



## Monthly Information Package Guatemala

Number 173 - February 2018

### 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.*

#### **Strong support for fight against corruption and impunity in Guatemala**

According to the "Corruption Perceptions Index 2017" launched by Transparency International on February 21 of this year, Guatemala is one of the countries with the greatest levels of corruption in public administration. Guatemala ranked 143 of 180 of States evaluated, with a score of 28, *where 0 is a highly corrupt country and 100 is a transparent country without corruption.* Manfredo Marroquín, Director of Transparency International local chapter Acción Ciudadana (AC), points out that *the perception of corruption in Guatemala has possibly been maintained because the Morales administration has identified with sectors that are affected by the fight against corruption carried out by the Public Prosecutor's Office (MP) and the International Commission Against Impunity in Guatemala (CICIG).*<sup>1</sup>

Along the same lines, Sandra Jovel, Guatemala's Minister of Foreign Affairs, in a meeting with UN Secretary General Antonio Guterres, *cast as victims the people accused by the MP and CICIG of committing acts of corruption and asked the UN to compensate these "victims."* This was the position of Jovel and four Ministry representatives who accompanied her and is part of a series of complaints against Iván Velásquez which were used as arguments to request he be removed as head of the CICIG. *He was portrayed as a "villain" before the UN Secretary General. The accusations against Velásquez range from allegations that he is dividing the country to charges that he is carrying out political persecution against the center-right. Velásquez is also accused of having "co-opted" the media so that the press attributes the fight against corruption only to him when, according to Jovel, President Jimmy Morales is the one who has most contributed to eradicating this problem. Guterres' response was that at this time he could not remove Velásquez as head of the CICIG. He also conveyed the message that, while they were describing Velásquez as a "persona non-grata, almost a villain," he had knowledge of other expressions of support for the head of the Commission, both from sectors of Guatemalan civil society and donor countries.*<sup>2</sup>

After learning of these attempts to discredit the work of Velásquez, members of the US Congress, as well as the Ombudsman on Human Rights, Jordán Rodas Andrade, reaffirmed their support of the Commissioner.<sup>3</sup> Similarly, the group of donor countries known as "G13" asked the Guatemalan government to continue working with CICIG so that this organism could continue to satisfactorily comply with its functions and mandate. The group reiterated its support for the Commission and its head, as well as for the Public Ministry (MP), the Ministry of the Interior, the Judicial Organism (OJ), the Constitutional Court (CC) and the Human Rights Ombudsman's Office, in the "difficult fight" against corruption and impunity. This statement was signed by the embassies of Italy, Germany, Canada, Spain, United States, United Kingdom, Sweden, Switzerland, the European Union Delegation and the United Nations System.<sup>4</sup>

The support for CICIG extends still farther. Human Rights Watch sent a letter to Rex Tillerson, in his capacity as US Secretary of State. The letter was written in the context of President Jimmy Morales' visit to Washington. The letter states that *removing Iván Velásquez would mean the end of CICIG and would overturn the advances that Guatemala has made in the fight against corruption. The objective in this case was to alert him to the efforts of the Guatemalan President to obstruct CICIG's work and weaken the fight against*

<sup>1</sup> CERIGUA, [Guatemala, una de las naciones con mayores niveles de corrupción: TI](#). Guatemala, 02.21.2018.

<sup>2</sup> Espina, C., Prensa Libre, [Jovel pide ante la ONU compensar a presos por casos de corrupción](#). Guatemala, 02.07.2018.

<sup>3</sup> CERIGUA, [PDH y congresistas estadounidenses reafirman apoyo a Iván Velásquez](#). Guatemala, 02.07.2018.

<sup>4</sup> CERIGUA, [El G13 pidió al gobierno de Guatemala continuar trabajando con la CICIG](#). Guatemala, 02.26.2018.

*corruption and impunity in Guatemala.*<sup>5</sup>

The United States has reiterated its support for CICIG and Velásquez amid the insistent intention of the government to expel the commissioner from the country.<sup>6</sup> *The leaders of Jimmy Morales' government will find themselves facing an obstacle if they attack the agreement that created CICIG, given that a US law would suspend economic assistance to the country if it does not directly support the fight against corruption.*<sup>7</sup>

### **Attorney General appointment process continues**

Thirty-nine people submitted their applications for the Attorney General position for the 2018-2022 period. *Miguel Ángel Gálvez and Claudia Escobar were the candidates that most attracted attention due to their media exposure: Miguel Ángel Gálvez for his role as a judge in corruption cases and Claudia Escobar for being the judge who denounced pressure from Congressmen Gudy Rivera. Ranulfo Rojas Cetina, former president of the Supreme Court of Justice (CSJ) and CSJ magistrate Delia Dávila are among the high-level government officials who are in the pool of candidates.*<sup>8</sup>

The Nomination Commission admitted 25 applications while excluding 14 applicants on February 21. According to Carmen Aída Ibarra, *the majority of those excluded were probably due to missing documents (in their applications) or errors that cannot be corrected.*<sup>9</sup>

According to former president of Transparency International, José Ugaz, when the time comes the Nomination Committee should explain why they chose six names and their order of merit. Subsequently Ugaz states, *President Jimmy Morales must also explain his decision to the public. The decision is expected to be a well-reasoned one. In the opinion of Jean Simon, of the Max Plank Institute in Freiburg, Germany, in the context of "great corruption" that has been evident in the country, it is essential that candidates prove their capacity to carry out criminal justice from a position based on their own reasoning, based on the public interest and not on other interests.*<sup>10</sup>

*Ancestral authorities, indigenous municipalities and social movements requested that candidates for Attorney General be professionals of recognized honor and committed to the "fight against corruption". They also requested that the next Attorney General investigate and make changes in district prosecutor offices that ally with business and criminal groups to imprison human rights defenders and indigenous authorities who protect their territory. They also expressed their concern about "harassment" by economic and political elites, as well as parallel powers, who intend, in collusion with the president, to roll back progress in the area of justice and keep corruption and impunity embedded in the State.*<sup>11</sup>

### **Disturbing statistics on sexual violence and pregnancy in underage girls**

*In 2017, the Ministry of Public Health and Social Assistance (MSPAS) documented 90,899 pregnancies in girls and adolescents between the ages of 10 and 19. In accordance with the Penal Code, 1,248 of these pregnancies were the result of rape, since they occurred in girls younger than 14 years old. (...) The study "Girl mothers: forced child pregnancy and motherhood in Latin America and the Caribbean," by the Latin America and Caribbean Committee for the Defense of Women's Rights (CLADEM), states in conclusion number 14 that "it should be considered torture or cruel, inhuman and degrading treatment for a young girl who has not yet finished growing to be forced to carry a pregnancy to term, become a mother and raise a child. Depending on the case, it should be viewed in the light of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights".*<sup>12</sup>

<sup>5</sup> Gramajo, J., SOY502, [Human Rights Watch envía carta a la ONU en apoyo a la CICIG](#), 02.06.2018.

<sup>6</sup> Cumes, W., Prensa Libre, [EE, UU. "apoya con firmeza" a la Cicig y a Iván Velásquez](#), Guatemala, 02.06.2018.

<sup>7</sup> Contreras, G., Prensa Libre, [Ley de EE.UU. salvaguarda presencia de la CICIG](#), Guatemala, 02.07.2018.

<sup>8</sup> Boche, E., El Periódico, [Postuladora recibe 39 expedientes de aspirantes a Fiscal General](#), Guatemala, 02.17.2018.

<sup>9</sup> Boche, E., El Periódico, [Postuladora admite 25 expedientes de aspirantes a Fiscal General](#), Guatemala, 02.22.2018.

<sup>10</sup> Boche, E., El Periódico, [Ugaz: Elección de Fiscal General debe ser razonada](#), Guatemala, 02.14.2018.

<sup>11</sup> CERIGUA, [Piden que aspirantes a Fiscal General sean profesionales de reconocida honra](#), Guatemala, 02.15.2018.

<sup>12</sup> Gerardo Vega, P., El Periódico, [Los 90 mil embarazos de las niñas](#), Guatemala, 02.18.2018.

## 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.<sup>13</sup>*

### STRUGGLE AGAINST IMPUNITY

On February 27, we accompanied the **Neighborhood Association of Chicoyogüito (AVECHAV)**, joint-plaintiff in the **CREOMPAZ** case, in a march To Dignify Victims of the Armed Internal Conflict in Cobán. Members of Union of Campesino Organizations of Verapaz (UVOC) and the Peaceful Resistance of Cahabón also participated in the march, united in the will to continue remembering and asking for justice.

February was a month of important hearings for the **Human Rights Law Firm (BDH)**:

- **Bernado Caal Case.** Bernardo Caal Xol is a member of the Peaceful Resistance of Cahabón accompanied by PBI since July 2017. Caal filed an injunction before the CSJ in December 2015 to suspend the work of OXEC hydroelectric project arguing that the license was granted without prior consultation. On January 30, Bernardo went to the First Court of Criminal Instance in Coban for a hearing on illegally collecting salary. Upon leaving the hearing, the National Civil Police (PNC) arrested him for aggravated robbery, threats, illegal detentions with aggravated circumstance, and instigation to commit a crime. In a hearing that took place on February 5, the BDH defense recalled that the facts for which Caal is accused happened in October 2015 and since then the MP has not carried out a thorough investigation. The judge dismissed the threats and instigation to commit a crime accusations and set a two-month deadline for the MP to finish their investigation and present their final conclusions.



- **“Safe” Home Case.** The first anniversary of the Virgin of the Assumption “Safe” Home fire is approaching. The fire took place on March 8, 2017, and more than 40 girls and adolescents died. On February 19, we accompanied the BDH to an evidentiary hearing, which ended with a suspension of procedures until March 19.
- **Genocide Case.** On February 16, we accompanied the BDH to a new hearing in the Ixil

<sup>13</sup> 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/>

genocide case in which three witnesses (two men and one woman) gave statements. The men gave their testimony via video conference. One of them is a former member of the army who recounted interrogation and torture methods.

- **Fishermen Case.** On February 20, we accompanied the BDH to court in Puerto Barrios for a first statement hearing for q'eqchi journalist Carlos Ernesto Choc and four fishermen from the El Estor Artisan Guild. The Guild members are fighting to protect Lake Izabal from pollution allegedly provoked by CGN Pronico mining company. Many people attended the public hearing including numerous members of the press, NGO representatives and international observers. Due to the limited capacity of the courtroom to accommodate all attendees, the judge suspended the hearing citing matters of security. Instead of looking for a larger room to hold the hearing, the judge decided to postpone the hearing until April 16, 2018.



## ACCESS TO LAND

We visited the offices of the **Union of Campesino Organizations of Verapaz (UVOC)** and accompanied the organization in their annual assembly in Santa Cruz, Alta Verapaz. Also, we visited the community Caserío Quebrada Sachicac the same day that the Secretariat for Agrarian Affairs (SAA) gave land to the community.

On February 13, we were present in the last hearing on the Santa Ines case. Despite the existence of a dialogue space for the last 17 years, several people were detained during an eviction that took place in the community in January 2017. At the end of a long and exhausting process, these people had no choice but to accept the accusation of usurpation. In this last hearing the administrative procedures to refund Q2,000 paid by each person for bail were clarified.

On February 24, we visited La Primavera community, where 279 families received titles to their lands after a long fight.

## NEGATIVE IMPACT OF GLOBALISATION ON HUMAN RIGHTS

On February 14, we accompanied the **Peaceful Resistance of La Puya** to a hearing at the Constitutional Court (CC). Since 2012 the Resistance has maintained a protest camp at the entrance to the El Tambor gold mine. The Resistance emerged from a coordination between residents of San Pedro Ayampuc and San José del Golfo. We also visited members of the **Peaceful Resistance of La Laguna** in San Pedro Ayampuc who are fighting against the construction of an electrical substation by the TRECOSA company in their district. The TRECOSA project is directly related to mining activity in La Puya and the contact between both Resistances is permanent.

In the context of our accompaniment to the communities in **Peaceful Resistance of Cahabón**, we visited Las Tres Cruces community. We also accompanied representatives from Las Tres Cruces, Salak I and Seka Tal Kab communities to the municipality of Coban to request registration of Community Development Council (COCODE) members elected by their communities in the municipal registry. The municipality denied their registration. For this reason, we accompanied community members to the MP to file a complaint. The people we accompany explained to us that in many other communities people who have not been chosen by the community (who are often in favor of companies) register as COCODE members. We also visited Bernardo Caal twice in jail.

On February 8, we accompanied the women of **TZK'AT - Network of Ancestral Healers of Community Feminism** to a ceremony to commemorate the deaths of the girls from the Virgen de Asuncion "Safe" Home fire. The ceremony took place in the Central Park in Guatemala City, where the Network has a permanent space dedicated to the memory of the girls.

We kept abreast of the security situation of the **Council of K'iche' Peoples (CPK)** by meeting with several Council representatives and the Governor of the region to update us on the situation in Quiché. We had a presence in Chinique and San Pedro Jocopilas communities.

Similarly, we continue to provide follow-up to the security situation of the **Ecumenical and Social Coordinator in Defense of Life in Zacapa and Chiquimula**.

In our accompaniment to the **Campesino Central Coordinator New Day' Chortí (CCCND)**, we met with several representatives of the organizations to get an update on the security situation and define details of our next visits to communities.

### 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 February 5, we observed a demonstration of the **Peaceful Resistance of Cahabón** in front of a court in Cobán during Bernardo Caal's hearing. Participants expressed their support for the community leader accused of several crimes who is currently in pretrial detention.



#### 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, this month we met with:

- William Bolainez, of the **Office of the High Commissioner for Human Rights (OHCHR)**.
- Rain Bian from the **US Embassy**.

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

- Carlos Reynabel Samayoa Urizar, **Governor of Quiché**.

#### 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.*

During the month of February our European representative for the project met in Brussels with:

- Jennifer Echeverría and Claudia Barillas, in charge of civil society and road map for the **European Union Delegation in Guatemala**.
- Xavier Benito Ziluaga, member of European Parliament representing Spain, from the **European United Left-Nordic Green Left**.
- Helge Holleck, **Permanent Representation from Germany before the European Union for relations with Latin American** and representative in the **European Union's COLAC working group**.
- Paul Bondefoy and Maryse Coutsouradis, commercial officers for the **European Commission Directorate -General for Trade, in charge of relations with Latin American**.

## 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.



**Tz'at-Red de Sanadoras Ancestrales del Feminismo  
Comunitario Territorial desde Iximulew-Guatemala**

### **MANIFIESTA FEMINISTA COMUNITARIA**

Territorio Ch'ortí, Camotán, Chiquimula  
Iximulew Oxlajuj Ix, Guatemala 27 de febrero 2018

Bajo el manto de la energía Oxlajuj IX en el calendario Maya, nos unimos este día, Día de las mujeres jaguares, de las sanadoras, de las clarividentes, de las mujeres que encaminan su palabra de liberación de los cuerpos, para exigir justicia por la vida de todas las niñas que han sido secuestradas, violentadas sexualmente y asesinadas en este país por la misoginia patriarcal.

#### **Con firme determinación denunciaremos:**

El secuestro, violación y femicidio de la niña Ángela Sarai Santiago Hernández de 12 años de edad, ocurrido el miércoles 21 de febrero del año en curso en la comunidad El Tular, municipio de Camotán, departamento de Chiquimula, mientras regresaba del establecimiento en el que estaba estudiando. Este deleznable hecho sucedió en un contexto de brutal empobrecimiento, comunidades donde la hambruna es cotidiana y donde en medio de las complejidades políticas las comunidades están organizadas para la defensa del territorio-cuerpo-tierra. Ángela también venía aportando junto con su familia a las luchas del pueblo Ch'ortí.

#### **Por tanto:**

- Exigimos contundentemente al Estado guatemalteco que este abominable femicidio sea investigado a profundidad a través del Ministerio Público, y que todos los agresores sean capturados y castigados por las autoridades competentes a la mayor celeridad posible.
- Demandamos al Estado guatemalteco proporcionar seguridad para la familia de la niña víctima como también para la comunidad El Tular, asimismo a todas las mujeres que día con día vivimos la violencia, por ser mujeres y demandar el respeto a nuestras vidas.
- Hacemos un llamado a toda la población para que un hecho como este no sea normalizado, sino sea denunciado públicamente, así como todos los hechos de violencia contra las mujeres cuyos casos actualmente se encuentran entrampados en las entidades de justicia.

ABRAZAMOS, ACUERPAMOS EL CAMINO ESPIRITUAL DE ÁNGELA, Y DEMANDAMOS JUSTICIA **¡PORQUE A LAS NIÑAS NO SE TOCAN, NO SE VIOLAN, NO SE QUEMAN, NO SE SECUESTRAN Y NO SE MATAN!!**. NOS SOLIDARIZAMOS CON SU FAMILIA, CON NUESTRAS VELAS ENCENDIDAS SEGUIMOS PIDIENDO FORTALEZA PARA SUS CUERPOS Y ESPÍRITUS EN MEDIO DEL DOLOR E INDIGNACIÓN.

**Defensoras Ancestrales del Territorio *cuerpo-tierra***  
*Sanando tú, sano yo, sanando yo, sanas tú.*

**PBI team in Guatemala:** Anabel Butler (United Kingdom), Emanuela Lamieri (Italy), Andreas Lo Grasso (Germany), Laura Gomariz Cebrian (Spain), Ricardo Henao Galvis (Colombia), Dylan Lebecki (Ecuador), Clara De Paz (Argentina) and Jessica García (Switzerland).

*All photos published are from PBI*

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**GUATEMALA PROJECT**  
**PEACE BRIGADES INTERNATIONAL**

**Website:** [www.pbi-guatemala.org](http://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](mailto: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](mailto:coordinacion@pbi-guatemala.org)