



ANNUAL REPORT

2019

pbi
making space for peace
GUATEMALA PROJECT

Annual Report 2019 - PBI Guatemala, April 2019
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Cover Photo: Accompanying the Peaceful Resistance of Olopa, Chiquimula, member of the accompanied organization 'New Day' Ch'orti' Campesino Central, Guatemala City, august 2019



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WHO WE ARE AND WHAT WE DO?



Peace Brigades International (PBI) is a non-governmental organization with more than 37 years of experience in international accompaniment. PBI has been present in Guatemala since 1983 (with a break between 1993 and 2003) protecting space for people, organizations and collectives that promote human rights in a nonviolent manner and suffer repression for their work. PBI works only at the request of local organizations.

OUR MANDATE

We seek to contribute to create the necessary conditions so that defenders, organizations and communities can continue their work aimed at increasing respect, observance and protection of human rights and strengthening the rule of law in Guatemala.

OUR PRINCIPLES

We work under the principles of nonviolence, non-partisanship, non-intervention with a horizontal organizational structure and by consensus.

WHAT WE DO

The international accompaniment we propose is global in nature and flexible, at the service of the demands and needs of social organizations who request it. The work focus of global accompaniment aims to weave an effective protective network, depending on the elements relevant to the context.

Presence of international observers

PBI has a team of volunteers in Guatemala who accompany threatened or at-risk human rights defenders, provide presence at offices of threatened organizations, visit rural communities, and carry out international observation.

Interlocution with authorities, advocacy and lobbying

PBI volunteers maintain continuously contact with Guatemalan civil authorities and with international entities like the United Nations and embassies, to make them actors in our accompaniment and protection work, as well as make them aware of concerns about areas where we work and ask for their support. Through the Advocacy Coordinator in Europe and PBI's Country Groups we keep up-to-date multilateral institutions, the governments of 13 European countries, North American and Oceania on the situation of Guatemalan defenders.

Publications

We produce and distribute information on the human rights situation in Guatemala, based on public information sources and our direct observation.

Strengthening capacities

We continuously train the PBI international observer team and facilitate spaces for interchange and training on security and protections for Guatemalan defenders, with the support of existing local resources.



CURRENT EVENTS



Jimmy Morales' final year in government (2019) has left a legacy of worrying setbacks in the fight against corruption and impunity and the consolidation of the Rule of Law, by closing spaces for the defense of human rights and the democratic participation of civil society.

Despite the fact that both the executive and legislative branches have frequently referred to the need to tackle corruption in Guatemala, this has not been accompanied by effective measures or actions. On the contrary, in the 2019 Corruption Perception Index in the public sector, carried out by Transparency International, Guatemala fell from 144 to 146 with respect to 2018, reaching a new historical low.



In January 2019, the Government unilaterally finalized the UN agreement on the mandate of the International Commission Against Impunity in Guatemala (CICIG). It is worth noting that the Jimmy Morales' administration, as well as some of his family members, have been investigated for corruption. However, the argument used to justify the finalization of the CICIG's mandate, supported on several occasions by the congressional board of directors, was that the investigations and

criminal prosecutions of illegal bodies and clandestine security apparatuses that the CICIG had carried out as part of its mandate, constituted an attack on national sovereignty. Furthermore, Guatemala's absence at a recent hearing of the Inter-American Commission on Human Rights (IACHR), on the basis of similar unsubstantiated reasons relating to international interference, has produced numerous outraged reactions from Guatemalan society and the international community.

The IACHR issued a statement warning of the government's attitude, which called into question the government's willingness to meet its international commitments in the fight against impunity and corruption. The EU Parliament issued a resolution in March 2019 on the situation of human rights in Guatemala. As indicated by the World Organization Against Torture (OMCT) and the Unit for the Protection of Human Rights Defenders of Guatemala (UDEFEQUA), this resolution constitutes the latest of multiple displays of international concern about the human rights crisis in the country. Among the many concerns that the EU parliament highlights, is the clear attempt of the Guatemalan authorities to hinder the fight against corruption and impunity, as well as to violate the rule of law and the separation of powers. Likewise, the EU Parliament has asked the Guatemalan authorities to cease all acts of intimidation against Guatemalan civil society and, in particular, against human rights organizations, denouncing the increase in violence against human rights defenders (HRDs), especially in contexts of the defense of land and territory.

Another crucial development in terms of regressions and closure of democratic spaces for Guatemalan civil society organizations, is the highly suspect 5257 Law on Non-Governmental Development Organizations

(NGOs), which was approved in February 2020 by both Congress and the President. This law purports to impose administrative and financial transparency requirements. Nevertheless, article 15 of the law allows the president or executive body to cancel any NGO "that violates the social order" in a generic and discretionary manner. The High Commissioner for Human Rights, Michelle Bachelet, expressed her concern over this law as early as May 2019, stressing that it threatens the right to freedom of association and expression and displays significant "inconsistencies with international human rights standards."

In the context of the defense of human rights, PBI is particularly concerned about the increase in attacks against human rights defenders. In 2019 UDEFEGUA documented 15 murders (compared to 26 in 2018) and 469 attacks against HRDs (compared to 398 in 2018). Of these attacks, 312 related acts of criminalization and 253 related to defamation, which confirms the tendency in recent years to use defamation and legal measures in obstructing the work of defending human rights. Between January and September 2019, the Public Prosecutor's Office (MP) received 204 formal complaints of attacks on activists and journalists and 98 of attacks on officials from the justice system.

One of the most grave acts of criminalization from 2019 is the sentencing of the two HRDs Jorge Coc and Marcelino Xol Cucul to 35 years in prison for the crimes of homicide and attempted murder on October 30. In this regard, UDEFEGUA has stated that "both HRDs were criminalized by the Chilté Cooperative, from the Choctun Basilá village, who have been stripping them of their territory and have been involved in the murder of community leaders in the area. Once again, it is evident how the co-optation of the justice system and the criminal policy of the State has been used to demobilize and repress the defense of human rights in the country, mainly against defenders of the territory."

Global Witness, in its special report "Enemy of the State? How governments and business silence land and environmental defenders," published in July 2019, documents the misuse of national laws on all continents to silence the defense of land and territory. "It is a terribly savage irony: those who destroy the earth and murder environmental defenders generally escape punishment, while activists are branded as

criminals." The report is dedicated one chapter to the Peaceful Resistance of the Microregion of Ixquis in Guatemala, in which it documents how "the number of murders of HRDs have increased from three in 2017 to 16 in 2018, which, considering the number of murders per capita, makes it the world's most dangerous country for 2018."

Furthermore, the increase in vulnerability faced by HRDs is exacerbated in a context where, between September and November 2019, a State of Exception



(SoE) was declared in 22 municipalities across the country. This situation was denounced by various social and community organizations arguing that the SoE, which suspended constitutional guarantees, increased the risk of harassment and violence against community leaders under the pretext of prosecuting crime and tackling drug trafficking.

Despite the context of the State's institutional weakness in the fight against impunity and corruption, as well as in the protection and strengthening of the defense

of human rights, PBI has provided accompaniment to organizations, communities, resistances and people, throughout 2019. We have also drawn attention to several of the most serious cases of attacks against human rights defenders. Our objective continues to be supporting and maintaining the spaces for action open for these actors in the face of the clear deterioration of the human rights situation in Guatemala.



WHO WE ACCOMPANY

PBI Guatemala accompanies organizations and social movements who are fighting, through peaceful means, against impunity, for access to land and in defense of the territory.

In 2019 we provided support to 13 organizations and social movements (227 people: 148 men and 79 women).

We received nine new requests for accompaniment, eight of these related to one-off accompaniments for specific activities, and one related to an overall accompaniment, which is still under evaluation. An overall accompaniment request received at the end of 2018 was rejected. All the requests received related to one of PBI Guatemala's three thematic areas that form part of its Strategic Plan: 55% of the requests related to the fight against impunity and the remaining 45% were related to land conflicts and the defense of the territory.

We also provided international observation on 14 different occasions for a variety of activities (hearings, demonstrations, press conferences...) requested by various social organizations. These included observation of the security situation during the Association of University Students (AEU) elections at the University of San Carlos, Guatemala (USAC), and observation at the Constitutional Court (CC) during the public hearing in the appeal of the injunction given by the Supreme Court of Justice (CSJ) to the Q'eqchí communities impacted by the Renace Hydroelectric Plant, where the communities requested that the CC uphold the injunction and suspend the activities of this hydroelectric plant.

We continued to monitor the situation of human rights defenders in Petén, with two verification trips to the department.

 **Bi-annual visits to a variety of organisations**

 **K'iche Peoples Council (CPK)**

 **Cunén Communities' Council (CCC)**

 **Peaceful Resistance La Puya**

 **Peaceful Resistance La Laguna**

 **Human Rights Lawyer's Office (BDH)**

 **Peaceful Resistance of Cahabón**

 **Chicoyogüito Neighborhood Association of Alta Verapaz (AVECHAV)**

 **Union of Campesino Organisations for the Verapaces (UVOC)**

 **'New Day' Ch'orti' Campesino Central Coordinator (CCCND)**

 **TZ'KAT Network of Ancestral Healers of Community Feminism from Ixmulew**

 **Community Council of the Highlands – Las Verapaces (CCDA)**

 **Chinautla Multisector**



MAYAS, XINKA AND GARÍFUNA LANGUAGE

★ We engaged in continuous monitoring of other processes in the defense of human rights through observation, specific accompaniments and dissemination of information, paying special attention to women human rights defenders in high-risk situations.



WHO WE ACCOMPANY

CRIMINALIZATION OF THE DEFENSE OF LAND AND TERRITORY IN THE CONTEXT OF THE CLIMATE CRISIS

PBI accompanies various resistances and organizations whose *raison d'être* is the defense of land and territory. Here we will focus on four of these organizations who have been particularly targeted throughout 2019: the 'New Day' Ch'orti' Campesino Central (CCCND), the Community Council of the Highlands (CCDA) - Las Verapaces Region, Peaceful Resistance of Cahabón and Union of Campesino Organizations for the Verapaces (UVOC). All their struggles take place in territories which are strongly affected by large mega-projects, mining, hydroelectric or mono-cultures which exacerbate the already worrying climate crisis, which is becoming especially significant in Guatemala. Faced with this situation, they are raising their voices and resisting peacefully in defense of life and territory, and in response they have received tremendous repression in the form of criminalization, judicialization and multiple kinds of threats.



In May, PBI warned of the sharp increase in security incidents suffered by CCCND and its members. Among all these incidents we wish to highlight the situation experienced by the Mayan Ch'orti' Indigenous Resistance in the municipality of Olopa, which defends the territory and the environment against the activities of the "Cantera Los Manantiales" mine. The license for exploitation was granted by Otto Pérez Molina's government in 2012, without having carried out the obligatory consultation with the affected populations. The company began operations in 2016 and the communities began to realize the negative impacts the project was having on water and the environment that same year. As such, they decided to halt the project and in January 2016 22 people were criminalized and accused of a variety of crimes, as a result of their peaceful activities. The criminal prosecution ended

two months later, but the security incidents did not cease. In November 2018, the Resistance pushed for an on-site inspection of the villages surrounding the mine by the Ministry of Energy and Mines (MEM) and the Ministry of Environment and Natural Resources (MARN), and they requested that these institutions carry out an Environmental Impact Study (EIS). On February 25, 2019, MARN presented its EIS certifying that the mine did not comply with environmental or legal requirements and requested the official suspension of the license and the immediate and definitive closure of the mine. The Resistance declared itself in a permanent assembly and installed a peaceful protest camp at the entrance to the mine in order to guarantee that the decisions of the MARN were executed and that the mine would be closed within 15 working days.

On April 8, 2019, a second protest camp was established at the other entrance to the mine. Under the observation and pressure exerted by both camps, the companies withdrew all the machinery, but the camps remained in place because these companies had threatened to re-enter the site and continue their activities. The people present at the camps have suffered constant death threats, intimidation, shots fired into the air and at the ground, surveillance, lawsuits and attempts at co-optation. The Resistance identified those responsible for such events as company workers who live in nearby communities. In August 2019, the Resistance filed an injunction with the Supreme Court of Justice (CSJ), demanding their right to consultation regarding the company's activities. At the end of 2019 the CSJ resolved this injunction by provisionally suspending the company's mining license. The members of the Resistance are currently waiting for the next judicial resolutions.

Furthermore, both the coordination of CCCND, as well as other members of the organization and community leaders that are members, have continued to be targets of death threats and other attacks. This situation deteriorated following the murder, on July 8, of three workers who were linked to the construction of the mega-infrastructural project known as the

Interoceanic Corridor, against which several of the communities accompanied by CCCND have been resisting for years. Despite having had no connection with these horrendous murders, and having released a statement condemning this violence, the office of the Interoceanic Corridor issued a statement naming several leaders of CCCND and a radio station related the organization as having direct involvement in the killings. Members of CCCND have denounced these defamation before the Public Prosecutor's Office (MP).

Regarding CCDA and UVOC, PBI has observed an alarming increase in cases of criminalization, including a large number of arrest warrants. In the case of CCDA, PBI has registered more than 750 warrants issued across 43 communities. In some cases whole communities are affected. The warrants relate to charges of aggravated trespassing, serious injury, illegal detention, duress, manslaughter, attempted murder, and threats. Another cause for concern is the existence of approximately 40 threats to evict communities in Alta Verapaz. PBI sent an alert various contacts from its support network in November 2019, as a result of all this, as well as the constant threats against CCDA coordinators and the case of the criminalization and judicialization of Jorge Coc Coc and Marcelino Xol Cucul, human rights defenders and members of this organization who have been sentenced to 35 years in prison.

The situation of the Peaceful Resistance of Cahabón remains critical, as several of its members have become victims of criminalization processes, threats and intimidation. The most evident case is that of the Q'eqchi' human rights defender and leader Bernardo Caal Xol, who was sentenced to seven years and four months in prison in November 2018 for defending the Oxec and Cahabón rivers against the installation of the OXEC hydroelectric plants.

All these situations were aggravated by the SoE decreed by the government (September 4-November 11) that limited the fundamental rights of individuals and communities. African palm, hydroelectric and mining mega-projects abound in the areas where the SoE was implemented. Many communities that are part of the aforementioned organizations accompanied by PBI are involved in resisting these projects.

All these situations are occurring in a territory which is heavily affected by the global climate crisis. PBI, through its accompaniment, has witnessed how the population has been affected by this situation, which is further aggravated by a context where mega-projects have extremely serious environmental, social and human impacts. They pose particular risks for the indigenous peoples, who are on the front line of the resistance and the impacts, as their territory is the basis of their ancestral life and wisdom, both of which are threatened by the disappearance of flora and fauna:

The mega-projects that have been brought in by transnational companies are the ones that have affected us, because they are the ones that have taken away our rivers. The rivers have dried up, the waters have decreased, this vital liquid no longer flows with the same strength it did before. Right now there are many people looking for water for human consumption through other means.

Esteban Rivas of the Council of the Communities of Cunén.

The most unfortunate thing with all this loss of water, of native plants and seeds, is that we are losing a lot of knowledge and wisdom. For indigenous peoples, the great springs of water in the great mountains are our knowledge and our spirituality. It hurts me to see how these are being lost, not only what we can see, but also what we can feel.

Ubaldo García from CCCND.





WHO WE ACCOMPANY

THE STRUGGLE AGAINST IMPUNITY: THE ESSENTIAL WORK OF THE HUMAN RIGHTS LAW FIRM (BDH)

The BDH, led by the lawyer Edgar Pérez Archila, provides pro-bono legal representation to victims of human rights violations committed in the past (during the internal armed conflict -IAC-) and in the present. The Ixil Genocide case is the most emblematic of those they have accompanied, as the sentence dictated has set important precedents. It was the first time in the history of humanity that a criminal conviction for genocide and crimes against humanity was tried in the same country where the crimes were committed. On May 10, 2013, a Guatemalan judge sentenced José Efraín Ríos Montt, former de-facto president (1982-1983), to 80 years in prison for these crimes. However, General José Mauricio Rodríguez Sánchez, former director of military intelligence during the Ríos Montt



government, was acquitted. Unfortunately, following multiple pressures from sectors of the population intent on denying the genocide, the Constitutional Court (CC) suspended the ruling 10 days later, citing procedural reasons. As a result a new trial began in January 2015, which concluded in September 2018. Nevertheless, Ríos Montt died on April 1, 2018, before his trial had ended, leaving Rodríguez Sánchez as the only accused. The latter was eventually acquitted for lack of evidence. However, the Court unanimously concluded that genocide had been committed against the Ixil People.

Another transitional justice case in which the BDH is involved is that of Romeo Lucas García, who died in Venezuela in 2006. This case related to crimes

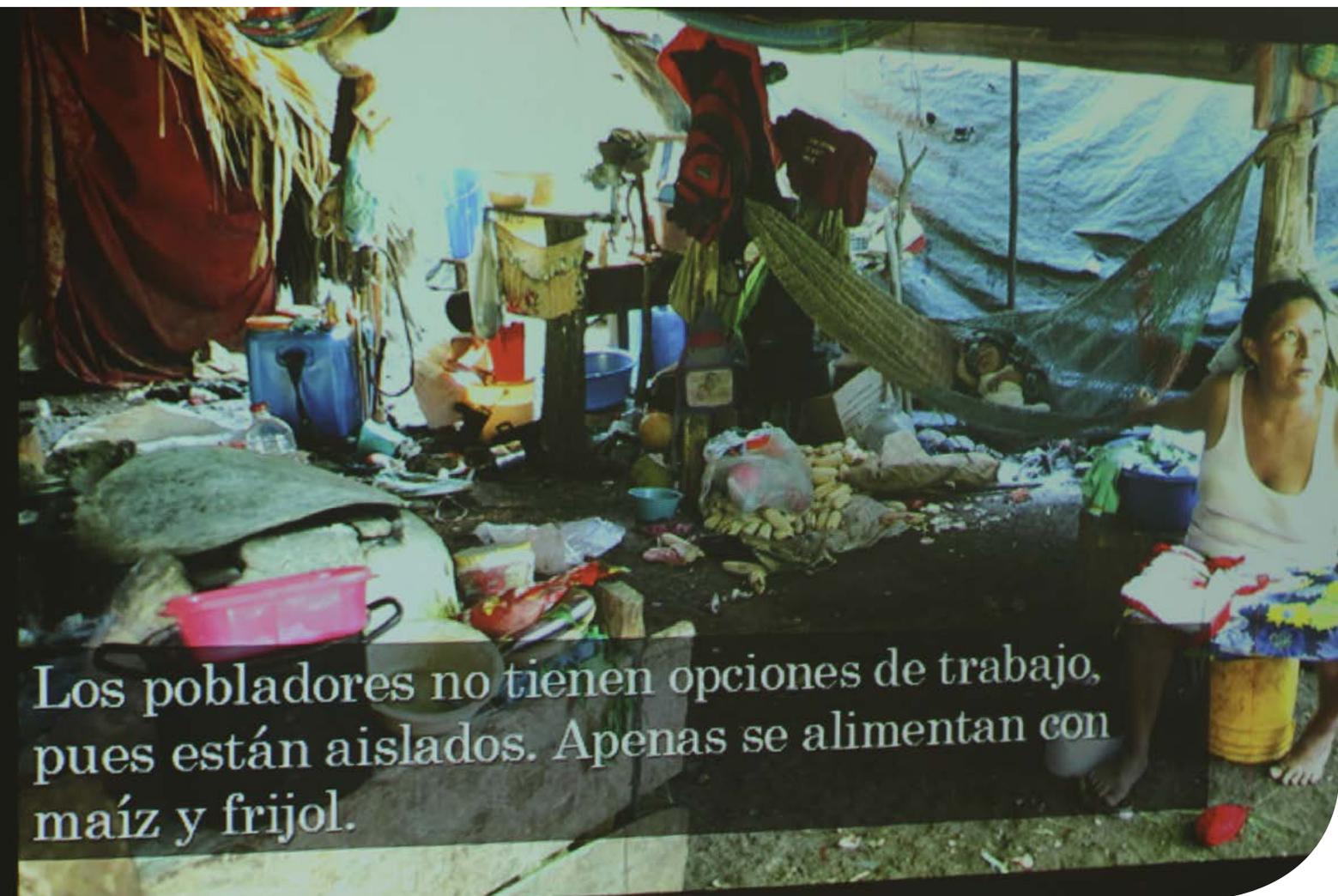
committed during his government (1978-1982). On November 25, 2019, Judge Miguel Ángel Gávez of the High Risk Court "B", indicted a number of retired high-ranking military officers, Benedicto Lucas García (brother of the former president), Manuel Callejas and César Noguera, for their alleged participation in crimes against humanity, enforced disappearance and genocide committed against Ixil communities during that period. Lucas García and Callejas, had previously been sentenced (in 2018), along with other military personnel, to more than 30 years in prison for the forced disappearance of Marco Antonio Molina Theissen and the rape and torture of his sister Emma Guadalupe in 1981. The original accusation against Lucas García had been filed 20 years ago, but the trial has only just begun.

One of the cases the BDH have handled in relation to access to land relates to the violent eviction of the Laguna Larga community, in the department of Petén, which took place on June 2, 2017. Some 500 people were evicted and since then they have been living in subhuman conditions on the border between Mexico and Guatemala. Despite the fact that the IACHR granted precautionary measures to the community in September 2017, the State, to date, has not adopted the measures required to protect the life and integrity of the people of this community. In August 2019, the then Vice President of the Republic, Jafeth Cabrera, declared that the State had diverted the resources they had planned to distribute to this community to another, alleging that the Laguna Larga community had not accepted the offer of a property and other resources for its relocation. This was flatly denied by the BDH and the International Commission of Jurists (ICJ) in a memorandum presented on August 23 to the President of the Republic. On November 6, 2019, PBI observed a press conference at the Human Rights Ombudsman's Office (PDH), where the BDH, a community spokesperson, and the congressman, Leocadio Juracán, spoke about the extreme situation in which this community finds itself. The objective of the press conference was raise awareness about this humanitarian crisis with the incoming government, due to take office in January 2020. Some of the facts highlighted during the conference include: nine people have died since the eviction occurred; the community have suffered from many diseases, especially those affecting children (skin, fever, diarrhea, flu ...); there are only eight latrines for 500 people; the water sources are contaminated; they lack medicines, even though they are receiving monthly medical attention provided by a Mexican organization; they have no place to sow or harvest crops, and thus lack any means of subsistence; the only precautionary measure

that the State has complied with was the start-up of a school with a capacity for 100 students where three Guatemalan teachers are attending. The community is claiming their right to a dignified life and to be allowed the return to their community, provisionally, while the legal situation regarding the land can be resolved. In the words of a representative from the community who was present at the press conference: "We are not asking for a handout, but for Article 1 of the Constitution, which guarantees a dignified life, to be complied with."

Regarding the criminalization cases handled by the BDH, the Q'eqchi' leader and defender of the Cahabón and Oxec rivers, Bernardo Caal Xol, is particularly grave. He was arrested and imprisoned on January 30, 2018 and sentenced to seven years and four months in prison in November 2019. The BDH has pointed out multiple irregularities that occurred throughout the process. Bernardo Caal was not at the scene of the crime when it occurred, and the contradictions in the evidence and testimony provided by the prosecution cast doubt on the veracity of the case. The BDH appealed the sentence and filed an injunction. The Public Prosecutor's Office (MP) and the company (which is acting as a plaintiff) also appealed, requesting an increase in the sentence. Since then, several scheduled appeal hearings have been suspended due to the impossibility of forming court in the face of the repeated withdrawals by the judges.

PBI began accompanying Édgar Pérez Archila in August 2010 due to the repeated security incidents that he had been experiencing as a result of his work in high-profile judicial processes. At the end of 2013 the accompaniment was extended to the rest of the BDH lawyers. The members of the law Firm have stated that they feel safer with PBI's accompaniment, both while in transit and when in court.



ADVOCACY AND COMMUNICATION



Throughout 2019, PBI Guatemala engaged in continuous information and advocacy work with the international community in Europe and the United States, in favor of the protection of human rights defenders in Guatemala.

ADVOCACY IN EUROPE

In Europe, PBI's advocacy efforts focused particularly the European (EU) Parliament, the EU External Action Service (EEAS), the UN Human Rights System in Geneva and the Permanent Representations of multiple countries in Geneva and Brussels. One example worth highlighting is the informative work carried out by PBI and other organizations in support of the EU Parliament's resolution from March 2019, as well as several parliamentary letters addressed to Guatemalan authorities. The resolution and the letters both expressed various concerns about the human

rights situation, principally: the closure of the CICIG; legislative initiatives that threaten the civil society spaces for action and the fight against impunity, such as the NGO Law and the National Reconciliation Law; and the stigmatizing discourse against HRDs. All these measures and actions increase the vulnerability of HRDs, hinder their work and weaken the rule of law.

ALERT ON THE INCREASE OF AGGRESSION

PBI Guatemala sent out alerts on two occasions following a strong increase in aggression and security incidents such as intimidation, defamation and threats against the members of CCCND and CCDA. As a result of these, PBI held meetings with the EEAS, the OHCHR in Geneva and, in coordination with the national PBI groups, Ministries of Foreign Affairs in various countries, who in turn, contacted their missions in

Guatemala. The situation was also addressed by the Human Rights Working Group of the EU Council (COHOM) and parliamentary questions were raised in several countries, including Ireland and the UK.

TOURS FOR DEFENDERS OF LAND AND TERRITORIES

We organized two European tours in 2019. The first tour was in Switzerland and Germany with Lesbia Artola, CCDAs coordinator. This included meetings with government representatives and Special Rapporteurs for Human Rights, an intervention at the Human Rights Council and various public activities.

The other tour was organized in conjunction with PBI's three other Latin American projects (Mexico, Honduras and Colombia). The objective was to raise awareness of the central role and differentiated gender risks faced by women defenders of land, territory and the environment, so that policies and actions aimed at protecting HRDs integrate a gender perspective, taking into account these specific risks and, thus, adapting measures for the adequate protection of women HRDs.

The HRDs visited different European countries, but all came together in Brussels to participate in a series of group activities for the purpose of consolidating the contributions of the HRDs to support the inclusion of specific protection measures for them in both the EU Guidelines on HRDs and the EU's Human Rights and Democracy Action Plan 2020-2024.

Among the activities that were carried out in Brussels during this tour, it is worth highlighting the following: the HRDs participated in an audience with the EU Parliament's Subcommittee on Human Rights on the theme of "Women defending land, environment and the rights of indigenous peoples in Latin America"; meetings with geographic and human rights officers from the EEAS; media interviews and one public event. In all these activities, they pointed out the importance of the EU increasing its preventive protection actions while always taking into account the specific risks that women HRDs face.



The Guatemalans who participated in this tour included Sandra Cael Cahuec from UVOC and Telma Iris Pérez Oloroso, from TZ'KAT Network of Ancestral Healers of Community Feminism from Ixmulew. Sandra presented the struggles of Poqomchi and Q'eqchi' women to protect land and natural resources in the face of the imposition of mono-cultures and extractivist projects in Alta Verapaz, and both highlighted the negative impacts these projects have had on their communities and the environment, which affect the women and their families' daily lives and standards of living. They highlighted, how, in addition to the many risks of intimidation and attacks suffered by all HRDs in Guatemala, women HRDs also face extremely discriminatory smear campaigns, sexist smears and stigmatization, attacks and sexual violence, as well as threats that their children will be attacked.

This tour was also an opportunity to create ties between Latin American HRDs and their organizations, with people and organizations who promote the protection and promotion of the environment and the women's rights in Belgium, the Netherlands and Spain.

ADVOCACY AND COMMUNICATION

PREPARATION OF INTERNATIONAL FORUMS

In view of the serious risks faced by people, communities and organizations that defend land, territory and the environment, PBI Guatemala, alongside the EEAS and other NGOs, was actively involved in preparing the 21st EU and NGO Forum on Human Rights, which took place on December 3-4 in Brussels. The theme for this forum was "Building a just and sustainable future." PBI Guatemala was responsible for co-organizing activities relating to the protection of HRDs and the closing of civil society spaces.

ADVOCACY IN THE USA

PBI Guatemala, in coordination with PBI USA, has carried out two advocacy and awareness raising tours with two representatives of the Peaceful Resistance, La Puya, which for years has maintained a protest camp at the entrance to the US company Kappes, Cassidy & Associates' mine. Miriam Pixtun Monroy participated in the first tour, between April 7 to 13, in Washington and New York. Alvaro Sandoval participated in the second tour between September 27 and October 5 in Washington.

The advocacy during both tours was particularly relevant to the struggle in La Puya because the US company has taken a legal case against the Guatemalan State at the Trade Tribunal under the Free Trade Agreement between the United States, Central America and the Dominican Republic (CAFTA) since December 2019. The reason for this lawsuit was the suspension of operations of the company's mine which the Guatemalan Constitutional Court (CC) ordered in 2017. The decision, when it is finally issued by the Tribunal, will set an important precedent for other community resistances to mega-projects, both in Guatemala and in other countries in the region.

Another important outcome of these tours is that in April 2019 more than 100 national and international

organizations signed a letter of solidarity addressed to various Guatemalan institutions, in order to show their support for the Resistance within this arbitration process. A solidarity group made up of various organizations, which monitors various actions to accompany La Puya, was created as a result of this coordination. Both PBI Guatemala and PBI USA are participating in this group. Furthermore, it is worth noting that in the meetings held between Miriam Pixtun, Álvaro Sandoval and the representative of PBI USA in Washington, several members of congress and senators were asked to issue letters addressed to Mike Pompeo, Secretary of State of the United States, in which they expressed their concern about the lack of respect for human rights in Guatemala.

As a result of these advocacy actions, several US members of congress sent a letter to Mike Pompeo on October 1 requesting that he issue a public statement to convey his support to HRDs in Guatemala, who carry out important work in furthering democracy and justice. Likewise, they urged him to request the Jimmy Morales' government to end the SoE declared on September 7, 2019, which lasted for two months. In the letter they expressed their concerns about the impact of the SoE on the work, safety and integrity of HRDs. In turn, they called on the Government of Guatemala to fulfill its obligations to respect and protect human rights and HRDs.

Similarly, on January 28, 2020, several senators from the United States sent another letter to Mike Pompeo, expressing the need for the protection of HRDs to be made a priority within United States foreign policy. The senators also asked Mike Pompeo to ensure that the State Department be attentive to the institutional changes that may arise in the wake of Alejandro Giammattei's inauguration as the new president of Guatemala, on January 15, 2020. It would be especially important to monitor that government's policies are in line with respect for HRDs, the rights of indigenous peoples, as well as officials in the justice system and journalists in the first few months of government.

COMMUNICATION

In April, the project created a new position within its structure: Head of Communications. The purpose of this role is to strengthen the area of communications and, therefore, the information that is shared within and outside of Guatemala about the human rights situation in general, and, in particular, the situation of the organizations that PBI accompanies.

One of the causes of social conflicts and aggression against defenders of the territory is the lack of respect for the right to consultation of indigenous peoples, as is legitimized in the International Labor Organization's (ILO) Convention 169 and in the UN Declaration on the Rights of Indigenous Peoples. Following a collaboration between PBI UK and the UK law firm Simmons & Simmons, to develop a toolkit for HRDs (<https://cutt.ly/BttJmll>), we decided to use the factsheet called "Fact Sheet for Human Rights Defenders. Free, Prior and Informed Consent" (<https://cutt.ly/FttJtNu>) as a tool for preparing a popular bulletin on the right to consultation, which includes the history, foundations and experiences of various Resistances against megaprojects in Guatemala. Likewise, we created a series of infographics on this same subject, which include the basic elements that constitute this right. With these publications (available on our website) we hope to provide useful information about their rights to communities affected by mega-projects.

At the request of the accompanying organizations, we have also reprinted several of the popular bulletins that have already been published, specifically, those that address the important role of women HRDs, criminalization and violence against women.

CONSENTIMIENTO PREVIO, LIBRE E INFORMADO - CPLI

Es un **derecho** específico que permite a los pueblos indígenas a **dár, negar o revocar** su **CONSENTIMIENTO** a un proyecto o actividad que pueda **afectar a sus tierras, territorios y bienes naturales**, que tradicionalmente han poseído, ocupado o de otra forma utilizado o adquirido. Permite negociar las condiciones para el diseño, la implementación, el monitoreo y la evaluación del proyecto.

▷ **¿A QUIÉNES IMPLICA?**
A los pueblos y comunidades afectadas, pues es su derecho, y a los gobiernos y las empresas que deben respetar este derecho.

▷ **¿CUAL ES EL OBJETIVO?**
Asegurar la consulta y participación de los pueblos indígenas, antes de que inicie un proyecto en su tierra o la tierra que habitan, tanto sobre el proyecto en sí mismo como sobre el uso de los bienes en ese territorio.

EL CONSENTIMIENTO DEBERÍA SER OBTENIDO:

- PREVIO**
es decir, antes de cualquier autorización o comienzo de actividades.
- LIBRE**
debe ser otorgado sin presiones.
- INFORMADO**
se basa en información precisa, completa y oportuna, y se da en un ambiente que respeta la cultura.

ELEMENTOS INTERCONECTADOS
Cada elemento es requisito para que pueda ser considerado como un **resultado válido de un proceso colectivo de toma de decisiones**.

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PBI INTERNACIONAL PARA LA JUSTICIA
FUENTE:
Hoja Informativa para los Defensores y Defensoras de sus Derechos Humanos, "Consentimiento Previo, Libre e Informado", elaborada por Simmons & Simmons con PBI.

CONSENTIMIENTO PREVIO, LIBRE E INFORMADO - CPLI

REQUISITOS CLAVE PARA UNA CONSULTA

- BUENA FE**
La consulta se celebra con el fin de llegar a un acuerdo de consentimiento sobre las actividades propuestas. Debe regirse un verdadero compromiso y diálogo. No debe ser solamente por formalidad.
- RESPECTO DE LA CULTURA**
Debe respetarse a cabalidad un lenguaje que pueda ser entendido por los pueblos indígenas, respetando las formas tradicionales de autoridad y la forma de decisión, esto podría requerir una consulta directamente con toda una comunidad.
- SIN SOBORNOS O MALAS PRÁCTICAS**
Las consultas deben llevarse a cabo de una manera que no debilite la unión social de los pueblos indígenas.
- INTERCAMBIO DE INFORMACIÓN**
Los grupos indígenas deben recibir la información completa sobre el proyecto, sus necesidades, alcances, duración, los posibles efectos positivos y negativos en la comunidad, los riesgos ambientales y para la salud. Además, el Estado debe estar preparado para recibir información de la comunidad.
- INFORMACIÓN Y DIALOGO**
Son requisitos esenciales. Si una comunidad da su consentimiento porque se le ha presionado, no es consentimiento informado. Si una comunidad no está debidamente informada sobre el proyecto, su consentimiento es nulo.
- EVALUACIÓN DEL IMPACTO AMBIENTAL**
Que tome en cuenta los riesgos ambientales, sociales, económicos, culturales y espirituales. Se deben cumplir las obligaciones con la comunidad. Si antes de otorgar a una empresa, la consulta debe estar sujeta a un estricto control y supervisión estatal para garantizar que la evaluación sea justa y veritativa.
- TEMPRANO**
La consulta debe realizarse en la etapa más temprana posible del proyecto y antes que comience alguna obra o actividad del terreno.
- SUPERVISIÓN Y MONITOREO**
Si el Estado otorga la consulta, debe realizar al menos una supervisión y monitoreo sustancial.
- EVITAR LA MILITARIZACIÓN**
La presencia militar u otras medidas de control y represión contra la población pueden impedir la libre participación en las consultas y socavar el diálogo de buena fe.

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STRENGTHENING LOCAL CAPACITY



PBI Guatemala is committed to supporting protection training for HRDs. This is a further contribution to achieving one of PBI's main objectives: to maintain and expand the spaces HRDs have for carrying out their work and taking action. In 2019 we organized eight security workshops aimed at the people, organizations and social movements we accompany.

SECURITY WORKSHOPS WITH A GENDER FOCUS

This year we organized two workshops with a gender focus:

- ✓ The first was held in February in Camotán, Chiquimula, with participation from members of CCCND, who face great security risks due to their work in defense of land and territory.



holistic exercise that must begin with by all the actors involved in the resistance processes respecting women HRDs. PBI promotes security workshops with a gender focus and rejects all kinds of violence against women in general and against HRDs in particular.

GATHERINGS WITH WOMEN HRDs: HEALING AS A TOOL FOR PROTECTION

PBI has been organizing meetings for women HRDs since 2011, focusing on addressing the specific risks they face in a safe environment. These are intimate spaces aimed only at women, in which different healing techniques are shared and experiences are exchanged. They are facilitated by members of the TZ'KAT Network of Ancestral Healers of Community Feminism from Iximulew.

We organized two of these meetings this year: one in June in Cobán and another in September in Quetzaltenango. The day before the second meeting, President Jimmy Morales declared a State of Exception in 13 municipalities across the country, which, due to the suspension of certain constitutional guarantees, generated a climate of fear and uncertainty that many people interpreted it to be a threat to the defense of human rights. This fear led to an increased number of HRDs who wanted to participate in the workshop: 31 attended the first workshop and 41 attended the second. The participants shared how these spaces are useful for strengthening relationships and alliances between HRDs from the across the country's different departments, which makes them feel more secure and supported: "The workshops have been useful to me, especially learning about the situation of other resistances and to exchange information on security strategies."

- ✓ The second was in held December and members of all organizations accompanied by PBI were invited.

The Maya K'iché HRD and specialist in security issues, Fernando Us, facilitated both workshops which focused on addressing protection and security strategies for HRDs in rural contexts, while also applying a gender mainstreaming approach. His methodology is based on the principle that defending human rights is a

SECURITY AND HEALING WORKSHOPS FOR HRDs FROM ALTA VERAPAZ

We also organized four workshops in Cobán, Alta Verapaz for HRDs from the Peaceful Resistance, Cahabón and CCDA, two of the organisations we accompany who have suffered the greatest number of security incidents. We believe that their participation in these spaces contributes to reinforcing their protection capacity, which is essential for the work they carry out. Two of these workshops were mixed and another two were for women only:

The two mixed workshops were facilitated in Q'eqchi' by the security expert Arturo Chub who focused on the issue of the criminalization of social protest, given that the two organizations identified this practice as one of the greatest risks they are facing, with several of their members already victims. Furthermore, in Alta Verapaz this problem is exacerbated by the impunity rate in this department which, as documented by the CICIG, is at 97%.

In the first workshop, participants engaged in a collective analysis of the national and local context, visibilizing the risks faced by HRDs. This analysis evidenced how the misuse of criminal law to criminalize HRDs is now a habitual practice in Alta Verapaz. Participants developed a definition of criminalization, studied the main types of crimes that are currently being used to stigmatize them, and analyzed the various ways in which all of this affects them. On the last day, participants discussed the communities' existing protection strategies against these attacks. Everything discussed in the first workshop was followed up on in the second workshop and, at the request of the participants, they studied how the Guatemalan criminal law system functions in greater depth. A glossary of legal terms translated into Q'eqchi' was also provided.

The participants gave the workshop a positive evaluation and they expressed their interest in continuing to explore issues around protection. The fact that they were taught in Q'eqchi' was also highly valued, as this facilitated the free expression of the participants, as well as their full comprehension of everything discussed. A HRD from the Peaceful Resistance of Cahabón made the following

assessment at the end of one of these workshops: "Thanks to the PBI security workshops, I have been able to put forward my own injunctions and fight without weapons, by using the legal system."

The two security workshops that were aimed at women HRDs focused on healing as a tool for protection and a process for the emotional and spiritual recovery of HRDs, all within the theoretical framework of community feminism. The participants reported that they strengthened their knowledge of safety and protection



mechanisms and were glad of the fact that they can apply them on a daily basis in their communities. In the words of one of the participants from the Peaceful Resistance, Cahabón "the healing workshops are very important for coordination between people."

These two workshops were also intended as a way for the women HRDs from the Peaceful Resistance, Cahabón to replicate what they had learned from a series of similar workshops that PBI organized in Cahabón in 2018 with their colleagues from CCDA. Therefore, what

is transmitted in these workshops, allows women HRDs to help strengthen the capacities of other women. This is how a protection and security network can be woven among women HRDs in high-risk contexts.



PBI GUATEMALA VOLUNTEERS

There are a number of spaces for voluntary work in PBI Guatemala:

- ✓ The field team
- ✓ The Project committee
- ✓ The training team

In 2019 PBI had a total of 22 **field volunteers**, 17 women and 5 men from 10 different countries.



TESTIMONY FROM A TRAINING TEAM VOLUNTEER

EMANUELA LAMIERI

Spending a year as part of the PBI Guatemala team is an experience that changes you forever. This was my experience, at least. Walking side by side with human rights defenders is a lesson that changes how you view the world. On the other hand, sharing with and working in consensus with your colleagues, with whom you also live under the same roof, is an experience that takes you to your limits and pushes you to overcome them.

Being on PBI's training team is my way of continuing to contribute to the project. Becoming part of PBI is a long process that begins from when we receive the applications and then proceed through the interviews and self-training notebooks, during which there are many questions and email exchanges. The preparation work, before their arrival in Guatemala, culminates with a week of face-to-face training, where the participants do not know each other. By the end of this week, however, they already feel like a team. Many of the aspects of life in the field team are replicated

during this week: the dynamics of coexistence in small spaces, the tight schedule full of activities, time for participants to reflect, ask questions, get into the subject and take their first steps towards arriving in Guatemala.

The training team is characterized by the diversity of the former volunteers who form part of it and carry out this work. This diversity is very useful for connecting with the people who apply to PBI from all over the world, each one with their own history and their own wealth of experience which makes them unique, but they all share the desire to contribute their grain of sand in the fight for human rights.

Being part of this team is a way to continue contributing, but also to continue receiving: supporting the new volunteers on their journey to Guatemala, and seeing their excitement reminds me of the excitement I also felt. It is good to see them bringing new energies to the team, as the project continues and takes shape around to the people who participate in it. And that excitement is contagious, keeping the flame of old memories alive and filling the gap between calls for volunteers with hope.

Emanuela Lamieri



Germany	1
Argentina	1
Canada	1
Chile	1
Columbia	3
Spain	7
France	1
Italia	5
UK	1
Switzerland	1



PBI IN NUMBERS

PHYSICAL PRESENCE

- 310** Accompaniments to organizations and social entities
- 106** Meetings with accompanied organization and social entities
- 97** Meetings with other Guatemalan organizations
- 12** Observations of events organized by Guatemalan civil society

ADVOCACY

- 70** Meetings with Guatemalan authorities at the state, department, and local levels
- 39** Meetings with diplomatic corps and OHCHR in Guatemala
- 35** Meeting with Ministries of Foreign Affairs and international entities in Europe
- 4** Human rights defenders advocacy tours to Europe

STRENGTHENING LOCAL CAPACITY

We facilitated **8** workshops* for **190** participants from 19 organizations

- *1** Workshop on security and protection for accompanied organizations
- *2** Workshops on security and protection for members of CCDA-Las Verapaces
- *2** Meetings on healing for women defenders of CCDA-Las Verapaces
- *1** Workshop on security and protection for members of CCCND
- *2** Meetings on healing for women defenders



PUBLICATIONS

2 Boletín Popular



12 Monthly Information Package

2 Bi-annual Bulletins





MEMBERS OF PBI GUATEMALA 2019

VOLUNTEER TEAM IN GUATEMALA:

María Clara de Paz (Argentina), Jessica García (Switzerland), Antonia Pérez (Chile), Evelina Crespi (Italy), Viviana Annunziata (Italy), Emily Spence (United Kingdom), Jordi Quiles Sendra (Spain), Daniel Jiménez Hita (Spain), Sophie Mailly (Canada), Sara Lodi (Italy), Diana Carolina Cabra Delgado (Colombia), Julián Esteban Arturo Ordoñez (Colombia), Katharina Wagner (Germany), Ignacio Hernández (Spain), María Begoña Navarro (Spain), Lucie Costamagna (France), María Lafuente Corral (Spain), Júlia Sierra Sánchez (Spain), Carla Güel Font (Spain), Lina Paola Martínez Reyes (Colombia), Paola Sarti (Italy), Simone Scaffidi Lallaro (Italy).

PROJECT COMMITTEE:

Montserrat García (Spain), Kerstin Reemtsma (Germany), Maike Holderer (Germany), Erika Martínez (Spain), Adam Lunn (United Kingdom), Paulina Martínez Larraín (Chile), Rúben Carricondo (Spain).

TRAINING TEAM:

Erika Martínez García (Spain), Felix Weiss (Germany), Katharina Ochsendorf (Germany), Paulina Martínez Larraín (Chile), Maike Holderer (Germany), Antonia Ignacia Pérez (Chile), Ricardo Henao Galvis (Colombia), Emanuela Lamieri (Italy).

PROJECT STAFF:

Amaya de Miguel (coordinator), Kerstin Reemtsma (representative to the European Union), Mayte Quesada (administrator), Ana Fernández Rodríguez (financial supervisor), Paola Sarti and Anna Bernabeu Berni (fundraiser), Irene Izquieta (field support), Laura Gomáriz Cebrián (responsible for training of future volunteers), Silvia Weber (communication).

PROJECT CONSULTANTS:

Evangelina Scarfe (Australia) and Fermín Rodrigo (Spain).

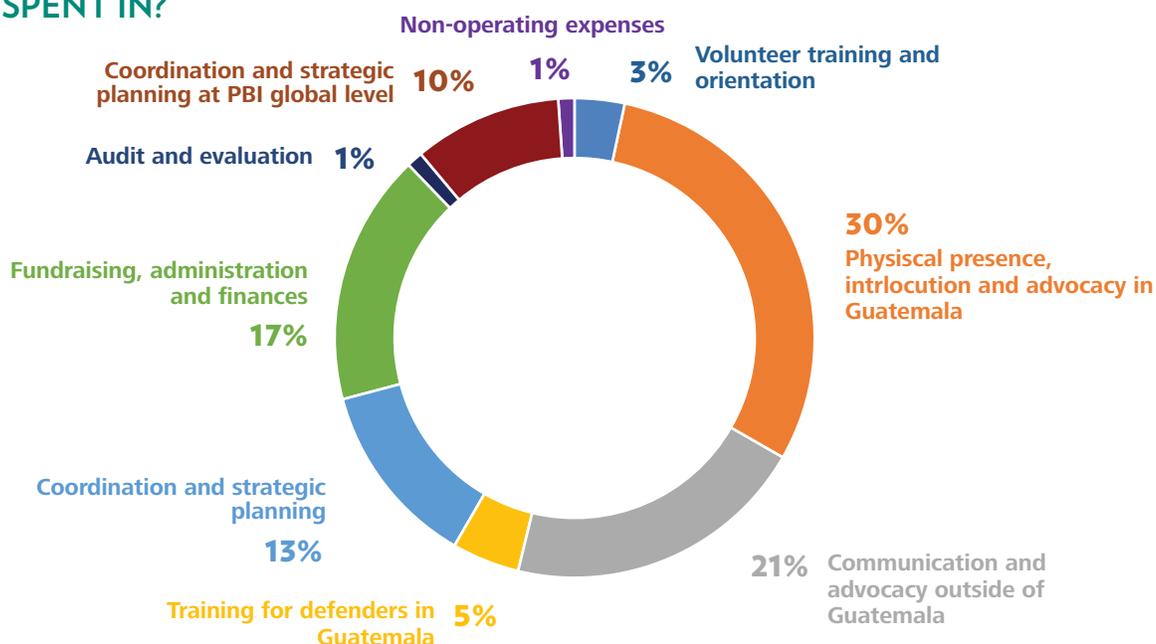
FINANCIAL REPORT 2019

PBI Guatemala has maintained financial stability throughout 2019. Variations in spending and income with regard to the previous year have not been significant, as they have been 1% and 2.5%, respectively, less than 2018. The budgetary implementation has allowed the completion of all activities that were planned as well as the implementation of other complementary actions, that had not been initially planned, but which were identified as necessary throughout the year.

The number and diversity of donors supporting PBI's work in Guatemala has remained practically unchanged in the last three years. At the close of 2019's accounts, we almost achieved a balance in the budget, with a surplus of less than 0.5% of our total expenses.

We thank all donors for the financial support that has allowed us to continue providing accompaniment and international protection to those who risk their lives to defend human rights in Guatemala.

WHAT WE SPENT IN?



EXPENSES PBI GUATEMALA 2019

EUR

Volunteer training and orientation	13.533	3%
Physical presence, introduction and advocacy in Guatemala	120.942	30%
Communication and advocacy outside of Guatemala	82.825	21%
Training for defenders in Guatemala	18.397	5%
Coordination and strategic planning	50.651	13%
Fundraising, administration and finances	68.466	17%
Audit and evaluation	4.375	1%
Coordination and strategic planning at PBI global level	40.353	10%
Non-operating expenses	4.442	1%
TOTAL EXPENSES	403.984	
DIFFERENCE BETWEEN INCOME AND EXPENSES	1.700	

* All expenses and income presented in this report are in euros and are in the process of external audit by the Guatemalan firm Subbuyuj Consultores - Public Accountants and Auditors.

STATEMENT OF FINANCIAL POSITION 2019		EUR
CURRENT ASSETS		
Cash and Cash Equivalents		176.538
Commercial Debtors and Other Accounts Receivable		
Donations and y outstanding agreements		45.621
Accounts receivable PBI International Secretariat		101.974
Health insurance reimbursements receivable		413
Down payments and advances		1.606
Deposits		695
Total Commercial Debtors and Other Accounts Receivable		150.309
TOTAL CURRENT ASSETS		326.848
NONCURRENT ASSETS		
Property, Plant and Equipment		
Computer and communication equipment		0
Furnishings and fixtures		0
Accumulated depreciation		0
Total Property, Plant and Equipment		0
TOTAL ASSETS		326.848
CURRENT LIABILITIES		
Commercial creditors and other accounts payable		
Accounts payable to third party		12.022
Accounts payable to staff and volunteers		0
Accounts payable to PBI International Secretariat		0
Accounts payable to other PBI entities		11.003
Total Commercial creditors and other accounts payable		23.025
Provisions		
Staff and volunteer benefits		2.063
Other Provisions		13.019
Total Provisions		15.082
Current tax liability		5.622
Other non-financial liabilities (Restricted funds to be executed)		57.952
TOTAL CURRENT LIABILITIES		101.681
PASIVO NO CORRIENTE		
Provision for Contingencies		87.945
NONCURRENT LIABILITIES		87.945
EQUITY		
Funds free to execute, starting balance		135.522
Difference between Income and Expenses		1.700
TOTAL EQUITY		137.222
TOTAL LIABILITY AND EQUITY		326.848

EUR

Funds received in PBI bank accounts from Donors		356.698
European Union	European Instrument for Democracy and Human Rights (EIDHR)	18.873
Germany	Brot für die Welt / Bread for the World	20.500
Germany	Misereor (213-600-1002 ZG)	18.610
Germany	IfA-Institut für Auslandbeziehungen (ZIVIK, German MFA)	56
Germany	Ziviler Friedensdienst (Civil Peace Service)	47.447
Belgium	Oxfam Solidarité	7.745
Spain	Agència Catalana de Cooperació al Desenvolupament (ACCD)	41.928
Spain	Diputación de Barcelona	14.211
Spain	Ayuntamiento de Valencia	39.618
Spain	Ayuntamiento de Alicante	14.625
Spain	Ayuntamiento de Vila Real	8.493
Spain	Diputación de Córdoba	28.192
Spain	Agencia Vasca de Cooperación para el Desarrollo	1.000
France	Non Violence XXI	3.600
Irland	Trocaire, GUA 170223	35.000
Czech Republic	Embassy of the Czech Republic in Mexico	5.758
Netherlands	Embassy of the Netherlands in San José, Costa Rica	15.098
Netherlands	Dutch Human Rights Fund (DHRF)	35.945
Funds dating from 2018 / Donations to be spent by end of 2018		-2.697
Germany	Misereor (213-600-1002 ZG)	-1.750
Germany	Ziviler Friedensdienst (Civil Peace Service)	-947
Funds received during 2019 pending implementation in 2020		-57.952
Germany	Misereor (213-600-1002 ZG)	-150
Germany	Ziviler Friedensdienst (Civil Peace Service)	-2.747
Spain	Diputación de Córdoba	-11.692
Spain	Ayuntamiento de Valencia	-5.318
Spain	Diputación de Barcelona	-2.611
Spain	Ayuntamiento de Vila Real	-8.493
Netherlands	Embassy of the Netherlands in San José, Costa Rica	-14.798
Netherlands	Dutch Human Rights Fund	-7.590
European Union	European Instrument for Democracy and Human Rights (EIDHR)	-4.553
Funds for activities implemented during 2019 that still awaiting end of year payment		45.621
Spain	Gobierno Vasco	10.174
Spain	Agencia Catalana de Cooperación para el Desarrollo	1.382
Spain	Ayuntamiento de Alicante	2.925
Switzerland	PBI Switzerland	26.897
European Union	European Instrument for Democracy and Human Rights (EIDHR)	4.244
Funds received during 2019 pending implementation in 2020		60.210
Spain	Agència Catalana de Cooperació al Desenvolupament (ACCD)	4.290
Spain	Agencia Vasca de Cooperación para el Desarrollo	23.125
Spain	Ayuntamiento de Castellon	3.632
Netherlands	Dutch Human Rights Fund	26.346
UK	Open Society Foundation	1.049
European Union	European Instrument for Democracy and Human Rights (EIDHR)	1.768
Other income		3.804
Private Donors		2.813
Income from own activities		950
Interests		41
TOTAL GENERAL INCOME		405.684



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