



Monthly Information Package Guatemala

Number 185 - February 2019

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.

Concern for possible reforms to National Reconciliation Law continues

For several months the Guatemalan Congress has been debating Bill 5377, which aims to reform the current National Reconciliation Law which has been in effect since the signing of the Peace Accords in 1996. This law guarantees *amnesty for political and related crimes, with explicit exceptions for crimes against humanity*¹. To date, thirty sentences have been handed down in cases of grave crimes against human rights (not counting open cases)². The verdicts in these cases will be annulled if this bill passes. Ratifying this bill will *not only halt current investigations, but also be retroactive, allowing dozens of people convicted and incarcerated for grave human rights violations - for example, forced disappearances, mass executions, sexual violence and torture - to be freed in 24 hours*³. According to Iduvina Hernández, this reform also attempts to *demand that victims who have received reparation return what the State has paid them for crimes committed, in turn re-victimizing those who suffered atrocities and rewarding the criminals*⁴.

There is generalized concern for said reforms both from within Guatemala as well as on the international level. *The Inter-American Court's Oversight Table for Compliance with Judgements against Guatemala*⁵ published a statement on February 14 calling to stop this bill and stating that its ratification would be a *serious threat to the independence of powers and the democratic and constitutional rule of law in Guatemala, as soon as Congress becomes a reviewing body with interference in judicial decisions that already have judgements. Also, it responds to the particular interests of powerful groups that would benefit from maintaining impunity for crimes committed during the internal armed conflict, while at the same time being contrary to international obligations on human rights issues assumed by the State of Guatemala*⁶. Along the same lines on February 13th, human rights organizations and survivors of the internal armed conflict presented an injunction before the Constitutional Court (CC) to stop this bill⁷.

At the international level, the Inter-American Commission on Human Rights (IACHR) and Amnesty International, among others, called on Congress to not pass these reforms, stating that they are against international treaties ratified by Guatemala⁸. UN High Commissioner for Human Rights, Michelle Bachelet, spoke out against this reform for the third time this year⁹.

¹ Hernández, I., [No más leyes de impunidad](#), Plaza Pública, 02.22.19.

² Toro, D., [Sobrevivientes de la guerra ponen un amparo contra el nuevo pacto de impunidad de la amnistía a militares](#), Prensa Comunitaria, 02.18.19.

³ Información Digital, [Guatemala: la reforma de la Ley de Reconciliación implica una "total impunidad"](#), 01.23.2019.

⁴ Hernández, I., Op. Cit.

⁵ This oversight table is comprised of people and civil society organizations who represent victims of human rights violations before the IACHR, in order to jointly promote compliance for the measures ordered by the Inter-American Court to the State of Guatemala.

⁶ Comunicado, [Mesa de Supervisión exige frenar reforma a Ley de Reconciliación que violenta responsabilidades de Guatemala en DDHH](#), 02.14.2019.

⁷ Aguilar, D., [Presentan amparo contra reformas a Ley de Reconciliación Nacional](#), La Hora, 02.13.2019.

⁸ *Ibidem*.

⁹ Orozco, A., Deterioro del Sistema Judicial señala Bachelet, Prensa Libre, 02.05.2019.

National Day of Dignity for Victims of the Armed Conflict

February 25th commemorates the National Day of Dignity for Victims of the Armed Conflict. This year several civil society organizations and sectors marched from the Human Rights Plaza to Central Park in Guatemala City. Among those present were Rigoberta Menchú, Noble Peace Prize winner, Rosalina Tuyuc, founder of the National Coordinator of Guatemalan Widows (CONAVIGUA), as well as several human rights and victims' organizations.

The march was also used to commemorate the 20th anniversary of the Historical Clarification Commission's (CEH) report *Memory of Silence*. In addition, they publically rejected bill 5377 identifying it as *a setback for the justice system* and reminding that survivor victims continue to suffer poverty, extreme poverty, and discrimination, related to the State of Guatemala's lack of fulfillment with the Peace Accords¹⁰.

Concern continues over the unilateral cancellation of CICIG's mandate

On January 7th, the Guatemalan government unilaterally terminated the agreement with United Nations for the permanence of the International Commission Against Impunity in Guatemala (CICIG), giving officials 24 hours to leave the country. On February 11th, the CICIG returned to courtrooms through the participation of its delegate Astrid Escobedo. She was present by videoconference (for security reasons) in a hearing in the Quetzal Terminal Container (TCQ) fraud case. Judge Miguel Ángel Gálvez accepted her presence as there is a signed agreement signed with the Supreme Court of Justice (CSJ) that authorizes such procedures. However, the hearing was suspended because defense attorney Jonathan Villatoro did not appear in court¹¹. On February 13th, CICIG lawyer Leily Santizo physically appeared in court before the Juzgado de Mayor Riesgo B for an intermediary phase hearing in the Justice Manipulation Case. However, the defense requested removal of the CICIG as joint plaintiffs on the case alluding to the cancellation of the agreement that took place in January¹².

Following these acts at the beginning of February, Michelle Bachelet expressed concern for the deterioration of protection in the Guatemalan judicial system, referring to the tension between the executive branch and the judicial system provoked by the unilateral cancellation of CICIG's mandate¹³. In addition, a group of UN experts published a statement expressing their concern for the *intensification of intimidation and threats against Constitutional Court magistrates and against judicial actors who have closely cooperated with the CICIG*¹⁴. On February 20th, civil society members, indigenous authorities, members of Congress and diverse organizations published a letter addressed to UN Secretary General Antonio Guterres expressing their support for CICIG and requesting the commission continue and that its mandate be renewed.

Other news of interest

On February 6th, José Méndez Torres, Melvin Álvarez, Ignacio Sacarías, Miguel Baudilio Canán, Isaac Cortez and German Torres, from the Corozal Arriba (Zacapa) community, were released from jail after one year. These six criminalized community members were detained May 17th when leaving a meeting which discussed water rights. They were accused of killing three people. After being convicted, they appealed the decision and demonstrated their innocence¹⁵.

On February 25th, human rights defender and lawyer for the Firm for Indigenous Peoples, Jovita Tzul, was approached by two police officers who tried to detain her without showing an arrest warrant when leaving court in Santa Eulalia. Her colleague Juan Castro helped her and they discovered that said warrant was for a different person. Tzul was at the court investigating criminalization cases against defenders of Ixquis territory in the department of Huehuetenango¹⁶.

¹⁰ Toro, D., [Protesta masiva contra la amnistía a criminales de guerra propuesta por el Pacto de Corruptos](#), Prensa Comunitaria, 02.25.19.

¹¹ Ríos, R., [CICIG vuelve a los juzgados por medio de videoconferencia](#), El Periódico, 02.12.19.

¹² del Águila, J.P., [Regresó CICIG y con ella intentos de sacarla del proceso](#), La Hora, 02.13.19.

¹³ La Hora, [Bachelet preocupada por Guatemala, Venezuela y Nicaragua](#), 02.04.19.

¹⁴ Juárez, E., [Preocupa intimidación y amenaza contra actores judiciales que colaboran con CICIG](#), La Hora, 02.11.19.

¹⁵ Federación Guatemalteca de Escuelas Radiofónicas (FGER), [Presos políticos Ch'orti' recuperan su libertad](#), 02.06.19.

¹⁶ Toro, D., [Arbitrariedad policial en contra de la defensora de derechos humanos, Jovita Tzul](#), Prensa Comunitaria, 02.25.19.

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 territory¹⁷.

STRUGGLE AGAINST IMPUNITY

In February we accompanied the **Human Rights Law Firm (BDH)** to the following hearings:

- Two hearings for Samuel Choc, indigenous authority and defender of territory of Mercedes I Village in Chisec. These hearings took place in Cobán. One of these was for the case in which he is accused of usurpation. During this hearing the technical defense argued the lack of clarity and elements in said accusation. The judge granted house arrest after a posting Q30,000 bail. In another case, Samuel is accused of attacking the assistant prosecutor. During the hearing the technical defense argued that both the Public Prosecutor's (MP) as well as witness testimonies have serious contradictions. The judge decided that the MP did not have sufficient elements to determine Samuel Choc's actions in the crime of "attacking", for which he dismissed the accusations, ordering a cease to the coercive measures against him and that the process be temporarily closed until June 2019.
- Two hearings for Eduardo Bin Pou, Vice President of the Artisan Fishermen's Guild of EL Estor who remains in jail in Puerto Barrios. This month the public oral debate began in Eduardo's case in which he is accused of aggravated usurpation in protected areas by the Foundation for the Eco-development and Conservation (FUNDAECO). Also, we accompanied the presentation of evidence in the case in which Eduardo states he is being criminalized for exercising his right to protect Lake Izabal against pollution by the CGN Pronico mining company. The trial will start May 8, 2019.



We continue to monitor the security situation of the **Neighborhood Association of Chicoyogüito of Alta Verapaz (AVEHAV)**, one of the joint plaintiffs in the forced disappearance and crimes against humanity perpetrated during the armed conflict in the Zona Militar 21 in Cobán, Alta Verapaz, presently known as the Regional Command of Training Operations for the Maintenance of Peace (Creompaz).

PROBLEM OF ACCESS TO LAND

This month we accompanied the **Union of Campesino Organizations of Verapaz (UVOC)** and several community members from the San Greene (Tucurú) community to the Prosecutor on Human Rights's Office in Guatemala City, where they filed a complaint for extortion in the community. We also accompanied the leaders of the organization to La Tinta (Alta Verapaz), where several days before a serious security incident toward a UVOC member took place.

In La Primavera (Alta Verapaz) community the situation continues to be tense due to deforestation. We are especially concerned with what happened to one UVOC member in this community. Justino Xollim Tilom was detained when he went to a hearing at the MP in Cobán to denounce unmoderated logging in his community. Justino was in jail for five days in the Preventative Detention Center in Cobán and

¹⁷ See our website for general information on organizations and individuals we accompany: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

released after paying bail of 8,000 Quetzals. He is accused of a crime against forest resources and his hearing is scheduled for June 5th. During his detention we accompanied UVOC's lawyer and other Primavera community members to different proceedings they had to carry out before his liberation.

This month we also visited the **Campesino Committee of the Highlands (CCDA) of Alta Verapaz's** offices and we met with its members. We continue to monitor the security situation of the organization's leaders. Due to their high risk situation, they have been assigned State perimeter security measures.



Likewise, we have continued visits to CCDA members Jorge Coc Coc and Marcelino Xol Cucul who are in prison in Cobán. The opening hearing in the trial scheduled for February 6th was suspended and a new date has yet to be set. Jorge and Marcelino have been in jail for more than a year waiting for the trial to start. We also accompanied a hearing that took place in Cobán for Daniel Choc's case. Daniel Choc was a CCDA member who was killed on June 8, 2016. We accompanied another hearing for Miguel Caal, CCDA member accused of illegal possession of weapons. On February 8th, we accompanied CCDA to the official transfer of land

title of La Flecha plantation to 81 families, this was achieved by the continuous work of the organization and communities that make up the organization.

DEFENSE OF TERRITORY

This month we were present at several **Campesino Central Coordinator New Day' Chortí (CCCND)** activities, accompanying coordinators and being present at their office in Camotán and in several communities that form part of the organization.

We continue to visit Agustín Ramirez and Timoteo Suchité de Rosa, indigenous authorities from the Las Flores community, in prison in Puerto Barrios. They were convicted in 2013 in a process that according to lawyers suffered multiple legal irregularities.

On February 18th, we accompanied journalist and New Day Communicator Norma Sancir to court in Chiquimula to attend the first declaration in the reopening of the case related to the illegal detention she and other three New Day leaders suffered in 2014. A higher court will decide in three months whether or not the judge has to abstain or not or continues with the process.



We also accompanied CCCND members to the Mayor's office in Jocotán to present a memo rejecting the Interoceanic Corridor mega project that according to ancestral authorities will greatly affect the region if implemented. We also visited Pelillo Negro (Jocotán) community to follow up on the security situation of New Day members who reside there. At the end of the month, we also visited the Olopa region which continues to face a worrisome situation due to the presence of the Cantera Los Manantiales mine. There we accompanied CCCND to a meeting at the Olopa Municipality with the participation of the Mayor, Department level representative of the Ministry of Environment and Natural Resources (MARN), the mine's lawyer, and indigenous authorities from different communities in the area. Among other

things, they requested MARN to technically close the mine and cancel the environmental license. They requested the company immediately remove machinery and cease operations at the quarry. Communities decided to declare themselves in permanent assembly until these requests are granted.

Another organizational process that we accompany in the process of defending territory is the **Peaceful Resistance of La Puya**, located in San José del Golfo and San Pedro Ayampuc. We continue to follow the security situation of its members with concern, due to the increase in military presence on the streets of San José del Golfo, which has Resistance members on alert. We also follow the international arbitration process between mining company, Kappes Cassiday & Associates, and the State of Guatemala.



In our work with the **Peaceful Resistance of Cahabón**, this month we visited different communities in the region including Las Tres Cruces, Salac, Sesaltul, Chaslau, Sactá and San Martín Chichaj. The people we met with continue to report strong threats and attacks due to their struggle in defense of territory.

We also accompanied several Resistance members to the MP in Cobán, so they could give testimony on acts related to an emergency they suffered in May 2018.

We continue to visit Bernardo Caal Xol, Resistance leader criminalized and incarcerated in Cobán since last year. Bernardo was convicted last November to seven years and four months which according to his technical defense, remain unproven due to numerous contradictions that took place during the judicial process. This month the United Nations published a

document in which different special rapporteurs express concern for Bernardo's case.

We continue to monitor the situation of **Chinautla Multisector Urban Platform** members, with whom we met several times this month. We were present in Santa Cruz Chinautla, where we could verify, once again, the difficult conditions the town faces due to the presence of several sand extraction companies and the pollution of Las Vacas River.

We continue to follow up with the **Peaceful Resistance of La Laguna**, where the Los Uretes River flow is being appropriated as well as deforestation in the region. These are key topics of concern. We accompanied Resistance members to a citation at the Municipality of San Pedro Ayampuc to address the issue of water. Agreements were signed at the meeting which prohibit the appropriation of the river stream by individuals or companies. We also accompanied a Resistance member to a hearing at the Justice of Peace in San Pedro Ayampuc regarding their complaint against a TRECSA worker who attempted to physically harm them with a weapon.

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:

- Rita Rutdaitis-Renaud, **Canadian Ambassador** and Karolina Guay, **in charge of human rights.**

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

- Jorge Xitumul, **National Civil Police (PNC)** Chief of **San Cristobal, Alta Verapaz** substation.
- Inspector Rigoberto Pascual Espino, Head of service **PNC Alta Verapaz.**

4. OTHER ACTIVITIES OF PBI GUATEMALA IN GUATEMALA

A workshop on community protection and security was held on February 21 and 22nd for Campesino Central Coordinator New Day' Chortí (CCCND) members. Approximately 30 organization members from different communities participated in the workshop. The workshop was focused on the rights they defend, issues they identify in their struggle, and the protection measures they have to face the incidents they suffer. This workshop included a focus on gender: they reflected on how security situations affect specifically women defenders and ways to face these situations.

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