



## Monthly Information Package Guatemala

Number 190 - July 2019

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### 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.*

#### **CC dictates provisional injunction to prevent the Amnesty Law from Passing**

On July 19, the Constitutional Court (CC) granted a provisional injunction as requested by victims of the internal armed conflict, against the reforms to the National Reconciliation Law, also known as the Amnesty Law.<sup>1</sup> This means that the legislative procedure for the 5377 initiative to reform the Reconciliation Law is currently detained. The reform is pending its third reading by the plenary of the Congress of the Republic, which, if approved, would lead to the release of all individuals who have been convicted and prosecuted for serious crimes such as forced disappearance, the rape of women and crimes against humanity.

Last March, the Inter-American Court of Human Rights called on the Guatemalan State to stop the approval process. The European Parliament, the United States and UN experts have also expressed concern and asked the government to reject the reforms to the law.<sup>2</sup>

According to a statement from victims and survivors of the armed conflict, the CC's decision would be consistent with the Political Constitution of the Republic and international standards on human rights, which prohibit granting amnesties other than for political and common crimes related to political crimes, and that oblige the State to investigate, prosecute and punish those responsible for crimes that do allow for the absolution of criminal responsibility.<sup>3</sup>

#### **Operations at Fénix Mine suspended**

On July 18, the CC temporarily suspended operations at the Fénix nickel mine, part of the Guatemalan Nickel Company (CGN), a subsidiary of the Russian company Solway Investment Group. The Artisanal Fishermen's Guild of El Estor filed the injunction because the communities in the region that have been affected by the mining activities were not consulted before the government authorized the project. The CC released a statement informing that the suspension of operations will last until there is a definitive resolution relating to the injunction, for which there is no fixed term.<sup>4</sup> It should be noted that the activities of the Phoenix mine have caused community rejection and human rights violations for decades.<sup>5</sup>

For more information please see: <https://pbi-guatemala.org/es/news/2019-05/absuelven-eduardo-bin-pouu-del-delito-de-usurpación-agravada>

<sup>1</sup> La Hora, *CC ordena al Congreso suspender aprobación de Ley de Amnistía*, 19.07.2019.

<sup>2</sup> El Periodico, *CC prohíbe discusión de reformas a la ley de reconciliación en el Congreso*, 30.07.2019.

<sup>3</sup> Comunicado from victims and survivors of the internal armed conflict and social organisations: *Respaldamos la decisión de la Corte de Constitucionalidad que detiene la Amnistía*, 25.07.2019.

<sup>4</sup> Escobar, I., *CC suspende temporalmente operaciones de la mina Fénix*, Prensa Libre, 18.07.2019.

<sup>5</sup> García, J., *El desastre ocasionado por el níquel en Izabal (y la posibilidad de cerrar la mina)*, Nomada, 20.11.2018.

### **Global Witness publica informe sobre criminalización**

At the end of July, the organization for the protection of human and environmental rights published its report, *Enemy of the State?*.<sup>6</sup> It is a compilation of stories relating to the struggles and resistance of populations in all parts of the world in the face of "a worrying world trend": criminalization. "Periodically, governments, companies and criminal gangs steal land and destroy natural habitats for profit, as demand for products such as wood, palm oil and minerals continues to grow. When people living in these affected lands assume a position in the face of these projects, they face the companies' private security, state forces, hired killers or, in less violent confrontations, teams of aggressive lawyers."

Global Witness documents the misuse of national laws on all continents to silence the defense of land and territory. "It's a brutally wild irony: those who destroy the land and kill environmental defenders generally escape punishment, while activists are branded as criminals."

The report dedicates a chapter to the Peaceful Resistance of the Microregion of Ixquisis in Guatemala. Murders of land and environment defenders have increased four fold in Guatemala. "They increased from three in 2017 to 16 in 2018 which, considering the murders per capita, makes it the most dangerous country in 2018."

The report concludes: "Those risking their lives to stand up for land and environmental rights carry an important message that our patterns of consumption and production need to radically change. Companies, the consumers who buy from them, the investors who bankroll them, and the governments that regulate them must all take steps to ensure that our growing demand for food and resources does not drive land grabbing and irrevocable environmental harm."

Global Witness recommends that "Conflicts over land and resources could be avoided in the first place if communities were consulted on how land was used and could veto damaging projects. If laws were designed to favor the rights of citizens over the interests of big business, communities and ecosystems would inevitably be safer and healthier. And numbers of attacks against those who stand up for their rights would undoubtedly fall if those responsible were brought to justice."

### **Assassinations of members of CODECA**

During the month of July, four members of the Peasant Development Committee (CODECA) were killed. On July 5, Isidro Pérez and Melecio Ramírez were killed on a farm in the Nuevo Edén village, municipality of Livingston, Izabal. On the night of July 12, 2019 at, Julio Ramírez was shot with 10 bullets by unidentified people when he was returning home. Though seriously injured, he was still alive when taken from Rio Dulce to the national hospital of Puerto Barrios by the volunteer firefighters, where he died the next day, on the afternoon of July 13.<sup>7</sup> On July 25, human rights defender Jorge Juc Cucul was murdered. He was the community president of CODECA in the Parachutist village, Livingston, Izabal. The assault occurred in front of his 8-year-old son.<sup>8</sup>

Last year six human rights defenders from CODECA were killed. Eight people have already been killed this year, one woman and seven men. According to information from UDEFEGUA, so far in 2019 there have been 327 attacks and 12 murders against human rights defenders in Guatemala.

<sup>6</sup> Global Witness, [¿Enemigo del Estado?](#), Julio 2019.

<sup>7</sup> FIDH, [Guatemala: Asesinato del Sr. Julio Ramírez del CODECA](#), 17.07.2019.

<sup>8</sup> Comunicado de CODECA, *Asesinan al defensor Jorge Juc Cucul*, 25.07.2019.

## 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>9</sup>.*

### THE FIGHT AGAINST IMPUNITY

Throughout July, in addition to regular meetings with members, we accompanied the **Human Rights Law Firm (BDH)** to the hearings in the following cases:

- **Case against Eduardo Bin Poou**, vice president of the Artisanal Fishermen's Guild of El Estor, Izabal. The human rights defender is being criminalized for his work in defense of water and territory against nickel mining. On July 3 we accompanied the initial hearing in the the public debate for the crimes of threat and illegal detention in the Court of Puerto Barrios after the events that occurred in 2017. The hearing was rescheduled for December 20 of this year as the lawyers for the complainants did not appear in court.

On July 31 we accompanied a special appeal hearing for Eduardo Bin Poou, in another legal case against him. His acquittal from the court first instance on May 3 was appealed by the Public Ministry (MP), the ruling will be given on August 14. The hearing against five other fishermen who have been criminalized by the same case, which was due to take place on the same day, was suspended without assigning a new date.

- **Cotzal Case:** On July 19 we accompanied the BDH to the Courthouse in Guatemala City for the concluding act in the Cotzal Case. In 2011, the former municipal mayor of San Juan Cotzal, Quiché, José Pérez Chen, was arrested and sentenced to 82 years for his responsibility in the lynching of a PNC agent. The events occurred in 2009, when the agent's son was arrested by the former mayor, because he accused him of being a criminal for his appearance. When the child's parents tried to intercede, the father was lynched. These actions were filmed by a person present, who was then beaten.

The current hearing related to justice for the aggressions suffered by the person filming the events. The hearing was suspended at the request of the accused's lawyer. The parties expect to find an agreement on an economic compensation for the damages caused.

In addition, on July 11 we accompanied the BDH to Chisec, where two of their lawyers were giving a workshop with leaders from different communities from the municipality. The objective of this session was to strengthen the ability of communities to react to incidents that may lead to the criminalization of their struggles.



On July 14 we accompanied the **Chicoyogüito Neighborhood Association of Alta Verapaz (AVECHAV)** at its assembly. On the 28<sup>th</sup> we accompanied the commemoration of the 51<sup>st</sup> anniversary of the eviction from their lands that took place on July 28, 1968. The ceremony took place outside the Military installation in Zone 21 of Cobán, now known as Regional Training Center of Peacekeeping Operations (CREOMPAZ).

<sup>9</sup> See our website for general information on organizations and individuals we accompany: [Groups and individuals currently accompanied by PBI](#)

## THE ISSUE OF ACCESS TO LAND

On the 5<sup>th</sup> and 17<sup>th</sup> of this month, we accompanied the lawyers of the **Union of Campesino Organizations of the Verapaces (UVOC)**, in Escuintla, in the processing of legal procedures relating to the risk of eviction of the Nueva Jerusalem community, Itzapa -Chimaltenango. Furthermore, on July 10, we accompanied the organization to a hearing at the Second Instance Court of Cobán, Alta Verapaz, relating to the conflict over land that is affecting the community of La Primavera, Alta Verapaz. The hearing was suspended as the judge did not appear. Finally, on the 27<sup>th</sup> we accompanied UVOC in the municipality of Tamahú, Alta Verapaz, for an assembly between the future community of the Waxpón estate and the National Land Fund (FONTIERRAS).

In July, in addition to visiting the offices of the **Community Council of the Highlands (CCDA) - Las Verapaces Region** and meeting with its members on several occasions, we attended the two public hearings in the cases of Jorge Coc Coc and Marcelino Xol Cucul, both members of CCDA who have been criminalized and imprisoned. The hearings were held on the 2<sup>nd</sup> and 18<sup>th</sup> of July in different Courts in Cobán, Alta Verapaz. In these hearings testimonies from medical experts and criminologists relating to complainant were heard. The oral debate will resume on August 2 with the statements from witnesses for the defendents. This month, we also visited Jorge Coc and Marcelino Xol at the Cobán Penitentiary Center.

## DEFENSE OF THE TERRITORY

We visited several communities of Camotán, Jocotán and Olopa, throughout July, meeting with members of the **'New Day' Ch'orti' Campesino Central Coordinator (CCCND)**, over concerns for their safety that we have been expressing since last year. Their security situation was aggravated by violent events that occurred on July 8 in the community of Lelá Chancó, Camotán, Chiquimula:

### Violent events threaten leaders from the Ch'orti Campesino Central Nuevo Día

On the night of July 8, three workers from the Interoceanic Corridor were killed within the region of the community of Lelá Chancó. In response to this incident, the CCCND issued a statement repudiating the violence, disassociating itself from the acts and demanding a due investigation from the State of Guatemala: "We publicly state our resounding rejection and repudiate the violent events that took the lives of three workers from the Interoceanic Corridor [ . . . ], we demand that the State of Guatemala investigate who is responsible for these actions. " Regarding the Interoceanic Corridor project, the declaration states that "it is a project that has sought to operate in the Ch'orti' territory despite the fact that it does not have the necessary social license for its operations, the communities have turned to the municipal authorities seeking the licenses and permits issued by said instances. They have communicated their rejection to this company through a variety of media and press releases."

The communiqué goes on to condemn "statements issued by the corporate media on July 9, 2019 using radio and social networks, that sought to stir up blame for the violence on the Maya Ch'orti 'authorities, leaders and the Ch'orti' organization using a discourse full of hate, clear contempt and racism against our people. We demand that the media carry out its investigations with due concern for ethics and responsibility that quality journalism demands so as to objectively inform society in general and not promote hatred and racism to indigenous peoples. "

The communiqué requests the corresponding institutions to investigate the events of July 8, as well as "those those responsible for the multiple acts of violence against the Maya Ch'orti 'community, human rights defenders and defenders of collective rights, since with these types of acts seek to create fear, pain and anxiety in family and communities, reminding us of the violent and macabre acts of the armed conflict."

As a result of the public reports against a number of leaders across various media, we are concerned

about their security situation, so we have increase our physical and telephone support to the members of the Ch'orti 'New Campesino Central Day.

We continue to monitor the situation of the **Peaceful Resistance La Puya** (in the municipalities of San José del Golfo and San Pedro Ayampuc). The Resistance remains attentive to the international arbitration process that is taking place between the mining company, Kappes Cassidy & Associates, and the State of Guatemala. Within the framework of this process, we attended the presentation of the a study on July 23 called *Casino Extractivism: mining companies gambling with Latin American lives and sovereignty through supranational arbitration* conducted by CIEL, Institute for Policy Studies and Mining Watch Canada. The presentation took place in Guatemala City with participation from different members of the Resistance, the Human Rights Ombudsman Jordán Rodas and officials from different Ministries, among others.



During July we paid repeated visits to the human rights defender Bernardo Caal Xol, a member of the **Peaceful Resistance Cahabón**, Alta Verapaz, in Cobán prison. We also visited different communities who form part of the Resistance - San Martín Chicaj, Tuilá, Sesaltul, Se-catalcab, Sacta I, Salác and Tres Cruces - where we had the opportunity to talk with numerous members of the organization. Many of them expressed deep concern about the strong environmental impacts caused by the Renace company dams.

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

In the course of the month we met with various members of the **Chinaulta Multisector** on several occasions. They are currently demanding that the municipality of Chinaulta fulfill its commitments related to the right to water of the community.

### 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 July 20 we observed the **LGBTI Pride march** that took place in Guatemala City under the slogan “I exist, I resist, I celebrate”.





#### 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.*

As part of our dialogue with the diplomatic corps and with international organizations present in Guatemala, this month we met with:

- Karolina Guay, Human Rights Officer, **Canadian Embassy.**
- Harald Klein, **German Ambassador.**
- Alejandro Gallardo, Human Rights Delegate, **British Embassy.**
- The **Filter Group**, composed of representatives from the European Union, Swiss, Canadian and the United States embassies.

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

- Alfonso Pacay, agent of the **PNC Cobán Substation.**
- Yesenia Sandoval, Departmental Assistant, **PDH in Chiquimula.**
- Manuel Pérez, Sub-inspector, **PNC San Antonio Las Flores Substation, Chinautla.**
- Henri Herrera Ramos, **Assistant in COPREDEH Cobán, Alta Verapaz.**
- Carlos Xitumul, **Head of Substation, PNC Cobán.**
- Ángel Caal, **PNC Cahabón.**
- Mariano Caal Choc, Mayor, **Cahabón Municipality.**
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#### 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.*

This month the European Representative of the project held a bilateral meeting in Brussels with **Felix Fabiny**, from the Guatemalan desk at the European External Action Service.

## **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.*

El sábado 20 de julio varias personas de la comunidad LGBTIQ vieron interrumpidas sus celebraciones por acciones policíacas desproporcionadas, donde hubo personas afectadas por gas pimienta e intimidación.

Por el momento conocemos de estas acciones en las fiestas de OTRANS, Gente Positiva, Black y Las Estrellas.

Desde Visibles condenamos estos hechos y nos sumamos a las denuncias que las organizaciones y personas hagan sobre las agresiones reportadas. Esto refuerza y fortalece el lema elegido para el XIX Desfile de Orgullo que dice: Existo. Resisto. Celebro.

No aceptaremos ninguna acción de intimidación ni daremos pasos para atrás. Por una sociedad inclusiva donde las diferencias enriquezcan y la diversidad sea un valor.



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*All photos published are from PBI*

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**GUATEMALA PROJECT  
PEACE BRIGADES INTERNATIONAL**

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