



## Monthly Information Package Guatemala

Number 184 - January 2019

### 1. THE CURRENT SITUATION

*Monthly update 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 defense of territory.*

#### Institutional Crisis in Guatemala Worsens

The institutional crisis in Guatemala reached a critical point on January 7th when the government unilaterally terminated the agreement with the United Nations for the International Commission Against Impunity in Guatemala (CICIG), giving officials a period of 24 hours to leave the country. The Minister of Foreign Affairs, Sandra Jovel, communicated the decision to UN General Secretary Antonio Guterres.

Guatemalan President Jimmy Morales justified the decision, accusing the CICIG of *violating national laws and international conventions, mainly during the time of the most recent commissioner, Colombian Iván Velásquez Gómez, who according to Morales put at risk public order, governability, and sovereignty of the State of Guatemala.* However, the CICIG has the backing of the Constitutional Court (CC), the Public Prosecutor's Office (MP), and the Human Rights Ombudsman (PDH) <sup>1</sup>.

This crisis started in August 2017, when the Guatemalan President declared CICIG Commissioner Iván Velásquez “persona non grata” ordering him to leave the country immediately. The CC upheld an injunction filed to prevent his expulsion and suspended the decision until the merits of the decision were resolved<sup>2</sup>. Finally, the CC upheld indefinitely the injunction to prevent expulsion of Iván Velásquez<sup>3</sup> and the CICIG continued working, despite the increasing obstacles to carrying out its work<sup>4</sup>. On September 4<sup>th</sup>, 2018, during a press conference while the Commissioner was in Washington, the Guatemalan government announced its decision to prohibit him from entering the country. A few days later, the CC unanimously resolved to order the President to permit the Commissioner to re-enter the country<sup>5</sup>. Despite this, Minister Degenhart announced they would not allow the Commissioner to enter the country<sup>6</sup> and the Guatemalan government filed several legal actions before the CC in an attempt to revoke the decision<sup>7</sup>, all of which were dismissed<sup>8</sup>. The crisis intensified on January 5, 2019 when CICIG investigator, Yilen Osorio, was detained for 26 hours in the La Aurora airport, despite the protection issued by the CC on December 21, 2018 in favor of 11 CICIG collaborators whose courtesy visas had been revoked. The CC was obligated to remind them to comply with this measure so that the investigator finally could enter the country<sup>9</sup>.

According to Morales, one of the reasons they decided to unilaterally cancel the agreement with the United Nations was the fact that his request to Guterres to designate a new commissioner had not been fulfilled.

- <sup>1</sup> BBC News Mundo, [El gobierno de Guatemala ordena la expulsión de la Cicig](#), 08.01.2019.
- <sup>2</sup> EFE, [Constitucional de Guatemala ampara a jefe de CICIG y suspende su expulsión](#), El Periódico, 27.08.2017.
- <sup>3</sup> Cumes, W., [Iván Velásquez se queda, según amparo definitivo de la CC](#), Prensa Libre, 29.08.2017.
- <sup>4</sup> Barrientos M. y Pocón, R., [MP denuncia fuga de información en capturas en caso de corrupción](#), Prensa Libre, 13.04.2018 / García J., [Juan Francisco Sandoval: Nos han cerrado la puerta en el Ministerio de Gobernación](#), Nómada, 17.05.2018 / Comunicado CICIG, [Retiran a 20 agentes de la PNC asignados a la CICIG](#), 06.07.2018.
- <sup>5</sup> Olmstead, G. y Rodríguez Pellecer, M., [La sentencia unánime de la Corte, Jimmy e Iván: todo lo que hay alrededor de este fallo](#), Nómada, 17.09.2018.
- <sup>6</sup> Caubilla, R., [Degenhart: “El ciudadano Iván Velásquez no ingresará a Guatemala”](#), Soy 502, septiembre 2018.
- <sup>7</sup> Morales, S., [Suman 8 recursos contra resolución de CC que permite ingreso de Iván Velásquez](#), Prensa Libre, 25.09.2018.
- <sup>8</sup> Oliva, w., Hernández Mayén, M. y Orozco, A., [Fallo de la CC confirma que Iván Velásquez no tiene impedimento para entrar al país](#), Prensa Libre, 22.11.2018.
- <sup>9</sup> Montepaque, F., [Investigador de la CICIG ingresa a Guatemala por orden de la CC](#), El Periódico, 07.01.2019.

*Silence, passivity, and refusal to seek solutions generated national uncertainty about the CICIG's actions" denounced Morales. However, Guterres affirms that the "United Nations has been in constructive exchange with the government of Guatemala on several levels, during the last eighteen months, in accordance with Article 12 of the agreement to create CICIG<sup>10</sup>.*

There are many voices of alarm both within and outside of Guatemala. According to Martín Rodríguez, political analyst, journalist and Director of Nómada, *with the expulsion of CICIG there has been a rupture in constitutional order because the Court is not being respected and one can suppose that the president can ignore it again or disintegrate the court. And there is no legality other than that of weapons. (...) This is a coup d'état in slow motion because it is difficult to immediately perceive the effects of this constitutional breakdown<sup>11</sup>.*

On January 14<sup>th</sup> while the President was presenting his annual report on his administration, several marches took place both in the capital city as well as in rural areas, showing an indignation for the government's measures against the CICIG and calling on the President to resign. In addition, Germany, Canada, Spain, the United States of America, France, Italy, Sweden, Switzerland, the United Kingdom and the European Union as well as Norway and the Netherlands issued a statement on January 8<sup>th</sup> expressing concern for the events in recent days and highlighting the importance that the government of Guatemala respect constitutional order, democratic institutions, rule of law, and separation of powers<sup>12</sup>. Also, the Inter American Commission on Human Rights (IACHR) issued a statement expressing that the actions of the government call into question their will to handle international commitments on issues against impunity and corruption in the country<sup>13</sup>. The High Commissioner for Human Rights Michelle Bachelet added to this generalized concern by urging the Guatemalan government to guarantee democratic rights<sup>14</sup>.

On January 16<sup>th</sup>, the CICIG was removed as joint plaintiff in the Property Registry Case, in which José Manuel Morales and Sammy Morales, President Jimmy Morales' son and brother, are accused. The Décimo Tercero de Sentencia Criminal Court affirmed that the CICIG did not attend the hearing<sup>15</sup>. Despite the evident demotion in the CICIG's work, on January 24<sup>th</sup>, the commission reiterated its commitment to work until the agreement signed between the government and the UN expires in September by supporting the MP remotely<sup>16</sup>.

It is important to note that the crisis in Guatemala has significantly increased corruption perception levels. In Transparency International's 2018 index Guatemala is now ranked lower than ever, at 144 out of 180 countries. *Acción Ciudadana (AC), Transparency International's Guatemala chapter, states that during Jimmy Morales' administration the country has fallen eight places in the ranking (...). AC also warned that the country could continue to descend on the ranking due to the fact that the Executive has concentrated its efforts this year in expelling the CICIG and has conducted acts against the Rule of Law<sup>17</sup>.*

### **Concern for possible reform of National Reconciliation Law**

*On January 17, 2019, Congress passed bill 5377, which proposes to reform Decree 145-96, the National Reconciliation Law<sup>18</sup>. Said law has been valid since the signing of the Peace Accords in 1996, which ended the 36 year internal armed conflict. The modification intends to not only halt current investigations, but will have a retroactive nature, allowing for scores of people convicted and imprisoned for grave human rights violations - like forced disappearances, mass executions, sexual violence and torture - be freed in 24 hours<sup>19</sup>.*

<sup>10</sup> BBC News Mundo, Op.Cit.

<sup>11</sup> BBC News Mundo, ["Un golpe de Estado en cámara lenta": la crisis que vive Guatemala tras la expulsión de la Cicig por el presidente Jimmy Morales](#), 01.09.2019.

<sup>12</sup> PRESS RELEASE, [01.08.2019](#).

<sup>13</sup> IACHR Press release, [La CIDH expresa preocupación por medidas adoptadas que pueden debilitar la lucha contra la impunidad y la corrupción en Guatemala, CIDH, 01.10.2019](#)

<sup>14</sup> Noticias ONU, [Suscríbete Audioteca Bachelet exhorta al Gobierno de Guatemala a garantizar las libertades democráticas](#), 01.14.2019.

<sup>15</sup> del Águila, J.P., [Tribunal deja fuera a la CICIG en caso del hijo y hermano del Presidente](#), La Hora, 01.17.2019.

<sup>16</sup> CICIG statement on their work in Guatemala, 01.24.2019.

<sup>17</sup> Paredes, L., [Guatemala alcanza el mayor nivel de percepción de corrupción](#), El Periódico, 01.30.2019.

<sup>18</sup> Press release, [CIDH llama al Estado de Guatemala a abstenerse de reformar la Ley de Reconciliación Nacional](#), 01.25.2019.

<sup>19</sup> Información Digital, [Guatemala: la reforma de la Ley de Reconciliación implica una "total impunidad"](#), 01.23.2019.

This bill has sparked widespread concern within Guatemala and outside the country. The IACHR expressed in a statement on January 25<sup>th</sup> that the proposal *violates the country's international commitments in the areas of memory, truth, and justice, especially referring to amnesty*<sup>20</sup>. UN High Commissioner for Human Rights, Michelle Bachelet, showed great concern because approval of this reform would be a *drastic setback for the rights of victims, justice, and for Rule of Law in Guatemala. At the same time it would threaten the process to try to resolve the legacy of the internal armed conflict and prevent more violence. She also stated that she was very concerned that, if approved, the amendment could lead to reprisals against victims, witnesses, judges, prosecutors, lawyers, and organizations that have courageously been promoting justice for crimes of the past in Guatemala*<sup>21</sup>.

As for Guatemalan civil society, about one hundred organizations, many of them indigenous and campesino, mobilized on January 30<sup>th</sup> against this reform. These organizations call on *the Guatemalan people and the international community to not allow the horrors and traumas, of one of the cruelest conflicts on the continent where indigenous peoples were deeply affected, be forgotten and go unpunished*<sup>22</sup>.

### **CC verdict: construction of Trecca's electric network is no longer a matter of national emergency**

*The CC declared unconstitutional governmental accord 145-2013, (...) which by means of national urgency established the construction of the Expansion Plan for the System of Transport of Electric Energy (PET) and the Rural Electrification Plan after an injunction filed by several organizations in 2017.*

With this ruling the governmental accord is declared *contrary to the constitutional norms (...) and states that the President of the Republic has no competence to make such decisions regarding electrification in the country.*

*Coordinadora de Comunidades Afectadas por Trecca, an organization of communities affected by Trecca, celebrated the CC's decision and indicated in a statement that the accord was used by the Trecca company to bypass legal processes and coerce municipalities to obtain construction licenses as well as to lobby different institutions like the Ministry of Environment, Ministry of Interior, among others. At the same time, they are grateful for the work carried out by lawyers and advisers. They also appreciate the ongoing struggle of the communities who have been supporting in a disinterested and ad honorem this fight for rights and to respect constitutionality since 2013*<sup>23</sup>.

---

<sup>20</sup> IACHR statement 01.25.2019, Op. Cit.

<sup>21</sup> Chumil, K., [Bachelet expresa preocupación por avance a reformas a la Ley de Reconciliación](#), El Periódico, 01.22.2019.

<sup>22</sup> Sputnik, [Movimientos sociales protestan en Guatemala por plan de amnistía para delitos contra DDHH](#), El País.cr, 01.31.2019.

<sup>23</sup> Bolaños, R.M. y Fernández, J.M., [CC ordena que construcción de red eléctrica de Trecca ya no es de urgencia nacional](#), Prensa Libre, 01.16.2019.

## 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 defense of territory<sup>24</sup>.*

### STRUGGLE AGAINST IMPUNITY

We accompanied the **Human Rights Law Firm (BDH)** on January 14, 16, 18, 23 and 25 to hearings in the Virgen of Asuncion "Safe" House case. In these hearings the Public Prosecutor's Office (MP) and plaintiffs presented what happened on March 7 and 8, 2017, as well as the charges against the three groups of accused joining the MP's call to start the trial. In the January 25th hearing, defense lawyers for the second group of accused also presented.

We also accompanied the BDH on January 22nd and 23rd to several hearings that took place in Puerto Barrios in cases against the artisan fishing union of El Estor. The four accused, Carlos Ernesto Choc Chub, Vicente Rox, Cristóbal Pop, and Tomás Ché, were linked to the process. Eduardo Bin Pou was also linked to a process but other crimes will not be added to his first case.

On January 27th, we accompanied the **Neighborhood Association of Chicoyogüito, Alta Verapaz (AVECHAV)** during its first assembly for the year. We continue to monitor their security situation.



### PROBLEM OF ACCESS TO LAND

On January 21, 22 and 23, we accompanied the **Union of Campesino Organizations of Verapaz (UVOC)** to a negotiation session in Purulhá, Baja Verapaz. On this occasion community members and leaders from the Mochán community, Registry of Cadastral Information, Presidential Commission for Human Rights (COPREDEH), Secretariat for Agrarian Affairs (SAA), as well as several landowners were present. The objective was to discuss land titles of the Mochán community.

We have visited the office of the **Campesino Committee of the Highlands (CCDA) - Verapaces Region**, and accompanied coordinators to the MP in Cobán on January 22nd to denounce death threats against four members of the Choctun Basilá community. On January 24<sup>th</sup>, we accompanied CCDA members from the same community to Guatemala City to file a complaint before the MP for several crimes including attempted murder, illegal detentions, and threats. We also visited criminalized CCDA members who are in prison in Cobán.

### DEFENSE OF TERRITORY

We continue to accompany the **Campesino Central Coordinator New Day' Chortí (CCCND)**. This month we accompanied several activities, accompanying the coordinators, visiting their offices in Camotán and visiting members in the communities of Pelillo Negro, Matasano, Guareruche (Jocotán municipality) and La Prensa (Olopa municipality) in order to monitor their security situation.

In addition on January 21<sup>st</sup>, we accompanied coordinators and a member of the Pelillo Negro community to a hearing in court (Juzgado de Primera Instancia Penal de Delitos de Femicidio y Otras Formas de Violencia Contra la Mujer) in Chiquimula, and another member of the La Prensa community to a hearing at the MP in

<sup>24</sup> See our website for general information on organizations and individuals we accompany: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

Esquipulas. On January 22nd, we accompanied members of the Lelá Chanco community (Camotán municipality) to a meeting with the president of the Forest and Environment Surveillance Commission, in which they handled issues that negatively affect the community. On January 24th we accompanied several communities to a hearing at the Municipal Affairs Court in San Juan Ermita, which was related to TRECSA projects in the region.

We visited Agustín Ramirez and Timoteo Suchité de Rosa, in prison in Puerto Barrios. Both are indigenous authorities of the community Las Flores (Jocotán municipality), convicted in 2013 in a process that according to experts suffered multiple legal irregularities.

Another organizational process that we accompany in the struggle to defend territory is the **Peaceful Resistance of La Puya**, located in the municipalities of San José del Golfo and San Pedro Ayampuc. We visited the protest camp on January 17<sup>th</sup> to get an update on the security situation of Resistance members.



We continue to monitor the security situation of the **Peaceful Resistance of Cahabón, Alta Verapaz communities**. This month we visited different communities in the region: Las Tres Cruces, Sactá, Sekatalkab, Chaslau and San Martín Chichaj. Members of the organisation whom we met with reported threats and attacks that they continue to receive for their struggle in defense of territory, in particular in opposition to hydroelectric megaprojects present in the region.

On January 7th, we accompanied a Sactá community member to a conciliation hearing for an aggression suffered the month before. Also, on January 17<sup>th</sup> we accompanied the Resistance on a visit that the MP conducted to the banks of the Cahabón River near the community of Sactá, the place where in August

2018 journalist Rolanda de Jesús García Hernández was arbitrarily detained and threatened.

We also visited Bernardo Caal Xol, criminalized for his activities in defense of the Cahabón River, several times in prison in Cobán.

We continue to follow the security situation of the **Chinautla Multisector Urban Platform** who we started to accompany in December of last year.

We continue to provide follow-up to the **Peaceful Resistance of La Laguna**. This month we were in the municipality of San Pedro Ayampuc to accompany members of this Resistance. They expressed their concern about the appropriation of the water flow of the Los Uretes River as well as deforestation in the region.

On January 15th we accompanied the Resistance to a meeting with the municipal council which members demanded the Los Uretes River be opened. The water is being used for commercial purposes. Later, we accompanied members to a meeting between the Municipal Council of San Pedro Ayampuc and the Sub regional Director of the National Forest Institute (INAB), Nidia María Ramírez Hernández, in which they agreed to temporarily cancel the three licenses currently active until the community is consulted.



### 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.*

This month we observed a **press conference that took place on January 6th** at the Center for Legal Action on Human Rights (CALDH), with the participation of representatives from diverse Guatemalan civil society organizations. The press conference denounced the detention of CICIG investigator, Yilen Osorio, in the La Aurora airport and expressed concern for the institutional crisis the country is experiencing.

### 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 dialogue with diplomatic corps and international organisations present in Guatemala, this month we met with:

- Carolyn Davidson, **Ambassador of United Kingdom in Guatemala.**
- Rain Bain, **Political Affairs and Human Rights Officer, US Embassy in Guatemala.**
- Jennifer Echeverría, **Human Rights Program Officer, European Union (EU) Delegation in Guatemala.**

At the national, departmental, and municipal levels we met with the following authorities:

- Jaqueline Recinos, **Administrative control officer, PDH Puerto Barrios.**
- Elisa Bardales, **Chief of sub-station, National Civil Police (PNC) San José del Golfo.**
- Rigoberto Pascual Espino, **Head of service, PNC Alta Verapaz.**
- Edy López, **PNC Jocotán.**
- Manuel Tajtaj, **PNC Chiquimula.**
- Norma Caal, **Agent and Sergio Aníbal Caal Max, Head inspector, PNC Santa María Cahabón.**
- Olga Segura, **PNC San Juan Ermita.**
- Doris Tolon, **Chief of sub-station, PNC Purulhá.**
- Luis Antonio Castillo, **PNC Olopa.**
- Sebastián Castro, **Mayor of Purulhá.**
- Herbert Pereira Quej, **Prison Director in Cobán.**

## 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 had the following meetings in Brussels:

- Francois Roudie, **in charge of Guatemalan issues in the European External Action Service (EEAS).**
- Gaby Küppers, **Head of Latin American relations for The Greens political group in the European Parliament.**
- Hans Olaf Henkel, **Member of European Parliament for the European Conservatives and Reformist (ECR) political group.**
- Heini Korhonen, Responsible for COLAC, and Inkeri Virtanen-Abernethy, Responsible for COHOM **for the Permanent Representation of Finland before the EU.**
- Helge Holleck, Responsible for COLAC, and Hauke Lund, Stagiaire from the **Permanent Representation of Germany before the EU.**
- Jip Mennen, Responsible for COLAC and COHOM, and Jan Dirk Stam, Trainee at the **Permanent Representation for Holland before the EU.**
- Julien Cecillon, Responsible for COHOM, and Carole Ligeois, Responsible for COLAC in the **Permanent Representation of France before the EU.**
- Raphael Warolin, **Responsible for human rights in Central America and Mexico**, and Blanca Ausejo, **Responsible for human rights in South America and coordination of COHOM, for the European External Action Service EEAS.**
- Cillian O'Kelly, Responsible for COHOM and Lorraine Christian, Responsible for COLAC for the **Permanent Representation of Ireland before the EU.**

## 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.*

### URGENTE Comunicado Oficial

Nosotros y nosotras q'eqchi', poqomchi' y mestizos, miembros de la Unión Verapacense de organizaciones campesinas (UVOC) ante la posición del Presidente de la República de terminar la gestión de la Comisión Internacional Contra la Impunidad en Guatemala (CICIG) y los últimos sucesos penosos y vergonzosos del gobierno:

Reiteramos nuestro respaldo a la CICIG y Ministerio Público (MP) en sus esfuerzos por investigar y buscar castigo para todas las personas involucradas en actos de corrupción e impunidad. Tanto el Comisionado Iván Velásquez, como la señora Fiscal Consuelo Porras, tienen un enorme reto para lograr combatir la impunidad enquistada en el Estado, por lo que es absolutamente incongruente la ilegal decisión de Morales de prohibir el ingreso del personal de la CICIG y especialmente del Comisionado Iván Velásquez al país, a quien expresamos nuestro apoyo.

Como UVOC creemos en la valiosa necesidad de articular diferentes fuerzas y movimientos para buscar que todos se muevan en una misma dirección y así lograr "una fisura en la terrible muralla mediática que nos es desfavorable" ante esta coyuntura.

Señor Jimmy Morales preocúpese de la terrible situación en que vive el pueblo de Guatemala, en donde la mitad de nuestra niñez sufre de desnutrición y el cincuenta por ciento de la población, sobrevive en pobreza y pobreza extrema. Esta triste y humillante situación, es causante de la mortalidad infantil, la miseria y la migración al norte, cuyo origen primario es el sistema productivo concentrador y excluyente impuesto en el país, mientras usted y los señores diputados se empecinan

en el aumento del presupuesto a los grupos minoritarios, la población campesina e indígena no tiene las condiciones mínimas de vida.

EXIGIMOS

El cese a la persecución penal de los miembros de las organizaciones, campesinas, indígenas y comunitarias, ejercida por empresarios avaros, que en complicidad con jueces y fiscales venales, someten a prisión y represión criminal a nuestros hermanos y hermanas, con la ayuda de policía y ejército que operan al servicio de intereses empresariales y mafiosos.

Reconocer la legitimidad del trabajo de la CICIG y el MP en los esfuerzos que hacen por combatir la corrupción en Guatemala.

Hacemos un llamado a toda la población guatemalteca estar atento sobre los actos de los funcionarios corruptos.

UVOC

Guatemala 8 de Enero 2019.

**PBI team in Guatemala:** Clara de Paz (Argentina), Jessica García (Switzerland), Evelina Crespi (Italy), Antonia Pérez Bravo (Chile/United Kingdom), Viviana Annunziata (Italy), Emily Spence (United Kingdom), Daniel Jiménez Hita (Spain), Jordi Quiles Sendra (Spain), Sara Lodi (Italy), Sophie Mailly (Canada), Diana Cabra Delgado (Colombia), Julián Arturo Ordoñez (Colombia)

*All photos published are from PBI*

PBI GUATEMALA DOES NOT NECESSARILY IDENTIFY WITH THE OPINIONS AND CONTENT OF THE REPRODUCED ARTICLES AND MEDIA RELEASES.

**GUATEMALA PROJECT  
PEACE BRIGADES INTERNATIONAL**

Website: [www.pbi-guatemala.org](http://www.pbi-guatemala.org)

facebook: [pbiguatemala](https://www.facebook.com/pbiguatemala)

**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)