



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.

"I know it's night now, but I think the sun of justice has started coming up"¹

Friday 22 July 2016 marked the end of the oral and public debate against seven community authorities from northern Huehuetenango.² The public prosecutor had charged them with 'inciting crime', illegal detention, coercion and obstruction of criminal proceedings.³ The community authorities who were released were: (1) Mynor Manuel Lopez in custody since September 2013, accused by the Spanish company Ecoener Hidralia Energy for his participation in various peaceful protests in Santa Cruz Barillas, Huehuetenango; (2) Sotero Adalberto Villatoro, Juan Francisco Pedro and Arturo Pablo, community authorities from Barillas (515 days detained), accused of the alleged detention of 11 workers of the Spanish company Hidro Santa Cruz on April 22, 2013 in Poza Verde Barillas; (3) Hermit Lopez Reyes, Community authority Barillas (417 days in detention), accused by 23 workers of the Centre for Administration of Justice (CAJ) Santa Eulalia Huehuetenango of detaining them for several hours at its headquarters on 23 January 2014 while a hearing was conducted on the case of Barillas; (4) Rigoberto Juarez Mateo and Domingo Baltazar, ancestral authorities from the village of Santa Eulalia Huehuetenango Q'anjob'al (486 days detained), accused by the Public Ministry (MP) of having led people during a demonstration in the CAJ on January 19, 2015.⁴

The seven authorities are representatives of communities that oppose the installation of megaprojects in Huehuetenango, and who consider that natural resources are a social good that should be preserved for all humanity.⁵ The Companies Hidro Santa Cruz, Cinco M and Promoción y Desarrollo Hídricos began between 2008 and 2013 with the construction of hydroelectric dams in the northern department of Huehuetenango, without having previously consulted Indigenous communities in the region as established in Convention 169 of the International Labour Organization (ILO).⁶

On the night of 22 July, the court; the High-Risk Sentencing Tribunal ordered the immediate release of all the community and ancestral authorities. Judge Yassmin Barrios said that for her as president of the court, the MP could not prove the participation of the accused in any crime, however, the other two judges of the court rectified the resolution condemning Rigoberto Juarez Mateo for coercion (6 months suspended sentence⁷) and Hermit Lopez Reyes for obstruction of criminal proceedings (three years suspended sentence).⁸

¹ Declaraciones de la jueza Iris Yassmin Barrios Aguilar, recogidas en <https://www.plazapublica.com.gt/content/la-sentencia-que-libero-los-presos-politicos>

² Nelton Rivera, "Treceavo y último día del debate oral y público, tribunal ordenó la inmediata libertad de las autoridades comunitarias", Prensa Comunitaria Km. 169, 23 de julio 2016, <https://comunitariapress.wordpress.com/2016/07/23/treceavo-y-ultimo-dia-del-debate-oral-y-publico-tribunal-ordeno-la-inmediata-libertad-de-las-autoridades-comunitarias/>

³ Angélica Madinilla, "El tardío juicio contra las autoridades comunitarias de Huehuetenango", Plaza Pública, 22 de julio 2016, <https://www.plazapublica.com.gt/content/el-tardio-juicio-contra-las-autoridades-comunitarias-de-huehuetenango>

⁴ Nelton Rivera, Op.Cit.

⁵ Angélica Madinilla, Op.Cit.

⁶ Barbara Klitzke Rozas, "Indigene Aktivisten in Guatemala aus der Haft entlassen", amerika 21, 25 de julio 2016, <https://amerika21.de/2016/07/156712/freilassung-aktivisten>

⁷ In Guatemalan legal terms it is a 'Sentencia comutable' whereby the time served can be replaced with a fine.

⁸ Nelton Rivera, Op.Cit.

Judge Yassmin Barrios explained the decision: "For the judges it is worrying that criminal charges can be formalised based on facts that are not true. We are in 2016 (...) this is not the Inquisition. Judges observe with deep concern that there are attempts to criminalise behaviour which is permitted by the constitution of the Republic of Guatemala itself, as is the right of association, free expression of thought and peaceful protest (...) as has been demonstrated, there was no crime (...) the penal system has been used to criminalise the actions taken by the ancestral authorities."⁹

For journalist Andrés Cabanas, the release of the seven political prisoners in Huehuetenango represents a triumph of dignity, strength, and of collective and community beliefs against projects and economic models that are exploitative of nature and people, and against a State that prioritises the right to profit, whatever the cost, over the right to life. Their release is also a triumph of solidarity and joint struggle: hundreds of groups and organisations were involved in the demand for freedom through demonstrations, lobbying at national and international level, legal struggles, statements, articles, financial support, health support, and many others, from the very first arrest of leaders, on 2 May 2012. These principles and forms of collective action managed to disrupt the strategic offensive of the companies and the State of Guatemala over northern Huehuetenango, an offensive that was conceptualised as a final offensive in as far as its objective was to dismantle community organisation through the capture of leaders.¹⁰

The Inter-American Commission on Human Rights has documented in a report the various effects criminalisation has on people, such as physical injury and effects on personal integrity; negative impacts on family life; and social effects, such as generating mistrust and social ostracism. The Commission analyses in detail the problem of the misuse of criminal law by state and non-state actors in order to criminalise the work of human rights defenders. In addition, the Commission notes how the criminalisation of defenders generates negative impacts not only on the individual and his family, but also on the collective, affecting entire communities or members of a particular organisation by contributing to the weakening and/or dismantling of civil society organisations. Being subjected to criminal proceedings or the mere threat of criminal prosecution has a chilling and intimidating effect on defenders who, for fear of reprisals, may stop their work defending human rights. In general, the Commission has also seen a growing sophistication of action to prevent, obstruct or discourage the defense and promotion of human rights by state and non-state in several countries, including the creation and implementation of legislation, particularly criminal legislation, to the detriment of human rights defenders in order to obstruct their activities.¹¹

The case of the seven ancestral authorities in northern Huehuetenango is an emblematic case because in the end the Court recognised the attempted criminalisation. Yassmin Barrios ended the sentence with the following words: "We ask the prosecutors (...) and authorities (...) let's not criminalise Indigenous communities. We all have the right to live in peace and make a better country. If we all do our bit, we will achieve that harmony (...) and corporations (...) let's not criminalise the behaviour of our Guatemalan brothers".¹²

⁹ Red Tz'ikin, "Sentencia 7 presos Políticos Huehue 22-07-06", <https://soundcloud.com/redtzikin/audio-sentencia-22-07-16-23-min>

¹⁰ Andrés Cabanas, "Presos políticos en Huehuetenango: cuando la dignidad interrumpe la injusticia", Centro de medios independientes, 26 de julio 2016, <http://cmiguate.org/presos-politicos-en-huehuetenango-cuando-la-dignidad-interrumpe-la-injusticia/>

¹¹ Comisión Interamericana de Derechos Humanos, "Criminalización de defensoras y defensores de derechos humanos", CIDH, 31 de diciembre 2015, <http://www.oas.org/es/cidh/informes/pdfs/criminalizacion2016.pdf>.

¹² Red Tz'ikin, "Sentencia 7 presos Políticos Huehue 22-07-06", <https://soundcloud.com/redtzikin/audio-sentencia-22-07-16-23-min>

2. ACCOMPANIMENTS

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.¹³

ACCESS TO LAND:

We continued accompanying the **Verapaz Union of Campesino Organizations (UVOC)** paying particular attention to the situation of the community of Santa Inés, municipality of Santa Cruz Alta Verapaz. In This community, several people suffered physical assaults and theft of their belongings by members of neighbouring communities. On several occasions, in the evening hours, they destroyed their houses and burned their crops leaving them in a critical situation of great vulnerability. Likewise, PBI accompanied and observed during this month, meetings and roundtables held both in Coban and in the capital city with the various parties, authorities and institutions. The meetings were held in order to reach an agreement on the measurements of the farm that has generated this agrarian conflict. PBI met with local, departmental and national authorities to express our concerns surrounding the community of Santa Inés and the need to respect basic human rights such as the right to life and the right to food.

THE FIGHT AGAINST IMPUNITY:

We continue to maintain regular telephone contact with the members of the **Association of neighbours of Chicoyogüito**, and accompanied them in their journeys between Coban, Alta Verapaz and Guatemala City.

This month we also accompanied the lawyers from the **Human Rights Law Firm** to hearings and public debates on the Barillas case in which seven ancestral authorities in northern Huehuetenango were accused of various crimes for three events between 2013 and 2015. As part of this accompaniment we observed the hearing of the public debate where a judgment was delivered on July 22 in which Judge Yassmin Barrios ordered the immediate release of the seven defendants. Furthermore, the judge recognised that the seven community leaders from Santa Eulalia and Santa Cruz Barillas, Huehuetenango, had been criminalised.

We also continue weekly visits to the offices of the Human Rights Law Firm, accompanying the lawyer **Edgar Pérez Archila** in some of his journeys.

NEGATIVE IMPACTS OF GLOBALIZATION ON HUMAN RIGHTS:

In July, we visited the protest camp of **The Peaceful Resistance of La Laguna** in San Pedro Ayampuc and observed one of the monthly Assemblies of the Resistance in which we were able to meet with some of its members. We continue weekly calls with the Peaceful Resistance members.

This also continued our regular visits to the protest camps of **The Peaceful Resistance of La Puya** in San José del Golfo and outside the Ministry of Energy and Mines (MEM) in order to monitor the security situation of its members. We accompanied the resistance during the night of July 27 at the protest camp of La Puya in San José del Golfo where we met with members and were updated on the situation.



As part of our accompaniment to the **Campesino Ch'ortí Central New Day (CCCND)**, we were present in the municipalities of Jocotán and Camotán, Chiquimula, visiting the headquarters of the organisation to meet some of its members. During this accompaniment we visited our accompanied contacts in the communities of Lela Obraje and Lela Chancó on the Jupilingo Bridge. Community members updated us on the situation regarding logging and mining activity

¹³ 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/>

in the region. During these visits PBI recorded security incidents such as threats and slurs suffered by human rights defenders in the area for their work defending land and environmental rights.

As part of our accompaniment to the **Cunén Communities Council (CCC)**, we maintained regular contact with its members to keep informed of their activities.

This month we also accompanied the **K'iche' Peoples Council (CPK)** on two occasions. In the first instance we accompanied members to a peaceful demonstration outside the Governor's Office of Santa Cruz del Quiché, where they expressed their opposition and concern at excessive deforestation in the department by logging companies. During the activity they also showed their support for **Aura Lolita Chavez** who, for her work defending life and territory, has been subject to serious threats and slurs. PBI expressed its concern regarding her security situation. We also observed an Assembly of the Council, met several times with its members and kept in telephone contact to monitor the



situation of human rights in the region.

3. 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 regular meetings with the diplomatic corps and international organisations, we met with the **German Ambassador** Matthias Sonn; **Ambassador of Switzerland**, Jürg Benz; and a **representative of the Office of the United Nations High Commissioner for Human Rights (UNHCHR)** in Guatemala, Davide Tundo.

At the national level we met with the **Director of the Secretariat of Agrarian Affairs (SAA)**, Carlos Morán Pop, and also with the **Conflict Mediation Director of the Human Rights Ombudsman (PDH)**, Mario Minera.

In the department of Alta Verapaz we held meetings with the **Governor of Alta Verapaz**, Estela Ventura; **the regional PDH representative**, Carlos Guillermo Artola and **the regional representative for the Presidential Coordination Commission for Human Rights (COPREDEH)**, Edgar René Tun Pop. We also met in Santa Cruz, Alta Verapaz, with the **Mayor** of the municipality, Roberto Ja Caal, and the agents of the **National Civil Police (PNC)**, Cap Cho and Xitumul Tahuico.

In the department of Chiquimula we met with the **Mayor of Camotán**, Guillermo Guerra.

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.

This month we had meetings with the **Unit of Protection of Human Rights Defenders in Guatemala (UDEFEQUA)**, **Madre Selva Collective** and the **Coordination of International Accompaniment in Guatemala (ACOGUATE)**.

4. 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.

On the 18th of July, the European representative met with Sylvain Schultze, Guatemala desk officer in the **European External Action Service (EEAS)**.

5. NON- GOVERNMENTAL ORGANISATIONS

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

**A las comunidades Maya Qeqch'i de Alta Verapaz,
A las mujeres y hombres de las 195 comunidades de Santa María Cahabón,
Al pueblo de Guatemala,
A la Comunidad Internacional,**

Por este medio informamos que la Consulta de Vecinos del municipio de Santa María Cahabón sobre el uso del agua de los Ríos Cahabón y Oxec por parte de los proyectos hidroeléctricos Oxec y Oxec II, ha sido frenada por una acción jurídica interpuesta de mala fe por la empresa propietaria de ambos proyectos.

Esta Consulta de Vecinos fue convocada para el 31 de Julio de 2016, por el Alcalde y el Concejo Municipal de Cahabón a solicitud de más del 10% de los vecinos empadronados. Desde ese momento la empresa OXEC S.A. comenzó una campaña de difamación y criminalizando a líderes y lideresas del pueblo de Cahabón, como otro mecanismo de represión en contra la realización de este acto soberano de las comunidades Qeqchi' de Cahabón.

Haciendo uso de mensajes radiales y medios escritos la empresa ha intentado engañar a la población argumentando que los proyectos Oxec y Oxec II ya fueron consultados, presentando encuestas sesgadas como si hubieran realizado una verdadera consulta, suplantando así la expresión de todo el pueblo de Cahabón.

El ministerio de Ambiente y Recursos Naturales y el Ministerio de Energía y Minas violaron el derecho de las comunidades qeqchi' de Cahabón al aceptar como consultas válidas cuestionarios efectuados a 50 personas por cada proyecto, excluyendo de este modo a toda la población del municipio de Cahabón y a los habitantes de los municipios situados aguas abajo del río Cahabón.

A través del Juzgado de Primera Instancia Civil, constituido en Tribunal de Amparo de Alta Verapaz, se otorgó amparo provisional a la empresa Oxec S.A. Esta resolución ha provocado una situación, que por los riesgos en contra de la población y sus líderes, aconseja suspender temporalmente la Consulta de Vecinos convocada para este domingo 31 de julio.

Ante esta grave violación a los derechos humanos y de los pueblos indígenas exigimos:

Que se respete el derecho a la libre autodeterminación de la comunidad indígena Qeqchi de Santa María Cahabón fundamentado en el artículo 28 y 66 de la Constitución Política de la República de Guatemala, el Convenio 169 de la Organización Internacional del Trabajo, Declaración de las Naciones Unidas Sobre los Derechos de los Pueblos Indígenas y el Código Municipal.

Exigimos al Ministerio Público y la CICIG que investigue a los jueces y funcionarios que están violando y restringiendo los derechos del pueblo Qeqchi' a la libre determinación.

A la comunidad internacional, al Alto Comisionado de Derechos Humanos de Naciones Unidas, observar el comportamiento de la institucionalidad del Estado de Guatemala para que no se violen los derechos de las comunidades de Cahabón, Alta Verapaz.

A la prensa nacional e internacional, informar verazmente sobre las arbitrariedades de las empresas que crean conflictos innecesarios por la forma en que pretenden apropiarse de los bienes comunes de los guatemaltecos y guatemaltecas, a través del tráfico de influencias en las instituciones del Estado.

Reconocemos y valoramos la actitud pacífica y de dialogo del pueblo Cahabonero en el marco de la exigibilidad de su lucha por la reivindicación de sus derechos colectivos ejercido durante este proceso. Pedimos a la autoridad municipal cumplir con los acuerdos asumidos con el Pueblo de Cahabón para la realización de la consulta de vecinos y mantener comunicación permanente con las autoridades comunitarias por la armonía del municipio. Manifestamos nuestro respaldo y acompañamiento al pueblo de Santa María Cahabón en su digna, pacífica, legítima y legal lucha por la restitución de sus derechos colectivos.

Domingo 31 de julio de 2016

Comunidades y Pueblo Qeqchi' en Defensa de la Vida y el Río Cahabón

Colectivo de Organizaciones y Comunidades de la Región Norte

Colectivo MadreSelva

Instancia de Consenso del Pueblo Maya de Alta Verapaz, ADICI, Komonil Tezulutlán, ADICAV, ADICI, CCDA, CONAVIGUA, Consejo de Segundo Nivel - Nimlajacoc, Región Nimlasachal, AVANCSO, CUC, Asociación de Mujeres Nuevo Horizonte, REDSAG, Fundación Guillermo Toriello, UVOC, Consejo de Pueblos Tezulutlán, Frente Petenero Contra las Represas, CONGCOOP, La Otra Cooperativa, ASECSA, ASOMADIC, CAUCE, Comunidades de La Ecoregión Lachúa

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