



Monthly Information Package Guatemala

Number 192 - September 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.

Murders of Human Rights Defenders Continue

Violence against human rights defenders has been increasing from the end of August and throughout September: on August 28, a catechist from the El Pilar Parish, Marvin Yovani Ramos, was killed in zone 6 of Guatemala City. He was a member of "Teaching for Sustainable Development", an organisation that works to consolidate peace in the country. On September 7, the coordinator of the Environmental Office of the Suchitepéquez Parish, Diana Isabel Juárez, was killed. She was teacher and human rights defender who promoted the care and protection of the environment and natural resources. On September 14, the indigenous leader Paulina Cruz was murdered in the municipality of Rabinal, Baja Verapaz, when she was on her way to collect her son from school. Her husband was also injured in the attack.¹

According to Claudia Samayoa, coordinator of the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEQUA), at least 13 defenders have been murdered this year "with the aim of" stopping their work and the work of those around them." This "very high" number is "worrying", says Samoyoa, because it shows how "armed groups and illegal bodies" are benefiting from the "State approval through inaction". Samayoa adds that the "terrorism, persecution and criminalization" carried out against activists, judges and journalists aims to "close civil society spaces." Amnesty International denounced Guatemala as one of the most dangerous countries for human rights defenders as far back as 2016. A report from the Human Rights Ombudsman's Office (PDH) and the Office of the High Commissioner for Human Rights (OHCHR) published this year indicates at least one human rights activist is killed every two weeks. They represent a group that continues to be the victim of acts of violence, discrimination and hate speech, despite their fundamental role in the construction and consolidation of democracy and the rule of law. According to Samayoa, the trigger for this wave of violence has been the "hate speech against this group," of which, comments made by President Jimmy Morales stand out. According to Amnesty International there is a serious problem of impunity because "almost all" of the attacks on the activists are not investigating and this leads to "continuing acts of violence without the culprits having to "worry" about the consequences.² The latest figures from Global Witness, indicate that "in just one year the killings of defenders of the territory and the environment have increased five-fold, going from 3 in 2017 to 16 in 2018, making Guatemala the most dangerous country in the world relative to population."³ Additionally, there is increased vulnerability of human rights defenders within the context where a State of Emergency was decreed across 22 municipalities at the beginning of September, which has been denounced by several social and community organizations because "it increases the risk of harassment and violence against community and environmental leaders and under the pretext of persecuting drug traffickers."⁴

¹ Prensa Libre, "Cada dos semanas matan a un activista en el país": PDH denuncia muerte de defensora de derechos humanos en Rabinal, 17.09.2019.

² Durán, M., [Defensores de derechos humanos están en la mira](#), Opinión, 21.09.2019

³ Alianza por la Solidaridad, [Se duplica la cifra de activistas ambientales asesinados en solo dos años, de los que el 40% son indígenas](#), 09.08.2019.

⁴ Tercera, [Asesinan a la activista ambiental Diana Isabel Hernández en Guatemala](#), 16.09.2019.

State of Emergency and Human Rights

On September 4, President Jimmy Morales announced a State of Emergency in 22 municipalities across the Izabal, Petén, El Progreso, Zacapa, Alta Verapaz and Baja Verapaz departments, following the discovery of the lifeless bodies of three soldiers in the community Semuy 2, located in El Estor, Izabal.⁵ Following the discovery of the three soldiers' corpses, President Morales ordered the security forces to carry out the corresponding arrests, as well as seize weapons from individuals which he called "pseudo peasants and pseudo defenders of human and peasant rights in the region. It is important to remember that "the State of Emergency restricts constitutional rights such as freedom of assembly or demonstration and leaves the military free to act and to make arrests."⁶

This declaration of a State of Emergency has been strongly questioned from various corners. The International Commission of Jurists (ICJ) filed an injunction with the Constitutional Court (CC) against the president, his council of ministers and the Congress of the Republic, to request the suspension of said State of Emergency and the restitution of human rights.⁷ Regarding the area of conflict and the attempt to control such a wide region through the State of Emergency, the constitutional lawyer, Carlos Bezares, points out that "it is strange that the conflict has arisen in one village and yet they want to impose a State of Emergency across five departments and 22 municipalities where there are a high number of agrarian and social conflicts. For example the El Estor communities have a conflict with the nickel mining company." In the same line of thinking the analyst Marvin Flores reflects on which interests might benefit from the State's intention to exercise total control across these 22 municipalities: "Why impose a State of Emergency in municipalities that are hundreds of kilometers from El Estor? Simple: Cahabón, Alta Verapaz (Oxec III Hydroelectric project is about to begin operations); Purulha, Baja Verapaz (Monte Bello Hydroelectric on the Matanzas River); San Agustín and San Cristóbal Acasaguastlán, El Progreso; Gualán, Teculután and Usumatlán, Zacapa (jade and wood extraction from the Sierra de las Minas and La Montaña Las Granadillas, are opposed by the community of La Trementina, among others)."⁸

Human rights organizations fear that abuses could occur in these areas which are already characterized by high social conflict generated by large business projects. Julio González, from the Madreselva Collective, explains the basis for these fears: "The Government has used the excuse of the deaths of these three soldiers in a confrontation in Izabal to talk about drug trafficking and impose a state of siege that serves to attack resistance, capture leadership and thus loot the resources, now without the fear of the CICIG reacting."⁹

Government Removes Monument to the 41 Girls who Died in the "Safe Home" Tragedy

The 41 crosses that formed the monument in memory of the girls who died in the fire at the "Safe Home" on March 8, 2017, which was located in Guatemala City's Central Square, were removed on September 12.¹⁰ This occurred following an order from the Ministry of Culture which stated the withdrawal was requested as part of the preparations for the inauguration of the restored facade of the National Palace. The official explanation of why the altar was removed is following a recommendation issued by the National Coordinator for Disaster Reduction (CONRED) in which it is indicated that "the metallic crosses that make up said monument may represent a risk for people who transit for that area." However, CONRED only recommended reducing the risk, not removing the crosses. It should be noted that, since the monument was installed, there have been no reports of accidents caused by the crosses at the altar. According to the media outlet Nomad, the withdrawal of this monument represents an attempt by the government to "clean its image" so that it can "deliver a restored National Palace and by annihilating the altar in the square."¹¹

In response to this attack against the memory of the girls and the search for justice for the girls and their families, social groups and various organizations painted, in the same place where the monument was

⁵ Patzán, J.M., [Armas y material para la elaboración de drogas han sido incautadas durante estado de Sitio](#), Prensa Libre, 22.09.2019.

⁶ Menéndez, C., [Guatemala declara el estado de sitio para luchar contra el narcotráfico](#), Euronews, 05.09.2019.

⁷ Coronado, E., [Estado de Sitio debe ser suspendido, piden juristas ante la CC](#), Prensa Libre, 11.09.2019.

⁸ Ramos, J., [Rechazan decreto de estado de sitio en cinco departamentos del país](#), Publicnews, 05.09.2019.

⁹ Tercera, Op. Cit.

¹⁰ España, M., [Conred dictaminó que el monumento a las 41 niñas del Hogar Seguro "representa un riesgo"](#), 13.09.2019.

¹¹ Flores, P., [Jimmy quita altar a las niñas en el parque para lucir la fachada del Palacio Nacional](#), Nómada, 12.09.2019.

removed, 41 red crosses and placed flower arrangements.¹²

Guatemala State is Absent for IACHR hearing

"For the first time in the post-war era, Guatemala was absent from a hearing at the Inter-American Commission on Human Rights (IACHR)." Faced with this displacement, Commissioner Margarete May questioned whether Guatemala can still be considered a democratic country?¹³

The argument used by the Government to justify this absence was that it considers this body as interfering "with internal affairs and committing undue interventions." "At the meeting, which was due to take place in Washington, there would have been discussions about the obstacles, setbacks and challenges for the advancement of human rights in Guatemala. The dialogue would have been between members of the State and human rights defenders using the IACHR as an intermediary." According to the Center for Justice and International Law (CEJIL), "the State of Guatemala turned its back on the IACHR and the guarantee of human rights, once again demonstrating the serious setbacks that have taken place in Guatemala in recent years." This absence of the Guatemalan has led the rapporteur on Guatemala to recommend the IACHR visit the country.¹⁴

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.¹⁵

THE FIGHT AGAINST IMPUNITY

During the month of August we have held regular meetings with the members of the **Human Rights Law Firm (BDH)** and we have accompanied them to the hearings in the following cases:

- La Cumbre Case. On September 5, we accompanied the BDH to the High Court of Alta Verapaz, located in Cobán, for the initial oral debate in this case. The village of La Cumbre is an ancestral property of the Mayan Q'eqchi people. However, several of its residents have been accused of the crime of aggravated theft. The hearing was postponed until January 6, 2020 as members of the court were missing.
- Case against Samuel Choc for aggravated trespassing. He is accused of the crime of aggravated theft of the lands belonging to the company Tecniservicios Agroindustriales S.A, in the village Las Mercedes (Chisec, Alta Verapaz). The hearing, during which the oral debate of the case was due to begin, took place on September 5 at the Criminal Court of First Instance in Alta Verapaz. The hearing was rescheduled for January 9, 2020, however, due to the fact that the lawyers from the Public Prosecutor's Office (MP) did not appear.

We continue to accompany the **Chicoyogüito Neighborhood Association of Alta Verapaz (AVECHAV)**, following up on their activities and meeting with some of their members so as to remain up to date with their security situation.

¹² Soto, A., [Pintan cruces en la plaza para recordar a víctimas de incendio en Hogar Seguro](#), Publicnews, 19.09.2019.

¹³ Boche, E., [Guatemala ausente en audiencia de la CIDH](#), El Peridiodico, 23.09.2019

¹⁴ Ramos, S., [Guatemala no asiste a audiencia en CIDH y señala a organismo de "injerencia"](#), Publicnews, 23.09.2019

¹⁵ 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 September 25, we accompanied Jorge Luis Morales, lawyer for the **Union of Peasant Organizations (UVOC)**, to a hearing regarding the presentation of evidence in the case of the La Primavera farm, which took place in the Court of First Civil Instance of the Department of Alta Verapaz. The lawyer gave a statement relating to the accusation that he manipulated the document in which the land divisions on the estate are defined. The agrarian conflict of the La Primavera farm began in 2004 and has led to three evictions.

In September we continued our visits to the offices of the **Community Council of the Highlands (CCDA) - Las Verapaces Region** and met with their leaders on several occasions. We remain attentive to the security situation of the people who are in the organisation's coordination.

Our accompaniment of CCDA includes attending the continuation of the oral and public debate in the case against Jorge Coc and Marcelino Xol Cucul, accused of homicide and attempted murder. Both are members of CCDA who have been criminalized and imprisoned. This hearing was due to take place on September 2 in the Second Criminal Court for of Narco-trafficking and Environmental Crimes of Cobán (Alta Verapaz), but it was suspended for lack of witnesses from both sides. The next hearing took place on September 30 and as part of his defense, Jorge Coc Coc's lawyer requested the inclusion of an expert report on the historical-social context of the land conflict between the community of Choctun Basilá and the Chilté cooperative. The judge rejected the petition because it was considered "background that was unrelated to the crimes" addressed during the trial. The conclusions are expected to be heard during the following hearing on October 11.

As in previous months, we visited Jorge Coc Coc and Marcelino Xol Cucul at the Cobán Penitentiary Center.

DEFENSE OF THE TERRITORY

This month we have been closely monitoring the security situation of the members of the **New Day Chorti Campesino Central Coordinator (CCCND)** following the violent events of July 8 in the community of Lelá Chancó, Camotán (Chiquimula), in which three workers of the Interoceanic Corridor were killed. On the September 27, we accompanied Héctor Ovideo Vázquez, one of its most threatened members, to the MP of Jocotán where he was summoned to a conciliatory hearing relating to a complaint against him. We have also provided telephone monitoring of the security situation of the El Carrizal Pacific Plantón, in Olopa (Chiquimula), who are demanding compliance with the final pronouncement of the Ministry of Environment and Natural Resources (MARN) on the cancellation of the license and closure of the "Cantera Los Manantiales" mine.

We continue to monitor the situation of the **Peaceful Resistance of La Puya** (municipalities of San José del Golfo and San Pedro Ayampuc). The Resistance also continues to monitor the international arbitration process that is taking place between the US mining company Kappes Cassidy & Associates and the State of Guatemala.

Within the framework of our accompaniment to the **Peaceful Resistance Cahabón** (Alta Verapaz), we visited the human rights defender Bernardo Caal Xol at the Cobán Penitentiary Center. Bernardo Caal, defender of the territory and member of the Resistance, was sentenced to more than 7 years in prison, in January 2018, due to his legal actions against the Renace company dam project in defense of the Cahabón and Oxec rivers.

Likewise, we have maintained constant telephone communication with members of the Peaceful Resistance of Cahabón in order to monitor their security situation, given the particular concern that the State of Emergency affects different municipalities in which the Resistance works.

As in every month, we accompanied the **TZK'AT - Network of Ancestral Healers of Community Feminism from Iximulew** during the commemoration ceremony in Guatemala City's central square which remembers the 41 girls killed in the tragic events of March 7 and 8, 2017 at the Virgin of the Assumption "Safe Home" in San José Pinula (Guatemala). We were also present on September 17 during an act of remembrance for the girls during which the network called for the replacement of the monument to their memory that had been taken down for the patriotic celebrations on September 15.



Regarding our accompaniment of the **Multisectorial Chinautla**, we have maintained constant communication with several of their members to monitor their security situation and the advances in the injunction filed at the CC on the right to water.

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 September 11, we observed, **the presentation of an injunction to the CC, by different social, peasant, indigenous and Garifuna against the State of Emergency**. The injunction argues that the State of Emergency violates international standards, is not justified, is disproportionate and seeks to militarize indigenous peoples' territories.

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 international organizations present in Guatemala, we met with the following people this month:

- Ricardo González, Head of Consular Affairs at the **Spanish Embassy**.
- Sonia Delmas, Head of Cooperation and Cultural Action at the **French Embassy**.
- Jackeline Ruiz, Officer from the Economic, Social and Cultural Rights Unit of the **OHCHR**.

5. OTHER ACTIVITIES OF PBI GUATEMALA IN GUATEMALA

The 18th **National Meeting of Defenders of the Body-Land Territory** was held in Quetzaltenango from September 11 to 13, during which 40 women human rights defenders participated as part of multiple organizations and social movements in various departments of the country such as Huehuetenango, Izabal, Chiquimula, Alta Verapaz, Baja Verapaz and Petén. This space was facilitated by TZK'AT - Network of Ancestral Healers of Community Feminism from Iximulew. The meeting took place at a particularly critical time for the security of women human rights defenders due to the State of Emergency. Therefore, it was valued as very relevant to strengthen the comprehensive protection capabilities of human rights defenders, from the perspective of emotional and spiritual healing as the central axis of their protection. It also allowed participants to establish contacts that allow them to build networks and alliances of mutual support, which is another fundamental element for 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 Representative of the project held meetings in Brussels with:

- Gaby Kueppers, adviser for Latin America and Blanca de Riquer, adviser for Gender Issues, of the **Greens political group** in the European Parliament.
- Tomás Reyes Ortega, Guatemala officer, and Felix Fabiny of the **European External Action Service**.
- Miguel Urbán, MEP and member of the **Development Commissions and the Human Rights Subcommittee** of the European Parliament, Ana Vicente, adviser on human rights issues and Francisco Gracia Villamayor, assistant to MEP Idoia Villanueva, member of the **External Relations Committee** of the European Parliament for the **GUE political group**.
- Sandra Pereira, MEP and member of the **Committee on Women's Rights and Gender Equality (FEMM)** of the European Parliament for the GUE political group.
- Hannah Neumann, MEP and vice president of the **Human Rights Subcommittee of the Greens political group** in the European Parliament.
- Itziar Muñoa Salaverría, adviser for human rights issues for the **Renew political group** in the European Parliament.
- Djamila Chikha, the Latin America officer, and assistant Nicolas David, at the **Secretariat of the Human Rights Subcommittee** of 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.



LA ASAMBLEA SOCIAL Y POPULAR MANIFIESTA

El Presidente Constitucional de la República avalándose en la Ley de Orden Público, la cual data de 1965; año en que nuestro país se encontraba sumido en una guerra que duró 36 años y obedeciendo una exhortación del Congreso de la República, ha establecido Estado de Sitio mediante Decreto Gubernativo 1-2019.


Dicha medida, afecta a todo el departamento de Izabal y 17 municipios de El Progreso, Petén, Zacapa, Baja y Alta Verapaz y como efecto, durante los siguientes 30 días, los pobladores de esos municipios tendrán restringidos los derechos de libertad de acción, detención legal, interrogatorio a detenidos o presos, libertad de locomoción, derecho de reunión, manifestación y portación de armas.

En el primer considerando del Decreto Gubernativo 1-2019, se manifiesta claramente que en el nororiente del país han proliferado grupos insurgentes vinculados al narcotráfico. **Vemos con preocupación que en pleno año 2019 y a 22 años de la firma de los Acuerdos de Paz, el discurso contrainsurgente siga vigente desde el Estado** y nos causa mayor preocupación aún, que la población civil de dichos lugares, incluyendo a Defensores de los Derechos Humanos y organizaciones que luchan por la defensa de sus territorios, puedan llegar a ser víctimas.

Solicitamos al Procurador de los Derechos Humanos el acompañamiento y presencia de la institución a la que representa en el área donde el Estado de Sitio se ha decretado, de acuerdo con su mandato constitucional.

El problema del narcotráfico es complejo, con raíces y expresiones endógenas y exógenas y coincidimos en que éste se debe combatir. **Pero el Estado de Sitio, surgido mediante Decreto Gubernativo 1-2019, no es la vía correcta.**

Ixim Ulew
Nueva Guatemala de la Asunción, 06 de septiembre de 2019



ASAMBLEA SOCIAL Y POPULAR ASP

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**GUATEMALA PROJECT
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