



Monthly Information Package Guatemala

Number 179 - august 2018

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.

Jimmy Morales announces he will not renew the CICIG's term

On August 31st, Guatemalans lived through several hours of uncertainty due to rumors of a possible coup, stemming from army vehicles patrolling different areas of Guatemala City, including outside the International Commission Against Impunity in Guatemala's (CICIG) offices. The President, with the Vice President, three ministers, and high-level Army and National Civil Police (PNC) officials at his side, publicly announced he will not renew the CICIG's term for its mandate. This means the CICIG's mandate will end on September 3, 2019. Morales indicated that the CICIG has until that date to transfer competencies to Guatemalan institutions.¹

Surge in attacks against human rights defenders continues

Adolfo Chon Pacay, Campesino Unity Committee member, and Juana Raymundo, Campesino Development Committee member, were killed at the end of July, making the total number of defenders assassinated in 2018 a horrifying 18. Fourteen of these murders have taken place since the month of May.

In response to the repugnant violence against defenders, UN experts made public a press statement on August 9th expressing their profound concern for the *increase in homicides, attacks and other acts of intimidation against human rights defenders in Guatemala*. It is particularly concerning the frequency and severity of these attacks, which can have repercussions on the entire population, sending a message that these crimes often go unpunished. The statement affirms that there is an increasing tendency to stigmatize human rights defenders, including via social media, which undermines the legitimacy of their work and could provoke attacks against them. The statement also recommends the State meet with civil society organizations and strengthen protection for human rights defenders (...), publicly recognizing the important work they carry out.²

The International Land Coalition, Front Line Defenders and Civicus conducted an observation mission to Guatemala. They issued a statement expressing their opinion on violent acts against human rights defenders as being of *great concern having gone beyond random acts, and becoming systematic pattern of persecution*.³

Given the severity of this situation, Ombudsman Jordán Rodas expressed in a press conference that the Ministry of Interior (MinGob) shows a *lack of action* in regards to the criminalization of human rights defenders and called on the Public Prosecutor's Office (MP) *to investigate not only the material authors but also the intellectual authors*.⁴

¹ Woltke, G., [Jimmy amaga con regresar al país a los años ochenta y anuncia el fin de CICIG](#), Nómada, 08.31.2018; Rodríguez; Pellecer, M., [¿Qué sabemos hasta ahora sobre el amago de golpe de Estado? ¿Por qué es grave?](#), Nómada, 08.31.2018; Pradilla, A. y Quintela Babio, C, [Morales cierra la puerta a la Cicig y amaga con autogolpe de Estado, con música de mariachis de fondo](#), Plaza Pública, 08.31.2018.

² OHCHR, [Guatemala: El incremento de ataques contra defensores de los derechos humanos es profundamente preocupante – dicen expertos de la ONU](#), 08.09.2018.

³ La Hora, [Misión internacional: hay un patrón sistemático de persecución contra defensores de DD. HH.](#), 08.10.2018

⁴ Procurador de los Derechos Humanos, [PDH exhorta a Mingob implementar medidas de protección ante criminalización de defensores de derechos humanos](#), 08.02.2018.

Risk of militarization in the PNC

The cooperation between the PNC and the army has increased. An example of this is that in April they conducted joint patrols in some zones, like the Paraíso 2 neighborhood and in Zone 18 in Guatemala City.⁵ In addition, on August 17th Fernando Lucero, spokesman for the Ministry of Interior, stated the possibility that former members of the Guatemalan Army could enter in the ranks of the PNC.⁶ This information was denied by the Minister of the Interior⁷ a week later, after the political party Encuentro por Guatemala highlighted irregularities in a high percentage of promotions in the PNC.⁸ All this takes place at a time when the media has expressed concern because they consider that the MinGob could be taking steps to maintain *illegal espionage structures, to spy on citizens*.⁹ Also, the purchase of a *state-of-the-art surveillance system*¹⁰ has increased concern in this respect from both Guatemalan civil society and the international community.

In the context of these current events, it should be noted that on August 30, the Constitutional Court (CC) processed an injunction promoted by Alfonso Carrillo Marroquín, Stephanie Anacelia López Villatoro and Ángela Verónica Godoy Gastillo to order President Jimmy Morales to give an explanation on the appointment of the current Minister of the Interior, Enrique Degenhart, and his Vice Minister of Operations, Kamilo Rivera. This injunction was filed on the grounds that these officials put the safety of Guatemalans at risk.¹¹

Other important events

On August 10th, the MP and CICIG filed requests to strip President, Jimmy Morales, and Congresswoman, Nineth Montenegro, of their political immunity for illegal campaign financing.¹² Both requests were admitted by the Supreme Court of Justice (CSJ). The request to strip President Morales of his political immunity was sent to Congress where members formed an investigative commission to analyze the case file and make recommendations on whether to strip his immunity or not.

The Coalition of the Universal Periodic Review (UPR) comprised of more than 100 civil society organizations made public that the *State of Guatemala has not recorded progress in fulfilling commitments acquired in the UPR. (...) Among the pending recommendations are those (...) related to human rights defenders, indigenous peoples, children's rights as well as sexual and reproductive rights*.¹³

The last few weeks Congress has been debating a bill that, if approved, will be a setback for the rights of women and the LGBTI population. Bill 5272 - Law for the Protection of Life and Family - would imply criminalization of abortion under any circumstance toughening penalties for women, medical providers and would prohibit same-sex marriage.¹⁴

⁵ Gamarro, U., [Concluye patrullaje del Ejército con la PNC: "Ya no te voy a ver, cuidate mucho"](#), Prensa Libre, 04.01.2018.

⁶ La Hora, [Mingob reconoce posibilidad de integrar a exsoldados a la PNC](#), 08.17.2018.

⁷ Yelmo, J., [No trasladarán a miembros del ejército a la PNC](#), Diario de Centro América, 08.24.2018.

⁸ Álvarez, C., [Señalan que la mayoría de ascensos en la PNC tiene irregularidades](#), Prensa Libre, 08.07.2018.

⁹ Rodríguez Pellecer, M., [CICIG, MP, magistrados: ¿Cuánto tiempo más van a dar a Degenhart?](#), Nómada, 08.09.2018.

¹⁰ Nómada, [Espionaje ilegal del Gobierno: Aquí está la investigación de Nuestro Diario \(Parte I\)](#), 08.06.2018

¹¹ Oliva, W., [Jimmy Morales debe justificar el nombramiento del ministro de Gobernación, Enrique Degenhart](#), Prensa Libre, 08.30.2018.

¹² Monzón, K., [MP y Cicig presentan solicitudes de antejuicio contra Jimmy Morales y Nineth Montenegro](#), Prensa Libre, 08.10.2018.

¹³ Aguilar, D., [Guatemala sin avances en cumplimiento de recomendaciones del Examen Periódico Universal](#), La Hora, 08.17.2018.

¹⁴ Estrada Tobar, J., [Médicos: Por qué es tan grave la ley que enviará a prisión a las mujeres por una pérdida](#), Nómada, 08.29.2018; El Nuevo Diario, [El presidente de Guatemala reitera su oposición al aborto y al matrimonio gay](#), 08.31.2018.

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 defense of territory.¹⁵

STRUGGLE AGAINST IMPUNITY

In August we accompanied the **Human Rights Law Firm (BDH)** to several judicial proceedings:

Virgin of Asuncion "Safe" Home

In the August 6th hearing, the court took a decision on the recusal of Judge Pedro Laynez Lux. The recusal request was put forward by Women Transforming the World (MTM), joint plaintiffs who represent several victims in the case. Other joint plaintiffs and BDH lawyers also expressed they were in favor of the recusal. Finally the judges in a written statement decided not to move forward on the recusal petition, allowing the judge to continue hearing the case.

Ixil Genocide Case

The Genocide case is in its final stages. In a hearing on August 3rd, the MP and defense of accused, Rodríguez Sánchez, read several documents, including an Amnesty International report and excerpts of the REMHI *Guatemala: Never Again* report. During the August 10th hearing, they continued reading documents including: excerpts from Historical Clarification Commission (CEH) report, *Guatemala, Memory of Silence*, specifically parts pertaining to violations perpetrated during the internal armed conflict against women, torture, and massacres and focusing on the Ixil territory. In the August 17th hearing, several testimonies from the CEH report were read, mentioning how different guerrilla groups operated. Also, excerpts from the same document were read that highlight a systematization of harassment, massacres and massive sexual assault which planted terror in the civil population. According to these accounts, the fact that civil society was a military objective constituted a war strategy, which included extermination, division and militarization of entire communities, functioning of counterinsurgency intelligence and forced social reorganization. In the August 24th hearing, they continued reading the CEH report, analyzing the role and structure of military and civil intelligence, model villages and the role of the Civil Defense Patrols (PAC) in the repression.

Community leader Bernardo Caal Xol's Case

Three witnesses for the MP testified on August 14. At the end of the hearing, the judge ordered that at the next hearing, witnesses who have not yet appeared before the MP will have to attend, accompanied by police if necessary, as only 3 out of 7 witnesses had appeared in court that day. The August 28 hearing was suspended by decision of the penitentiary system because they did not transport prisoners to court on that day. The next hearing is scheduled for Tuesday, September 11 at 9:15am in the court in Cobán



PROBLEM OF ACCESS TO LAND

This month we continued to monitor the security situation of members of the **Union of Campesino Organizations of Verapaz (UVOC)** and visited their office. We also visited La Primavera community and met with the Indigenous Council who gave us an update on the security situation in the community. On August 10th, we accompanied UVOC to the presentation of the International Land Coalition's (ILC) report on the findings from their verification mission to Guatemala. This mission was carried out in response to a request by Guatemalan members of the coalition, among them UVOC, given the grave situation faced by defenders of land rights and territory in Guatemala. The ILC visited the Verapaces, several communities in the Department of Chiquimula and met with representatives UVOC and the Campesino Central Coordinator New Day Chortí (CCCND) and with institutional representatives and members of civil society. In their report, they highlighted the difficult situation that human rights defenders face and the importance of their work, despite the multiple attacks they face (murders,

¹⁵ See our website for general information on organizations and individuals we accompany: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

persecution, and criminalization). They emphasized the responsibility of the State to guarantee the fulfillment of human rights, denouncing the neglect of their responsibility to protect. According to the ILC, the serious human rights situation in the country is the result of the development model based on a policy of dispossession and concentration of land. The presentation concluded with a call on the international community and all regional and international human rights bodies to look for actions to end this situation.

At the end of July we started accompanying the **Campesino Committee of the Highlands (CCDA) of Alta Verapaz**. On July 31st, we accompanied them to a hearing for Juan Bautista Riveiro and José Manuel Coc Saquil, CCDA members from the community of Choctun Basilá, accused of homicide and incarcerated in the Preventative Detention Center for Men and Women in Cobán, since September 2017.



The hearing took place in Cobán and three defense witnesses were interviewed. In the next hearing of this case, which took place on August 10th, an expert and four witnesses testified before the court; two were presented by the plaintiff and two by the defense. On August 24th, the judge absolved both of the accused of all accusations, calling for their immediate freedom after nearly a year in preventive detention.

On August 22nd, we accompanied the CCDA of Alta Verapaz to a hearing of Martín Chub Cajbon and Erwin Haroldo Choc Sam, members of the Board of Directors of CCDA, detained and imprisoned on August 14th when they were leaving a negotiation session

with the Presidential Dialogue Commission. Both are accused of land seizure in protected areas and perjury. The hearing, in which the accused were to give their first statement, was suspended to the following day, when it was suspended again. It finally took place on August 24th and the judge posted bail of 50,000 Quetzals for each and scheduled the next hearing for the beginning of 2019.

During our visits to Cobán, we also visited several CCDA members who have been criminalized and are incarcerated in the Preventative Detention Center for Men and Women in Cobán.

DEFENSE OF TERRITORY



We visited the **Peaceful Resistance of La Puya's** protest camp on August 17th. They are struggling against the Progreso VII Derivada mine and its members reside in San Pedro Ayampuc and San José del Golfo. On this occasion we met with the PNC of San José del Golfo and with members of the Resistance who told us they continue to observe cars entering the mine despite the court ordered suspension of mining activities due to the injunction filed before the CSJ in June 2016 that was confirmed by the CC in June 2017.

We continue to accompany the **Peaceful Resistance of La Laguna** who struggles against the TRECSA company's project to build an electrical substation in the area.

We regularly meet with members of the **Campesino Central Coordinator New Day' Chortí (CCCND)**, closely following their worrisome security situation and getting updates on security incidents.

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

We have monitored the situation of the **Council of K'iche' Peoples (CPK)**, meeting with its members. On July 28th, we accompanied their assembly in Santa Cruz del Quiché and met with several people to talk about their activities and their security situation.

We continue to provide accompaniment to the **Peaceful Resistance of Cahabón**, and were present in the region two times visiting the communities of Champerico, Sekatalcab, Salac I, Sacta and Las Tres Cruces. The Resistance members expressed concern about the increasing internal fragmentation in communities affected by the hydroelectric projects on the Oxec and Cahabón Rivers and because said projects are threatening the permanence of some residents as the river is rising near Tres Cruces. They also shared their fear of the possible construction of new hydroelectric plants.



On August 25th, we accompanied the Resistance in a march that took place in Santa María Cahabón to commemorate the first anniversary of the good faith consultation conducted on August 27, 2017, in which 26,537 people voted against the Oxec 1 and Oxec 2 projects, while 11 people voted in favor.

This month we also made several visits to criminalized defender Bernardo Caal Xoc, member of the Peaceful Resistance of Cahabón who has been in jail since January 2018.

We continue to be in frequent contact with **TZK'AT - Network of Ancestral Healers of Community Feminism**, monitoring their security situation.

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 organisms in Guatemala this month we met with:

- Michael Grewe, Head of Cooperation, **German Embassy**.
- Stefan Koehler, Jaap Schoor and Lisa Steurer of **German Aid Agency (GIZ)**.

At the municipal, departmental and regional level we met with the following authorities:

- Erwin Rolando Tzi Juarez, **General Director of the PNC**, Guatemala.
- Armando Ajpacaja, Head of the **Human Rights Unit of the PNC**, Guatemala.
- Erik Guerrero Milián, **Governor of Alta Verapaz**, Cobán, Alta Verapaz.
- Edgar René Tun Pop, Director of the **COPREDEH Regional Office, Cobán**, Alta Verapaz.
- Moises Soto de León, Head of **PNC in the Department of Alta Verapaz**, Cobán, Alta Verapaz.
- José Cervantes, Chief of **PNC substation in Cahabón**, Alta Verapaz
- Elisa Bardales, Chief of **PNC substation in San José del Golfo**, Guatemala.

4. OTHER ACTIVITIES OF PBI GUATEMALA IN GUATEMALA

The sixth **workshop on security** for the Peaceful Resistance of Cahabón took place in the community of Champerico on August 23 and 24. The workshop was conducted in the q'eqchi' language with the participation of approximately 35 women and men who form part of the Resistance.

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.

In July, we met with the following people in Mexico City:

- Lydia Ladurner, **Minister Counselor and Deputy Chief of Mission of the Embassy of Austria** in Mexico City.
- Alex Cassie and Itzel Sales, **Counselor at the Embassy of Australia** in Mexico City.
- Petr Manoušek, **political and business section at the Embassy of Czech Republic** in Mexico City.
- Jorge Roza de Oliveira, **Ambassador, Embassy of Portugal** in Mexico City.

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.

Rechazamos la represión del Gobierno y los crímenes contra personas defensoras de Derechos Humanos

Durante el gobierno de Jimmy Morales se ha profundizado la agenda anti-derechos humanos impulsada por agentes de Estado y actores no estatales. La rearticulación del paramilitarismo vuelve a mostrar su rostro contrainsurgente que ha logrado, de forma acelerada, el desmantelamiento de la institucionalidad de la paz, de derechos de las mujeres, de pueblos indígenas y de protección a personas defensoras de derechos humanos.

De allí que los últimos dos años de la vida nacional se caracterizan por diversas acciones que van desde la consolidación del quiebre de las políticas institucionales de derechos de las mujeres, la perversión de los principios del derecho a la consulta de pueblos indígenas, la paralización de la política de protección a defensoras y defensores de derechos humanos, el impulso de leyes regresivas de derechos humanos y pro impunidad, hasta la arbitraria intervención del Archivo Histórico de la Policía Nacional. Todo ello, en un marco que incluye el retorno al espionaje por parte del Ejecutivo a la ciudadanía.

El avance del #PactodeCorruptos constituye una auténtica guerra mediática, una perversión retorcida del discurso; la criminalización y estigmatización contra liderazgos sociales y comunitarios; el aumento de desalojos con abuso de la fuerza y de los asesinatos políticos de dirigencia campesina e indígena. La persecución de las y los comunicadores y la prensa alternativa se ve acompañada de cierre de espacios para la participación de la sociedad civil en diferentes ámbitos, incluida la protesta social. Una condición que evidencia la política represiva del Estado.

Llamamos la atención al descaro con que el Ministro de Gobernación, quien para garantizar la instalación de estructuras obscuras y la cooptación de la PNC, desmantela los pocos avances en seguridad democrática. Nos indigna la falta de competencia y voluntad del Gobierno para el acompañamiento en general de la población migrante, en especial la niñez.

Por todo ello:

1. Urgimos el cese inmediato de la represión, los asesinatos, el control y el espionaje a defensoras y

defensores de derechos humanos, periodistas y comunicadores.

2. Demandamos que el Ejecutivo dé marcha atrás a las acciones que vulneran los derechos y libertades de TODA la población y que el legislativo detenga su nefasto accionar.

3. Por su innegable responsabilidad en la grave situación planteada, exigimos que se destituya a los Ministros de Gobernación, Ambiente y Recursos Naturales, de Cultura y Deportes, así como a la Ministra de Relaciones Exteriores.

4. Solicitamos al Ministerio Público la clausura inmediata de todos los procesos de criminalización de personas defensoras de derechos humanos en los que se ha empleado indebidamente el derecho penal, a la vez que requerimos el avance en las investigaciones de asesinatos políticos y agresiones en su contra. De igual forma, que investigue a fondo todas las denuncias en contra de políticos y estructuras empresariales y militares delictivas y, en especial, aquellas relacionadas con violencia sexual contra trabajadoras del Estado.

5. Llamamos a la Corte Suprema de Justicia y al Congreso de la República a que resuelvan inmediatamente los antejuicios en contra de diputados, alcaldes así como del Presidente de la República.

Organizaciones Firmantes

Alianza Política Sector de Mujeres
AMICODE (Amigas en Consejos Comunitarios de Desarrollo)
Asamblea Feminista
Asociación Civil La Cuerda
Asociación de Abogados Mayas de Guatemala
Asociación Maya Uk' ux B'e
Asociación de Trabajadoras del Hogar a Domicilio y de Maquila -
ATRAHDOM-
Asociación Gente Positiva
Asociación para el Mejoramiento Habitacional de Guatemala -
MEJORHA-
Asociación Pop No'j
Casa del Migrante
Centro de Análisis Forense y Ciencias Aplicadas -CAFCA--
Centro de Estudios Guatemala -CEG-
Centro de Investigación, Estudios y Promoción de Derechos Humanos
CIEPRODH
Centro Internacional para Investigaciones en Derechos Humanos-CIIDH
Centro para la acción legal en Derechos Humanos- CALDH-
Colectiva Actoras de Cambio
Coordinación y Convergencia Nacional Maya Waqib'Kej
Equipo de Estudios Comunitarios y Acción Psicosocial -ECAP-
Federación de Organizaciones y Asociaciones para el Hábitat Popular -
FODHAP-
Fundación Myrna Mack
Fundación Tierra Nuestra
Fundación Guillermo Toriello
Instituto de Enseñanza para el desarrollo Sostenible -IEPADES-
Instituto de Estudios Comparados en Ciencias Penales de Guatemala-
ICCPG-
Instituto de Investigación para la Incidencia en Educación y Formación
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Asociación Política de Mujeres Mayas Moloj
Movimiento Nacional de Víctimas del CAI Q'anil Tinamit
Mujeres de Izabal•
Otra Guatemala Ya
Plataforma 51 de Guatemala
Red Nacional de Defensoras de Derechos Humanos.
Red Tz'ikin, -Red de Realizadores Independientes de Guatemala-

Seguridad en Democracia (SEDEM)
Unidad de Protección a Defensoras y Defensores de Derechos
Humanos - Guatemala (UDEFEQUA)
Unión Nacional de Mujeres Guatemaltecas -UNAMG-

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**GUATEMALA PROJECT
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