



Monthly Information Package Guatemala

Number 169 - October de 2017

1. THE CURRENT SITUATION

Monthly selection of news on the situation in Guatemala as highlighted by the press, related to the main thematic areas of PBI Guatemala's work: the fight against impunity, land issues and the negative effects of globalization on human rights.

Guatemala is the only country in Latin America that hasn't reduced poverty in last two decades

The most recent report on Human Development by the United Nations Development Programme (UNPD), "Beyond the conflict, struggles for well-being," notes that after two decades, poverty in Guatemala has increased. Similarly, the inequality index has gone up, ranking Guatemala as the ninth most unequal country in the world. The paradox is that despite being a country with vast biodiversity, rich in natural resources, Guatemala does not manage to satisfy its population's basic needs. Despite having some of the most fertile lands in Latin America, Guatemala ranks fifth in the world in malnutrition. In the Department of Alta Verapaz, where most hydroelectric projects are concentrated, more than 60 percent of families do not have electricity and 53.6 percent of the population lives in extreme poverty, the highest rate in the country.

Gustavo Arriola Quan, in charge of the report, explains the reasons poverty has not been reduced: *Guatemala did not manage, through conformation of the State and economy, to overcome the barriers imposed from the time of the colonial era. So we continue to have a very non-inclusive model. The political system has not been able to fulfill its functions to address structural problems. Even after the Peace Accords, the State did not assume the role that it agreed to. The State was weakened by privatization and by the opaque manner in which it was configured after the Peace Accords, and the best evidence of this is all of the corruption scandals that we have seen.*¹

The report states that indigenous peoples continue to be the ones who suffer higher rates of poverty, inequality and social exclusion. They were stripped of their homelands and displaced to zones that are less productive, where it has been difficult to rebuild their ways of life, which have not been recognized, respected, nor protected by the State. On the contrary, they have been severely damaged. According to Dr. Marta Elena Casaús Arzú, *racism in Guatemala is imbedded in the State, forms part of its genealogy and for this reason it is so difficult to dismantle it; because racism is present in the state institutions.*² This structural racism has grave economic and social implications, which are reflected in the results presented in the UNPD's Human Development report.

Magistrate José Pineda Barales, new Supreme Court of Justice (CSJ) president, faces challenges

José Pineda Barales, new CSJ president, will preside over the appointment committee for the new Attorney General of the Public Ministry (MP). Manfredo Marroquín, Director of Acción Ciudadana (Transparency International Guatemala), considers the challenge that the new president has to be *highly delicate*, due to the current political crisis in Guatemala: *there is a very acute crisis in the Legislative and Executive branches and if he does not perform as expected, it will cause the crisis to affect all three branches of government.*³

¹ Sandoval, M., [Entrevista con Gustavo Arriola: "Guatemala es el único país de A. Latina que no ha reducido la pobreza en dos décadas"](#), Plaza Pública, 24.10.2017.

² Arrazola, C., [Marta Elena Casaús Arzú o el indio como la maldición de la oligarquía](#), Plaza Pública, 20.02.2017.

³ Santos, J., [José Pineda Barales presidirá la CSJ y la postuladora para Fiscal General](#), El Periódico, 07.10.2017.

CSJ rejects petitions to remove political immunity from Jimmy Morales and 107 members of Congress

The CSJ rejected the MP's request to strip President Jimmy Morales of his political immunity for having received a Q50,000 monthly bonus from the Ministry of Defense (MINDEF) for 10 months. The CSJ concluded that the case was settled when the President returned the Q450,000. On a similar note, the court rejected two other requests against the President, as well as the petition to strip immunity from 107 members of Congress who approved Penal Code reforms to benefit people accused of corruption. The magistrates based their decision in Article 176 of the Guatemalan Constitution, which states that members of Congress have the liberty to legislate.⁴

US Members of Congress request revocation of visas of corrupt Guatemalans

US members of Congress asked Secretary of State Rex W. Tillerson to deny entry into the United States to Guatemalans who have committed or facilitated acts of corruption. They also point out that economic aid the US provides to Guatemala is conditioned on the actions that its government takes against impunity and corruption.⁵

Third Chamber Court accepts request to remove political immunity of Guatemala City's Mayor Álvaro Arzú⁶

On October 5, prosecutors filed motions to remove political immunity as part of the Pandora's Box case, which also includes Byron Lima Oliva (deceased), convicted for his participation in the murder of Monsignor Gerardi in 1999; his brother Luis Lima Oliva; and a defense attorney for various military officials accused of crimes against humanity, Moisés Galindo. According to preliminary investigations, Arzú paid salaries to Byron Lima's wife and to the widow of another military official convicted in the Gerardi murder, as if they were municipal employees, even though they did not work at the Mayor's office.⁷ The judge subpoenaed Arzú to present evidence for acquittal on October 27. However, the Mayor provided his version in writing, which was presented to the judge by his lawyers.⁸

2. ACCOMPANIMENTS

PBI accompanies social organizations and individuals who have received threats for their work in the defence and promotion of human rights. In this context we are accompanying social processes in the fight against impunity, land inequality and the negative impacts of globalisation on human rights.⁹

STRUGGLE AGAINST IMPUNITY

In our accompaniment with the **Human Rights Law Firm (BDH)**, we were present during the final hearing in the trial for the homicide of Patricia Samayoa. The Fifth Sentence Court convicted Agustín Carmelino López Alvarado, legal representative of private security company *Shield Security*, to six years in prison for the crime of illegally providing security services and to three years for the crime of culpable homicide.

We were present in the Dos Erres case hearing. The defense attorneys for Efraín Ríos Montt presented an injunction to stop criminal proceedings against him, owing to his state of dementia and other health problems due to his advanced age. During the hearing, the Human Rights Law Firm asked the Tribunal to deny the injunction, since special procedures exist in order to continue. The objective of the BDH is to guarantee victims' right to truth and justice without violating the rights of the accused.

⁴ Santos, J., [CSJ rechaza antejuicios en contra de Jimmy Morales y 107 diputados](#), El Periódico, 10.11.2017.

⁵ Prensa Libre, [Congresistas de EE. UU. piden retiro de visa para guatemaltecos corruptos](#), 10.17.2017.

⁶ Santos, J., [Sala Tercera aceptó la solicitud de antejuicio en contra de Álvaro Arzú](#), El Periódico, 10.17.2017.

⁷ Santos, J., [MP presentó ayer la declaración de la esposa de Byron Lima Oliva](#), El Periódico, 10.20.2017.

⁸ Pocón, R. y Sánchez, G., [Álvaro Arzú no llega al juzgado para presentar pruebas de descargo](#), Prensa Libre, 10.27.2017.

⁹ For general information about the organizations and people we accompany see our website: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

The **Ixil Peoples Genocide case** and **Samococh case** were reactivated in October. Both are cases of great importance in the struggle against impunity. The Ixil Peoples Genocide case was reinitiated to determine the responsibility of former President Efraín Ríos Montt and former Director of Intelligence José Mauricio Rodríguez Sánchez in the genocide of Ixil Peoples. The trial against Efraín Ríos Montt was conducted behind closed doors. We were present, however, at the trial of José Mauricio Rodríguez Sánchez. During the trial the judge read excerpts from the “Plan Victoria 82,” aimed at eliminating the indigenous population in the Ixil Triangle (Nebaj, Chajul and Cotzal), located in the Department of Quiché. The **Samococh case** addresses the events that took place on August 14, 2014 during a violent eviction carried out by members of the National Civil Police (PNC) in the village of Chisec, Alta Verapaz, in which three campesinos were killed. We observed a hearing where a motion for recusal of Judge Miguel Ángel Gálvez, filed by attorneys for the accused members of the PNC, was adjudicated. The judge denied the defense attorneys’ petition. However, there is still legal recourse before the CSJ and the Constitutional Court (CC).

We were also present during the public hearing for the injunction filed by the MP in the **Safe House Case**. The injunction seeks to remove Judge Carlos Guerra of the Fourth Criminal Court from the case. According to the Human Rights Law Firm, the judge has engaged in conduct that calls into question his suitability, objectivity, and impartiality to continue hearing the subsequent proceedings. Currently eight appeals, one excusal, and two recusal motions against the judge are pending resolution.

We continue to monitor the security situation of the **Neighborhood Association of Chicoyogüito (AVECHAV)**.

ACCESS TO LAND

We are in frequent telephone contact with the **Union of Campesino Organizations of Verapaz (UVOC)** and representatives of affiliate communities. We also maintained physical presence in the organization’s office.

UVOC continues to promote dialogue spaces with agrarian authorities to peacefully resolve conflicts that communities face. However, aggressions against community members and the impacts on their territories continue. This month we followed up with communities via telephone. Community members informed us of indiscriminate logging and destruction of cornfields in the Primavera community. We accompanied members of this community to the MP in Guatemala City to a mediation session with people who claim ownership of the land and have engaged in attacks and intimidation against UVOC members.

NEGATIVE IMPACT OF GLOBALISATION ON HUMAN RIGHTS

Communities of Cahabón, Alta Verapaz in Peaceful Resistance continue to conduct community assemblies and other activities of peaceful resistance. This month we accompanied two assemblies and provided physical presence in Pinares, Champerico and Sactá communities. In Sactá threats against members of the resistance have increased after the community consultation. We observed a peaceful protest outside the Mayor’s office in Cahabón to demand that the Mayor recognize the results of the community consultation where more than 20,000 people expressed their rejection of hydroelectric projects on the Oxec River.



In our accompaniment with **the Central Coordinator New Day' Chortí (CCCND):**

- We continue to follow the situation of Agustín and Timoteo, members of the organization who are in prison in Puerto Barrios, Izabal.
- We accompanied the Cajón del Río community assembly. The community wants to be recognized as an indigenous Maya-Ch'orti' community.
- We accompanied members of the organization to file a complaint at the MP after suffering acts of intimidation.
- We met with Camotán and Jocotán communities to learn about their security situation.
- After waiting a long time, we were able to meet with the Camotán Mayor and Municipal Council to express our concern for the reoccurring events that put at risk the integrity of CCCND members, limiting their space to defend human rights.



We continue to be attentive to the security situation of the **Ecumenical and Social Coordinator in Defense of Life in Zacapa and Chiquimula** via weekly telephone calls. This month we visited La Trementina, and we observed that conflicts caused by logging have had disastrous consequences, such as damage to water pipes carrying drinking water to communities, which puts at risk access to this vital commodity. We also accompanied members of the Coordinator during a community assembly in Jocotán.

We continue to accompany **Peaceful Resistance of La Puya** members. This month we accompanied some members to file a complaint against municipal authorities of San Pedro Ayampuc because allegedly they have refused to recognize six members of the Community Development Council (COCODE) elected by the community assembly. Afterwards, we were present at the protest camp that continues outside the "El Tambor" mine.



We have maintained a regular presence in the Quiche Department, accompanying members of the **Council of K'iche' Peoples (CPK)**. This month we learned of Aura Lolita Chávez's nomination for the Sakharov prize. This nomination is a recognition of her work in defense of the environment, territory and women's rights. Chávez was one of three finalists. Although she did not win the prize, the mere fact she was a finalist is an indicator of the importance of CPK's work.

In regards to cases of sexual violence against CPK members and their families, we continue to monitor the situation via telephone with the families who fear reprisals by the family of the convicted.

We also accompanied CPK members to a meeting with the Mayor of Santa Cruz del Quiché where they expressed their concerns on topics related to the defense of territory.

3. INTERNATIONAL OBSERVATION

PBI Guatemala is present in international public events when requested to do so by Guatemalan social organisations, in order to show international attention and interest and in order to report internationally on what we observe.

At the end of September we initiated follow-up to the protective measures provided by the Inter-American Commission on Human Rights (IACHR) to the **communities of Laguna Larga** who are refugees on the Mexican side of the border. The IACHR considers the families to be in a grave and urgent situation, and is urging the State of Guatemala to adopt immediate measures to guarantee the protection of the right to life and the integrity of the families, especially malnourished children, senior citizens and pregnant women. Among the measures requested by IACHR, the call for reactivation of dialogue to seek a concerted and lasting solution is noteworthy. Organizations with presence in the region have registered 36 cases of malnutrition in children, a food crisis that has worsened because the community couldn't tend to the harvest of their crops.

We continue to follow-up on the situation of **communities that live in Sierra del Lacandón and la Laguna del Tigre, Petén protected areas**. These communities and the Presidential Commission on Dialogue have begun new attempts to establish a dialogue table.

The **Molina Thiessen trial** will begin on March 1, 2018.

4. POLITICAL ACCOMPANIMENT

Meetings and other contact with the diplomatic bodies, international organisations and Guatemalan authorities

Meetings with national and international authorities are an important way for PBI to make known what we do and what our objectives are. Through these meetings, where necessary and in a reserved manner, we share our concerns about worrying situations that we have witnessed first-hand from the work we do in the field.

In our interlocution work with the diplomatic corps and international organisms in Guatemala this month we met with:

- William Bolainez, DESC Unit Officer, Office of the High Commissioner for Human Rights (**OHCHR**).
- Cinthya Breña Testal, Consulate, **Spanish Embassy**.

At the national and regional level we met with the following Guatemalan authorities:

- Rudy Estrada, Second Deputy Officer, **PNC Jocotán**.
- Miguel García, Officer, **PNC Camotán**.
- Guillermo Antonio Guerra y Guerra, **Municipal Mayor of Camotán**.
- Cesar Cucú, Secretary of Municipal Council; Adolfo Manquín, Second councilman; Rafaél Choc, Third Councilman; Cesar Jucub, Municipal Secretary; Darwin Lucas, Deputy Mayor; all from the **Cahabón Municipality**.
- Humberto Caliz, Head of **PDH in Cobán**.
- David Soto de León, Sub Commissioner, **PNC Alta Verapaz**.
- Ernesto Tucux Coyoy, Director of Mediation, **PDH Central Office**.

5. ACTIVITIES OF PBI GUATEMALA OUTSIDE GUATEMALA

Outside the country we constantly develop and strengthen the network of support for the Guatemalan PBI project, as this is one of the essential tools necessary to protect defenders of human rights. Regional Representatives, the Project Office Coordinator and other members of the committee and the Project Office and national groups of PBI, conduct public relations campaigns with many NGOs, agencies and national governments, parliamentarians and others. In this context we develop actions and public relations campaigns, and / or advocacy aimed at protecting defenders of human rights.

This month the project's European representative met with Trinidad Noguera García, **Assistant to European member of Parliament** and Ramón Jauregui **President of the European-Latin American Parliament Assembly (EuroLat) in Brussels.**

6. NON-GOVERNMENTAL ORGANISATIONS

In this section we publish statements (some abbreviated) from human rights organisations in which they express their concerns regarding recent events.

COMUNICADO URGENTE

Por este medio manifestamos nuestra solidaridad con las diferentes comunidades de Santa Rosa y Jalapa que desde el 2012, se han organizado para detener de forma pacífica la instalación ilegal e inconsulta del proyecto minero El Escobal, propiedad de Minera San Rafael, subsidiaria de la transnacional canadiense Tahoe Resources. Desde el momento en que estas comunidades decidieron ejercer su derecho constitucional a la resistencia, el Estado y la empresa minera con el propósito de contrarrestar esta resistencia, recurrieron a la represión y la criminalización, la cual adquirió su mayor connotación con la implementación del estado de sitio el 02 de mayo de 2013 en los municipios de Casillas y San Rafael las Flores del departamento de Santa Rosa; y, los municipios de Mataquescuintla y Jalapa, departamento de Jalapa.

A partir del 07 de junio del 2017, se instala en la entrada del Municipio de Casillas un Plantón Pacífico con participación de los municipios de Santa Rosa de Lima, Nueva Santa Rosa, Casillas y San Rafael Las Flores todos del departamento de Santa Rosa; así como los municipios de Mataquescuintla, Jalapa-Santa María Xalapán y San Carlos Alzatate del departamento de Jalapa, haciendo uso del derecho constitucional de resistencia pacífica, establecido en el Artículo 45 de la Constitución Política de la República de Guatemala. Entre junio y octubre de 2017, en el marco de la resolución judicial que suspendió de forma temporal las operaciones de la Mina El Escobal, esta represión y criminalización se ha incrementado, y principalmente, ha adquirido connotaciones orientadas a generar escenarios marcados de hechos violentos, los cuales sin prueba alguna, se atribuyen a estas comunidades. Tal es el caso, entre otros, de los supuestos ataques en contra de camiones propiedad de los proveedores de la mina San Rafael, ocurrido el pasado 26 de septiembre y, el ataque ocurrido el 09 de octubre de 2017 contra un helicóptero que trasladaba combustible hacia las instalaciones de este proyecto.

La ocurrencia de estos hechos, pero principalmente el relacionado con el helicóptero, están orientados a generar las condiciones que permitan, al igual que en mayo de 2013, crear un clima en el que se justifique una mayor represión y criminalización en contra de las comunidades de Santa Rosa y Jalapa así como en contra de las organizaciones que les acompañan. Ante ello,

Denunciamos

Que el Estado a través del Ministerio de Energía y Minas, no realizó las consultas comunitarias previo a proceder a autorizar las licencias mineras a la transnacional Tahoe Resources Inc.

Que la Minera San Rafael, Tahoe Resources Inc., y sus proveedores en el marco de reiniciar las actividades extractivas, pretenden crear un escenario mediático de violencia en la región a manera de justificar cualquier acción represiva de parte del Estado orientada a desorganizar y desmovilizar la resistencia pacífica de las comunidades de Santa Rosa y Jalapa.

La campaña mediática de mentiras y terror que tanto el Estado de Guatemala como el capital nacional y transnacional, han planificado para desprestigiar y criminalizar a las comunidades que en Santa Rosa y Jalapa se oponen legal y pacíficamente.

Solicitamos

A los organismos nacionales e internacionales de Derechos Humanos, fortalecer las medidas de acompañamiento con las comunidades de Jalapa y Santa Rosa con el propósito de evitar cualquier acción represiva en contra de estas. A las organizaciones y movimientos sociales y populares del país denunciar esta ola de represión y criminalización en contra de las comunidades de Jalapa y Santa Rosa.

Guatemala de las Resistencias, 17 de octubre de 2017

Organizaciones firmantes

ASOCIACIÓN SERVICIOS JURÍDICOS Y SOCIALES -SERJUS-
ASOCIACIÓN MAYA UK' UX B'E
COMITÉ CAMPESINO DEL ALTIPLANO (CCDA)
COORDINACIÓN Y CONVERGENCIA NACIONAL MAYA WAQIB KEJ
ASOCIACION CIVL EL OBSERVADOR
FUNDACION TIERRA NUESTRA
RESISTENCIA PACÍFICA LA PUYA
UNIDAD DE PROTECCIÓN A DEFENSORAS Y DEFENSORES DE DERECHOS HUMANOS, GUATEMALA
-UDEFEQUA-

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