



Monthly Information Package Guatemala

Number 194 - November 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.

Defendants in Genocide Case Sent to Trial

The first hearing in this new emblematic case took place this November. The case seeks to recover the historical memory and do justice for the terrible crimes committed against the indigenous population during the internal armed conflict (IAC). The defendants are three former commanding officers from the army: Benedict Lucas García, Manuel Callejas y Callejas and César Octavio Noguera Argueta. The crimes attributed to them include genocide, crimes against humanity and forced disappearance against the Maya Ixil population, perpetrated during the military government of Romeo Lucas García (1978-1982).¹

The hearings were attended by members of the Association for Justice and Reconciliation (AJR), an organisation which represents victims and survivors as co-complainants in the case, alongside the Center for Legal Action in Human Rights (CALDH). Given the significance of the case, there were also national and international organizations accompanying and showing support during the hearings.

Finally, the Higher Risk Judge, Miguel Ángel Gálvez, found that there is sufficient evidence to argue that the three defendants knew "the plans and results of the Army's activities in the Ixil area, where 1,128 Ixiles were slaughtered between 1978 and 1982," and decided that Lucas and Callejas should go forward to the intermediate stage of the criminal process for these three crimes. Noguera will only do so for two of the crimes as he will not be prosecuted for crimes against the humanity. The next hearing is scheduled for March 2020.

Furthermore, November marked the beginning of hearings in another case against Luis Enrique Mendoza García, ex-chief of Army Operations during the de facto government of Efraín Ríos Montt and "father-in-law of congressman and former president of the FCN-Nation, Estuardo Galdámez," for genocide and crimes against humanity. The judge made this decision after "considering that there is evidence of his participation in human rights violations committed against Mayan-Ixil communities during the IAC." The accused had been a "fugitive from justice for seven years until he was captured on June 16 during the first electoral round." He had an arrest warrant against him dating from October 2011.²

Regress in the State's response to structural violence against women

International Day for Women Human Rights Defenders, was celebrated in November 29, amidst a very adverse context for them and the work they do. Violence against women continues to be a constant phenomenon throughout the world, a structural wound which, in the case of Guatemala, is demonstrated in the terrifying figures in terms of murders of women: there have been 571 murders so far this year. This

¹ Burt, J. y Estrada, P., [Benedicto Lucas García, acusado de Genocidio, niega que el Ejército de Guatemala haya cometido actos al margen de la ley](#), Centro de Medios Independientes, 20.11.2019.

² Paredes, L., [Suegro de Galdámez enfrentará proceso penal por genocidio](#), el Periódico, 29.11.2019.

violence is also perpetrated against women human rights defenders, especially the members of the indigenous peoples, who suffer aggressions and criminalization for defending the land and the territory.³

Faced with a structural problem of such magnitude, a robust response from the State is required. The response, however, has not only been inadequate, but there have been serious and worrying setbacks. Women survivors of violence can avail of help through Guatemala's "network of shelters and legal and psychological assistance centers", known as the Integrated Support Centers for Women Survivors of Violence (CAIMUS). Until 2018 there were 11 centers, located across the country. "The first CAIMUS began operating 28 years ago with financial resources from a group of women. During the first years of their existence they received funding from international organizations and in 2008 the Ministry of the Interior, (...) assigned them a budget line. The contribution made during those years was Q9.5 million, although it was never delivered on time." However, these spaces are currently in danger, as the Congressional Finance Commission signed off on a "budget in which the Caimus will be assigned Q300,000 to operate, 97% less than they expected."⁴

State of Emergency Comes to an End

On November 11, the State of Emergency (SoE) that issued by the executive and ratified by the Guatemalan Congress on September 4 came to an end. The SoE was in force across 22 municipalities in Guatemala and had been widely questioned by Guatemalan civil society, as well as by international organizations, entities and political figures.⁵ During the period of its enforcement multiple rights were restricted, such as freedom of movement, assembly and protest, and detentions without a warrant in "patrols and checkpoints" were allowed, as well as interrogations of persons detained or imprisoned by bodies other than judicial agents.⁶ Numerous Guatemalan social organizations expressed their fears over the potential for abuses, as the SoE was implemented in "areas that are characterized by high social conflict generated by large business megaprojects, such as large hydroelectric, mining or agribusiness."⁷ The impacts that the SoE has had on the population have yet to be fully understood.

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.⁸

THE FIGHT AGAINST IMPUNITY

During November we held regular meetings with the members of the **Human Rights Law Firm (BDH)** and we have accompanied them to the hearings in Ixil Genocide Case. In both cases the defendants were sent on to the intermediate stage (see the first item on context from part 1)

We continue to accompany the **Chicoyogüito Neighborhood Association of Alta Verapaz (AVECHAV)**. On November 25, we were present for a public hearing at the Supreme Court of Justice (CSJ), for the CREOMPAZ case (Regional Operations Training Centre for Peacekeeping). The prosecution submitted arguments in favour of the Victims Coordinator of Alta Verapaz (CODEVI) to remain as a co-complainant in the case, but the Judge, Claudette Dominguez, ruled against this.

³ Iniciativa Mesoamericana de Mujeres defensoras de derechos humanos, im-defensoras.org/wp-content/uploads/2019/11/PRONUNCIAMIENTO-1.pdf, 29.11.2019.

⁴ García, J., [Refugios para mujeres que sufren violencia se quedan sin dinero \(Congreso les quita el 97% de sus fondos\)](#), Nómada, 13.11.2019.

⁵ Herrera, O., [Congresistas de EE. UU. piden finalizar Estado de Sitio](#), El Periódico, 02.10.2019; FGER, [Estado de Sitio: «Siguen extrayendo recursos»](#), 10.09.2019; Solano, [Las razones por las que Codeca rechaza el Estado de Sitio \(y la ley que lo permite\)](#) Nómada, 17.10.2019; Rojas, A.F., [Eurodiputados piden garantías](#), Pressreader, 24.10.2019.

⁶ Prensa Libre, [Qué significa estado de Sitio en Guatemala](#), 04.09.2019.

⁷ Tercera Información, [Asesinan a la activista ambiental Diana Isabel Hernández en Guatemala](#), 16.09.2019.

⁸ See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

THE ISSUE OF ACCESS TO LAND

In the framework of our accompaniment to the of the **Community Council of the Highlands (CCDA) - Las Verapaces Region** we carried out the following activities during November in addition to visits to their office:

- We were present at the hearing that took place following the sentencing of Jorge Coc Coc and Marcelino Xol Cucul to 35 years in prison (issued on October 30). On this occasion, the complainants left open their right to reparation until the trial is finalised following the outcome of the appeal. We also visited both human rights defenders where they are being held in Cobán prison.
- We were present at the hearings relating to the murder case of defender Ramón Choc Sacrab, member of the CCDA and indigenous authority of the Ixloc San Pedrito de Cobán community, Alta Verapaz on November 12 and 13. The defendant was ordered to provide decent reparations for the moral and material damages to the victims.
- We accompanied the members of the coordination to the communities from Lagun Lachúa on November 28.

With regard to our accompaniment of the **Union of Peasant Organizations (UVOC)**, we met with the coordinator of the organization on November 12 at their offices, who shared a diversity of perspectives on the situation of the members of the communities and the advances in the cases of criminalization.

DEFENSE OF THE TERRITORY

The situation of the members of the **New Day Chorti Campesino Central Coordinator (CCCND)** continues to be critical, they are being targeted with threats, intimidations and surveillance. This month we provided the following accompaniment.

- On November 21 we attended the presentation of the Report "Without Horizons in Human Development", relating to the Camotán judgement.
- We accompanied during the preparation and celebration of the assembly held in Camotán on November 25.
- We accompanied one of the members of the organization to the Criminal Court of First Instance in Chiquimula where the first declaration hearing took place against four members of the National Civil Police (PNC) who have been accused of abuse of authority. The incidents at the centre of the trial took place on September 18, 2014, when a woman human rights defender who was arrested while reporting and providing coverage of the demonstrations that took place on the Jupilingo bridge. The judge dismissed the case claiming there was a lack of evidence produced by the Public Prosecutor's Office (MP).



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

Within the framework of our accompaniment to the **Peaceful Resistance of Cahabón** (Alta Verapaz):

- We continue our visits to the human rights defender Bernardo Caal Xol, who has been criminalised and sentenced to more than 7 years in prison at the Cobán Penitentiary Center.
- On the 11th we accompanied delegates from the Resistance to a press conference that took place in Guatemala City, announcing the awarding of the “Quetzal Prize” to Bernardo Caal by the organization Guatebelga.
- On the 23rd, 24th and 25th we accompanied the Resistance to different events, including its assembly in the Champerico community. We also visited the communities of Tres Cruces, Sacta, San Martín Chichaj and Sesaltul.



In the framework of our accompaniment to **TZK'AT - Network of Ancestral Healers of Community Feminism from Iximulew**, we have monitored their security situation closely with weekly follow ups by telephone over the course of this month.



On the 12th, we accompanied **Chinautla Multisector** to a public hearing held in the Constitutional Court (CC), where the appeal that was filed following the granting of an injunction to the community was addressed. The ruling ordered the local authorities to guarantee access to and the right to drinking water. To date, the Municipality of Chinautla has not fulfilled this demand, a fundamental right recognized by the United Nations.

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.

This month **we observed two public events**: an invocation convened by the ‘Genocide Never Again’ Coordinator at the Human Rights Square the day the Ixil Genocide case corresponding to the period of the military government of Romeo Lucas García began. Similarly, on November 25, we were present in the Human Rights Square to observe an activity where victims organisations demanded that the perpetrators of these crimes should be judged, as well as demanding justice for all women victims of institutional violence and the right to the victims to act as co-complainants in the CREOMPAZ case.

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 Peña, First Secretary and Head of Consular Affairs, **Spanish Embassy**.
- Peter Derrek Hof, Ambassador, and Sjoerd Ten Wolde, Second Secretary for Politics and Human Rights, **Dutch Embassy, Costa Rica**.

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

- Armando Ajpacaja, **Chief of Human Rights at the PNC** in Guatemala
- Daniel Tucux, Mediation Director, Edy García, Head of the Department of Systematization and Preventive Analysis, **PDH central office, Guatemala**.
- Emilio Penedo, Analysis Officer, **PDH Department of Chiquimula**.
- Edgar Oswaldo Camacho, **PNC Camotán, Department of Chiquimula**.
- Angel Tec and Caal Pop, **PNC Officers from the Santa María de Cahabón Municipality**

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.

Within the framework of a tour organized by PBI with defenders from several countries, including two from Guatemala belonging to the UVOC and TZK'AT - Network of Ancestral Healers of Community Feminism from Iximulew, several interventions and meetings were held in **Brussels** with:

- The Human Rights Subcommittee of the European Parliament.
- MEP Tilly Metz, from the Greens political group and president of the Central American Delegation of the European Parliament, as well as Gaby Kueppers, advisor to the political group and Joel Back, MEP assistant.
- Tomás Reyes Ortega, Central America desk, Breda Lee, political advisor to the Special Representative for Human Rights of the European Union, and Konstantin van Mitzingen, Colombia desk, all from the European External Action Service (EEAS).
- Miguel Urbano, MEP of the GUE political group of the European Parliament and member of the Human Rights Subcommittee and the EuroLat Parliamentary Assembly of the European Parliament.
- The GUE Political Group of the European Parliament.
- MEP Soraya Rodríguez, from the Renew political group at the European Parliament, and Member of the Committee on Women's Rights and Gender Equity.
- Iverna McGowan, political officer from the office of the United Nations High Commissioner for Human Rights in Brussels.

There were further meetings held in **Geneva** with:

- Christine Evans, assistant to the UN Special Rapporteur on the Rights of Indigenous Peoples
- Olga Iskra, assistant to the UN Special Rapporteur on Human Rights Defenders.
- Jennifer Echeverría, human rights focal point at the European Union Delegation in Guatemala.
- Fritz Boehm, Guatemalan political and desk officer at the Office of the High Commissioner for Human Rights in Geneva.
- Fritjof Dunkel, Second Secretary and responsible for Human Rights of the Permanent Representation of Germany to the United Nations

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.



REPUDIAMOS EL ASESINATO DE ANGEL LEONEL GUZMAN MATIAS

Ángel Leonel Guzmán de 43 años de edad, tenía 6 hijos, uno de ellos bebé de 6 meses. Residía en Navajoa Morales Izabal

El día de ayer 18 de Noviembre del 2019 fue asesinado cuando se encontraba sentado en su moto taxi (Tuc Tuc) en el Cruce de Cayuga, carretera al Atlántico en Morales Izabal. Murió de cinco impactos de bala.

Ángel Guzmán estaba luchando por la titulación de tierras en su comunidad, la exigencia de la nacionalización de los bienes y servicios privatizados y la apuesta por un proceso de Asamblea Constituyente para la construcción del Estado Plurinacional.

La represión contra CODECA, el año pasado cobró la vida de 6 defensores asesinados. En lo que va del presente año han asesinado a 10.

**EXIGIMOS JUSTICIA Y CASTIGO PARA LOS
ASESINOS MATERIALES E INTELECTUALES.**

**LLAMAMOS A LOS PUEBLOS A ACELERAR
EL PROCESO DE ASAMBLEA
CONSTITUYENTE POPULAR Y
PLURINACIONAL.**

Guatemala, 19 de Noviembre del 2019

¡El momento más oscuro de la noche es el que antecede el amanecer

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**GUATEMALA PROJECT
PEACE BRIGADES INTERNATIONAL**

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