



PEACE BRIGADES INTERNATIONAL
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NI OLVIDO, NI PERDON



Mi nombre es **Luz Leticia Hernández Agustin**, el 21 de noviembre de 1982 miembros del Batallón de Reacción de Operaciones Especiales (B.R.O.E) y del Servicio de Inteligencia Militar me capturaron en una casa de seguridad del Movimiento Revolucionario del Pueblo (MRP-Ixim), ubicada en el bloque 4, manzana "E", lote 13 de la colonia Monte Real II, zona 4 de Mixco; junto a Gabriel Calate Femuc, Luz Leticia Hernández Agustin, María Ana López Rodríguez y María Cruz López. Gabriel Calate fue ejecutado ilegalmente, María Ana López condenada por un tribunal de fuero especial a 10 años de prisión. A María Ana López a mí, nos desaparecieron, hasta la fecha no se sabe nada de nuestro paradero.

H.I.J.O.S.

...llos e hijas por la identidad y la justicia, contra el olvido y el silencio

Verdad Justicia

Bulletin No.

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40 years of searching for Luz Leticia:

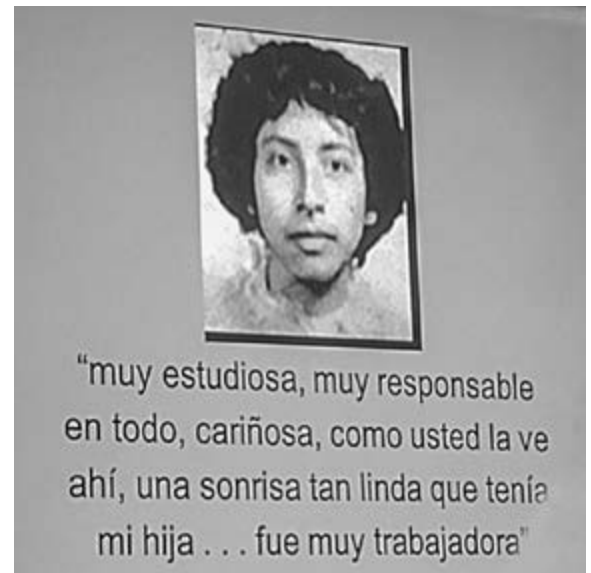
“The truth must come out so that history does not repeat itself”¹

Luz Leticia Hernández Agustín was captured and disappeared by state security forces on November 22, 1982, at the age of 25. It is feared that she became a victim of torture and extrajudicial execution for collaborating in the kidnapping of Jorge Mario Ríos Muñoz, nephew of the de facto head of state at the time, Efraín Ríos Montt. The objective was to exchange Ríos Muñoz for a comrade who had disappeared the previous month. Luz Leticia’s family has not stopped looking for her since then, traversing a long and arduous road to justice. The trial began on this case in January 2023, following more than 40 years of tireless struggle. One of the main perpetrators, the former commander of the Operations and Special Reactions Battalion (BROE), Juan Francisco Cifuentes Cano, who was arrested on May 21, 2021 for the Diario Militar case, has been indicted for forced disappearance and crimes against humanity.

Contexto

The events occurred during the bloodiest years of the Internal Armed Conflict (IAC) which ravaged Guatemala between 1960 and 1996. The IAC has its roots in the coup d’état perpetrated against the democratic government of Jacobo Árbenz, which ended the decade known as the Democratic Spring (1944-1954), marking a return to rule by dictatorial regimes in Guatemala. Faced with this total closure of spaces, numerous popular and insurgent movements began to emerge throughout the country, seeking to reverse the political and social conditions of oppression and poverty which pervaded Guatemala.

The bloodiest period of the IAC was marked by numerous crimes against humanity committed by various military governments.² As the Commission for Historical Clarification (CEH) pointed out, the government of Efraín Ríos Montt (1982-1983), which falls within this period, “gave continuity to and expanded the scorched earth policy which had been designed and implemented by his predecessor Romeo Lucas García (1978-1982). Allegedly established to destroy insurgent movements, such repressive policies, however, were systematically used to destroy social movements that advocated for change and challenged military dictatorships (...). The 17 months where Ríos Montt ruled over Guatemala were the most brutal of the conflict. Human rights organizations estimate that 10,000 people were killed in the first three months of his rule. During the first eight months of his term, 10 massacres were recorded every month. More than 400 indigenous communities were destroyed.”³ Survivors and relatives of these crimes, as well as human rights organizations, have been fighting tirelessly for justice over decades, as the only



Slide of the presentation by the families lawyer Liliann Vásquez Pimentel of the Human Rights Law Firm with a Feminist Focus, Guatemala, 13.01.2023

1 All the information contained in this article, unless otherwise indicated, was taken from an interview conducted by PBI with Luz Leticia’s sisters (Marta and Mirtala) and mother (Valentina).
2 *Memorias del Silencio, Tz’inil Na Tab’Al. Conclusiones y Recomendaciones del informe de la Comisión para el Esclarecimiento Histórico.* Guatemala, Linoprint. 1999.
3 Burt, J.M., Estrada, P., *El legado de Ríos Montt*, El País, 27.04.2018.

path to reparation and non-repetition of such atrocities.⁴

Luz Leticia’s childhood and youth

Luz Leticia was born on November 22, 1957 into a humble family. She was the eldest of six brothers and sisters who, together with her mother, Valentina Agustín, and her father, Jorge Hernández, grew up in a house near the train tracks, between Zone 12 and 13 of Guatemala City, in the La Reformita neighborhood.

Doña Valentina and Don Jorge, both from peasant families, worked very hard to provide for their family. Jorge passed away in 2021 at the age of 88. He had worked as a farm hand on a farm in Colomba Costa Cuca since he was a child. According to his daughters Marta and Mirtala, he never forgot his origins and instilled in them values based on humility and mutual respect. Jorge also shared with them his way of seeing the world in connection with nature. Doña Valentina was born in Huehuetenango, to a Maya Mam family with strong Catholic convictions. She instilled a firm belief in peace, love, the need to share and reciprocity with her daughters. All of this set them on the path to follow.

Despite of the extreme poverty in which the family lived, Luz Leticia’s sisters say were never aware of those circumstances as they grew up surrounded by fruit trees, vegetables, flowers and some domestic animals. This, alongside Don Jorge’s radio engineering work, became the basis of the family’s subsistence and a source of joy for the youngest children. They also emphasize how the affection and care with which their parents always treated them, made their childhood always full of love. In the words of Mirtala, the youngest of the sisters, “materially we had nothing, but

the love we felt at home was everything.”

Luz Leticia was the eldest and played an important role in the care of her sisters and brothers. Mirtala remembers her as a very loving and hardworking person, who was always there to accompany and support her. Likewise, she treasured deep values of justice which always accompanied her actions. For Mirtala, Luz Leticia was and is a source of inspiration, a heroine.

Luz Leticia began her high school studies at Instituto Belén in 1971. Later, in 1974, she entered the Escuela Nacional Central de Ciencias Comerciales, where she studied Accounting. When she finished, in 1976, she entered the Faculty of Economics at the University of San Carlos (USAC). During those years, she also worked at the “El Mar” store, located on Sixth Avenue in Zone 1, in order to pay for her studies. Her sisters remember that Luz Leticia dreamed of becoming an economist to contribute to the family economy and the progress of the Guatemalan people.

According to Mirtala, her sister Luz Leticia was full of strength and will to live. She dreamed and believed in a different Guatemala, in democracy and freedom.



PBI accompanies the sisters to the hearing of the first statement, 13.01.2023

Luz Leticia joins “Nuestro Movimiento”

In 1980, Luz Leticia told her family that she was going to leave her job to set up an accounting firm with colleagues. Among them was her friend Ileana del Rosario Solares Castillo, who occasionally visited the family home. However, the new project Luz Leticia embarked on was actually “Nuestro Movimiento” (Our Movement), an urban insurgency group that broke away from the Organization of the People in Arms (ORPA). The student movement was strong and organized during those years and many young people joined it.

From then on, Luz Leticia took some distance from family life. Mirtala recalls how her sister suffered a noticeable

4 OACNUDH, *Guatemala: Justicia, la mejor garantía para que no se repitan las atrocidades*, 15.05.2023.



The sisters Marta and Mirtala as well as their mother Valentina search for justice for the disappearance of Luz Leticia, Guatemala, 8.02.2023

physical deterioration, she was extremely thin and looked very tired. Even so, she continued to visit her family sporadically. One of the last times Mirtala remembers seeing her sister was an occasion when she invited her for cake at a bakery downtown. Mirtala was 16 years old. Luz Leticia was never seen again.

Detention and disappearance of Luz Leticia⁵

Ileana del Rosario Solares Castillo was kidnapped by state actors on September 25, 1982. According to documents from the Historical Archive of the National Police (AHPN), the “Our Movement” took the decision to kidnap Mario Ríos in order to exchange his freedom for Ileana. The kidnapping of Ríos took place on October 13, 1982

and he was detained until November 21 of the same year. The house used to hide him was located in the Monterreal neighborhood of Guatemala City, and Luz Leticia collaborated by pretending to live there with her partner. A police rescue operation was carried out between November 21 and 22, which resulted in the discovery of the dictator’s nephew and the disappearance of Luz Leticia and her colleague Ana Maria López Rodríguez. Originally, the operation was targeted at Colonia Melgar Díaz, where 14 people were arrested, nine of them minors. Subsequently, the agents, under the orders of Cifuentes Cano, went to Colonia Monterreal where Luz Leticia, Ana Maria, Maria Cruz Lopez Rodriguez and Leandro Gabriel Calate Temu were detained.

As the kidnapping related to a family member of the Head of State, it garnered much public and media attention. María Cruz López Rodríguez and Leandro Gabriel Calate Temu were consigned to the Special Jurisdiction Courts in December of the same year.⁵ Leandro was murdered during a transfer and, despite the fact that the autopsy demonstrated signs of torture, the official version claims he died of a gunshot wound during an escape attempt. María Cruz was sentenced to 30 years in prison. She was eventually granted an amnesty during the government of Oscar Humberto Mejía Mejía Víctores (1983-1986). She died in 2002. During those years she wrote a manuscript in which she acknowledged that on the day of her arrest, in addition to Leandro, two other women were

⁵ Following the coup d’état of March 23, 1982, the de facto Head of State, Efraín Ríos Montt, created the Special Courts, “whose secret configuration the Government of General Ríos Montt persisted in maintaining and whose procedure violated the most elementary guarantees of due process.” They were “unlawful bodies whose constitution, actions and resolutions ignored fundamental provisions of the American Convention on Human Rights, of which Guatemala is a State Party” (Muñoz Elías, J.P., “Los vamos a fusilar”. *Los Tribunales de Fuero Especial 1982-1984*, Enfoque, Year 10, No. 58, June 22, 2018, p.16).

arrested, her own sister, Ana María, and Luz Leticia. They were incorporated into the clandestine detention system, thus violating their right to a fair trial, to dignified treatment and to life, as highlighted by Luz Leticia’s mother and sisters. There is ample testimonial and documentary evidence to demonstrate that they were held in the tunnels under the old polytechnic school. Nothing was ever heard of their whereabouts.

Press throughout the country had been reporting the rescue of Ríos Montt’s nephew. The Hernández Agustín family, however, did not know that this incident had a direct relation on them until November 26, 1982. A man visited Don Jorge that day. He was a tall, well-dressed and armed individual. He told Don Jorge that Luz Leticia had been captured and insisted that they should protest outside the presidential palace to demand her release. This terrible news marked a turning point in the family’s life. A week later Gustavo Morataya Hernández, Luz Leticia’s partner, confirmed her detention and disappearance.

From that moment on, the Hernández Agustín family began a search that has never ceased. For years they filed motions for habeas corpus before the Supreme Court of Justice (CSJ), visited prisons and hospitals, demanded that different state agencies carry out investigations into the disappearance, and they even went to the Inter-American Commission

on Human Rights (IACHR). In 2001, the IACHR concluded that the State of Guatemala had violated Luz Leticia, Ana María and Ileana’s right to life, to humane treatment, to personal liberty, to a fair trial and to judicial protection.⁶

Doña Valentina participated in the formation of the Mutual Support Group (GAM), joining forces with other families in the same situation. It was at that time that the Hernández Agustín family made contact with Peace Brigades International (PBI), which at the time accompanied GAM, and which, as early as 1984/85, accompanied one of the Hernández Agustín sisters who eventually had to go into exile in Canada. Today, PBI continues to accompany Valentina, Marta and Mirtala, Luz Leticia’s mother and sisters.

Un paso más hacia la verdad

On January 20, 2023, more than 40 years after Luz Leticia’s disappearance, Juan Francisco Cifuentes Cano’s first statement hearing took place in the 5th Criminal Court of First Instance in Guatemala City. Doña Valentina was especially moved “to see a light in the search for justice for her eldest daughter”.

Undue delays in the process have occurred over the years, violating the rights of the family. In fact, the above-mentioned hearing was rescheduled up

to eight times for various reasons that, according to the family, is all part of a strategy aimed at wearing the family down. In the last hearing of the first statements, Cifuentes Cano was indicted for the crimes of forced disappearance of Ana María and Luz Leticia and for crimes against humanity. The intervention of the legal representation of the Hernández Agustín family gave the case a special gender focus, highlighting the use of gender and sexual violence as tools of torture.⁷

The case opened thanks to the family’s enormous efforts to find justice and bring to light the truth about what happened. “The disappearance of our sister deeply wounded the family and in order to heal we need to recover Luz Leticia’s remains and ensure her murderers to face justice once and for all,” says Marta.

In 2006 the State of Guatemala offered them a friendly settlement agreement, which they rejected because, as they say, “we are doing all this to bring to light the truth about our sister’s life. But not only for that, for us it is an act of justice that should flood the hearts of the families, who like us, have lost loved ones in an unjust way, with hope inside and outside Guatemala. Because silence is one of the greatest accomplices of the murderers. Because the truth must come to light so that history does not repeat itself. For them, here and there. For justice.”

6 CIDH (2001), Informe 60/01, *Caso número 9111. Ileana Del Rosario Solares Castillo, María Ana López Rodríguez, Luz Leticia Hernández*, 04.04.2001.

7 In its report *Guatemala, Memoria del Silencio*, the Commission for Historical Clarification (CEH) points out that “the rape of women, during their torture or before they were killed, was a common practice aimed at destroying the dignity of the person in one of its most intimate and vulnerable aspects.”

From the La Mocca farm to the 12 Tz'ikin community:

a story of unfinished struggle

Between 2006 and 2010, PBI accompanied 149 Q'eqchi' peasant families from Finca La Mocca, members of the Verapaz Union of Campesino Organizations (UVOC), in their struggle to have their right to access to land recognized. Thirteen years later, we met with these families once more to reflect on those times and learn about what happened after the land was handed over.

The origins: chronology of the conflict on the La Mocca Farm¹

Finca San José La Mocca, belonging to the Hempstead Dieseldorff family, can be found in the Polochic Valley, on the border between the municipalities of Senahú and Santa Catalina La Tinta, Alta Verapaz. The farm is strategically located between the jungles of Guatemala's northern lowlands and the southern municipality of Panzós and the Polochic River. The history of this farm exemplifies the problem of the unequal distribution of land, which historian Severo Martínez Peláez identified as the primary problem in Guatemalan society. Land is concentrated in the hands of the few while the vast majority of the peasant population lacks access to land. This case also illustrates the historical racism inherent to a colonial development model which, since the liberal reform, has based its productivity on the quasi-slave labor of indigenous families forced to work in the coffee farms in the position of



Community members tell us their history in our visit in March 2023.

¹ The information included in this section has been taken from the following sources: UVOC, *Guatemala: asesinatos impunes en la finca Mocca*, 13.08.2007; UDEFEGUA, *Criminalización en contra de defensores y defensoras de derechos humanos. Reflexión sobre mecanismos de protección*, Guatemala, diciembre de 2009; UDEFEGUA, *Informe sobre situación de violación de derechos humanos contra: LA ASOCIACIÓN CAMPESINA SAN JOSÉ LA MOCA, SENAHÚ, ALTA VERAPAZ. Miembro de la Unión Verapacense de Organizaciones Campesinas-CNOC*, 14.07.2006; PBI Guatemala, *La Mocca: crónica de una muerte anunciada*, Boletín nº10, septiembre 2006; PBI Guatemala, *PIM número 77*, febrero de 2010.



Community fields in the Polochic Valley, Senahú, 9.03.2023

mozo colono (literally colonial peasant hand).² Furthermore, this case also represents what has come to be known as the “failed state”, as it demonstrates the State’s inability to guarantee the population’s basic rights: healthy and sufficient food, drinking water, decent housing and security.³

The Q’eqchi’ peasant families who are the protagonists of this story lived and worked for many years as *mozos colonos* at Finca La Mocca, which dedicated its approximately 100 *caballerías* to the cultivation of coffee and cardamom and cattle ranching. At the beginning

of the new millennium, the fall in coffee prices and the interest in producing other, more profitable and less labor-intensive products, such as eucalyptus, led the owners to dispense with the work of some of the 1,100 Q’eqchi’ families that lived and worked on the farm. However, the owners did not pay the benefits due for the years worked. Nor did they provide all the families with compensation through land; only about two thirds of the families benefited from this. In addition, the land concessions were made without taking into account the years worked by each family, which caused community division.

235 of the families who did not receive compensation for the years they had worked, founded the Peasant Development Association of San José Mocca (ACDSJM) in 2003, to claim their labor benefits and land. A year later, they joined UVOC in search of political and legal cover for their demands. With UVOC’s support, they obtained a court ruling that established their right to receive monetary or land compensation

for the work provided. This ruling, however, was not complied with. Faced with the lack of response from the owners of the farm, and as a measure of pressure to resolve their situation, they moved to Finca Las Cabañas in 2005. This land is owned by the same owners as La Mocca and located across the road from it.

The lack of political will for resolving the conflict meant the families were subjected to three violent evictions and several confrontations with groups related to the farmers, which left dozens of people injured and three dead. Miguel Quib, who died in the July 2006 confrontations; José María Cu, died a year later due to injuries received in the July 2006 confrontations; and Carlos Chub Che, who was murdered in April 2007. Seventeen years later, the families of these people are still waiting for the material and intellectual authors of these murders to be identified and brought to justice.

2 This term is of colonial origin and established labor relations whereby some peasants worked extensions of land owned by landlords, who in exchange for this work, were allowed to live there and to cultivate the land. (Quiles Sendra, J., *We defend life! The social struggles in Alta Verapaz*, PBI Guatemala, 2019). In the case of the La Mocca farm, at harvest time they were also compensated with a small amount of money.

3 Crónica, *Las 7 razones por las que Guatemala es un ESTADO FALLIDO*, 07,07,2021.



PBI accompanies the inauguration of the community 12 Tz'ikin, Senahú, 10.02.2010

Faced with violence and evictions, the families had no alternative but to settle on the road next to the land where they had lived on all their lives. While there they experienced the adverse effects of the weather, malnutrition, lack of access to health, education and unemployment. Meanwhile, with the accompaniment of UVOC, they continued negotiating in the National Roundtable for the Resolution of Agrarian Conflicts to secure a place to live and the payment of the labor benefits that the farmers owed them for their work.

Although the case was prioritized as urgent due to the extreme poverty in which the families lived, it took the State four years to award them land. It should be noted that the Dieseldorf family did not provide the due compensation for the years of labor the families had provided, rather the land the families received was purchased by the State from other farmers and awarded to the La Mocca families.

In February 2010, 149 peasant families who had endured living on the roadside officially received three and a half manzanas of land each,⁴ located on

the road that connects Santa Catalina La Tinta with Senahú. They obtained communal title to the land, which was granted to them through the Crisis Fund of the now defunct Secretariat of Agrarian Affairs (SAA), but they did not receive initial investment capital for the development of the community.

Relying on the sole support of a small truck made available by UVOC, one by one the families moved to the new land. It took a whole year for them to move off the roadside.

4 Equals 12 hectares.



Travelling to the promised land, Senahú, March 2010, Photo: Courtesy of UVOC

What the community effort achieved: organization is the basis for survival⁵

We were welcomed by 35 people from the community under the shade of a large tree beside the community church. Most of those who joined us were elderly men and women who were the protagonists of this struggle and who shared the long road they have traveled over all these years. They explained to us the organizational process they went through once they arrived at their new home, where the families again had to rely only on their own strength and the mutual support they gave each other through the community organization. “The state bought the land, but did not follow up on the transfer here, nor did it provide us with housing or support for planting.”

The new community was designed around the Mayan cosmovision: the energy of the Tz'ikin nahual and the connection of the new land with determined its name: Kab'laju' Tz'ikin⁶ which means 12 Eagles in Spanish. Sandra Calel, from UVOC, narrates how “for the families the eagle represents the flight they made from La Mocca to the new land, achieving their goal of being able to start a better life.” The families designed the new community organization according to the Mayan cross, placing the community spaces in the center and grouping the families in five areas, according to the nahual of the women of each family. “The community organization was an impeccable process. 12 Tz'ikin is the first community whose land ownership documentation was issued in the names of both the men and women of each family,”

says Sandra Calel. The families have organized themselves into committees for health, education, environmental care, sports, women's organization, etc. They also have a council of authorities, responsible for looking after the land, made up of 20 elders.

“The beginning was hard,” they share with us. “We arrived on land that was dry and which had nothing. It took time to build houses. At first we lived in nylon shacks, made from boards and sheets brought from the roadside. Now we have wood-burning stoves and light from solar panels in the community buildings.” After further struggles and demands, the community opened a school nine years ago, which provides education from pre-primary to sixth grade, with 188 children between four and eleven years of age currently enrolled. It is staffed by six Q'eqchi' teachers who come from Senahú three or four days a week. The health center was another result of their struggle. However, the doctor only comes once or twice a month.

The main problems they are experiencing at the moment continue to be lack of land and water. “The land is not enough and it is very tired. There were no trees here, everything was dry. We planted trees and began to recover the land, although it costs a lot because we do not have support from the Ministry of Agriculture, Livestock and Food (MAGA) for inputs, nor for training to improve the productivity of the land through fertilizers and cultivation.” In addition to low productivity, land has become scarce again as the community has grown. “We grow corn, beans, chili, marzipan, pineapple, mango, banana, mandarin, cassava, sweet potato for our own consumption. However, the corn is not even enough for the families' own consumption and we have to buy extra. With the growth of the community, which now has about 800 people, the young people are forced to go out to work outside. Some do seasonal work as laborers on the farms, others migrate to the United States. The land is not enough.”

5 The information for this section was drawn from interviews conducted by PBI in March 2023 with members of the 12 Tz'ikin community and UVOC.

6 In Mayan culture, the nahual is a protective spirit that is acquired at birth and that protects throughout life. Tz'ikin means bird.



The relocation of the 149 families and their belongings from the road side to the new community lasted one year, March 2010, Photo: Courtesy of UVOC

“The delivery of land alone is not enough,” they tell us. For this reason, the community struggle does not stop: in the face of the indifference of the state authorities, the right to water is now the main struggle of these families.

The most serious problem affecting the community is the lack of drinking water. “Every day it takes us an hour to walk to the two nearest water sources. Women are the main ones affected by the water shortage, as they are the ones who are mainly responsible for supplying the family with this vital liquid for drinking and personal hygiene, but also for cooking and washing clothes. Faced with the lack of answers from the authorities and the unwillingness to invest in water and sanitation systems, the families

are once again looking for solutions on their own, even if only in the short term, such as gathering large water tanks to collect rainwater. “The community has grown and the two water sources that supply us also serve other neighboring communities. In summer they dry up because there are no trees and also because of the nearby hydroelectric plants. Our main problem is the lack of drinking water.”

Although they managed to secure ownership over the land, the elders of the community have not stopped fighting to have their labor rights recognized for the years they have worked at La Mocca. Sandra Cael explains other challenges that the families are now facing: “There are farmers who have worked up to 39

years for 25 cents a day. The farmers have not compensated these families, even though there is a judicial resolution recognizing their rights. Another struggle now, in which we are accompanying them from UVOC, is to claim retirement and thus see the rights earned during so many years of work recognized.”

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Community 15 de Febrero:

the struggle for land is the struggle for life!

We visited the “15 de febrero” community in May, during one of the trips we made with members of the Community Council of Retalhuleu (CCR) to several of its member communities. We were impressed by the history of this community, so we went back to visit them a month later to learn more.¹ It took us an hour to get there, leaving by car from the municipal capital of Champerico. The last half hour of the journey was across an unpaved road. There is no public transport to the community, so if someone wants to visit a neighboring community, they have to pay for transport in a private vehicle.

When we arrived at the community a group of 30 people were waiting for us in a building that used to serve as a school. The building provided shade from the hot sun which reaches 40 degrees Celsius at midday. The meeting began shortly afterwards and the community shared their history, as well as their concerns and worries, with us.

Macario Sánchez told us how the community’s struggle for land goes back



Meeting with community members, 4.05.2023

many years. The families come from different parts of the departments of San Marcos and Huehuetenango. They were brought together by the need for land. Until then they had been renting, but after a while they could no longer afford to pay the rent. They settled in an uninhabited and unused part of a municipal farm, the Montelimar farm, in San Pablo, San Marcos. “We put up our houses and started to work the land.” They were evicted, however, in August 2013, after 2 years. 800 riot police from the National Civil Police (PNC) set fire to the firewood the community had collected and burned the entire community. The families were forced to abandon their corn, beans and achiote crops. They lived on the road to La Vega, San Pablo for 8 months, receiving

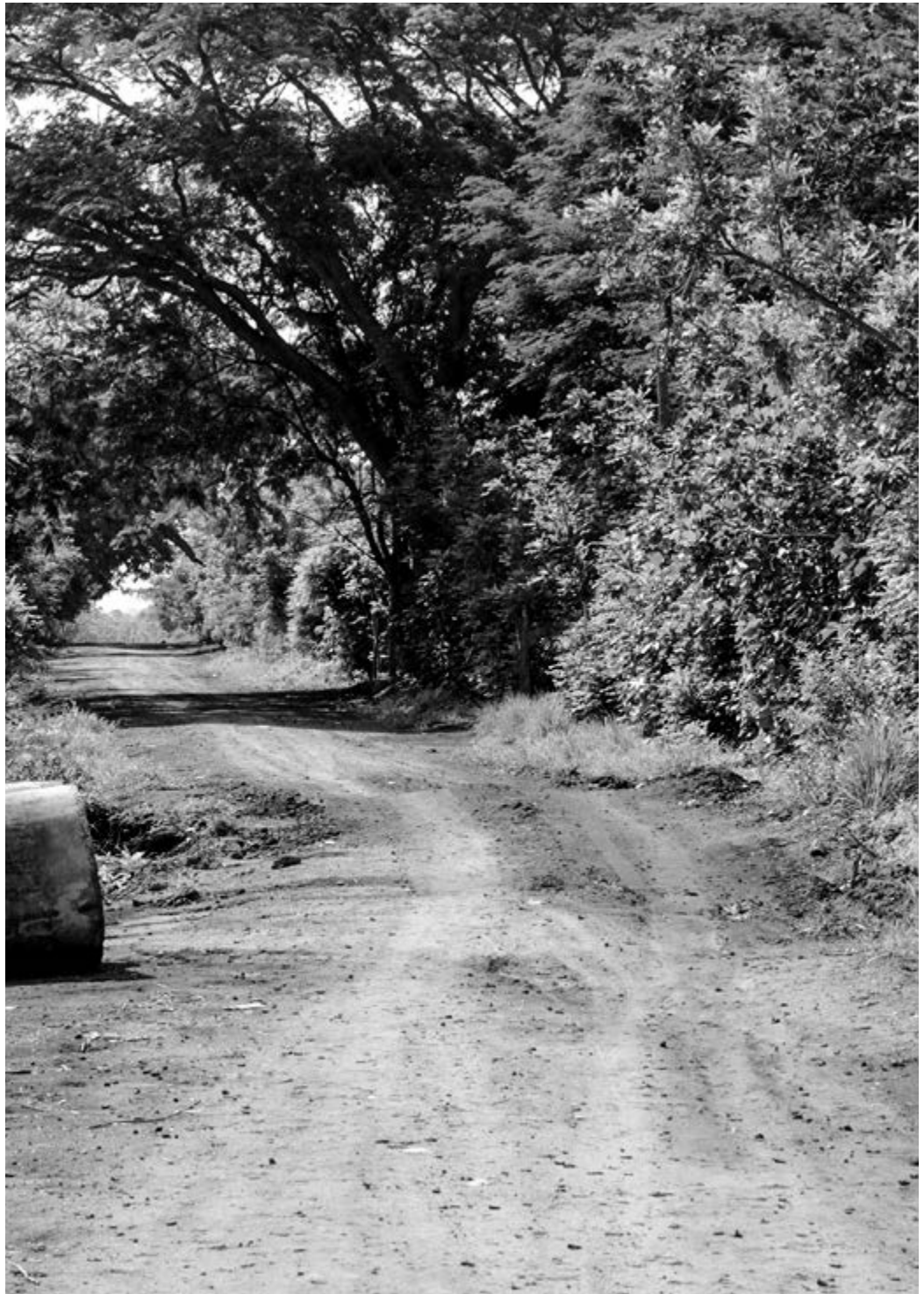
support from an international church such as shelter and hygiene products. At that time the families organized themselves and made contact with the now defunct Secretary of Agrarian Affairs (SAA), who together with the Land Fund (FONTIERRAS), found available land the Buena Vista farm, in La Unión, Tacaná, where they subsequently moved. It was very fertile land for producing bananas, coffee, malanga and papayas and it had enough water. But after three years their luck ran out, because the SAA and FONTIERRAS could not pay the price the owner had demanded for the farm. That’s when they were offered land on the South Coast.

In 2017, FONTIERRAS obtained a vacant plot of land and negotiated the

¹ During these visits, which took place on May 3 and June 15, we gathered the information necessary for this article. All quotations are taken from conversations we had with community members.

conditions of the Q2 million loan (the contribution of the 37 families in the community)² with the Rural Development Bank (BANRURAL). This was done without the participation of the community nor the Peasant Development Committee (CODECA), who were advising the community at the time. This is the only bank in Guatemala that offers credits to the peasant population; it was created with the mission and vision of being “a financial group oriented towards the integral rural development of the country, (...) directed preferably to micro, small and medium entrepreneurs, farmers and artisans”, offering “fair profitability without neglecting social responsibility.”³

On 15 February 2018, the 37 families moved with their animals and belongings to the 2.5 caballerías of land (1,125,000 square meters), where they held communal title in the name of all the families without knowledge of the conditions of the loan that FONTIERRAS negotiated with BANRURAL. The land now has two water springs, about 3,500 mango trees and the individual work sites that are relatively close by. In the early years an agrarian engineer from FONTIERRA provided technical support to fulfill an economic growth plan aimed at securing an economic and sustainable income for the community. But the residents feel that FONTIERRAS did



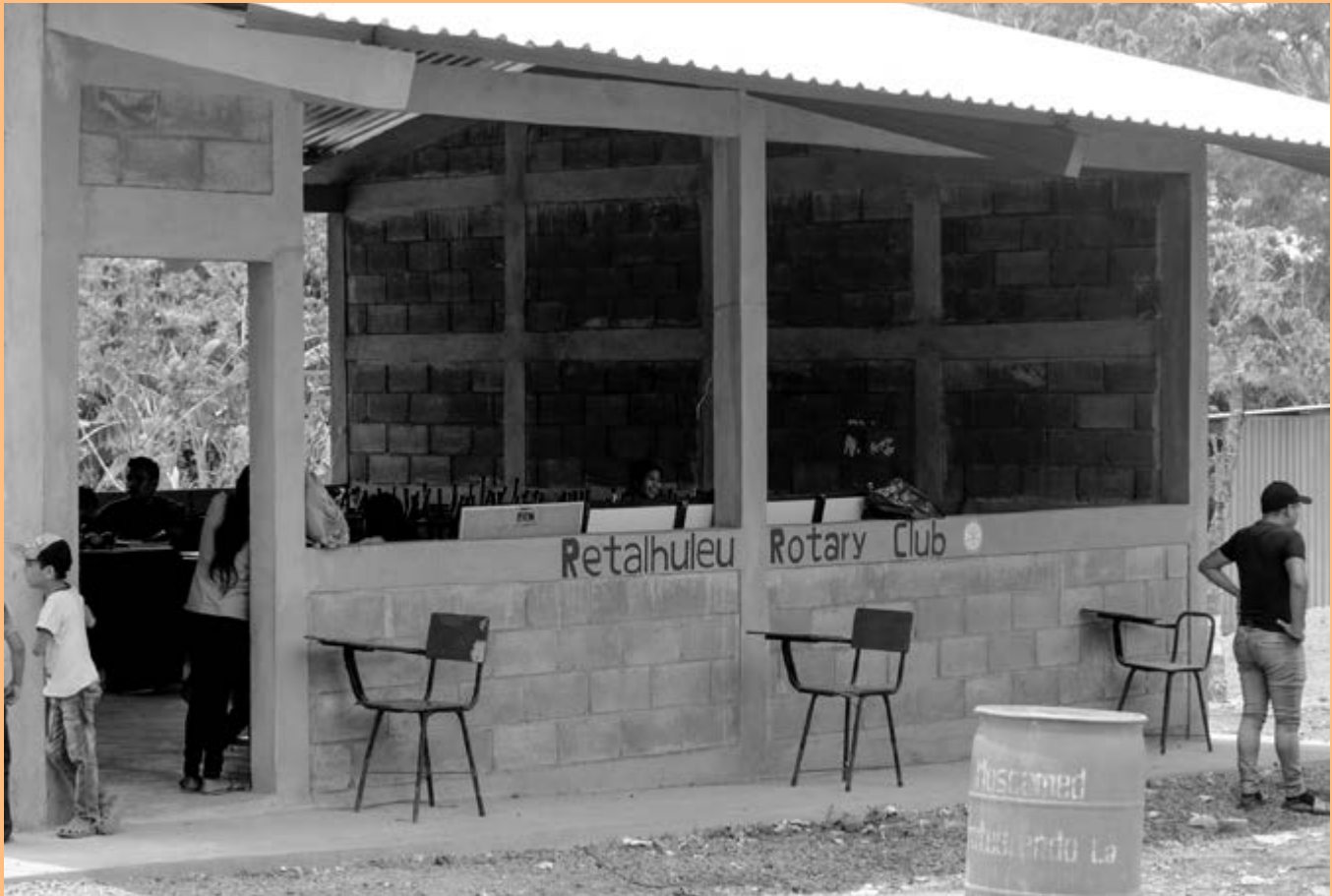
Road that leads to the community, 22.06.2023

² The amount provided by FONTIERRAS was 7 million Quetzales.

³ Taken from the website of BANRURAL, Misión y Visión.

not take either the conditions of the land nor the climatic conditions that strongly affect productivity into account.

There are plenty of mango trees full of fruit in the community but the corn crops grows unevenly, as the half-developed bushes are interspersed with low bushes which do not



Isabel Sandoval is a 33-year-old teacher. Thanks to his commitment to the community, 38 children did not miss classes even during the pandemic. After four years of “ad honorem” work, he was hired by the municipality in 2022, but at the beginning of this school year he was replaced by an outside teacher. “They got angry with me because I denounced the lack of attention given to the school and our children. I also didn’t want to help the mayor’s election campaign. The new teacher comes by motorbike every day from 7:30 to 12:00 and teaches 22 pupils across six grades. “Sometimes he comes, but sometimes he doesn’t; and when it rains he won’t be able to come, because the road doesn’t allow it. The residents of the community are deeply grateful to Isabel for not abandoning their children, even in the most difficult times, and are pained by the way he has been mistreated by the municipality.

reach a height of 30 centimeters. The harvest has not been good over the last five years, and as such there is not much optimism for this year’s harvest either: “If it rains a lot, puddles of water form and the plants rot, and if there is no water, the crops die. It’s impossible to understand this land,” said Leida Roblero with resignation. Leida has come to the meeting with us to tell us about her struggle to survive on this land that presents multiple challenges, such as the lack of electricity and running water.

In addition, the proximity of the El Pilar and Magdalena sugar mills means that water is increasingly scarce and the land polluted. These problems are growing every year and creating a strong sense of uncertainty and vulnerability among the community, who ask themselves: “How much longer can we live here?” They are afraid of being evicted at the end of this year, as they are unable to pay the debt nor the interest on the loan for the purchase of the land, which barely allows them to ensure the survival

of their families. Each family has a debt of around Q90,000, to which Q5,000 is added in annual interest per family.

Miriam Yolanda Pérez Chávez points out that aside from corn they have planted sesame, but the prices for this have fallen. “The coyotes give us Q300 per quintal, they don’t pay us for our efforts. Last year we only harvested 75 pounds of sesame per lot, when we normally harvest 11 quintals per lot; the rest was lost due to excessive rain.”

The climate in this area is extreme and affects the crops either because of the persistent strong drought or torrential rain. Although mango abound, much of it is wasted, because, in the absence of regular transport, it ripens and rots before it can be sold in the markets. "When it rains, no cars arrive, they can't get into the community because the road is flooded." Mango is the only fruit that has grown abundantly in recent years. Miriam points out that they can sell 100 mangoes for only Q15 or Q20, when in the capital people pay Q10 for 3 mangoes. At that price they can't afford to produce mangoes, getting the production going requires various investments: "Q755 for poison to kill the weeds; Q200 for the cheapest fertilizer; and Q50 to travel to the market." She is proud to say that last year he managed

to scrape together Q5,000 to pay the interest to the bank.

Severino Armando Carreto, the oldest member of the community, says that five years ago they had no choice but to accept this land. However, it turned out to be "dry land". "We came here blindly; at first sight, with the mango trees, we liked it, we never thought it was part of the dry corridor, that the drought would be so intense. However, it is summer all year round here, it hardly ever rains. A year after we arrived, some families left because they couldn't stand the heat, but we want to stay here." He says that in the beginning FONTIERRAS provided them with the services of an engineer who advised them on the development of the community and that they were given communal subsidies during the

first few years. "They gave us money to keep and sell pigs, but they ate a lot and we were unable to buy the concentrate we needed to feed them. And we had to give them water from the wells, but to pump the wells we had to buy petrol, which was very expensive. So we did the math and realized we were losing out by raising pigs. Then they gave us a subsidy to raise fish, but to fill the pool with water we had to spend a lot of money again on petrol for the pump and we didn't have enough money, so they died, because they didn't have enough oxygen. None of that worked for us, so we started to sell mangoes, but as there is no public transport, we can't get our produce to market. There is no way that the mayor will pave the road nor provide us with a water tank for the houses or at least for the school toilets or a solar



The corn seed does not turn out as expected, 22.06.2023

panel to power the water pump. In the five years that have passed, we have been forgotten.”

Isabel Sandoval recalls how the land was purchased by FONTIERRAS who made the agreement with the bank, without sharing this information with the community. “FONTIERRAS did not let us know how much we would have to pay per year, because if we had known, we would have reconsidered this deal. The need in our community is great; when FONTIERRAS declared the land for peasant use, they didn’t think like peasants. The land was productive, but the projects they provided us with were not suitable. They are harming the poor in this way. FONTIERRAS is supposed to help poor peasants who don’t have money to buy a land, but in this case they put us in debt. We don’t manage to pay the annual interest. And if we don’t pay the debt or the arrears, then the Land Fund is going to evict us, and the bank is going to keep the land.”

From 2019 onwards the situation worsened considerably. There was a severe drought that year and the entire corn and sesame crops were lost, but FONTIERRAS did not take this loss into account and the answer they were given was that “you can’t fight with the weather.” With the onset of the Covid-19 pandemic in 2020 they lost the entire mango crop, valued at around Q150mil (Q1 per mango), because there was no transport to take the mangoes to the markets due to the lockdown declared by the government. In addition, the paddock was set on fire and all the grass was burnt. The community valued the loss at Q900,000, including labour and materials. “We investigated the cause of the fire and we believe it was due to the burning of the sugar cane that took place on neighboring land which jumped to our land, but the businessmen denied it. And because the laws only favor the rich, we could not claim anything.”

Isabel lives with his mother, his wife and their four children. The youngest is two years old and weighs 17 pounds.



Mangroves provide water and life, 22.06.2023

On one occasion, staff from a health center came to measure the children in the community and diagnosed several children with malnutrition, but that was the end of it, they heard nothing more from any state institution. “The children in this community are suffering from hunger, malnutrition, even acute malnutrition. And why? Because the parents spend what little they have to pay the bank and even then they don’t get enough. It’s not enough to eat well, we live in extreme poverty. The parents don’t have a job, they only dedicate themselves to their land... if the crops

were good, maybe they could sell them, but that’s not the case. And as the elderly are not able to produce, the debt remains with their children.”

Macario Sánchez can’t contain his anger: “FONTIERRAS has forgotten about us. The state never cares about its people. The politicians get rich but they don’t think about the people, about them having a dignified life, we are in total abandonment. We live in houses made of tin, plastic and palm. Guatemala is so rich, but its people live in poverty”. All the people present



Mango fruits are abundant, 22.06.2023

at the meeting shared this sentiment. It seems unfair to them that they are subjected to a debt due to the bad negotiation between FONTIERRAS and BANRURAL, in which the community did not participate. The inability to pay has caused them to fear eviction.

Leida Roblero points out that everyone works the land, women, men and children, because it has been abandoned for 15 years and needs a lot of clearing. In addition, the land contains toxins because it was previously used for cotton production and cattle ranching, as well as being surrounded by sugar mills that spray poison on their sugar cane plantations. So the land and water maintain high levels of pollution. "We were given a farm that had been abandoned for 15-20 years, and we worked to make the land arable."

Regarding access to water, Miriam comments that the community only had one well, but that the water was very dirty, salty and polluted. "An engineer from FONTIERRAS in Mazate came to check the well water once. They confirmed our suspicions, that it was unfit to drink, that it was polluted with bacteria, but they did nothing. We all have health problems here because of the water." Doña Catalina, the grandmother of four children, says that all of her grandchildren suffer from malnutrition because of drinking the water, "they are always sick in their stomachs." In addition, according to Leida, "initially, the artesian well provided water for all the families, but one well was not enough, so another one was drilled with the help of a church in the USA, but it only works with a pump and electricity is needed. We don't have an elevated water tank

to supply water to all the houses in the community. Now we have pump the water, which is at a depth of 16 meters, manually. It's us women who pump it manually as we need it every day; we fill the water tanks and use it for cooking and washing clothes," even though it is polluted.

The community feels cheated: "At one point they promised to help us get ahead, but the government has forgotten us. After five years the families have accumulated Q2.5 million in debt, more than the initial loan, due to interest. Just to pay the interest alone each family has to raise Q5,000 a year. Saving Q5000 a year means not being able to buy food and farming materials, and no one can get sick. We still live in houses made of nylon, palm and tin, we haven't been able to improve these." Severino

claims: “Every year they are bleeding us dry and we have no way out of this debt. If we can't pay off the land, they're going to evict us”.

Abelino Mejía, a community leader and member of the CCR, who accompanied us on this visit, has been accompanying land valuation processes for years, seeing if it is suitable for peasant farmers or not, and affirms that this land is totally overvalued. “This land was not suitable for farmers. FONTIERRAS has to evaluate the soil and subsoil before a purchase. This land is not suitable for

farm production, but for cattle - that's why the first project was for pigs. It was previously used for cotton production and that is why it is so worn out. FONTIERRAS did not give the necessary support to the community based on the real needs of the families.

The CCR is supporting the community by creating and maintain family gardens, mangrove cultivation and providing legal advice on how to deal with the threat of eviction. After the meeting, we accompanied a group of residents to the mangroves which, in addition to

being a natural space of incalculable ecological value, also have the potential to become a source of income for the community, since, as Abelino explains, the expansion of the mangrove can benefit the community: “If the mangrove is maintained there will be life. Crabs and shrimp can be raised, which can then be sold in the neighboring markets. The mangrove is also a source of water, where there is mangrove, there is water”. The CCR also wants to accompany them in the negotiation with FONTIERRA and BANRURAL to reduce the debt payment.



Neighbours of the 15 de February community, 22.06.2023

News of our work:

Sexual Violence against women defenders of land and territory



The Network of Healers supports girls and women victims of sexual violence in communities addressing the political dimensions of healing from a Maya Q'eqchi' cosmogony. In March 2022 they realized a *sanación* session in Q'eqchi' territory.

Women human rights defenders are exposed to the same risks as their male counterparts, as well as gender specific risks for their work as women who promote and demand human rights. One of the most serious risks they face is sexual violence, which is used to harm them, their communities, their families, and to weaken their struggles. Sexual aggression include: threatening messages and phone calls of a sexual nature; the use of social networks for this purpose etc. Structural violence and the instrumentalization of women's bodies in a patriarchal world has been and continues to a constant feature of their lives. This became very evident in Guatemala during the Internal Armed Conflict (IAC) and where violence was manifested with greater force on the bodies of

indigenous women. This has been documented in two truth commission reports,¹ as well as in emblematic cases such as Sepur Zarco and the Achí Women. In her expert report on sexual violence presented at the case of the December 1982 massacre in Las Dos Erres, María Eugenia Solís García highlighted how the State used sexual violence in a systematic and generalized manner as a form of torture against women and the entire population. The use of sexual violence against women by the state armed forces caused terror and forced displacements that led to the destruction of entire communities and processes of extermination. Sexual violence against women during the IAC in Guatemala was a key element of genocide.²

1 Los informes de la verdad que se llevaron a cabo en la década de los 90 son: "Guatemala: Nunca Más", elaborado por el Proyecto Interdiocesano "Recuperación de la Memoria Histórica" y "Guatemala, Memoria del Silencio" a cargo de la Comisión de Esclarecimiento Histórico (CEH).
2 The expert opinion dated October 15, 2020 was presented by the author on May 9, 2023 at the hearing in the Dos Erres Massacre case.

Although the current context has changed, sexual violence continues to be used as a tool of repression and power against women and indigenous communities. Women defenders of land and territory, indigenous women who live in rural areas of the country and who oppose the imposition of mega-projects of all kinds without prior, free and informed consultation with the communities are particularly vulnerable in this regard. They also stand up to the community evictions, which correspond with the economic interests of large landowners or companies. This was the case of the Lote 8 community in El Estor, Izabal. 11 Mayan Q'eqchi women claim to have been raped and sexually assaulted by private security guards from Skye Resources Inc., part of a Canadian mining company Hudbay Minerals, during a series of forced evictions that occurred in the context of a territorial conflict between the indigenous communities and Hudbay Minerals.³

The TZK'AT Network of Ancestral Healers of Community Feminism from Iximulew have highlighted how in their experience of working with women from different territories they have seen that the aggressors are often company workers or from private security firms who are armed and have military experience. Their actions are organized, premeditated and aim to demobilize the resistance to their extractive activities. "To attack a girl or a woman involved in territorial defense, or because they are the daughters of leaders, is a direct personal attack. But it also goes beyond that, because it is also an attack on the family, on the community. The mourning is extended to the entire community. The history of women's bodies in the ancestral territories, reminds them of what happened to the bodies of Mayan women in the context of the counter-

insurgent war where sexual violence was used as a strategy, a weapon of war against the bodies of girls and women." They have observed that the aggressors seek out the daughters of the leaders of the resistances, as a way to attack and demobilize. "This type of violence establishes fear, terror. This is how it worked during the counter-insurgency war and this is how it continues to work within the neoliberalized context of the imposition of extractive industries in Mayan territories. This is what we call territorial sexual violence."⁴

The Network of Ancestral Healers, among other activities, accompanies women human rights defenders who are survivors of sexual violence which occurred as a result of their process of seeking justice: "The processes of filing complaints are very hard: the remoteness of communities from the centralized urban areas, the impoverishment of the human rights defenders and their daughters, means access to the judicial institutions is often unattainable. The first obstacles they encounter are in the institutions where women human rights defenders must file complaints, the Public Prosecutor's Office (MP) and the National Civil Police (PNC). The officers who receive the complaints are generally men and do not speak the Mayan language of the complainants. In addition, victims are rarely given proof of having filed the complaint because their statements were not recorded and there is no official procedure. When victims follow-up, they confirm that the complaints were not registered. This demonstrates how state institutions exercise power based on misogyny and machismo, where racism meets the patriarchal justice system: the discriminatory treatment of women causes re-victimization when they return file complaints, refusing to listen to the details of the case nor taking timely actions."

"It is extremely important that are male companions who accompany us when we file reports and in the search for justice for sexual violations ."

Lorena Cabnal, member of Network of Ancestral Healers

Part of the work that we carry out at PBI, is accompanying, on request, women human rights defenders when they file reports, having suffered this type of aggression. On these occasions we have observed situations similar to those identified by the Network of Ancestral Healers: the road is long, risky and women who have been assaulted are often re-victimized. There is a, sometimes insurmountable, language barrier due to the lack of interpreters in the institutions that should receive the complaints. Moreover, there are many challenges when dealing with the MP. The structural poverty experienced by most of the women human rights defenders who wish file a complaints makes it difficult for them to afford the costs of travel and the steps they have to take. In addition, filing a complaint does not guarantee an investigation, much less a criminal prosecution of the aggressor, who generally remains at large and often reoffends. In this way, reporting becomes risky for the complainant and her environment, as the aggressors often benefit from their association with companies or public authorities, they can threaten the victims or offer them bribes in exchange for not reporting or withdrawing the complaint.

The work of accompaniment and support that the Network of Ancestral Healers provides is fundamental in the fight against this violence against women and the resistance in which they and their families participate. But this work also motivates threats against the members of the Network, which is why PBI provides accompaniment to them and remains attentive to their security situation.

3 Bolaños Vargas, A. y Suárez Trueba, A., *El caso del "Lote Ocho": las mujeres indígenas exigen a las empresas que rindan cuentas por la violencia*, Open Global Rights, 8.07.2020.

4 Todas las citas textuales fueron extraídas de una entrevista realizada por PBI a integrantes de La Red de Sanadoras.

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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