



## Monthly Information Package Guatemala

Number 186 - March 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.*

#### **Increasing fears over the rule of law and the human rights situation in Guatemala**

In the face of the imminent, final reading of the legislative initiative 5377 - The Law for National Reconciliation - several international organisms have expressed major concerns over its content. The Inter-American Commission on Human Rights (IACHR) has called on the Guatemalan Congress to block the law, as its approval would result in the releasing of individuals convicted for crimes against humanity committed during the internal armed conflict.<sup>1</sup> The UN High Commissioner for Human Rights, Michelle Bachelet, believes that the approval of this initiative would represent a *setback for the rights of the victims and total impunity for all those responsible for truly horrendous crimes against humanity, leading to the reopening of old wounds and destroying the trust of the victims in the State and its institutions. She also indicated that it could lead to reprisals against victims, witnesses, judges, prosecutors, lawyers and organizations, who have pushed for justice for crimes committed in the past*<sup>2</sup>.

The German, Canadian, Spanish, US, French, Italian, UK, Swedish and Swiss Embassies, the EU delegation as well as the Netherlands and Norway, issued a strong statement on March 13, in which they expressed great concern regarding, not only the approval of this initiative, but also the proposed NGO Law (5257). With respect to the Law of Reconciliation they consider *that an amnesty for these crimes, including crimes against humanity and the release of individuals who have been convicted (...) would contravene Guatemala's international obligations, damage efforts to achieve reconciliation, and it could seriously erode faith in the rule of law in Guatemala*. Regarding the NGO Law *it is necessary to have due regard for the fundamental rights inherent to a democracy. As such they implore the Congress of the Republic and its Deputies to reconsider the negative effects of these legislative initiatives*<sup>3</sup>.

Additionally, the European Parliament issued a resolution on March 14 on the human rights situation in Guatemala<sup>4</sup>. As indicated by the World Organization Against Torture (OMCT) and the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEQUA), this resolution constitutes the most recent of multiple declarations of international concern over the human rights crisis in the country. Among the many concerns raised by the European Parliament, are *the clear attempts of the Guatemalan authorities to interfere with the fight against corruption, and impunity, undermine the rule of law and the separation of powers* and continued actions that violate human rights on the part of the Guatemalan Government. In this respect, the European Parliament has demonstrated strong support for the International Commission against Impunity in Guatemala (CICIG), petitioning the government to cease its illegal attacks against the CICIG and its personnel. With regard to the regressive laws on the congressional agenda the European Parliament has urged the Guatemalan Congress against approving these laws *because they represent a considerable threat to the rule of law*. Likewise, the European Parliament has asked the Guatemalan authorities *to cease all acts of intimidation against Guatemalan civil society and human rights organizations in particular*, denouncing the increase in violence against human rights defenders, *particularly in those defending land and territory*. Furthermore, in this

<sup>1</sup> Press release, [CIDH llama al Estado de Guatemala a abstenerse de reformar la Ley de Reconciliación Nacional](#), 25.01.2019.

<sup>2</sup> UN News, [Cambiar la Ley de Reconciliación en Guatemala hará a las víctimas perder la confianza en el Estado](#), 22.01.2019.

<sup>3</sup> <https://gt.usembassy.gov/wp-content/uploads/sites/253/COMUNICADO-G13-NORUEGA-Y-PAISES-BAJOS.pdf>

<sup>4</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2019-0205+0+DOC+PDF+V0//ES>

resolution the European Parliament mentioned the possibility of sanctions and *reminded the government of Guatemala that “the Association Agreement between the EU and Central America includes a human rights clause as an essential element and that its violation may lead to the suspension of participation in the agreement”*<sup>5</sup>.

### **Guatemala ranks second from the bottom in the region in the Human Development Index**

The Office of the United Nations High Commissioner for Human Rights' (OACNUDH) annual report highlights the fact that *Guatemala continues to face systemic poverty, inequality, discrimination, exclusion and high levels of impunity. In 2018, the country ranked 127th in the Human Development Index, the second lowest in the region and has dropped two points since the previous report due to the lack of gender equality and social and economic inequality*. It also warns of the danger of reversing the progress that has been made in implementing the 1996 Peace Accords that marked the end of the internal armed conflict in reference to the increasing political and social tensions, as well as adverse reactions against the fight against impunity and corruption<sup>6</sup>.

### **Criminalization continues against human rights defenders**

Claudia Virginia Samayoa Pineda, President of the Board of Directors of UDEFEGUA, and José Manuel Martínez Cabrera, member of the Justicia Ya Collective, face a criminal complaint issued by the President of the Supreme Court of Justice (CSJ), Nestor Mauricio Vásquez Pimentel. They are accused of aggravated subtraction, deviation or suppression of correspondence and peddling of influences.

According to the Observatory<sup>7</sup>, the complaint represents a retaliation relating to another complaint filed by Samayoa and Martínez on January 17, in which they requested the withdrawal of immunity from 11 CSJ judges on the grounds that on January 9, 2019, the resolution to grant a preliminary injunction filed by the Association of National Dignitaries (ADN) against three judges from the Constitutional Court (CC), represents a violation of the Constitution of the Republic of Guatemala and the crime of malfeasance.

The Observatory considers this to be a clear case of criminalization against Samayoa and Martínez, since the President of the CSJ, in the exercise of its functions, is making an improper use of criminal law against two human rights defenders<sup>8</sup>.

### **Offices of the Women's Sector Political Alliance are raided at dawn on March 8**

The headquarters of the Women's Sector Political Alliance, located in Guatemala City, were violently attacked at dawn on March 8, International Women's Day. When staff arrived that morning, they found the doors wide open, there were broken glass and other objects scattered all over the floor, work was thrown violently around the office and there were computers missing. The intruders did not, however, rob the cash in the office that had been set aside for the International Women's Day activities. The organization's coordinator, Sonia Escobedo, has interpreted this as a clear message from violent individuals. The members of the organization warn that it is an act of intimidation: *We have been denouncing acts of corruption by the Government and impunity in Congress. We have been in existence for 24 years now and our position has always been critical of the criminal alliance that is governing the country. (...) This may be a reprisal*. Escobedo urged President Jimmy Morales to *investigate this crime and to find out who is behind this terrible message sent on International Women's Day*<sup>9</sup>.

<sup>5</sup> Joint Press Release – OMCT/ UDEFEGUA, [GUATEMALA: Resolución del Parlamento Europeo constituye enésima muestra de preocupación internacional por crisis de derechos humanos en el país](#), 14.03.2019.

<sup>6</sup> OACNUDH, [Informe de la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos](#), 28.01.2019

<sup>7</sup> *The Observatory for the protection of Human Rights Defenders (The Observatory) is a programme established in 1997 by the OMCT and the International Federation for Human Rights (FIDH) whose objective is to prevent or remedy concrete situations of repression against human rights defenders.*

<sup>8</sup> Urgent Action El Observatorio, [Guatemala: Criminalización por parte del Presidente de la CSJ en contra de Claudia Virginia Samayoa Pineda y José Manuel Martínez Cabrera](#), 24.03.2019.

<sup>9</sup> Pulso, [Atacan las oficinas del sector feminista de Guatemala en el Día de la Mujer](#), 08.03.2019.

## Hate crime in Huehuetenango

On the 25 March, 18-year-old José Roberto Díaz was found dead in a vacant lot in Huehuetenango. *His body was completely beaten and a knife was used to cut derogatory insults related to his sexual orientation into his skin. (...) Every two days a member of the LGBTIQ community is a victim of a hate crime. Most of these crimes, however, go unpunished. Nor are they classified as hate crimes which represents a significant obstacle to justice for the LGBTQ community.*<sup>10</sup> The OHCHR stated in its annual report on Guatemala that 24 people from the LGBTQ community were murdered in 2018<sup>11</sup>.

## 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*<sup>12</sup>.

### STRUGGLE AGAINST IMPUNITY

During the month of March we accompanied the **Human Rights Lawyer's Office (BDH)** to two audiences. One of them related events of March 7 and 8, 2017, when 41 girls died in the fire at the *Virgen de la Asunción* "Safe Home". 15 girls and adolescents survived the fire and they continue to suffer from serious physical and psychological scars. On this occasion we accompanied the hearing for the third group of defendants, during which they presented themselves to the court and the statements from seven of the survivors were read. The Public Prosecutor's Office also presented psychological and toxicological assessments that carried out on girls in the aftermath of the fire. The second hearing that we accompanied was in the case against the Q'eqchi human rights defender Bernardo Caal Xol, who has been criminalized for his work in defense of the Cahabón river, and is currently being held in prison in Cobán, Alta Verapaz. The hearing related to an accusation regarding his teaching profession. It was suspended and rescheduled for April 25.



At the end of the month we accompanied the BDH on a visit to the Laguna Larga community, located on the border between Guatemala and Mexico. This community was evicted and displaced in June 2017. This visit included a meeting with different govern-

ment institutions, including the Presidential Commission for Human Rights (COPREDEH) and the National Land Fund (FONTIERRAS), who presented a proposal for the community's relocation within the framework of the precautionary measures granted by the IACHR to the community.

We are closely monitoring the security situation of the Neighborhood **Association of Chicoyogüito of Alta Verapaz (AVECHAV)**. They are one of the complainants in the case of forced disappearance and crimes against humanity perpetrated during the internal armed conflict at the Military Zone 21 of Cobán, Alta Verapaz, now known as the Regional Center for Training in Peacekeeping Operations (CREOMPAZ),. This month we accompanied the Association during one of its meetings in Cobán. In addition, its members shared with us their deep concern over the legislative initiative 5377 to reform the Law for National Reconciliation, due to the consequences that its approval would have in terms of reaffirming the culture of impunity, closing of spaces for justice and increased security risks for organizations seeking justice such as AVECHAV.

<sup>10</sup> Olmstedt, G., *Madre de joven gay asesinado: "Él es una reina y como reina que es, quiero justicia"*, Nómada, 27.03.2019.

<sup>11</sup> OACNUDH, Op. Cit.

<sup>12</sup> 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

We are also monitoring the situation of the members of the **Union of Organisations Organizations for the Verapaces (UVOC)**, through meetings and visits to their offices. On the 12 March we accompanied some members from the community of La Primavera, to a meeting with the Public Prosecutor's Office in Cobán, where they had been summoned to testify on a case of trespassing on land. The arrest of UVOC member Carlos Caal, in Senahú, is extremely worrying. The arrest was based on a warrant issued in 2013 for aggravated trespassing, which had already been resolved years ago. Carlos said he was taken to jail but was later released (the next day) because there was no basis for his capture. According to the lawyer for UVOC, this is a clear case of illegal detention.

We also visited the offices of the **Community Council of the Highlands (CCDA) - Las Verapaces** and met with its members. We continue to monitor the security situation of the members of CCDA's coordination team who, due to risks they are facing, have been granted precautionary measures from the State. They also expressed their concerns about the different communities where there are disputes over the ownership of land. Likewise, we have maintained our visits to Jorge Coc Coc and Marcelino Xol Cucul, members of CCDA, who have been in preventative detention in Cobán for over a year and have still not been notified of the start date for their trial.

## DEFENSE OF TERRITORY

This month we participated in several activities organised by the **'New Day' Ch'orti' Campesino Central Coordinator (CCCND)**, accompanying members of the coordination and maintaining a presence at their headquarters in Camotán and in several communities that form part of the organization. We visited the communities of Tisipe (Camotán) and Las Flores (Jocotán), where we met with indigenous authorities who updated us on their security situation.

We have continued visiting Agustín Ramirez and Timoteo Suchité de Rosa, indigenous authorities from the community of Las Flores, who are imprisoned in Puerto Barrios. They were convicted in 2013 during a process that, according to the lawyers for the case, was marked by numerous irregularities.

On March 11, we visited the peaceful demonstration camp that has been established in the community of La Prensa (Olopa). The ministry for the Environment and Natural Resources was due to declare the cancellation of the license and closure of the Cantera Los Manantiales Mine. This, however, did not place. Authorities from communities across the different municipalities were present and they took the opportunity to discuss the community struggle for defense of the territory. They also carried out a march to the mine. The people at the camp, who have already been there for a month, experienced a serious security situation at the end of March. Some workers from the mine approached the camp and tried to dismantle it. Once they became aware of the presence of the Indigenous Authorities, they got into their vehicle and fired shots in their direction. As a result we are extremely concerned about the security situation of the members of the CCCND who are at the camp.



Another of the organizational processes that we accompany is the **Peaceful Resistance La Puya**, that is located between the municipalities of San José del Golfo and San Pedro Ayampuc. It maintains an active camp in defense of the territory. The organisation celebrated its seventh anniversary on March 3,

for which it organised a variety of cultural activities and the organizations which accompany the resistance gave speeches. The members of the resistance have noticed an increased military presence on the streets of San José del Golfo over the last few months, which has them quite worried. We are also closely monitoring the international arbitration process that is underway between the mining company, Kappes Cassidy & Associates and the State of Guatemala.

We are closely monitoring the security situation of the members of the **Peaceful Resistance, Cahabon**, who continue to suffer threats and intimidations for their defense of the territory. This month we accompanied a member of the Resistance to a meeting with the Human Rights officer from the Attorney General's Office, where he provided his testimony relating to the violence experienced by the community of Tres Cruces. We continue to visit Bernardo Caal Xol in detention in Cobán.



On March 8, International Women's day we accompanied **TZK'AT - the Network of Ancestral Healers of Community Feminism**. The Network held a ceremony for the second anniversary of the tragedy of Safe Home, in the Central Park of Guatemala City where there is a monument in memory of the 41 girls. The Network also supported women who have been criminalised, displaced and persecuted for their work in favor of human rights in different countries around the world during the ceremony. We provided further accompaniment to the Network during an encounter on healing in Nebaj, Quiché, where more than 100 women human rights defenders from different parts of the country participated. | 8 de marzo acompañamos a

We continue to monitor the security of the members of the **Chinautla Multisector Urban Platform**, who are fighting to defend their territory and for the protection of the population

in the face of the difficult conditions they that have been created by the operations of multiple clay extracting companies in the area and the pollution from the Las Vacas river.

We continue to follow up on the situation of the **Peaceful Resistance of La Laguna**, where the main concerns in the region are related to the appropriation of water sources and logging. This month we accompanied members of the Resistance to a meeting with the Mayor to talk about the water issue.

### 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.*

As part of our dialogue with the diplomatic corps and other international organizations present in Guatemala, we met with the following organisations:

- Rain Bian, Head of Political Affairs, **United States Embassy**
- Reto Gruninger, Coordinator of the Latin America and the Caribbean Program of the Swiss Cooperation, **Ministry for Foreign Affairs of Switzerland.**
- Tomás Pallas, Head of Cooperation, Jennifer Echevarría, Human Rights Program Officer, and Hadrian Velásquez, **Delegation of the European Union (EU).**
- Vanessa Álvarez, Human Rights Officer of the **OHCHR.**

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

- Gabriela Mundo, Head of International Relations and Miguel Colop Hernández, National Director of Auxilier Officer, **Human Rights Ombudsman's Office (PDH), Guatemala.**
- Julio César, commanding officer at the **National Civil Police (PNC) station in Jocotán, Chiquimula.**
- **PNC of Camotán, Chiquimula.**
- Rigoberto Pascual Espino, **PNC Inspector in Cobán, Alta Verapaz.**

### 4. 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 this month the Project's European Representative held the following meetings in Brussels:

- Javier Conde, representative from the **Permanent Representation of Spain to the EU** in the human rights working group COHOM, and Rafael Reig, representative from the working group on Latin America COLAC.
- Francois Roudie, Guatemala Desk at the **European External Action Service.**
- Jordán Rodas, Human Rights Ombudsman of Guatemala and Gabriela Mundo, Head of International Relations at the **PDH of Guatemala.**
- Djamila Chikhi, Head of Latin America in the Secretariat of the **Subcommittee on Human Rights of the European Parliament.**

## 5. NON-GOVERNMENTAL ORGANISATIONS

*In this section we publish statements (some abbreviated) from human rights organisations in which they express their concerns regarding recent events.*



NOSOTRAS, LA ALIANZA POLÍTICA SECTOR DE MUJERES, ESTAMOS AQUÍ PARA SEGUIR LUCHANDO. NI UN PASO ATRÁS EN LA LUCHA CONTRA LA IMPUNIDAD.

ANTE LOS HECHOS ACAECIDOS DEL DÍA 8 DE MARZO DEL 2019 EN GUATEMALA.

Rechazamos la agresión a nuestras instalaciones y el despojo de bienes importantes para nuestra labor política, para la lucha que realizamos como mujeres organizadas. Es una agresión patriarcal a este espacio de mujeres. Intentan aterrorizar y callar nuestras voces, mediante una manifestación clara de violencia patriarcal estatal que agredió nuestra casa, nuestro territorio.

Queremos dejar constancia que esta es la cuarta vez que nos violentan nuestro territorio y nuestro espacio de trabajo, nos agreden y nos vigilan permanentemente. Lo interpretamos como una práctica sistemática de intimidación hacia quienes integramos la Alianza Política Sector de Mujeres.

Estos se realizan en un contexto de agudización de las violaciones de los derechos humanos de las defensoras y los defensores que se han constatado por parte de los Organismos Internacionales en esta materia.

La Alianza Política Sector de Mujeres a lo largo de 25 años hemos librado una permanente e intensa lucha a favor de los derechos de las mujeres y los pueblos originarios, la democracia, la justicia y la equidad. Somos parte activa de la Asamblea Social y Popular, ALBA movimientos, Marcha Mundial de Mujeres, Mesoamericanas de Resistencia por una Vida Digna, y somos una parte activa del Movimiento de mujeres, feministas y mujeres indígenas.

Hemos trabajado por la justicia y la memoria, contra el genocidio y la militarización, contra la violencia sexual sistemática, la erradicación de la violencia contra las mujeres, el racismo estructural y el despojo de la tierra, el agua, y todos los elementos de la vida. Hemos trabajado a favor de la autodeterminación de los pueblos, la naturaleza, por una sexualidad libre, la participación política y la seguridad para las mujeres.

Por esto ratificamos, que esta y otras agresiones que hemos vivido provienen del Estado y los poderes facticos frente a las cuales hemos luchado toda nuestra vida organizativa.

No nos van acallar, no nos van atemorizar, esta agresión nos confirma la certeza que estamos avanzando en nuestra lucha, y aquí seguiremos hasta transformar radicalmente esta sociedad.

Llamamos a las mujeres, a nuestras compañeras a la insurrección feminista, a seguir organizándonos, fortalecer nuestros niveles de unidad de acción y a cuidar la Red de la Vida.

**PBI team in Guatemala:** Evelina Crespi (Italy), Antonia Pérez Bravo (Chile/United Kingdom), Viviana Annunziata (Italy), Emily Spence (United Kingdom), Daniel Jiménez Hita (Spain), Jordi Quiles Sendra (Spain), Sara Lodi (Italy), Sophie Maily (Canada), Diana Cabra Delgado (Colombia), Julián Arturo Ordoñez (Colombia)

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**GUATEMALA PROJECT  
PEACE BRIGADES INTERNATIONAL**

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