



Monthly Information Package Guatemala

Number 183 - December 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.

Visas revoked for 11 CICIG foreign national investigators

The International Commission Against Impunity in Guatemala (CICIG) issued a statement explaining that the government of Guatemala, through its Ministry of Foreign Affairs, denied renewal of courtesy visas, diplomatic accreditation, and withdrawal of political immunity of eleven CICIG employees and two family members. The statement notes that *the international officials involved are investigators and litigating attorneys for high impact cases in Guatemala*.¹ The CICIG Commissioner Iván Velásquez, who for several months has not been allowed entry to Guatemala and for this reason is out of the country, declared the decision issued by the Minister of Foreign Affairs, Sandra Jovel, as arbitrary and *constitutes as an attack on the Rule of Law*.²

On the same day a few hours later, the government notified the 11 CICIG employees that they had 72 hours to leave the country. In response to these acts, the Human Rights Convergence issued a statement accusing the government of committing a new arbitrariness and abuse of authority,³ qualifying its performance in light of the Constitutional Court's (CC) resolutions as *actions of open disobedience*.⁴ The organization Acción Ciudadana (Transparency International) presented a brief to the CC requesting that it be decided whether or not to remove Chancellor Sandra Jovel for the crimes of abuse of authority and disobedience, since these measures contradict the CC's resolution issued in September.⁵

Along the same lines, the International Commission of Jurist (ICJ) issued a statement alluding that this *act aims to specifically affect criminal proceedings for acts of corruption against high level officials. (...) This new governmental act seriously affects justice and the Rule of Law*.⁶ In reaction to this governmental decision, the Human Rights Ombudsman Jordán Rodas filed an injunction against Sandra Jovel, Minister of Foreign Affairs, Director of Protocol at Ministry of Foreign Affairs, whose name is unknown, and Carlos Morales, Director of Guatemalan Institute on Migration.⁷ The Third Court of First Civil Instance granted a stay making the Government's decision to expulse CICIG officials invalid. The Attorney General of the Public Prosecutor's Office (MP), María Consuelo Porras, confirmed that they have started to investigate Chancellor Sandra Jovel in relation to the expulsion of the eleven CICIG officials.⁸

On December 27th, the Office of the Procurator-General of the Nation (PGN) published a statement requesting Congress to decide whether or not to strip political immunity of CC magistrates José Mata,

¹ CICIG, Comunicado, [Comunicado de prensa sobre información que circula respecto a situación de 11 funcionarios internacionales](#), 12.18.18.

² Orozco, A., [Iván Velásquez califica de arbitraria la decisión de retirar inmunidad a funcionarios de Cicig](#), Prensa Libre, 12.18.18.

³ Convergencia para los Derechos Humanos, Comunicado "Rechazamos acciones arbitrarias y abuso de autoridad gubernamental", 12.18.18.

⁴ Ibid.

⁵ Orozco, A., [Gobierno da 72 horas a 11 investigadores y abogados de Cicig para abandonar el país](#), Prensa Libre, 12.18.18.

⁶ CIJ, [Guatemala: Nuevo acto del Gobierno en contra de la Comisión Internacional contra la Impunidad \(CICIG\)](#), 12.19.2018.

⁷ Hernández Mayén, M., [Siete recursos buscan frenar expulsión de 11 investigadores de la Cicig](#), Prensa Libre, 12.19.18.

⁸ Ola, A.L., [Fiscal general confirma que MP investiga a Sandra Jovel](#), Prensa Libre, 12.21.2018.

Bonerge Amílcar Mejía and Gloria Porras to see if they can be tried for prevarication, violation to the Constitution, resolutions that violate the Constitution, and abuse of authority. This statement affirms that the injunctions accepted by the CC in recent months *transgress the Guatemalan judicial order, affecting the institutionality in the country and put at risk the Rule of Law.*⁹ Several human rights organizations responded to the PGN's statements signaling that they constitute as a *blow to the Constitutional order.*¹⁰ The following day, the Human Rights Convergence and other social organizations held a press conference condoning the PGN's actions and noting that this is not within its mandate or competence. They also called for a protest that afternoon in front of the Presidential House to denounce the acts.

The United Nations expresses concern for the incarceration of human rights defender Bernardo Caal Xol

In Geneva on December 19, 2018, United Nations experts on human rights issued a statement expressing their concern for the incarceration of indigenous leader and human rights defender, Bernardo Caal Xol, for his opposition to the Oxec I and II hydroelectric projects in Santa María Cahabón, Alta Verapaz. Bernardo Caal Xol was convicted to seven years and four months in prison on November 9, 2018. *The criminalization of Mr. Caal Xol was preceded by virulent smear campaigns in the media, describing him as a violent criminal who acts against the interests of the nation, affirmed the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz, after visiting him in jail in Coban in May 2018. She also shared that during her visit, Bernardo Caal Xol expressed concern for his safety in prison.*

UN experts noted that the *verdict of the q'eqchi' leader is an apparent attempt to silence and discredit the legitimate exercise of rights of the indigenous community.* They also stated that this is not an isolated case as *there are numerous members of indigenous communities that are being criminalized in Guatemala for defending their traditional lands and resources against large scale development projects which cause environmental harm.* Likewise, they stated that *criminal investigations must be independent and impartial* and called on the government of Guatemala to effectively protect human rights defenders while reminding them that companies have the obligation to respect said rights.¹¹

Two members of the Peaceful Resistance of Ixquisis were murdered

On December 16th, two members of the Peaceful Resistance of the Ixquisis, brothers Neri Esteban Pedro and Domingo Esteban Pedro were killed. Their bodies were found on the edge of the Franja Transversal del Norte road with bullet wounds to the head. A statement signed by several organizations highlights that these murders enter in the context of an important increase in the last year of conflict and violence in the region as well as smear campaigns and aggressions against the Peaceful Resistance and the population of the Ixquisis micro region. In January 2017, Sebastián Alonso Juan, another member of the Resistance, was murdered in the context of a peaceful demonstration.

Since 2009, the Peaceful Resistance of Ixquisis has faced *human rights violations as part of their opposition to the San Andrés, Pojom I, and Pojom II hydroelectric projects.* At present there are three writ of amparos filed by Resistance members against the operating licenses of the Pojom II hydroelectric project. In June 2018, the Ixquisis communities received the Front Line Defenders award, which recognizes their collective efforts and peaceful struggle.¹²

⁹ Procuraduría General de la Nación (PGN), Comunicado, 12.27.18.

¹⁰ Comunicados de la Convergencia de Derechos Humanos y la Fundación Myrna Mack, 12.27.18.

¹¹ OACNUDH, [Expertos de ONU preocupados por condena a líder indígena en represalia por oposición al proyecto hidroeléctrico Oxec](#), 12.19.18

¹² [Pronunciamento ante doble asesinato, agresión física y situación de riesgo de las comunidades de la Microrregión de Ixquisis, Guatemala, 12.21.2018](#)

Other relevant news

On December 10th, International Human Rights Day, the Archbishop's Office on Human Rights (ODHAG) presented their annual 2018 Monsignor Juan José Gerardi Human Rights award. Among the recipients was the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEQUA) who was awarded *for its mission of registering attacks on defenders, as well as verifying and accompanying people who denounce aggressions.*¹³

On December 17th, the UN General Assembly adopted in New York the *Declaration on the Rights of Peasants and other people working in rural areas with the aim of protecting the rights and dignity of rural workers who face extreme situations like poverty and climate change. They represent the most vulnerable communities around the world.*¹⁴ This month also celebrated the 20th anniversary of the Declaration on Human Rights Defenders. In the context of this anniversary, various meetings and activities have taken place to remember the important role of human rights defenders in the construction of democratic and peaceful societies.¹⁵

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.*¹⁶

STRUGGLE AGAINST IMPUNITY



In December we accompanied the **Human Rights Law Firm (BDH)** and the **Neighborhood Association of Chicoyogüito, Alta Verapaz (AVECHAV)** to a hearing to review the writ of amparo filed for the forced disappearance and crimes against humanity cases, perpetrated during the internal armed conflict in the Zona Militar 21 military base in Cobán, Alta Verapaz, presently converted into the Regional Command of Training Operations for the Maintenance of Peace (CREOMPAZ). In this hearing, the parties presented their arguments to resolve the writ of amparo that proposed to include within the charges corresponding to the events on July 2, 1982, femicide cases and sexual crimes.

We also accompanied AVECHAV members in their last assembly of the year where they summarized events that took place in 2018 and identified challenges for 2019. In 2018, they commemorated

the 50 years of collective struggle for the recognition of Chicoyogüito territories. On July 28, 1968 the Chicoyogüito community was evicted and stripped of its lands to install the Zona Militar N° 21 military base.

¹³ Paredes L., [Otorgan Orden Monseñor Juan José Gerardi a defensores de los derechos humanos](#), El Periódico, 12.10.18.

¹⁴ Noticias ONU, [Bachelet da la bienvenida a la nueva declaración de la ONU para proteger a los campesinos](#), 12.18.18.

¹⁵ PBI México, [2018: Un año turbulento para las personas defensoras de derechos humanos](#)

¹⁶ See our website for general information on organizations and individuals we accompany: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

PROBLEM OF ACCESS TO LAND

This month we accompanied members of the **Union of Campesino Organizations of Verapaz (UVOC)** on different community visits to La Primavera, La Tinta, Telemán and Doce Águilas. Community members told of us smear campaigns and threats against them. We also accompanied members of the La Primavera community to a meeting with the National Civil Police (PNC) in San Cristóbal Verapaz and with representatives of the Division of Protection for Important Figures and Security (DPPS).

We also were present at the UVOC office and had meetings to update us on their activities and security situation. Both in those meetings as well as during community visits, they shared with us that they are noticing surveillance and acts of intimidation against the members who coordinate the organization.

We were present on different occasions in the offices of the **Campesino Committee of the Highlands (CCDA) of Verapaz Region (CCDA)**, accompanying coordinators in their daily work. In a dialogue space with the national government an agreement was reached to relocate 81 families from the communities of Nuevo Centro, Volcancito, Cerrito Samux, Chinakté, and Colonial Esperanza. They also told us that they have strengthened their interlocution work with national entities, which has allowed for their work to be more visible.

In December, like in prior months, their work was affected by continuous threats against representatives. Likewise, on December 11th, there was an attempted eviction with strong police present in the Río Zarco community. The eviction did not take place, but community members suffered threats and slander.



This month hearings for Jorge Coc Coc and Marcelino Xol Cucul, leaders in Choctún Basilá community and CCDA members, were suspended on two occasions. This situation has family members as well as CCDA members tense. In addition, Martín Chub Cajbón and Erwin Aroldo Choc Sam, leaders and CCDA members, were freed from jail in mid-December. Despite this, there is still a case against them and the judicial process continues. None the less, the CCDA expressed peace of mind for their release from prison.

DEFENSE OF TERRITORY

We continue to accompany **Campesino Central Coordinator New Day' Chortí** members (**CCCND**). This month we were present at several activities, accompanying the organization and visiting several communities, among them Guareruche, Pelillo Negro, Matasano, Lela Chancó, and Carboneras. During these visits, communities shared security incidents and their concern for the drought and low water levels in the rivers that supply them with water for which they blame large coffee plantations and mining companies operating in the area. Also, indigenous authorities told us they have been victims of intimidations and persecution for their work defending territory. We also met with members of the Ch'orti' Women's Network who spoke of diverse security incidents that they have suffered.

We also accompanied the CCCND during a press conference in Guatemala City, where they presented the current conflict in the Olopa communities which they consider to be directly related to the presence of the Cantera de los Manantiales Mine.

Another process that we accompany in the struggle in defense of territory is the **Peaceful Resistance of La Puya**, located in San José del Golfo and San Pedro Ayampuc municipalities. In December we visited the Resistance's protest camp twice. We also accompanied the Resistance to a press conference on December 19th.

We also monitor the security situation of the **Peaceful Resistance of Cahabón, Alta Verapaz**. At the end of the month, we visited different communities in the region including Champerico, Las Tres Cruces, Pinares, Belén, Sacta, Sekatalkab, Salac I, and San Martín Chichaj. Peaceful Resistance of Cahabón members reported strong threats and attacks which they continue to receive due to their work in defending territory, particularly in opposition to hydroelectric megaprojects present in the region.

We also visited Bernardo Caal Xol in jail two times. Bernardo is criminalized for his activity in defense of the Cahabón River.



This month we started accompanying the **Chinautla Multisector Urban Platform**, composed of communities in the municipality of Chinautla, Community Development Councils (COCODES) and other collectives like the Women's Potters Association, youth associations, and the Catholic and Evangelical churches in the municipality of Chinautla. This municipality has been affected by pollution of rivers and by the presence of hydroelectric dams and companies that extract sand which have social and environmental impacts.

We continue to monitor the situation of the **Peaceful Resistance of La Laguna**. This month we visited San Pedro de Ayampuc to accompany Resistance members. They continue to voice concern for the

appropriation of the Los Uretes River and deforestation in the region, topics they discussed this month in meetings with the Municipal Mayor. They also shared security incidents suffered by several members of the communities that make up the Resistance.

We continue to follow the security situation of the **Ecumenical and Social Coordinator in Defense of Life in Zacapa and Chiquimula** and the **Council of K'iche' Peoples (CPK)**.

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 interlocution work with the diplomatic corps and international organisms present in Guatemala, this month we met with:

- Edoardo Pucci, **Italian Ambassador in Guatemala.**
- Roberta Bertranena, **Human Rights Officer at the Swiss Embassy in Guatemala.**
- Michael Grewe, **Head of Cooperation for Development at the German Embassy in Guatemala.**
- Vanessa Álvarez, **Human Rights Officer at the Office of the High Commissioner for Human Rights (OHCHR)**

At the national, departmental, and municipal levels we met with the following authorities:

- Daniel Tucux, Francisco Guaré, Enrique Molina and Cinci Méndez, **PDH National.**
- Patricia Paau, **Rights Officer, Office of Human Rights Ombudsman (PDH) Alta Verapaz.**
- Erik Guerrero Milián, **Governor of Alta Verapaz.**
- Walter Bolvito, **shift manager, PNC Alta Verapaz.**
- Elisa Bardales, **Chief of PNC substation, PNC San José del Golfo.**
- Simón Bal, **PNC agent, PNC San José del Golfo.**
- Raúl Hernández, **Deputy Inspector, PNC Jocotán.**
- Esbin Osvaldo Sánchez, **Head of services at police station, PNC Chiquimula.**
- Ángel Ixpatá, **PNC agent, PNC Santa María Cahabón.**

4. OTHER ACTIVITIES OF PBI GUATEMALA IN GUATEMALA

This month the third **Healing Workshop for female defenders of the Peaceful Resistance of Cahabón** took place. The meeting took place in the region. This space is part of a series of workshops aimed at working on healing as a fundamental tool for security and protection for female defenders. Approximately 20 women from diverse communities that form part of the Peaceful Resistance of Cahabón participated. The meeting allowed to continue the process of strengthening the healing and protection capacities of the women who attended, as well as the creation of networks among them, thanks to the exchange of experiences and knowledge on the defense of human rights.

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 December, the project's European Representative had the following meetings:

- With Gaby Kueppers, **advisor on Latin America for The Greens political group in the European Parliament.**
- With Helmut Weixler, **official administrator in the Secretariat for EuroLat and for the Delegation on Central America in the European Parliament.**

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.

Pronunciamento ante doble asesinato, agresión física y situación de riesgo de las comunidades de la Microrregión de Ixquisis, Guatemala

Las organizaciones organizaciones, colectivos y personas firmantes manifestamos nuestra profunda preocupación por la situación de riesgo que enfrentan las comunidades y personas defensoras de derechos humanos de la Microrregión de Ixquisis, San Mateo Ixtatán, Huehuetenango, Guatemala.

Las personas defensoras del territorio y del medioambiente de la Microrregión de Ixquisis enfrentan desde el año 2009 violaciones de derechos humanos en el marco de su oposición a los proyectos hidroeléctricos San Andrés, Pojom I, Pojom II. Los tres proyectos son promovidos por la empresa Energía y Renovación S.A. (antes PDH S.A.) que es propiedad actualmente de las familias Mata Monteros y Mata Castillo, vinculadas al grupo empresarial corporativo The Central America Bottling Corporation (CABCORP), y cuentan con financiamiento del brazo privado del Banco Interamericano de Desarrollo, BID Invest, del Banco Centroamericano de Integración Económica (BCIE) y de Cordiant Cap, un intermediario financiero canadiense que dispone entre otros de fondos del banco alemán KfW.

Desde mayo del presente año, la Resistencia Pacífica de Ixquisis ha realizado una serie de acciones públicas, manifestaciones y plantones para expresar y reiterar su oposición a los proyectos hidroeléctricos en su territorio. Actualmente tres acciones de amparo en contra de las licencias de operación de la hidroeléctrica Pojom II, se encuentran a la espera de resolución en las cortes nacionales. En junio las comunidades de Ixquisis recibieron el premio Front Line Defenders en reconocimiento a su esfuerzo colectivo y su lucha pacífica. En agosto las comunidades afectadas presentaron una queja formal ante el Mecanismo Independiente de Consulta e Investigación del BID, solicitando la investigación y el retiro de su inversión debido al incumplimiento de las propias políticas operativas del banco.

En este contexto, organizaciones de derechos humanos que acompañan el caso han observado un aumento significativo de las difamaciones y agresiones en contra de la población que participa en la Resistencia Pacífica y de la población de la microrregión, que culminaron en el asesinato de dos pobladores de la comunidad de Ixquisis los hermanos Neri Esteban Pedro y Domingo Esteban Pedro, el pasado 16 de diciembre. Sus cuerpos fueron encontrados a la orilla del Río Yal Witz, cerca de la hidroeléctrica San Andrés en la carretera de la Franja Transversal del Norte con impactos de bala en la cabeza. Este hecho hace recordar el asesinato del defensor Sebastián Alonso Juan, quien falleció a causa de disparos en el marco de una manifestación pacífica en enero del 2017; asesinato que sigue sin esclarecerse.

Además de este doble asesinato se destacan los siguientes hechos acaecidos en 2018:

- Julio y octubre: Violación del derecho de manifestación y del derecho de libre locomoción por parte de la PNC; y uso desmedido de la fuerza en contra de manifestantes, resultando en seis (6) personas heridas, tres de ellas con necesidad de ser hospitalizadas.
- 12 de octubre: En el transcurso del día dos integrantes de la Resistencia Pacífica sufrieron ataques armados; Alfonso Miguel Francisco Pedro, de la aldea Pojom tuvo que ser hospitalizado durante siete (7) días.
- 20 de octubre y 7 de noviembre: hostigamiento y uso de gas lacrimógeno en contra de comunitarios, provocando intoxicación en niños y en una mujer embarazada.
- 9 de diciembre: agresión física en contra de Lucas Jorge García, presidente del Consejo de Desarrollo de Segundo Nivel de la Microrregión de Ixquisis y dos mujeres de su familia, una de ellas en estado de embarazo. Dos hombres atacaron al defensor en su casa, golpeándolo en la cabeza con piedras y palos. Al querer defenderlo su hija María Jorge Gómez y su nuera, Ana Gómez Domingo también fueron golpeadas.

La constante campaña de difamación y desprestigio emprendida en contra de la Resistencia Pacífica desde hace más de un año nuevamente ha aumentado de intensidad impactando además a organizaciones aliadas como el Gobierno Ancestral Maya Plurinacional de las naciones Akateko Chuj, Popti', Q'anjob'al y pueblo mestizo, y en particular de uno de sus coordinadores, Rigoberto Juárez.

A principios de noviembre de 2018 fue anunciado en los diferentes medios de comunicación la firma de un "Acuerdo para la Paz y el Desarrollo" en el municipio de San Mateo Ixtatán, acuerdo que concluye como el principal resultado de una mesa de diálogo en la que participaron únicamente actores que están a favor de las hidroeléctricas y con vínculos directos con la empresa Energía y Renovación, S.A. La legitimidad de este acuerdo y representatividad de las personas que en nombre de la Microrregión de Ixquis firmaron dicho acuerdo, ha sido cuestionada en repetidas ocasiones por la Resistencia Pacífica de esta Microrregión, que desde el inicio de este proceso de diálogo, han registrado un aumento de ataques en su contra.

Ante esta grave situación de riesgo las organizaciones, colectivos y personas abajo firmantes expresamos nuestra solidaridad con las personas defensoras de la Microrregión de Ixquis, y solicitamos:

- Al Ministerio Público que investigue y procese a los responsables materiales e intelectuales de todos los ataques cometidos en contra de la Resistencia Pacífica de Ixquis, incluyendo las agresiones físicas en contra de Lucas Jorge García, Presidente del Consejo de Desarrollo de Segundo Nivel de la Microrregión de Ixquis, así como los asesinatos de los hermanos Nery y Domingo Pedro Esteban y Sebastián Alonso Juan.
- Al Estado de Guatemala que adopte todas las medidas necesarias para garantizar la vida e integridad de los miembros de las comunidades de Ixquis y el derecho de manifestación y de defender derechos.
- Al Estado de Guatemala que tome todas las medidas para garantizar que las mujeres tengan una vida libre de violencias y que tome medidas de protección específicas para las mujeres y lideresas de las comunidades de la Microrregión de Ixquis.
- Al Ministerio de Defensa y al Ministerio de Gobernación que se cumpla con el retiro de las fuerzas de seguridad estatales, Policía Nacional Civil y Ejército de Guatemala, de las instalaciones privadas donde funciona la empresa Energía y Renovación, propietaria de los proyectos hidroeléctricos que se construyen en esta Microrregión, para garantizar la independencia de las fuerzas públicas en la Microrregión de Ixquis.
- A la comunidad internacional presente en Guatemala, que observe de cerca la situación de las personas defensoras de derechos humanos, realizando visitas al territorio referido.
- A las instituciones financieras internacionales involucradas en el financiamiento de estos proyectos hidroeléctricos, que adopten medidas para que sus inversiones se den bajo condiciones de pleno respeto de los derechos humanos y las libertades fundamentales¹⁷.

¹⁷ See signatory organizations in the link of footnote 12.

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