patients, prisoners, soldiers, prostitutes, and even orphans. There is no documentation that orphans were ever purposefully infected, but orphans already infected with syphilis did receive experimental treatment options in exchange for medical supplies given to the orphanages. The rest of the vulnerable populations were infected through injections and the topical application of infected material, usually transmitted by causing an abrasion on the victims' genitals. These experiments were conducted without the victims' consent and without any compensation — sometimes, the research team gave the victim a pack of cigarettes afterward.

The drastic effects of the experiments have been passed down through generations, since untreated syphilis also infects children. The petitioners in the case before the Inter-American Commission are children and grandchildren of the infected population, who suffered from birth defects such as blindness, paralysis, and still-birth. The victims are petitioning with the Office of Human Rights for the Archdiocese of Guatemala, one of the leading non-governmental organizations for human rights in Guatemala City.

Petitioners are legally represented by the International Human Rights Clinic at the University of California—Irvine Law School, directed by international human rights attorneys Paul Hoffman and Catherine Sweetser. The petition will be filed against the U.S. and Guatemala at the Inter-American Commission on Human Rights in Washington, D.C., claiming violations of the rights to life, health, freedom from torture, and crimes against humanity under both the American Declaration of the Rights and Duties of Man, and the American Convention on Human Rights.

To the governments' credit, both the U.S. and Guatemala later apologized and issued reports about the unethical medical experiments. Under the direction of Pres. Obama, the U.S. established a Commission to investigate and expose the crimes, publishing a report in 2011 on the findings called "Ethically Impossible: STD Research in Guatemala from 1946 to 1948". However, the petitioners' attempts to hold the perpetrators accountable in U.S. civil courts was unavailing — the District of Columbia Court of Appeals decided that the victims were too late, since the accountable governmental authorities had already left office. Jessenia Ovalle, an attorney in Guatemala working for the Office of Human Rights for the Archdiocese of Guatemala, states that the ultimate goal of the petition is "truth and justice for the Guatemalan victims' families of these experiments through comprehensive and dignified reparations."

Another federal case is pending in Baltimore against the private entities involved, but not against the government entities. The petition also alleges the denial of a right to a remedy for human rights violations, as the victims have never been compensated. According to Citlalli Ochoa, a law student at UC Irvine School of Law who wrote the international petition with the International Human Rights Clinic: "Given that U.S. courts have denied victims a remedy, it was important for us to seek international avenues to hold the governments accountable. Keeping this issue in the

public eye within a legal context is crucial for ensuring government accountability and preventing similar events from happening again.”

According to Robert García, a civil rights attorney with The City Project / Proyecto del Pueblo, who is co-counsel on the petition and who was born in Guatemala, “Intentionally infecting Guatemalan people without their knowledge or consent, and leaving them untreated to the present day, is a crime against humanity. It violates international law, and domestic laws against rape and assault. Apologies are not good enough. Truth and reconciliation require treatment, compensation, and restorative justice. This can never happen again to anyone anywhere.” The City Project / Proyecto del Pueblo is based in Los Angeles, CA.

Materials regarding the Petition are available on The City Project’s web site at www.cityprojectca.org/blog/archives/41463.
