



Monthly Information Package Guatemala

Number 198 - March 2020¹

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.

Situation in Guatemala regarding COVID-19

As of March 31, the facts surrounding COVID 19 are as follows: 38 people have been diagnosed, 1 person has died and 12 have recovered.² In recent weeks, shelters such as Flor de Esperanza, located in zone 8 of the capital,³ have been set up so that homeless people can enter and spend the curfew at the facilities. Numerous families, across different parts of the country, are suffering from water scarcity, difficulty in accessing water and water pollution,⁴ rising prices for staples and other basic necessities such as corn, beans, potatoes and cornmeal, among others, as well as the closure of small family eateries. Furthermore, the obligation to remain at home, is aggravating the situation of thousands of women victims of gender based violence, a worrying trend that has already been highlighted by women's organizations, the Human Rights Ombudsman's office (PDH), the Public Prosecutor's Office (MP) and UN Women.⁵ Regarding migration, despite the closure of its borders, the US has continued to deport people back to Guatemala. As of March 27, and since the closure of airports and borders, "477 Guatemalans have been deported to Guatemala", from detention centers with hundreds of people, raising the risk of the virus spreading.⁶

On Monday, March 16, President Giammattei announced the 15 measures to be taken by the government against the spread of the Coronavirus. Some of these measures are having a strong impact on PBI's work and on that of the organizations it supports: a ban on holding any type of event, regardless of the number of people; prohibition of social activities; suspension of urban and extra-urban public transport throughout the national territory; suspension of visits to prisoners and minors in conflict with criminal law in detention centers; closure of land, air and sea borders.

Situation of human rights defenders in the context of the pandemic

March began with the sad news of the murder of 53-year-old Dominga Ramos, a Mayan community human rights defender, mother and grandmother, and a member of the Peasant Development Committee (CODECA) and the Movement for Peoples' Liberation (MLP). She was the wife of Miguel Ixcal, who also participated in both organizations. Dominga was murdered on the afternoon of March 5 at her home, in the municipality of Santo Domingo, Suchitepéquez, in the presence of her daughter-in-law and grandchildren. She and her husband were actively participating in the resistance against the ENERGUATE company.⁷

¹ The PBI team remains present in the country and has adapted its work according to the restrictions declared by the Guatemalan government in response to the COVID19 pandemic.

² Nómada, *(Liveblog): OMS hace una importante recomendación a Giammattei*, 31.03.2020.

³ Sánchez, G., *Habilitan albergues para atender a indigentes durante toque de queda*, República, 26.03.2020.

⁴ Solano, F., *Así se sobrevive (sin agua) al riesgo del coronavirus*, Nómada, 24.03.2020.

⁵ López, K., Orellana Xocop D., *(Gráfica): Por qué miles de mujeres corren riesgo en el encierro por el Covid-19*, Nómada, 26.03.2020.

⁶ Morales Rodas, S., *EE.UU.: limitar vuelos no es suficiente para evitar que se propague el virus*, Prensa Libre, 27.03.2020.

⁷ Ollantay I., *Asesinan a defensora indígena de Derechos Humanos y dejan un encarquito*, Telesurtv, 06.03.2020.

Various international institutions and organizations have expressed their concern about the impacts that the declaration of States of Exception (SoE) may have on the population in general and on human rights defenders in the Central American region in particular. The Office of the UN High Commissioner for Human Rights (OHCHR) reminded the government that "the powers of exception must not be used to silence dissent" and must respect international law, preserving "a human rights-based approach to regulate this pandemic in order to facilitate the emergence of healthy societies while protecting the rule of law and human rights."⁸ In the same vein, the Inter-American Commission for Human Rights (IACHR) and its Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA) have reiterated the call from international organizations for the adoption and implementation of the measures intended to alleviate the effects of the global pandemic to "conform to the standards of protection of human rights. These standards are verified through respect for fundamental guarantees and freedoms, full information to populations regarding the measures and policies implemented in their territories (...), strict respect for international human rights treaties and standards [and] the guarantees of the rule of law." They highlight the importance of these measures being "strictly for the purpose of public health" and that they should be "time limited," with "defined objectives" and adjusted strictly to the needs identified and "proportional to the end pursued." Furthermore, States have a duty not to "suppress or prohibit rights and freedoms in a generic way and, in particular, should not limit the freedom of the media, organizations and social or political leaders."⁹

Concern about the situation of journalists

23-year-old Bryan Leonel Guerra, a news anchor on a TCOM cable channel and vice president of the Chiquimula Social Communicators Network, was killed on February 27. This crime has alerted various social sectors who have demanded results in the investigation of the case, which also "constitutes an attack against freedom of expression."¹⁰ The Human Rights Ombudsman, Jordán Rodas, condemned the crime and called for the urgent implementation of the Program to Protect Journalists. The Special Rapporteur for Freedom of Expression from the IACHR also condemned the murder, urging the State of Guatemala to open an investigation immediately and to finalise the implementation of the mechanism to protect journalists. According to the Association of Guatemalan Journalists (APG), Bryan had reported receiving death threats on numerous occasions, however the National Civil Police (PNC) and the MP failed to act in this regard.

Reactivation of the Genocide Case and update of the Dos Erres case

At the beginning of March, the intermediate stages of accusations of genocide, crimes against humanity and forced disappearances began against Luís Enrique Mendoza García, former chief of operations of the army during the Ríos Montt government (1982-83) and against the government's high military officers. de Lucas García (1978-82), Benedicto Lucas García, Manuel Callejas y Callejas and César Octavio Noguera Argueta. On Monday, March 9, the presentation of evidence began, but the hearing was suspended.

Regarding the Dos Erres case, the former Guatemalan military officer Gilberto Jordán was arrested on March 3, after being deported from the United States.¹¹ He had an arrest warrant in Guatemala issued against him on April 4, 2000 (with an extension granted on July 13, 2010) for murder and crimes against humanity. He was arrested in Florida, USA, for lying when trying to obtain residency. In his statement, he affirmed that he had not committed any crimes in Guatemala. The massacre committed in the rural community of Dos Erres, Petén, occurred between December 6 and 8, 1982. At least 201 people (adults, girls and boys), lost their lives. In this case, Manuel Pop, Reyes Collin Gualip and Daniel Martínez Hernández have already been sentenced to 6,060 years in prison, while Carlos Carías received 6,066 years. Santos López Alonzo was sentenced to 5,160 years.

⁸ [COVID-19: los Estados no deben abusar de las medidas de emergencia para reprimir los DD HH – Expertos de la ONU](#), Ginebra, 16.03.2020.

⁹ [La CIDH y su REDESCA instan a asegurar las perspectivas de protección integral de los derechos humanos y de la salud pública frente a la pandemia del COVID-19](#), 20.03.2020.

¹⁰ Prensa Libre, [Sectores condenan muerte del periodista bryan leonel guerra víctima de un ataque armado](#), 04.03.2020.

¹¹ Escobar I., [Mintió en estados unidos: Capturan a exmilitar implicado en caso Dos Erres](#), Prensa Libre 03.03.2020.

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.¹²

THE FIGHT AGAINST IMPUNITY

During March 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:

- La Cumbre Case: On March 3 and 10, there were two hearings in the public debate, in which witnesses for the prosecution and the defense in this case of criminalization of three community members gave their testimonies. The prosecution witness, who had been renting on the disputed land at the time of the alleged events, confirmed that he had been able to collect his potato crops, contradicting evidence presented claiming that the community members had stolen the harvest. The next hearing was scheduled for March 20. It did not go ahead however, due to the suspension judicial activities dictated by the government in response to the COVID-19 crisis.


- Samuel Choc case: We accompanied the BDH to a hearing relating to the case of aggravated trespassing on March 10. In this hearing, the lawyer, notary and legal representative for the company Tecnoservicios Agroalimentarios S.A testified as a witness for the prosecution. The BDH questioned the lawyer's suitability as a witness given his record of presenting false testimony in other hearings and for accusations against him for filing false complaints. However, these objections were not admitted by the Judge. As in previous hearings in this case, PBI observed acts of defamation towards the community members. The next hearing was scheduled for March 26 was cancelled, due to the suspension judicial activities dictated by the government in response to the COVID-19 crisis.
- Ixil-Luis Enrique Mendoza García Genocide Case. We accompanied the BDH to the hearing for the review of measures that took place on March 13. The accused in this case is Luis Enrique Mendoza García, former head of army operations during the de facto government of Efraín Ríos Montt. In November 2019, he was indicted in this case because there is evidence of his participation in genocide and crimes against humanity committed against the Mayan-Ixil communities during the internal armed conflict. In November 2019, the substitute judge in the case issued substitute measures to the accused consisting of house arrest. At the current hearing, the sitting judge, Silvia de León, decided to grant an extension of those measures, allowing the accused to move from Guatemala City to Alta and Baja Verapaz, where he has property.

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

¹² See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

THE ISSUE OF ACCESS TO LAND

Due to the elevated number of security incidents the members of the **Community Council of the Highlands (CCDA) - Las Verapaces Region**, we continue to monitor the situation of its members closely. To do this, we have strengthened telephone contact with their coordinators. We also accompanied them in the activities they organized in Guatemala City on March 3rd, when they celebrated the 38th anniversary of the founding of the CCDA. The activities concluded with a peaceful march that passed by Congress, the Constitutional Court (CC) and the Presidential Palace, where they demanded that the State to respond to the agrarian conflict by implementing legal and judicial measures. As for the communities accompanied by the CCDA - Las Verapaces Region who are facing the threat of eviction, we were informed of incidents of intimidation carried out by state and non-state actors. We are concerned that these intimidations continue to take place in the midst of the measures being taken in response to the COVID-19 crisis, as these leave rural sectors and peasant and indigenous communities at a higher risk due to the isolation caused by the paralysis in public transport.

As part of our accompaniment of the **Union of Peasant Organizations (UVOC)**, this month we maintained contact with their members over the telephone, particularly when the farmers are traveling between the lands where they are producing their agricultural products, despite the difficulties in getting their production to the markets due to the paralysis of local transport.

DEFENSE OF THE TERRITORY

We continued to monitor the worrying security situation of the **New Day Chorti Campesino Central Coordinator (CCCND)** closely throughout the month due to the numerous security incidents they continue to experience. We maintained regular telephone contact and met with the organization's coordination as well as with community leaders. An activity that was not included in the February PIM, but which is important to highlight, was our accompaniment of Sjoerd Ten Wolde, Second Secretary at the Embassy for the Netherlands in Costa Rica, when he visited the CCCND headquarters in Camotán on February 27. Mr. Wolde met with around 100 community members who spoke to him about the problems experienced by the communities in the area and the risks suffered by their leaders in carrying out their work to defend human rights. As part of this visit, the embassy representative also had a space to hear about the situation of women human rights defenders and better understand the specific risks they face as a result of their gender. Likewise, this month we followed up on the situation of two Ch'orti human rights defenders, who have received threats and attacks linked not only with their activities defending human rights, but also with their gender.

On March 28, we responded, from our office, to an emergency in the La Prensa - Olopa community (Chiquimula) where one of the indigenous authorities, and a Ch'orti youth leader, was subject to threats, surveillance and intimidation from unidentified individuals. These threats occurred as a result of the public complaint made by the community members of La Prensa, about an incident where unidentified individuals broke the iron chain that had been placed by the community at the entrance to the neighborhood road which had been used by the 'Cantera 'os Manantiales' mining company. These incidents are part of the existing conflict between the communities and the company, due to the implementation of a mining project without consultation nor authorization from the communities.

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 resistance. On March 8, we accompanied the communities in their activities in celebration of the 8th anniversary of the Resistance. This was held while they continue to wait for a ruling in the arbitration process at the International Center for Settlement of Investment Disputes (ICSID) that the US mining company Kappes Cassidy & Associates brought against the State of Guatemala in response to the CC's injunction which suspended the activities at the mine.

Regarding our accompaniment of the **Peaceful Resistance of La Laguna**, in San Pedro Ayampuc, we monitored their member's security situation through calls and with a visit to the municipality during which we held a meeting with one of its leaders. They shared their concerns over the violation of the right to water experienced by the families from the municipality.

We continued to monitor the situation of the **Peaceful Resistance Cahabón (Alta Verapaz)**, through periodic calls to its members. Currently, the Resistance has had to suspend its meetings and activities due to the measures implemented by the Government which included a declaration of a State of public Calamity in response to the COVID-19 crisis.



This month we accompanied members of the **TZK'AT - Network of Ancestral Healers of Community Feminism from Iximulew**, during the ceremony to commemorate and remember the girls who died on March 8, 2017 in the fire of the State Home “Virgen de la Asunción”. The commemoration took place in the Constitutional Square (Guatemala City) within the framework of the activities implemented for March 8 by feminist organizations to demand women's rights. Likewise, we have continued to monitor the security situation of the members of the Network through periodic telephone calls. As such, we were informed of situations that show the increased risk of sexual attacks on women during the implementation of the curfew decreed by the Government. We are concerned

about the risk faced by women in general, and women defenders in particular, as these measures limit their mobility and leave them exposed to possible attacks in public and private spaces.

With regard to **Chinautla Multisector**, we accompanied them during their monthly coordination meeting on March 14 .

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 March 8 we observed **the march** organized in Guatemala City for **International Women's Day**. Hundreds of Guatemalans marched through the main streets of the historic center of the capital demanding justice for the 56 girls and adolescents who died the survivor, of the fire at the “Virgen de la Asunción” state home. Women's groups denounced the continued impunity in the case and demanded punishment for those responsible for the act. During the march, protesters also called for the cessation of street harassment and the decriminalization of abortion. Sexual abuse committed within social and community movements was also denounced.



On March 9, we observed **the hearing in the Ixil - Lucas García Genocide case** in which the retired military officers, Manuel Benedicto Lucas García, Manuel Antonio Callejas y Callejas, and César Octavio Noguera Argueta, are accused of genocide, forced disappearance, and crimes against humanity. The accused were indicated on

November 25, 2019. At the hearings in March, the MP asked the chief judge of the Highest Risk Court B, Miguel Ángel Gálvez, to send the three military officers to trial. The hearing, in which the judge argued his decision to indict the accused to trial or not, was suspended due to the restrictions implemented by the government in response to the COVID-19 crisis.

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:

- Fanny Bengs, Second Secretary, and Juana María Camposeco, Program Officer, from the **Swedish Embassy**.

Similarly, in follow up of the measures that each embassy has implemented in the face of the international emergency caused by the spread of COVID-19, we have maintained telephone contact with the **German, Colombian, Spanish, French and Italian embassies**.

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

- Ariel Hasse, First Councilor, José Alvarado, Second Councilor, Dely Doersch, Director of Social Communication, and Calixto Leal, Communication Team, from the **Cobán municipal government (Alta Verapaz)**.
- Rocael Chamalé, Mayor for the **San José del Golfo Municipality (Guatemala)**.

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.

Due to mobilization restrictions in the context of the containment of COVID 19, in-person meetings have been canceled. Virtual meetings were held with:

- Luisa Ragher, Director of the **Human Rights Division of the European External Action Service (EEAS) of the European Union (Brussels)**.
- Fritz Boehm, geographic manager for Guatemala at the Office of the **UN High Commissioner for Human Rights (Geneva)**.

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.

CONVERGENCIA POR LOS DERECHOS HUMANOS



PRIVILEGIAR LA VIDA Y LA SEGURIDAD DE LAS PERSONAS

Los artículos primero y segundo de la Constitución Política de la República son contundentes: El Estado de Guatemala se organiza para proteger a la persona y su fin supremo es la realización del bien común. El Estado tiene el deber de garantizar la vida, la libertad, la justicia, la seguridad, la paz y el desarrollo integral.

Esa y no otra es su función. Esa y no otra es la tarea central asignada a las autoridades electas, el Presidente Alejandro Giammattei y el vicepresidente Guillermo Castillo, así como las y los 160 diputados, quienes tomaron posesión el 14 de enero. Por ello son quienes tienen la responsabilidad de que las políticas públicas con relación a la pandemia del Covid-19 (Coronavirus), tengan como eje de acción, las personas, todas las personas, que habitan este territorio.

Cuando recién cumplieran un mes en el cargo, las autoridades del Ministerio de Salud Pública y Asistencia Social (MSPAS) aplicaron por primera vez la prueba del Covid-19. A esa fecha ya se conocía de los impactos de la enfermedad en varios países, así como de los resultados de las estrategias. Tales los casos de China y Corea del Sur, quienes, al final, lograron detener el avance de la enfermedad mediante acciones de distanciamiento social y ejecución masiva de pruebas para atención temprana de casos. La acción tardía, como en los casos de Italia y España, ha representado graves consecuencias para la población y los sistemas de salud de esos países. Guatemala tiene espejos en donde verse para lo que significa atajar la enfermedad en etapas tempranas. Aunque la enfrenta con la enorme desventaja del resago de medio siglo en el sistema de salud desmantelado.

Con un sistema de salud empobrecido, lo cual es del conocimiento del presidente Giammattei, según evidenció durante su campaña, Guatemala requiere de medidas extraordinarias no solo para enfrentar el Coronavirus sino para recuperarlo para la población. Lamentablemente, hasta el momento, el gobierno de la república y el Congreso se han enfocado en resolver y atender los intereses del gran capital, de los dueños de los monopolios y del sistema bancario. Las medidas como el seguro escolar, el fondo para las PYMES pero con dedicatoria a las personas políticamente expuestas (entiéndase los mismos diputados y funcionarios), van dirigidas a favorecer a las élites y no a solventar la problemática de los sectores mayoritarios.

Las pequeñas, medianas, micro empresas, profesionales y cuentapropistas (mal llamada economía informal), -quienes son más del 70% de la Población Económicamente Activa (PEA), han sido prácticamente abandonados a su suerte. En tanto que en una errónea manera de enfrentar la crisis, el Ejecutivo se ha decantado por disposiciones autoritarias y represivas que vulneran los derechos humanos. Mismas que estimulan acciones abusivas como la persecución a personas que se presume padecen la enfermedad o, el caso gravísimo del encierro decretado por el alcalde de Ipala que enclaustró a una familia.

Tenemos frente a nuestros ojos un enorme desafío ante una realidad que cuestiona el sistema según el cual han funcionado las cosas. Un sistema que ha empobrecido a la mayoría de la población. Un sistema que ha privilegiado el interés de unos pocos por encima de las necesidades de la mayoría. Un sistema que ha satanizado el ejercicio de los derechos humanos, quitando con ello la esencia misma de las personas. En ese sentido, consideramos necesario plantear:

Nuestro reconocimiento:

1) A todo el personal de los servicios de salud en todo el país, quienes hacen un esfuerzo titánico, con recursos paupérrimos, para atender a la población y garantizar el derecho a la salud y la vida.

2) A las y los trabajadores de los distintos servicios esenciales y de abasto, quienes sin garantías de seguridad, sin transporte y con la incertidumbre sobre su salud, la de sus familias y su futuro económico, mantienen el abastecimiento de productos esenciales.

Nuestro llamado:

3) A la Presidencia y al Congreso de la República, a enfocar sus políticas en las personas y no en los capitales. Dejar de lado la prepotencia y la atención a la avaricia del gran capital. Para ello, requerimos la adopción de medidas urgentes de alivio económico para quienes laboran por cuenta propia, así como profesionales y las micro, pequeñas y medianas empresas. Medidas como subsidios directos, créditos blandos, reales y condonación de pago de servicios básicos.

Requerimos también la realización de pruebas masivas, en especial a quienes están en las primeras líneas de atención a la crisis, a fin de atajar el avance del COVID-19. A la vez, dejar la política de información a cuenta gotas y enfrentar las condiciones reales del estado de cosas para no enmascarar los hechos.

4) Desarrollar campañas masivas de formación y educación ciudadana para persuadir y no forzar a la población al cumplimiento de las medidas de distanciamiento físico, no humano.

5) A la sociedad en su conjunto, dialogar y comprender sobre la importancia y el valor de la solidaridad. Atender a los principios que sustentan la seguridad social de subsidiar desde el privilegio a quienes se encuentran en situación de vulnerabilidad: la población sin recursos, las personas de la tercera edad, las personas enfermas, la niñez y la adolescencia.

Guatemala, 26 de marzo de 2020.

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**GUATEMALA PROJECT
PEACE BRIGADES INTERNATIONAL**

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