



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.

Lack of land-use planning, climate change and corruption aggravate the rainy season crisis

The National Institute of Seismology, Meteorology and Hydrology (INSIVUMEH) and the National Coordinator for Disaster Reduction (CONRED) have declared an institutional red alert due to increased rainfall in the country during the month of September. 74 municipalities are on high alert. This year's rainy season has left 43 people dead and nearly 13,000 at risk, as well as 10,500 homes and 573 roads affected. ¹ Thousands of peasant families lost their maize harvests, their land was completely stripped of crops and as a result they are now suffering a profound food crisis, the irreparable damage to the food supply will last for the rest of the year. ²

Faced with this situation, the government decreed a State of Calamity and approved 1,405.5 million quetzales to deal with the situation. However, only 2.1% of this was invested in the purchase of food for people in refuges, while 95.64% was allocated to repairing road and school infrastructure. Farmers whose maize, the main staple of the diet of thousands of families living in poverty, was destroyed have not been prioritized by this plan. ³

Landslides are extremely common during the rainy season and are caused by the lack of land-use planning and climate change. Deforestation which has led to informal urbanization is a problem affecting several areas according to Gabriela Guzmán, an engineer and expert in water management. These areas are home to the majority of the urban population who live in risky and impoverished conditions.⁴ According to the World Risk Report - which measures disaster risk in 181 countries - corruption is one of the variables in the disaster risk index and may contribute to the deterioration of public infrastructure.⁵ Corruption in government ministries and municipalities increases the vulnerability of a country like Guatemala, which is acutely prone to natural disasters.

Criminalised journalist, Carlos Choc, is acquitted

"The charges against the Mayan Q'eqchi' journalist, Carlos Ernesto Choc Chub, were dropped and the arrest warrant against him was annulled. The criminal prosecution the community journalist has been subjected to for nine months was resolved in the first hearing in less than half an hour." ⁶ Judge Aníbal Arteaga, head of the Criminal Court of First Instance in Puerto Barrios, Izabal, decided to release the journalist without charge on Tuesday 13 September 2022. The judge dismissed the charges, declaring that there was insufficient evidence to support the accusation by the Public Prosecutor's Office (MP). ⁷

"The criminalization of the journalist arose from a report by 13 police officers last January, who accused him, of grievous physical attacks when they tried to evict the Mayan Q'eqchi' Ancestral Council and the

¹ Domínguez, M.A., [Clima en Guatemala: Estos son los 74 municipios en alto riesgo por las lluvias en el país](#), 26.09.2022, Prensa Libre.

² Coronado, E., [Cosechas inundadas en el Polochic: la soledad de las familias que viven del maíz](#), 11.09.2022, Plaza Pública.

³ *Ibidem*.

⁴ Flore, P., [Ciudad de damnificados: al borde del abismo](#), 30.08.2022, Plaza Pública.

⁵ Del Águila, J.P., [Verificamos por Usted: ¿La corrupción incrementa el riesgo a desastres?](#), 28.09.2022, Prensa Libre.

⁶ Albani, P. y Calles, J., [El día en que el Estado de Guatemala se quedó sin argumentos contra el periodista Carlos Choc](#), 14.09.2022, Prensa Comunitaria.

⁷ EFE, [Juez deja libre de cargos al periodista Carlos Choc, acusado de instigar a la violencia en 2021](#), 13.09.2022, Prensa Libre

residents of El Estor, Izabal. On 22 October 2021, the community had been protesting against the operation of the Fénix mine for 18 days. The mine is owned by the Guatemalan Nickel Company (CGN) and the Russian-Swiss company Solway Investment Group. The community were also demanding to be included in the community consultation that would decide whether or not the extractive project should continue operations. Choc, along with a team of journalists from Prensa Comunitaria, covered a demonstration on October 22 when the communities occupied the main road to El Estor to pressure the authorities to listen to their demands. The journalists also documented the use of excessive force by riot police and the army when trying to clear the road for the mining trucks without regard for the well-being of the protesters." ⁸

2022: more than 10,000 cases of sexual violence against indigenous women and girls reported⁹

The platform Consortium for Sexual and Reproductive Rights, on September 13 denounced more than 10,000 cases of sexual violence against indigenous women and girls in its report entitled "Situation of indigenous women and indigenous trans women in the exercise of their sexual and reproductive rights." Most of these crimes have gone unpunished due to the "abandonment" indigenous women and girls experience from the state.

Silvia Menchú, one of the organization's leaders, pointed out at a press conference that the situation of indigenous women "is not prioritized in the national budget", despite the fact that 42% of the Guatemalan population belongs to one of the 22 ethnic groups that coexist in the country. The figures are chilling: "this year, 2,143 cases of sexual violence have been reported against indigenous girls under 14 years of age and 8,180 cases against indigenous women of all ages." However, of all these complaints, only 833 convictions have been secured, which demonstrates the "discrimination" faced by indigenous Guatemalan women. Menchú also commented that maternal mortality in indigenous women is estimated at 156 per 100,000 cases, while in the non-indigenous population it is 118 per 100,000. Indigenous women demand that their right to sexual reproductive health and ancestral health be guaranteed.

According to annual data from the Public Prosecutor's Office, the most common crime committed in Guatemala is violence against women.

A definitive NO in the consultation on mining in Asunción Mita

A municipal consultation was held on 18 September, in the town of Asunción Mita, department of Jutiapa, on the presence of mining projects in its territory. The result was overwhelming: 7,481 people voted NO to mining, 904 voted YES. Despite the fact that the Constitutional Court has recognized the legality and legitimacy of municipal consultations such as this one, the business sector and the state have launched an attack on their legality. ¹⁰

The rejection of the Cerro Blanco mining project operated by the Canadian company "Renewable Resources"¹¹ has dates back more than 15 years, and the community organization on the other side of Lake Güija, in El Salvador, has recently involved environmentalists, communities and women in the defense of water and territory to organize against this project as it not only affects Guatemala, but also El Salvador and Honduras. ¹²

The installation of mining companies in this area is in dispute due to the serious impacts on the environment and local populations. According to environmentalists, the installation of mines contributes massively to the process of drought and pollution. An analysis made by the Extractive Industries Observatory points out that the mine will result in "1,500 gallons per minute being discharged into El Tempisque, a creek that reaches Lake Güija river, the main source of the Lempa River that flows into El Salvador, in an area with a population of almost 4 million people. In addition to the quantity of water,

⁸ Albani, P. y Calles, J., Op. Cit.

⁹ EFE, [Mujeres indígenas denuncian 8.100 casos de violencia sexual en Guatemala](#), 13.09.2022, Swissinfo.

¹⁰ Rivera, N., [La Consulta Municipal de Vecinos de Asunción Mita bajo ataque](#), 25.09.2022, Prensa Comunitaria.

¹¹ García, J., [El gobierno versus una comunidad: el caso de la mina Cerro Blanco](#), 20.09.2022, Plaza Pública.

¹² Rivera, N., Op Cit.

there are issues with water quality. According to a study by Virginia Tech University, the the quantity of heavy metals, including arsenic and aluminium in El Tempisque stream is excessive, meaning that it would be toxic for human consumption and to other species."¹³

Environmental activist Julio González of the Madre Selva Collective, spoke of all the illegalities that the mining company has committed, especially "how they violated laws by trying to operate Cerro Blanco, a mining project that was doomed from the beginning due to the lack of studies." Another environmentalist, Rafael Maldonado, affirms that the legality of the Municipal Consultation of Residents is unquestionable, from the moment the Municipal government made the decision and called for the consultation, the State of Guatemala legitimized the process."¹⁴

In terms of what could happen following the results of the consultation and the operation of the mine, Armando Teo, secretary of the Commission that organized the consultation and treasurer of the Tiucal community, points out that "the process has not concluded. So far, the results of the vote have simply been made public, and now the courts are going to decide, so now we have to wait and see what happens." On the other hand, "in El Salvador, protests have been organized against the mine's activity because of the possible contamination of the Lempa River."¹⁵

The process, which has been ongoing over many years, has resulted in the emergence of "a new active and proactive bi-national resistance front, unparalleled among other mestizo communities, which seems ready to defend itself against an predicted ecocide."¹⁶

2. ACCOMPANIMENTS¹⁷

*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.*¹⁸

THE FIGHT AGAINST IMPUNITY

We accompanied the **Human Rights Law Firm (BDH)** to a hearing in the Dos Erres case on 7 September. The hearing consisted of a witness statement, as an advance in the presentation of evidence. The witness was about 40 years old at the time of the Dos Erres massacre. Her testimony is of particular importance in the proceedings as she is one of the few survivors of the massacre who is still alive. The witness was unable to provide a response and so the judge suspended the session and ruled that another expert analysis was needed to determine whether she was in fact fully competent to testify.

In addition, we have maintained regular telephone communication with the other members of the firm to follow up on their security situation.

THE ISSUE OF ACCESS TO LAND

Regarding our accompaniment of the **Community Council of the Highlanda (CCDA) - Las Verapaces Region**, we maintained telephone contact with their coordinators, Lesbia Artola and Imelda Teyul, with the aim of updating and following up on the activities and criminalization processes of members of the organization.

¹³ García, J., Op Cit.

¹⁴ Rivera, N., Op. Cit.

¹⁵ García, J., Op Cit.

¹⁶ Albani, P., [Bajo ataque comisión organizadora de consulta que dijo NO a mina en Asunción Mita](#), 29.09.2022, Prensa Comunitaria.

¹⁷ We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.

¹⁸ See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

On 5 September, we accompanied members of the **Union of Peasant Organizations Las Verapaces (UVOC)** to a meeting with the Guatemalan Human Rights Ombudsman (PDH). After the change of attorney general, UVOC called this meeting to carry out an official presentation and to explain the functions of the roundtable for dialogue, consisting of different institutions and organizations, such as the national PDH, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Coordinator of NGOs and Cooperatives (CONGCOOP), and to support and monitor some of the cases that UVOC accompanies.

Regarding all the organizations we accompany in Las Verapaces as well as other organizations working in the region, we have noted, with growing concern, the increase in evictions and cases of criminalization in this part of the country.

DEFENSE OF THE TERRITORY



We accompanied Anabella España Reyes, Abelino Salvador Mejía, Flavio Vicente and Virgilio García Carrillo, criminalized human rights defenders from the **Council of Communities of Retalhuleu (CCR)**, to the final hearing of the preparatory phase of their trial on 21 September. The Public Prosecutor's Office presented charges against the four defenders during the hearing, for the alleged crimes of threats, coercion and illegal detention. Following the intervention of the defense, the judge ordered the dismissal of the cases related to the crimes of threats and coercion. However, the judge ordered the human rights defenders to stand trial for the alleged offence of illegal detention. In addition, he reactivated the alternative measures, of article 264 CPP, which include: house arrest, prohibition to leave the territory and signing a register every 30 days. This criminalization process began in December 2018, which means that it will soon be four years old (for more information: <https://cutt.ly/8VBwll0>).

As part of our accompaniment of the **Peaceful Resistance, La Puya**, we attended a meeting which took place between the Achotes Community and lawyers from the BDH. The purpose of the meeting was for BDH to explain the process of free, prior and informed consultation contained in international legal instruments, such as Convention 169 of the International Labor Organization (ILO). The Resistance is currently in the pre-consultation phase.

At the end of the month, we accompanied the **TZK'AT - Network of Ancestral Healers of Community Feminism from Iximulew** on one of their territorial tours. We were present at the healing meetings facilitated by its members in Chimaltenango. In addition, we carried out monitoring and telephone accompaniment tasks within the framework of their activities.

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.

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

- Thomas Wuelfing, Counsellor and Deputy Head of Mission of the **German Embassy**.
- Roberta de Beltranena, Programme Officer, **Swiss Embassy**.
- Alejandro Gallardo, Human Rights Officer, **British Embassy**.
- Paolo de Nicolo, Ambassador for the **Italian Embassy**.
- Sara Lodi, Aitor Liendo and Roberto Romero from **the OHCHR**.
- Yente Morsink, Human Rights Officer at the **Dutch Embassy in Costa Rica**.

In addition, we held meetings to update, exchange information and coordinate with other international organizations dedicated to the protection of human rights in the country.

At the national level, this month we met with Byron Paredes Tiul, head of the **PDH's Office** for the Defense of Indigenous Peoples, and Marylin Giron, from the same institution.

4. OTHER ACTIVITIES OF PBI GUATEMALA

At the beginning of September we held a **gathering for healing in Senahú, Alta Verapaz**, in which 25 women land defenders and members of UVOC, an organization we accompany, participated. This was facilitated by TZK'AT, the Network of Ancestral Healers of Community Feminism from Iximulew.

In addition, this September we held the project's **biannual assembly**, in which we evaluated our work over the last six months and planned for the next six months.

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 European Representative met with:

- Helmut Weixler from the Secretariat of the **Delegation for Central America at the European Parliament**.
- Christina Kokkinakis, Deputy Director of the Global Values and Multilateral Relations Department, Friederike Tschampa, Deputy Director of the Human Rights Division, and Stefanek Drahoslav, Chair of the Human Rights Working Group of the Council of the European Union, all from the **European External Action Service**.
- Luisa Ragher, Director of the Human Rights Division, and Friederike Tschampa, Deputy Director of the Human Rights Division of the European External Action Service.

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.



Tactic, Alta Verapaz, 21 de septiembre de 2022

Señor diputado
OSMUNDO RENÉ PONCE SERRANO
Comisión de Pueblos Indígenas
Su despacho

Distinguido diputado Ponce:

Para su conocimiento, en torno a la posibilidad de realizar un nuevo desalojo en la región de las verapaces, pone a su disposición la siguiente información. La Unión Verapacense de Organizaciones Campesinas, brinda el acompañamiento a dos comunidades denominadas EL MONJÓN y PUENTE PANCO, que se ubican, según los compañeros y compañeras dentro de lo que conocen como Finca San Rafael.

La comunidad de el Monjón, se integra de 34 familias, para llegar solamente hay una carretera de terracería, se ubica a 28 kilómetros de la cabecera municipal de Purulhá, se ubica dentro de la finca que se denomina San Rafael, pertenecen a la comunidad lingüística Poqomchi', pero también hablan el idioma Q'eqchi' y un poco en español.

La comunidad de PUENTE PANCO, se compone de 43 familias, pertenecen a la comunidad lingüística Poqomchi', pero también hablan Q'eqchi' y un poco el español, dista a 30 kilómetros aproximadamente de la cabecera municipal (Purulhá), camino de terracería y es el único que lleva hasta esa población.

Como característica común tienen la desaparición del señor y líder religioso CARLOS ENRIQUE COY, acaecido el 3 de agosto de 2020 así como el asesinato del señor ABELARDO QUEJ IXIM, suceso acaecido el 9 de diciembre de 2021

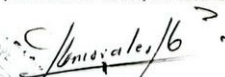

Hasta el momento se ha tratado de realizar 3 desalojos por parte de la PNC, el primero ocurrió el 10 de noviembre de 2021, el segundo el 27 de abril de 2022 y el último se realizó el 28 de julio de 2022, en todos los desalojos ha habido 4 heridos, como consecuencia de los disparos de arma de fuego por parte de la PNC y grupos armados auspiciados por los que reclaman para sí la finca. El proceso lo lleva el JUZGADO DE PRIMERA INSTANCIA PENAL NARCOACTIVIDAD Y DELITOS CONTRA EL AMBIENTE DEL DEPARTAMENTO DE BAJA VERAPAZ. Causa número 15002-2016-00825, en esta actuación judicial se solicita por parte del Ministerio Público el desalojo de las personas que habitan en las fincas PANCO LOS ENCINOS TAMAXAQUE Y PAMPA SAN RAFAEL y que las mismas se encuentran ubicadas en la aldea Monjón Panima, Purulhá, Baja Verapaz, propiedad de la agropecuaria Pananish, o bien de la familia THOMAE.

Para el efecto de cumplimiento de la orden, el juez de primera instancia penal, designa al juzgado de paz del Municipio de San Jerónimo, que está a cargo del licenciado MARIO CUGUA.

Como organización se instaló una mesa de diálogo con la vicepresidencia del actual gobierno, en donde convergen distintas organizaciones, pero es liderada por los personeros de COPADEH.

Como en todo desalojo que se ha realizado hasta el momento, no se tiene conocimiento o garantía que se cumplan con los protocolos establecidos para ello.

Sin otro particular y en espera de poder aclarar dudas, me suscribo de usted, atentamente;



CARLOS MORALES
Coordinador de la UVOC

PBI team in Guatemala: Karen Katherine Vinasco Jiménez (Colombia), Marianne van de Vorle (Netherlands), Lina Alejandra Manriquez (Colombia), Marisol Robles Ruelas (Mexico), Madison Taggart (United States of America), Claudia Vecchia (Italia), Cristina Ortega (Spain), Janeth Alejandra Martinez (Colombia), Svenja Petersen (Germany).

All photos published are from PBI

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**GUATEMALA PROJECT
PEACE BRIGADES INTERNATIONAL**

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