



## Monthly Information Package Guatemala

Number 172 - January 2018

### 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.*

#### Concern for the situation of human rights defenders

Front Line Defenders' *Annual Report on Human Rights Defenders at Risk in 2017*<sup>1</sup> is dedicated to the 312 defenders killed last year in 27 countries around the globe. The majority of those assaulted defend land, territory, the rights of indigenous peoples and the environment. In Guatemala eleven murders were registered, 3 women and 8 men. However, the strategies most used to hinder the work of defenders was defamation and criminalization carried out by the government or by non-state agents. Defamation against female defenders in many cases included not only elements related to their work, but also aspects related to their gender.

In a general manner Front Line Defenders points out that the *global political landscape, which includes US President Trump's support to autocrats accused of systematic human rights violations like Philippine President Duterte, guaranteed the continuation of difficulties for human rights defenders. While the European Union stayed focused on migratory issues and Brexit, it diverted from one of its main goals, namely "influence third countries to guarantee compliance of their obligations in matters of respecting the rights of human rights defenders."*

The report notes that 2018 will mark the twentieth anniversary of the United Nation's Declaration on Human Rights Defenders, two decades during which there has been significant growth in the global human rights movement and its achievements. On the contrary, governments have not matched the same level of commitment and determination.

UDEFEQUA's 2017 report<sup>2</sup> indicates that violence against human rights defenders has worsened, translating this deterioration in threats, arrest warrants, apprehensions and murders. The first aggressions registered in 2018 continue this tendency.

On January 9th of this year Ronald David Barillas Díaz, defender of Xinka peoples, was murdered with six gunshots to his chest causing his death. Mr. Barillas defended environmental rights and the right to consultation in light of extractive projects, specifically pertaining to the mining activities of Canadian Tahoe Resources Inc. / Minera San Rafael S.A.<sup>3</sup>

On January 15 community leader and human rights defender Antonio Cruz Jiménez, from Cantón Valencia Jutiapa community, died during a protest convened by CODECA when he was run over by a GUATEX company truck. The motives and other details of this incident have not been clarified.

On January 17 María Magdalena Cuc Choc, q'eqchi' human rights defender and teacher, was detained at the court building when leaving a hearing in which she served as interpreter. Along with two other members of her community, Chabil' Ch'och', she is accused of aggravated usurpation, threats and illegal detention. The

<sup>1</sup> Front Line Defender, *Annual Report on Human Rights Defenders at Risk in 2017*, Dublin 2017.

<sup>2</sup> UDEFEQUA, *Report on the Situation of Human Rights Defenders in Guatemala: A Reflection on the Decay of Human Rights in the Country. January to June 2017*. Guatemala, August 2017.

<sup>3</sup> The Observatory for the Protection of Human Rights Defenders, Urgent Call. Guatemala 01.15.2018.

judge issued arrest warrants and eviction notice against the community on the same day. Cuc Choc comes from a family known for their struggles in defense of land, q'eqchi's territories, and justice. Her brother Ramiro Choc was incarcerated for six years for this work in defending rights and her sister Angélica Choc struggles for justice in the murder of her husband Adolfo Ich during an eviction carried out in 2009 by members of a private security company for the nickel mining company CGN and Canadian Hudbay Minerals.<sup>4</sup>

On January 30 Bernardo Caal Xol, community leader from Alta Verapaz and human rights defender, was detained and accused of aggravated robbery, inciting crime, threats, and illegal detentions. Caal Xol was detained in Cobán when he was at a hearing at the Second Court of First Criminal Instance, Narcoactivity and Crimes Against the Environment. The leader affirmed he is suffering political persecution for defending the q'eqchi' peoples against the construction of a hydroelectric dam in the municipality of Cahabón, Alta Verapaz.<sup>5</sup> In 2016 Bernardo Caal Xol filed an injunction before the Supreme Court of Justice (CSJ) calling for the suspension of the OXEC hydroelectric project, arguing that the license was granted without prior consultation.

In 2017, eleven journalist were murdered. The aggressions continue. On February 1, journalists Laurent Ángel Castillo Cifuentes and Luis Alfredo De León Miranda were found lifeless with their hands and feet bound in the Finca Catalina in Santo Domingo Suchitepéquez. At the beginning of January, Johnny Javier Guardado, correspondent in Petén, was murdered. Journalist guilds are very concerned about hate messages by high officials towards the media, like the Mayor of Guatemala City, Álvaro Arzú.<sup>6</sup>

### **Political Situation**

The Guatemalan Congressional Board of Directors was elected on January 14. Due to an injunction put forth by civil association Acción Ciudadana, the Constitutional Court (CC) recognized 15 days later the illegal nature of the election for including Congressmen who were party defectors. However, the election was repeated on Thursday, February 1 and aside from two changes, the same members of Congress were elected to the Board of Directors.

In its first days, the congressional board of directors advanced on a reform proposal to make electoral competition of new parties more difficult. Also, lobbying took place to achieve 105 votes (of 158) to reverse the election of the Ombudsman on Human Rights, Jordán Rodas, who has shown to be independent from President Jimmy Morales and Congress. Also lobbying was started with the aim to attain 105 votes to annul the validity of the agreement between Guatemala and the UN which created the International Commission Against Impunity in Guatemala (CICIG) in 2017.<sup>7</sup>

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<sup>4</sup> Rivera, N. y Xitumul Morales, J., [Izabal: María Magdalena Cuc Choc, defensora de la tierra fue detenida](#), Prensa Comunitaria. Guatemala 01.17.2018.

<sup>5</sup> Sam E., [Capturan al dirigente Bernado Caal por cuatro delitos](#), Prensa Libre. Guatemala 01.30.2018.

<sup>6</sup> Ramón, S, [Asesinan a dos periodistas en Suchitepéquez](#), Prensa Comunitaria. Guatemala, 02.01.2018.

<sup>7</sup> Nómada, [Los mini-cambios de la mini-presidencia de Arzu Jr.](#) Guatemala 01.30.2018.

## 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.<sup>8</sup>*

### STRUGGLE AGAINST IMPUNITY

We continue to monitor the security situation of the **Neighborhood Association of Chicoyogüito (AVECHAV)**, joint plaintiffs, in the **CREOMPAZ** case. We had a meeting with the Board of Directors and continued weekly calls.

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

- **Bernado Caal case.** Bernardo Caal is a community leader and member of the **Peaceful Resistance of Cahabón**, a group of 195 communities, accompanied by PBI since July 2017. In December 2015, Bernardo Caal Xol, filed an injunction before the Supreme Court of Justice (CSJ), calling for the suspension of the OXEC hydroelectric project, arguing that the license was granted without prior consultation. This has led to a series of defamation in the media against him and the accusation of the crime of illegally collecting a salary. On January 30, we accompanied a hearing at the First Court of Criminal Instance, Narcoactivity and Crimes against the Environment in Cobán, Alta Verapaz. Upon leaving the hearing, National Civil Police (PNC) officials detained him based on an arrest warrant dated December 8, 2017. Bernardo Caal was taken to the Preventative Detention Center for Men and Women in Cobán where we visited him. For more information see above.
- **Safe Home Case.** On March 8, 2017, forty-one girls and adolescents died at the Virgen of Asuncion Home. We accompanied a hearing where the Fourth Court of First Criminal Instance decided to send former Deputy Director of Social Well-being Anahy Keller to trial.
- **Genocide Case.** We observed testimonies of two witnesses who recounted the murder, by the army, of 30 Ixil civilians in the Nebaj region in 1982.
- **Choleña Case.** Public viewing at the CC, where neighbors from the San José del Golfo village and members of the Peaceful Resistance of La Puya and La Laguna presented an injunction against the mayor for allowing the construction of a telephone antenna, despite the fact the company did not meet legal requirements.
- **Puhuhil Case:** Tomás Guarcas Laz disappeared in 1982 during the internal armed conflict. His son Jerónimo Guarcas wanted to know where his remains are buried and in May 2009 they attempted to exhume his remains in Puhuhil Primero, Chichicastenango, Quiché. This month we accompanied a hearing in which the judge set a date for the trial.



<sup>8</sup> 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

During the month of January we visited the **Union of Campesino Organizations of Verapaz's (UVOC)** office and continue to closely follow the security situation of its community members, in particular Nueva Seamay and Nueva Sebox communities (Senahú, Alta Verapaz), whose situation is very worrisome, as death threats and other aggressions continue.

We accompany the criminalization case of people from the Santa Inés community (Santa Cruz, Alta Verapaz). Despite the existence of a dialogue space for the last 17 years, several members were apprehended during an eviction in January 2017 being accused of aggravated usurpation. At this hearing it was resolved that those linked to the case no longer have to sign-in weekly at the court. The conditions for this were: accept the accusation of usurpation of territory, not to go near the land and not commit violent acts nor threats against owners.



## NEGATIVE IMPACT OF GLOBALISATION ON HUMAN RIGHTS

On January 7 we accompanied the **Peaceful Resistance of La Puya**, at the protest camp that they have kept outside the El Tambor gold mine since 2012. Since then, the Peaceful Resistance of La Puya has suffered threats, aggressions, attempted murder against one of its members and criminalization. On this occasion different activities took place, like the Central American Caravan of Women Weaving Territories, promoted by the collective of Women in Resistance La Puya, the Municipality of Mataquesuintla Guatemala and associations in Honduras and El Salvador. With this activity, women expressed their willingness to accompany and strengthen themselves in the fight against extractive companies and their allies.



Also, we continued our weekly calls to be aware of their security situation.

Due to the high level of attacks and threats against defenders who are members of **Communities in Peaceful Resistance of Cahabón**, this month we visited the following communities: Sepoc, Las Tres Cruces, Saktá, Salac I and Piñares, where we also met with local authorities. We also accompanied one defender to Cahabón to file a complaint of attempted murder with the Human Rights Prosecutor. As previously stated, we accompanied the hearing of Bernado Caal where he was taken into custody at the end of the month.

This month we started general accompaniment to **TZK'AT - Network of Ancestral Healers of Feminism**, founded in 2015 by indigenous women, community feminists and human rights defenders. As part of this accompaniment we visited one of TZK'AT's members in Uspantan, Quiché.

We continue to monitor the delicate security situation of the **Ecumenical and Social Coordinator in Defense of Life in Zacapa and Chiquimula**.

Likewise, we monitored the situation of the **Council of K'iche' Peoples (CPK)**, observing their monthly assembly and being a presence in the region.

In the context of our accompaniment with **Campesino Central Coordinator New Day' Chortí (CCND)**, we are closely monitoring the worrisome security situation of its members, aggravated by growing community fragmentation in the region. We were present at their new office.

### 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.*

On January 22, 2018 we observed demonstration by the **Council of Q'eqchi' Authorities from Santa María de Cahabón** in which communities in Peaceful Resistance of Cahabón participated to show their discontent with measures applied by authorities to protect forests. The protest was convened that day to coincide with a hearing in which OXEC representatives had to answer to the crime against forest resources. Finally, OXEC will have to pay 4.3 million Quetzals as reparation, but the judge decided to absolve the company from criminal responsibility.



### 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, this month we met with Ainhoa Barrenechea and William Bolainez, of the Office of the High Commissioner for Human Rights **(OHCHR)**.

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

- Daniel Tucux Coyoy, **Director of mediation of the Human Rights Ombudsman (PDH)**.
- Carlos Guillermo, **Assistant at PDH Cobán**.
- Roberto López, **PNC Deputy Commissioner of Alta Verapaz**.
- **PNC agents in Cahabón**.

## 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.*

During the months of December 2017 and January 2018 our European representative for the project held the following meetings and activities in Brussels:

- December 5 and 6, participation in the **EU NGO Forum on Human Rights**.
- December 21, meeting with Sylvain Schultze, **Officer for Central America at the European External Action Service**.
- January 10, meeting with Marijn Speth, **Representative of Permanent Representation of Holland before the European Union the Human Rights working group of the Council of the EU on Human Rights (COHOM) and Relations with Latin American and the Caribbean (COLAC)**.
- January 31, participation in meeting with **United Nations Special Rapporteur on the situation of human rights defenders**, Michel Forst, with human rights organizations.

## 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.*

La organización Alianza Para La Solidaridad con el apoyo de Greenpeace España, han lanzado una campaña para exigir, al gobierno del país, la liberación de Bernardo Caal<sup>9</sup>.

### **Pídele al estado de Guatemala que deje en libertad inmediata a Bernardo Caal**

El líder indígena q'eqchi' Bernardo Caal Xol ha sido encarcelado en Cobán, Guatemala, tras haber denunciado, públicamente, las ilegalidades en el otorgamiento de licencias ambientales y concesiones para la construcción de megaproyectos hidroeléctricos sobre el río Cahabón, en el departamento de Alta Verapaz.

El mayor de ellos es RENACE, una obra que construye el grupo Cobra (la empresa de Florentino Pérez Grupo ACS) para una compañía del país y que ha colapsado el cauce del Cahabón en casi 30 kilómetros, afectando a 29.000 indígenas q'eqchi'.

Caal fue arrestado en la sede judicial de la localidad de Cobán cuando iba a responder por una acusación previa en la que se trató de imputarle en el marco de un conflicto laboral. Allí mismo, mientras acudía a demostrar su inocencia, le notificaron otros delitos (robo, instigación a delinquir, amenazas y detenciones ilegales) con los que claramente se busca criminalizarle.

Caal Xol lo tiene claro: "soy un preso político que se encuentra en esta situación por denunciar el secuestro de los ríos, por declarar que los están matando, por dar a conocer lo que el saqueo del territorio del pueblo Q'eqchi'. El Ministerio Público no pudo demostrar las acusaciones anteriores y ahora sale con otras. El objetivo es callar e intimidar a la gente, manifestó Caal Xol momentos antes de ser encarcelado.

### **CAMPAÑA DE RECOGIDA DE FIRMAS DE ALIANZA POR LA SOLIDARIDAD CON GREENPEACE**

Ya hace unos meses, el líder indígena declaraba que "temía acabar como Berta Cáceres", en alusión a la líder hondureña asesinada en 2016 por oponerse a proyectos hidroeléctricos en su país. De hecho, el pasado año,

<sup>9</sup> <https://www.alianzaporlasolidaridad.org/noticias/pidele-al-estado-de-guatemala-que-deje-en-libertad-inmediata-bernardo-caal>

Bernardo Caal tuvo que permanecer escondido varios meses, después de que se dictara una orden de captura contra él y tras sufrir numerosas amenazas personales.

Alianza por la Solidaridad, junto con Greenpace España, lanza esta campaña de recogida de firmas dirigidas a la Embajada de Guatemala en España para que su Estado promueva la libertad del líder indígena y adopte medidas urgentes que protejan a los defensores de los derechos humanos frente a los ataques y amenazas a los que se enfrentan por defender la tierra, el agua y el medio ambiente

¡PORQUE DEFENDER DERECHOS NO ES UN DELITO!

#LibertadParaBernardo

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*All photos published are from PBI*

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