



Monthly Information Package Guatemala

Number 165 - June 2017

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.

Evictions in Petén

On June 2, one thousand police and army elements were mobilized to carry out an eviction of the Laguna Larga community located in the National Park Laguna del Tigre in Petén. In light of the imminent eviction 120 campesino families fled toward the Mexican border where they established a camp and requested refuge from the Mexican government.¹ Human rights and civil society organizations expressed concern for the disproportionate amount of force used in the raid which included the use of helicopters,² as well as the precarious conditions which the displaced people are faced with. The International Human Rights Observation Mission on the Guatemala - Mexican border declared it an emergency humanitarian situation due to the presence of children, women and elderly people many with gastrointestinal and respiratory illnesses housed in 35 tents in poor condition without enough food and medicines.³

The eviction culminates a process of more than 10 years since the National Council on Protected Areas (CONAP) began to process the eviction in 2005. This case is an example of a series of evictions that are part of state policy towards 82 communities located in Protected Areas in Petén. Guatemala law states that it is illegal to have human settlements in Protected Areas and according to CONAP *the majority of these settlements should be evicted or relocated in order to preserve the ecological integrity of the ecosystems of such protected areas.*⁴

However, as explained in the International Commission of Jurists' (CIJ) press release, which denounces the eviction, many of these communities came to the area as part of a state sponsored program in the 1960s before the Protected Area was created and they do not have access to other lands. The same press release notes the incoherence of policy on evictions of campesino families given that the *State of Guatemala allows and facilitates petroleum exploitation in the same area with the PERENCO company, despite oil spills and other related activities, they produce serious deterioration to fresh water reserves which are the most important in Mesoamerica.*⁵

It has also been criticized the fact that the eviction was carried out despite the communities intention to dialogue with the government regarding the situation of communities in Petén. The *Alternative Proposal for Integral and Sustainable Development of the Affected Communities due to the Creation of Protected Areas*, was written by the communities and their lawyers and presented to Congress on November 4, 2016. The communities requested a roundtable dialogue space with the government to negotiate a safe and sustainable

¹ Chim, L., *Cientos de Campesinos Guatemaltecos se instalan en Municipio de Campeche*, La Jornada. México, 06/05/2017.

² Comunicado del Consejo Pastoral de la Parroquia San Pedro Apostol, *¡Auxilio...! Gritan las más de cuatrocientas personas, entre ellas más de ciento treinta niños*. Guatemala, 06/17/2017.

³ Press release International Human Rights Observation Mission on the Guatemala – Mexican Border, *Emergencia Humanitaria y de Refugio: Comunidad Desplazada de Petén, Guatemala se encuentra varada en la línea fronteriza en Candelaria, Campeche*. Guatemala, 06/05/2017.

⁴ Escalón, S., *Temporada de Desalojos en la Laguna del Tigre*, Plaza Publica. Guatemala, 06/19/2017.

⁵ Press release ICJ, *Comisión Internacional de Juristas condena desalojos en el departamento de El Petén*. Guatemala, 06/05/2017.

solution for their families. Said proposal seeks perpetual permanence of the communities in the reserves with guarantees of sustainable use of the forest.⁶

Miguel Ángel León, Vice President of the Central Committee of Laguna del Tigre, indicates: *while we are in talks, they judicialize the case; this is disloyal because while we are in dialogue the State lacks the political will to resolve conflicts.*⁷

In the dialogue session after the eviction lawyer Edgar Pérez pointed out several irregularities with the authorization of the evictions and advocated for relocation of the community. In light of international pressure generated due to communities' members fleeing to Mexico, the government agreed to look for land for them outside of the Protected Area. However, the history of eviction cases in Petén is not very promising. An emblematic case of the community Centro Uno that was evicted in 2009. Those families are still pending relocation and today still live in improvised housing on the edge of the Retalteco community without access to health services and education.

To date the Laguna Larga families are living in precarious conditions in Miguel Hidalgo, Campeche, Mexico where they were moved to by Mexican authorities.⁸

Human Rights Ombudsperson (PDH) appointment process

The interview phase for 27 candidates started in mid-June and resulted in a short list of three people selected by the Congressional Human Rights Commission. The finalists are Augusto Jordán Rodas Andrade, Claudia María López David and Ricardo Efraín Alvarado Ortigoza. The future Human Rights Ombudsperson will be elected by Congress with 105 votes (two thirds).

After receiving the short list of candidates, the vote was postponed to give different groups in Congress time to analyze the list and give the Constitutional Court (CC) time to resolve several injunctions against the process. Despite the fact the CC ruled not to grant injunctions, Congress did not retake the task of appointing a new head of the PDH. Civil society organizations expressed concern for this new delay, noting that there are conservative sectors that reject the three people selected. According to Congresswoman Nineth Montenegro: *beyond candidates' political ideology, I think that there are people who want a submissive, docile and compliant person in the PDH and not someone who comes to work in defense of fundamental human rights. They are betting on a person with another profile and that accommodative profile, that is to say, does not attend to the changes that the country has achieved in the fight against corruption.*⁹

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.*¹⁰

STRUGGLE AGAINST IMPUNITY

In June we observed the general assembly of the **Neighborhood Association of Chicoyogüito (AVECHAV)** in which lawyers informed the community about the next steps in the expert assessment of the **CREOMPAZ** case. We also observed an event where **AVECHAV** participated for the National Day Against Forced Disappearance in which the importance of exercising the right to recuperating memory was reflected on and that justice is done for disappearances. We continue to follow the security situation of the Association's members.

This month we continued weekly visits to the **Human Rights Law Firm (BDH)** and we accompanied lawyers

⁶ Press release from FONGI, *Nuevos desalojos en Petén*. Guatemala, 06/14/2017.

⁷ Montepeque, F., *Familias de Petén que fueron desalojadas piden investigar a juez*, El Periódico. Guatemala, 06/11/2017.

⁸ Montepeque, F. *Gobierno asegura que reubicará a los desplazados de Petén*, el Periódico. Guatemala, 06/13/2017.

⁹ Gramajo, J., *Elección PDH: Diputados planean deshacerse de tema para incluir a favoritos*, Prensa Libre. Guatemala, 06/24/2017.

¹⁰ For general information about the organizations and people we accompany see our website: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

to a hearing on the **CREOMPAZ** case where the injunction put forth by the Office of Public Prosecutions (MP) and joint complainant was discussed. The injunction requested the annulment of the judgement handed down June 7, 2016 in which the judge declined to take a stand on some of the facts alleged by the MP. As a result they wanted to make the judge speak out on the facts and argue her decisions in a logical and complete manner.

We also accompanied BDH to an offering of evidence in the **Dos Erres Massacre** case against Santos López Alonzo, former Kaibil (special forces of the Guatemalan army) who is being tried for his possible participation in the massacre of 200 people from the Dos Erres community in Petén which took place in December 1982. He is also being charged with suppression of marital status, stealing a child from the community and changing its identity. The judge accepted all of the evidence from both parties.



We also must add two more accompaniments to BDH. The trial of Patricia **Samayoa's** murder perpetrated by a private security guard in 2014. During the hearing four more testimonies were incorporated. And a hearing of the **Rio Dolores** case in which for the third time the prosecutor declined to receive the accused.

ACCESS TO LAND

We have closely followed the security situation of the communities who are members of the **Union of Campesino Organizations of Verapaz (UVOC)**, which continues to be worrisome. The hearing of the criminalization case of Santa Inés (Santa Cruz, Alta Verapaz) community members who were accused of aggravated usurpation programmed for June 8 in Cobán was suspended and rescheduled for July 6. This is the second time that hearing is suspended due to the absence of joint complainant. Thus, the judge stated the next hearing will take place with or without the joint complainant and their lawyers. We also met with the mayor of Santa Cruz de Alta Verapaz to follow up on relocation of the evicted families. We also met with the National Civil Police (PNC) to show our concern for the security of UVOC members.

NEGATIVE IMPACT OF GLOBALISATION ON HUMAN RIGHTS

This month we continue weekly calls to stay informed of the security situation of the **Peaceful Resistance of La Puya** and the **Peaceful Resistance of La Laguna**.

In June we accompanied Reverend Jose Pilar Álvarez Cabrera of the **Ecumenical and Social Coordinator in Defense of Life in Zacapa and Chiquimula (Coordinadora)** to a workshop on the criminalization of defenders in the region organized by Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEGUA). The Reverend's security situation and other defenders in the area continues to be of concern in a context characterized by the installation of megaprojects, presence of organized crime, unregulated logging and discrimination and violence against women.

Likewise, we have been monitoring closely the situation of the **Council of K'iche' Peoples (CPK)**, especially in regards to their activities denouncing unmoderated logging in the forests of the Quiché department. On June 7 after a confrontation between a logging truck driver and CPK members, the security incidents that arose as a result of this, we accompanied them in the region. We also met with different authorities present in the area (see section 4 Political Accompaniment). We also accompanied several CPK members to a hearing on sexual violence in the Prosecutor against Femicide in Santa Cruz del Quiché.

In regards to our accompaniment to **Campesino Central Coordinator New Day' Chortí (CCCND)**, we are closely following the worrisome security situation of its members due to growing and more aggressive attempts to coopt the CCCND. The CCCND associates said threats with the activities of an antimony mine in the municipality of Olopa. In this context we accompanied the representatives of the communities of Olopa to a march to deliver a petition to the town hall. The petition rejects mining in the region. Also, we accompanied Ch'orti' authorities to an event with ancestral authorities from Sololá in their visit to the Las Flores community in Chiquimula.



We also accompanied CCCND members to a public viewing at the CC for Timoteo and Agustin's case, two community leaders from the Las Flores community in Chiquimula who have been in prison for several years. At this hearing they asked the court to revert to the first judgment. The CC has 15 days to respond. Once the court proceedings ended we visited Timoteo and Agustin in the Jocotes prison in Zacapa to give them a bit of moral support.

3. INTERNATIONAL OBSERVATION

PBI Guatemala is present in international public events when requested to do so by Guatemalan social organisations, in order to show international attention and interest and in order to report internationally on what we observe.

We continue to follow the **Molina Theissen** case, Marco Antonio Molina Theissen was 14 years old and in junior high when members of the army entered his home, detained and disappeared him. Previously, his sister Emma Guadalupe, co-complainant in this case, was illegally detained on September 27, 1981 by members of the army in Cuatro Caminos. They took her to the Manuel Lisandro Barillas Military base in Quetzaltenango where she was tortured and raped. Emma managed to escape her captivity and in revenge her brother Marco was disappeared. Currently, five former military officials are being tried for this case, including Benedicto Lucas García, Head of the Estado Mayor when the events occurred. They are charged with crimes against humanity. Evidence is still being offered in the case. The conclusive act of this phase is experiencing delays due to technical faults.

On Thursday, June 29 we observed a **commemoration** organized by the Network of Ancestral Healers **in honor of the girls killed in the "Safe" House fire** in the Central Park in Guatemala City.

On June 30 we observed a march in Guatemala City for the **National Day against Forced Disappearance**.

Follow-up Trip to Petén

This month we carried out our first trip of 2017 to the department of Petén. We met with different civil society actors and authorities to follow-up on situations related to the topics of: conflicts and infringement on human rights in Protected Areas; rights of women and trans community; and impacts of mega projects.

We accompanied one member of the La Laguna del Tigre communities to the PDH in San Benito/Santa Elena. We highlight our visit to the settlement of **Centro Uno** community, located in the municipality of La Libertad where we observed that more than 7 years after being evicted, people in this community continue to live without a safe place to reside, without minimum services to have a dignified life which forces them to live like displaced people in several municipalities in the department.



We also visited **Triunfo de la Nueva Esperanza** and we found that even though they have a place to live since a few years ago, they still have many limitations to legally constitute themselves as a community, with the disadvantages that this presents. The community expressed concern because the State of Guatemala has yet to comply with several pledges made after the eviction.



We met with several civil society organizations among them: Redmmutrans who defends the rights of trans women; Ixqik who coordinates the Center for Comprehensive Support for Women Survivors of Violence (CAIMUS) in Petén; Ixmucané womens organization who also defends territory. These organizations expressed concern for the structural and contextual violence that women in Petén experience.

In the conversations we had during our trip the vulnerability and precarious conditions in which many communities located in Protected Areas stands out. This is due to the threat of eviction. In June Laguna Larga was evicted which shows once again the magnitude of the operative deployed in evictions and in agrarian conflicts and the difficulties that bring with them. We are concerned for the lack of advancement with the dialogue roundtable on the alternative proposal for integral development of communities in Protect Areas.

During our observation trip we met with local authorities (see section 4 Political Accompaniment) and shared our concerns.

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 interlocution work with the diplomatic corps and international organisms in Guatemala this month we met with:

- Anja Maria Dahl (Director) and Gerhard Schmalbruch, of **Gesellschaft für Internationale Zusammenarbeit (GIZ)**.
- Harald Klein, **German Ambassador**.
- Robertha de Beltranena, **Program Officer, Embassy of Switzerland**.
- Clara Molin and Fanny Bengs, second Secretariat of Political and Economic Affairs of the **Embassy of Sweden**.

At the national and regional level we met with the following authorities:

- Moisés David Soto de León, deputy commissioner of **PNC Department Alta Verapaz, Comisaría 51, Cobán**.
- Roberto Ja Caal, **Mayor of Santa Cruz, Alta Verapaz**.
- Onofre Carrilo, **COPREDEH, Santa Cruz del Quiche**.
- José Francisco Perez Reyes, **Mayor of Santa Cruz del Quiche**.
- Victor Manuel Simón Sol, Deputy Inspector of the Division of Environmental Protection of the **PNC (DIPRONA) Santa Cruz del Quiche**.
- Flavio Ruiz, **PDH of Santa Cruz del Quiche**.
- **PNC of Santa Cruz del Quiche**.
- Manuel Castillo (Coordinator) and Bairon Lec (Technician), **National Institute on Forests (INAB) of Santa Cruz del Quiche**.
- María del Pilar Montejo, Legal Counsel to **CONAP, San Benito, Petén**.
- Grisela Segura, Official Analyst of the PDH in La Libertad, Petén.
- Miriam Juarez, head of **COPREDEH Petén**.
- Lic. José Manuel Méndez (Director) and Edin Saúl Suntecun (Technical Advisor), **Secretariat for Agrarian Affairs (SAA) San Benito**.
- Hellen Méndez Vera, Official Analyst of the **PDH San Benito/Santa Elena**.

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 project's European representative held the following meetings:

- Aldo dell'Arriccia, **Division Head for Mexico, Central America and Caribbean of the European External Action Service (EEAS)** and with Gonzalo Sans Sánchez, **International Relations Officer** of the same division, Brussels, Belgium.
- Josep Terricabras, **Catalan European member of Parliament from the Green political group** and Oriol Casesvila, assistant to the European member of Parliament, Brussels, Belgium.
- Louis Cox-Brusseau, **Human Rights advisor to ECR political group of European Parliament**, Marta Pawlik, **International Relations Advisor** for the same political group and Volha Kozkukh of the **German member of European Parliament** and Hans Olaf Henkel of the same political group, Brussels, Belgium.
- Lucia Vilarino Alvaredo, **Advisor on human rights and international relations for GUE political**

- **group** of the European Parliament, Brussels, Belgium.
- Participation in a large meeting with Paulo Abrão, **Executive Secretary of the InterAmerican Commission on Human Rights (ICHR)** and Sílvia Fitte de Amleiva, **Project Coordinator of ICHR**, Brussels, Belgium.

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

Ante el cobarde asesinato del compañero Eugenio López López, de 72 años de edad, y el atentado en contra de otros dos compañeros, que cometieron personeros de la finca San Gregorio Piedra Parada, Coatepeque, Quetzaltenango, el 23 de junio de 2017, más de 200 extrabajadores de dicha finca externamos nuestro repudio a ese cobarde hecho.

Denunciamos que los señores Campollo y Quintanal, dueños de dicha finca actúan con total impunidad en Coatepeque, Quetzaltenango, asesinando, atentando contra la vida, criminalizando, intimidando y difamando a los que reclamamos nuestros derechos violentados.

Nosotros tenemos más de 10 años de estar luchando pacíficamente para que los señores Campollo y Quintanal, respondan por el robo millonario que nos hicieron durante más de 30 años, al cobrarnos quincenalmente las cuotas laborales para el Instituto Guatemalteco de Seguridad Social, IGSS, pero que nunca lo reportaron.

Defraudaron al IGSS y nos robaron, esto lo comprobamos años más tarde cuando algunos de nosotros, por quebrantos de salud, nos apersonamos al seguro social, recibiendo una respuesta negativa de parte del personal, aduciendo que el patrón nunca hizo efectivas las cuotas correspondientes.

En varias ocasiones hemos dialogado con los empresarios, con personeros del IGSS, con la Procuraduría de los Derechos Humanos, con la Comisión de Derechos Humanos del Congreso de la República y con representantes del Ministerio de Trabajo, pero nuestras peticiones siempre han sido ignoradas.

Asimismo, queremos denunciar la sospecha de que los dueños de la finca San Gregorio Piedra Parada han corrompido a autoridades locales como, Policía Nacional Civil, el Ministerio Público, Procuraduría de Derechos Humanos, entre otras, quienes actúan a favor de los intereses de los finqueros y no en pro de nuestros derechos.

En la actualidad los Campollo y los Quintanal, están criminalizados, difamando y procesando penalmente a cinco compañeros nuestros, Elmar Pérez, Francisco Vásquez, Pedro Morales, Leonel Carrascosa y Ricardo Castillo. El 24 de septiembre del año pasado fue apresada Dalila Mérida, dirigente regional del CUC en la Costa Sur, a quien acusaban de cometer usurpación, delito infundado por los empresarios en complicidad con el Ministerio Público. Recalamos que con el asesinato del compañero Eugenio López suman 42 personas fallecidas que no gozaron de los servicios del IGSS.

Ante lo expuesto con anterioridad, demandamos al Ministerio Público que investigue a profundidad el asesinato de nuestro compañero Eugenio López López. Que no quede impune este vil asesinato y el atentado en contra de otros dos compañeros.

Exigimos la destitución de la auxiliar de la Procuraduría de Derechos Humanos de Coatepeque, porque hasta el momento no se ha pronunciado a nuestro favor, lo que nos hace creer que la PDH está actuando en pro de los intereses de los propietarios de la finca en mención.

A los directivos del IGSS y al Ministerio de Trabajo exigimos que inicien de inmediato las diligencias necesarias para que los propietarios de la finca San Gregorio Piedra Parada responda por el robo millonario a los 250 extrabajadores y al seguro social.

A las organizaciones que velan por el cumplimiento de los derechos laborales y Derechos Humanos, a nivel nacional e internacional, hacemos un llamado a pronunciarse a nuestro favor y condenar las prácticas de violación al derecho laboral que hicieron y hacen los dueños de la finca San Gregorio Piedra Parada.

¡A mayor represión, mayor organización!

Extrabajadores de la Finca San Gregorio Piedra Parada

Comité de Unidad Campesina -CUC-

Cabeza clara, corazón solidario y puño combativo de las y los trabajadores del campo.

Miembro de la Convergencia Nacional Maya Waqib Kej, Asamblea Social y Popular y la CLOC-Vía Campesina.

Guatemala, 26 de junio de 2017

PBI Team in Guatemala: Kateřina Rosochová (Czech Republic), Stephanie Brause (Germany), Cristina Ortega González (Spain), Catriona Rainsford (United Kingdom), Gustavo García Andrade (Colombia), Francisco Vanegas Toro (Colombia), Jan Sabbe (Belgium), Anabel Butler (United Kingdom), Emanuela Lamieri (Italy) and Andreas Lo Grasso (Germany).

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