

Bulletin No.

51



making space for peace

PEACE BRIGADES INTERNATIONAL GUATEMALA PROJECT

- 2** | Indigenous peoples demand urgent action to protect water
- 7** | The defense of the rights of the Ch'orti' People in Quezaltepeque:
"we fight to protect what our grandfathers and grandmothers achieved."
- 12** | The trial of the Alaska Summit: A massacre in "peacetime"
- 17** | News of our Work: Accompanying Norma Sancir

Indigenous peoples demand urgent action to protect water

March 22nd is World Water Day. This year, representatives from Guatemala's diverse indigenous peoples and territories presented their findings and demands regarding the water situation to the government of Bernardo Arévalo.¹ This was the result of 24 assemblies for water and life, held during the first quarter of the year in different regions. Over 600 people from more than 35 community organizations, including ancestral authorities, participated in these assemblies.



The communities of the **South Coast** have been fighting for 10 years against the sugar cane companies that divert and hoard water, leaving the communities without the vital liquid. They do not even have enough water to irrigate their family gardens of 2-4 square metres. In addition, pesticide contamination sickens and kills the flora and fauna of the rivers.

The water situation in Guatemala is worrisome. PBI has been a direct witness of this every time we have visited the different regions of the country where we accompany (see boxes). Water is not only scarce but also polluted, which leads to skin and gastrointestinal diseases. This pollution is often caused by waste and toxic agrochemicals from fertilizers used by agribusiness, which poison the soil and rivers. According

to the Rafael Landívar University, "there is unequivocal evidence of widespread microbiological contamination (presence of fecal coliforms) in all water sources, regardless of the country's territory, type of source (piped, river, spring, well) and type of area (urban or rural)."²

Faced with the lack of response from successive governments, the indigenous and rural communities in various regions of the country, where this problem has

become very serious, have made their own diagnosis which they presented to the Arévalo government and which we summarize below.

"Water and energy are not commodities"

Francisco Rocael, of the Mayan People's Council (CPO), criticized the General Electricity Law in his intervention, as it proposes an energy model aimed at satisfying the demands of industries, commercial centers and the regional electricity market. From his point of view, the right to electricity has become a business. Eighty percent of electricity generation is privatized and half of the electricity produced is being exported, resulting in the need to build new hydroelectric plants. Paradoxically, in the regions with the highest concentration of hydroelectric plants, such as Alta Verapaz and Quiché, the communities have no access to electricity. Rocael concludes that a new energy model is needed that recognizes the sovereignty and autonomy of indigenous peoples and strengthens local initiatives for the construction of communal hydroelectric plants, so that the communities produce and manage their own electricity. "We need a new territorial reordering based on hydrographic basins, based on conditions and demands of the communities and biodiversity."

"We demand the right to consultation"

Diego Zamprano, from the Ixil area, shared concerns about the lack of recognition for community consultations. The State has shown no interest in

¹ Gobierno de la República de Guatemala, El MARN realiza la Cumbre Plurinacional del Agua, Live transmission, 22.03.2024.

² Carrera, J.L. y Mosquera, V., Serie Perfil Ambiental de Guatemala 2023: Agua, Universidad Rafael Landívar e Instituto de Investigación en Ciencias Naturales y Tecnología (IARNA).



The communities of **Chinautla** only receive piped water every three weeks for a couple of hours. With that they manage to fill their containers, which if they are lucky last about 10 days. For the rest of the days they have to buy pipes or fetch it from the communal water tanks. Chinautla is located at the crossroads of several rivers, but all of them are contaminated with waste coming mainly from the capital.

recognizing the consultations carried out in more than 100 municipalities. It grants licenses for extractive projects that expropriate and divert rivers that are no longer accessible to the communities. He points out that this is also done without the companies complying with the requirement to carry out and present an Environmental Impact Assessment (EIA). All this occurs despite the fact that the Constitutional Court has recognized the right to consultation in several rulings.

“Water is life”

Judith Valle, representing Guatemala City and surrounding areas, recognized the privilege of urban communities compared to situations in rural communities and other departments of the country. Nevertheless, she

highlighted how even in the capital the number of areas without water service is increasing, which has a direct impact on the health of the population. It also affects rest, since drinking water arrives at night and families cannot sleep because they have to be attentive to fill basins and tanks. The cost of the bills is also high. The alternative, water distributed in pipes, is polluted. The building boom in some areas of the city has added to this problem. This increases water scarcity for the metropolitan population.

“There will be peace if there is water”

Abelino Mejia, from the South Coast, warned about the diversion and retention of rivers that have left 49,000 people in the region without water, due to agribusiness activities (sugar,

palm, banana, etc.). These activities have dried up the local wells, which has a serious impact on family crops. In each community there are between 35 and 40 children with malnutrition and entire families have to migrate to other countries to support themselves. In recent years 36 defenders have also been criminalized for defending the right to water. “Defending water is not a crime, defending water is defending life.”

Ecocide

The teacher Américo González, from the Qana’ch’och Water Defense Movement, which represents the lowlands of northern Guatemala (Sayaxché, Chisec, Fray Bartolomé de las Casas and Ixcán), denounces the land pollution from palm oil, rubber and sugarcane plantations.

He shared a tragic experience of 2015 as an example of the damage generated by these companies. In the municipality of Sayaxché, the La Pasión river was polluted by the waste from a palm oil mill (REPSA) that affected hundreds of kilometers of the same river and its tributaries. This caused an ecocide of unknown dimensions. To this day there have been no legal proceedings against those responsible for this and other ecological disasters.

“What development has the Marlin Mine brought to San Miguel Ixtahuacán?”

Rosario Arteaga, of the Xinka People, requested a country free of mineral and non-mineral mining on behalf of the four Peoples of Guatemala. She pointed out that there are more than 300 mining licenses in the country and

that they are presented as bringing development. Rosario asked: what kind of development do they really bring to the peoples; who benefits when the licenses are authorized; what does a mine leave to the State of Guatemala; what does the State do with the profit that is left? Indigenous Peoples have the right to consultation but this right is not being respected. The companies announce projects that supposedly benefit the people, such as reforestation, but in the EIAs the companies do not reveal how many trees they are going to cut down, nor do they talk about the pollution of rivers and water basins. Arteaga wonders who is solving the problems of pollution left by the mines in the towns; who is in charge of the lands that are left infertile by the pollution; what are the peoples who survive on agriculture doing? She also points out that when the people denounce and

claim their rights, the State reacts with the militarization of the territories and the criminalization of the people who dare to raise their voices. Another important aspect she highlighted is that the lack of health care for the diseases generated by pollution makes the situation even more serious. There are studies that make it clear that the water is not fit for human consumption because it contains heavy metals and other pollutants, but the companies say that the water is fine. But then, Arteaga asks, why are fish and flowers dying?

Guatemala's paradox: great natural wealth and great inequality

Bertilia Ramírez, delegate from the Ixcán Social Movement, stated that companies come to indigenous regions because this is where the country's natural wealth is concentrated. “The



The communities of **Olopa** have been struggling for 10 years with water, land and air pollution caused by the open-pit antimony mine, Cantera Manantiales. Prior to the temporary suspension of its activities by a Supreme Court ruling in 2021, this mine dumped its toxic waste on the streets and riverbanks. This uncontrolled practice caused, and continues to cause, impacts on the health of people, animals and plants.

State and national and transnational companies have come to our territories not to bring development, but to plunder our territories and to interpose their projects that threaten our existence as millenary Peoples. The projects are the greatest threat against our Peoples and the privatization of water is synonymous with death for indigenous peoples.”

“If there are no forests, there are no water sources and there is no life”

Vilma Angelica Chuy, from the Kaqchikel People of San Juan Comalapa, shared the effects of drought and the disappearance of bodies of water. She explained that indigenous peoples have an ancestral communication, respect and harmonic connection with water sources. Water is the blood of mother earth, it is sacred and is part of the cosmovision and cosmogony. Therefore, for indigenous peoples, water is not a resource but life and spirit.

Drought has reached their communities and has brought a massive loss of crops, which has decreased food production and the water available for human and animal consumption. In addition, 90% of all water sources contain microbiological pollution (feces) and its consumption without prior treatment is a health risk. Water sources that supply rural and urban areas are disappearing due to massive deforestation and inadequate solid waste management. This lack of water affects women the most, since their role in agriculture is crucial and they are responsible for feeding and caring for their families.

The Indigenous Peoples need the implementation of a sustainable irrigation system for farming communities. Subsidy policies need to go directly to the communities via their ancestral authorities, who are the ones who care for and conserve water and nature. Massive reforestation, environmental training in the communities for the care and conservation of water and the implementation of community reservoirs are also needed.

“Water is not a commodity”.

Maria Caal, of the Q’eqchi’ People, said that indigenous peoples suffer the consequences of the commodification of water. They are criminalized when they raise their voices to defend their rights and the rights of the natural elements. She has experienced this first hand, along with her family, due to the criminalization and imprisonment of her brother Bernardo Caal. Consequently, she demands that the government stop persecuting and criminalizing defenders who raise their voices against the destruction of nature. Because they are not the criminals. It is the companies that have stolen the rivers, water and nature. The Indigenous Peoples are the legitimate owners of the territories and natural elements. For all these reasons, she demands that the government carry out an EIA on the damages caused by the activities of companies in the territories. She demands consultations in each territory where companies operate and that the State no longer grant licenses to extractive companies. Without water there is no life: neither for people, nor for plants, nor for animals.

“Let’s defend water together, without water we cannot live”.

For Salvador Quiacaín Sac, Tz’utujil from San Pedro La Laguna, the generation of waste is not the problem, the problem is not knowing how to manage it. However, the increase in waste creates a risk for life. Sixty years ago, 70% of waste was organic, today 70% is inorganic and highly polluting. That is why it is urgent to control the management of solid waste.

People demand laws that count on their participation and that regulate the production of highly polluting waste. They demand that companies take social responsibility with respect to this issue. The fight against waste must be constant and count on the participation of all sectors. However, Quiacaín Sac points out that there are companies that benefit from the production of waste. The pollution of water and water sources by waste goes against human life.

“We demand recognition for water as a living being and the subject of rights”

- Finally, Wellington Osorio of the Chivircuarta Collective presents the proposals and demands of the 24 community assemblies addressed to the country’s government:
- Massive reforestation days that are culturally appropriate and respect the diversity of native species that allow the restoration of life and diversity and ensure the filtration and growth of water sources in our territories.
- Community agreements and policies for the protection of water and for collective and community uses of water.
- Actions to recover water sources, rivers and community water sources.
- Recovery of practices and values that contribute to the care and defense of water, and which seek to involve new generations.
- Solid waste management in our territories.
- Food sovereignty based on access to water.
- Awareness campaigns on the importance of water and its care.
- A water law in accordance with the cosmovision and practice of our peoples.
- Environmental education to create awareness about water, forests, valleys and hills.
- Declare Guatemala to be free from open-pit mining.
- Cancellation of licenses.



Members of the Verapaz Union of Campesino Organisations (UVOC) tell us that in several communities in **Baja and Alta Verapaz**, there has been no water since December last year; the springs and the river have dried up. Swani Caballeros Xol, from the community of Lajeb Kej, Tucurú, Alta Verapaz, explains her situation: “We are suffering a lot because of the scarcity of water, there is no drinking water. We have to go to a spring 15 minutes away. We go every day, three times a day, to fetch water. We plant crops, but climate change is affecting us a lot. Last year there was a lot of heat and almost no rain, so we lost the harvest.” This situation is particularly worrying, as Alta Verapaz is one of the departments with the most water resources in Guatemala. In the municipalities of Carchá and Cahabón, six hydroelectric plants have been installed - without the consent of the neighbouring communities.

- End the criminalization of people defending Mother Earth.
- Prohibition of the expansion of mono-cultures and the use of toxic agro-chemicals that irreparably damage water and soils.
- Prohibition of single-use plastic materials, and the promotion of the responsibility of the industries.
- State monitoring of the quantity, quality, availability and life of water.
- Serious EIAs should be carried out, and consideration should be given to not approving new housing construction projects in areas where there is no water.

The defense of the rights of the Ch'orti' People in Quezaltepeque:

“we fight to protect what our grandfathers and grandmothers achieved.”

In October 2023 PBI began accompanying the Indigenous Community of San Francisco Quezaltepeque, in response to the numerous threats received by those who lead the defense of the rights of the Maya Ch'orti' people.

The municipality of San Francisco Quezaltepeque lies some 200 kilometers east of Guatemala City, on the slopes of the volcano of the same name. Archaeological studies¹ identify

Quezaltepeque – which means hill of the quetzal birds in the original Nahuatl language – as one of the territories historically inhabited by the Maya Ch'orti' People. Before the Spanish invasion

the cultural and political center of this territory was located around Copán, which is now part of Honduras.

The Ch'orti' territory in Guatemala extends across the municipalities of Olopa, Camotán, Jocotán and San Juan Ermita in the department of Chiquimula, and the municipality of La Unión, in the department of Zacapa, where a total of more than 100,000 Ch'orti' Mayas live.²



Indigenous authorities and leaders of the Indigenous Community of San Francisco Quezaltepeque, 17.04.2024.

1 Jorge E. Cáceres Trujillo y Ingui A. Zeceña Chenal, Evidencias arqueológicas y procesos históricos en Quezaltepeque, Chiquimula, XXVIII Simposio de Investigaciones Arqueológicas en Guatemala, Guatemala, 2014.
2 Dates of the census 2018 of Instituto Nacional de Estadística (INE).



Marvin Arnaldo Nájera López, indigenous authority of San Francisco Quezaltepeque, shows the historical title to the land purchased by their grandfathers and grandmothers from the Spanish crown. Quezaltepeque, 17.04.2024.

Historical memory of the Ch'orti' People of Quezaltepeque and their land rights

The principal demands of the Ch'orti' People of Quezaltepeque, who have managed to reconstruct their history from the Spanish invasion from 1525 and 1530, are the recognition of their ancestral identity and the recovery of their territory and their rights as an indigenous people.

According to the Poqomchi' anthropologist and political analyst Máximo Ba Tiul, the arrival of the Spaniards marked the beginning of the process of dispossession and plunder against the native peoples, promoted by the Spanish Crown and the Catholic Church.³ In the case of the Ch'orti' people, the invasion of Quezaltepeque by Pedro de Alvarado resulted in the confiscation

of lands and the reorganization of the population as a labor force under the orders of the Spaniards. The Catholic Church played a fundamental role in the conquest, by using religious brotherhoods to pursue the submission of the indigenous population to the social and religious structure of the colony. The reconstruction of the history of the brotherhood of San Francisco Quezaltepeque, which is still preserved by the Indigenous communities today, has allowed the Ch'orti' People begin to raise awareness of the history of the dispossession of their lands.⁴

Using documents recovered from the period between 1710 and 1805, the Ch'orti' of Quezaltepeque have confirmed that their ancestors bought approximately 243 caballerías of land from the Spanish Crown which had

been violently taken from them, in the estates of La Cofradía, Nochan, Ejidos and Corral Falso. Approximately 60 years later, on August 14, 1866, the new State of Guatemala (founded in 1821) delivered the certification of the unified ownership of these lands in the name of the common Indians of San Francisco Quezaltepeque, which remains in the hands of the communities to this day.

However, the newly created State of Guatemala remained a tool of the Criollo class who continued with the dispossession of indigenous lands and territories. Many of the laws passed by various governments during the liberal reform were used for this purpose.⁵ For example, during the government of Justo Rufino Barrios the expropriation of indigenous communal lands was facilitated through the approval of several decrees. The lands were first registered in the name of the newly created municipalities and then sold at public auctions.⁶ In this regard, Marvin Arnaldo Nájera López, indigenous authority of San Francisco Quezaltepeque, highlights how in his research he discovered that the historical title of the lands purchased by their grandfathers and grandmothers appears in the land registry, but that the same lands are also registered in the name of the State or, in this case, the municipality.

The State of Guatemala legally recognized the Ch'orti' people of Quezaltepeque in 1958, granting them legal status as an association, under the name of the Indigenous Community of San Francisco Quezaltepeque. This poses a further problem, according to Nájera López, because "the historical title to the lands is in the name of the common of natural Indians of San Francisco Quezaltepeque, which does not coincide with the name under which

3 Maximo Ba Tiul, Breve historia de despojo y expolio, Prensa Comunitaria, 05.05.2022.

4 This information, and all other information not otherwise footnoted, was provided by the Indigenous Community of San Francisco Quezaltepeque in an interview that PBI held with several of its leaders on April 17, 2024.

5 Maximo Ba Tiul, Op.Cit.

6 El Observador, Tierras ancestrales de pueblos indígenas. Despojos históricos, modelo de acumulación y estrategias de recuperación de los territorios, Guatemala, octubre-diciembre 2023.

the State registered the organization of the Ch'orti' People. The State wants to use this discrepancy in the names to take away our land rights. They wanted to reduce us to an indigenous community, but a community is nothing if it is not attached to a people.” In order to vindicate their existence as Indigenous Peoples, the Ch'orti' of Quezaltepeque have recovered the figure of Indigenous authorities as of 2021. “The name with which we constituted ourselves, Maya Ch'orti' Indigenous Authorities of San Francisco Quezaltepeque, refers to the fact that we are the Indigenous authorities, that we belong to the Maya Ch'orti' People and that we are from San Francisco Quezaltepeque, just as our lands are titled.” The 23 Ch'orti' communities and 96 hamlets comprising the territory annually elect eight members of the board of directors of the Indigenous Community. Once their term of office is over, the members of the board of directors can become part of the Indigenous authority, a position they hold for life. The appointments of the new authorities, which is symbolized in the act of granting a ceremonial rod, are carried out in a public ceremony, sworn in by authorities from other people, such as the Ch'orti' of Olopa, the Xinka of Jalapa or the K'iche' of Totonicapán, demonstrating the alliances that exist between the different peoples.

In the face of the State's strategy of ignoring the existence of indigenous peoples, the Ch'orti' population of Quezaltepeque has also kept their ancestral traditions alive as these continue to connect them with the territory they inhabit. An example of this is the ceremony that takes place

every April 23, the beginning of the rainy season, at the source of the La Conquista River. Since pre-colonial times, this ceremony celebrates the importance of water and the rains, and today it allows the defense of the natural assets of the territory, giving it a sacred value.

Threats and challenges facing the indigenous community of San Francisco Quezaltepeque

The Ch'orti' of Quezaltepeque currently face several threats to their existence as a people. The principal threat arises from the racist and colonial history described above, which means they continue to be confronted with a State that ignores their existence and thus violates their collective rights, recognized through international instruments such as Convention 169 of the International Labor Organization (ILO) or the United Nations Declaration on the Rights of Indigenous Peoples. This is evidenced by the permissiveness of the municipality of Quezaltepeque with respect to the privatization of communal lands.⁷ The breaking up of land, lack of recognition of sacred sites and concessions to undertake private activities, all affect the heritage of the Ch'orti' People. One example is the granting of a permit to drill a water well in the community of San José Cubilete at the site of a sacred cemetery for the Ch'orti' People without prior consultation with the communities. Regarding this case, the Court of First Instance for Criminal and Narcoactivity of the Department of Chiquimula ruled in December 2023 that the municipality of Quezaltepeque did not conduct a prior dialogue with the communities involved



Rolando Castillo Romero shows the investigation “Breve monografía sobre la situación legal de los derechos de propiedad y de posesión de la tierra en el municipio de Quezaltepeque, departamento de Chiquimula”. Quezaltepeque, 17.04.2024.

and suspended the drilling of the well, out of respect for the right to consent of the Ch'orti' People.

Another example is the municipality's attempts⁸ at declaring the territory of the Quezaltepeque volcano to a protected area within the Trifinio Plan⁹, without the free, prior, and informed consent of the Ch'orti' People, who have ancestral ownership of the territory, and without clarifying what participation the Ch'orti' communities would have in the management of the protected area. Regarding the management of the volcano, the indigenous authorities are also concerned about the municipality's desire to promote tourism activities in this territory which is sacred to the Ch'orti'

7 Amílcar Morales y Narciso Marcos, Guatemala. Autoridades Ch'orti' se oponen a que la municipalidad se apropie de sus tierras, Resumen Latinoamericano, 16.02.2023; From the Facebook account of the Comunidad Indígena San Francisco Quezaltepeque, on December 10, 2023 the communities denounced the dispossession of the communal territory of Quezaltepeque traditionally titled in the name of the brotherhood of San Francisco; in the same way, on May 19, 2024 the communities warned about a new attempt by state institutions to break up the communal territory.

8 On May 28, 2024, the Facebook account <https://www.facebook.com/muniquetzaltepeque> published news of the signing by the mayor of Quezaltepeque, Milton Duarte, of an agreement with the Trifinio Plan for the conservation of the quetzal biosphere, which, according to the municipality, will facilitate the implementation of soil management and conservation measures.

9 According to its website, the Trifinio Plan is a regional organization made up of representatives from El Salvador, Guatemala and Honduras that is part of the Central American Integration System (SICA) and seeks to develop a process of environmental and territorial management, with the aim of improving the living conditions of border communities. Within this Plan, there is the Trifinio Fraternidad Transboundary Biosphere Reserve, declared in June 2011 by UNESCO's Man and the Biosphere Program (MAB), which is made up of 32 municipalities, three in Guatemala, one of which is Quezaltepeque.



Marvin shows the mining licences in the department of Chiquimula and in his municipality. Quezaltepeque, 17.04.2024.

People, again without prior consultation with the communities.¹⁰ According to Marvin Nájera, “the municipality wants to develop a training plan for tourist guides, so that they can show them the riches of the volcano’s lands. This is a new threat, not only that private interests will take advantage of our communal resources, but also that more foreign interests will come to these lands with the aim of exploiting these resources.”

The exploitation of resources without their consent is another concern of the Ch’orti’ People who, in 2022, discovered the existence of five applications for mining exploration licenses filed in 2010 by Minerales Sierra Pacífico S.A.,

a subsidiary of the Canadian company Radius Gold Inc. for the exploration of gold, silver, copper, lead and zinc: “they are still in the application phase, but we are afraid that at any moment exploration could begin, again without us having been consulted.”

The volcano is a fragile ecosystem, made up of virgin forest that the Ch’orti’ People have been taking care of for centuries. Privatization of this territory is another problem the communities have denounced, along with the danger of excessive exploitation of forestry resources and the risk of fires. This is an increasingly vulnerable territory within the current context of climate

crisis. To stop this threat, the indigenous authorities filed a complaint with the departmental delegation of the Human Rights Ombudsman’s Office (PDH) of Chiquimula in March 2024, against private individuals whom they accuse of seeking to appropriate a part of the communal lands of the volcano, located in the village of Chiramay, with the aim of selling them. The complaint led to a visual inspection of the site by the Public Prosecutor’s Office (MP) a month later. The objective of the inspection was to gather evidence of the denunciation¹¹ which led to the initiation of legal proceedings in the Specialized Prosecutor’s Office against the Crime of Invasion.

10 On the Facebook account <https://www.facebook.com/muniquezaltepeque> a video was published on April 13, 2024 where the mayor of Quezaltepeque tells the UK ambassador that the municipality’s current priority is to promote tourism and increase the number of visitors to the territory, including the volcano, to boost the local economy.

11 Narciso Marcos, Autoridades maya Ch’orti’ y MP realizan diligencia en Volcán Quezaltepeque, Prensa Comunitaria, 06.04.2024.

The defense of the rights of the Ch'orti' People in Quezaltepeque: “we fight to protect what our grandfathers and grandmothers achieved.”

The defense of water also leads to confrontations between the Ch'orti' People with economic interests that have been making private use of communal resources. Coffee production in the area and, specifically, the discharge of polluting wastewater from the coffee cleaning process into the River Grande and artificial wells is affecting the lives of more than 10 communities and their water sources. The inhabitants, some 150 families, report foul odors, dead fish and skin diseases. For the past five years, these communities have been

unable to use the water sources for fishing, washing or drinking water. In order to defend their right to water, the communities filed a complaint against Ovidio Cardona and his company “Café La Conquista” in 2022. The investigations are being carried out by the environmental prosecutor's office of Zacapa, but to date there has been no judicial resolution to the problem.

The Indigenous authorities of Quezaltepeque have been subject to verbal threats, attacks on their property,

criminalization processes and even physical aggression as a result of their work in denouncing these violations and in defense of their rights.¹² This prompted their request for international accompaniment from PBI. “The authorities are being singled out and we risk our lives defending our collective rights,” said Rolando Castillo Romero, an indigenous authority from the Nochan farm. “With the accompaniment we feel encouraged to continue in this important struggle.”



After previous contacts since 2020, PBI starts accompanying the Indigenous Community of San Francisco Quezaltepeque in October 2023. Quezaltepeque, 9.11.2021.

12 Redacción, Chiquimula: presidente y autoridad ancestral de la Comunidad Indígena de Quezaltepeque sufre atentado, Prensa Comunitaria, 10 de febrero de 2024.

The trial of the Alaska Summit:

A massacre in “peacetime”

October 4, 2012 is etched in the history of the K’iche’ People of Totonicapán. On that day a peaceful demonstration took place which ended in a massacre that claimed the lives of seven men and left 34 people injured. These violent events took place when the army intervened to dissolve the protest. The widows, survivors and the entire population of Totonicapán, represented by the 48 Cantones, undertook a legal struggle to obtain justice for the flagrant violation of their right to life and right to free assembly. It took 4,164 days, almost 12 years, for the case to come to trial. Nine soldiers faced trial for the crimes of extrajudicial execution and attempted extrajudicial execution, but in the end none were sentenced for these crimes. The damages to the K’iche’ People were ignored.



Before hearing the sentence, outside the Supreme Court of Justice, organisations supporting the victims of the massacre held a ceremony and a religious service. Guatemala, 28.02.2024.

The Incidents

On October 4, 2012, the 48 Cantons of Totonicapán had convened thousands of people for a peaceful demonstrating in the place known as “The Alaskan Summit”, located at km 169 of the Inter-American highway between Sololá and Totonicapán. The

communities were protesting against the high cost of electricity, changes to the teacher training career, and against a constitutional reform pushed forward by the government of Otto Perez Molina, which referred to the statute regarding the existence of indigenous communities. The 48 Cantons had previously presented documents to the

electric energy company and to the President of the Republic to expressing their discontent about these issues. The response was to propose dialogue and negotiation roundtables which produced no results. The communities therefore decided to publicly express their discontent.¹ The reaction to the demonstration was to send in the army

1 Tzul, G., Mi esposo manifestó por una causa justa, Agencia Ocote, 28.02.2024.

to repress it, which triggered a tragic episode of violence that shocked the whole of Guatemala. Armed soldiers arrived on the scene and fired at the demonstrators, causing seven deaths and wounding 34 people. Those killed were Santos Hernández Menchú, José Eusebio Puac Baquix, Jesús Baltazar Caxaj Puac, Arturo Félix Sapón Yax, Jesús Francisco Puac Ordóñez, Rafael Nicolás Batz and Lorenzo Isidro Vásquez.²

The Alaskan Summit massacre, as it later became known, was the first committed by the army in Guatemala since the end of the Internal Armed Conflict and the signing of the Peace Accords in 1996.³ This violent repression marked a turning point in the struggle for human rights in Guatemala and sparked a long legal battle for justice for the victims and their families.

The trial at the High Risk Court B for Criminal Sentencing for Drug Trafficking and Environmental Crimes began in June 2023. Nine members of the military were tried for extrajudicial execution and attempted extrajudicial execution. The Board of Directors of Community Mayors from the 48 Cantons, the widows, wounded and survivors of the massacre were plaintiffs in this process.⁴

The ruling

On February 28, 2024, after nine months of hearings, the High Risk Court B, composed by its president María Eugenia Castellanos Cruz and the judges Elia Raquel Perdomo Ruano and Marling Mayela González Arrivillaga, delivered their ruling. Two of the accused, Juan Chiroy, colonel in

charge of the military contingent, and Manuel Lima, were acquitted. Abraham Gua was convicted of shooting with a firearm and Edin Adolfo Agustín, Ana Rosa Cervantes, Dimas García, Marcos Suc, Felipe Chuc and Abner Cruz, were convicted for causing injury during a quarrel. Agustín was also convicted of attempted manslaughter. The sentences imposed ranged from two to seven years in prison. The main argument for changing the crimes in the ruling was that the Public Prosecutor's Office (MP) had not been able to prove that the defendants had committed extrajudicial execution. Edgar de León, lawyer for the prosecution, explained that changing the crime to injury during a quarrel reduces the act of social demonstration to a street brawl. "A brawl occurs in a very improvised situation, in a street where a conflict arises between one group and another. But this was a demonstration, they [the military] came to intimidate." According to de León, to reduce a peaceful demonstration to a brawl has political implications.⁵

The 48 Cantons of Totonicapán held a press conference following the ruling,

in which their president, Edín Zapeta, stated that they regretted the poor work done by the MP and that the lives of the victims who died had not been valued, nor had the widows been taken into account. They also regretted that the frustrated dreams of the wounded, the families of the victims, as well as those of their sons and daughters, had not been taken into account. They publicly denounced and rejected the partiality of the judges, for a racist ruling which spoke of the truncated lives of the soldiers throughout, but not of the victims of their actions. For the population of Totonicapán, the ruling has evidenced the deficiency of the judicial system.⁶

From the legal perspective, the lawyer Lucía Xiloj highlighted the discrepancy between the opinions of the judges: while one of them considered that there had not been a proportionate use of force, the other judge claimed the opposite. She also stated that there had been a deficient analysis of the criminal offense of extrajudicial execution, because, as was pointed out in the process, members of the army acted



Survivors demand justice. Guatemala, 28.02.2024.

² Pérez, R., Masacre de la Cumbre de Alaska: Viudas y víctimas han esperado justicia por 9 años, Prensa Comunitaria, 13.08.2021.

³ Ibidem.

⁴ Tzul, G., Op. Cit.

⁵ Coyoy, M., Caso Alaska: condenas a favor de militares reducen la represión de la manifestación social a «riña», Plaza Pública, 12.03.2024

⁶ Conferencia de Prensa tras la lectura de la sentencia, Pagina Facebook de Caso de la Masacre de la Cumbre de Alaska, 28.02.2024.

arbitrarily and with an excessive use of force.⁷

Historically, Totonicapán has defended its collective and individual rights and the strength and energy of these struggles have managed to link with those of society in general. Totonicapán has sprouted and produced horizons of care for life and the common good that reach the whole society. For this reason, I believe that the outcome of this judicial process is not only relevant to those who are from Totonicapán, it is a problem for all the indigenous peoples, it is a problem for the whole country.

Gladys Tzul Tzul, K'iche' sociologist of Totonicapán⁸

The struggle of the victims and survivors: justice, reparation and non-repetition⁹

The subsequent hearing for dignified reparations took place on March 5, where those representing the victims and their families submitted their requests for compensation to the seven people convicted. José Santos Sapón, representing the 48 Cantones, stated that the ruling had left them with a bitter taste, but highlighted the fact that the convictions opened the door to the process of dignified reparations. The



The widows with their lawyers and advisors, waiting for the sentence to be read. Guatemala, 28.02.2024.

objective of the reparations is to focus on trying to provide restitution for the material and non-material damages, and to respond to the emotional impacts at the community level. Mention was made of one of the psychological expert reports presented during the hearings, which detailed the prolonged lack of justice, the psychosocial damage to the population, as well as the lack of confidence in the justice system and the feeling of abandonment by the State of Guatemala. It was pointed out that all the people affected by the massacre suffered a rupture in their life project and therefore they urged the court to grant the requested measures of dignified reparation.

The legal representatives of the widows and survivors, Lucía Xiloj and Jovita Tzul, requested reparations and satisfaction measures based on the psychological evaluations presented, and requested that these be transformative and contain guarantees of non-repetition and not

focused solely on economic aspects. The following measures were requested:

- Once the ruling is final it should be published in the Official Gazette, on the web pages of the judicial body of the MP and the National Civil Police (PNC).
- As the events of October 4, 2012 were committed by agents of the State, thereby violating the right to free assembly, the Ministry of Defense should apologize publicly.
- The Ministry of Education should include the date of October 4, 2012 in the basic primary school curriculum, so that these events remain in the historical memory of the country.
- The Government Executive should declare October 4 as the Day of the Victims of the Alaska Summit

7 Ibídem.

8 Tzul, G., Op. Cit.

9 Sources used for this section: #CasoCumbredeAlaska Audiencia de Reparación Digna, Pagina Facebook de Verdad y Justicia, 5.03.2024; ACÉRCATE de febrero de 2024 sobre el el Caso de la Masacre de la Cumbre de Alaska, Totonicapán, PBI Guatemala, 22.02.2024; Coyoy, M., Op. Cit.; Tzul, G., Op. Cit.

The defense of the rights of the Ch'orti' People in Quezaltepeque: "we fight to protect what our grandfathers and grandmothers achieved."

Massacre and hold an annual commemoration.

- The Ministry of Culture and Sports should build a monument in the park of San Miguel, in the capital of Totonicapán, and in other communities, to remember the victims and survivors.
- The State must ensure that similar events do not happen again and that a governmental agreement be created to regulate the presence of the army in peaceful assemblies and demonstrations, especially those related to indigenous communities, and that the PNC be present in these spaces.

For many of the affected families, a large part of their life and development project was focused on their sons and daughters being able to achieve an intermediate level of teacher education. This would have allowed them to access employment in their communities, to support themselves economically and to support their families. This income would also have given them the opportunity to continue their studies and thus gain access to university. In a region where the lack of opportunities forces many people to migrate to the United States, this training would have opened up better employment opportunities that would have mitigated such migration. For this reason, they also requested educational scholarships as a reparation measure.

To watch and listen to the complete program, find it here:

<https://pbi-guatemala.org/es/multimedia/acercate>

El jueves 22 de febrero a las 4 pm (CST)

ACÉRCATE

al Caso de la Masacre de la Cumbre de Alaska, Totonicapán

Conversamos con las viudas y Lucía Xiloj, abogada



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Widows waiting for judges to present their ruling. Guatemala, 28.02.2024.

In an interview on our virtual program ACÉRCATE, Lucía Xiloj explained the affect of this massacre on the lives of the widows and the communities, including economic, psychological, physical, social and community impacts. The physical impacts are very evident, as the people who survived the massacre came to testify in wheelchairs because they are missing a leg, or have experienced other permanent damage to their bodies. For this reason, each survivor requested a measure relating to the injury they suffered in their bodies, as well as access to psychological support.

Xiloj explained how these physical impacts suffered by those who survived truncated their life projects, as they limited their ability to continue exercising their professions as weavers, bakers, carpenters, etc. This resulted in a significant economic impact, not only because of the difficulties in continuing to work, but also because of the medical expenses derived from these damages. This is the case of García Taló and his family, for whom that October 4 radically changed their lives: “I am a weaver and trader, all that is gone. Everything fell apart because I needed money for treatment and operations. I have suffered because I can no longer do my work.” Now his wife is the one who works and fetches firewood.

Children of the deceased and injured were orphaned, widows went into debt, changed their role within the family and adapted to the new situation. Some of the injured people will have lifelong health problems. “The families had their life plans cut short,” said one of the psychiatrists about the psychological impacts experienced by those who survived.

The continuation of the hearing for dignified reparations took place on March 20 and a ruling was made. The

court considered many of the measures requested to be overstated, due to the less serious nature of the crimes. As a result, the victims and relatives of the victims are not satisfied with neither the sentence nor the reparation measures ordered and have appealed the resolution. The struggle for justice continues.



At the site of the massacre (km 169 of the Inter-American Highway to the west), the 48 cantons of Tonicapán remember their martyrs. Tonicapán, 26.09.2016.

News of our Work:

Accompanying Norma Sancir

Community journalist Norma Sancir achieved justice in January 2024, nine years after the incidents. The road to justice was long and full of obstacles: delays, dismissals, appeals and multiple suspensions, until a court in Chiquimula recognized her rights had been violated. The events in question took place in September 2014, while the journalist was covering a peaceful demonstration. Despite the atmosphere of hostility against the press and freedom of

expression in Guatemala¹, Norma did not cease her quest for justice and reparations, not only with the aim of evidencing the facts of her case, but also to create a safer space for her entire profession.

On September 17 and 18, 2014, a couple of PBI volunteers observed a demonstration on the Jupilingo Bridge, located in the municipality of Camotán, department of Chiquimula. The request

to carry out this observation came to us from the New Day Ch'orti' Peasant Coordinator (CCCND), an organization we were accompanying at the time. This demonstration formed part of a national day of strikes and social rallies, in which thousands of people across the country came out to protest various laws. One of these was known as the "Ley de Túmulos (Speed Bump Law)", which civil society considered a potential tool for the criminalization of



On World Press Freedom Day, the Presidential Commission for Peace and Human Rights publicly recognised the work of Norma Sancir. 02.05.2024.

1 Artículo 19, Informe de hallazgos de la misión internacional sobre libertad de prensa y de expresión en Guatemala, 22.06.2023.



For almost a decade Norma Sancir reported on the struggles of the Ch'orti' People in the department of Chiquimula. Olopa, 10.09.2019.

peaceful demonstrations carried out on highways.²

On the morning of September 18, the two volunteers watched as agents of the National Civil Police (PNC) detained and handcuffed Norma, along with four other people from the communities. All of them were taken to the Chiquimula police station and later to the Court of First Instance to be charged with the crimes of assault and public disorder. Despite the fact that the Procedural Code demands that the first statement must be made 24 hours after the arrest, the judge alleged lack of time at that moment to hear the detainees' statements. Consequently, they were transferred to Los Jocotes prison, in Zacapa, where they remained in custody for four nights, until Monday of the following week. The Public Prosecutor's Office (MP) presented its case that day and the detainees gave their first

statements. The judge concluded that there was no evidence to support the crimes and released them.

Becoming a community journalist

Norma Sancir, a Maya Kaqchikel woman, was born in Tecpán, Chimaltenango. When she was a child, her family was forced to migrate to Guatemala City due to the Internal Armed Conflict that was taking place in the country at the time. There she decided to study journalism at the School of Communication Sciences in the University of San Carlos de Guatemala (USAC). At the beginning of her professional career, she collaborated with a community radio station and began to come into contact with the communities and to take an interest in the rights of indigenous peoples. This work allowed her to meet the Prensa Comunitaria (Community Press) team, with whom she began to work on issues related to the defense of territory in various communities and regions, as well as the criminalization of human rights defenders. Some time later she moved to Camotán to provide journalistic accompaniment to the Mayan Ch'orti' communities defending their territory.

"Community journalists are on a par with the people, they work for the people and with the people, they talk about things of interest to the communities. They communicate with the communities in their own language, in their own culture, in their own worldview." This is how Rony Morales, a community social communicator, explains the work of journalists working in rural areas.³

For Norma it was revealing to realize that the rights of indigenous communities are systematically violated and that the corporate media have no interest in reporting on their situations, challenges

and struggles. Bringing these issues to light means questioning the current extractivist development model in Guatemala, which is promoted by the business sector that finances and manages corporate media.⁴

This is why community journalists are more exposed to all kinds of attacks. From threats, aggressions and criminalization, to murder, all with the aim of silencing them so that the impacts of this economic model, based on corruption and the destruction of life in the communities, do not come to light. The Report from the international mission on freedom of press and expression in Guatemala, highlights how community and indigenous journalists in rural areas "have historically faced persecution by the state, economic elites and organized crime; in addition to urban sectors that discriminate against them and refuse to recognize them as journalists because of their origin."⁵

Seeking justice

Norma Sancir decided to exercise her right to denounce the aggression she was subjected to. She filed a complaint with the Unit for Crimes against Journalists of the Public Prosecutor's Office for illegal detention.

The process initiated by Norma lasted far too long. She had to wait until 2020 for four PNC agents to be sent to trial, and it was not until the second half of 2023 that the public hearings began. PBI has accompanied Norma throughout the different phases of the judicial process, and the two volunteers who were present at the scene in 2014 gave their testimony via videoconference from their current countries of residence.⁶

"What I hope for is justice, for those of us who are doing community journalism,

2 Rojas, A. y Hernández, M., Ley prohíbe bloqueo de las carreteras, Prensa Libre, 20.02.2014.

3 Interview with Rony Morales for the article "Community communication: grassroots journalism at risk" (2015), Bulletin 34, March 2016.

4 Interview with Norma Sancir for the article "Community communication: grassroots journalism at risk" (2015), Bulletin 34, March 2016.

5 Artículo 19, Op. Cit.

6 Ramón, S. A., "Luego vimos que Norma Sancir iba esposada y sin su equipo de prensa", Prensa Comunitaria, 11.08.2023.



PBI has accompanied Norma Sancir in her quest for justice.

who have been abused. What I hope for is justice for all the women who are doing journalism in the communities today, and who are not recognized and are stigmatized for being women,” Norma Sancir declared before the judge in charge of the process.

On January 31, 2024, Judge Jorge Douglas Ochoa, of the Criminal Court of Chiquimula for Drug Trafficking and Environmental Crimes issued a ruling that recognized Norma Sancir as a

journalist who “worked for a community media outlet and on that day she went to the site to cover the story.”⁷ In his resolution the judge pointed out that the rights of freedom of the press and of expression cannot be restricted, this is a constitutional power given to the people who work in journalism and to the communities that receive the information. These rights are established in international human rights conventions and treaties signed and ratified by the

State of Guatemala, as well as in Article 35 of the Constitution of the Republic of Guatemala. The sentence condemned the accused persons to commutable prison sentences for abuse of authority.

“I am satisfied, it has taken nine years to achieve justice, but freedom of expression won, justice was done and the work of community journalists has been recognized.”

7 Pérez, R., Periodista comunitaria logra justicia contra policías que la detuvieron ilegalmente, Ruda, 31.01.2024.

PBI is an international non-governmental organization (NGO) which provides international accompaniment and observation at the request of threatened social organizations. The presence of international volunteers backed by a support network helps to deter violence.

PBI in Guatemala

PBI maintained a team of volunteers in Guatemala from 1983 to 1999. During those years, it carried out accompaniment work with human rights organizations, unions, indigenous and campesino organizations, refugees and churches. In 1999, after an evaluation process, it was decided to close the project since the country had greatly advanced in the opening of space for the work of human rights organizations. Nevertheless, **PBI** continued attentive to the happenings in Guatemala through a follow-up committee.

From the middle of 2000, **PBI** began receiving a number of requests for international accompaniment. Due to these requests, PBI carried out an investigation in the field that made evident a turn in the direction and a losing of space for human rights defenders. In April of 2002, **PBI** decided to reopen the Guatemala Project in order to carry out international accompaniment and observation in coordination with other international accompaniment and observation in coordination with other international accompaniment NGOs. In April 2003, the new **PBI** office was opened in Guatemala.

Purpose and principles

Contribute to improve the human rights situation in Guatemala and accompany social and political processes that promote the enhancement of democracy and participation in the country and the region. To attain this, PBI employs an international presence that supports the maintenance and opening of political and social spaces for human rights defenders, organizations and other social expressions facing repression due to their work supporting human rights.

PBI follows the principles of non-violence, non-partisanship and non-interference.



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