



Monthly Information Package Guatemala

Number 195 - December 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.

Arrest and subsequent release of the human rights defender Francisco Lucas Pedro

Francisco Lucas Pedro was arrested on Saturday, December 21, 2019, following an arrest warrant that was issued against him on March 18, 2012.¹ The arrest took place as part of an operation carried out by the National Civil Police (PNC) in Santa Eulalia, Huehuetenango. The crimes he is accused of include raiding, coercion, threats, arson, activities that threaten the internal security of the nation, terrorism, kidnapping, illegal detentions and an attack on security forces.² This arrest has shocked several human rights organizations, who have signaled the use of intimidation by judicial authorities and companies operating across different communities in the country.³

Francisco Lucas Pedro, is a Maya Q'anjob'al indigenous human rights defender of water, journalist and correspondent with the Community Press. He was also a leader in the Barrillas Resistance that managed to stop the Ecoener Hidralia S.A. hydroelectric project. He is also a member of the Winaq political party, through which he went forward as a candidate for the municipal mayor of Barillas (Huehuetenango) in the 2015 and 2019 elections.

The indigenous leader and Nobel Peace Prize winner, Rigoberta Menchú Tum, considers his detention to be another emblematic case of criminalization against human rights defenders and has demanded his "immediate release."⁴ The Office of the UN High Commissioner for Human Rights is closely following the case.⁵

Francisco Lucas was transferred to Guatemala City following an order from the Santa Eulalia peace court on December 26, as his case was considered high risk. On January 3, the High Risk Court B heard the charges against him, declared there was a lack of merit in his favor and ordered his immediate release. Previously, the Public Prosecutor's Office (MP), through its Human Rights desk had, "requested the court to find a lack of merit and reiterated the request to dismiss the case, as this measure had already been requested; however, the National Civil Police (PNC) reactivated the arrest warrant."⁶

¹ Pez, L., *Un dirigente comunitario difamado, perseguido y finalmente encarcelado por defender un río en Barillas*, Prensa Comunitaria, 23.12.19.

² Heraldo de México, *Rigoberta Menchú exige "liberación inmediata" de líder indígena guatemalteco*, 27.12.19.

³ Pez, L., Op.Cit.

⁴ Heraldo de México, Op.Cit.

⁵ La Tribuna, *ONU monitorea de cerca la detención de un activista indígena en Guatemala*, 24.12.2019.

⁶ Nim Ajpu, *Chico Palas queda en libertad*, 03.01.2020.

Cooperation Agreements about Asylum

On November 19, the US Department of National Security adopted the regulations that initiated the Cooperation Agreements on Asylum, which have been agreed between Guatemala, Honduras and El Salvador. Through these agreements, the US Government characterizes these Central American countries as “third safe country.”⁷ In the case of Guatemala, the agreement obliges migrants who cross the Central American country to request asylum in Guatemala. A diversity of analysts and experts in migration have indicated that these three Central American countries do not have the conditions necessary for receiving asylum-seeking migrants due to the levels of poverty and violence they experience.⁸ According to Daniella Burgi-Palomino, an expert from the Latin American Working Group NGO, “these agreements with unsafe countries establish a process that is farcical. It is aimed at ensuring that asylum seekers do not even have an opportunity to apply.”⁹ Claudia Paz y Paz affirms that these agreements ignore the structural problems that drive mobility and undermine international protection. In addition, they force people in vulnerable situations to seek protection in unsafe countries. With these agreements, the States of the Central American region are not only breaching their obligation to guarantee the human rights of migrants, but they are exposing them to risks such as sexual violence, extortion, kidnapping and murder. This measure, therefore, discourages migration and hinders the right of these people to request protection.¹⁰

The Law of Public Office could create further impunity

Despite the criticisms and the potential repercussions from the Law of Public Office, President Morales decided to approve it and publish it in the *Diario de Centro América* on December 16.¹¹ This reform of the Criminal Prosecution Code provides that persons accused of various crimes can accept their guilt and thus access a reduction in their sentence.¹² In a statement released in November, the International Commission against Impunity in Guatemala (CICIG), expressed concern about this law, stating that it could become a mechanism of impunity.¹³ The Human Rights Ombudsman, Jordán Rodas, described it as a “slap in the face of justice”, stating that: “once again President Jimmy Morales has demonstrated, that he is against anything that represents justice and the fight against corruption” and that “this Law will no doubt prompt legal actions.” In addition, he added that it will be important for the Constitutional Court (CC) to take actions along these lines “and that this in turn will strengthen justice which won't be weakened because of the whims of of people who have interests in maintaining impunity.”¹⁴ José Gonzales, coordinator of the Justice Program at Impunity Watch, said these reforms are “essentially unconstitutional because they limit the independence of the judiciary.” In the opinion of Edy Cux, president of Citizen Action, the approvals made by President Jimmy Morales represent “a great setback” for the justice system, “because they include very questionable points” that “not only benefit the people who have been signaled for acts of corruption and illegal electoral financing, such as government deputies and President Morales himself or former candidates, but they will also benefit crime in general.”¹⁵

⁷ Paz y Paz, C., [Los nuevos acuerdos entre EEUU y Centroamérica representan una clara violación de los derechos de los más vulnerables](#), El País, 23.12.19.

⁸ Elsalvador.com, [El Triángulo Norte se volvió un “tercer país seguro” para migrantes](#), 30.12.19.

⁹ Pérez, Y., [¿Hacia dónde va la implementación de los acuerdos migratorios de Estados Unidos?](#), Publicnews, 27.12.19.

¹⁰ Paz y Paz, C., Op.Cit.

¹¹ Juárez, E., [PDH sobre Aceptación de Cargos: Es una “bofetada a la justicia”](#), La Hora, 16.12.19.

¹² Martínez, F.M., [Polémica ley de aceptación de cargos podría ser impugnada por inconstitucionalidades](#), Prensa Libre, 17.12.19.

¹³ Monzón, K. Y Álvarez, C., [Cicig: ley de aceptación de cargos podría generar impunidad](#), Prensa Libre, 22.11.19.

¹⁴ Juárez, E., Op.Cit.

¹⁵ Martínez, F.M., Op.Cit.

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.¹⁶

THE FIGHT AGAINST IMPUNITY

During December we held regular meetings with the members of the **Human Rights Law Firm (BDH)** and we have accompanied them to hearings in the following cases:

- Case of the Virgen de la Asunción “Safe” Home (HSVA). On December 4, 5 and 19 we were present at the Courthouse. On the 4th we observed the first declaration from the syndicated public officials. The Public Prosecutor's Office (MP) has individualised the investigative measures against those charged. On the 5th we attended the statement of Ofelia María Pérez Campo (coordinator of the *Mi Hogar* area), the only accused to provide a statement. The hearing on the 19th was suspended due to a lack of available rooms.
- Case against Eduardo Bin Poou, vice president of the Artisanal Fishermen's Guild of El Estor, Izabal. The human rights defender is being criminalized for his work in defense of water and the territory against the nickel mining. On December 20, we accompanied the BDH to Puerto Barrios for the opening hearing in this case. The hearing was suspended and rescheduled for the year 2020.



We continue to accompany the **Chicoyogüito Neighborhood Association of Alta Verapaz (AVECHAV)**, monitoring their activities and the security situation of their members.

THE ISSUE OF ACCESS TO LAND

During December, we followed up with activities carried out by the **Community Council of the Highlands (CCDA) - Las Verapaces Region** and we continue to monitor the security situation of the members of their coordination and meeting with them at their headquarters in Cobán. Also, on December 26 we visited Jorge Coc Coc and Marcelino Xol Cucul, community leaders from Choctún Basilá, in the Cobán penitentiary center where they are being held. On October 30, 2019, the two human rights defenders were sentenced to 35 years in prison for the crimes of manslaughter and attempted homicide. This case is an example of the criminalization and judicialization of the agrarian conflict in Las Verapaces (for more information read the following article on our website: [Criminalization of Jorge Coc and Marcelino Xol Cucul](#)).

We continue to monitor the security situation of the members of the **Union of Peasant Organizations (UVOC)**, organizing meetings with some of their members and maintaining a presence at their regional office.

¹⁶ See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

DEFENSE OF THE TERRITORY

We continued to monitor the security situation of the **New Day Chorti Campesino Central Coordinator (CCCND)** closely throughout December as they continue to be a target for threats, intimidations and surveillance. This month we provided the following accompaniments:



- On December 3, we accompanied a delegation of representatives from different communities of Jocotán and Camotán, and members of CCCND, to request the local authorities to urgently hold a Round-Table for Dialogue. Its objective would be to stop the immoderate logging that is being carried out by private companies of a forest that is within communal lands belonging to the two municipalities. Likewise, we visited the peaceful protest camp that was set up by the community members along the Jupilingo Bridge as a means for pressuring the government to set up the requested Round-Table for Dialogue.
- On December 4, we accompanied the communities to the Round-Table for Dialogue, which was attended by the Governor of Chiquimula, the mayors of Camotán and Jocotán and the Human Rights Obudsman's Office (PDH) in Chiquimula. As a result of this dialogue, the parties agreed to organise a visit of the Division for the Protection of Nature (DIPRONA) to the area that same day and to prepare a verification report.
- On December 17 we accompanied a delegation from these communities to the second part of the round-table for Dialogue. The mayors from the municipalities of Jocotán and Camotán did not participate this time. DIPRONA presented the results of the Verification Mission, which confirmed the existence of immoderate logging in the forest within this area, as had been denounced by the communities.
- On December 20, we visited the indigenous authorities, criminalized land defenders and members of CCCND, Agustín Ramírez and Timoteo Suchité de Rosa, where they are being held in the penitentiary center of Puerto Barrios.

We continue to monitor the situation of the **Peaceful Resistance of La Puya** (municipalities of San José del Golfo and San Pedro Ayampuc). This month we visited the protest camp that the communities have maintained for more than seven years at the entrance to the mine. The Resistance continues to monitor the international arbitration process that is taking place between the US mining company Kappes Cassidy & Associates and the State of Guatemala.

Regarding our accompaniment of the **Peaceful Resistance of La Laguna**, in San Pedro Ayampuc, we met this month with some of their members who shared their concerns about water pollution in the communities from the municipality.

Within the framework of our accompaniment to the **Peaceful Resistance Cahabón (Alta Verapaz)**, we visited the human rights de-fender Bernardo Caal Xol at the Cobán Penitentiary Center on December 26. Bernardo Caal, defender of the territory and member of the Resistance, was sentenced to more than seven years in prison, in January 2018, due to his legal actions against the Renace company dam project in defense of the Cahabón and Oxec rivers. We continued to monitor the security situation of the other members of the resistance via telephone.

Regarding our accompaniment of the **the TZK'AT - Network of Ancestral Healers of Community Feminism from Iximulew**, we remain attentive to their security situation.

Regarding our accompaniment of the **Chinautla Multisectoral**, we visited the municipality and met

with the leaders of the Resistance on the 26th so they could update us on their security situation and on the appeal filed by the Municipality of Chinautla after the injunction declared in favor of community. The ruling ordered the authorities to guarantee access to and the right to drinking water, however, today the Municipality of Chinautla has not complied with this demand, which is a fundamental right recognized by the UN.

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 December 17, we observed a **hearing in the Semuy II case** in which eight people (five men and three women) have been accused, by the Office of Public Prosecution's anti-drug trafficking unit, of the murder of three soldiers in the Semuy II Village (municipality of El Estor, Izabal department). The deaths of the military personnel took place on September 3, 2019, as they pursued an aircraft that was suspected to belong to drug traffickers along the edge of Sierra de las Minas. The eight accused have been sent to trial. The three women and one of the men were accused of launching a targeted and aggravated attack and illicit association with armed people and substitute measures were granted. However, in the case of the other four defendants, the court ruled that they should remain in custody due to the gravity of their charges, including: a targeted and aggravated attack,

murder and attempted murder.

Second Observational Visit to Petén in 2019

Between November 27 to December 5 we carried out our second visit of the year to Petén. During this visit we met with several organizations working in the department and followed up on situations related to: conflicts and human rights violations in Protected Areas, rights of women and members of the sexually diverse community and on the impacts of megaprojects. We met specifically with the following organizations: Ixqik, Ixmucané, The Trans Organization Queens of the Night (OTRANS), Leaving Footprints The Other Cooperative, the Petenero Front, the Association of Indigenous Peasant Communities for the Integral Development of Petén (ACDIP) and the Permanent Delegation of communities of Sierra de Lacandón and Laguna del Tigre. During these exchanges, concern was expressed about the high levels of violence and insecurity in the region.



In addition to the meetings with the organizations mentioned, we met with the Parish Social Office and with local authorities (see details in section 4).

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.

As part of our dialogue with the diplomatic corps and international organizations present in Guatemala, we met with the following people this month:

- Zdeněk Kubánek, Ambassador, Petr Manoušek, Head of Concurrent Countries, of the **Embassy of the Czech Republic in Mexico** and José Luis Guzmán Segura, Honorary Consul of the Czech Republic in Guatemala.

At national, departmental and municipal level we meet with the following authorities:

- Diego Gaspar González Pedro, Auxiliary, **PDH office La Libertad, Petén.**
- Ana Heydi Méndez, Assistant to the **Governor of Petén.**
- Roldi Estuardo Caal, Head of Service, **PNC Department in Petén.**
- **Secretary of the Mayor of La Libertad, Petén.**
- Miriam Judith Juárez Más, Head of the regional office, **Presidential Commission on Human Rights (COPREDEH), Petén.**
- Carlos René Caal, **Mayor of Flores, Petén.**
- Head of receiving complaints and head of the mobile migrant program, **PDH office, Petén.**
- Ruth del Valle Cóbar, **Human rights defenders and journalists office of the PDH.**
- Adilis Marisol Cu, **Department of International Relations of the PDH.**
- Carlos Roberto Tohom Escobar, **Director, PNC.**
- Mariano Cal MO, officer from the **PNC substation in San Antonio de Las Flores, Municipality of Chinautla.**
- Carlos Juárez, Inspector and Deputy Chief, **Substation 12 of the San José del Golfo PNC.**
- Diego Gaspar González Pedro, Auxiliar, **PDH de La Libertad, Petén.**

5. OTHER ACTIVITIES OF PBI GUATEMALA IN GUATEMALA

On December 5 and 6 we facilitated a **security workshop with a gender focus**. The workshop took place in Guatemala City and a total of 11 human rights defenders whom PBI accompanies participated.

6. 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 participated in the **21st EU NGO Forum on Human Rights in Brussels**, which had the theme "Building a just and ecological future".

7. NON-GOVERNMENTAL ORGANISATIONS

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



POR UNA PAZ CON JUSTICIA SOCIAL PESE A LA ENCRUCIJADA

Se han cumplido 23 años, casi un cuarto de siglo, desde la firma de los Acuerdos de Paz en 1996. Ocho personas, incluido el firmante Álvaro Arzú, han gobernado al país desde entonces. Los acuerdos, pese a su limitado alcance en materia de justicia social, constituían una agenda de país que intentaba retomar por la vía democrática, el camino truncado con el golpe y la invasión en 1954.

Sin embargo, lejos de que los pasos dados representaran avances significativos, la realidad nos pinta un panorama desolador en materia de cumplimiento. Cada gobernante que se ha sucedido desde 1996 ha puesto su ladrillo en el muro contra la paz. Arzú dilapidó los recursos estatales en telefonía, energía eléctrica, servicio postal y seguridad alimentaria, entre otros, amén de negarse a recibir el informe de la Comisión de Esclarecimiento Histórico. Alfonso Portillo, con el Frente Republicano Guatemalteco (FRG), de Efraín Ríos Montt, avaló la destrucción de la carrera en la recién creada Policía Nacional Civil. Óscar Berger consolidó los tratos de Arzú y toleró la instalación de estructuras criminales en la PNC y Ministerio de Gobernación (Mingob). Aunque Álvaro Colom intentó algunos cambios sociales y en materia de memoria histórica, también toleró estructuras de corrupción que destruyeron los avances. Otto Pérez Molina inició la desinstitucionalización de la arquitectura de la paz al destruir al Consejo Asesor de Seguridad y entregar la Secretaría de la Paz al enemigo eterno de los Derechos Humanos, Antonio Arenales Fomo.

Finalmente, la tapa al pomo la ha puesto el gobierno presidido por Jimmy Morales Cabrera quien no ha dejado de utilizar la bola de derribo para acabar con la arquitectura de la paz e impedir que el conjunto de los acuerdos se cumpla. Afanado en garantizarse impunidad para sí, su familia y allegados políticos y económicos, no ha tenido escrúpulos en lanzar la pesada herramienta contra la institucionalidad. Si los gobiernos que le precedieron aportaron poco a la construcción de la paz, el de Morales Cabrera se caracteriza por llevar la delantera en la destrucción de la misma.

Las políticas de gasto excesivo y corrupto en el manejo de los recursos nacionales, así como de abandono de los objetivos de desarrollo han significado un aumento en los índices de desnutrición infantil a la vez que, pese a los altos niveles de fondos asignados al Ministerio de Educación, la cobertura educativa ha disminuido. En materia de seguridad, Jimmy Morales es responsable de que el Mingob sea conducido como máquina de espionaje contra la ciudadanía y no como instrumento de garantía de derechos, a la vez que se ha destruido el principio de carrera en el seno de la PNC, desarticulada por el titular Enrique Degenhart. Al mismo tiempo, el gobierno de Jimmy Morales ha favorecido el gasto y el dispendio militar, generando también nuevos nichos de corrupción en las fuerzas armadas que han vuelto a generar su escudo de impunidad.

El rompimiento del principio de independencia judicial es otro legal del gobierno de Jimmy Morales el cual es responsable de haber instalado en el ejercicio del poder político la cultura de de desobediencia judicial. A tal extremo que mantuvo por encima de disposiciones judiciales la decisión unilateral de cancelación del convenio con la Organización de Naciones Unidas (ONU) que dio vida a la Comisión Internacional Contra la Impunidad en Guatemala (CICIG). La política exterior de Morales, bajo la dirección de su fiel cancerbero Sandra Jovel, representó el abandono de la población migrante guatemalteca la cual quedó a merced de las crueles políticas xenófobas del gobierno de Donald Trump en Estados Unidos. La gestión de Jovel cambió el ejercicio profesional de las relaciones exteriores por la política del chantaje y la extorsión diplomáticos.

La defensa de derechos humanos lejos de ser una acción protegida y garantizada por el estado es una labor peligrosa que puede costar la vida. Durante el gobierno de Jimmy Morales se han producido las mayores alzas en ejecución de personas defensoras o en la criminalización (difamación y uso indebido del derecho penal) de las mismas. Este gobierno, en alianza con el poder político en el Congreso de la República ha buscado ahogar económicamente a la Procuraduría de Derechos Humanos (PDH), no solo con la reducción de su presupuesto sino mediante incumplimiento de órdenes judiciales, el Ministerio de Finanzas (Minfin), se ha negado a trasladar los recursos aprobados.

De los compromisos específicos a favor de las mujeres, contenidos en cinco Acuerdos, los pocos avances han tenido que ser defendidos por el movimiento de mujeres. Y ahora, hay un paquete de leyes que pretende frenar los avances legales de los últimos años, se le ha disminuido el presupuesto y el rol del Foro Nacional de la Mujer y a la Defensoría de la Mujer Indígena y se han cerrado espacios de interlocución. A eso, se suma el aumento de la violencia contra las mujeres en toda sus manifestaciones frente a una institucionalidad debilitada y sin capacidad de proteger la vida de las mujeres en país.

Si bien, durante estos 23 años transcurridos todos los gobiernos han sido responsables del abandono de la agenda de la paz, el de Jimmy Morales resulta el peor puesto que no solo canceló las posibilidades de avance sino que hizo retroceder al país a décadas previas a la firma de la paz.

Ante la encrucijada que esto representa, la posibilidad de modificar esta situación está en manos de la misma población guatemalteca. Esa que abonó el camino para la firma de la paz y que ha dado su aporte en la búsqueda de justicia, en la propuesta concreta de modificaciones y reformas necesarias para construir un sistema donde quepamos todos y todas. Por ello, como Convergencia por los Derechos Humanos, a la vez que recordamos la importancia de la firma de la paz y el contenido de los acuerdos que la concretaron, saludamos a todas las personas y organizaciones que con su diario que hacer contribuyen al ejercicio pleno de la democracia y a la construcción de la paz con justicia social.

Guatemala, 29 de diciembre de 2019

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**GUATEMALA PROJECT
PEACE BRIGADES INTERNATIONAL**

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