



Monthly Information Package Guatemala

Number 167 - August 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.

Inter-American Commission on Human Rights (IACHR) visit to Guatemala

The IACHR visited Guatemala from July 31 to August 4 to observe the human rights situation in the country. During their visit representatives met with civil society organizations, government authorities, human rights defenders, indigenous authorities, autonomous organisms, international organizations, academics and journalists.

The IACHR's preliminary observations point out *that several of the causes of the internal armed conflict still persist today. The economy is based on a concentration of economic power in the hands of a few people, a weak state structure, few resources due to sparse tax collection and high levels of corruption. Structural problems also persist like racial discrimination, social inequality, poverty and exclusion and the lack of access to justice all of which are an obstacle for the full respect of human rights in Guatemala. Likewise, the IACHR received information on the persistence of parallel power structures that impede the fight against impunity, corruption and the strengthening of the Rule of Law.*¹

The Commission also mentions the lack of access to justice for indigenous peoples and the persistence of linguistic, geographical, and cultural barriers. They also reference high numbers of impunity in cases of physical and sexual violence, abuse and exploitation of girls, boys and adolescents. In addition, the IACHR confirmed that the majority of the cases of violence, attacks, detentions, criminalization and murders against defenders are related to the defense of environment and the demand of indigenous peoples' right to be consulted before implementing extractive projects. Despite insistence by indigenous and ancestral authorities, as well as by indigenous and environmental organizations that Convention 169 of the International Labour Organizations (ILO) is sufficient to regulate consultations, the IACHR recommends the Guatemalan Congress draft a Prior Consultation Law that complies with inter-American standards on the subject, through a process of consultation with indigenous and Garifuna peoples.

On the other hand, the Commission recognizes the States' efforts at the beginning of 2017 to start a process to create a *Public Policy for the Protection of Human Rights Defenders*. In that sense, the Commission urges the State of Guatemala to ratify and implement this policy with due legal support. Also, the IACHR notes in its preliminary report that the State has developed initiatives like the Entity for Analysis on Attacks against Defenders and the Unit on Crimes Against Human Rights Activists, yet these agencies have not been strengthened. For this reason they remind the State of its obligation to investigate and sanction human rights violations against defenders in order to combat existing impunity and prevent repetition.

Francisco Eguiguren Praeli, IACHR President, stated that in a period of three months they will present their final report that will include concrete recommendations assuring that it will not be a complaint report, showing concern because many judges, prosecutors as well as the International Commission Against Impunity in Guatemala (CICIG) are subjects of attack, threats, pressure, and harassment that put their and the lives of their families at risk.²

¹ CIDH, [Observaciones Preliminares de la Visita in loco de la CIDH a Guatemala](#), Guatemala, 08/04/17.

² Pocón R. y Muñoz Palala G., [CIDH ve avances, pero expresa preocupación por respeto a derechos humanos](#), Prensa Libre. Guatemala, 08/04/17.

Political Crisis: Jimmy vs. Ivan

At the end of August a political crisis erupted following the request made to the Supreme Court of Justice (CSJ) by the CICIG and the Office of Public Prosecutions (MP) to strip President Jimmy Morales of his political immunity due to illegal campaign financing for his political party (FCN – National Convergence Front) during the 2015 campaign. At the same time, the President traveled to New York to meet with the UN General Secretary.

Upon return from New York, President Jimmy Morales declared Ivan Velasquez, head of the CICIG, *persona non grata and ordered his immediate expulsion from the country*. Likewise, he dismissed the Minister and Vice Minister of International Relations anticipating their disagreement with this decision. On the same day, the Health Minister and several Vice Ministers from different ministries resigned as well as several presidential commissioners expressing their disagreement with this decision.

Also on the same day, the Human Rights Ombudsman presented an injunction before the Constitutional Court (CC) questioning the legality of the presidential decision. This motion suspended the presidential order. On Tuesday, August 29, the CC concluded that the President acted without accompaniment of his ministers, as the Constitution states, and that there was incongruence of dates. The President did not use the process set forth in the agreement between the Guatemalan government and the United Nations to resolve controversies. For these reasons, the court ordered the definitive suspension of the expulsion of Iván Velásquez.

From the start of this crisis Commissioner Iván Velásquez received great support from civil society which was made visible in civic demonstrations outside the CICIG office, CC and in Central Park. People siding with President Morales also protested outside the CICIG office.

Attorney General Thelma Aldana, the new Human Rights Ombudsmen Jordán Rodas and Ancestral Authorities from different indigenous peoples also came out in favor of the CICIG Commissioner. The international community, headed by the UN, Inter-American Commission on Human Rights (IACHR), North American and European countries also showed their support for the Commissioner and his mandate. This has translated into a growing international isolation for President Jimmy Morales whose son and brother are being processed for corruption in the General Property Registry case.

It is of concern that in face of this complicated situation, the possibility of a coup d'état is present which would mean, among other things, a restriction of constitutional freedoms which would be the most threatening scenario for the security of human rights defenders.³

³ Rivera D., [*FCN Nación alerta de golpe de Estado y arremete contra la CC por otorgar amparos*](#), Guatevision. Guatemala, 08/30/17.

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.⁴

STRUGGLE AGAINST IMPUNITY

In our accompaniment with the **Human Rights Law Firm (BDH)**, we were present during an accusation hearing in the Safe House case and during another hearing for the case. Three civil servants are accused of crimes of omission of duties, abuse of authority, mistreatment of minors, culpable injury, and culpable homicide following the fire in the Virgen de la Asunción Safe Home on March 8 in which more than 40 girls who were under the protection of the State died. It is being requested to add the crime of torture because of the abuse the children suffered in the home before the fire. The BDH is one of the co-complainants in the case representing families of the victims and survivors. For the moment the case is suspended after prosecuting lawyers challenged the judge for being biased. On August 16 the judge the freed Anahí Keller, Deputy Secretary for Protection and Accompaniment of Children and Adolescents of the Secretariat of Social Welfare (SBS), of charges.

We also accompanied BDH to the judicial complex in Cobán, Alta Verapaz, during the defense of Blanca and Rolando Güitz Pop, who are part of the Resistance of Río Dolores and members of the Monte Olivo community. The judge conceded to the 3 months requested by the MP to collect new evidence and temporarily suspend the process, putting a stop to Blanca and Rolando's preventative measures. In 4 months a new court proceeding will be held to determine whether the case will go to trial or to close the case.



We have also maintained our weekly presence at the BDH's office and accompanied its lawyers to hearings in the Samayoa and CREOMPAZ cases. In the Samayoa case testimony from the private security guard who killed social activist Patricia Samayoa in 2014 was heard. In the CREOMPAZ case an injunction was filed to prevent adding more victims in the accusation. To date the process has only recognized 29 out of 155 identified remains found in a grave at the CREOMPAZ military base located outside of Cobán.

We continue following the security situation of the **Neighborhood Association of Chicoyogüito (AVECHAV)** members. Also, we accompanied them to a workshop on how to facilitate the start of their organizational strengthening process. The Association continues to claim their rights as victims of forced eviction of their community in 1968 to install the military base now known as CREOMPAZ.

⁴ 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/>

ACCESS TO LAND

We maintained regular contact via telephone with leaders of the **Union of Campesino Organizations of Verapaz (UVOC)** and representatives of affiliated communities and we visited their office. The organization continues to struggle within legal framework for the recognition of land rights for campesino communities of Alta Verapaz through dialogue spaces with the Secretariat for Agrarian Affairs and other legal mechanisms. On August 25, we accompanied one member of the organization to file a complaint at the MP for the destruction of their house during a forced eviction in July 2016.

NEGATIVE IMPACT OF GLOBALISATION ON HUMAN RIGHTS

Last month we started accompanying the communities of the **Peaceful Resistance of Cahabón, Alta Verapaz** due to threats and defamation they suffer for their opposition to the Oxec I and Oxec II hydroelectric projects. On August 27 we observed a good faith consultation on these projects which was organized after the CC's decision in May which allows for construction of hydroelectric projects until a consultation is carried out, as ILO Convention 169 stipulates. However, the Mayor of Cahabón would not endorse a municipal consultation, so the

communities decided to organize a good faith consultation. We also observed a protest in Guatemala City in which communities submitted a complaint against the mayor for breach of duties. We coordinated with other accompaniment and human rights organizations to be able to provide protective observation in several communities during the good faith consultation. The day progressed without violence although there was some tension between members of the 11 communities that are in favor of the project who refused to participate. The results of the consultation were compelling: 26,537 people said No to hydroelectric projects and only 11 people responded Yes.⁵

In our accompaniment with **Campesino Central Coordinator New Day' Chortí (CCCND)**, we have been closely following Agustín and Timoteo's situation. They are two indigenous authorities from the Las Flores community who have been unjustly imprisoned for 4 years accused of the death of a person during a mob. The CCCND associates this accusation with their resistance to a hydroelectric project in the region. At the end of July, they were transferred from the Jocotes jail in Zacapa to the Puerto Barrios, Izabal prison to fulfill their sentence, ignoring that the cassation is not final. The CCCND requests that they be returned to Jocotes as the long distance to the new jail makes it difficult for their family members to visit them.

We also accompanied CCCND members to the burial of Mavelita, one of the 5 minor co-complaints in the case driven by the Guatemala Without Hunger Campaign jointly with CCCND which intends to establish State responsibility for the consequences that malnutrition has in the lives of minors. In 2013 the CSJ and later the CC confirmed guilt of the Guatemalan State for illnesses suffered by children and for violating their right to food ordering a series of restitutive measures for families which the CCCND argues have only partially been met. The case is emblematic in a country with more that 52% of the population lives in poverty and 1 in

⁵ Pérez, J., Rivera, N. y Figueróa, C., [Santa María Cahabón dijo NO a la instalación de las hidroeléctricas Oxec y Oxec II](#), Prensa Comunitaria. Guatemala, 08/28/17.

every 2 children under the age of five suffer from chronic malnutrition.⁶ The legal implications of Mavelita's death are yet to be seen.

We continue to monitor the security situation of the **Ecumenical and Social Coordinator in Defense of Life in Zacapa and Chiquimula** through weekly telephone calls.

We continue to accompany **Peaceful Resistance of La Puya** members, who continue their protest camp outside of the "El Tambor" mine while machinery is being removed due to the definite suspension of the project by the CC due to the lack of consultation of indigenous peoples who live in the surrounding area. We also make regular telephone calls to **Peaceful Resistance of La Laguna** members, and we accompanied them to the CSJ to file an injunction against the TRECSA electric Company.

We have maintained a regular presence in the Department of Quiché accompanying **Council of K'iche' Peoples (CPK)** members. We visited their communities to monitor the security situation in the context of conflict surrounding unmoderated logging in the region. We also accompanied them to several hearings on gender based violence cases in the Prosecutor's Office Against Femicide in Santa Cruz Quiché.

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.



From August 19 to 21, we coordinated with other human rights organizations to observe the **University Students' Association (AEU)** elections at the **San Carlos University (USAC)**. Historically, the AEU was an autonomous space for critical thinking and responsible for the articulation of the student movement. However since 2000, it has been co-opted by a power structure conformed of veteran students linked to large political parties. Since then the AEU elections have been marked by irregularities and intimidation.

Ever since 2012 there has been a total blocking of the electoral process.⁷ On this occasion despite multiple threats against students promoting the elections, they were able to regain democratic control of this institution.

⁶ Baires Quezada, R. y Mazareigos Rivas A., [Cinco niños olvidados ganan juicio al Estado](#), Plaza Pública, 07/08/2013 and Silva, C., [Cinco niños demandan al Estado de Guatemala por no luchar contra el hambre](#), El Diario, 10/16/2013.

⁷ Center for Independent Media (Centro de Medios Independientes - CMI), [De Oliverio a Isla de Gilligan. Cómo fue cooptada la AEU](#), September 23, 2015.

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:

- Rosmarie Cutforth, Political Officer, **Canadian Embassy**
- Rain Bian and Michael Sykes, Human Rights Officers, **United States Embassy.**

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

- Flavio Ruiz, Human Rights Representative, **PDH Quiché**
- Mario Minera, Director of Mediation, **PDH National Office**
- Carlos Guillermo, Human Rights Representative, **PDH Alta Verapaz**
- Matias López, Police Chief, **PNC Alta Verapaz**

5. OTHER ACTIVITIES OF PBI GUATEMALA IN GUATEMALA

At the end of this month Pat Davis, Advocacy Coordinator with PBI-USA, visited to learn about our work in Guatemala. Pat traveled throughout the country to meet members of organizations we accompany. She also met with other civil society organizations and the US Embassy during her visit.

6. 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.

During this month the project's European representative met with Aldo dell'Aricea, Director for Central American and Mexico and Sylvain Schultze, officer responsible for Guatemala, both of the **European External Action Service (EEAS)** in Brussels.

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.

LAS AUTORIDADES ANCESTRALES DE LOS PUEBLOS INDÍGENAS DE GUATEMALA

La Municipalidad Indígena de Sololá
La Municipalidad Indígena de Santa Catarina Ixtahuakan
Los B'oj'ol Q'ésal Tenam del Pueblo Ixil
Los Iqb'ajwom del Payxail Yajaw Konob' de los pueblos Q'anjob'al, Chuj, Akateko y Popti
La Cabecera del Pueblo Tzutujil de Santiago Atitlán de Sololá
La Alcaldía Indígena del pueblo Kaqchikel de Chajoma-Chuarrancho
La Alcaldía Indígena del Pueblo K'iche' de Santa Lucía Utatlán
Los Alcaldes Comunitarios del Pueblo k'iche' de Q'ante'l
Los Alcaldes Comunitarios del Pueblo K'iche' de Saqk'aja'
El Parlamento Xinka
Las Autoridades Indígenas de Petén
Las Autoridades Indígenas de Ch'orti'
El Gran Consejo Nacional de Autoridades Ancestrales Maya, Xinka, Garifuna de Ixim Ulew
El Consejo Maya K'iche' de Quetzaltenango
El Consejo Maya Mam de Quetzaltenango
El Consejo Maya Mam de San Marcos
El Consejo de Autoridades Ancestrales de los ocho municipios del departamento de Totonicapán
El Consejo de Autoridades Q'eqchi'
El Consejo de Autoridades Comunales y Ancestrales del Pueblo de Chuwa Tz'aq Santiago Momostenango
El Consejo de Principales del Pueblo de Chuwa Tz'aq Santiago Momostenango
El Consejo de Autoridades Maya Achi
El consejo de Autoridades Maya Achi de Rabinal Baja Verapaz
El Consejo Restaurador de Autoridades Ancestrales de Paztún Chimaltenango
El Consejo Restaurador de Autoridades Ancestrales de Tecpán Chimaltenango

ANTE EL PUEBLO DE GUATEMALA Y A LA COMUNIDAD
INTERNACIONAL DENUNCIAMOS LA PRETENSIÓN DEL PRESIDENTE
DE LA REPÚBLICA DE GUATEMALA DE PEDIR A LAS NACIONES
UNIDAS LA SUSTITUCIÓN DEL SEÑOR IVÁN VELÁSQUEZ GÓMEZ
JEFE DE LA "COMISIÓN INTERNACIONAL CONTRA LA IMPUNIDAD
EN GUATEMALA -CICIG-"

Señor Presidente, rechazamos rotundamente sus pretensiones de pedir al Sistema de Naciones Unidas, la sustitución del señor Comisionado de la Comisión Internacional contra la Impunidad en Guatemala - CICIG -, señor Iván Velásquez Gómez. La CICIG es producto de los Acuerdos de Paz y su correcta y eficaz actuación contra la corrupción le ha ganado el respeto y respaldo del Pueblo de Guatemala.

La intención de expulsar al Comisionado Iván Velásquez Gómez de Guatemala, solo encubre la corrupción, el tráfico de influencias, el crimen organizado enquistado en instituciones del Estado, del Gobierno y de Partidos Políticos que han sido llevados a los tribunales y a las cárceles, y pone de manifiesto su complicidad y contubernio con dichos poderes paralelos oscuros que año tras año han acrecentado sus ilegales privilegios y consolida la impunidad de quienes realizan negocios oscuros bajo la sombra del Estado.

Los sectores sociales, ciudadanos, los pueblos y comunidades indígenas, campesinas y populares a diario han manifestado claramente su voluntad de combate a la corrupción, al tráfico de influencias, las mafias y el crimen organizado. Atacar al Comisionado y a la CICIG es una decisión equivocada y contraria a la voluntad del Pueblo de Guatemala, agudiza la crisis social, política e institucional y obstruye la vigencia de los derechos humanos en nuestro país.

Manifestamos nuestro pleno respaldo y apoyo a la Misión de las Naciones Unidas en Guatemala, la Comisión Internacional contra la Impunidad en Guatemala y al señor comisionado Iván Velásquez Gómez, por la labor realizada hasta la fecha que los propios gobiernos e instituciones del Estado de Guatemala no quisieron realizar en su momento.

Así mismo, manifestamos nuestro pleno respaldo y apoyo a la señora Fiscal General y Jefa del Ministerio Público Thelma Esperanza Aldana Hernández, que ha puesto el ejemplo de ciudadana comprometida con la justicia para combatir de frente a las mafias, al crimen organizado, al tráfico de influencias, a la corrupción que está enraizada en el Estado.

Denunciamos también a su gobierno de estar entre los que más violaciones a los derechos humanos de los pueblos indígenas y defensores de derechos humanos está cometiendo; y, que ha negado sistemáticamente el derecho de acceso a la justicia y está promoviendo la consolidación de la impunidad, sacrificando los intereses del Estado, frente a los intereses empresariales y corporativos.

Pedimos a las instituciones democráticas del Estado y a la sociedad en general, luchar por resguardar lo que se ha podido avanzar contra las mafias, el crimen organizado, el tráfico de influencia y la corrupción dentro del Estado. Y a la comunidad internacional no darnos la espalda ahora que más la necesitamos.

Solamente juntos podemos tener un mejor país

Guatemala, 23 de agosto del año 2017

PBI Team in Guatemala: Stephanie Brause (Germany), Catriona Rainsford (United Kingdom), Gustavo García Andrade (Colombia), Francisco Vanegas Toro (Colombia), Jan Sabbe (Belgium), Anabel Butler (United Kingdom), Emanuela Lamieri (Italy), Andreas Lo Grasso (Germany), Laura Gomariz Cebrian (Spain), Ricardo Henao Galvis (Colombia).

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GUATEMALA PROJECT
PEACE BRIGADES INTERNATIONAL

Website: www.pbi-guatemala.org

Office of the team in Guatemala
3ª Avenida "A" 3-51, Zona 1
Ciudad de Guatemala, Guatemala
Phone/ Fax: (+502) 2220 1032
E-mail: equipo@pbi-guatemala.org

Office of the project Coordination
Avenida Entrevías 76, 4º B
28053 Madrid, Estado Español
Telephone: (+34) 918 543 150
Email: coordinacion@pbi-guatemala.org