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# Introduction

This bulletin focuses on the topic of criminalization, which in recent years has become the greatest obstacle to exercising the right to defend rights and is a strategy used to obstruct the work of human rights defenders. According to the Inter-American Commission on Human Rights (IACHR), being subjected to criminal processes as well as the threat of being subjected to these processes has the desired effect of frightening or intimidating defenders, in order that they stop exercising their essential work in defense of human rights due to fear of retaliation. Processes of criminalization use tactics aimed to defame and stigmatize the defense of human rights and those who defend human rights. This also includes other mechanisms including the misuse and malicious use of the legal system. In this way, laws are used to arrest and condemn social activists, allowing them to be

“legally” subjected to harassment, persecution, imprisonment and even torture and murder, treating them as criminals and terrorists.

Seven out of 11 of the organizations accompanied by PBI Guatemala, have open legal processes against some of their members. The Unit for the Protection of Human Rights Defenders in Guatemala’s (UDEFEFUGUA) 2017 Annual Report registered 166 acts of criminalization against defenders in Guatemala. This trend continues in 2018 with 76 acts of criminalization registered between January 1 and June 8.

For this reason we address criminalization from different perspectives in this publication:

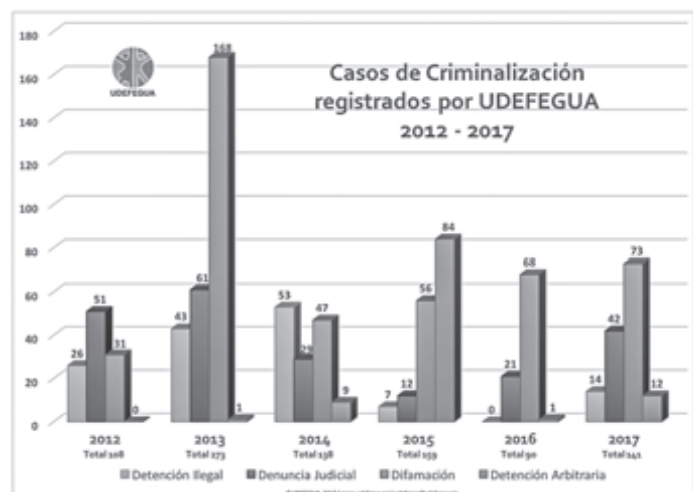
The first article focuses on the **purpose, mechanisms and effects of criminalization**, as well as the state’s responsibility.

The second article is an **interview with community leader and human rights defender, Bernardo Caal Xol**, a member of the Peaceful Resistance of Cahabón who has been in jail since the end of January accused of illegal detention and aggravated robbery. Together with the q’eqchi’ peoples of Cahabón, Caal is resisting the Oxec hydroelectric complex. They have filed criminal lawsuits before the Supreme Court of Justice (CSJ) and the Constitutional Court (CC) which expose the illegal measures in which licenses were granted.

The third article shows the grave **impacts that these practices have on the families of criminalized defenders**. It is worth noting that th families are affected, not only when defenders are linked to criminal proceedings, but from the moment there is a threat of an arrest and arrest warrants are issued.



<sup>2</sup> Registros realizados hasta la primera semana de noviembre del 2017



# Criminalization of social protest and Congress' regressive agenda

According to the Association for Legislative Development and Democracy (LEGIS), an organization that specializes in Parliamentary Law, Congress is currently discussing topics that go against minimum constitutional and international human rights standards as well as against the recommendation of regional and universal entities. LEGIS concludes that Congress is trying to promote

impunity and criminalize certain activities and sectors, threatening the functioning of the justice sector.<sup>1</sup>

According to the political magazine *El Observador*,<sup>2</sup> a strategy to stigmatize, criminalize and judicialize is being orchestrated by the Guatemalan State and oligarch powers as a way maintain and strengthen the current model of accumulation and established social

order. For example, in a statement published in September 2017 by the Coordinating Committee of Agricultural, Commercial, Industrial, and Financial Associations (CACIF) which requests that security forces, state investigative bodies, as well as the International Commission Against Impunity in Guatemala (CICIG) investigate *crime structures that invade private property, steal electricity, block communication*



1 Interview with Flor Salazar and Juan Carlos Oxom, analysts with LEGIS, 13.05.2018.

2 El Observador No. 54 y 55, *Criminalización y presos políticos en Guatemala, una historia de continuidad*, January and February 2018.

*channels and paralyze companies operations.*

According to *El Observador*, this threatens social protest by referring specifically to actions that could affect the operations of large companies and the interests of their owners. This statement was released in an environment characterized by systematic repression, including persecution, physical violence and actions of criminalization. *El Observador* states the situation will deteriorate in 2018 and we will see more legal and open repression. The Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEUGUA) confirms that of the 135 attacks registered against human rights defenders between January 1 and June 8, 2018, 76 were acts of criminalization, representing 56.29%.<sup>3</sup>

In the article, *El Observador* analyzes the criminalization of communities who defend their right to free, prior and informed consent and in doing so pose an obstacle to investment projects that exploit natural resources. Natural resource exploitation is part of the model of accumulation in Guatemala and the actions of these

communities therefore touch the interests of very powerful groups. *El Observador* analyst Fernando Solís Ramírez interprets criminalization as a new edition of counterinsurgency and the fight against “the internal enemy”, defining this as any person or social expression that opposes the economic model or mega investment projects. Solís Ramírez explains that this “enemy” is presented as being anti-development and both media and social media are used to spread this discourse, defaming, stigmatizing and thereby facilitating judicial processes. This modus operandi can be seen especially in areas where there are conflicts due to the installation of hydroelectric dams, mining, mono-culture or where there are disputes about land rights.<sup>4</sup>

According to Solís Ramírez, the this process follows a pattern which consists of firstly building a profile by using surveillance, looking for information and controlling people and their movements, and then harassing and threatening them, culminating in opening legal processes against them. The crimes they are charged with include aggravated robbery, conspiring to commit a crime, conspiring against

the State and possible terrorism. These criminal processes seek to isolate community leaders from their movements with the goal of neutralizing them. The final step in this repressive process are direct attacks and often murders.

According to Flor Salazar, this offense against social and community-based organizations is reflected in regressive legislative bills that seek greater interference by the executive branch in structures of civil society organizations. Juan Carlos Oxom states that a pattern can be observed which leaves criminal offenses open to interpretation and without justification, permitting the criminalization of certain activities and sectors and leading to the application of criminal law according to the author and not the act. Indeed, there is evidence of existing laws having been applied for repressive and criminalizing purposes, such as the Public Order Law, but also crimes of abduction and kidnapping, illegal detention, robbery, aggravated robbery, terrorism, illicit association, coercion and conspiring to commit a crime, among others.

<sup>3</sup> UDEFEGUA, *Agresiones contra Personas Defensoras de Derechos Humanos*, June 2018.

<sup>4</sup> Interview with Fernando Solís Ramírez, Economist and Analyst with *El Observador*, 15.05.2018.

LEGIS explains a few bills currently being debated in Congress:

- Bill 5239, Law against Terrorists Acts, also known as “Gagging Law”:<sup>5</sup> defines as “hostage taking” “forcing” the State to carry out or stop performing a certain action. This means that a demonstration or protest that aims to politically pressure the government to do or stop doing something could be considered a crime. It also includes the criminal definition of “cyberterrorism” as “forcing” the State to carry out or stop performing a certain action, by electronic means (in this case the intention is to repress demonstrations that occur on social media networks and comments that alter “public order”). This bill violates the rights to peaceful demonstration and freedom of expression.
- Bill 5257, commonly known as the “NGO Law”, seeks to weaken any form of social organization by means of direct political control by the government. It establishes control mechanisms on organizations by requesting unnecessary licenses and approval for any project they are going to implement. Equally, the executive branch of government could close down any organization they deem “ideological,” thereby infringing on the rights of freedom of expression freedom of association and freedom of thought as well as criminalizing NGOs and their workers.
- Bill 5266, commonly known as “Anti-Gang Law”, is a reform to the Criminal Code that aims to amplify the crime of terrorism to include any act of “coercion”. Any organized group of people that gather to pressure or alter “public order” is considered a “gang.” This bill also defines belonging to a gang as a crime, whether or not criminal acts are committed, while failing to address the underlying causes of this social phenomena.

In addition, LEGIS warns of other legal initiatives for regressive laws that not only criminalize social protest but offer fiscal, political or economic privileges, benefiting only specific sectors and thus backing impunity in Guatemala.

As *El Observador* and attorney Lidia Juárez Barato<sup>6</sup> point out, the use of criminal law of the “enemy” –which considers citizens as a potential threat– is characterized by criminal offenses that anticipate the facts,

apply disproportionate penalties and restrict guarantees and procedural rights of the accused, questioning even the presumption of innocence.

In the different bills mentioned by LEGIS, the broad concept of “public order” is common throughout. From the perspective of criminalization, this is understood in the strict and minimalist sense as the absence of disorder, in this case, social. In other words, any manifestation of disagreement or dissent could be

interpreted as an disturbance of order itself. However, the Inter-American Commission on Human Rights (IACHR) in its 2009 report defines Social Protest as a *collective form of expression*, that is, a tool that can be used to express dissatisfaction and make demands, whose main objective is to strengthen institutional functioning. Therefore it cannot and should not be a reason for criminalization and persecution.

<sup>5</sup> According to the LEGIS team, this bill was born out of public demonstrations that took place on September 14, 2017 in which several members of Congress did not dare leave Congress because in the streets surrounding the building were filled with thousands of protesters who were outraged with legislators who ratified two reforms to the criminal code to their benefit. This is known as the corrupt pact.

<sup>6</sup> Juárez Barato, L., *Derecho Penal de Enemigo*. Guatemala: Organismo Judicial, 2008.

## Laws that criminalize in other countries

**Egypt:** Law 70/2017 (also known as the NGO law) prohibits nongovernmental organizations from working in any area identified as a threat to national security and sanctions violators with prison terms of up to five years.

**Thailand:** after the 2014 coup, the National Council for Peace and Order established a Martial Law which allows for the establishment of military tribunals that have played an important role in the criminalization of human rights defenders.

**Colombia:** Law 1453 of 2011 (Public Safety Law) punishes with up to two years in prison and/or fines for the obstruction of public roads that affects public order in any way.

**Spain:** the Public Safety Law of 2015, better known as “Gag Law” regulates public demonstrations, considering protests outside of Congress, Senate or autonomous parliaments as major offenses. It also gives State security forces and entities a high level of discretion when it comes to punishing infractions stipulated in the law.

**Honduras:** Article 331 of the penal code has been used against protesters who have been accused of “illicit demonstration,” raising concern with the IACHR.

**Ecuador:** Article 153 of the penal code punishes with prison sentences from one to three months anyone who organizes unauthorized public protests, imposing state control on the right to express dissent.

**Mexico:** The 2014 Mexico City Mobility Law introduces the concept of lawful demonstration, requiring that prior notice is given before any kind of demonstration and classifying spontaneous marches as illegal. It also allows for the immediate break up of protests with the use of “non lethal” weapons. In addition, it imposes a number of sanctions for the disturbance of public order.

**Bahrain:** The 2013 Law Protecting Society from Terrorism Acts introduces harsh measures for those who incite vaguely worded “acts of terrorism,” including a substantial increase in the pretrial detention period, and withdrawal of citizenship.

## Bernardo Caal Xol, defender of the Cahabón River

This interview with q'eqchi' community leader, Bernardo Caal Xol, member of the Peaceful Resistance of Cahabón, was conducted May 22, 2018 during a visit to the Preventative Detention Center in Cobán, Alta Verapaz, where he has been incarcerated since the end of January. According to Greenpeace Spain<sup>1</sup> and other organizations, Bernardo's case is a clear example of criminalization against those who lead the struggle against economic projects in which communities have not been consulted in line with the International Labour Organization's convention 169 (ILO). During a court hearing on May 22, the Cobán Tribunal judge ruled to send Bernardo's case to trial. The trial will take place in the coming months. The Human Rights Law Firm (BDH) is preparing his technical defense.

### Good afternoon Bernardo, what are your first impressions of being in jail?

At first I didn't know what jail was or what it was like and so I was scared to go. My first day, I had to start making friends. One has to learn to live with others in jail – one could say that it is a new family. I felt uncomfortable with the change, having left home for jail. An alarm sounds at 5:30am every



day and the guards do a general count of all prisoners. You cannot be late. I was one minute late one day and they reprimanded me. After the count, we make our beds, wash and have breakfast at 7:30am. Then, each prisoner starts their activities. I start listening to the news on my little radio at 9:00am and then I read one of my books. I buy the newspaper to stay informed on current national events. The routine is always the same. The food is bad and repetitive. Being locked up is turbulent and the spaces are small. I had to sleep on the floor for a month, but now I have a very small bed on a bunk-bed. We all sleep one on top of another. I don't sleep well, only about three

hours a night and I am sure that will have consequences later on in my life. In the bathrooms there are three toilets for 150 people. The only entertainment in jail is soccer, even the guards have a team.

### How are you?

Here I have learned how to survive. I am fine physically and mentally, but prison is designed to denigrate and punish. Being in prison, the next step that one awaits is death. I am in constant danger and ever since I've been here I fear for my life. The companies and the State of Guatemala will be responsible if anything happens to me in here as



PBI Guatemala regularly visits Bernardo Caal in the prison of Cobán

accompany me. Also, to be able to show the people who have me here (in jail) that the lies the companies make up can be disproven and that the q'eqchi' peoples have dignity and cannot be bought off. That they can progress in the face of any adversity. We are slowing down the dispossessions the company carries out. It also motivates me to serve as an example for other struggles and resistances.

### How has the judicial process been for you?

I anticipated that I was going to be arrested before it happened and I starting preparing from the moment I knew I was being accused of aggravated robbery. And when they suspended hearings and frequently changed dates, I knew what they were trying to do. I was familiar with the cases of colleagues from Santa Cruz Barillas, in which they changed dates and suspended hearings and also Abelino Chub's case where the same tactics were used. They do this to punish those who oppose megaprojects and file complaints against companies. I knew all of this and knew that my case would go to trial. These are the scenarios and at present I run the risk of being convicted even though I am innocent. I am preparing myself for that. I have to be mentally prepared for any scenario. The question I ask is "where should we go to complain?" If I am punished for protecting q'eqchi' peoples' rights and I am imprisoned for filing complaints against those who dispossess and hijack our rivers and mountains, where else can we go to complain? What else can we do to tackle discrimination and the racism that prevails in this system?

they are the ones who imprisoned me without legal grounds for doing so. I have lost weight and I've got used to seeing the same things all the time. That is why I prefer to read and write. I want to publish my biography and write about the q'eqchi peoples struggles – something that very few people do. There are many things that only I know and I don't want them to be forgotten. I am sure that my book will be interesting for my people.

When I go to hearings, those moments are difficult for me because I see reality again and have contact with the world that I truly belong to. Then when I come back to jail I don't want to go inside. It takes me about five hours to realise again that I am being criminalized and that my time in jail legitimizes the q'eqchi peoples struggle. My mood normalizes again, but those moments are difficult – they are traumatic. Jail is a way to weaken a person, mistreat them, and keep them alive while taking away their possibility to know what is going on outside.

### What is your relationship with others?

I have a good relationship with the guards and other people here inside. You learn everyone's story and over time make friends. There are many innocent people who have been convicted and of course there are also are many people who committed crimes.

### Are you scared at times?

Scared? From the moment I entered the prison! You don't know what problems each person brings with them when they come to jail.

### What keeps you going?

What gives me strength is the struggle that other people carry on – against the companies that dispossess people of their territory. To know that others continue the fight and that I am not alone. That there are people monitoring my situation and that national and international organizations



There is no place we can go to complain because they are infringing on our rights.

### **What do you think of the accusations against you?**

When one looks at all that has happened in the process, the criminalization is obvious. Before I was detained, they created pages on social networks to provoke hate against me - to tell the world "this guy is a criminal". Then they filed formal complaints at the Public Prosecutor's Office (MP), put out an arrest warrant which was also published on social networks and in the media just minutes after the judge signed the order. This is not a public document. Someone had to have sent it to the press so they could publish it. My questions is: "who did this?" The media gave exaggerated coverage to my case to promote hate and label me as a delinquent, criminal, and to undermine my leadership. Thousands of Guatemalans think I am a criminal and I am condemned. Once they detained me, they started working on how to keep me in prison using stalling tactics to continue punishing me. The thing that worries me most is the possibility of conviction, for how many years can they convict an innocent person?

### **In your opinion, what are the errors in the process?**

The accusations that have me in prison date back to things that happened in October 2015. Four Oxec company workers say that they were held prisoner and robbed by a group of community members led by me in an area called el Puentón

in Cahabón. Although the acts took place in 2015, the plaintiffs filed their complaint in July 2017 because they allegedly saw me on television and recognized me.

I never denied that on that day I was at a meeting in Seka Tal Kab near el Puentón, because two days before we'd discovered that they were starting to build the Oxec II dam and we'd decided to meet to discuss what was happening. When I arrived, several people had gone to the river and I went to call them to return to the meeting, but I did not rob or assault anyone. I arrived that day in Seka Tal Kab around 12 not at 8:30 like the plaintiffs state. I never heard of a robbery until now, two years later.

Also, one of the plaintiffs said in the first complaint that he'd received a phone call during the events, and later in another formal statement said that he was present during the incident. Nevertheless, the judge did not take into account this contradiction in his statements. The judge affirmed that he had doubts about the case, and when there is reasonable doubt it should favor the accused and not the plaintiffs. They should have had evidence against me, but they only have statements from witnesses working in private security for Oxec. This is the same company that I filed a complaint against and some of the photos they took two years later in el Puentón where the acts allegedly took place. Nothing more.

### **What are your expectations for the future?**

Everything is very uncertain, I don't know what is going to happen as it is a legal issue. It is a political issue

of the companies and the State. Legally the case should fall apart, but it has political implications, so it is hard to tell what will happen. They tried bringing another case against me in which they accused me of receiving a teacher's salary without going to teach classes. This was the first criminalization case they fabricated and they wanted to see me in jail, but it did not work for them so they created this case against me. And if this case does not work to their advantage then surely they will come up with something else so that I am in jail for longer. All of this is a show.

### **Are you aware of the actions that Resistance members are taking? What effect does this have on you?**

I know very little. I don't get a lot of information in jail but when people come to visit they tell me what is going on outside and this inspires and strengthens me and while this goes on I can continue imprisoned but the day that my colleagues abandon the struggle or me, there will be repercussions.

### **What support do you receive from the outside?**

My family comes once a week to visit me. My wife brings me food that I like - food from rural areas that I am used to. We will know the effects and repercussions on my family with time. All of the stress will take its toll, like the worries and the fact that I am away from them.

My colleagues who continue the fight do not come frequently because of the distance and the expense. Cahabón is far from Cobán. It's

a 2 or 3 day round trip from the communities and is expensive. They also have not visited because coming to jail frightens most people, especially indigenous people who do not speak Spanish. Aside from being involved in the Resistance, people work in their territories and this takes a lot of time.

Representatives from the Office of the Human Rights Ombudsman (PDH) and the Office of the High Commissioner for Human Rights (OHCHR), UDEFEGUA and the Madre Selva Collective has come to visit me. The United Nation’s Special Rapporteur on the Rights of Indigenous Peoples also visited me. I gave her copies of my legal

complaints and documents that explain the persecution that I have suffered and, most importantly, in her report she mentioned criminalization. That means she took into account what I denounced. All of these visitors give me strength. The fact that I am not alone makes me feel supported, although it does not solve the problem.

**Is there anything else you would like to tell us?**

Being in jail does not discourage me. Together with my colleagues we are touching on core elements of cooptation and corruption which prevail in Guatemala and we are defending ourselves against

the plundering. Everything has been done under the umbrella of corruption, to strip us of our rivers. Corruption is structural. It all started with Former Minister of Energy and Mines of the Patriot Party, Erick Archila, who authorized the licenses that now have us in conflict. If he had not authorized the licenses then the rivers would still be intact. It is the Government, the State. With our grievances we are touching the heart of large mafias, great interests in the country and that is what bothers them. That is why I am in jail. If justice were equal in Guatemala, those who signed the authorization for hijacking the Cahabón River and stealing lands would be in jail.



Bernardo Caal with his lawyers and journalists before his trial on May 22, 2018, Cobán

## Impacts of criminalization on the families of human rights defenders

The consequences of improper and malicious use of criminal law against those who defend human rights are multiple and affect all facets of life, not only for the people who are criminalized but also their families.

From the psychological and emotional standpoint, families are subjected to constant uncertainty surrounding their own future as well as that of the criminalized person. If there is an open arrest warrant, they are in a constant state of worry as there is no way to tell when the arrest will take place. This alters the family dynamic and routine. Ana Lucía Mendoza Herrera, psychologist specialized in tending to cases of criminalization, states that *families who have one or more members who are suffering criminalization are immersed in a state of lost control over the way life used to be. All of the sudden they are overrun by worry, fear and tension because they don't know what will happen to their relative, how their legal situation will be resolved and how they are going to attend to their families' basic needs in the meantime. One of the objectives of criminalization is to deconstruct the social realm, from the nuclear family to the community level. This has grave repercussions when people have built their lives collectively.*

*Another objective is to stigmatize the criminalized defender. Once they are stigmatized then doubt, suspicion, mistrust sets in and this extends a certain level of stigmatization to the nuclear family. For example, for their children, going to school is no longer a pleasant experience; important practices like going to church or the market are no longer safe because the possibility of a physical or psychological attack on them are always present. All of these experiences have effects on the emotional bonds that are established within a family because there is*

*a rupture in the family dynamic when life changes completely from one moment to the next. This is emotional destabilization and there are concrete material changes.*<sup>1</sup>

When the criminalized defender is arrested, the worry shifts to their security situation in jail and how to meet basic needs like food, hygiene, and rest. According to María Isabel Matzir Miculax, spouse of Bernardo Caal Xol, criminalized q'eqchi' indigenous leader of the Peaceful Resistance of Cahabón who has been in prison since January 30,



María Isabel Matzir Miculax

<sup>1</sup> Interview with Ana Lucía Mendoza Herrera, 18.05.2018.

2018, one of the concerns we have always had is Bernardo's security. When he was not in jail he had security measures and this is something he no longer has. We all know what jails are like in Guatemala where the state does not group prisoners according to their crimes. Detained people who have yet to be convicted should have their own space (in jail), like those who are human rights defenders and being criminalized. Before, at least we had hope that if anything were to happen, he had security measures and could call, but not now. For this reason, it is important that friends, colleagues and institutions visit so that any situation against Bernardo does not go unnoticed. María Isabel Matzir, also points out another very debilitating aspect for her and her family is the malicious delay of the process by the Public Prosecutor's Office and the Court in charge of the case, violating Bernardo's right to prove his innocence. The attorney fees and the impact of knowing that the process will take longer than

expected or established, creates feelings of helplessness in the face of the corrupt system and impunity that prevails in the country.<sup>2</sup> This is also mentioned in a statement published by MadreSelva.

The physical toll on families is undeniable. The constant worry and stress have great consequences on their health. There is a strong tendency to somatize all of these concerns, resulting in a deterioration in the individual's health. Ana Lucía Mendoza explains that *the anxiety, fear, uncertainty and the fact of being in a permanent alert state, results in conditions like insomnia, migraines, back pain, neck pain and digestive problems. For example, a colleague's father fell ill to diabetes when he was arrested. And, who will look after him? It also entails expenses, as diabetes is for life and involves a daily treatment that is an added cost.*

The economic impact that families of criminalized defenders suffer is immediate and is what causes them

the most stress and concern. How to cover all of the expenses that derive from this situation? For women whose partners are in jail, they are most affected by this as they must assume three times as much work: they are financially responsible for their family, they must look after their home and family, and they must look for resources to seek justice and free their criminalized partner. And in most cases they have to travel long distances to visit the imprisoned defender. Thus, there is little time for self-care which has a devastating effect on their health.

In cases where the defender being criminalized is a female head of the household, the situation is even more complicated. Reyna Mateo Pedro member of the Plurinational Government of the Q'anjob'al, Chuj, Akateka, Popti and Mestiza Nation was widowed in 2013 when her husband was killed for defending territory and water and she was criminalized in 2015 for the same motives: *I worked for an NGO, but I*



Reyna Mateo Pedro y María Victoria Pedro Mateo

<sup>2</sup> Interview with María Isabel Matzir Miculax, 10.05.2018.

*did not want to go to work out of fear. At that time, I was getting my middle school equivalency and I was too scared to go to school as well. It was difficult for her to sustain her family on her own with an arrest warrant out against her: the criminalization has affected my daughters' education because I could not pay for it (school). My arrest warrant also prevented me from seeing the end of my husband's murder case – my son had to go to the trial. I did not have a profession or a fixed salary to pay living expenses. It was not enough to kill my husband, they also issued an arrest warrant against me.*<sup>3</sup>

Just as Ana Lucía Mendoza states, *we live in a society that reproduces different roles for men and women. For that reason it is common that in families men are the ones who provide for the family [...], meaning that wives do not have salaried work, but rather work at home [...]. The concern for all families is how are they going to get money for food, so that their kids can go to school, for everything they need to buy, clothing (etc.).* Any recreational activity of the family is automatically ruled out for some of the same reasons described by María Isabel Matzir. This includes family outings as well as social activities in the community or city. Not to mention, family projects

related to training and professional development of its members are also paralyzed.

Children of criminalized defenders are also affected by these processes. The absence of their mother or father causes confusion and strongly affects the child's emotions. María Isabel Matzir shares how the absence of a father is affecting her daughters. She has continued their routine and activities to limit the impacted, although this is financially difficult for her. One cannot forget the feelings of fear that the girls have developed and the effect it has on them to see their mother worry. Some people prefer that people outside of their home are kept unaware of the situation to protect their children, for example at school to avoid bullying. However, the positive side of living through the process of a parent being criminalized, is that children develop a conscience for the importance of these struggles which helps them mature and leads to empowerment. On many occasions there is a sentiment of admiration for the criminalized parent for their altruistic work of defending rights. As is explained by Reyna Mateo's daughter María Victoria Pedro Mateo, *the moment of criminalization was very difficult because mom was in jail and we were conscience*

*of my parents' struggle [...]. It is upsetting to see how companies and the interest of certain groups can separate families and they want to break them (families) down [...]. It is maddening but motivates us to continue the struggle. In 2015, I filed a complaint against the mayor, I also denounced an attack on a group of journalist who were assaulted, but nothing has happened. When defenders are criminalized, those complaints flow and move forward, while the complaints we file don't go anywhere.*<sup>4</sup>

Despite all the difficult situations that criminalized defenders' families have to confront, they are not alone. María Isabel Matzir explains that from the time Bernardo was arrested, they have received psychosocial support from a Guatemalan civil society organization both for her and her daughters, which she values as essential in coping with what they are going through. She also states the importance of international observation and accompaniment in these processes. However, it cannot be ignored that despite all of this support, the effects of criminalization processes overwhelm families and cause them profound damage and much suffering.

<sup>3</sup> Interview with Reyna Mateo Pedro, 23.05.2018.

<sup>4</sup> Interview with María Victoria Pedro Mateo, 23.05.2018.

News of our work

# Accompaniment to TZK'AT, Network of Ancestral Healers of Territorial Community Feminism from Iximulew - Guatemala

*“The defense of the body territory involves accepting the body as a territory in dispute for the ancestral and colonial patriarchal power, but also as a vital space for recovery of life”<sup>1</sup>*

TZK'AT,<sup>2</sup> Network of Ancestral Healers of Territorial Community Feminism from Iximulew - Guatemala, was established in October 2015 by indigenous women defenders of life, mother earth and territorial community feminism. They came together to accompany and mutually support each other in light of the risk they suffer as defenders of life and human rights. Currently the network is comprised of 13 indigenous Xinkas and Mayan peoples including q'eqchi', kaqchiquel, k'iche, uspanteko and ch'orti', with histories of political persecution, stigmatization, death threats, political territorial displacement, criminalization and sexual violence.

The struggles against multiple types of violence that impact indigenous women, in particular sexual violence, femicide, and territorial violence, are historical struggles that remain totally relevant today. The Network was born out of the need, expressed by many female defenders, to share and heal the pain caused a patriarchal and racist political, economic and



social system, which oppresses and exploits them. They all have experience in ancestral healing processes, carrying out fundamental tasks in indigenous communities such as those carried out by healers, midwives, herbalists, kamalb'e or spiritual guides, time keepers or native doctors. The network shares spaces for healing as a protective measure for emotional and spiritual healing of colleagues that are affected directly by social conflict and participate in community based organizations for political action in defense of both body and land.

## Fighting against stereotypes and stigmatization

Many women have been stigmatized in their communities and in other public spaces for breaking the traditional role of submissive and quiet women. The role of women defenders in Guatemala is important and at the same time difficult; not only do they face the risks and threats involved in defending life and human rights in a country where these are systematically violated, yet also they face a patriarchal system rooted in questioning the roles and stereotypes historically assigned to women. Thus women defenders

<sup>1</sup> Interview with Lorena Cabnal, xinka-maya indigenous women and member of the Network of Ancestral Healers, 18.05.2018.

<sup>2</sup> TZK'AT means network in different Mayan languages.

not only fight against discrimination originating from public officials, the state, and business powers, but also have to defend themselves against criticism coming from their own communities and organizations. In this sense, the Network says the struggle and resistance starts at home, moving through the community before reaching the public sphere.

The accusations against female defenders are many. They are often labeled as enemies of development and terrorists, delegitimizing their work in defense of territories, or are accused of being "bought" by mining companies. In smear campaigns against them they are called a variety of names, such as prostitutes, unemployed women, crazy or alcoholics. On many occasions, when they do not want to align themselves with patriarchal and chauvinistic masculine leadership demands in their territories, women are subject to threats and public punishment in their communities: *these forms of delegitimizing and punishment of women, send messages to other women in the community who are interested in participating in political life so that they desist, are frightened, embarrassed and therefore stop being active.*<sup>3</sup>

### Impacts of large-scale projects on the lives of women defenders

The extractive model promoted by transnational companies and by the Guatemalan State leads to social conflict and impoverishment of indigenous peoples, limiting their access to land and natural resources which sustain them. In this scenario, to be a rural, indigenous woman and a defender of land and territory is a high risk activity as they are exposed to threats like criminalization,

stigmatization and other forms of violence. These women over the course of their lives have had a close daily relationship with nature, which is interrupted when economic large-scale projects (mines, hydroelectric dams, etc.) are installed without prior consent in communities. When this happens forests, rivers, land, and other natural resources are privatized and at the service of the interests of the large-scale projects. Thus, women are especially affected as they are the ones whose role as caretakers of health and family and community wellbeing is greatly affected in these contexts. In addition, women are the ones who sell agriculture products, animals and crafts in the local markets. Often, it is women who initiate complaints and protests against the abuse by companies.

This work of defense carried out by women, is developed in scenarios of strong conflict resulting from these processes of dispossession, characterized by the exacerbation of violence. The installation of large-scale projects without free, prior and informed consent of the communities, generates ruptures of the social fabric and community fragmentation which are difficult to repair. For example, the tension between the people who work for the companies and the people against these projects.

### To be, feel, act and come together

From their ancestral wisdom, the women in the Network refer to the territorial *acuerpamiento* as a healing process: (...) *acuerpamiento meaning to tell, be, feel, act and come together in full consciousness to collectively defend our bodies and land, because of our ancestry and also because of our rights (...).*<sup>4</sup> According to the Network, this *acuerpamiento* can take

place in different forms: from the body, embracing, being with those who have suffered, from personal experience, listening so that the person can tell what they have experienced; and with other healing processes like ceremonies. The places where they conduct these processes are important as it is in that process of recovering territory that sacred places of mother earth regain importance like the banks of rivers, mountains or ceremonial spaces, where ceremonies have taken place since ancestral times.

On the other hand, they seek spaces to dialogue, make proposals, take political action, and monitor the situation of defenders at political risk. They also seek to collaborate with other organizations to carry out community and organizational actions that strengthen the social demands for the fulfillment of collective rights of peoples and, in particular, the rights of indigenous women. Within such proposals, the Network aims to accompany and provide holistic support for the physical, emotional and spiritual recovery of indigenous women defenders of life and human rights in the territories. They do this from traditional cosmovisions, as forms of healing with political intentions and from a feminist perspective that generates holistic well-being of the body, mind, emotions, community, and spiritual, as well as the recovery of indigenous women's extensive knowledge of healing processes.

PBI has provided accompaniment to the Network since January 2018. As part of our accompaniment, we have attended the the ceremonies held by the Network on the 8th of each month to commemorate the 41 girls who were burnt and asphyxiated in the State-run *Virgen de Asunción* Safe Home, to provide holistic support to survivors, mothers, and families and to demand justice.

<sup>3</sup> Interview with Lorena Cabnal, Cit. Op.

<sup>4</sup> Document written by Network of Ancestral Healers, January 2018.



# PEACE BRIGADES INTERNATIONAL GUATEMALA PROJECT

**PBI** is an international non-governmental organization (NGO) which provides international accompaniment and observation at the request of threatened social organizations. The presence of international volunteers backed by a support network helps to deter violence.

## PBI in Guatemala

**PBI** maintained a team of volunteers in Guatemala from 1983 to 1999. During those years, it carried out accompaniment work with human rights organizations, unions, indigenous and campesino organizations, refugees and churches. In 1999, after an evaluation process, it was decided to close the project since the country had greatly advanced in the opening of space for the work of human rights organizations. Nevertheless, **PBI** continued attentive to the happenings in Guatemala through a follow-up committee.

From the middle of 2000, PBI began receiving a number of requests for international accompaniment. Due to these requests, **PBI** carried out an investigation in the field that made evident a turn in the direction and a losing of space for human rights defenders. In April of 2002, **PBI** decided to reopen the Guatemala Project in order to carry out international accompaniment and observation in coordination with other

international accompaniment and observation in coordination with other international accompaniment NGOs. In April 2003, the new **PBI** office was opened in Guatemala.

## Mandate and Principles

Contribute to improve the human rights situation in Guatemala, and hereby strengthen the social and political processes that promote the enhancement of democracy and participation in the country and the region. Therefore PBI employs an international presence to create and maintain open political space for human rights defenders, lawyers, union members, campesino and indigenous organizations, and civil society groups that are suffering repression due to their work supporting human rights.

PBI follows the principles of non-violence, non-partisanship and non-interference.

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