



## Monthly Information Package Guatemala

Number 252 - September 2024

### 1. THE CURRENT SITUATION

*Monthly update 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 defense of territory.*

#### Challenges and resistance to new water bill

On August 29, Guatemala's President Bernardo Arévalo announced the creation of a Water Law to be presented to Congress in 2025, in order to address the country's water crisis. Although access to water is considered a human right, 90% of water sources in Guatemala are polluted and 70% of water goes to industrial use, while only 3% reaches households, many of which lack safe access to drinking water. As a result, 364,491 cases of water and food-borne illnesses were reported between June 30 and July 6 of this year.<sup>1</sup>

Joined by Vice President Karin Herrera, Arévalo stressed the importance of establishing dialogue with different sectors to gather inputs that provide a technical and scientific basis for the law.<sup>2</sup> The president underscored the urgency of the legislation, noting that water pollution and poor water distribution are serious problems that have been ignored by previous governments. This proposal comes in the wake of indigenous peoples and civil society's strong opposition to 2020's Bill 5161 on the Water Law, on the grounds that it sought to privatize the right to water. Ultimately, the bill was suspended and did not move forward in Congress.<sup>3</sup>

The Minister of Environment and Natural Resources, Patricia Orantes, presented the methodology for this new bill, which includes "meetings with mayors and social sectors in six regions of the country, academic forums with experts on water, and working groups with different users."<sup>4</sup> All activities are scheduled to take place between September 2024 and February 2025. The administration also anticipates the creation of a specific Cabinet for Water, which will be responsible for creating and implementing the National Water Policy, is also envisioned.<sup>5</sup> Arévalo issued a general invitation to participate in this historic initiative, but the challenge for the administration will be finding a way to reach a consensus and integrate different visions on water use and conservation, since no consensus exists between different sectors of society.

Additionally, an alliance of indigenous and social organizations reported that this bill excludes indigenous peoples, saying that, according to the provisions of the International Labor Organization's (ILO) Convention 169, any law regulating water use and access must be consensual with the Maya, Xinka, and Garifuna peoples. The organizations stated that the discussions on this Water Bill must incorporate Constitutional Court (CC) ruling 452-2019, which establishes that indigenous peoples' perceptions of water must be taken into account. They also asked for indigenous peoples' demands to be prioritized over corporate aspirations for industrial activities. "Domingo Quino, Ancestral Authority from San Andrés, Semetabaj, Sololá, called for rivers diverted by landowners and different projects to be set free, prior to discussing legislation."<sup>6</sup>

<sup>1</sup> Antonio Ramón, S., [Gobierno anuncia la creación de una ley de regulación y protección de las fuentes de agua](#), Prensa Comunitaria, 29.08.2024.

<sup>2</sup> Larios, B., [Presidente: La iniciativa de la Ley de Aguas es un proyecto de beneficio para los guatemaltecos](#), Agencia Guatemalteca de Noticias, 29.08.2024.

<sup>3</sup> Antonio Ramón, S., Op. Cit.

<sup>4</sup> Ibid.

<sup>5</sup> Antonio Ramón, S., [Organizaciones y pueblos indígenas demandan participar en el análisis de la Ley de Aguas](#), Prensa Comunitaria, 13.09.2024.

<sup>6</sup> Ibid.

## **Ministry of the Interior reactivates Agency for the Analysis of Attacks Against Human Rights Defenders**

On Thursday, August 28, the Interior Ministry (MINGOB) published Ministerial Agreement 214-2024 which creates an Agency for the Analysis of Attacks on the Rights of People, Organizations, Communities, and Indigenous Peoples' Authorities to Defend Human Rights. The goal of this initiative is to protect human rights defenders, journalists, people in the justice system, and other groups that face attacks for the work they do.

The Agency, originally created during the government of Alvaro Colom (2008-2012), faced obstacles during the following administration (that of former military officer Otto Pérez Molina - 2012-2015), was distorted under Jimmy Morales (2016-2020), and disappeared under Alejandro Giammattei (2020-2024). Human rights defenders' call to make this institution a reality was supported by an Inter-American Court of Human Rights (IACHR) ruling in 2014 in the case Human Rights Defender et al. versus Guatemala. This ruling established the obligation of the Guatemalan State to design a public policy for the protection of human rights defenders.<sup>7</sup>

The recently reactivated Agency will bring together 30 state, civilian, and international entities and will be led by the Minister of the Interior, the first and third Vice Ministers of the Interior, the General Directorate of Civil Intelligence and the Director General of the National Civil Police (PNC). Through information sharing and threat identification, this institution will be responsible for analyzing patterns of violence in order to develop its analysis, recommend technical criteria for risk evaluation, and supervise compliance with prevention and protection measures for the human rights defenders affected.<sup>8</sup> The agency's work will be organized into three working groups focused on different areas: the safety of journalists, due to the risks they face in their profession; protection of land defenders, indigenous peoples, and the environment, recognizing the importance of these groups in the defense and conservation of the country's natural and cultural resources; and criminality in general, including the protection of women, children, and the LGBTQIA+ community.<sup>9</sup>

## **indigenous Authorities call for transparency and honorability in Election of Courts**

Last Monday, September 23, following three consecutive days of voting, the Nominating Commission for the election of justices to the Supreme Court of Justice (CSJ) and the Court of Appeals completed its lists of candidates, which were then delivered to Congress: 26 candidates for justices of the CSJ and 312 for the Court of Appeals. Despite the distance between their communities and the Rafael Landívar University (URL), the Nominating Commission's headquarters, indigenous authorities from different regions of the country were present to observe the elections.

The observation commission was made up of indigenous authorities from the Ixil area and Santa Cruz del Quiché, as well as the indigenous Mayor of Santiago Sacatepéquez, authorities from Baja Verapaz, Chimaltenango, the Palajunoj of Quetzaltenango and ancestral authorities from Yich'isis, San Mateo Ixtatán, Huehuetenango. Over time, other authorities joined them, including authorities for the Ch'orti' people of Chiquimula.

On the day of the vote, the indigenous authorities closely followed what was happening in the conference room where the sessions were held. Throughout the process, they held press conferences at different times in which they stressed the importance of transparency in the process and demanded that the commissioners include people known to be honorable on their lists.<sup>10</sup>

Now, Congress must choose the new justices for the 2024-2029 term by October 13. At least four justices who have criminalized community leaders and ancestral authorities are on the list of possible candidates.<sup>11</sup> indigenous authorities announced that they will continue to observe the election of the Courts and asked members of Congress to reject candidates with links to corrupt actors.<sup>12</sup>

<sup>7</sup> Ramón, S. A., [Gobierno crea instancia para analizar ataques contra defensores de derechos humanos](#), Prensa Comunitaria, 03.09.24.

<sup>8</sup> Pimentel, R., [Gobernación asegura protección a activistas](#), Diario de Centro América, 30.08.24.

<sup>9</sup> Rodríguez, L., [Gobierno de Guatemala refuerza la protección a defensores de derechos humanos](#), Agencia Guatemalteca de Noticias, 21.06.24.

<sup>10</sup> Prensa Comunitaria, ["Autoridades indígenas: Fiscalizar la elección de Cortes es para que no haya influencia de corruptos."](#), 27.09.2024.

<sup>11</sup> Prensa Comunitaria, ["Magistrados que han criminalizado a defensores de los territorios buscan su reelección"](#), 27.09.2024.

## 2. ACCOMPANIMENTS<sup>13</sup>

*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 defense of territory.<sup>14</sup>*

### THE FIGHT AGAINST IMPUNITY



This month, we continued accompanying the **Association for Justice and Reconciliation (AJR)** to hearings in the “Ixil Genocide” case against Manuel Benedicto Lucas García, former Chief of Staff of the Guatemalan Army and brother of former de facto president Fernando Romeo Lucas García (1978-1982). We observed 3 hearings during the oral and public hearing stage of the trial on September 2, 9, and 30. On the 2<sup>nd</sup>, we heard continued testimony from a forensic expert who presented the conclusions of the Forensic Anthropological Investigation Report on the patterns of massacres in Nebaj in the Ixil region. On the 9<sup>th</sup>, the president of the

Forensic Anthropology Foundation of Guatemala gave expert testimony that ratified expert reports on exhumations in Acul, Nebaj, and other towns in Quiché, in which patterns of violence were discovered, including bullet wounds in skulls and victims with their hands tied. On the 30<sup>th</sup>, Edgardo Benjamín Cardoni, a retired military officer of the Argentine Army, presented his conclusions. He emphasized that the Chief of Staff and the Chiefs of the Second and Third Sections of this institution each disseminated, supervised, controlled, and contributed to operations carried out in the Ixil territory, as part of their responsibilities.

We accompanied the **Human Rights Law Firm (BDH)** to the following hearings and activities:

- Hearings in the Hogar Seguro case: two hearings in a continuation of the oral and public trial on September 10<sup>th</sup> and 17<sup>th</sup>, in which several witnesses presented by the Public Prosecutor’s Office (MP) testified.
- Press conference on the case of the Multicultural Communities of Laguna del Tigre and Sierra de Lacandón of Petén.
- Meeting to share experiences among human rights defenders from different regions.

We accompanied members of the Association of **Family Members of the Detained and Disappeared of Guatemala (FAMDEGUA)** to an event in the community of Los Josefinos, in the municipality of La Libertad, Petén, in which 30 people who were victims of the massacre in the community attended. During the event, FAMDEGUA carried out activities as part of the psychosocial accompaniment they provide to survivors, explained the reparation measures included in the IACHR ruling, and held a discussion with community members about the documentary being made.



With respect to the **Luz Leticia case**, we have held update meetings with the family to follow up on the case and their security situation.

<sup>12</sup> Espinoza, I., “Comisiones de Postulación entregan nóminas de candidatos al Congreso”. 23.09.2024.

<sup>13</sup> We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.

<sup>14</sup> See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

## DEFENSE OF THE TERRITORY



In the Department of Chiquimula, we accompanied the **indigenous Community of San Francisco Quezaltepeque** to various judicial proceedings this month. First, we were in the third oral and public hearing regarding the criminalization of an ancestral authority from the San José Cubiletas community. The events took place on August 27, 2021, when personnel linked to the municipality of Quezaltepeque tried to extract gravel from the community of San José Cubiletas without the ancestral authorities' authorization. The trial began after the defendant refused, in arbitration court, to accept the charges of making threats and to pay a fine of Q5,000 for reparations. Second, we accompanied some of the community's members to the MP to give a statement about a complaint they filed in the Human Rights Ombudsman's Office (PDH), regarding logging in the communal territory of the Quezaltepeque volcano.

We also accompanied them, together with the **Maya Ch'orti' Indigenous Council of Olopa**, to a meeting in the Governor's Office of Chiquimula regarding the Trifinio Plan. People from the municipalities of San Juan Ermita, Jocotán and Camotán were also present, as well as various state institutions.

In the Department of Guatemala, we held meetings with the **Peaceful Resistance of the Poqomam People of Chinautla**, in order to stay up to date on the main problems they face and their security situation.

## THE ISSUE OF ACCESS TO LAND

With respect to the **Verapaz Union of Peasant Organizations (UVOC)**, we maintained our regular meetings with the general coordinator, Carlos Morales, to follow up on and stay up to date about the security situation and their work in defense of land access. Moreover, this month we accompanied the swearing in of the Ancestral Councils of the Maya Q'eqchi' and Poqomchi' peoples of Purulhá, which took place in the municipality of Purulhá, Baja Verapaz.

For the **Campesino Committee of the Highlands (CCDA) - Verapaces Region**, this month we accompanied the women leaders of the organization to a ceremony held on the day of the nahuál Kawoq, the day of authority and struggle. The purpose was to ask for strength and clarity on their path as land defenders, as well as justice for indigenous peoples and political prisoners.



### 3. POLITICAL ACCOMPANIMENT

**Meetings and other contact with the diplomatic bodies, international organisations and Guatemalan authorities.**

*Meetings with national and international authorities are an important way for PBI to make known what we do and what our objectives are. Through these meetings, where necessary and in a reserved manner, we share our concerns about worrying situations that we have witnessed first-hand from the work we do in the field.*

In our dialogue with the diplomatic corps and international organizations present in Guatemala, this month we met with:

- Juan Antonio Frutos Goldaratz, Minister-Counsellor and Human Rights Officer of the **Embassy of Spain**.
- Susana Fernández and Jennifer Echevarría, **Delegation of the European Union to Guatemala**.
- Victoria González Ariza, **Ambassador of Colombia**.
- Isabel MacDonald, Human Rights Officer of the **Embassy of the United Kingdom**.

With respect to our dialogue with Guatemalan authorities, this month we met with:

- Jesús Calderón, the **Human Rights Ombudsman's Office of Chiquimula**.
- Luís Campá, **Governor of Chiquimula**.
- Mónica Mazariegos, Private Secretary of the **Vice President of the Republic**.
- Edgar Xoy Chón, Mayor of the **Municipality of Purulhá, Baja Verapaz**.

### 4. OTHER ACTIVITIES OF PBI GUATEMALA



We changed the format of our program **ACÉRCATE**. From now on it will be an audio **podcast**. September's was **number 27**. In it, we spoke with Lesbia Artola (Q'eqchi' defender and leader) and one of the leaders of the Las Pilas community about the community's situation more than two years after being evicted.

You can listen to it by accessing our website:

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

### 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 met this month with:

- Camille Le Ho, acting head of the **European External Action Service** for Guatemala.
- Eva Nullens, of the Human Rights Unit of the **Belgian Ministry of Foreign Affairs**, and with Amadeo Bosser, Central America and Caribbean desk of the same Ministry.

## 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

#### **En el marco del Seminario de Soberanía Alimentaria: De los pueblos para avanzar en la construcción del Estado Plurinacional**

Los días 27 y 28 de septiembre de 2024, nos hemos reunido diversas organizaciones de Ixim Ulew, que conforman la Red de Educadoras y Educadores Populares de Guatemala (RED K'AT) y la Red Nacional por la Defensa de la Soberanía Alimentaria en Guatemala (REDSAG).

Nos preocupa profundamente que en Guatemala, los territorios y el agua están siendo contaminados y expropiados por la industria urbana, agroindustrial y extractiva, impulsadas por megaproyectos que acaparan nuestros bienes naturales. Este fenómeno se ve agravado por un sistema político débil, que favorece a unos pocos y reprime a quienes defienden la tierra, el territorio y la biodiversidad.

Hoy, de manera conjunta, expresamos nuestro posicionamiento político ante el constante despojo que vulnera nuestros conocimientos y prácticas ancestrales, afectando nuestros cuerpos y territorios. El Estado debe garantizar el derecho a la tierra, alimentación y al agua, además de proteger nuestros conocimientos ancestrales milenarios, velando por su acceso y protección, y reconociendo las formas legítimas de los pueblos para cuidar y preservar la biodiversidad y bienes naturales especialmente el rol fundamental de las mujeres dentro de las comunidades.

Hacemos un llamado urgente al gobierno y a la comunidad internacional para que prioricen políticas públicas orientadas a la protección de los derechos campesinos de agricultores y agriculturas, la revalorización de las semillas nativas y la promoción de prácticas del buen vivir desde la cosmovisión de los pueblos. Reiteramos la importancia de implementar medidas de conservación efectivas, basadas en el respeto de los conocimientos ancestrales de las comunidades indígenas, quienes hemos sido los y las guardianas históricas de la biodiversidad y la madre tierra.

Ante la pasividad del gobierno para implementar acciones contundentes que frenen la crisis alimentaria y climática, instamos a las autoridades a tomar conciencia de la situación que enfrentan campesinos, agricultores y mujeres, y a unirse a esta lucha colectiva que beneficia a toda la sociedad y la vida, la naturaleza y nuestra madre tierra.

Como organizaciones manifestamos:

1. Defender nuestras semillas es luchar por una alimentación sin químicos, una lucha legítima que surge de nuestra cosmovisión y el cuidado de la Madre Tierra y la biodiversidad.
2. Las mujeres indígenas, en nuestra pluralidad, hemos sido y seguiremos siendo defensoras de nuestros territorios, el agua y las semillas.
3. Estamos derrumbando las barreras del patriarcado, el racismo y la exclusión, reivindicando nuestros derechos para ocupar cargos de importancia en la sociedad. Avanzamos en la construcción de un Estado Plurinacional donde todos los pueblos estén legítimamente representados.
4. Abuelas, abuelos, autoridades ancestrales indígenas y comunales, somos defensores, donde los conocimientos y prácticas ancestrales mantienen el tejido de nuestra identidad comunitaria.
5. Como pueblos originarios y diversos, defendemos el agua y el derecho humano a la alimentación, y nos oponemos firmemente a las empresas extractivas, hidroeléctricas, mineras y empresas de monocultivos de palma aceitera, banano, azúcar, hule, entre otras, que saquean y desvían nuestros ríos y bienes naturales, criminalizan a nuestros líderes y desplazan a nuestras comunidades, forzándonos a la migración.
6. Rechazamos toda iniciativa que atente contra la vida y los sistemas alimentarios que promuevan la dependencia de insumos externos, el uso de agroquímicos y la modificación genética de cultivos que únicamente benefician y privilegian a empresas y sector privado aglutinado en la Agexport y cámara del Agro.

Por ello, exigimos:

- a) A la Comisión de Trabajo del Congreso de la República, que dictamine favorablemente la Iniciativa 6086, "Ley de Biodiversidad y Conocimientos Ancestrales", preservando los principios de respeto a la vida, la cosmovisión maya, la armonía y el equilibrio, la diversidad cultural, los saberes ancestrales y el respeto a la naturaleza.
- b) Que en todas las mesas de diálogo, acciones y comisiones impulsadas por el Estado, se garantice la representación legítima de las autoridades ancestrales indígenas y pueblos originarios.
- c) Promover e impulsar la Iniciativa 5070, "Ley Marco del Agua", una propuesta surgida desde los movimientos indígenas y campesinos, y asegurar que los pueblos sean observadores y participantes activos en la construcción de la ley de aguas que el gobierno esta convocando.
- d) Finalmente, solicitamos a la Comisión de Agricultura y Pesca archivar la Iniciativa 6283, "Ley para la Protección de Obtención de Vegetales", conocida como la "Ley Monsanto" ya que atenta con nuestra soberanía alimentaria

**¡SOBERANÍA ALIMENTARIA DE LOS PUEBLOS,  
NUESTRO COMPROMISO DE LUCHA!**

**¡LAS SEMILLAS NO SE VENDEN, SE SIEMBRAN Y SE DEFIENDEN!**

**¡EL AGUA NO ES MERCANCÍA, SE CUIDA Y SE DEFIENDE!**

B'ok'o, 28 de septiembre de 2024

**The team of volunteers in PBI Guatemala is currently composed of** Amparo Terrón Salvador (Spain), Carlos Fernández Arrúe (Spain), Marina García Alacreu (Spain), Elisa de Oliveira Ribeiro (Brazil), Gisela Farell Reviejo (Spain), Leonie Malin Höher (Germany), Anna Morales Mateu (Spain), Ana Gabriela Ascarrunz Ponce (Bolivia), Sebastián Aguirre Orozco (Colombia) y David Félix Azemar (Spain).

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**GUATEMALA PROJECT  
PEACE BRIGADES INTERNATIONAL**

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