



**making space for peace**



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# Hate and other crimes against the LGBTI population

*There were several cases of attacks against LGBTI people highlighted across diverse media throughout 2019.<sup>1</sup> In January, a group of men insulted and threatened to kill a gay couple inside a fast-food restaurant without staff or security intervening. In March, a young activist from Huehuetenango was killed and a month later two women in Jalapa. The three bodies were mutilated and had been marked with clear signs of hatred. In July, after the LGBTI pride parade, several parties that had been organized as part of the celebrations were interrupted and the attendees suffered intimidation. These events, which are only the tip of the iceberg in terms of the violence routinely suffered by this population, demonstrate the hostile environment and the difficulties with which people from the LGBTI community have to live with on a daily basis. In this article we will try to explain the causes behind these, and other, hate crimes.<sup>2</sup>*

## Context

Violence against the LGBTI population is a constant threat in Latin America: in the last 5 years at least 1,300 murders were committed against this population in the region, representing an average of 4 homicides a day.<sup>3</sup> In Guatemala, the figures demonstrate that at least twenty trans people and 13 gay men were executed last year. According to Jorge López, director of the Organization for the Support of Integral Sexuality against AIDS (OASIS), there were 30 hate crimes resulting in deaths between January and July 2019 recorded by OASIS. This situation has multiple causes: lack of legal regulations, implementation of regressive policies, the increase in hate speech and the growing influence of evangelical churches in national politics, among others.<sup>4</sup>

In Guatemala these types of crime are severely underreported, since most



Trans women protest against the murder of trans people, 25.11.2016

victims do not denounce and, when they do, the authorities consider them nothing more than common crimes. According to the 2015 report from the Office of the United Nations High Commissioner for Human

Rights (OHCHR), hate crimes are not recorded as such by the authorities. This is because many murder cases “are considered, from the beginning of the investigation or at the time of the complaint, as crimes motivated

1 Collective acronym used to denote the lesbian, gay, bisexual, trans (transgender, transvestite and transexual) and intersexuales communities.  
 2 Aside from the secondary sources used in this article, PBI interviewed Jorge López, Director of OASIS, Fernando Us, LGBTI activist LGBTI and HRD and Andrea González, President of Otrans.  
 3 Rosales, P., *Informe: Cada día asesinan al menos a 4 personas LGBTI en América Latina*, Agencia Presentes, 12.08.2019.  
 4 Pitán, E., *Informe revela retrocesos en derechos LGBTI en Guatemala*, Guatevisión, 16.12.2018.

by emotions, jealousy or as a result of a previous love relationship.”<sup>5</sup> “Taking hatred into account as a hypothesis relating to the killings of LGBTI people is essential in order to investigate and punish violence against this population.”<sup>6</sup>

Fernando Us, an activist and human rights defender (HRD), points out that even though certain organizations are making an important effort to register these cases, they tend to focus on urban areas, so there is almost no information about what happens in the territories. Jorge López agrees with this observation by stating, “that there are far more hate crimes based on sexual orientation and gender identity than those registered by OASIS. It is probably six more for every one that we record.”

## Legal Framework

A major challenge facing the LGBTI population is the lack of public policies and legislation to protect their rights and integrity. At national level, this population is not specifically included in most anti-discrimination laws. In addition, civil unions and same-sex marriage are not allowed, and transgender people cannot change their gender in their identification documents (such as the national identity card) to match their sex, which prevents adequate Civil registration and is contra to their dignity. In the midst of these realities, the current political situation has been characterized by attempts to implement legislative initiatives that

would cause further deterioration in their situation and which involve a direct attack on their human rights.

As Jorge Lopez explains, “going back as far as 2005, a group of evangelical pastors and Catholic priests decided to present the 3367 legislative initiative, in reaction to the approval of equal marriage in Canada.” This initiative, not approved at the time, was very similar to the proposal that is currently in its third reading to be approved in the national Congress: the initiative 5272 or Law for the Protection of Life and Family. This was proposed in April 2017 by a group of congressmen representing the interests of the National Evangelical Movement.<sup>7</sup>

This initiative seeks to criminalize the LGBTI community, prohibit the dissemination of any information about sexual and gender diversity in schools, and prohibit same-sex marriage.<sup>8</sup> The United Nations (UN) believes that the contents of this initiative can contribute “to hatred and violence based on sexual diversity and gender identity.”<sup>9</sup> According to Andrea González, president of the Otrans organization, it is a clearly unconstitutional initiative that goes against resolutions of the Inter-American Commission on Human Rights (IACHR).

As a means of preventing this initiative, congresswoman Sandra Morán, with the support of multiple social organizations, has developed a counter-proposal that aims to reform the Criminal Code by including

crimes based on discrimination and hate. This initiative, the 5278 “Law to sanction crimes by prejudice”, proposes that hatred of gender identity and sexual orientation be considered as aggravating factors for homicides. This initiative has not yet been presented to the full Congress. The lack of identification of hate crime contributes to these crimes going unpunished.<sup>10</sup>

## A social climate marked by hate, impunity and discrimination

As Fernando Us explains, aside from the serious consequences that the approval of the 5272 initiative would have, the mere fact of drafting and redrafting laws, as well as political figures who have been feeding hate speech with their opinions, is serious, it generates greater social support for these discourses and opinions.

The normalization and, indeed, promotion of hate speech could be observed during the 2019 electoral process. The National Evangelical Movement for Pastoral Action (MENAP) called on the candidates to openly express their opposition to what they called gender ideology and “all legal initiatives that would try to introduce ideas that are harmful to family stability in our country.” MENAP asked the two presidential candidates who competed in the second round to continue with the approval process for the 5272 initiative. Both Sandra Torres and Alejandro Giammattei committed

5 Vega, J.M., *El país en donde se asesina a personas por no ser heterosexual*, Nómada, 29.04.2019.

6 Coord: Colombia Diversa, *EL PREJUICIO NO CONOCE FRONTERAS. Homicidios de lesbianas, gay, bisexuales, trans en países de América Latina y el Caribe 2014 – 2019*, Sin Violencia LGBTI, August 2019, p. 26.

7 Salazar, P., 2018: *Guatemala en alerta y en deuda con los derechos LGBTI+*, Agencia Presentes, 29.12.2018.

8 *Ibidem* y Salazar, P., *Asesinaron a joven activista y dejaron mensajes de odio en su cuerpo*, Agencia Presentes, 29.03.2019.

9 García, A., *ONU expresa preocupación por iniciativa de Ley 5272*, Emisoras Unidas, 07.05.2019.

10 Salazar, P., Op, Cit, 29.12.2018; Rosario, M., *#Guatemala La diputada que lucha sola por los derechos LGBT*, Agencia Presentes, 26.09.2018; Olmstedt, G., *Madre de joven gay asesinado: “Él es una reina y como reina que es, quiero justicia”*, Nómada, 27.03.2019.



Congresswoman Sandra Morán and members of Otrans in front of Congress, December 2017

themselves in their respective campaigns to promulgating the initiative. Giammattei left no doubt when he made the following statement: “in my capacity as presidential candidate I support the concepts expressed in the MENAP statement.”<sup>11</sup>

These types of statements reinforce the roots of a conservative social model, based on the traditional family, and which does not accommodate diverse family models. According to the IACHR, one of the principal causes of violence against sexually diverse communities lies in moral prejudices.<sup>12</sup> Pedro Vera from the OHCHR blames violence against the LGBTI population on the fact that

the Northern Triangle countries are societies dominated by patriarchy, misogyny and heteronormativity.<sup>13</sup>

### Paradigmatic Cases in 2019

The murders mentioned at the beginning of this article show the cruelty and viciousness that characterize hate crimes. José Roberto Díaz, 18, was a young activist from the community group Working Together for Huehuetenango. His body was found lifeless on the morning of March 25, 2019. José was tortured and a razor was used to cut derogatory insults related to his sexual orientation into his skin such as: “homo, bent and fag.” His family and friends say his

murder, and prior torture, was a hate crime. According to a staff member from the organization, members of the group have suffered many threats from people who condemn homosexuality. “They are marking us out, seeing who are the leaders from the collective so they can send a symbolic message, as they did with the markings they inflicted on Josecito.”<sup>14</sup>

A month later, on April 23, Betzi Esmeralda C6 Sagastume, 18, and Kelli Maritza Villagrán, 26, were murdered. They were beheaded and their bodies appeared with the following inscription: “they died for being dykes.”. Three other lesbian women were killed between

11 García, A., *Alejandro Giammattei rechaza ideología de género y apoya la Ley de Protección a la Vida y la Familia*, Emisoras Unidas, 30.07.2019.

12 Agencia Presentes, *Centroamérica: alerta por foros para “prevenir la homosexualidad”*, Agencia Presentes, 13.03.2019.

13 La Tribuna, *La aterradora realidad del colectivo LGBTI en Honduras y el resto de C.A.*, 26.06.2019.

14 Salazar, P., Op. Cit., 29.03.2019; Vega, J.M., Op. Cit., 29.04.2019; Olmstedt, G., Op. Cit., 27.03.2019.

September 2018 and April 2019 near the place where they were found.<sup>15</sup>

National and international organizations have condemned these murders and demanded the State to guarantee the security of LGBTI people, as well as their right to a life free from violence. Jordan Rodas, ombudsman for human rights, expressed his solidarity with this population and LGBTI organizations and reiterated to the State of Guatemala the urgency of applying measures to promote respect for this population, as well as to prevent homophobic attitudes, speeches and hate-motivated killings.<sup>16</sup>



Protest in front of Congress against the approval of legislative initiative 5257, May 2019

## Perspectives

In light of all the violence that has been detailed throughout this article, it is clear that the likelihood of possible – and urgent – improvements in the situation of the LGBTI population over the coming years is slim. However, there are important advances to celebrate, such as the fact that Aldo Dávila was elected in the congressional elections last June 16. He is the first openly gay man to win a seat in Congress. According to Pedro Vera, this is a great step, “although ideally it would not be news but,

rather, normalized.”<sup>17</sup> Additionally, according to the people interviewed for this article, the organized LGBTI population, are gaining increasing presence and coordination at the regional level, have increased their use of international mechanisms and are strengthening their ties with other human rights organizations. They also point out that, although the new government has a conservative profile, the formation of the new Congress opens up opportunities to present legal initiatives again, such as the 5395 law Gender Identity.

Although this law did not go beyond the congressional commission, it was the first time in the history of Congress that such a law was put on the table.<sup>18</sup> Furthermore, dissident voices are emerging within churches that have begun to position themselves in favor of the rights of LGBTI people. According to Fernando Us, there are more and more allies speaking out against hate speech. In the words of Andrea González “we will not take a step back.”

<sup>15</sup> Vega, J.M., Op. Cit, 29.04.2019; Salazar, P., *Asesinaron a dos lesbianas y marcaron su cuerpo con mensajes de odio*, Agencia Presentes, 25.04.2019.

<sup>16</sup> *Ibidem*.

<sup>17</sup> La Tribuna, Op. Cit.

<sup>18</sup> Salazar, P., Op, Cit, 26.09.2018.

## The Olopa Sit-Ins: “We are determined to keep fighting”

*We are organized and ready to fight.  
For our children, there is nothing that will stop us.  
Today, under the sun, the rain, through hunger,  
I'm singing for our life and our land.  
Song “Olopa Resists”- Ubaldino García*

Peace Brigades International (PBI) has been accompanying the New Day Ch’orti’ Campesino Central Coordinator (CCCND) since 2009. This organization works in Maya Ch’orti’ communities from the department of Chiquimula. Their mission is to advise and accompany the communities in their processes to defend their territory, access to land and secure recognition as indigenous communities. One of the processes that CCCND supports is that of the Peaceful Resistance to the “Cantera Los Manantiales” mine, in the municipality of Olopa. This process seeks to defend the Ch’orti’ territory and the environment in the absence of consultation with the populations affected by mining activities.



Closure of the road to the mine and resistance camp at El Carrizal, September 2019, Photo: James Rodríguez

### The “Cantera Los Manantiales” Mine

In 2012, Otto Pérez Molina’s government, through the Ministry of Energy and Mines (MEM), granted the American Minerals S.A. company an exploitation license for antimony extraction that was to be valid for 25 years. The land on which this extractive Project was to be carried out is located in the village of El Carrizal, which belongs to the municipality of Olopa, and covers an area of two

square kilometers. This license was granted without having carried out a free, prior and informed consultation with the affected communities, as stipulated in the International Labor Organization’s (ILO) Convention 169. Despite this, the company initiated operations in 2016.

The communities soon realized that the antimony extraction was causing a series of negative impacts on the water and the environment.<sup>1</sup> For this reason, the indigenous authorities,

together with several people from the community, concluded that this economic initiative that had been promoted by the State would not result in the development that they had been promised and, therefore, had to be stopped before the damages it was causing became irreversible.

“We are opposed to the mine because it has caused illness, destruction of the forest and loss of our crops.”<sup>2</sup>

1 Arreaga, S., *Antimonio: el veneno de la comunidad Ch’orti’*, Prensa Comunitaria, 09.11.2018.

2 Interview with Don Erasmo, member of the El Carrizal camp, August 2019.

"We realized that the fish were beginning to die in large quantities. Some children from the community who do not have water in their homes go down to the ravine to wash their clothes and dishes... they noticed that this water was totally affected by pollution from the waste material that they were removing from the mine. This is how we started the current protest."<sup>3</sup>

"There used to be a pretty mountain, but they cut down the entire forest and what they have destroyed won't be rebuilt. If campesinos chop wood,

they must plant more; but nothing is demanded of the powerful, they can take what they want and replace nothing."<sup>4</sup>

### The struggle to defend the territory

Having witnessed the negative effects of the mining project, the people from these communities began their peaceful struggle in order to express their rejection of the mine and achieve its definitive closure. Although the members of this peaceful resistance carried out

numerous activities to halt the mine, they have not managed to stop its operations: "We have raised so many complaints, we have led so many marches, but we are not listened to because we have no money ..."<sup>5</sup>

Since the Resistance began, its members have faced risks in their struggle to protect nature and the environment. From January 2016 22 of their leaders began to be criminalized as a result of their non-violent actions in defense of the territory. They were accused of crimes such as causing injuries through



Indigenous Authorities from the Olopa communities in Resistance, September 2019, Photo: James Rodríguez

3 Interview with Don Chico, indigenous authority and member of the El Carrizal camp, August 2019.

4 Interview with Doña Carmelita, indigenous authority and member of the El Carrizal camp, August 2019.

5 Interview with Doña Carmelita, August 2019.



View over the mining site, September 2019, Photo: James Rodriguez

violent altercations, raids, threats and aggravated arson. Despite the fact that the criminal prosecution was resolved two months after the accusation, through a judicial conciliation, security incidents did not cease. On the contrary, they returned with more force during 2018. There were several episodes of surveillance that year as the mine continued to operate, as well as constant intimidation and numerous threats to members of the resistance and to the CCCND coordination. It was within context of these tensions, that Elizandro Pérez, 36-year-old Indigenous Authority, resident of La Prensa – a community near to the mine – and a member of the resistance, was found dead at his home in November 2018.<sup>6</sup> While the circumstances surrounding his death

have not yet been clarified, it should be noted that Elizandro had been the target of repeated intimidation and death threats for his participation in the defense of the territory in the months prior to his death.<sup>7</sup>

The exhaustion caused by the continuous aggression, as well as the grief from the loss of one of their leaders, led the Resistance to agree to a road map outlining the steps they would follow. In November 2018, the resistance organized an “*in situ*” inspection of the villages near the mine, in which the MEM and the Ministry of Environment and Natural Resources (MARN) participated. The objective of the inspection was to verify the environmental damage caused by the mine and conduct an environmental impact study of the mine.<sup>8</sup> On February 25, 2019,

all parties met again to examine the results of this inspection. The indigenous authorities reiterated their request that the communities’ decision regarding the absolute closure of the mine be respected at this meeting. In turn, the MARN presented its environmental impact study which certified that the mine did not meet the environmental and legal requirements. As a result the resistance requested the official suspension of the environmental license for the mining project, the immediate and indefinite closure of the mine, the withdrawal of machinery and the end of the intimidation and attacks against the Resistance.

### The Camp at La Prensa and El Carrizal as a form of peaceful resistance

On the same day that MARN ordered the suspension of the license, February 25, 2019, community members from the municipality of La Prensa and members of CCCND declared themselves to be in a Permanent Assembly and installed a peaceful camp at the entrance of the mine<sup>9</sup>: “The idea of organizing a camp came from the communities themselves when they saw the disaster that the mine had caused to Mother Nature. They thought of forming a non-violent, peaceful resistance to counteract the disaster.”<sup>10</sup> The objective of this camp was to ensure that MARN decisions were executed and that the mine would be closed and all the machines removed within 15 working days.

6 Communique CCCND, *Encuentran sin vida a autoridad ch’orti’ Elizandro Pérez*, 21.11.2018

7 Redacción, *La no tan misteriosa muerte de Elizandro Pérez, autoridad del pueblo ch’orti’*, Prensa Comunitaria, 22.11.2018.

8 Arreaga, S., Op. Cit.

9 Ajpu, N., *Comunidades indígenas Ch’orti’ se declaran en asamblea permanente y resistencia pacífica contra minera*, 27.02.2019.

10 Interview with Don Erasmo, Cit.



The La Prensa camp is active 24 hours a day, Monday through Sunday: "There are people from six communities who take turns every day. Every 24 hours we hand over to people from another to continue monitoring the situation and to ensure that the company does not return to the mine again."<sup>11</sup> On April 8, 2019, a second sit-in was formed at the other entrance to the mine, near the El Carrizal community. Under the observation and the pressure exerted by both camps, the owners withdrew all the machinery, but the sit-ins have continued because the owners have threatened to re-enter and continue their extractive activities on several occasions.

The continuous presence of the protest camps, all day and night, carries a series of risks for the members of the resistance. There have been constant death threats, intimidation, shootings into the ground and air, surveillance, lawsuits and attempts to co-opt their members. The resistance has identified that those responsible for such incidents are workers from the company who live in nearby communities. This permanent insecurity for members of the resistance profoundly affects their lives, as it takes them away from their homes, their jobs, the care of their families, and also has emotional impacts.

"I have been in the struggle and have had serious problems being there, for defending Mother Earth. There

have been both moments of sadness and joy, both, I tell you."<sup>12</sup>

"There are difficult moments at the camp, moments when we despair because security staff from the mine pass in front of us, armed. We feel intimidated by them because we don't use weapons. Our ideas are our only weapons."<sup>13</sup>

"We have to be there day and night, and it's impossible to sleep, instead we are suffering. Still the miners' bodyguards shoot every night. So there is a risk. Those gunmen shot at my husband and I, but thank God, they didn't hit us. Well, the fact is that the struggle keeps us so busy, that we neglect our homes, our work, we leave our corn in the fields and sometimes people just take it. We are worried because we fall behind and are no longer earning our keep. We are very worried, that is why we want to evict the mine, because they are taking our lives, it is a loss of life."<sup>14</sup>

### The injunction at the Supreme Court of Justice, hope for the future

In the face of inactivity from several State institutions, CCCND and the resistance took a decisive step towards the definitive closure of the mine and in defense of the environment and the Ch'orti 'territory. In August 2019, several indigenous authorities from the Olopa communities traveled to Guatemala City to deliver an

injunction to the Supreme Court of Justice. The injunction demands the communities' rights to prior, free and informed consultation on the mining activities of the "Cantera Los Manantiales" company. This action is very significant for the organization and the resistance, as the protection could lead to the indefinite closure of the mine.

"We hope that the licenses granted by the MEM be will canceled so that all the problems we have are over."<sup>15</sup>

"Today we are here with the intention of presenting the injunction to see if we can have solution and rest a little from this resistance."<sup>16</sup>

The main concern of the Resistance is, without a doubt, the fate of future generations: "We know that it hurts us, especially the new generation that is coming. We have lost most of nature. It was a very sacred place that was lost by the the company's activities."<sup>17</sup>

"The mine created a great disaster there, there is no firewood, there is nothing, it is already desert. What's left? We are concerned for the coming future. What are we going to leave to our children?"<sup>18</sup>

These brave and tenacious men and women have been able to transform their indignation, anguish and hopelessness into motivation and courage in favor of life. This is their energy to keep struggling.

11 Interview with Don Chico, Cit.

12 Interview with Don Erasmo, Cit.

13 Interview with Don Chico, Cit.

14 Interview with Doña Carmelita, Cit.

15 Interview with Don Erasmo, Cit.

16 Interview with Doña Carmelita, Cit.

17 Interview with Don Chico, Cit.

18 Entrevista a Doña Carmelita, Cit.

## Communities raise their voices about the climate crisis

*The climate crisis is one of the greatest challenges that has faced humanity for decades and, having grown in urgency over time, it is now causing much alarm. Despite this urgency, however, so far the necessary measures have not been taken worldwide to stop it and avoid reaching a point of no return. The catastrophic consequences of this inaction by the responsible authorities is visible everywhere. This is why the crisis has generated such a high media profile during 2019, evidencing the deep concern that is out there. Guatemala is among the countries most affected by this emergency. There are several regions that suffer the impacts of climate change, but it has become most evident in the Ch'orti' area, located in the east of the country. PBI accompanies various social organizations across various departments, which has allowed us to observe and listen to the different ways in which this crisis is manifesting, as well as communities' attempts to mitigate its effects.<sup>1</sup> The risks it poses to indigenous peoples deserves special attention, since their ancestral wisdom is threatened by the disappearance of flora and fauna.*

### The Climate Crisis in Central America: The Dry Corridor

Central America is one of the regions most vulnerable to adverse climatic phenomena, which is exacerbated by the climate crisis. It is a narrow isthmus between two continents, flanked by two oceans, the Pacific and the Atlantic, which has extensive coasts with low-lying areas and characterized by high climatic vulnerability. The region has ecosystems with high biodiversity that are being threatened by deforestation, fires, temperature rises, severe droughts, heavy rains and cyclones.<sup>2</sup>

One of the most urgent problems is the lack of water, which especially affects the region known as the "Dry Corridor," an extensive area parallel to the Pacific coast that runs through most of Central America. In Guatemala this has had a deep impact, particularly the departments

of Chiquimula and Zacapa. According to the National Institute of Seismology, Volcanology, Meteorology and Hydrology of Guatemala (INSIVUMEH), the rivers have dried and the temperatures are rising more every year. The increase in temperature, together with the lack of rain, has had a negative impact on agricultural production and therefore on food security. Guatemala has the sixth highest rate of malnutrition in the world with at least 47% of children suffering from chronic malnutrition. These rates increase in indigenous communities, as in the case of Camotán (Chiquimula), where child malnutrition has reached 60%. In Chiquimula, 71% of the population lives in poverty and 40% in extreme poverty. Drought, food insecurity, poverty and lack of land to cultivate are the main causes of internal displacement and migration outside the country.<sup>3</sup>

### Impacts of Climate Change on the people and the communities we accompany

Ubaldo García, a member of the Ch'orti 'Nuevo Día Central Campesino (CCCND) describes how "the last five years have been very complicated for the Ch'orti' territory because there has been no rain. We did have a winter, but the dates of the seasons have changed, rain has been very scarce and this has led to crop losses. Lack of rain has led to the loss of many seeds and native plants in the Ch'orti' region. We have seen many of the plants and birds that I knew from my adolescence disappear, those are the consequences. If there is no forest, water, or rivers, many species and plants will no longer exist, these are major impacts of climate change."

This same lack of rain, and therefore, of water to sustain life, has also been mentioned by Carlos Morales,

<sup>1</sup> All the quotes that appear in this article were taken from interviews conducted by PBI with the people and organizations we accompany.

<sup>2</sup> Informe Cepal, 2015.

<sup>3</sup> Abbott, J., 'No other option': Climate change driving many to flee Guatemala, Al Jazeera, 13.05.2019; Lakhani, N., 'People are dying': how the climate crisis has sparked an exodus to the US, The Guardian, 29.07.2019.



The Cahabón river has been drying-up since the hydroelectric plant was installed. April 2019

coordinator of the Union of Peasant Organizations (UVOC): “previously in Alta Verapaz we used to have rain we called *chipi-chipi* (a light drizzle). It would rain like this almost every day, but it no longer exists. Rather we get heavy rains with lightning and hail, which did not happen before, and the temperature has risen too much. We also are seeing plants that did not grow here before, such as papayas, watermelons and melons. I believe that these are the signs of climate change.”

Sandra Calel, also a member of the UVOC, emphasizes the special impact that lack of water has on women: “we are the ones who stay at home and we have to see how to get water for the family, to feed and to to

wash. For this, women have to go to the river, but there are not many rivers, and those that are left are polluted or no longer have water. Another UVOC member from San Pedro Carchá, told us that she has to buy drinking water for consumption, which means a daily cost of five quetzales. And to wash she has to walk for three hours.” Similarly, Rosa Rosales of San Pedro Ayampuc (department of Guatemala), and a member of the Peaceful Resistance of La Laguna, says that in her community “water comes every eight days, for forty minutes or an hour, and this water has to last for the whole week. Women are the ones who have to deal with everything, from what they give us to spend on food, we have to go out to buy the water to wash, to drink,

because the water that comes from the municipal pipes is full of mosquito larvae and is dirty. It cannot be used nor for cooking. The municipality has tanks, but they do not give them the necessary maintenance or management, so the water is dirty. Many people are suffering from a bacteria called *Helicobacter pylori*. There are a lot of children with diarrhea and malnutrition here in San Pedro Ayampuc.”

Carlos Morales emphasizes the impact that these situations have had on the communities’ traditional ways of planting: “the resources we used to use for planting are being destroyed, now corn and beans are no longer flourishing, basic grains are scarce and the communities’

economy is quite difficult. They have no way to feed themselves and they have no way out of this problem. The lands no longer produce, it is too warm, it's causing the rivers to dry up and cracks in the land are worse due to water scarcity."

The impacts go beyond the physical survival of the communities, it is affecting the deepest aspects of their culture, their ways of life and their spirituality. This is what Ubaldino García means when he says that "with all this loss of water, native plants and seeds, the most unfortunate thing is that we are losing a lot of knowledge, we are losing a lot of wisdom. For the indigenous peoples, the great springs of water in the great mountains are our knowledge and our spirituality. So it hurts me to see how it is being lost, not only what we can see, but also what we can feel."

### Megaprojects, climate crisis and peoples' resistance

The dominant global economic logic and the "development" policies that support it, put economic benefit before the preservation, care and conservation of the environment and natural assets. This attitude further aggravates the impacts of the climate crisis and exposes us to enormous challenges, particularly for communities facing large investment projects, of various kinds, in their territories. Guatemala has not escaped this logic, with examples of megaprojects that have been highly questioned by organizations, affected communities and experts in the field. Some notable cases include the OXEC and Renace hydroelectric plants in the Cahabón and San Pedro Carchá region of Alta Verapaz; the Cantera de los Manantiales antimony mine, INCAMIN S.A, in Olopa, Chiquimula; the mining project El Tambor (currently suspended), in

San José del Golfo and San Pedro Ayampuc; etc. One of the principal consequences of these projects, according to the people consulted, is the direct "large-scale" impact on the ecosystem where they are operating.

Esteban Rivas from the Council of Communities of Cunén (CCC) is clear about it: "the megaprojects brought by transnational companies are the ones that have affected us, because they are the ones that have taken our rivers. The rivers have dried up, there is less water, this vital liquid is not flowing the way it used to, right now there are many people who are forced to look for water for human consumption from other sources."

In the case of the El Tambor mine, Ana Sandoval, from the San José del Golfo (department of Guatemala) community and a member of the Peaceful Resistance La Puya explains how the company has drilled wells in underground water sources and these rivers are what feed the lakes and rivers. This has caused "the rivers and wells to dry out this year, with communities where the water no longer reaches."

Rosa Rosales regrets the massive felling of trees: "it is a devastation. The National Forest Institute (INAB) has been giving logging licenses left and right. Instead of defending our forests, it was created to destroy, because that's all it has done: give lots of licenses. In San Pedro Ayampuc the majority of forests have been destroyed, and have not reforested."

In the face of all these situations caused by the actions of the companies to whom the State has granted licenses without free, prior, and informed consultation from the affected communities, they have raised their voices and continue



Mine on the roadside towards Chicamán, El Quiché, October 2019

their resistance in defense of life and territory. According to Carlos Morales “the indigenous peoples are those who are fighting so that Mother Nature is not destroyed, because it is the big companies, the mega-projects, the hydroelectric plants, the mono-cultures, the logging, who are the ones advancing with the destruction. We have these problems in the Verapaces region, the amount of land dedicated to producing mono-cultures such as African palm and sugar cane has grown, these are crops we did not have before. This is affecting us, and what the indigenous peoples, the *campesinos*, do is resist, protest, making every effort to help Mother Nature and ensure their own survival as well. However, this is a serious problem because they are persecuted, imprisoned and killed, all for participating in the resistance.

There are many cases of repression against human rights defenders who are confronting these mega-projects, such as Bernardo Caal Xol, the q’eqchi’ leader from the Peaceful Resistance Cahabón, who was sentenced to more than seven years in prison for defending the Oxec and Cahabón rivers, and the nature that surrounds them, in the face of the proposed construction of the OXEC hydroelectric plants.

### How the communities are dealing with the Climate Crisis

Ubaldo García points out the extreme care with which communities use water, something they consider both a precious and scarce good. In fact, this year they have been



March for water, Guatemala, 22.04.2019

working to identify unused land, in order to recover a lot of communal land that burns in summer season, and reforest it: “people have worked to clean the entire communal area, to improve nature, because we, the indigenous peoples, think that if we inherited this from nature, this community with trees, we have a to leave it as we received it or better. We want to plant many more forests, I feel that this is where consciousness comes in.”

For Esteban Rivas, it is crucial to find solutions to the various problems related to the climate crisis, and to achieve this it is fundamental to provide training and information to leaders who can replicate and share what they have learned in their communities: “we have given ourselves the task of informing communities about climate change and we have also sought help to train our leaders. We have explained

to the communities, among other things, that we have to look for places to dispose our garbage responsibly, because the pollution also contributes to increasing temperatures. In addition, in Cunén we are also beginning to use a mesh system that catches mist as a way of harvesting water.”

Rosa Rosales talks about neighborhood awareness processes: “we are raising awareness among our small farmers so that if they chop trees, they know they should plant more trees. It is easier for companies to come and devastate everything, because then they leave and it’s over. Farmers say it doesn’t rain anymore, and we tell them that it is because we chop down many trees and we are putting many chemicals into the soil. There are no birds anymore, they migrate to other places because they no longer have a house to live, the trees are their home.”

## Observation in Petén: Organizations and Communities at Risk

Since 2007, PBI has made bi-annual observation trips to Petén, with the objective of following up on the human rights situation and visiting some communities, organizations and entities. This allows us to identify, in a timely manner, the risks and threats present in the territory. The problems in Petén are multiple and profound: territorial disputes, extractive megaprojects, organized crime, drug trafficking, gender based violence, evictions, etc. All this occurs in a context of structural poverty, social inequality and weak institutional presence, which translates into a lack of basic guarantees for the fulfillment and enjoyment of fundamental rights and freedoms of the population in general and of human rights defenders and organizations in particular.

During the first visit of 2019, we noted the existence of a very complex security situation for women's organizations and for human rights defenders involved in defending land and territory. Specifically, we identified some organizations that have suffered repeated security incidents and whose situation of risk is very worrying, particularly: the Association of Women of Petén Ixqik, the Association of Indigenous Peasant Communities for the Integral Development of Petén (ACDIP), the Petenero Front and the Permanent Delegation of the Sierra del Lacandón and the Laguna del Tigre (DPLT and SL).

The risks faced by women's organizations are very serious. As a result several of our actions have been aimed at demonstrating these risks. This is the case of the Ixqik Women's Association which, through the administration of the Integrated Support Center for Women Survivors of Violence (CAIMUS), performs vital work in the field.<sup>1</sup> Despite the relevance that this work has for the communities in Petén, the organization has not received the necessary funds, nor



Constantino Vásquez, representative of the Laguna Larga community, Edgar Pérez (BDH), and Jordán Rodas (PDH) in a press conference to call public attention to the inhumane conditions the Laguna Larga population are living in, 06.11.2019

has it received a response from the Ministry of the Interior, which is the state entity responsible for financing CAIMUS. In addition, its security situation is complex. The last incident was recorded on August 27, when Ixqik members found the doors of the CAIMUS office open and there were signs that a raid had been carried out. This incident is doubly worrisome, because of the incident

in itself and because this Center is attended by women survivors of violence and family members of victims of femicide, meaning that the organization holds sensitive documentation that compromises the safety of these women and members of the organization.<sup>2</sup>

In relation to the defense of land and territory, PBI continues to meet frequently with the DPLT and SL,

1 UN Women notes that Guatemala is one of the countries with the highest rates of violent deaths of women (9.7 out of every 100,000 people). The Secretariat against Sexual Violence, Exploitation and Trafficking in Persons of the Government of Guatemala reported that between January 1 and April 30, 2019 in Petén, 194 complaints were filed with the Public Ministry (MP) for the crime of sexual violence, and during 2018 they received 633 complaints for the same crime. In this same date range, the number of pregnancies in girls under 14 in Petén was 74, the second highest in the country after Alta Verapaz.

2 IM Defensoras, *Alerta Defensoras GUATEMALA: Allanan las instalaciones de la Asociación de Mujeres de Petén Ixqik*, 02.09.2019.

who have been advancing with their *“Alternative proposal for integral and sustainable development of the communities affected by the declaration of protected areas of the Laguna del Tigre and Sierra Lacandón, El Petén.”* One of the objectives of this proposal is to find a solution to the situation of forcibly evicted communities, such as Centro Uno, El Macabilero, Pollo Solo, Centro Campesino, El Vergelito and the families from La Mestiza. The round-table for dialogue with state institutions began in 2016, but it was stopped for almost two years, following the impact of the criminalization of Jovel Tovar in 2017, a leader from the La Mestiza community, and the eviction of the Laguna Larga community.<sup>3</sup> The round-table has been recently reactivated and several work sessions have been carried out where the communities’ leadership, under advise from the Human Rights Law Firm (BDH), continue in advancing in the realization of their alternative proposal and preventing leaders from being criminalized for their defense of human rights.

The humanitarian crisis of some 450 people in the community of Laguna Larga (San Andrés), who were violently evicted on June 2, 2017, deserves special attention. Following the eviction, this community requested precautionary measures from the Inter-American Commission on Human Rights (IACHR) in light of their extreme vulnerability. These were granted on September 29, 2017.<sup>4</sup> To date, the State has not adopted the measures required to protect the life and integrity of the members of the community, who continue to live in conditions of extreme precarity



and face multiple risks where they have currently taken refuge (along the Guatemala-Mexico border). In August 2019, the situation became even worse, following the statements by the Vice President of the Republic, Jafeth Cabrera, who said that the State had diverted the resources earmarked for this community to another, claiming that the population of Laguna Larga had not accepted the offer of a property and other resources for relocation. That statement was denied by the BDH and the International Commission of Jurists (ICJ) - organizations who accompany the community - in a document that they presented on August 23 to the Presidency of the Republic, indicating that the community has never given up on their claims. As a result they made the following demands:

1. That the resources allocated to resolve the situation of the community are not withdrawn, since the community has, at no time, withdrawn from the process;
2. That the humanitarian crisis being suffered by families is addressed urgently, and
3. That, for humanitarian reasons, the provisional return of the community to their place of origin be facilitated, while their permanent transfer is being resolved.”<sup>5</sup>

To date, the community and the accompanying organizations have not received a response from the State and the situation of humanitarian crisis continues to worsen.

<sup>3</sup> Redacción, Detienen a defensor de la naturaleza, después de salir del congreso ambiental organizado por el organismo judicial, Prensa Comunitaria, 29.03.2017.

<sup>4</sup> CIDH, Resolución 36/2017: Medida cautelar No. 412-17, Pobladores desalojados y desplazados de la Comunidad Laguna Larga respecto de Guatemala, 08.09.2017

<sup>5</sup> Monzón, M., Una pregunta para el vicepresidente, Prensa Libre, 27.08.19.



# PEACE BRIGADES INTERNATIONAL GUATEMALA PROJECT

**PBI** is an international non-governmental organization (NGO) which provides international accompaniment and observation at the request of threatened social organizations. The presence of international volunteers backed by a support network helps to deter violence.

## PBI in Guatemala

**PBI** maintained a team of volunteers in Guatemala from 1983 to 1999. During those years, it carried out accompaniment work with human rights organizations, unions, indigenous and campesino organizations, refugees and churches. In 1999, after an evaluation process, it was decided to close the project since the country had greatly advanced in the opening of space for the work of human rights organizations. Nevertheless, **PBI** continued attentive to the happenings in Guatemala through a follow-up committee.

From the middle of 2000, **PBI** began receiving a number of requests for international accompaniment. Due to these requests, **PBI** carried out an investigation in the field that made evident a turn in the direction and a losing of space for human rights defenders. In April of 2002, **PBI** decided to reopen the Guatemala Project in order to carry out international

accompaniment and observation in coordination with other international accompaniment and observation in coordination with other international accompaniment NGOs. In April 2003, the new **PBI** office was opened in Guatemala.

## Purpose and principles

Contribute to improve the human rights situation in Guatemala and accompany social and political processes that promote the enhancement of democracy and participation in the country and the region. To attain this, **PBI** employs an international presence that supports the maintenance and opening of political and social spaces for human rights defenders, organizations and other social expressions facing repression due to their work supporting human rights.

**PBI** follows the principles of non-violence, non-partisanship and non-interference.

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Published Guatemala City, December 2019