



Monthly Information Package Guatemala

Number 189 - June 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.

General Elections

According to the Office of the UN High Commissioner for Human Rights (OHCHR), which participated in the electoral observation on June 16, there was an environment that allowed for the exercise of the right to vote and the right to go forward for election. The office registered 117 incidents, however, of which 53 related to coercion and threats regarding the right to political participation, 45 related to the exercise of the right to equality and non-discrimination and 19 related to violent incidents or disturbances that impacted the right to life and physical integrity. Death threats issued against members of the municipal electoral board of San Jorge, Zacapa, which led to the suspension of voting in the town, were of particular concern. In addition, information was received relating to cases of "rounding-up" voters, which generated tensions and, in some cases, acts of violence.¹

Due to several accusations of possible fraud, the Supreme Electoral Tribunal (TSE) was forced to postpone the ratification of the results and begin a new count of the votes from across the 21,000 polling stations. The TSE had to temporarily suspend the recounts, however, as a result of raids to the TSE's IT Office ordered by the Electoral Offenses Unit of the Public Prosecutor's Office (MP). These raids were justified by the Attorney General, Consuelo Porras, because the investigation into the complaints received should be the responsibility of the MP's Corruption and Electoral Offenses Offices².

The Electoral Observation Mission from the Organization of American States (OAS) indicated that it will continue in the country until the counting ends. The mission "considers it important that the investigation initiated by the MP does not interfere with the final result."³

Retired general accused of genocide and crimes against humanity is arrested

On June 16, Luis Enrique Mendoza García, a retired general and former Minister for National Defense, was arrested. He had an arrested warrant out against him since 2011 for his alleged participation in the genocide of the Ixil people during the internal armed conflict⁴. This accusation relates to the same criminal case for which Efraín Ríos Montt was convicted⁵. The arrest occurred as he left a polling station in the municipality of Salamá, department of Baja Verapaz⁶.

¹ OHCHR, *Hallazgos preliminares en la observación de derechos humanos al cierre de los comicios generales*, June 16 2019.

² Juárez, E., *Suspenden revisión de actas por allanamiento en Informática del TSE*, La Hora, 26.06.2019; Álvaro, A., *MP cotejará actas tras allanamiento en Informática del TSE*, Publicnews, 26.06.2019.

³ OAS, *La Misión de Observación Electoral de la OEA en Guatemala apoya las gestiones del TSE para tener resultados oficiales lo antes posible*, 26.06.2019.

⁴ Ovalle, J., *Luis Mendoza, el exdiputado que fue capturado después de emitir su voto es señalado de genocidio*, Prensa Libre, 16.06.2019.

⁵ Publinews, *Arrestan a exjefe militar señalado de crímenes contra indígenas*, 17.06.2019.

⁶ El Periódico, *Capturan a General acusado de genocidio*, 17.06.2019.

The detainee was a member of the army's high command when Efraín Ríos Montt was the head of operations⁷. The MP has accused him of having planned and executed military plans that sought to control the indigenous population, such as the so-called "Sofia" plan. This plan, implemented in 1982, included torture, rape, forced disappearances and massacres in villages from the Ixil region in Quiché. Mendoza Garcia is the father-in-law of the congressman and presidential candidate for the FCN-Nación party, Estuardo Galdámez⁸.

The hearing of this case has been scheduled for Tuesday, July 2. The case will be heard at a court presided by Claudette Domínguez, who was challenged on Wednesday, June 26, by the Center for Legal Action in Human Rights (CALDH) and the Association for Justice and Reconciliation (AJR), complainants in this case, who "doubt her impartiality as a result of the recent rulings that she has issued in favor of the military and because their sister Kleila Domínguez is a high ranking staff member from the Clinical Laboratory of the Military Medical Center"⁹.

If the legislative initiative 5377, which seeks to grant amnesty to persons accused of human rights violations, is passed, Mendoza Garcia would benefit from possible release along with many others who have been convicted over the last decade for war crimes and crimes against humanity. This initiative has been before Congress since February 2019, and is now pending the third reading¹⁰.

Lack of access to justice for Mayan Achí Women

On June 21, Judge Claudette Domínguez, of the High Risk Court "A", ruled on the release of six civilian former members of the Civil Self-defense Patrols (PAC), who have been accused of crimes against humanity and sexual violence perpetrated against 36 Maya Achí women during the internal armed conflict¹¹. According to CALDH, the arguments made by the judge "in favor of impunity and favouring soldiers accused of serious human rights violations during the internal armed conflict" confirmed "her bias in these cases." Although the Achí women positively identified the three accused, the judge declared "the dismissal of three of the accused and further investigation of the case against the other three,"¹² arguing that their participation in the PAC could not be proved and that there was no evidence to establish that they were at the scene of the crimes. The release of the accused constitutes a potential threat to the safety of the plaintiffs.¹³

The crimes that were to be tried occurred in Rabinal, Baja Verapaz, between 1981 and 1985, when the State of Guatemala implemented its "scorched earth policy" across Guatemala's Mayan communities. Sexual violence against indigenous women was a feature of the massacres committed. However, testimonies given by Mayan women relating to the sexual violence they experienced have historically been dismissed by the justice system and the State. It was not until 2013, during the genocide trial that an opportunity to present testimonies relating to sexual violence before national courts opened up. This set the precedent for the trial and conviction of two members of the state security forces for the sexual slavery and violence they committed against 15 Q'eqchi 'women of Sepur Zarco (Izabal), in the case known by that same name. This trial established the precedent that in Guatemala, sexual violence was used as a weapon of war¹⁴.

⁷ Ovalle, J. Op.Cit.

⁸ Monzón, K., *Piden a jueza Claudette Domínguez que se aparte del caso contra el suegro del diputado Estuardo Galdamez*, Prensa Libre, 25.06.2019.

⁹ *Ibidem*; Chumil, K. /Ríos, R. *Organizaciones recusan a Claudette Domínguez para que no conozca expediente contra suegro del diputado Galdámez*, El Periódico, 15.06.2019

¹⁰ Bin, H., *Congreso: vuelve a la normalidad y vuelve la iniciativa de amnistía*, ConCriterio, 20.06.2019.

¹¹ International NGO Forum (FONGI), *Concerns over lack of justice for Maya Achí women*, 27.06.2019

¹² Agencia EFE, *Indígenas achí víctimas de violencia sexual en Guatemala denuncian impunidad*, 22.06.2019.

¹³ FONGI, Op. Cit.

¹⁴ Aguilar, M., *La jueza Claudette Domínguez al servicio de la impunidad*, El Periódico, 24.06.2019.

Court of Conscience "Sexual violence in the past and the present is a crime"

The second Tribunal of Conscience on sexual violence, held on June 25 and 26, was intended as an act of symbolic justice for victims of sexual violence, according to Ada Valenzuela, director of the National Union of Guatemalan Women (UNAMG). Over the course of the event, testimonies from women survivors of sexual violence were heard, as well as expert reports that addressed different aspects related to the scourge of sexual violence. The first Court of Conscience was held in 2010. It addressed sexual violence against women during the internal armed conflict and it prompted the women of Sepur Zarco to denounce the crimes committed against them¹⁵.

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 territory¹⁶.

THE STRUGGLE AGAINST IMPUNITY

During the month of June we accompanied **the Human Rights Law Firm (BDH)**, by holding regular meetings with its members and accompanying them to several hearings related to the following cases:

- **"Safe" Home Case:** On June 6, we attended a public hearing in which three appeals were filed by the MP and the plaintiffs, who argued that the rejection of the nine pieces of evidence constitutes a violation of the right to due process, violates constitutional norms and lacks foundation.
- **Case of the human rights defender Bernardo Caal Xol,** member of the Peaceful Resistance of Cahabón. On June 26 we attended a hearing at the Court of Appeal in Cobán where the defense appeal filed against the Caal Xol's conviction of November 2018 would be decided. The hearing was, suspended however, due to the failure to attend of two out of the three magistrates that make up this court. The BDH is also defending Caal Xol in another process related to his work as a teacher and his participation in the teacher's union. This case is pending resolution of the injunction that was filed against the judge and the hearings.
- **Case of Samuel Choc,** indigenous authority and human rights defender. We attended two hearings, one on June 13, where the MP requested the opening of a trial for the crime of aggravated trespassing on the lands belonging to the company Tecniservicios Agroindustriales SA in the village of Las Mercedes (Chisec, Alta Verapaz). The judge from the First Criminal Court declared the provisional closure of the process and the cessation of coercive measures against Samuel Choc. At a further hearing on June 25, relating to another trial against Samuel Choc in which he is accused attacking an assistant attorney who was conducting an visual observation. On this occasion, the intermediate stage of the trial was suspended until the appeal filed by the BDH is resolved.
- **Case of Eduardo Bin Poou,** vice president of the Fishermen's Association of El Estor, Izabal. This case also includes accusations against four other community members criminalized for events that occurred in 2017. We accompanied the hearing on June 14 where the measures granted to Eduardo Bin Poou relating to the crimes of threats and illegal detention were reviewed. The



¹⁵ Paredes, L., [Víctimas de violencia sexual declaran en segundo Tribunal de Conciencia](#), El Periodico, 16.06.2019.

¹⁶ See our website for general information on organizations and individuals we accompany: [Groups and individuals currently accompanied by PBI](#)

judge ruled in favor of the defense and granted him substitute measures that include house arrest without surveillance and a bail bond of 15,000 quetzales.

On June 9 we accompanied the assembly of **the Chicoyogüito Neighbor's Association of Alta Verapaz (AVECHAV)**. We are monitoring their situation closely, as they remain very concerned about the possible approval of the legislative initiative 5377 (Reform of the National Reconciliation Law), due to the implications that this would have in terms of impunity, closure of spaces and risks for their security.

THE ISSUE OF ACCESS TO LAND

We are continuing to monitor the situation of the members of **the Union of Campesino Organizations for the Verapaces (UVOC)**, by holding meetings and visiting their offices regularly, both in Guatemala City and in the Alta Verapaz region.



We visited the offices of **the Acommunity Council of the Highlands (CCDA) - Las Verapaces Region** and we met with its members on several occasions, paying particular attention to the security situation of the people who are part of the coordination. On June 14 we attended the hearing of two members of the organization who have been criminalized: Jorge Coc Coc and Marcelino Xol Cucul, indigenous authorities from Choctun Basilá, accused of murder and attempted murder and who are being held in pre-trial detention. This was the third hearing in this case and two witnesses from the Chilté Cooperative, who are co-complainants in this case, testified. We are particularly

concerned about their safety and that of their families, as we observed security incidents entering the hearing that day. We have also continued to visit them in Cobán prison. The next hearings will resume on July 4 at 9:15.

On June 27 we accompanied the coordination of the CCDA to a technical roundtable with the National Land Fund (FONTIERRAS) for the consolidation of territorial boundaries and the proposals for productive projects at the La Flecha farm.

DEFENSE OF THE TERRITORY

New Day Chorti Campesino Central Coordinator (CCCND). This month we visited several communities from the organization: Pelillo Negro, Guareruche and Matasano (Jocotán), Salitrón (San Juan Ermita), Lelá Obraje and Tisipe (Camotán) and La Prensa (Olopa). The aim of these visits was to update the team on their delicate security situation and to accompany them in their community assemblies. We also maintained a presence at the organization's headquarters in Camotán, following two raids that occurred in June. We also accompanied several leaders and members of the coordination to a security workshop.

Peaceful Resistance La Puya (municipalities of San José del Golfo and San Pedro Ayampuc). We paid a visit to the protest camp. We are also still monitoring the international arbitration process that is taking place between the mining company, Kappes Cassidy & Associates, and the State of Guatemala.



Peaceful Resistance Cahabón, Alta Verapaz. We continue with our visits to human rights defender Bernardo Caal Xol in Cobán prison. We also visited several communities this month: San Martín Chichaj, Tres Cruces, Chaslau, Salac I and Champerico. We met with members of the organization who updated us on the situation of the Resistance and the region. On June 24 we accompanied the Resistance and the BDH to the screening of the documentary "Water, the blood of Mother Earth", produced by the Madre Selva Collective and the Council of Ancestral Authorities of the Q'eqchi people of Cahabón. It covers the history of the resistance in defense of the Cahabón and Ox-eek rivers, as well as the criminalization of the community leader Bernardo Caal Xol.

TZK'AT - Network of Ancestral Healers of Community Feminism from Iximulew We continue our accompaniment, by holding meetings with them and monitoring their security situation.

Chinaulta Multi-sector Urban Platform . We accompanied them to the following activities: a dialogue session held on June 10 with the Mayor of Chinaulta - mediated by the Human Rights Ombudsman's Office (PDH) - and which has emerged as a result of a demonstration organized by the resistance to defend the right to water; a press conference in which a communiqué was presented expressing that the Poq'omam people of Santa Cruz Chinaulta "suffer from social, economic, health and environmental precarity, due to the indiscriminate practices of local, national and international companies for the privatization of the water and as a result of the various forms of pollution ." The communiqué included a series of demands aimed at various actors such as the municipality, the PDH, different ministries, and the State of Guatemala to resolve the situation they are facing. The international community was also urged to ensure "compliance with human rights conventions and ILO Convention 169, which have been violated and disrespected by the State of Guatemala" and to act "in defense of the rights of the Poq'omam people."

3. INTERNATIONAL OBSERVATION

PBI Guatemala is present in international public events when requested to do so by Guatemalan social organisations, in order to show international attention and interest and in order to report internationally on what we observe.

On June 21, the National Day Against Forced Disappearance, we observed **a support action in front of the Supreme Court of Justice (CSJ) for the 36 Mayan Achí women of Rabinal** who denounced six former members of the PAC for sexual violence. The opening ceremony was followed by a press conference relating to the court case. On the afternoon of the same day, Judge Claudette Domínguez decided to release three of the accused and ordered the MP to deepen the investigation against the other three.

On June 26 we were present at **the Tribunal of Conscience "Sexual violence in the past and the present is a crime"** organized by UNAMG and held in the USAC Auditorium.

4. POLITICAL ACCOMPANIMENT

Meetings and other contact with the diplomatic bodies, international organisations and Guatemalan authorities

Meetings with national and international authorities are an important way for PBI to make known what we do and what our objectives are. Through these meetings, where necessary and in a reserved manner, we share our concerns about worrying situations that we have witnessed first-hand from the work we do in the field.

At an international level we meet with the following authorities:

- Alejandro Gallardo, Human Rights Officer, **Embassy of the United Kingdom**.
- Robertha de Beltranena, Program Officer, **Embassy of Switzerland**.
- Michael Grewe, Head of Development Cooperation, **Embassy of Germany**.

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

- Luis Enrique Arévalo Girón, Vice Minister of Security, **Ministry of the Interior**.
- Rudy Gómez, Administrative Agent, **National Civil Police (PNC) San José del Golfo**.

- Secretary of the substation, **PNC Santa María Cahabón.**
- Darwin Fuentes, Departmental Manager, **PNC Cobán.**
- Luis Arriola, Auxiliary Officer, **PDH Alta Verapaz.**
- Alex Marroquín, Head of Services, **PNC Chiquimula.**
- Erik Grijalva, Agent, **PNC Olopa.**
- Ismael Morán, Agent, **PNC Camotán.**
- Daisy Hernández, Agent, **PNC Jocotán.**
- Fredy Uptali Urrutia Guevara, Mayor, **Municipality of Olopa.**
- Juan de Dios Pineda, Municipal Manager, **Municipality of Jocotán.**

5. OTHER ACTIVITIES OF PBI GUATEMALA IN GUATEMALA

The following activities were carried out in Cobán:

- On June 5 and 6, we held a healing **workshop as a tool for protection for women human rights defenders** from the Peaceful Resistance Cahabón and CCDA - Las Verapaces Region.
- Between June 18 and 20 we held a **Meeting of Defenders of the 'Body-Earth' Territory** in which 25 women human rights defenders from diverse organizations and social movements participated from Huehuetenango, Chiquimula, Alta Verapaz, Baja Verapaz and Petén

Both spaces were facilitated by **TZK'AT - Ancestral Healing Network of Community Feminism.** Both meetings focused on strengthening capacities for an integrated protection of WHRDs from the perspective of emotional and spiritual healing. Likewise, networks and mutual support alliances were established, which is another fundamental element in their security and protection.

6. 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.

This month, the European Project Representative participated in two multilateral meetings in Brussels with:

- Michael O Flaherty, Director of the **Agency of Fundamental Rights of the European Union (EU).**
- Luisa Ragher, Nieves Cotero, Nadia Costatini and Ciara O'Brien of the **Human Rights Unit of the European External Action Service**, as well as Justine Journaix of the **Development Directorate of the European Commission.**

And held bilateral meetings, also in Brussels, with:

- Gaby Kueppers, Adviser for Latin America of the **Greens political group from the European Parliament.**
- Ana Vicente, Adviser for Latin America and Emergencies of **the GUE political group from the European Parliament.**
- Josefina Hellgren, Head of **Permanent Representation of Sweden** to the Human Rights Working Group **COHOM of the Council of the EU.**
- Raphael Warolin, from the Human Rights Unit, and Felix Fabiny, from the Central America Unit of the **European External Action Service.**
- Blanca de Riquer Gatell, Gender and Equality Policy Advisor, Paula Lopez Reig, Advisor for External Relations, and Gaby Kueppers, Advisor for relations with Latin America of the political group of the Greens in the European Parliament.

7. NON-GOVERNMENTAL ORGANISATIONS

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

COMUNICADO DE ILUGUA

Situación crítica en las aldeas por la falta del agua y sin vislumbrar una salida en el corto plazo

Las Comunidades de Peralta, Matasano, Cerro Grande, Cerro Chiquito, Jicaral y La Trementina del municipio y departamento de Zacapa, Guatemala están viviendo una situación crítica por la falta del agua como consecuencia de la destrucción de las tuberías del acueducto el pasado 8 de junio 2019. Ninguna persona se ha hecho responsable de los hechos. Los vecinos suponen que es una acción de los finqueros madereros como medida de presión ante la resistencia pacífica de las comunidades en el ejercicio de su derecho a defender derechos humanos que han detenido de hecho la implementación de las licencias de explotación forestal en las fincas aledañas a la Montaña Las Granadillas, de la Sierra del Merendón.

Sumado a esto los finqueros madereros presentaron denuncias penales en contra de 25 defensores y defensoras, quienes comparecieron ante la Jueza de Paz del ramo Penal para una junta conciliatoria en la cual fue evidente la violación a los principios de independencia, imparcialidad e igualdad en el ámbito judicial y se incurrió en varias ilegalidades e inconstitucionalidades.

En este contexto las amenazas, las intimidaciones y la cooptación de los liderazgos se intensificaron lo cual aumenta la situación de riesgo y vulnerabilidad de los defensores y defensoras de derechos humanos.

Mañana martes 18 de junio José Pilar y Melvin Antón están siendo citados para presentarse ante la jueza de paz del ramo penal para responder a una denuncia infundada interpuesta en su contra. Mañana mismo por la tarde los miembros del Comité Comunitario de Desarrollo de la Trementina están citados para abordar el tema. Los defensores y defensoras del derecho humano al agua lamentamos esta situación y nos estamos esforzando en la búsqueda de una solución pacífica, dialogada y consensuada a este conflicto que ya lleva varios años. Continuamos ejerciendo nuestro derecho a defender derechos humanos y realizando todas las acciones legales, jurídicas y de incidencia posibles.

Responsabilizamos a los finqueros madereros titulares de licencias de explotación forestal de cualquier acción que atente contra la vida e integridad de los defensores y defensoras del derecho al agua y de sus familias.

GUATEMALA 17 DE JUNIO 2019
ILUGUA

PBI team in Guatemala: Viviana Annunziata (Italy), Daniel Jiménez Hita (Spain), Jordi Quiles Sendra (Spain), Sara Lodi (Italy), Sophie Mailly (Canada), Diana Cabra Delgado (Colombia), Katharina Wagner (Germany), Begoña Navarro Huidobro (Spain), Ignacio Alonso Hernández (Spain), Lucie Costamagna (France).

All photos published are from PBI

PBI GUATEMALA DOES NOT NECESSARILY IDENTIFY WITH THE OPINIONS AND CONTENT OF THE REPRODUCED ARTICLES AND MEDIA RELEASES.

**GUATEMALA PROJECT
PEACE BRIGADES INTERNATIONAL**

Website: www.pbi-guatemala.org

facebook: [pbiguatemala](https://www.facebook.com/pbiguatemala)

Office of the team in Guatemala

3ª Avenida "A" 3-51, Zona 1
Ciudad de Guatemala, Guatemala
Phone/ Fax: (+502) 2220 1032
E-mail: equipo@pbi-guatemala.org

Office of the project Coordination

Avenida Entrevías 76, 4º B
28053 Madrid, Estado Español
Telephone: (+34) 918 543 150
Email: coordinacion@pbi-guatemala.org