



Monthly Information Pack Guatemala

Number 133 – October 2014

1. THE CURRENT SITUATION

Monthly selection of news on the situation in Guatemala as highlighted by the press, related to the main thematic areas of PBI Guatemala's work: the fight against impunity, land issues and the negative effects of globalization on human rights.

Postulation Commission and election of magistrates to the Supreme Court of Justice and Court of Appeals

At the end of September, members of the Guatemalan Parliament chose 13 new Supreme Court of Justice (CSJ) magistrates for 5-year terms, the maximum authority of the Judicial Organism (OJ), as well as the 126 titular magistrates and 84 stand-ins of the Court of Appeals.

The election took place amid different criticisms from experts and national and international organizations that asked for “the cancellation of the process due to the irregularities and deficiencies in the work carried out by the responsible entities, now that their actions put in risk the independence and judicial impartiality”.¹

A few days after the end of the process of the selection of magistrates, the Special Rapporteur of the United Nations, Gabriela Knaul, spoke about the independence of the magistrates and lawyers and expressed her concern about the process of selection: “These selection processes were not carried out in accordance with the international standards, in particular with regard to objectivity and transparency affecting the judicial independence of the country.” She added that “it is necessary that national authorities consider repeating the selection process for the magistrates of the High Courts in order to insure magistrates that are independent, tested, and competent as required by the international standards of these very courts own laws”.²

Only 5 days after, the recently elected judge of the court of appeals, Claudia Lisette Escobar Mejia, renounced her position saying, “I am a magistrate and I have been elected for a new period of 5 years, but due to the errors of the process, after a long and painful process of reflection, I quit”.³

Different international organizations expressed their concerns before the “failure to comply with the international standards, the lack of knowledge of the guidelines laid out by their own Court of Constitutionality and the grave criticisms delivered by different members of society and the press about apparent negotiations and political pressures that bring us to consider that the only acceptable option to safeguard the institutionalism in Guatemala is to start new processes of judicial selection where the only objective will be to assure that the most capable, most appropriate and honourable to occupy the highest positions of the administration of justice”.⁴

Similarly the Constitutional Court (CC) authorized, on the 18th of October, a period of 8 days so that the parties can impose legal challenges against the election of the magistrates. At the end of that period, “a 48 hour hearing will be set so that the parties can present their arguments. Molina Barreto said that they would be able to hand down the definitive sentence about 20 days after the end of the public trial”.⁵ This process prevents the CC from making the definitive sentence during the month of November 2014.

¹ Siglo 21. *The Clamor against the election of magistrates* <http://m.s21.com.gt/nacionales/2014/10/08/aumenta-clamor-contra-eleccion-magistrados>

² The High Office of the Commission of Human Rights (OACNUDH) <http://www.ohchr.org.gt/noticia.asp?idnoticia=166>

³ Plaza Pública *The Judges' Warning* <http://www.plazapublica.com.gt/content/la-advertencia-de-los-jueces>

⁴ International Organizations call out to annul the judicial elections in [http://www.pbi-guatemala.org/field-projects/pbi-guatemala/latest-news/news/?no_cache=1&tx_ttnews\[tt_news\]=4439&cHash=e900b2fc7a19dbaff82b23262e06d30](http://www.pbi-guatemala.org/field-projects/pbi-guatemala/latest-news/news/?no_cache=1&tx_ttnews[tt_news]=4439&cHash=e900b2fc7a19dbaff82b23262e06d30)

⁵ Prensa Libre CC fija plazo para pruebas contra la elección de magistrados http://www.prensalibre.com/noticias/justicia/cc-fija-plazo-pruebas-magistrados_0_1232276761.html

Sepur Zarco Case: Trial begins against soldiers accused of rape and sexual and domestic slavery during the 80's

On the 14th of October, 2014, the president of the Criminal Court of First Instance for High-Risk Cases B in Guatemala City, decided to try the military Coronel, Esteelmer Reyes Giron, and the ex-commissioner Heriberto Valdez Asij.⁶

The trial is in relation to crimes that were committed between 1982 and 1983, during the internal armed conflict, in the military base of Sepur Zarco, county of El Estor, Izabal. According to the investigations, the base was the site where members of the army came to rest after visiting other nearby bases.⁷

Different q'eqchi' women from the area were detained and forced for these years to clean and cook for the officials at the military base and were repeatedly raped.⁸

According to the human rights attorney of the public ministry (MP), Reyes Giron was the commander of the military base during these years.⁹ They now face trial for crimes against humanity for violence, sexual slavery and domestic slavery imposed against 11 women and for the murder of a mother and her three daughters.

Valdez Asij was also "accused of having participated as the military commissioner in an operation where they captured and forced into disappearance 18 people, in an action carried out on the 25th of August 1982".¹⁰

According to the MP the 20 disappeared men were the husbands or family members of the women abused in the military base.

The abuses did not finish "until 1988, when the soldiers and the placements between Alta Verapaz and Izabal, by order of high command, were stopped".¹¹

2. ACCOMPANIMENT

*PBI accompanies social organizations and individuals who have received threats for their work in the defence and promotion of human rights. In this context we are accompanying social processes in the fight against impunity, land inequality and the negative impacts of globalisation on human rights.*¹²

This month we continued to accompany the **12 Kakchiquele communities of San Juan Sacatepéquez**. We maintained regular contact with members of the resistance since the implementation of the State of Prevention in San Juan Sacatepéquez).

State of Prevention in San Juan Sacatepéquez

In October we followed closely the State of Prevention that was been implemented in the county of San Juan Sacatepéquez between the 24th of September and the 1st of November. During the State of Prevention, numerous elements of the army and police were present. The decree relating to the state of prevention restricts public meetings as well as suspending other basic rights.¹³

⁶La Hora. Soldiers in the Sepur Zarco case will face trial <http://lahora.gt/enjuiciaran-militares-por-caso-sepur-zarco/>

⁷El Periódico. Soldiers in the Sepur Zarco case will face trial <http://www.elperiodico.com.gt/es/20141015/pais/3371/Militares-enfrentar%C3%A1n-juicio-en-el-caso-Sepur-Zarco.htm>

⁸El Periódico Sepur Zarco Case: MP asks for soldiers to face trial <http://www.elperiodico.com.gt/es/20141004/pais/2828/Caso-Sepur-Zarco-MP-pide-enviar-a-juicio-a-militares.htm>

⁹Prensa Libre Slavery case goes to trial http://www.prensalibre.com/noticias/justicia/Nacionales-caso-de-esclavitud-va-a-juicio-excomisionado-militar-Erberto-Valdez_0_1230476949.html

¹⁰Prensa Libre They capture to ex-soldiers for war crimes http://www.prensalibre.com/noticias/justicia/Nacionales-caso-de-esclavitud-va-a-juicio-excomisionado-militar-Erberto-Valdez_0_1230476949.html

¹¹Plaza Pública Sepur Zarco: The recreation of the soldiers <http://www.plazapublica.com.gt/content/sepur-zarco-el-recreo-de-los-soldados>

¹² General information about accompaniment of organisations and individuals can be found on our website: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

¹³http://www.mingob.gob.gt/index.php?option=com_k2&view=item&id=7762:decretan-estado-de-prevencion-en-san-juan-sacatepequez&Itemid=103



This month we maintained regular contact with the members of the 12 Kakchiquel communities in San Juan Sacatepéquez. The 8th of October we accompanied members of the organization in a meeting with the Filter Group of the European Union where they presented various human rights abuses that have occurred since the beginning of the state of the prevention. We have also observed a press conference on two occasions where people from the 12 communities expressed their worries about the State of Prevention.

International Observation of a human rights delegation in San Juan Sacatepéquez. 14.10.2014, Photo PBI 2014

Half way through the month, we acted as international observers to a delegation of human rights organizations such as

CONAVIGUA (See CONAVIGUA). The delegation visited various communities affected by the state of prevention with the aim of verifying human rights abuses and to listen to the testimonies of the women. The 24th of October more than 2000 indigenous Kakchiquel women from San Juan Sacatepéquez marched in the capital and reported more than 1000 human rights violations to the Human Rights Ombudsman. The reports included 60 cases of sexual harassment by the police and army. After the activity we accompanied the women in their journey back to San Juan Sacatepéquez.

At the end of the month, we observed the first declaration of Barbara Díaz Surín de Pirir at a hearing in Mixco. Barbara is a member of the Community Development Council (**COCODE**) in the township of Cruz Blanca who was detained during the State of Prevention in April. The final hearing will be on the 22nd of December. Since 2006, the 12 Kakchiquel communities have denounced various court cases against community leaders. During the State of Prevention we maintained weekly meetings with Human Rights Defenders Protection Unit (**UDEFEGUA**). We also held meetings with Guatemalan authorities such as the police, the human rights ombudsman as well as embassies in the country in order to express our concerns about the situation (See political accompaniment)

The 31st of October the State of Prevention ended, however the army has maintained a military base in the area and the police have maintained a presence of 150 officials.¹⁴

In October, we accompanied the **Verapaz Union of Campesino Organisations (UVOC)**. We made weekly visits to the office of Jorge Luis Morales, the lawyer of the organization. We also were in contact every week via telephone with members of the organisation and on various occasions we were with members as they travelled to and from UVOC's activities. The 24th of October we accompanied UVOC and different community members from La Primavera, Nueva Seamay and San Miguelito in a meeting with the Secretary of Agrarian Issues (SAA) to address problems regarding access to land.

This month we also had regular telephone contact and made weekly visits to the office of **National Coordinator of Guatemalan Widows (CONAVIGUA)**. The 14th of October we accompanied a verification mission of NGO's to San Juan Sacatepéquez, in which CONAVIGUA was present (see State of Prevention San Juan Sacatepéquez), and on the 16th of October we accompanied them to a press conference in which they spoke about the activity in San Juan Sacatepéquez. The 25th of October we accompanied women from CONAVIGUA and observed a consultation in Santa María Chiquimula, Totonicapán to solicit the population's opinion about 4 megaprojects in the township: exploration and exploitation of metals, the installation of geothermal energy, the construction of hydroelectric plants, and the installation of electrical towers and telephone lines. These projects were rejected by 98.5% of the votes.¹⁵



Community consultation in Santa María Chiquimula, Totonicapán, 25.10.2014, foto PBI 2014

¹⁴ http://www.prensalibre.com/noticias/politica/estado_de_preencion-violencia-muertos-san_juan_sacatepequez_0_1240076127.html

¹⁵ http://www.prensalibre.com/totonicapan/Totonicapan-consulta-popular-mineria-Santa_Maria_Chiquimula_0_1237076388.html

This month we accompanied the lawyers of the **Judicial Human Rights Office** and lawyer **Edgar Pérez Archila** in their journeys as well as visiting the office and meeting with members of the legal team. We observed 5 hearings related to the burning of the Spanish Embassy in 1980 (See the box below), the hearing for the murder of Patricia Samayoa – a social activist killed last August – the hearing was suspended and reprogrammed for November. We also accompanied the hearing of members of the **Peaceful Resistance of La Puya** the 21st of October. This is related to a court case against people linked to Exploraciones Mineras de Guatemala, S.A. (EXMINGUA), who are accused of crimes of coercion, threats and illegal detention, which can be traced back to 2012.

The trial of the burning of the Spanish Embassy

The 1st of October was the first hearing for the burning of the Spanish Embassy in 1980 in which 37 people died. The fire happened during the occupation of the embassy by members of rural communities, workers, students, catechists and indigenous people denouncing the grave human rights violations that were occurring during the internal armed conflict.¹⁶

The person facing trial is Pedro García Arredondo, the former chief of command 6 of the national police, accused of giving the order to not allow anyone to exit the building during the fire. The accusation is for the calcination of 22 rural workers, 5 students, 8 diplomats and 2 visitors that found themselves inside the diplomatic headquarters. He also is accused of crimes against humanity, the murder of two students during the funeral procession of the victims, and violating the diplomatic immunity of the Spanish Embassy. The plaintiffs are the Rigoberta Menchu Tum Foundation (FRMT) and community member Sergio Fernando Tum Escobar. The parents of both plaintiffs died during the fire.

We maintained physical presence with members of the **Peaceful Resistance of La Puya** in the protest organized in front of the mining installation in La Puya. We visited on 5 occasions. During the whole month we were in contact via telephone with members of the resistance.



This month we were an international presence in the headquarters of the organization **New Day Ch'ortí Campesino Central Coordinator** on two occasions. We also visited the community Matasano in Jocotán where we met with members of the organization. We followed the situation in the Ch'orti' community, Las Flores, with regular contact due to the increase in threats related to the registration of their land as an indigenous community in the town hall of Jocotán.

Accompanying members of CCCND, Camotán, Chiquimula, 02.10.2014. Foto: PBI 2014

We were in regular telephone contact during the month of October with members of the **Council of Communities of Cunén (CCC)**. Likewise we have been accompanying the **Council of the K'iche' People (CPK)** and met with its members. The 5th of October, we accompanied one of their members, Lolita Chávez, to the public ministry. On three occasions we provided international accompaniment to members of the CPK in Santa Cruz Quiché, during hearings related to the murder of one of its members, Silverio Vicente. The 22nd of October we accompanied the CPK during a march in Santa Cruz Quiché marking the 4th anniversary of the consultation in which the local population voted to reject extractive and other mega projects in the zone.

In October we continued accompaniment with the **Association of Indigenous Women of Santa María Xalapan, Jalapa (AMISMAXAJ)**, through weekly telephone contact with their members. We also maintained contact during one of their activities in the region following the situation of the women.

¹⁶ http://www.prensalibre.com/noticias/justicia/embajada_de_espana-guatemala-rigobera_menchu_0_1221477924.html

3. INTERNATIONAL OBSERVATION

PBI Guatemala provides international observation of those public events in which Guatemalan social organizations request it, to show international attention and interest and to communicate outside the country what we observe.

This month we had frequent telephone contact with the Lutheran pastor **José Pilar Álvarez Cabrera** and members of the village, **La Trementina (Zacapa)**. We visited the community in La Trementina and the headquarters where they meet and organize their work for the protection of the Macizo del Merendón forest and the defence of the water. One of the problems that faces the inhabitants of La Trementina is the repeated destruction of water by those who favour of logging in the forest.

We attended the forum about “political prisoners” organized by the **Centre for Legal Action in Human Rights (CALDH)**, where they spoke about the term “political prisoners”, “conscious prisoner” as well as the criminalization of social protest and of the human rights defenders in Guatemala. Journalists, Amnesty International and social activists were present at the forum.

4. POLITICAL ACCOMPANIMENT

Meetings and other contact with the diplomatic bodies, international organisations and Guatemalan authorities

Meetings with national and international authorities are an important way for PBI to make known what we do and what our objectives are. Through these meetings, where necessary and in a reserved manner, we share our concerns about worrying situations that we have witnessed first hand from the work we do in the field.

In October we met with different members of international entities and the diplomatic corps present in the country. In the first few days of the month we met with Adeline Neau, an official of the **Cooperation and Human Rights Program of the embassy of the European Union**. We also met on two occasions with Catalina Lleras, an official of human rights in **the Office of High Commissioner for Human Rights of the United Nations (OACNUDH)**, and on one occasion with Alberto Brunori, representative of **High Commissioner for Human Rights of the United Nations (OACNUDH)**.

The authorities of the embassies with whom we met this month were, Manuel Lejarreta, the **ambassador of Spain**; Roberta de Beltranena, **assistant for the defence of the interests of the Swiss embassy**; Jorge Benz, **ambassador of Switzerland**; Philippe Franc, **ambassador of France**, and the **head of human rights**, Renaud Collard; Guillermo Hernandez Salmeron, the **first secretary for judicial matters and human rights of the Mexican embassy**; Evelyn Hoen, the **first secretary of the Norwegian embassy**; Norm Galimba, **political official of the embassy of the United States**; Alix Fraser, official for foreign affairs for the Democracy Office for Central America from the US State Department, and with Rita Grajeda, **head of human rights projects in the embassy of the United Kingdom**.

In the capital and in various regions of the country, we also met with national public authorities, mainly with the **National Civilian Police (PNC)**: at the start of the month we met with Seferino Solval: the head of operations in the eastern district. We had contact with members of the police in the **sub-station in San Juan Sacatepéquez**; the 10th of October we met with deputy chief William Velazquez Vasquez; and on the 23rd with Blanca Stella Quiñones, the chief of the sub-station. At the end of the month we met with Salvador Donis, the **chief of the substation in Jocotán**, Chiquimula.

Similarly we met with different entities of the **Human Rights Ombudsman (PDH)** at a state and national levels: On the 2nd of October, we met with Daniel Portillio, assistant for the **PDH in Chiquimula** and on the 6th with Mario Minera, the **Director of Political Advocacy of the PDH at a national level**. During the entire month we were in contact with the PDH regarding the state of prevention in San Juan Sacatepéquez.

Meetings with civil society

The field team meets regularly with civil society in order to monitor the situation of human rights defenders human rights, inform each other about the work being done and to gather information to help analyse the internal situation. We maintain opportunities for co-ordination in the field of international accompaniment.

In October we met regularly with **Human Rights Defenders Protection Unit (UDEFEQUA)** to express our concerns about the difficulties that human rights defenders face; we frequently visited their headquarters, as well as the office of the **Madre Selva Collective** and of the **Women's Sector**. During the month we also met with **Our Land Foundation** and the **Association of Integral Community Development (ADECI)**.

Similarly, we met with international organizations present in Guatemala. During the entire month we were in contact with

the **International Accompaniment Project in Guatemala (ACOGUATE)**, with the **Guatemalan Human Rights Commission (GHCR)**, with **International Protection (PI)**, with the **Forum of Non-Governmental Organizations (FONGI)**, and with the **International Platform Against Impunity**.

5. ACTIVITIES OF PBI GUATEMALA OUTSIDE GUATEMALA

Outside the country we constantly develop and strengthen the network of support for the Guatemalan PBI project, as this is one of the essential tools necessary to protect defenders of human rights. Regional Representatives, the Project Office Coordinator and other members of the committee and the Project Office and national groups of PBI, conduct public relations campaigns with many NGOs, agencies and national governments, parliamentarians and others. In this context we develop actions and public relations campaigns, and / or advocacy aimed at protecting defenders of human rights.

6. NON- GOVERNMENTAL ORGANISATIONS

In this section we publish statements (some abbreviated) from human rights organisations in which they express their concerns regarding recent events.

Comunicado de Prensa: Asamblea de pueblos de Huehuetenango ADH

Ante la opinión pública nacional e internacional; la Asamblea de pueblos de Huehuetenango ADH- denuncia:

Hemos recibido este 12 de octubre, día de la resistencia de los pueblos de América Latina, con una serie de atentados a la democracia en donde decisiones erráticas en la elección a magistrados de la Corte Suprema de Justicia; a través de diputados al Congreso de la República, decisiones de la Corte de la Constitucionalidad y el Tribunal Supremo Electoral que para nosotros es una pugna por el poder y nos dan más elementos para argumentar la debilidad de los 3 poderes del Estado de Guatemala.

Denunciamos la violación a los derechos humanos, persecución y criminalización que se constata por una serie de hechos como los de San Juan Sacatepéquez en donde fueron masacrados 11 personas y que nosotros no toleramos una masacre más en este país, y también denunciamos la persecución en contra de líderes campesinos del CUC, Daniel Pascual, quien están siendo criminalizado por esta débil justicia guatemalteca.

El día de hoy convocamos a esta conferencia de prensa y la movilización por la liberación de Saúl Méndez y Rogelio Velásquez; quienes llevan más de un año estar presos, denunciamos ilegalidades en el juicio que ha sido montado directamente por la empresa Hidralia heconer de España y que aquí en nuestro país se llama Hidro Santa Cruz y que desde el año 2008 viene causando problemas de querer implantar un proyecto Hidroeléctrica, ante el cual se opone toda la población barillense y todos los y las que acompañamos.

Por lo tanto, como estudiantes, amas de casa, campesinos, maestros, y pueblos indígenas y no indígenas; no podemos tolerar esta conducta del ya debilitado estado guatemalteco, de sus instituciones de los poderes oligárquicos, a lo que se suman las empresas transnacionales y sus intereses.

Exigimos la salida del ejército y la policía nacional civil en San Juan Sacatepéquez, y el levantamiento del estado de prevención; la liberación inmediatamente de Saúl Méndez y Rogelio Velásquez y demás presos políticos, quienes tienen el derecho de estar libres y defender sus territorios.

La anulación de órdenes de capturas a líderes y lideresas en todo el país.

Alertamos a nuestro pueblo que estén más vigilantes y pendientes de nuestra llamada, ya que nos están obligando a protestar y denunciar esta serie de hechos que atentan contra nuestra democracia.

¡¡¡ La Unidad de los pueblos, es la única garantía de la defensa del territorio!!!

¡¡¡Que viva la resistencia y la dignidad e identidad de los pueblos!!!

Asamblea de los pueblos de Huehuetenango- ADH-

14 de Octubre del 2014.

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