



## Monthly Information Package Guatemala

Number 196 - January 2020

### 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.*

#### **Six students arrested in peaceful protest against Jimmy Morales**

On January 14, only hours after leaving the presidency of the Republic of Guatemala and losing his immunity, Jimmy Morales, along with former vice-president, Jafeth Cabrera, was sworn in as a member of the Central American Parliament (Parlacen). This maneuver allowed him to recover his immunity, so he cannot be tried for the next four years, despite the fact that “on December 6, Stuardo Campo, an official from the Public Prosecutor's Office (MP) anti-corruption unit, reported investigating several cases in which Morales could be implicated.”<sup>1</sup> Hundreds of people protested against him taking this oath outside of the hotel in Zone 13 of the capital city where the Parlacen was in session. Several people were injured during these protests and six students from the University of San Carlos (USAC) were arrested. The Human Rights Ombudsman's Office (PDH) provided support to detainees who spent the night in the Courthouse.<sup>2</sup>

#### **Alejandro Giammattei's new government takes power**

On January 14, Alejandro Giammattei assumed the presidency of the Republic of Guatemala. Only hours into his term he met with the armed forces, the most influential business people and one of the most powerful evangelical churches in the country.<sup>3</sup> On January 17, through the 1-2020, decree he declared a six-day state of prevention in the municipalities of Mixco and San Juan Sacatepéquez, using the fight against crime as a justification. 2000 agents from the National Civil Police (PNC) and the Army<sup>4</sup> were deployed for this. On January 24, through decree 2-2020, he again declared a state of prevention, this time in the municipality of Villa Nueva, using the fight against crime as the justification once more.

A week after assuming power, he also sent a number of security related legislative initiatives to Congress. The most controversial of these is the 5692 law, which purposes is to combat gangs. The proposal would modify the penal code and expand the definition of terrorism to anyone who engages in any activity which “transgresses social peace or public order, and who organize, constitute or belong to 'criminal groups characterized by their territoriality, high criminality and symbology.’” Edith Espinoza, coordinator of the Violence Observatory from the organization Dialogues, does not see this expansion as valid because gangs lack the political character that is inherent to terrorist actions. Furthermore, the lawyer Oswaldo Samayoa, claims this proposal has a high risk “because it could generate an idea of criminality among groups who have not necessarily committed any crimes.”<sup>5</sup>

<sup>1</sup> España, M. y Pitán, E., *En su tercer intento, Jimmy Morales y Jafeth Cabrera logran ser juramentados como diputados del Parlacen*, Prensa Libre, 14.01.2020.

<sup>2</sup> Coronado, E., *Capturan a 6 manifestantes en protesta contra Jimmy Morales y Giammattei dice que investigará*, Prensa Libre, 15.01.2020.

<sup>3</sup> Solano, F. y López, K., *Giammattei pone a las élites (militares, empresarios y evangélicos) en la cima de su agenda*, Nomada, 16.01.2020.

<sup>4</sup> Paniagua, O., *Giammattei decreta estado de prevención en Mixco y San Juan Sacatepéquez*, Emisoras Unidas, 17.01.2020.

<sup>5</sup> Martínez, F. y Chumil, K., *Iniciativas de seguridad presentadas por el Ejecutivo genera opiniones divididas*, Prensa Libre, 24.01.2020.

### **Outgoing minister gives the go-ahead for the hydroelectric at Rocjá Pontilá despite an existing suspension from the Constitutional Court**

On the final day of Jimmy Morales' government, Luis Chang, the Minister of Energy and Mines, signed an agreement granting the Integral Development Project Central Rocja Pontilá SA (owned by the industrial engineer Aurelio Asturias), authorization for the use of goods from the public domain for 50 years in the village of Rocjá Pontilá, Alta Verapaz. The company is linked to the family of former Minister for the Interior, Enrique Degenhart Asturias. The project was suspended in 2017 by the Constitutional Court (CC) following an injunction filed by the Q'eqchi communities in the area. In addition, the National Council of Protected Areas (CONAP), the School of Biology of the University of San Carlos and the National Forestry Institute (INAB), had already indicated that the project represented a risk for the Laguna Lachúa National Park, because it intends to divert the flow of the river through the dam that it plans to build.<sup>6</sup>

### **Visit of the new government to Huehuetenango causes controversy**

On the last weekend of the month, a government delegation, led by the president and accompanied by the Attorney General and magistrates from the Supreme Court of Justice (CSJ), traveled to San Mateo Ixtatán, Huehuetenango, to inaugurate a Peace Court under the Judicial Organism (OJ) and an office of the MP. Following the announcement of this trip, the Plurinational Ancestral Government of the Original Nations Akateko, Chuj, Popti and Q'anjob'al of Huehuetenango sent an open letter to President Giammattei. In this letter they questioned the visit, noting that the justice institutions in the region have shown to be both repressive and corrupt in character, and have also been co-opted by organized crime. "Likewise, they indicate that if the president wants to work for the good of the community, he must do so under another modality, before continuing to criminalize his struggle for the defense of life and territory."<sup>7</sup>

### **Julio Gómez, water and territorial defender is arrested and charged**

On the night of Saturday, January 25, following the inaugurations mentioned above, Julio Gómez, an authority of the Plurinational Government of the Chuj Nation of San Mateo Ixtatán, and recognized human rights defender of the water and the territory, was arrested.<sup>8</sup> No statement was taken from him before the month ended and he was kept in prison. On February 3, his first declaration took place and he was charged with illegal demonstration, instigation to commit crimes, illicit association and demonstrations, and membership of illegal and armed groups. The murder charge against him was dropped. He is being held under house arrest and must sign in each month with the MP. He has a prohibition on leaving the country and must pay a bond of Q5000. The adhesive complainant in this case against the human rights defender is the company Energía y Renovación, S.A.<sup>9</sup>

<sup>6</sup> Prensa Comunitaria, *Jimmy Morales favoreció a la hidroeléctrica del primo de Degenhart en su último día de Gobierno*, 28.01.2020.

<sup>7</sup> Girón, M., *Giammattei irá a Ixtatán; comunidades se pronuncian*, La Hora, 24.01.2020.

<sup>8</sup> *Llamado a detener la persecución de defensores del agua y el territorio en el Noroccidente de Guatemala*, published in Prensa Comunitaria, 3.02.2020.

<sup>9</sup> Prensa Comunitaria's Twitter

## 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>10</sup>*

### THE FIGHT AGAINST IMPUNITY

During January 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 January 7, 8, 9 and 24 we were present at the Courthouse to observe the hearings of the four syndicated defendants. This group includes Rolando Romeo Miranda Navarro, Secretary of the Peace Court for the San José Pinula municipality where the HSVA was located; Rocio Albany Murillo, Justice of the Peace from the same court; Crucy Flor de María López, child care worker from the youth center; and Ofelia María Pérez Campos, HSVA coordinator. They have all been charged with the mistreatment of minors, manslaughter, breach of duties and wrongful injury. On the 7th, 8th and 9th the first declaration hearings took place, during which only Rocio Albany Murillo Martínez, gave a statement. On the 24th, Judge Rodolfo Laynez decided not to send Rolando Romeo Miranda Navarro (accused of the crime of ideological falsehood) to trial due to lack of merit. Crucy Flor de María López and Ofelia María Pérez Campos were sent to trial for the crime of abuse against minors and, in the case of Campos, also for the crime of breach of duties. Murillo Martínez was sent to trial for the crimes of ideological falsehood and delayed justice. The three defendants were let go without imposing bail.



On the 27th we observed a further hearing for the presentation of evidence for group two, which includes: Lucinda Marroquín and Armado Pérez Borja (PNC agents), Brenda Chaman (psychologist), Carlos Flores (the Children's officer from the Attorney General's Office - PGN -) and Gloria Porras (Children's Officer from the PDH). Due to the absence of Lucinda Marroquín, who was not transferred by the Penitentiary System (SP) for lack of notification, Judge Rodolfo Laynez suspended the hearing.

Finally, on January 31 we attended the appeal hearing against Judge Mario Solorzano, relating to group one of defendants. This group is composed of senior authorities from the Secretariat of Social Welfare (SBS): Santos Torres Ramírez, former director of HSVA; Carlos Antonio Rodas Mejía, former secretary, and Anahy Keller Zabala, former deputy secretary of the SBS. The hearing was canceled without a clear explanation.

During several of these hearings we witnessed defamatory acts by the defense lawyers towards the BDH lawyers and the international accompaniment.



- Case of La Cumbre, in which three campesinos have been accused of aggravated trespassing, a crime that is widely used to criminalize social protest. The accusation occurs in the context of

<sup>10</sup> See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

an eviction during November 2017 in the community of La Cumbre, Tactic (Alta Verapaz). On January 6, we observed the beginning of the debate phase that continued on the 14th and 27th of the same month with the statements of the witnesses provided by the complainants.

- Case of Samuel Choc, an indigenous authority from the village Las Mercedes, Chisec (Alta Verapaz). The palm company Tecnoservicio Agroindustria, S.A. Has accused him of aggravated trespassing. On January 9 we observed the opening debate for this case and on the 31st witness statements from both sides.



- Samayoa Case against Juan Alecio Samayoa Cabrera, former military commissioner of the municipality of Chinique (Quiché), who has been charged with the crimes of murder, attempted murder, aggravated rape, illegal detentions and crimes against humanity, for events on the Tumulché farm, municipality of Chiché, in 1982. Samayoa Cabrera had resided in the United States since 1992 and was deported to Guatemala on November 29, 2019. On January 16, we observed the first statement hearing of this case. Judge Susana Elizabeth Pérez Cabrera dictated lack of merit, arguing insufficient evidence, and ordered the immediate release of the accused.

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

### **THE ISSUE OF ACCESS TO LAND**

During January, we followed up with activities carried out by the **Community Council of the Highlands (CCDA) - Las Verapaces Region**. On January 14 we visited Jorge Coc Coc and Marcelino Xol Cucul, community leaders from Choctún Basilá, in the Cobán penitentiary center where they are being held. The two human rights defenders were sentenced to 35 years in prison for the crimes of manslaughter and attempted homicide, as a clear example of the criminalization and judicialization of the agrarian conflict in Laz Verapaces. On January 20 and 21, we accompanied the organization on a visit to two communities near Chisec, one of whom, Agua Dulce, is facing threat of eviction. We remain deeply concerned about the security situation of the human rights defenders that form part of the coordination because they are a permanent target of serious misogynistic and sexist threats.

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. On January 7, we accompanied the organization's lawyer to Escuintla, to review the status of the appeal process for the New Jerusalem community who are at risk of eviction.

## DEFENSE OF THE TERRITORY

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

- On January 15, we observed the assembly that leaders from different communities across the municipalities of Jocotán, Camotán, Olopa and San Juan Ermita held at the CCCND headquarters in Camotán (Chiquimula). After the assembly, we accompanied one of the leaders of the community of Guareruche to file a complaint in the MP's office in Jocotán for threats.
- On January 16 we accompanied the CCCND coordination to the community of Salitrón, San Juan Ermita (Chiquimula), whose inhabitants are defending the territory against the projects of the ElectroRuta - Trecca company.
- On the 23rd, we accompanied more than 20 indigenous authorities from the communities of Jocotán, Camotán and San Juan Ermita in the continuation of the round table for dialogue that began in December 2019. The aim of this roundtable is to address the excessive logging of the forest that stretches across the three municipalities, by a mining company. The National Dialogue System, representatives from Chiquimula's Governor's office and the PDH were present.



We continue to monitor the situation of the **Peaceful Resistance of La Puya** (municipalities of San José del Golfo and San Pedro Ayampuc) through weekly calls to the members of the camp where the communities have remained 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 Cassiday & Associates and the State of Guatemala.

Regarding our accompaniment of the **Peaceful Resistance of La Laguna**, in San Pedro Ayampuc, we monitored their member's security situation through calls.

Within the framework of our accompaniment to the **Peaceful Resistance Cahabón (Alta Verapaz)**, we visited the human rights defender Bernardo Caal Xol at the Cobán Penitentiary Center on January 14. Bernardo has been criminalised and sentenced to seven years and four months in prison as a result of his legal actions in defense of the Cahabón and Oxec rivers. January 30 marked two years since his imprisonment ([see a video on our website](#)). We continued to monitor the security situation of the other members of the resistance.

Regarding our accompaniment of the the **TZK'AT - Network of Ancestral Healers of Community Feminism from Iximulew**, we remain attentive to their security situation and we met with one of their members in Cobán this month.

With respect to the **Chinautla Multisector**, we did not carry out any specific activity but we did maintain regular communication and attention to their situation.

### 3. 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:

- Roberta de Beltranena, Program Officer from the **Swiss Embassy**.
- Alejandro Gallardo, Human Rights Officer from the **British Embassy**.
- Mateo Barney, Chief of the Political Affairs Section, and Mónica Izáguirre, Political Officer from the **Canadian Embassy**.

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

- Edwin Garcia, Agent of the **Camotán PNC station**.
- Noé Guerra, Petty Officer of the **Jocotán PNC station**.

### 4. 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 held meetings in Brussels with the following people:

- Tilly Metz, deputy of the **Green Political Group** and president of the Delegation for Central America of the European Parliament, and Gaby Kueppers, Latin American advisor to the same political group.
- Norma Caballero, assistant to the independent MEP Javier Nart and vice president of the **Delegation for Central America of the European Parliament**.

She also participated in the meeting on the new **Human Rights and Democracy Action Plan 2020-2024**, which was held with Luisa Ragher, Director of the Human Rights Unit of the **European External Action Service (EEAS)** and Patrick Costello, head of the Directorate of Democracy and Electoral Observation, also from EEAS.

## 5. NON-GOVERNMENTAL ORGANISATIONS

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



### **En riesgo libertad de opinión y expresión de defensoras y defensores de derechos humanos en Guatemala**

Las defensoras y los defensores de derechos humanos están siendo criminalizados por denunciar violaciones de las personas más vulnerables y opinar sobre aspectos políticos y sociales. El proceso judicial que enfrenta Daniel Pascual Hernández, defensor de derechos campesinos, de pueblos indígenas y derechos humanos, por expresarse libremente y denunciar ataques mediáticos y agresiones físicas en su contra, lleva 6 años con 11 meses y ha sentado un precedente negativo para la democracia en Guatemala.

La criminalización de la libertad de expresión vulnera aun más la débil democracia del Estado y si los tribunales continúan persiguiendo a las personas que hacen uso de ese derecho, se corre el riesgo de regresar a tiempos de dictaduras militares fortaleciéndose aún más la violencia, la impunidad y la corrupción.

Durante el Conflicto Armado Interno se desaparecieron y se asesinaron a miles de personas porque tuvieron el valor de decir la verdad y denunciar las violaciones que cometían las fuerzas represivas estatales. En tiempos actuales, se criminaliza o se asesina a las personas que hacen uso de la libertad de opinión y expresión; del año 2012 a 2017 se registraron 160 agresiones contra periodistas y comunicadores sociales, según la Unidad de Protección a Defensoras y Defensores de Derechos Humanos de Guatemala.

Los datos anteriores evidencian que, en el imaginario de las estructuras criminales, que buscan impunidad, las personas defensoras de derechos humanos y los comunicadores que denuncian, opinan o se expresan sobre abusos de poder, nepotismo, corrupción, violaciones y demás actos criminales, deben padecer criminalización, restricción a su derecho de opinión y libre expresión, encarcelamiento y hasta asesinato. En este sentido es preocupante el papel de los tribunales de justicia que se prestan a la judicialización de los derechos antes mencionados.

### **En este contexto demandamos:**

1. Al tribunal que conocerán el debate oral y público contra Daniel Pascual Hernández, que actúe imparcialmente, que analicen detenidamente su decisión, ya que penalizar la libertad de expresión sería un retroceso para la democracia y para el trabajo en pro de los derechos humanos en Guatemala.
2. Que se respete el derecho a la libertad de opinión y expresión de todas las personas, principalmente de las defensoras y defensores de derechos tal como lo reza el artículo uno de la Ley de Emisión del Pensamiento de Guatemala, en la Declaración Universal de los Derechos Humanos y otros tratados internacionales de los cuales es firmante el Estado de Guatemala.
3. A las organizaciones de derechos humanos nacionales e internacionales exhortamos a defender el derecho a la libertad de expresión, porque si este derecho es penalizado, no podemos defender los demás derechos.

### **No a la criminalización del derecho de opinión y expresión.**

**Comité de Unidad Campesina -CUC-**

### **Cabeza clara, corazón solidario y puño combativo de las y los trabajadores del campo.**

Miembro de la Asamblea Social y Popular -ASP-, Coordinación y Convergencia Maya Waqib Kej, La Vía Campesina Centroamérica y Albamovimientos.

**PBI team in Guatemala:** Katharina Wagner (Germany), Lucie Costamagna (France), Júlía Sierra (Spain), María Lafuente (Spain), Carla Güell Font (Spain), Lina Martínez Reyes (Colombia), Simone Scaffidi Lallaro (Italy), Paola Sarti (Italy), Inmaculada Jorge Aymeric (Spain) y Alejandro Cerdá Aparicio (Spain).

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**GUATEMALA PROJECT  
PEACE BRIGADES INTERNATIONAL**

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