



Monthly Information Package Guatemala

Number 205 - October 2020

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.

Guatemala celebrates 76th anniversary of the October Revolution

This October 20, like every year, Guatemala commemorated the 1944 Revolution, a movement driven by students, the working class and small military groups which succeeded in overthrowing the de facto government of General Federico Ponce Vaides, giving rise to the first free elections in which the right to vote was recognized for women (only for women who could read and write). The Revolution sparked the beginning of the decade known as the "Democratic Spring", a period that drove the modernization of the country. In just one decade, great achievements were made, such as the reform of the national education system, the estab of the



of the Guatemalan Social Security Institute (IGSS), the creation of the Labor Code, the opening of the trade unions, etc. Furthermore, it is worth noting that this period saw the only real effort to achieve agrarian reform in the history of Guatemala.¹



This year the focus of this celebration was on justice, with the slogan: "Let's march for democracy and justice." Hundreds of Guatemalans demonstrated in the historic center of the capital to demand transparent elections for the highest courts - the Supreme Court of Justice (CSJ) and the Constitutional Court (CC) - which, since last year, have been the subject of disputes over the judicial nominations. During the march through capital, which began in the Human Rights

Plaza, then passed the CC and the Congress of the Republic, and ended in the Plaza of the Constitution², the marchers shouted rallying calls such as "Courts, not mafias" or "Courts for justice and not for impunity."³

Journalist Anastasia Mejía is indicted

On October 28th, Judge Susy Elizabeth Pérez Cabrera, from Santa Cruz del Quiché, indicted the Mayan K'iche' communicator Anastasia Mejía Tiquiriz in criminal proceedings for the crimes of sedition, aggravated assault, aggravated arson and aggravated robbery. This follows the first hearing in a case that also involves the community leader and human rights defender Petrona Siy Castro. This hearing,

¹ Kwei, I., [Historia del Día de la Revolución del 20 de octubre en Guatemala](#), Cultura Guatemalteca, 19.10.2017; Alarcón, C., [La evolución política de la mujer en nuestro país](#), Plaza Pública, 01.04.2011; Albedrío, [La Revolución de Octubre de 1944 en Guatemala - Red por la Paz y el Desarrollo de Guatemala \(RPDG\)](#), 20.10.2004

² Olivia, W., y Gaytán, M.R., [Día de la Revolución: así transcurre la marcha de varios grupos este 20 de octubre](#), Prensa Libre, 20.10.2020

³ Agencia EFE, [Guatemala conmemora 76 años de su Revolución con la mira en la justicia](#), 21.10.2020

initially scheduled for October 8 at the Cantel penitentiary in Quetzaltenango, was suspended and rescheduled because "the video call room was occupied."⁴

Both women have been held in preventative detention since 22 September,⁵ without having the opportunity to give a statement before a competent judge, despite the fact that there have been judges on duty. In other words, they have been imprisoned for more than 30 days. This exceeds the procedural guarantees in criminal matters as set out in current legislation, which establishes that there must be a court order to proceed with pre-trial detention and that this must be made available to the competent authority within a period not exceeding 6 hours (Article 6 of the Constitution). In addition, the person deprived of liberty must be interrogated and his statement taken within a maximum of 24 hours from the time of arrest (Article 9 of the Constitution).⁶

Anastasia Mejía is director of the Xol Abaj community center and was arrested, along with human rights defender Petrona Siy, at the center's facilities. These events took place after press coverage on August 24 of a demonstration led by local businesspeople to denounce the clientalism and structural racism exercised by the mayor of Joyabaj, Florencio Carrascosa Gaméz. Another 10 people were detained alongside them by an order from the First Instance Criminal Court for Drug and Environmental in the department of El Quiché.⁷

Judge Pérez Cabrera granted alternative measures for which they must pay a bond of Q20,000 to leave prison, sign in at the Peace Court every 15 days, and refrain from communicating with Mayor Carrascosa. The next hearing was set for January 11, 2021.⁸ Following the hearing, Mejía and Siy were transferred to the penitentiary for men in the department of Quiché, where they had to spend the night, because the vehicle from the penitentiary system did not transfer them back to the women's penitentiary in Quetzaltenango.⁹

Reactions from civil society and human rights organizations have been swift. The International Commission of Jurists (ICJ)¹⁰ and the Guatemalan Association of Journalists have expressed their concern over this case. The Human Rights Ombudsman (PDH)¹¹ has requested that an investigation be carried out in accordance with the law, and in an expeditious manner, so that the process is not delayed and the clarification of the facts in the case can be guaranteed. The Special Rapporteurship for Freedom of Expression for the Inter-American System for the Protection of Human Rights¹² has expressed its concern regarding the "inadmissible delay in the detentions", calling on the State of Guatemala to "respect and guarantee the right to personal liberty and due process". For its part, the Inter-American Commission on Human Rights (IACHR) asked the Guatemalan Foreign Ministry for information related to the process, in response to the request for precautionary measures in favor of Anastasia Mejía presented by Evelyn Blanck, representative of the Civitas Center.¹³

The Director for the Presidential Commission on Peace and Human Rights (COPADEF) has been selected

The Government of Guatemala appointed Hugo Rigoberto Casasola Roldán as the executive director of COPADEF on October 24. The inauguration took place two months following the creation of this Commission, and after the government shut the Secretariat of Agrarian Affairs of the Presidency (SAA),

⁴ García, J., Escobar, G., Rivera, N., [Un mes en la cárcel sin primera declaración, la periodista Anastasia Mejía y Petrona Siy](#), Prensa Comunitaria, 12.10.2020

⁵ Alert, [Indigenous journalist Anastasia Mejía arrested in central Guatemala](#), Committee to Protect Journalists, 28.09.2020

⁶ Castillo, M. [El error del invento de la prisión «provisional» en Guatemala](#), Plaza Pública, 26.10.2020

⁷ [Exigimos liberación de la periodista Anastasia Mejía en Guatemala](#), Red Internacional de Periodistas con Visión de Género, 21.10.2020

⁸ Vásquez, E., [Ligan a proceso a comunicadora Anastasia Mejía por dos delitos](#), El Periódico, 28.10.2020

⁹ Alvarado, M. [Pasarán la noche en preventivo para varones](#), La Prensa, 29.10.2020

¹⁰ López, K., [La criminalización de Anastasia Mejía y Petrona Siy. Una entrevista con Ramón Cadena](#), La Cuerda, 20.10.2020

¹¹ Arana, L., [APG y PDH piden esclarecer situación de periodista Anastasia Mejía](#), La Hora, 29.10.2020

¹² Comunicado de prensa R258/20, [La Relatoría Especial considera inadmisibles la dilación de la detención de la periodista indígena Anastasia Mejía Triquis en contexto de pandemia y llama al Estado de Guatemala a respetar y garantizar su derecho a la libertad personal y a un debido proceso](#), 22.10.2020

¹³ López, K., [Caso Anastasia Mejía y Petrona Siy: Piden respeto a garantías de derecho y medidas cautelares](#), La Cuerda, 22.10.2020

the Secretariat of Peace (SEPAZ) and the Presidential Commission for the Coordination of the Policy for the Executive in the Area of Human Rights (COPREDEH), all of which formed part of the institutional framework for peace established with the signing of the Peace Accords in 1996.¹⁴

The government justified this decision by the need to "update, evolve and strengthen the institutional framework" in the area of human rights.¹⁵ However, from the outset COPADEH has provoked profound criticism from Guatemalan civil society, with pronouncements by the ICJ, the Community Council of the Highlands (CCDA) and the deputy Aldo Dávila, who presented an action of unconstitutionality before the CC.¹⁶

There is information indicating that Casasola Roldán may have formed part of a circle close to former president Jimmy Morales and who in 2016, while carrying out his duties in SEPAZ, may have received an irregular bonus of Q6,000.¹⁷

The IACHR grants precautionary measures to families from the Washington and Dos Fuentes communities

On October 14, the IACHR "granted precautionary measures for the protection of indigenous Mayan Poqomchi' families from the Washington and Dos Fuentes communities, after considering that they are in a situation of serious and urgent risk of irreparable harm to their rights." The risk was established on the basis of the threats, intimidation and aggressions suffered by these families in the context of an agrarian conflict. The Commission requested information from the State, who provided observations. After analyzing the factual and legal arguments of both parties and the context, the Commission considered that the families' situation is grave and urgent, as the rights to life and personal integrity of their members are at risk. Consequently, the IACHR made a series of requests to the State of Guatemala, including the adoption of measures necessary to protect the rights to life and personal integrity of the families (housing, health, food and access to drinking water, among others), as well as the protection of their lives and personal integrity, protecting them against acts of violence perpetrated by third parties.¹⁸

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.¹⁹

As in the previous month, we continue to accompany human rights defenders through phone calls and virtual meetings. We have also resumed some face-to-face activities where possible, always assessing the necessary health protection measures to ensure the safety of both the people accompanied and the PBI team. We have also held virtual meetings with civil society organizations and the diplomatic corps.

THE FIGHT AGAINST IMPUNITY

This month we maintained permanent telephone contact with the lawyers from the **Human Rights Law Firm (BDH)**. The hearings in the case of Samuel Choc, an indigenous authority from the village of Las Mercedes, Chisec (Alta Verapaz) accused by the palm company Tecnoservicio Agroindustria, S.A. of the crimes of aggravated usurpation, illegal detention, and instigation to commit a crime, resumed on October 28. Hearings for the La Cumbre case, suspended since March, have also resumed.

¹⁴ Aguilar, D., [Gobierno anuncia la creación de la Comisión Presidencial por la Paz y Derechos Humanos](#), La Hora, 30.07.2020

¹⁵ Escobar, I., [Giammattei cierra tres entidades y crea una nueva comisión para la paz y los derechos humanos](#), Prensa Libre, 30.07.2020

¹⁶ Tzoc, H.Q., [Nombran a director de nueva Comisión por la Paz y DD.HH., Hugo Casasola](#), La Hora, 24.10.2020

¹⁷ Gramajo, J., [Exfuncionario y fundador del partido que llevó a la presidencia a Jimmy Morales, dirigirá la Copadeh](#), Soy 502, 24.10.2020

¹⁸ CIDH-Comunicado de Prensa 255/20, [La CIDH emite medidas cautelares a favor de familias indígenas maya Poqomchi' de las Comunidades Washington y Dos Fuentes en Guatemala](#), 19.10.2020

¹⁹ See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

We continue to monitor the security situation of the **The Association of Neighbors of Chicoyogüito de Alta Verapaz (AVECHAV)**. The health emergency continues to severely limit their meetings and other member activities, they are finding it difficult to sustain themselves financially and maintain their safety. Despite this they continue to coordinate among themselves and with other organizations to advocate for their claims to justice and historic memory.

THE ISSUE OF ACCESS TO LAND

Lesbia Artola Peyul and Imelda Teyul, coordinators with the **Community Council of the Highlands (CCDA) - Las Verapaces Region**, have continued to face serious security incidents. This month they confirmed that there are three criminalization processes against them. The Indigenous Peoples Law Firm (BPI) is providing them with legal accompaniment. PBI are very concerned about the physical, psychological and emotional wellbeing of both human rights defenders.

On October 3 we accompanied Lesbia Artola by phone at the agricultural pre-congress that took place in Purulhá. We also followed up with the Second National Agrarian Congress that took place virtually on 20 October.

On the 21st, we accompanied both coordinators by phone during a mediation meeting with the Public Prosecutor's Office (MP) in Cobán, which was also attended by representatives of the Sepalau community, as well as farmers. The reaction of these farmers to Lesbia Artola and Imelda Teyul's the justified demands for agrarian justice on behalf of the community, has been to use the judicial system to file complaints against them. Members of CCDA received threats, defamation and intimidation from the groups gathered there in favor of the farmers on the same day. As a result we have been monitoring the compliance with the perimeter protection measures which both coordinators have been assigned.

On October 24, we provided telephone accompaniment in response to an emergency that occurred in the community of Santa Elena Samanzana II, when armed individuals entered the community and attempted to burn down the house of one of its leaders who is also a member of the CCDA. They tied him up, physically assaulted him, threatened the entire community and left explosives behind them.

We continue to monitor the of the situation of the Dos Fuentes and Washington families, from the municipality of Purulhá, Baja Verapaz. On October 15, we accompanied the coordinators of the CCDA - Las Verapaces Region by telephone to a meeting in the Washington community with agents of the National Civil Police (PNC), during which they discussed the investigations into the violent events that took place in the past months. On the other hand, we have coordinated accompaniment actions with the delegation of the European Union (EU) and the Unit for the Protection of Human Rights Defenders of Guatemala (UDEFEQUA) to guarantee the safety and health care for Mario Chun, a community member of Dos Fuentes and a member of the CCDA who was seriously shot during the attacks on his community last month.

We have also remained very attentive to the situation of the criminalized and imprisoned human rights defenders Jorge Coc and Marcelino Xol. They were sentenced to 35 years in prison 11 months ago and the appeal of this sentence was rejected by the Sixth Chamber of the Cobán criminal court.

As with previous months we maintained contact with their members over the telephone as well as a number of virtual meetings as part of our accompaniment of the **Union of Peasant Organizations (UVOC)**.

We continue to be very attentive to the situation of Justino Ilom from the community La Primavera (San Cristóbal, Alta Verapaz), who has been criminalized and unjustly accused of crimes against the community's forestry resources (for more information on the case see PIM 204 of September). This month the hearings that were programmed did not take place, so we will continue to monitor the development of the case. In addition, this month we registered threats against members of the UVOC and shots fired in the air by unidentified individuals in the same community .

On several occasions, we provided telephone accompaniment to Sandra Calel and Carlos Morales, who are in charge of coordinating the UVOC, as well as to attorney Jorge Luis Morales during his visits to communities, hearings, and meetings with authorities.

DEFENSE OF THE TERRITORY

We continued to monitor the worrying security situation of the **New Day Chorti Campesino Central Coordinator (CCCND)** closely throughout the month as aggressions against its members have not ceased.

We are particularly concerned about the security situation in the Olopa communities, whose members have been suffering threats, raids and robberies as a result of their involvement in the peaceful resistance to mining and other extractive projects. On October 16, we met with authorities from the Olopa communities in the capital, where they travelled to file complaints with the National Public Prosecutor's Office (MP). Additionally, on 26 and 29 October, following several death threats perpetrated by armed individuals against the communities of La Cumbre and Laguna de Cayur, we provided telephone accompaniment to their authorities during their trip to file corresponding complaints with the MP offices in Esquipulas and Quetzaltepeque.

We continue to monitor community leaders Héctor Ovidio Vázquez, from the community of Lelá Chancó, and Pedro Esquivel, from the community of Lelá Obraje, in the municipality of Camotán, Chiquimula. This month we registered several death threats against them within the context of the meetings held to elect the new ancestral authorities in Camotán and Jocotán on October 24th and 25th, as well as radio defamations related to the failure of the mayor to recognise this act. On the 26th, we provided telephone accompaniment to the peaceful march which the ancestral authorities of Camotán held in the municipality.

Furthermore, we have maintained contact with members of the Guareruche community, from the municipality of Jocotán, because of threats they have received in the context of a land dispute in the community.

We continue to monitor, through calls and meetings with various organizations, the situation of Agustín Ramírez and Timoteo Súchite, criminalized members of the CCCND, who have been imprisoned since 2013.

We have maintained telephone contact with the members of the **Peaceful Resistance La Puya**, who continue their sit-in and are monitoring the arbitration process between the company and the state. This month, members of the Resistance have conveyed to us their concern about the presence of unmarked cars and trucks near the camp, as well as the entrances to the mine.

The **Peaceful Resistance of La Laguna**, continue to experience a diversity of problems including water pollution, logging and food shortages which they are addressing through collective organisation.

With regard to the **Peaceful Resistance, Cahabón**, we have held meetings with UDEFEGUA and the Madre Selva Ecological Collective to follow up on the case of Bernardo Caal Xol, who, in October, completed 1000 days of unjust imprisonment for defending the right of the Q'eqchi' people to defend their territory against the actions of the Oxec hydroelectric company. We provided telephone accompaniment to the Resistance during their meetings with the municipality of Santa María Cahabón, during which they demanded recognition of the good faith consultation that the communities carried out in 2015. We also provided telephone accompaniment to the ceremony organized by the Resistance in the community of Tuilá on Monday, October 26, in protest of the 1000 days of Bernardo's imprisonment.

We have maintained constant contact with **TZ'KAT - Network of Ancestral Healers from Community Feminism**. We provide accompaniment by telephone in their activities in accompanying and healing with women human rights defenders at risk. This month these accompaniments took place

across a diversity of municipalities in Alta and Baja Verapaz.

Chinautla Multisector, continue to respond to the lack of access to water and food shortages through mobilization and organization. We continue to monitor the security situation of their members in the defense of their environment, which is threatened by the actions of sand extraction companies. They continue to be subject to intimidations and defamations.

The security situation of Abelino Mejía Cancino, member of the **the Retalhuleu Community Council (CCR)** and leader of the Multicultural community Olga Marina Cuchupán of the municipality of Champerico (Retalhuleu) remains serious. On October 13, unidentified individuals destroyed a large part of his harvest, which seriously undermines his and his family's right to a livelihood. PBI continues to monitor his security situation, as well as the criminalization that he and three other members of the Council are suffering.

We continue to accompany, via telephone, the president of the **Association of Neighbors Against Corruption in Patzicía (AVCCP)**, Carlos Sajmoló Pichiya. This month he shared with us that he was the target of defamations. On the other hand, we celebrated some good news this month regarding the criminalization case he was being subjected to. In mid-October, he received the notification informing him of the rejection of the appeal of the sentence of August 11 in which the judge declared lack of merit. There is no longer a case against him.

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 international organizations present in Guatemala, we met virtually this month with Mary Nameth of the **United States Embassy in Guatemala**. During this meeting we expressed our concern regarding the most serious emergencies and situations that we have accompanied over the last few weeks.

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.

The European Representative held meetings with:

- Djamila Chikhi, Responsible for Latin America at the **Secretariat of the Subcommittee on Human Rights of the European Parliament DROI**, with Nicolas David, assistant and Helmut Weixler from **the Secretariat for the Delegation for Central America of the European Parliament DCAM**.
- Tilly Metz, MEP from Luxembourg and President of DCAM, Lena Widjefall, her assistant, and Maria Giovanna Manieri, advisor to the **Green Political Group for Central America**.
- Anna Cavazzini, German MEP of the Green Political Group, member of the **Committee on International Trade INTA** and of the **Delegation for Latin America DLAT of the European Parliament**, as well as substitute member of DCAM

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.

Las organizaciones y colectivos abajo firmantes

MANIFIESTAN

1. Su preocupación por el ingreso a Guatemala de una caravana de miles de ciudadanos y ciudadanas hondureños, en medio de la pandemia, pues el Sistema de Salud guatemalteco está colapsado e imposibilitado de darles la atención médica que se merecen como seres humanos.
2. Su condena enérgica al Gobierno de Honduras, por haber violentado el derecho humano a la vida, a la salud, a la alimentación, al trabajo decente, a la vivienda digna, a la educación, y a la seguridad democrática de cientos de miles de ciudadanos, forzándolos a emigrar hacia EE.UU., para salvaguardar sus vidas y construir condiciones de existencia digna.
3. Rechaza enfáticamente la decisión del Presidente Giammattei de enfrentar este drama humano de nuestros hermanas y hermanos hondureños con medidas represivas, decretando Estado de Prevención en seis departamentos fronterizos, y ordenando la detención de las/los migrantes y su retorno a la frontera hondureña. Ser Presidente no lo exime del juramento Hipocrático; demuestre que no ha perdido su calidad de médico y de ser humano, o renuncie a tan altas investiduras.
4. Sabemos que la caravana ingresó al país sin todos los protocolos sanitarios, pero entendemos que lo hicieron para salvar sus vidas, acción vital y legítima, aunque infrinja normas administrativas. A las mujeres, niños y hombres migrantes les han violentado sus derechos humanos fundamentales, por lo que debemos brindarles atención médica, alimentación y abrigo, no represión. Debemos recordar que hace cuatro décadas, el Pueblo y el Gobierno de México acogieron generosamente a cientos de miles de guatemaltecos que huyeron del genocidio, sin anteponer la represión ante el humanismo.
5. Esta caravana de migrantes se moviliza en el marco de la pandemia, por lo que se dificulta su atención humanitaria, pero debemos hacer nuestro mejor esfuerzo. Es en el marco de las grandes calamidades que se demuestra la calidad humana de un Pueblo, como el nuestro. Es la hora de tender la mano al hermano.

Guatemala, 1° de Octubre de 2020.

Asamblea Ciudadana contra la Corrupción y la Impunidad -ACCI-
AEU "Oliverio Castañeda de León"
Alas de Mariposa
Alianza de Mujeres y Mujeres Indígenas por el Acceso a la Justicia en Guatemala
Alianza de Organizaciones Guatemaltecas de Houston
Alianza Política Sector de Mujeres -APSM-
Asamblea Social y Popular
1/2Asociación COINCIDIR
Asociación Coordinadora Comunitaria de Servicios para la Salud -ACCSS-
Asociación Gente Positiva
Asociación Maya Uk'ux B'e
Asociación Política de Mujeres Mayas Moloj
Asociación PROCRECE
Asociación Sagrada Tierra
Awal Comunicación
Casa de la Cultura 4 de Noviembre LGBTIQ+
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Comisión Internacional de Juristas
Comité Campesino del Altiplano -CCDA-
Comité de Unidad Campesina -CUC-
Convergencia Ciudadana de Mujeres
Coordinadora Institucional de Promoción por los Derechos de la Niñez -CIPRODENI-
Estudiantina USAC
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Festivales Solidarios
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La Consigna Digital
La Marx Guatemala
Metropolitana URNG
Movimiento Tzuk Kim Pop
Movimiento universitario Landivarianos
Mujeres con Valor Construyendo un Futuro Mejor -MUVACOFUM-
Oficina para la Diversidad Sexual y de Género, Cobán, Alta Verapaz,
Organización de Mujeres Tierra Viva
Otra Guatemala Ya
Plan Nacional de Contingencia contra la Pandemia y el Hambre -PNCPH-
Radio Urbana
Red Nacional por la Defensa de la Soberanía Alimentaria en Guatemala -REDSAG-
Red por la Paz y el Desarrollo de Guatemala -RPDG-
Refugio con Visión Diversa Quiché
Sector Interreligioso Centinelas por la Dignificación del Estado
Sindicato de Trabajadoras Domésticas, Similares y a Cuenta Propia -SITRADOMSA-
Sindicato de Trabajadores del Instituto de Fomento Municipal -SITRAINFORM-
Trabajando Unidos Huehuetenango

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PEACE BRIGADES INTERNATIONAL**

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