



Monthly Information Pack Guatemala

Number 159 - December 2016

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.

The Inter-American Court of Human Rights once more condemns the State of Guatemala for crimes against humanity

Guatemalan has one of the highest rates of arbitrarily detentions and forceful disappearances in Latin America. According to the Historical Clarification Commission, more than 45,000 people were forcefully disappeared during the internal armed conflict, most of them civilians: campesinos, community members, religious leaders, and children.

The Association of Relatives of Detained-Disappeared Persons of Guatemala (FAMDEGUA, due to its initial in Spanish)¹ affirms that the Guatemalan State has not yet implemented a cohesive policy to deal with this phenomenon and give redress to the families of the disappeared.²

A State-sponsored massacre is alleged to have taken place in 1982 at the village of Chichupac and neighbouring communities of the municipality of Rabinal. It is alleged that the State forcefully disappeared 22 people. The "Bufete Juridico Popular" (the "Peoples' Law Firm") of Rabinal filed a suit with the Inter American Commission of Human Rights (IACHR) in 2007 in relation to the above. In 2014, upon finding the suit admissible, the IACHR transferred the case to the Inter American Court of Human Rights (IACtHR).³

In 2015 the IACtHR gave its ruling in the case (known as the "Members of the Village of Chichupac and Neighbouring Communities of the Municipality of Rabinal, Guatemala). The IACtHR held the State ultimately responsible for the 22 forced disappearances due to the fact that the State had not guaranteed the victims' (of Mayas Achí origin) rights to access to justice by not carrying out an effective investigation into the disappearances.⁴

The IACtHR stated that, "over 30 years after the events took place, and over 23 years after the first complaint was made, the cases are still at the investigations stage. (...) The Court determines that the State clearly showed an intention for the disappearances in question to go unpunished."⁵ (IACHR, p.1)

The Court ordered the State of Guatemala to make reparations by way of the following:

- For all obstacles impeding the investigations to be removed.
- Locate the final resting places of the disappeared.
- Give training in international humanitarian law and human rights law to members of the armed forces, investigators and judges.
- To include teaching on the multi-lingual, multi-cultural nature of Guatemala in the national curriculum, in order to promote respect and awareness of indigenous culture.
- To strengthen existing and new organisms that work to eradicate racial and ethnic discrimination.

¹ FAMDEGUA is a non governmental organisation. The solidarity charity was founded on 16 de June 1992 by the family members of persons detained and disappeared in order to hold the State to account for the same : this includes seeking an effective and timely investigation, and searching for the resting places of those disappeared during the internal armed conflict in Guatemala (<https://famdeguagt.blogspot.com/>)

² <https://famdeguagt.blogspot.com/>

³ http://www.corteidh.or.cr/docs/comunicados/cp_46_16.pdf. Inter-Acmerican Court of Human Rights (IACHR), 2016. *Guatemala es responsable por desapariciones forzadas y por no otorgar justicia a víctimas mayas de masacre en caso Aldea Chichupac*, Press Release. 21 Decemebr 2016.

⁴ http://www.corteidh.or.cr/docs/casos/articulos/seriec_328_esp.pdf. IACHR, 2016. *Caso Miembros de la Aldea Chichupac y Comunidades vecinas del municipio de Rabinal vs. Guatemala. Sentencia 30 de Noviembre de 2016.*

⁵ IACHR, Comunicado de prensa, Op.Cit.

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.⁶

FIGHT AGAINST IMPUNITY

We continue our weekly visits to the **Human Rights Law Firm**, and accompanied lawyer **Edgar Pérez Archila** on his journeys.

On 18 December we accompanied the **Neighbourhood Association of Chicoyogüito (AVECHAV** due to its initial in Spanish) to their monthly assembly in the municipality of Cobán. Throughout the month we kept in regular contact with AVECHAV to monitor their security situation. AVECHAV assist in the prosecution of the CREOMPAZ case.



On 9 December PBI provided **one-off accompaniment** to singer **Fernando López** to a concert celebrating the life of Marco Antonio Molina Theissen, cut short at 14 years of age when he was disappeared by Guatemala's military. At the event, homage was paid to all of Guatemala's disappeared children during the internal armed conflict, the vast majority of whose cases have not been investigated.

PROBLEMS OF ACCESS TO LAND

This month we travelled to the headquarters of the Union of **Campeño Organisations of Verapaz (UVOC)** in Santa Cruz, Cobán, department of Alta Verapaz. We accompanied their members on their journeys to the municipality of La Tinta in Alta Verapaz. We also paid weekly visits to their offices in the capital, where UVOC's lawyer, Jorge Luis Morales works. We maintained regular contact with several other of UVOC's members. PBI followed up on Dominga Cal's situation, who was assaulted in October, together with her husband Mario May Maquin and their two children in the community of Nuevo Sebah, municipality of Senahú, Alta Verapaz.

NEGATIVE IMPACTS OF GLOBALIZATION OF HUMAN RIGHTS

We continued our accompaniment of the **Peaceful Resistance of La Puya** with visits to their two protest camps. On 11 December we observed a protest march to demand the right to water in which members of the Resistance were taking part. We travelled with them through the municipalities of San José del Golfo and San Pedro Ayampuc. The purpose of the march was to raise awareness of water contamination caused by the mining in the area.

Three members of the Resistance won their appeal and were cleared of charges for which they had been sentenced to nine years imprisonment. Members of the Resistance, as well as representatives of civil society following the case expressed concern at the irregularities and deficiencies observed throughout the case. Above all, they noted the lack of independence of the trial judge, and how this impacted on the right to a fair trial of the three members of the Resistance on trial.

We were also present at the protest camp of the **Peaceful Resistance of La Laguna** and have maintained

⁶ Information on our work and the organisations we accompany is available at our website: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

regular contact with its members.

As part of our accompaniment with the **Council of K'iche' Peoples (CPK** due to its initials in Spanish), we have been following up on the worrying security situation of **Aura Lolita Chávez**. Lolita Chavez, as a result of her work protecting fundamental rights, in particular protesting uncontrolled and excessive logging in the region, has received threats and has been the subject of smear campaigns.



On 21 December we accompanied representatives of the **Campesino Coordinator New Day' Chortí (CCCND)** who attended a change of indigenous authorities ceremony in Guareruche (municipality of Jocotán). We also visited the community of Suchiquer (municipality of Jocotan) and the organisation's head office in Camotán.

This month we maintained contact with **Reverend José Pilar Álvarez** of the **Ecumenical Coordinator in Defence of Life in Zacapa and Chiquimula**. As of November, we have noted a rising number of threats being made against the Reverend following the withdrawal of his personal police protection detail in August.

This month we have given **one-off accompaniment** to the **Centre for Legal, Social and Environmental Action in Guatemala (CALAS** due to its initials in Spanish), due to the murder on 12 November of human rights defender and member of CALAS, **Jeremy Abraham Barrios Lima**.⁷ We have visited their offices several times and travelled with them from there to the prosecutor's office in visits related to the case.

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.

11 December we observed the "March for Water", in which several members of the **Peaceful Resistance of La Puya** participated. The march passed through several villages in the municipalities of San José del Goldfo and San Pedro Ayampuc, and was aimed at raising awareness of water pollution caused by mining in the area.

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 our dialogue with the diplomatic corps and international organisations, this month we met with:

- Vanesa Álvarez, Alberto Ferrero and Mary Briz, Human Rights Officers at the **Office of the High Commissioner for Human Rights**.
- Lydia Ladurner, advisor, and joint chief of mission, and Silvia Nussbaumer, Projects Coordinator at the **Austrian Embassy**.
- Matti Keppo, Advisor at the **Finnish Embassy**.

⁷ <https://www.frontlinedefenders.org/es/case/killing-jeremy-abraham-barríos-lima>
<http://www.omct.org/es/human-rights-defenders/urgent-interventions/guatemala/2016/11/d24058/>

- Petra Krejcova, assistant and head of political economic and cultural affairs, **Embassy of the Czech Republic.**

At the national level we met with:

- Mario Minera, Director of Conflict Mediation, and Gabriela Tuch, Head of Sexual Diversity at the **Human Rights Ombudsman (PDH)** due to its initials in Spanish).
- Freddy Urrutia, **Mayor of Olopa.**
- Emilio Rafael Peneo, Assistant at the Human Rights Ombudsman's (**PDH**) office in **Chiquimula.**
- Mario Fiandri, **Bishop of Petén**
- Carlos Moran Pop, Secretary at the **President of the Republic's Secretariat of Agricultural Affairs**

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 met with: the **Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEQUA)** due to its initials in Spanish), the **Coordination of International Accompaniment in Guatemala (ACOGUATE)** due to its initial in Spanish), **Amnesty International (AI)**, **Protection International (PI)**, **Guatemala Human Rights Commission (GHRC)**, **Nisgua, Breaking the Silence, Foundation Rosa Luxemburg.**

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.

EL CONSEJO MAM TE TXE CHMAN Y SUS ORGANIZACIONES MIEMBROS: FRENTE DE RESISTENCIA EN DEFENSA DE LOS RECURSOS NATURALES Y LOS DERECHOS DE LOS PUEBLOS (FRENA) Y LA ASOCIACION PARA EL DESARROLLO INTEGRAL MAYA AJCHMOL (ADIMA), ANTE LA OPINION PUBLICA, COMUNICAMOS:

En el marco del proceso en la defensa del territorio, las comunidades y los pueblos del municipio de San Pablo, San Marcos, fortalecen su trabajo organizativo, de resistencia y la lucha en defensa de la madre tierra, pero, dicha lucha ha sido criminalizada, con persecuciones, detenciones ilegales y encarcelamientos de líderes, una lideresa, autoridades ancestrales del Pueblo Mam, miembros de los Consejos Mam Te Toj Mlaj, del municipio de San Pablo y miembros del consejo Mam te Txe Chman a nivel departamental, hasta el día de hoy son 10 presos políticos: Marco Tulio Pérez Pablo, Simeón Mauricio Guzmán, Bruno Emilio Solíz Pérez, María Maribel Díaz Gómez, Nery Edilmar Santos López, Heriberto Evelio Santos López, Fausto Sanchez Roblero y Alfonso Chilel Hernandez, detenidos el 10 de diciembre del 2014, por los delitos de plagio o secuestro, asociación ilícita, sedición, detención ilegal, robo agravado, lo cual son totalmente falsos; Sentenciados de 2, 3 y 4 años, todos con recursos de apelación, pendientes en resolver, recurso de apelación planteada por la Asociación Liga Pro Patria, como "Querellante Adhesivo" en el proceso. El proceso de Fausto Sánchez, se emitió sentencia absolutoria, en el agosto del presente año, pero aun así continua detenido Alfonso Chilel Hernández, con sentencia condenatoria conmutable, sin embargo, detenido en la granja penal de Cantel. El proceso del señor Lorenzo Ramírez Rodríguez, persona de la tercera edad de 75 años, exalcalde comunitario, detenido en enero 2015, con sentencia de 5 años y 4 meses, condenado por los delitos de detención ilegal y coacción, se ha interpuesto apelación para que la pena sea conmutable, pendiente fecha de audiencia. El proceso de Plutarco Irineo Clemente Pérez, detenido el 21 de octubre del 2015, pendiente de debate, acusado por problemas con la hidroeléctrica Hidrosala y por la empresa ENERGUATE, como hurto de fluidos, los delitos señalados han sido inventados por el señor Casimiro Pérez, testigo falso y manipulado por personeros de la empresa Hidrosalá y ENERGUATE. Oscar Sánchez Morales, autoridad ancestral del Consejo Mam Te Txe Chman, San Marcos, detenido el 4 de agosto del 2016, estuvo en prisión preventiva casi tres meses actualmente con medida sustitutiva. Cabe resaltar que la ley taxativamente indica que tipos de medida se deben imponer, sin embargo el Juez se extralimitó imponiendo medidas que la ley no prevee, entre ellos

“prohibición de concurrir a reuniones que se lleva a cabo por parte de ASOCIACION CAMPESINA DE DESARROLLO INTEGRAL, a las reuniones que se lleven a cabo por parte del CONCEJO COMUNITARIO DE DESARROLLO del lugar de su domicilio o residencia, prohibición de concurrir a reuniones con la AUXILIATURA DE LUGAR DE SU RESIDENCIA, prohibición de concurrir a reuniones con LIDERES O REPRESENTANTES DE LOS PUEBLOS MAYAS DEL DEPARTAMENTO DE SAN MARCOS, o por cualquier otro motivo que tenga a fin tratar lo relacionado a expulsión o falta de actividad de la empresadenominada HIDROSALA, SOCIEDAD ANONIMA”. En la mayor de los procesos penales en criminalización de los liderazgos en defensa del territorio, agua, y demás bienes naturales, intervienen bajo la figura del querellante adhesivo: Casimiro Pérez, Asociación Liga Pro Patria, Hidro Sala y ENERGUATE. La detención de los hermanos y la hermana, ha generado abandono de sus hijos, hijas y esposas, provocando mayor pobreza, miseria y desintegración familiar. Además existen ordenes de captura, a más de 50 líderes comunitarios, más de 100 nombres mencionados por el señor Casimiro Pérez, cooptado por el proyecto Hidrosala con el respaldo de instituciones del Estado: Ministerio de Energía y Minas, Ministerio Público, Ministerio de Ambiente y Recursos Naturales, Policía Nacional Civil y el Ejercito, impulsando un ambiente de temor, amenazas, intimidaciones en las comunidades del municipio de San Pablo, San Marcos. Lo que acontece en el territorio Maya Mam, departamento de San Marcos, se da en Barillas, Huehuetenango, Cobán Alta Verapaz, Peten, El Estor, Izabal, Quiche, Santa Rosa, Cuilapa, Jutiapa, Chiquimula y los desvíos de ríos en la Costa Sur.

Ante esta conflictividad social, EXIGIMOS:

1. A la señora Fiscal General del Ministerio Público, Licenciada Thelma Aldana, detener la persecución penal a dirigentes, líderes, líderes, autoridades ancestrales y defensores y defensoras de derechos humanos.
2. Al organismo judicial, al tribunal de sentencia y la sala mixta de apelaciones de San Marcos, liberar de manera inmediata a nuestra hermana y hermanos detenidos, porque no han cometido delitos.
3. Al organismo ejecutivo, al Ministerio de Energía y Mina, Ministerio de Ambiente y Recursos Naturales, anular las licencias mineras y construcción de hidroeléctricas, porque son ilegales y han generado conflictividad social.
4. A los señores Diputados, dejar sin efecto la iniciativa número 4781, ley del Arbitrio del Alumbrado público Municipal, porque viola la autonomía de los municipios y los intereses de los pueblos.

Guatemala, 02 de diciembre del 2016.

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Todas las fotos publicadas son de PBI

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