



Monthly Information Pack Guatemala

Number 137 - February 2015

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.

Barillas' Peaceful Resistance: The criminalization of defenders who fight to defend their economical, social, cultural and environmental rights (DESCA).

The Spanish company Hidralia-Econener-Hidro Santa Cruz SA has a license to build the Qanbalam¹ Hydroelectric project in Santa Cruz Barillas; a municipality located northeast of the department of Huehuetenango. This project has been rejected by part of the population. They have organized the Barillas' peaceful resistance, active since April 2014 to oppose the project.

Since 2008 Hydro Santa Cruz has filed several complaints against those who opposed the construction of the hydroelectric project, accusing them, among others, of coercion, intimidation and illegal detention. The conflict intensified in 2012 when 23 arrest warrants were issued against some members of the resistance movement; under which accusations of terrorist activities². That same year, "On May 1, 2012, community leader Andrés Francisco Miguel was murdered by members of the hydroelectric company security forces. The next day the government imposed a state of siege and arrested nine people (...) The nine detained leaders were released eight months later, on January 9, 2013. The anomaly of the process was documented and proven, after the Human Rights Ombudsman in Guatemala, as well as the working group of illegal detentions in Geneva, expressed themselves in favour of release"³.

Cases of criminalization against the Barillas' Peaceful Resistance continue, An example of this was the arrests of Saul Mendez and Antonio Velásquez on August 29, 2013, when they went to court seeking to close the case against them; and the decree for preventative imprisonment issued against Arturo Pablo, Francisco Juan and Adalberto Villatoro on February 26, 2015, when attending a Public Hearing. They were charged with the crime of kidnapping and abduction, incitement to crime, and illegal demonstrations among others, by the Company Hydro Santa Cruz, even though their sole purpose was to defend their right to land⁴.

This is not an isolated case in Guatemala, because as Marielos Monzón has stated, "Resistance movements have been attacked in various ways; they have been criminalized and their leaders have been prosecuted. On several occasions the arrest were made by employees of the companies, which is illegal; and other occasions, people that have nothing

to do with the violence acts have been indicted. "The roundtables that have been established to negotiate are being used more as a delaying strategy than as a real mechanism for conflict resolution. Buying the will of people has become part of the agenda, and criminal law is being used as a deterrent tool against those who

¹ Consejo de Pueblos Mayas- CPO; *Comunicado urgente. Envían a prisión preventiva a tres líderes de la resistencia pacífica de Barillas, Huehuetenango*, 26.02.15 <http://publicogt.com/2015/02/27/envian-a-prision-preventiva-a-tres-lideres-de-la-resistencia-pacifica-de-barillas-huehuetenango/>

² Ozaeta, Juan Pablo; *En Santa Cruz Barillas persiste la persecución legal y política promovida por Hidro Santa Cruz y el gobierno de Otto Pérez Molina*, Centro de Medios Independientes, 17.12.13 <http://cmiguate.org/en-santa-cruz-barillas-persiste-la-persecucion-legal-y-politica-promovida-por-hidro-santa-cruz-y-el-gobierno-de-otto-perez-molina/>

³ *Ibidem*.

⁴ Radio Snuq Jolom Konob! *Situación en Barillas en calma*, 27.02.15 <https://comunitariapress.wordpress.com/2015/02/27/situacion-en-barillas-en-calma/>

defend the land and the environment⁵”.

Day to dignify the internal armed conflict victims

The Day to Dignify the Internal Armed Conflict Victims was commemorated on February 25, this was the date on which the Commission for Historical Clarification (CEH) presented its report “Guatemala Memory of Silence in 1999⁶.” The report written to vindicate the memory of the more than 200,000 dead, 45,000 missing, 5000 children missing and violently separated from their parents, 50,000 widows, more than a million in forced displacement and thousands of surviving victims that now suffer the consequences of the torture and violence of the institutional repression of the state at that time⁷.

Several activities were held in cities across the country during this day. In Guatemala City people marched all the way to Congress to seek the approval of bill 35-90 that seeks to create The National Commission to Search for Victims of Forced and other forms of Disappearance⁸.

As highlighted by Impunity Watch in its statement, the State has the responsibility to provide proper reparation to victims and their families. In this regard, “the National Compensation Program should expedite claims for reparation to victims and communities affected by violence, and promote comprehensive reparation measures in these communities, starting with the creation of a national registry of victims because after 11 years of the creation of the program, this task still is pending”⁹.

The Creation of Special Reserve Corps Squadrons for Public Safety (CERSC)

On February 5 of this year, the Government Agreement 31-2015 was made public. With this new agreement the Ministry of Defence agrees to create squads of Special Reserve Corps for Public Safety (CERSC); their mission is to support Civil Security forces in the prevention of organized crime and ordinary crime, whenever the security circumstances of the country require so. These special squads shall be composed of 500 soldiers each, and operate in the city of Guatemala and adjacent municipalities of Mixco, San Juan Sacatepequez and Chuarrancho as well as in the departments of San Marcos, Quetzaltenango, Huehuetenango, Quiché, Zacapa, Chiquimula, Izabal, Escuintla and Suchitepéquez¹⁰.

In light of this Government Agreement, various social organizations, members of the Convergence for Human Rights, showed their concerns in a joint manifesto which stated that “the State of Guatemala, in signing the Peace Agreements, particularly the Agreements on Strengthening Civilian Power and on the function of the Army in a Democratic Society (...), pledged to delimit the role of the army only to defend the country's sovereignty and security of its territory, and to exclude them from other areas (...). (...) The creation of a squad within the military hierarchy implies that the Army will permanently take charge of public safety. In other words, the formation of these squads is a step towards the institutionalization of the military involvement in public safety, which makes them by de facto, guards of territorial occupation”¹¹. Also this statement shows that, “in many cases the intervention of the army in public security work, has led to serious human rights violations; this has been documented by the Office of the Human Rights Ombudsman and the Public Prosecutor's Office among other institutions”¹².

⁵ Monzón, Marielos; *Acabar con la resistencia*, Prensa Libre, 03.02.15

⁶ Impunity Watch; *Conmemoración el Día de la Dignificación de las Víctimas del Conflicto Armado*, 25.02.15 http://www.impunitywatch.org/docs/Comunicado_-IW_-_Dignificacion_Victimas-25_feb_2015.pdf

⁷ El Movimiento Nacional de Víctimas Q'Anil Tinamit; *Víctimas: la reconciliación no es posible sin justicia en Guatemala*, 25.02.15 <http://www.urng-maiz.org.gt/2015/02/victimas-la-reconciliacion-no-es-posible-sin-justicia-en-guatemala/>

⁸ Porres, Alfonso; *45 mil personas desaparecidas: Día de la dignificación de las víctimas del Conflicto Armado Interno* 26.02.15 <https://comunitariapress.wordpress.com/2015/02/26/45-mil-personas-desaparecidas-dia-de-la-dignificacion-de-las-victimas-del-conflicto-armado-interno/>

⁹ Ibídem.

¹⁰ Centro de Estudios Guatemaltecos; *Ministerio de Defensa crea “escuadrones del cuerpo especial de reserva para la seguridad ciudadana”*, La Semana en Guatemala. Resumen de noticias, del 4 al 10 de febrero de 2015, pág.16

¹¹ Convergencia por los Derechos Humanos; *Las organizaciones que conformamos la Convergencia por los Derechos Humanos, ante la publicación del Acuerdo Gubernativo 31-2015, que crea los Escuadrones del Cuerpo Especial de Reserva para la Seguridad Ciudadana, a la opinión pública nacional e internacional* <http://www.ecapguatemala.org.gt/noticias/comunicado-convergencia-por-los-derechos-humanos>

¹² Ibídem.

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 rights¹³

In February we continued accompanying members of the Central Campesina Ch'ortí New Day (CCCND), in their efforts to support the community processes to claim the Ch'orti Maya identity'. We were in regular telephone contact with its members and went to their office once to show international presence. We also observed the demonstration of 7 CCND communities in front of the town hall in Jocotán, Chiquimula. The purpose of the demonstration was to demand that the municipality resolve the petition made by these communities to be recognized as indigenous communities; a petition made by some communities over three months ago.



This month we kept accompanying the **Council of communities of Cunén (CCC)**, in the northern department of Quiché. We had weekly telephone contact with several of its members, and on Thursday February 26th we observed a CCC Assembly in Cunén. Some representatives from several communities in the municipalities of Cunén, Uspantán, Sacapulas, Chajul and Nebaj attended the meeting. The aim of this meeting was to talk about the power lines and several other mega projects that are being planned in the region.

Assembly of the Council of Communities of Cunén . Foto: PBI 2015.

We continued to have international presence twice a week at the headquarters of the **National Coordination of Widows of Guatemala (CONAVIGUA)**, and we maintained regular telephone contact with its members. We also accompanied the **Association of Indigenous Women of Santa María Xalapán, Jalapa (AMISMAXAJ)**, and on one occasion this month we provided international presence in their headquarters in Jalapa, a part from holding weekly telephone contact with them. In addition we made some calls during the transfers of some of its members.

In February, we held weekly visits to the office of Jorge Luis Morales, a lawyer for **Verapaz Union of Campesino Organizations (UVOC)**. We also accompanied and observed two of their court hearings. One was in Santa Cruz, Alta Verapaz, in the case of land delimitation of the community of Santa Inés. The other was in Coban, Alta Verapaz, for the case of the 48 arrest warrants that were issued against the inhabitants of Finca La Primavera. Both hearings were suspended without notice, leaving both the lawyers and the members of the community physically and emotionally exhausted; especially because some of them have to travel for a long time to attend the hearings. A week later, we accompanied UVOC's lawyer during the process related

¹³ Further general information on accompaniment and the organisations and people we accompany available on our website: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

to the arrest of one of the people with an arrest warrant. The outcome of the hearing set him free for now, but he was asked to appear back in court in June. We also accompanied the inhabitants of La Finca La Primavera to their meeting with the Secretary of Agrarian Affairs (SAA) in the town of San Cristobal, Alta Verapaz; where they continue with dialogues about the land access conflict. Finally, we provided international presence in the UVOC headquarters on two occasions.

We continue to accompany the lawyers of **the Human Rights Law Office**. We accompanied the lawyer **Edgar Pérez Archila** while he was travelling and we visited his office on a weekly basis. We watched the trial for the murder of Patricia Samayoa, a social activist that was murdered in August 2014. We also observed several hearings against 4 members of the Peaceful Resistance of La Puya (see box).

Charges dropped against 4 members of the Peaceful Resistance of La Puya

We accompanied 4 members of the Peaceful Resistance of La Puya during their hearings this month. They were accused by the Public Prosecutor's Office (MP) and employees of the mining company of coercion, unlawful detention and threats. The four accused were defended by the Human Rights Law Office and the Legal, Environmental and Social Centre of Guatemala (CALAS). On Friday February 27 the judge of the Eighth Trial Court decided to acquit and leave the 4 defendants without charge.



Camp of the Peaceful Resistance of La Puya in San José del Golfo and San Pedro Ayampuc. Foto: PBI 2015

We also continued accompanying the **Peaceful Resistance of La Puya** this month. We had frequent telephone contact with its members and we visited their camp twice. One of our visits took place on Tuesday February 24; during this visit we noticed a large presence of riot police, due to the blocking of the entrance to the mine that prevented the entrance of machinery. The Human Rights Ombudsman (PDH) was also present during these events. In the end, and after all parties had reached an agreement, several shots in the air were heard; shots that were allegedly made by the police.

In February we continued accompanying the **Council of the K'iche Peoples (CPK)**. We provided international presence in Quiché on one occasion; in addition we made weekly calls to members of the organization. We continue to monitor the withdrawal of the precautionary measures implemented to protect leader Lolita Chávez.

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 continued to support the Lutheran Reverend **José Pilar Álvarez Cabrera** and members of **La Trementina hamlet in Zacapa**. We observed the assembly of the Ecumenical Coordinator for the Protection of the Woodlands and Water of the Macizo del Merendón, which took place on February 16 in Jocotán. We were also in regular telephone contact with its members.

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 February we met with several people from international organizations and the diplomatic corps in the country: Mr. Guillermo Hernández Salmerón, **Head of Legal Affairs and Human Rights**, and Mr. Salim Ali Modad González, in charge of **Political Affairs of the Mexican embassy**; Rita Grajeda, **Project and Human Rights Officer from the British Embassy**.

We also held meetings with the following Guatemalan authorities: Mr. Oswaldo Enriquez, **Specific Human Rights Adviser of the Ministry of Interior**; Mario Minera, National Director of Advocacy of the **Human Rights Ombudsman's Office (PDH)**

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.

We are continuing to meet regularly with **the Unit for the Protection of Human Rights Defenders of Guatemala (UDEFEGUA)** to share their concerns about the work of human rights defenders; we visit their headquarters regularly, as well as the offices of the **Madre Selva Collective** and **Women's Sector**.

We also have had several meetings with international organizations in Guatemala. We maintained continuous contact with the **Coordination of International Accompaniment in Guatemala (ACOGUATE)**, with the **Guatemala Human Rights Commission (GHRC)**, with **Protection International (PI)**, with the **Forum of International Non-governmental Organisations (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.

The European representative of the project participated in a seminar organized by the **European External Action Service (EEAS)** on February 11 in Brussels; she specifically intervened in the panel on "the closing of spaces for civil society." This seminar had, among others, the participation of The Focal Point for Human Rights of the European Union.

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 URGENTE ENVIAN A PRISION PREVENTIVA A TRES LIDERES DE LA RESISTENCIA PACIFICA DE BARILLAS, HUEHUETENANGO.

Hoy en Audiencia Pública, tres líderes de la resistencia pacífica de Barillas, Huehuetenango, Arturo Pablo, Francisco Juan y Adalberto Villatoro, fueron enviados a prisión preventiva de manera arbitraria; como consecuencia de su oposición a la construcción del Proyecto hidroeléctrico Qanbalam, propiedad de la empresa española Hidralia-ecoener-Hidro Santa Cruz S.A. Este caso constituye una muestra concreta de la captura corporativa y la utilización del Sistema de Justicia para judicializar las demandas comunitarias, como una estrategia de las empresas extractivas que tiene como objetivo la desmovilización de las luchas de los pueblos. Los líderes comunitarios Adalberto Villatoro, Francisco Juan, Marcos Diego y Arturo Pablo, no son delincuentes, son defensores del agua y de la madre naturaleza, sin embargo son acusados arbitrariamente de los delitos de amenaza, detenciones ilegales y asociación ilícita. Hoy el juez Jorge Cano Villatoro de manera sorpresiva y anómala acepto la aplicación de los delitos de plagio y secuestro en contra de los implicados para ser enviados inmediatamente a prisión preventiva. Exigimos a los tribunales de Justicia de Huehuetenango, libertad inmediata de los compañeros Adalberto Villatoro, Francisco Juan, Marcos Diego y Arturo Pablo. Llamamos a los pueblos y organizaciones a nivel nacional e internacional para que nos pronunciamos y nos movilizemos exigiendo JUSTICIA Y LIBERTAD para nuestros hermanos de Barillas y que cese la criminalización de las luchas legítimas de nuestros pueblos.

DIGAMOS NO A LA JUDICIALIZACION DE LAS LUCHAS SOCIALES TODAS Y TODOS SOMOS BARILLAS.

Huehuetenango, jueves 26 de febrero de 2015
CONSEJO DE PUEBLOS MAYAS -CPO-

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