



### 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.*

#### Justice reform: An opportunity for dialogue between the people of Guatemala?

For several months the possibility of judicial reform has been under debate in Guatemala. The first judicial reform took place in 1994. More than twenty years later, the Human Rights Ombudsman (PDH), the Office of Public Prosecutions (MP) and the Supreme Court of Justice (CSJ) believe that, given the amount of changes in the political as well as the judicial system of Guatemala, a new reform can no longer be postponed. On the 2nd of February 2016, after consultations with different sectors of civil society, The International Commission Against Impunity in Guatemala (CICIG) and The Office of the United Nations High Commissioner for Human Rights (UNHCHR) presented an initiative to the Congress of the Republic to reform the ordinary laws and those articles of the Constitution that they consider necessary for modernizing the processes of judicial administration.<sup>1</sup>

The Executive, Legislative and Judicial Bodies of the Guatemalan Republic have implemented the so called "National Dialogue: Towards a judicial reform."<sup>2</sup> According to the commissioner of the CICIG, Iván Velásquez, it is necessary to take advantage of the current legislative enthusiasm in the new Congress by proposing these reforms. "The constitutional reforms proposed include changes in the judicial profession that would affect judges and magistrates, changes in the integration and postulation of the CSJ, the constitutional acknowledgement of the National Civil Police (PNC) and a new election mechanism for the Attorney General of the MP. They also propose reforms of the ordinary laws of the Penitential System, the Institute of Public Criminal Defense, the Organic Law of the MP to establish the profession of public prosecutor, the Law of Amparo, habeas corpus and constitutionality and the law of the National Institute of Forensic Science."<sup>3</sup> From different areas there is a demand for a broad national dialogue to create consensus for the strengthening of the public institutions of Guatemala. In addition, the proposed reform aims to strengthen judicial independence and provide the system with more advanced rules and roles, capabilities and procedures to make the justice system more efficient and transparent in its various entities.<sup>4</sup> To this end state bodies have established working groups in different regions of the country, where anyone can participate to express their opinion. However, according to Mario Sosa, "such working groups are part of a process in which the various stakeholders interested to intervene have been excluded from participating in the formulation of the initial proposal and in the design of the process. What is planned is that the views of those involved in such working groups can be included, mediated or discarded by the vision and the interest of the convoking

<sup>1</sup>Barreto, B., "Las instituciones de justicia quieren reformarse a sí mismas" en *Plaza Pública*, <https://www.plazapublica.com.gt/content/las-instituciones-de-justicia-quieren-reformarse-si-mismas>, 4 de Febrero 2016

<sup>2</sup>Web page of the "National Dialogue: Towards a judicial reform.", <http://www.reformajusticiagt.org/>

<sup>3</sup>Barreto, B., Op.Cit.

<sup>4</sup> Sosa, M., "Reforma constitucional: una puesta en escena conservadora", en *Plaza Pública*, <ps://www.plazapublica.com.gt/content/reforma-constitucional-una-puesta-en-escena-conservadorha>, 25 de Mayo 2016

bodies and the officials pursuing support for the proposal, who finally decide on the matter. "<sup>5</sup>

A controversial point is the question of legal pluralism, that is, the possibility of recognizing indigenous jurisdictions in the national legal system. As highlighted by Congressman Amílcar Pop, regardless of not being recognized in any law, indigenous jurisdiction is exercised as such based on their historical persistence. The reform could mean "that Indigenous People can exercise judicial functions in accordance with their own rules, procedures, uses and customs defined as a legal system in its own right with which the official legal system must coordinate,"<sup>6</sup> provided that they are not contrary to the rights enshrined in the Constitution or internationally recognized Human Rights. Also the Attorney General, Thelma Aldana, has spoken in favor of such legal pluralism, as stated by Deputy Amílcar Pop in the introduction to the book "Legal Pluralism and indigenous rights in Guatemala". According to Daniel Butler from the ICJ "acceptance of this concept involves a reconceptualization of human rights, in which a multicultural vision is incorporated, which involves an analysis of alternative mechanisms for conflict resolution that goes beyond our understanding of a Western justice system: a system that was imposed on the indigenous population during and after the conquest. Indigenous justice systems are much more sophisticated than prejudices allow us to see, especially if one considers that its development was interrupted and then manipulated and perverted to serve the interests of the colonizers".<sup>7</sup> The dialogue does not ensure that a reform of this kind will take place, but it has generated and continues to generate discussion and interest in the country and in those towns where the working groups are based.

## 2. ACOMPAÑAMIENTOS

*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.*<sup>8</sup>



*CPK meeting. Santa Cruz del Quiché, 28th of May 2016. Photo: PBI*

In the context of our accompaniment of the **Council of K'iche' Peoples (CPK)**, we travelled to the region and held a meeting with **Lolita Chávez**, member of the council. Also, on the 28th of May, we observed one of their meetings in Santa Cruz del Quiché, department of Quiché. Additionally we maintained weekly contact by phone with various members of the Council.

We continued our accompaniment to the **Association of neighbours of Chicoyogüito** in the case of the forced disappearances and crimes against humanity during the armed conflict; CREOMPAZ. This month we accompanied the witnesses of the case and their families during some

<sup>5</sup>Ibidem

<sup>6</sup>Pop A., "Reforma Constitucional y Pueblos Indígenas", en Centro de Medios Independientes, <https://cmiguate.org/reforma-constitucional-y-pueblos-indigenas/9-de-Mayo-2016>

<sup>7</sup>Butler D., "El racismo y la justicia indígena", <https://www.plazapublica.com.gt/content/el-racismo-y-la-justicia-indigena>, en *Plaza Publica*, 26 de Mayo 2016

<sup>8</sup>Further information on accompaniments and the organisations and people we accompany on our website: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

of their trips between Cobán and Guatemala City and also during the hearings.

We continued our accompaniment to the **Cunén Communities Council (CCC)** through visits of the region and weekly phone calls to keep up to date on their activities. In the context of the periodic presence we maintain in the region, we met in Chajul with two of their members on the 17th of May.

During this month we have maintained our accompaniment to the **Human Rights Law Firm** and its members. We accompanied lawyer **Édgar Pérez Archila** in his travels and we maintained weekly presence in their office. We also observed several hearings of some of their cases, amongst which: the public hearing of the Genocide case, in which the First Court of Appeals ruled that the military officers Efraín Ríos Montt and Mauricio Rodríguez Sánchez will be tried separately, and the hearings of the conclusive phase of the case CREOMPAZ, in which will be decided whether an oral and public trial will open against the 10 highest-ranked officers of the army accused of crimes against humanity. We also observed the press conference on the latter case, where plaintiffs and survivor organizations made a call for solidarity and support in the context of the threats they are suffering.



Press conference. CREOMPAZ Case, Guatemala City, 2nd of May 2016. Photo: PBI.

This month we have maintained our visits to the protest camp of the **Peaceful Resistance La Laguna**. We have observed an increased military presence in San Pedro Ayampuc after the opening of a new military base in the area during this period.

In addition, we have continued accompanying the **Peaceful Resistance of la Puya** both at the protest camp in front of the mine "El Tambor" Proyecto VII Derivada, and at the protest located in front of the Ministry of Energy and Mines (MEM). On the 12<sup>th</sup> of May, as part of our visits to the protest camp in front of the mine, we continued to observe the work of the verification commission of the MEM, which aims to clarify whether the mine has continued to work in contempt of the provisional protection order of the Supreme Court which ordered the temporary cessation of their work. We have also accompanied the Resistance members to their meetings at the Presidential House, with the various ministries, and to the public hearing in the Supreme Court for a final decision on the appeal as requested by the Center for Legal, Environmental and Social Action of Guatemala (CALAS) in 2011, which states that the issuing of the mining license to the company was done without prior consultation of the local indigenous population, a fact that for them not only contravened national legislation, but also the will of the population of the area. On the 27<sup>th</sup> of May, we observed a hearing in which the judge decided to absolve two members of the Peaceful Resistance of la Puya of the judicial process for lack of evidence, allowing them to freely continue with their work as human rights defenders.

We continued accompanying the **Verapaz Union of Campesino Organizations (UVOC)**; we maintained a presence in their office in Santa Cruz, Alta Verapaz, and continued the weekly visits to the office of their lawyer **Jorge Luís Morales** in the capital, and accompaniment to the hearings of several of their judicial cases. On the 5th of May we observed the press conference convened by the UVOC and other groups, in which they gave information on a national strike for the defense of land and territory and called for the end to criminalization against those who are defending these rights. On the 11<sup>th</sup> of May we observed the hearing of the case "Santa Inés" in Coban, Alta Verapaz.

*Press conference. UVOC and other organizations, Guatemala City, 5<sup>th</sup> of May, Photo: PBI.*



We maintained our accompaniment to the **Ch'orti Campesino Central "New Day" (CCCND)**. On the 24<sup>th</sup> and 25<sup>th</sup> of May we were present in the region, holding several meetings with its members in order to keep updated on both their security situation and their activities.

*Mayan ceremony. Tutucopote. 25th of May 2016. Photo: PBI*



As part of our work with the **Ecumenical Coordinator in Defence of Life in Zacapa and Chiquimula**, this month we were present in la Trementina, accompanying Reverend **José Pilar Alvarez Cabrera**, along with other members of this organization, to a meeting of local government in Zapaca. Also, we observed one of its activities in Tutucopote, which aimed, amongst others, to raise awareness about caring for the environment, especially water, and about the dangers of excessive logging.

### 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.*

On the 22nd of May we observed a meeting convened by several Resistances of Guatemala in San Buenaventura-Chuarrancho to the **representatives of the communities and the People of Chuarrancho** where members of the Peaceful Resistance of la Puya and of Santiago Sacatepequez were present.

### 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.*

As part of our interaction with the diplomatic corps and international organizations, we met with: Roberta de Beltranera, **Programme Officer of the Embassy of Switzerland**, Guillermo Hernández Salmerón, **Head of Legal Affairs and Human Rights**, y Salim Ali Modad Gonzáles, **Head of Political Affairs, of the Embassy of Mexico**. We also met with Clara Molin, **Second Secretary and Head of Economic and Political Affairs of the Embassy of Sweden**. Also, we held a meeting with Nicolás Theverin, **Apostolic Nuncio of the Episcopal Conference of Guatemala**.

With regard to dialogue with Guatemalan authorities, we met in the **Human Rights Ombudsman Office (PDH)**, with Mario Minera, **National Director of Mediation and Conflict Resolution** y Giovanni Gúzman, **Subdirector of Mediation**. We also met with Carlos Moran Pop, **General Director of the Secretariat for Agrarian Affairs (SAA)**, Axel Lopéz, **Director of Fontierras**, Giovana Lemus, **Coordinator of the Guatemalan Group of Women (GGM)** and Victor Hugo Godoy, **President of the Presidential Commission for Human Rights (COPREDEH)**. At the departmental level we met with Yesenia Sandoval, **Auxiliary of the PDH in Chiquimula**.

#### **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 have continued to meet with and to regularly visit the offices of the **Unit of Protection of Human Rights Defenders in Guatemala (UDEFEQUA)** to share concerns and to update one another on the work of human rights defenders in the country.

We have maintained regular contact and visits to the headquarters of **Madre Selva Collective**. We meet to share information and analysis of specific concerns. We also visited the office of the **Women's Sector**.

At the same time, we maintained constant contact with international non-governmental organisations in Guatemala such as: the **Coordination of International Accompaniment in Guatemala (ACOGUATE)**, **Guatemala Human Rights Commission (GHRC)**, **Protection International (PI)**, the **Forum of International Non-Governmental Organizations (FONGI)**, and the **International Platform Against Impunity**.

## 5. ACTIVITIES OF PBI GUATEMALA IN GUATEMALA

On the 5th and 6th of May, PBI organized the **Seventh Meeting of Women Defenders of Human Rights and the Territory and Body and Land** which brought together 30 participants from all over the country. The meeting took place in Camotán, department of Chiquimula, and its objectives were:

- the strengthening of spaces for healing for criminalized women defenders and /or victims of all types of violence,
- the creation of a space that allows for the sharing of proposals, coming from a community feminism, for “healing as a cosmic and political journey”, and
- the strengthening of political and affective alliances between women defenders to form a secure support network for the various activities they undertake.

*Seventh meeting of women human right defenders, Camotán, 5th of May 2016. Photo: PBI*



## 6. ACTIVITIES OF PBI GUATEMALA OUTSIDE OF 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.*

As part of the activities of PBI in Europe, on the 17th of May the project’s European representative met in Brussels with Julita Bas, **Political Official and responsible for Latin America in the Human Rights Department of the European External Action Service.**

## 7. NON- GOVERNMENTAL ORGANISATIONS

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

### **Grave crisis financiera de la CIDH lleva a suspensión de audiencias e inminente pérdida de casi la mitad de su personal**

23 de mayo de 2016

Washington, D.C. – La Comisión Interamericana de Derechos Humanos (CIDH) atraviesa una crisis financiera extrema que tendrá graves consecuencias en su capacidad para cumplir con su mandato y funciones básicas. La Comisión lamenta profundamente tener que informar que el 31 de julio de 2016 se vencen los contratos del 40% del personal y no se cuenta en estos momentos con los fondos, ni con la expectativa de recibir fondos, para poder renovarlos. Asimismo, la Comisión informa con profundo pesar que se ha visto obligada a suspender la realización de las visitas previstas para este año, así como de los Periodos de Sesiones 159 y 160, programados originalmente para julio y octubre.

Resulta alarmante para la CIDH el hecho de que esta situación resultará en el desmantelamiento de áreas esenciales en el cumplimiento de su mandato. La CIDH expresa su profunda aflicción ante las víctimas, los peticionarios y las organizaciones de la sociedad civil que tenían planificado participar en audiencias, reuniones de trabajo y otros espacios previstos para las sesiones de octubre. Asimismo, la CIDH expresa su extrema preocupación porque la suspensión de las sesiones tiene un impacto directo en la capacidad de la Comisión de avanzar en el procesamiento de las denuncias de violaciones a los derechos humanos, ya que es en dichas sesiones cuando los Comisionados y las Comisionadas analizan, debaten y aprueban informes sobre peticiones y casos.

Resulta igualmente perturbador el estado de indefensión en que quedarán miles de víctimas de violaciones a los derechos humanos. Será inevitable que el retraso procesal que se estaba intentando reducir vuelva a aumentar y llegue a un punto incompatible con el derecho de acceso a la justicia. Asimismo, la CIDH lamenta profundamente estar enfrentada a un escenario inminente de perder a valiosos/as funcionarios/as que han trabajado de manera infatigable en favor de los derechos de las víctimas, entregados/as a la causa de los derechos humanos con responsabilidad y dedicación.

En este sentido, la Comisión Interamericana de Derechos Humanos hace un enérgico llamado a los Estados Miembros de la OEA a asumir su responsabilidad con el Sistema Interamericano de Derechos Humanos. La CIDH espera que la próxima Asamblea General de la OEA, a realizarse en junio, adopte una decisión histórica y trascendental, que refleje el compromiso de los Estados con la defensa de los derechos humanos en la región. Esto significa aumentar de forma radical el presupuesto del fondo regular de la OEA y asignar a la CIDH y al Sistema Interamericano de Derechos Humanos en general los recursos necesarios para el cumplimiento del mandato asignado por los propios Estados. Es indispensable, imperativo y urgente que los Estados efectivamente adopten una solución sustentable a este grave y crónico problema y demuestren su compromiso con el respeto y garantía a los derechos humanos con hechos y no sólo palabras.

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