



Monthly Information Package Guatemala

Number 209 - February 2021

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.

“I want to be able to play freely, without fearing anyone or anything”

On February 10, the body of Sharon Figueroa Arriaza (8 years old) was found in the northern municipality of Melchor de Mencos, department of Petén. The girl had disappeared the day before while playing on her bicycle in the yard of her family home.¹ Her disappearance activated an Alba-Keneth alert, a nationwide system which was put in place in 2010 to search and locate disappeared children and adolescents. The Children's Refuge, an organization which provides accompaniment to families seeking justice, condemned Sharon's death and, given the recent increase in Alba-Keneth alerts, urged the authorities to strengthen search procedures for victims within the first six hours, as established by law. Sharon died by strangulation and there were signs of violence on her face and hands.² According to data from the National Union of Guatemalan Women, more than 60 girls and women were violently murdered in the first 41 days of the year.³

Sharon's death gave rise to a wave of indignation and calls for peaceful demonstrations to demand justice for murdered girls and adolescents and decry the increases in disappearances.⁴ On February 13, dozens of demonstrators, mostly girls and adolescents, mobilized in downtown Guatemala City, with their bicycles, in a protest caravan⁵ carrying banners with messages such as "I want to play free, without fear of anything or anyone" and "Justice for the Sharon and for the other girls".⁶ The murder coincided with the publication of data from the National Institute of Forensic Sciences (INACIF), corresponding to January of this year: 538 sexual assault kits were administered, 400 of which were carried out on children under 18 years of age. The highest percentage corresponds to girls and boys between 10 and 14 years of age (209 cases), with sexual aggressions against minors accounting for 75% of the cases evaluated.⁷

During this month, the #TengoMiedo campaign was also launched on social networks, which seeks to highlight the various forms of violence suffered by Guatemalan women of all ages.⁸

Following the uproar provoked by Sharon's assassination, President Alejandro Giammattei used this moment to advocate for the reactivation of the death penalty. According to Jordan Rodas, Human Rights Ombudsman, bringing the death penalty into the discussion was nothing more than a smokescreen, created to divert attention away from other priority issues. The Ombudsman made the following statement referring to the president's statements on the death penalty: "He should not deceive the population, he is using this condemnable wave of violence that his government has been unable to contain to suggest that the only solution is the death penalty, when we must focus on fundamental

¹ López, W. y García, O., *Localizan sin vida a Sharon Figueroa Arriaza quien desapareció cuando jugaba bicicleta*, Prensa Libre, 10.02.2021.

² Redacción, *Capturan a segundo vinculado con el asesinato de Sharon*, El Periódico, 13.02.2021.

³ Paredes, L., *En 41 días, más de 60 niñas y mujeres fueron asesinadas*, El Periódico, 12.02.2021.

⁴ Flores, C., *Alarma en Petén por más desapariciones de niñas*, El Periódico, 12.02.2021.

⁵ Arana, L., *Caravana de niñas en bicicleta exigen justicia por muerte de Sharon Figueroa*, La Hora, 13.02.2021.

⁶ Redacción AFP, *“Deseo jugar libre sin temor a nada ni nadie”: manifestantes exigen justicia por asesinato de niñas en Guatemala*, Prensa Libre, 13.02.2021.

⁷ Patzán, J.M., *El 75 por ciento de las agresiones sexuales son contra menores de edad*, El Periódico, 17.02.2021.

⁸ España, M., *N. Torres se une al #TengoMiedo y reafirma su compromiso con centroamericanas*, La Hora, 17.02.2021.

solutions such as providing conditions for a dignified and safe life for women of all ages, because women feel abandoned by a government without any direction".⁹

Day of remembrance and dignity for the victims of the Internal Armed Conflict

The annual commemoration for the National Day for the Dignification of the Victims of the Internal Armed Conflict (IAC) was celebrated on February 25. Memorial organizations highlighted how this is a date to honor both the people who died during the conflict and the survivors and their families. Marches and ceremonies were held throughout the country. A ceremonial act took place in the capital to, in the words of the National Platform of Victims' Organizations, defend the memory of the victims and demand justice for the acts of sexual violence and other crimes committed by the Army during the IAC. They also celebrated the recent ruling of the CC which suspended in definitively "the reforms to the National Reconciliation Law to grant amnesty to military, military commissioners and civilian self-defense patrols responsible for crimes during the war. (...) Likewise, they



informed attendees about the presentation of a memorandum to the CC, requesting a prompt resolution of the injunctions and unconstitutionality presented in relation to the closing of the Secretariat of Peace (SEPAZ) and the transfer of the National Reparations Program to the Ministry of Social Development" because, according to the Platform, the closing of these institutions for peace by Alejandro Giammattei's government is illegal and evidences the government's intent to bury the country's historical memory. The group also demonstrated its rejection of the proposed 5664 Law which seeks the approval of an economic reward for ex-military personnel who participated in the IAC, as they consider this to be a mechanism the government has found to pay ex-soldiers giving Giammattei their vote. "They also requested that Roberto Molina Barreto and Hector Hugo Perez Aguilar, who voted in favor of suspending the sentence for genocide against the former de facto president, Efraín Ríos Montt and Luis Alfonso Rosales Marroquín who worked with the group of lawyers for the defense of Ríos Montt, not be elected to the CC".¹⁰

In the municipality of Nebaj (Quiché), victims' organizations, human rights organizations and indigenous authorities from the Ixil region gathered to pay homage to the women, men, the elderly and girls and boys who survived the IAC. The Historical Clarification Commission (CEH) documented that between 70 and 90% of the villages in the Ixil region were razed to the ground in its report "Guatemala, Memory of Silence".¹¹

Questions persist regarding the substitution of Peace institutions by COPADEH

Among the first modifications in the budget for the 2021 fiscal year was the allocation of Q23 million for the operation of the Presidential Commission for Peace and Human Rights (COPADEH), created last year by President Alejandro Giammattei. The Ministry of Public Finances (Minfin) authorized for this budget request to be debited from the budget allocated to the former Presidential Commission for the Coordination of the Executive's Policy on Human Rights (COPREDEH), which was eliminated in July 2020. COPADEH was created for a period of 4 years, which may be extended, and currently operates in the former COPREDEH headquarters. In November 2020 a further Q1.1 million was authorized from the now also defunct SEPAZ. COPREDEH, SEPAZ and the Secretariat of Agrarian Affairs (SAA) were eliminated to create this new Commission, and so far about 32 new positions have been approved.

According to Jorge Santos, Coordinator of the Unit for the Protection of Human Rights Defenders of Guatemala (UDEFEQUA), questions remain as to how this new Commission will function, six months

⁹ Marroquín, C., *Los argumentos de Giammattei para pedir la reactivación de la pena de muerte (y qué dice al respecto el Pacto de San José)*, Prensa Libre, 12.02.2021.

¹⁰ Paredes, L., *Recuerdan a víctimas del conflicto armado interno en la Plaza de la Constitución*, El Periódico, 25.02.2021.

¹¹ Herrera, F., *Nebaj: conmemoran a víctimas del Conflicto Armado Interno de la región Ixil*, Prensa Comunitaria, 24.02.2021.

after it was created. He also confirmed the continuing lack of communication from COPADEH's with civil society organizations, families who have cases before the Inter-American Commission on Human Rights (IACHR) or the National Reparations Program. There has been no follow-up on the cases that COPREDEH was monitoring in the International Human Rights System or regarding the case files of the SAA; it is not simply about the status of these cases but also about the management of information, added Santos, criticizing the "improvisation and disregard" that this administration has shown towards human rights issues and the Peace Accords.¹²

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.¹³

THE FIGHT AGAINST IMPUNITY

As part of our accompaniment to the **Human Rights Law Firm (BDH)**, on February 19 we attended a further hearing in the case of Samuel Choc, an indigenous authority from the village of Las Mercedes, Chisec (Alta Verapaz), who accused by the palm oil company Tecnoservicio Agroindustria S.A. of aggravated trespassing, illegal detention and instigation to commit a crime.

During the second week of February, we met in Coban with representatives from the **Association of Neighbors of Chicoyogüito de Alta Verapaz (AVECHAV)**. At this meeting they updated us on their security situation, as well as on their activities, including initiatives for youth participation in leadership processes and connection with their territories. They shared with us their sorrow over the death of Grandmother Modesta, a survivor and witness in the CREOMPAZ case: "Those who experienced the dispossession and the roots of the problem of Chicoyogüito are leaving us. Today there are only 10-15 survivors left, and the rest are already daughters and granddaughters of that generation. They feel great sadness and concern about the possibility of dying before seeing their desire for justice fulfilled.

On February 23 we attended the hearing to review the coercive measures against the military officer Cesar Augusto Ruiz Morales, who is accused of forced disappearance and crimes against humanity in the CREOMPAZ case. Judge Claudette Domínguez dismissed the defendant's second petition, requesting release from preventive detention.

THE ISSUE OF ACCESS TO LAND

During our visit to Coban, we met with Lesbia Artola and Imelda Teyul, Coordinators of the **Community Council of the Highlands (CCDA) - Las Verapaces Region**. They shared the general situation of the communities affected by criminalization with us, as well as the constant threats and the risk of eviction. They also shared their deep concern over the existence of more than 60 eviction orders in Alta and Baja Verapaz and 932 arrest warrants. We also visited Jorge Coc Coc and Marcelino Xol Cucul, imprisoned defenders and community leaders of Choctún Basilá, in the penitentiary center of Cobán.

We continue to monitor the security situation of the members of **Union of Peasant Organizations (UVOC)**. We met with some representatives from the organization to follow up on the investigations relating to the disappearance of Carlos Enrique Coy and the murder of Aberlado Quej. They also updated us on the recurring problems in the territories, related to evictions, intimidation and increased attacks on defenders in the communities.

We continue to be attentive to the security situation of the residents of the La Primavera Community (San Cristóbal, Alta Verapaz) in the face of inter-community conflicts arising from the logging companies' plans to build roads through the communities without prior consultation with the inhabitants.

¹² Álvarez, L., *Copadeh contará con un presupuesto de Q23 millones*, El Periódico, 15.02.2021.

¹³ See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

DEFENSE OF THE TERRITORY

With regard to our accompaniment of the **New Day Chorti Campesino Central Coordinator (CC-CND)** we continue to be particularly concerned about the delicate situation faced by community leaders Héctor Ovidio Vázquez and Pedro Esquivel, from the communities of Lelá Chancó and Lelá Obraje, both located in the municipality of Camotán (Chiquimula).

During phone calls and virtual meetings with representatives from the organization, they shared details of the activities carried out with indigenous authorities to continue following up on the 3 amparos related to the El Porvenir mine (Camotán), the El Pato mine (Chiquimula) and the TRECSA project in San Juan la Ermita.

At the end of the month we provided telephone accompaniment to the Peaceful Resistance of Olopa during the commemoration of their five years of work in strengthening the Maya Ch'orti' identity and the union of communities in defense of natural resources against mining exploitation.

As in previous months, we maintained regular telephone contact with members of the **Peaceful Resistance, La Puya**. La Resistencia continues to be attentive to the ongoing international arbitration process between the US mining company Kappes Cassiday & Associates and the State of Guatemala.

With regard to the **Peaceful Resistance, Cahabón**, we continue to monitor the situation of its members and to pay close attention to the situation of criminalized defender Bernardo Caal Xol, who we visited at the preventive center in Cobán and spoke with him about the current status of his case. We are currently following up on his health, as he had to be transferred to the Regional Hospital of Cobán due to medical complications halfway through the month. According to Bernardo, these complications are a consequence of the criminalization and imprisonment process he has been suffering for the last three years.

We have maintained constant contact with **TZ'KAT - Network of Ancestral Healers from Community Feminism** for their work providing physical, psychological and spiritual accompaniment to women human rights defenders across the country.

We continue to monitor the security situation of the members of **Chinautla Multisector** in the defense of their environment, which is threatened by the actions of sand extraction companies.

With regard to our accompaniment of **Retalhuleu Community Council (CCR)** we maintained telephone contact with four of their members who are being criminalized for denouncing the impacts of sugar mills on water sources and the environment in the region. We are awaiting on a hearing for the repetition of the first statements on March 18. We are particularly concerned about the recent acts of aggression suffered by the human rights defender Abelino Mejía.

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.

In our dialogue with the diplomatic corps and international organizations present in Guatemala, we met with:

- Ricardo González Peña, First Secretary and Head of Consular Affairs from the **Spanish Embassy**.
- Alejandro Gallardo, Human Rights Officer at the **British Embassy**.
- Fernando Alameda Alvarado, Ministerial Counselor and César Plazas, Consul from the **Colombian Embassy**.
- Carolien Embden, Human Rights Officer from the **Dutch Embassy in Costa Rica**.
- Luis Espuny and Abigail Krzmarzick, Officers from the DESC Unit of the **Office of the United Nations High Commissioner for Human Rights (OHCHR)**.

In our dialogue with Guatemalan authorities, we met in person with:

- Ramiro Grijalva, Commissioner of the Departmental **PNC in Cobán**.
- José Pedro Cruz, Chief of Services of the Departmental **PNC in Petén**.

4. OTHER ACTIVITIES OF PBI GUATEMALA

At the request of the **Association of Relatives of the Detained-Disappeared of Guatemala (FAMDEGUA)**, we accompanied survivors of the Los Josefinos massacre when they gave their testimonies at a hearing before the Inter-American Court of Human Rights in mid-February.

5. 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.

From February 19 to 23 we conducted a **visit** to update and observe the human rights situation in the department of **Petén**. We met with representatives of: OTRANS Petén; El Frente Petenero; Cooperativa La Otra; Mujeres de Petén Ixqik; Ixmucané; Dejando Huella and the Permanent Delegation of the Sierra Lacandón and Laguna del Tigre. Participants expressed deep concerns about the economic and psychological impacts in the region of Covid-19, the persistent impacts of the Eta and Iota storms, and the increasing number of cases of disappearances and violence against girls, boys and women in the department.



In the framework of the February 25 commemoration of the **National Day of Dignity of the IAC Victims**, we observed the ceremony to honor their memory and the subsequent march which passed through several points in the Capital.

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.

The project's European Representative held meetings with:

- Tilly Metz, MEP from the Greens political group and President of the **Delegation for Central America of the European Parliament (DCAM)**, her assistant Lena Widefjall and Maria Giovanna Manieri, Advisor to the Greens political group for Central America.
- Soraya Rodriguez, MEP of the Renew political group and member of the **Environmental Committee (ENVI) of the Committee on Foreign Affairs (AFET) from the European Parliament**, and her assistant Rosa Gómez Iniesta.
- Miguel Urbán, MEP from the left political group, member of the **Subcommittee on Human Rights (DROI)**, the **Committee on Development (DEVE)** and the **Delegation for Latin America (DLAT)** of the European Parliament, and Ana Vicente, Advisor of the political group for human rights.
- Kevin Schoos, Assistant to MEP Charles Goerens of the Renew political group, member of the Development Committee (DEVE) and the Subcommittee on Human Rights (DROI) of the European Parliament.
- Oriol Cases Vila, Assistant to Diana Riba y Giner MEP, from the Greens political group and member of the Delegation for Latin America (DLAT) of the European Parliament.
- Mónica Silvana González, MEP from the S&D political group and member of the Development Committee (DEVE) and of the Delegation for Latin America (DLAT) of the European Parliament, and her assistants Isabel María Sánchez Zambrano and Daniel Diez.

- Lis Cunha, Assistant to Anna Cavazzini MEP, from the Greens political group and member of the Delegation for Latin America (DLAT) and substitute in the Delegation for Central America (DCAM) 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.

PLATAFORMA NACIONAL DE ORGANIZACIONES DE VÍCTIMAS DEL CONFLICTO ARMADO INTERNO

DÍA NACIONAL DE LA DIGNIDAD DE LAS VÍCTIMAS DEL CONFLICTO ARMADO INTERNO

COMUNICADO

Guatemala, 25 de febrero de 2021. Las víctimas sobrevivientes del conflicto armado interno viajamos desde nuestras comunidades a la ciudad capital para honrar la memoria de nuestros seres queridos y para exigir la elección de cortes de justicia imparciales e independientes. Para nosotras y nosotros este es un día doloroso porque recordamos a nuestros seres queridos que sufrieron el genocidio, las masacres, la desaparición forzada, la tortura, la violencia sexual y otros crímenes atroces cometidos por el Ejército de Guatemala, durante el conflicto armado interno. Decidimos venir para defender su memoria y exigir justicia.

Recientemente la Corte de Constitucionalidad (CC) protegió el derecho de las víctimas a la justicia y le ordenó al Congreso de la República archivar la iniciativa de ley 5377, con la que se pretendía reformar la Ley de Reconciliación Nacional para otorgar amnistía a los militares, los comisionados militares y los patrulleros de autodefensa civil (PAC) responsables de los crímenes del pasado. Reconocemos la valentía y la integridad de las magistradas y los magistrados que aprobaron la sentencia histórica en contra de la amnistía, y condenamos públicamente la posición del Magistrado Roberto Molina Barreto quien votó a favor de la amnistía para proteger a los criminales que ordenaron el genocidio; por esa razón nos oponemos a que Molina Barreto vuelva a ser electo para integrar la CC.

Hoy presentamos un nuevo memorial ante la CC para pedirle que resuelva lo antes posible los amparos y las inconstitucionalidades en contra del cierre de las instituciones de la paz y el traslado del Programa Nacional de Resarcimiento (PNR) al Ministerio de Desarrollo Social. El Gobierno de Alejandro Giammattei cerró las instituciones de la paz y los derechos humanos de manera ilegal y busca sepultar la memoria histórica del país. Las víctimas sobrevivientes defenderemos nuestros derechos ante las cortes nacionales e internacionales, y en las calles si es necesario.

Rechazamos la iniciativa de ley 5664 que busca conceder una compensación económica a los exmilitares que participaron en las violaciones a los derechos humanos del conflicto armado interno, y le exigimos al Congreso de la República que la archive. El objetivo de la compensación es pagar los votos de los exmilitares que apoyaron a Alejandro Giammattei y el partido VAMOS, y es totalmente ilegal utilizar los recursos del Estado para pagar deudas políticas.

Finalmente nos sumamos a la ciudadanía que exige objetividad en la elección de la Corte de Constitucionalidad. No podemos permitir que la justicia caiga en manos de violadores de derechos humanos, criminales y corruptos que únicamente buscan impunidad. Las y los guatemaltecos tenemos derecho a tener cortes imparciales e independientes que garanticen los derechos de todas y todos. ¡Queremos cortes no mafias!

¡EXIGIMOS VERDAD, JUSTICIA, REPARACIÓN Y PAZ!

PBI team in Guatemala: Andrea Rey López (Spain), Irene Salinas Cortés (Colombia), Sara Lodi (Italy) y Jordi Quiles Sendra (Spain), Alexandra de Almeida Galo (Portugal) y Laura Carolina Saavedra Garzón (Colombia).

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**GUATEMALA PROJECT
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