



Monthly Information Package Guatemala

Number 170 - November 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.

Violence against women is the most common criminal activity

Violence against women is the most frequent criminal activity with the greatest impact in Guatemala. Between January and October 2017, the Office of Public Prosecutions (MP) registered a total of 51,742 complaints of violence against women and 10,963 complaints of sexual crimes against women, adolescents and girls. The office reported 877 violent deaths of women, with a frequency of 88 women, adolescents and girls killed per month. The National Registry of Persons (RENAP) reported 54,114 births to mothers between the ages of 10 and 19 years old, of which 1,826 were births to child-mothers under the age of fourteen. These are considered crimes of sexual violence under Guatemalan law.¹

Violence against female human rights defenders is also of great concern. According to the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEFUGUA), of all the attacks suffered by human rights defenders, 45.34 percent were attacks on women defenders, with 107 victims from January to June 2017, a figure that rose to 131 by October 31. UDEFEFUGUA points out the cruelty and extreme violence of these attacks on female defenders.²

For the Universal Periodic Review (UPR) of Guatemala, the Office of the High Commissioner for Human Rights noted several concerns and made recommendations regarding violence against women. Due to the high incidence of this type of violence, specifically domestic violence, the High Commissioner on Human Rights recommended that the State of Guatemala raise awareness among the population that domestic violence is a crime and that those responsible must be brought to justice. Also, the High Commissioner expressed serious concern about the events in the Virgen of Asunción "Safe" Home, where 41 girls died from burns on March 8, 2017, called for reforms to the child protective services system, and recommended that sufficient funding be allocated to courts and to tribunals specialized in issues of femicide and other forms of violence against women. A further recommendation was expanded coverage and continuing efforts to ensure that all women victims of violence, especially indigenous and rural women, are able to have access to justice.³

High Commissioner for Human Rights visits Guatemala

On November 17 and 18, the UN's High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, met with government officials, civil society representatives, indigenous authorities and communities, private sector, judges, journalists, victims and with other United Nations agencies. His visit concluded with a final statement⁴ on November 19, which places emphasis on a variety of grave issues that are urgent to address.

¹ FAO, [No dejar a nadie atrás: poner fin a la violencia contra las mujeres y las niñas](#). 22.11.2017

² Samayoa, C. y Santos, J., [Informe sobre Situación de Defensoras y Defensores de Derechos Humanos en Guatemala. Un Reflejo del Deterioro de los Derechos Humanos en el País](#). UDEFEFUGUA, Guatemala, Agosto 2017. Y [Situación de Defensoras & Defensores de Derechos Humanos Enero – Octubre 2017](#)

³ Naciones Unidas, [Consejo de Derechos Humanos, Grupo de Trabajo sobre el Examen Periódico Universal, 28º período de sesiones, noviembre 2017](#).

⁴ OACNUDH, [Declaración del Alto Comisionado de la ONU para los Derechos Humanos Zeid Ra'ad Al Hussein al concluir su misión a Guatemala](#), 19.11.2017.

Five years after his predecessor's visit, the High Commissioner stated that Guatemala continues to be stalled at the same crossroads, *to create a democratic State, based on the rule of law and regulated by the principles of human rights, or to remain in an old, unjust system, where a few people benefit at the cost of the majority.*

He called on the State of Guatemala *to ensure full enjoyment of the rights of indigenous peoples and comply with the obligation to guarantee that they be fully consulted and that they be able to participate in any decisions that affect them.* He expressed particular concern about *the discussion of a bill on the consultation of indigenous peoples which is not consistent with international norms on human rights and does not have the support of indigenous communities in Guatemala.*

He also shared his deep concern about *forced evictions of indigenous peoples that do not comply with human rights standards,* mentioning Guatemala's painful past and pointing out that *for some communities this is a bitter repetition of evictions and internal displacement that they suffered during the armed conflict.*

In light of the horrifying poverty index, infant malnutrition, illiteracy and lack of health services, he pointed out the *urgent need for massive investment, particularly in communities widely ignored or abandoned by the State.*

He mentioned gender-based violence, noting that it is the State's obligation to prevent and prosecute the *deep-rooted sexual and gender-based violence against women and girls.*

In addition he said he would closely follow the development of the election process for the new Attorney General that will take place in May 2018. And he will continue observing the protection that the State should provide for judges who work on high- impact cases and are suffering *defamation campaigns and harassment.*

Attacks at the San Carlos University of Guatemala (USAC)

On the night of November 14, a group of hooded individuals went through several buildings on the main campus throwing firecrackers and teargas and shooting into the air. *They also reportedly tried to boycott the election of opposition juries that was taking place at the Law School.* The Association of University Students (AEU) rejected this as *"an act of violence and intimidation"* and demanded that the USAC authorities guarantee the security of students inside the university.⁵

Journalist Jerson Xitumul Morales incarcerated

Jerson Xitumul was detained on November 11 and remains in prison. The nickel mining Company, Compañía Procesadora de Níquel de Izabal, S.A., filed a complaint against the journalist, accusing him of threats, instigating a crime, illicit association, illicit meetings and protests, damages, and illegal detentions. Jerson in recent months covered the protests the Artisan Fishing Guild carried out against the company due to pollution in Lake Izabal. The company started a smear campaign against the fishing guild. Several guild members received threats, and during the peaceful demonstrations, one of the fisherman was assassinated.⁶ The company is owned by the Russian company Solway Investment Group, which purchased the mining project in 2011 from Canadian Hud Bay Minerals Inc.⁷

⁵ Prensa Libre, [Encapuchados causan incidentes en la Usac e intentan boicotear elección de jurados](#). Guatemala, 11.15.2017.

⁶ Prensa Comunitaria, [Detienen a nuestro compañero periodista Jerson Xitumul en Izabal](#), 11.11.2017.

⁷ Choc, C.E. y Rivera, N., [El Estor: minera de níquel, corrupción e impunidad](#). Prensa Comunitaria, 11.29.2017.

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.⁸

STRUGGLE AGAINST IMPUNITY

We continue to monitor the security situation of the **Neighborhood Association of Chicoyogüito (AVECHAV)**, a joint plaintiff in the **CREOMPAZ** case.

This month we paid weekly visits to the **Human Rights Law Firm (BDH)** and accompanied their lawyers to hearings on the following cases they manage:

- **CREOMPAZ:** hearing at the Supreme Court of Justice (CSJ), which ruled on an appeal by defendants that had requested a special court to determine if the National Reconciliation Law could be applied. The appeal was denied because the case deals with crimes of torture, forced disappearance and crimes against humanity.
- **Genocide Case:** in several hearings in which the court heard testimonies from a variety of witnesses from the Ixil region.
- **Monte Olivo Case:** hearing at the judiciary in Cobán, which was suspended. In this case, siblings Blanca and Rolando Güitz Pop, who are part of the Dolores River Resistance from the Monte Olivo community, are being accused of threats. At the hearing the MP was going to present new evidence to determine whether the case would go to trial or be closed.
- **In the context of the eviction of the La Cumbre community in Tactic, Alta Verapaz:** we accompanied at the hearing of a community leader who has been in prison from the time of the eviction, charged with aggravated usurpation. At the beginning of the hearing the judge recused himself and the plaintiffs refused to reformulate the charges. For this reason the hearing was suspended. The sixty-year-old leader will continue in prison until a competent court decides whether or not to accept the judge's recusal.
- **El Estor, Izabal fishermen case:** this month we started accompanying this case. The fishermen are being criminalized owing to protests against pollution of Lake Izabal that took place in May. In the hearing of Juan Eduardo Caal Solan of El Estor, who has been in jail in Puerto Barrios since October 18, even though new information in his favor has been presented the judge decided to not change the charges against him. The judge granted him provisional release on Q10,000 bail, which the family cannot pay due to lack of economic resources.



We also accompanied the BDH to a **restorative justice event in Chichicastenango**. In this event Sebastiana Morales publicly asked for forgiveness for the events that occurred in May 2009 when a group of residents and authorities who were laying the groundwork for exhumations in Pocohil Primero, Chichicastenango, Quiché were held against their will. Ancestral authorities, judicial authorities and local authorities were present at the event.

While accompanying the BDH, we went to visit journalist **Jerson Xitumul Morales** at the prison in Puerto Barrios.

⁸ 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/>

ACCESS TO LAND

During the month of November we closely monitored the security situation of communities who are members of the **Union of Campesino Organizations of Verapaz (UVOC)**, which continues to be worrisome. We also had a regular physical presence at the office of the organization.

In addition, this month **two members of UVOC toured Spain for two weeks**: Rony Ezequiel Morales Tot, who works with 40 Mayan communities on the subject of alternative communication, and Adrián Cal Gualim, a community leader in the La Primavera, Alta Verapaz community. Rony and Adrian talked about the problem of land in Guatemala with organizations and authorities in various regions of Spain. They focused their talks on the difficulties that communities in Alta Verapaz face while defending land and territory, food sovereignty and food security, and mobilizations against large businesses that take land and natural resources. They also expressed concern about the security situation communities in the region face and specifically La Primavera community.

NEGATIVE IMPACT OF GLOBALISATION ON HUMAN RIGHTS

In the context of our accompaniment to the **Peaceful Resistance of La Puya and La Laguna**, this month we continued our weekly calls to defenders to stay informed about their security situation. We also accompanied several people to a hearing in the **Choleña Case**. The hearing was to strip the Mayor of San José del Golfo of his political immunity for abuse of authority because he permitted the construction of a cellular phone antenna in the municipality without making the company comply with legal requisites for installation. The resolution is still pending.



We accompanied the **Communities in Resistance of Cahabón** on a peaceful march in Guatemala City, which ended at the Constitutional Court (CC). The purpose of the march was to submit the results of the good-faith consultation in which more than 20,000 people from Cahabon River participated. The peaceful march and demonstration were the initiative of hundreds of Maya q'eqchi' campesinos to demand respect for the wishes of the 196 communities that reject the Oxec hydroelectric complex in their territories. They also demanded that the Mayor of Santa María Cahabón comply with the carrying out of a community consultation on the mega-projects in the municipality.

We continue to follow the security situation of the **Ecumenical and Social Coordinator in Defense of Life in Zacapa and Chiquimula**, which continues to be worrisome, given the installation of mega-projects, organized crime, clearcutting and discrimination against women in Eastern Guatemala. Reverend Jose Pilar Álvarez Cabrera received the *Lobbyist for Change 2017 prize*, presented by Swedish organization WeEffect, in recognition of his work in defence of territory and life in the Granadillas Mountains. The WeEffect prize jury stated that for nearly 15 years the Reverend *has defended the most invisible citizens in our world, indigenous people, in a country where people who fight for human rights are harassed, threatened, [and are] victims of false accusations and violence, while those behind these criminal acts remain unpunished.*⁹

Likewise, we have kept abreast of the situation of the **Council of K'iche' Peoples (CPK)**, observing their monthly assembly and being present in the region. We also accompanied CPK members to a march to raise awareness on gender-based violence in Santa Cruz del Quiché. Women were asked during the march to denounce any form of violence against them by going to health services, the National Civil Police (PNC) and the MP. The telephone number 1572 for attention to women victims of violence was publicized during the march. Also, they called on men to restrain from violent behavior and to help with domestic chores and childcare. They also called on authorities and institutions to commit to fighting against gender-based violence and impunity.

⁹ Lutheran World Information (LWI), [‘The prize gives us hope’](#), November, 14 2017, Guatemala City / Geneva.

In respect to the sexual violence cases against CPK members and their families, this month we continued accompanying these hearings and making follow-up calls to these families regarding their security situation.

We continue to follow the worrisome security situation of members of the **Campesino Central Coordinator New Day (CCCND,)** which is exacerbated by the growing fragmentation in communities in the region. We maintained a presence in the communities near the municipalities of Jocotán and Camotán, as well as accompanying members of the Lela Chanco (Camotán) community to a reconciliation session at the MP in Chiquimula.

This month we took advantage of our presence in Puerto Barrios, Izabal to visit **Agustín Ramírez** and **Timo-teo Suchité de Rosa**, two indigenous authorities from Las Flores, Jocotán who were convicted in 2013 for alleged crimes related to their resistance to a hydroelectric project and whose trials were characterized by multiple legal irregularities. At the end of July, they were transferred from Los Jocotes correctional center in Zacapa to a prison in Puerto Barrios, in spite of the fact that an appeal to annul their sentences is still pending. CCCND continues to request they be sent back to Los Jocotes, Zacapa, since the distance to the new prison makes it difficult for their families to visit them. Although they are in confinement, sick, and far from their families, both remain hopeful that justice will be done and their cases will finally be favorably resolved.

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.



On the **International Day for the Elimination of Violence Against Women**, we observed a protest on the streets of the center of Guatemala City. We also observed a healing ritual that the Network of Healers did for the 56 girls who were victims of the “Safe” House.

We observed a **demonstration** in front of Casa Presidencial in Guatemala City **of several communities from Alta Verapaz and the Petén**

which had been evicted. The Communities demand a moratorium on evictions, a return to their communities, decent housing, and a high-level Dialogue Roundtable in addition to the development of the alternative proposal for communities that live in Protect Areas in Petén.



In preparation for an article in our upcoming bulletin, we visited Population in **Resistance Community (CPR) Primavera del Ixcán**, in the department of Quiché.

FOLLOW-UP VISIT TO THE PETÉN

This month we made our second trip of the year to Petén. We had meetings with various civil society members and with authorities. We followed up on situations related to the following topics: conflicts and violation of human rights in protected areas, women's rights, trans community rights and the impacts of mega projects.

We met with several civil society organizations, including **Redmmutrans**, which defends the rights of trans women, and **Ixqik**, which coordinates the **Center for Integral Support for Female Survivors of Violence (CAIMUS)** in the Petén. Both organizations expressed deep concern about the structural and situational violence that women in the Petén face. We also met with the Cooperative **La Otra**, which in addition to providing follow-up to gender-based violence in the department also works on problems related to territory, such as the impacts of African palm plantations and petroleum projects on the population. The cooperatives shared their concerns about various problems in Sayaxche resulting from the actions of palm companies, which have not only grabbed territory but also have generated serious social fragmentation and promoted phenomena like alcoholism and prostitution.

We also met with the **Petén Front**, which celebrated the Guatemala-Mexico Binational Forum this year. Currently, the organization represents 776 communities in Las Cruces, Sayaxché and La Libertad that are facing problems in the defense of water and territory and for their resistance to palm oil companies, hydroelectric plants, petroleum extraction and cattle ranching.

Likewise, we met with the **Association of Indigenous Campesino Communities for the Integral Development of the Petén (ACDIP)**, which works to strengthen the Q'eqchi communities in the municipalities of San Luis, Sayaxche, Poptún and La Libertad. To date, ACDIP has supported the creation and recognition of 48 indigenous communities that have their own autonomy. The goal of these communities is the recuperation of territory and culture.

A highlight is our visit with families from **Centro Uno**, located in the community of El Plantel, on the outskirts of La Libertad. We observed that more than seven years after being evicted, the people in the community continue to live in a situation of total vulnerability, in a state of critical overcrowding and with no access to resources indispensable for survival, a situation that in addition requires them to live as displaced people in several municipalities of the department. They told us that there is no progress in the dialogues for their relocation.



In the interchanges we had with organizations and communities, the vulnerable situation and precarious nature in which many communities live due to evictions and threats of evictions was thrown into high relief. In this context, the lack of progress with the Dialogue Roundtable on the alternative integral development proposal of the communities in Protected Areas is especially worrisome.

In addition to meetings with organizations, we also met with local authorities and shared our concerns. We met with the **Mayor of La Libertad, the mayor's office in San Andrés, the Human Rights Ombudsman's Office (PDH) in Santa Elena-San Benito, the governor of Petén, and the police (PNC).**

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:

- Jean-Hugues Simon Michel, **French Ambassador.**
- Eduardo Pucci, **Italian Ambassador.**

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

- Jordan Rodas, **Human Rights Ombudsman.**
- Daniel Tucux Coyoy, **Director of Mediation at the PDH**, and Giovanni Guzman, **Deputy Director of Mediation at the PDH.**
- Yesenia Sandoval, **PDH Chiquimula.**
- Benjamín Ipiña Leiva, **Mayor of La Libertad**, El Petén.
- Elizabeth Arango, **Governor of Petén.**
- Mario Contrera, **Councilmen of the San Andres**, El Petén.
- Estuardo Puga, **PDH in Santa Elena-San Benito**, El Petén.
- Benigno López Fuentes, **National Civil Police Superintendent 62, PNC Departmental**, El Petén.
- Francisco De la Cruz, **Deputy Superintendent and Police Chief of operations PNC Departmental**, El Petén.
- María Salomé García Ortiz, **PAJUST Facilitator - UNDP Accompaniment Program for Transitional Justice.**
- Pablo Jax, **Indigenous Mayor of San Pedro Jocopilas.**

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 the following people in Brussels:

- Philipp Woschitz, **Political Officer of the Permanent Representation of Austria before the European Union.**
- Javier Conde, **Advisor to the Permanent Representation of Spain before the European Union.**
- Helge Holleck, **Political Officer of the Permanent Representation of Germany before the European Union.**
- Amador Sánchez Rico, Flora Henderson and Patrycja Ratajska of the **Human Rights Unit of the European External Action Service.**

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 Red de Defensoras De Derechos Humanos De Guatemala

¡En el Día Internacional de la no Violencia contra las mujeres!

La Red Nacional de Defensoras de Derechos humanos, integrante de la Iniciativa Mesoamericana de Mujeres Defensoras -IMD-, constituida por la diversidad de mujeres defensoras de Guatemala. Con presencia en 14 departamentos y reunidas en el marco del **Segundo Encuentro Nacional**. Hemos analizado la situación actual del país y su impacto en la vida de las defensoras. La corrupción y la impunidad han agudizado las precarias condiciones políticas, económicas y sociales que vivimos como pueblos y especialmente como mujeres. Rechazamos el #PactoDeCorruptos e impunidad que pretende mantener los privilegios y negocios ilícitos de élites económicas y políticas. Dicha crisis institucional involucra a los tres poderes del Estado y su solución requiere fortalecer el Estado de derecho y profundizar el proceso democrático a través de la plena participación y decisión de los pueblos que habitan Guatemala.

De enero a octubre del 2017, la UDEFEGUA ha registrado 328 casos de agresión contra Defensoras y Defensores, de los cuales 131 son contra mujeres. En ese contexto, 52 fueron asesinatos, siendo 45 contra mujeres. Se resalta 42 casos de criminalización como un elemento que lacera profundamente la dignidad y la vida de las Defensoras entre difamación, denuncia judicial, detención arbitraria y detención ilegal.

Las conclusiones finales del Encuentro Nacional, manifiestan que se ha utilizado de manera sistemática la violencia; como estrategia para neutralizar nuestras luchas y mantener un clima que garantiza la dinámica de acumulación y despojo de nuestras tierras, conocimientos, fuerza de trabajo, espiritualidad, recursos naturales y todo bien que permite el cuidado de la Red de la Vida.

Frente a los desalojos violentos a comunidades podemos reafirmar que existe **una política Estatal de violación a nuestros derechos**, pues no se esta defendiendo el bien común, sino los intereses del gran capital, en detrimento de los intereses y legítimos derechos de las comunidades y de los pueblos indígenas. Esto lo constatamos en las condiciones de precariedad, pobreza y extrema pobreza en la que vivimos cotidianamente y ante la embestida de las empresas, en componenda con los gobiernos de turno, tanto a nivel nacional como local para seguir con el despojo de territorios.

Hacemos publica la denuncia que en los desalojos ejecutados el día 30 de octubre y 1 de noviembre en la comunidades de Cha'aab'il, Ch'och Izabal y La Cumbre de Tactic, Alta Verapaz, que no se garantizaron los mas elementales derechos de la comunidades: la vida, salud y seguridad. Se constató que las ordenes de desalojo emitidas se realizaron sin previo aviso, irrespetando las mesas de dialogo con instancias publicas y sin contar con alternativas humanas para asegurar las condiciones de vida de las comunidades desplazadas. Por el contrario durante los desalojos se movilizaron un numero altísimo de efectivos de seguridad: antimotines, ejercito, helicópteros y grupos armados no identificados, destruyendo casas, quemando cosechas y robando animales de patio.

La Red Nacional de Defensoras de Derechos Humanos de Guatemala finaliza expresando su profunda preocupación por la ola de represión desatada contra la vida de defensores y en especial en contra defensoras. Compartimos la recomendación del Comité de Eliminación de la Discriminación en contra de las Mujeres, CEDAW, a poner especial vigilancia en la construcción de la Política Publica de Protección a Defensores y Defensoras: colocando "especial atención del riesgo específico que sufren las Mujeres Defensoras de los Derechos Humanos". Así mismo hacemos un llamado a otros actores y actoras a articular esfuerzos que permitan promover acciones en defensa de los Derechos Humanos.

"Las Redes Salvan Vidas"

Guatemala, noviembre del año 2017

PBI Team in Guatemala: Gustavo García Andrade (Colombia), Francisco Vanegas Toro (Colombia), Jan Sabbe (Belgium), Anabel Butler (United Kingdom), Emanuela Lamieri (Italy), Andreas Lo Grasso (Germany), Laura Gomariz Cebrian (Spain), Ricardo Henao Galvis (Colombia), Dylan Lebecki (Ecuador) and Pilar Tablado (Spain)

All photos published are from PBI

PBI GUATEMALA DOES NOT NECESSARILY IDENTIFY WITH THE OPINIONS AND CONTENT OF THE REPRODUCED ARTICLES AND MEDIA RELEASES. THE FIRST PART OF THE CURRENT SITUATION ARE NOT A LITERAL COPY OF THE SOURCES CONSULTED: THE WRITING OF THE ORIGINAL ARTICLES HAS BEEN SIMPLIFIED AND EDITED.

GUATEMALA PROJECT
PEACE BRIGADES INTERNATIONAL

Website: www.pbi-guatemala.org

Office of the team in Guatemala
3ª Avenida "A" 3-51, Zona 1
Ciudad de Guatemala, Guatemala
Phone/ Fax: (+502) 2220 1032
E-mail: equipo@pbi-guatemala.org

Office of the project Coordination
Avenida Entrevías 76, 4º B
28053 Madrid, Estado Español
Telephone: (+34) 918 543 150
Email: coordinacion@pbi-guatemala.org