



Monthly Information Pack Guatemala

Number 134 – November 2014

1. THE CURRENT SITUATION

Monthly selection of news 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 the negative effects of globalization on human rights.

Community consultations were held in Teculután, Zacapa and Cantel in Quetzaltenango as well as celebrations for the anniversary of the consultation in San Rafael Las Flores.

On the 9th of November, two community consultations were held: one relating to the hydro-electric project in Teculután, Zacapa and the other regarding mine exploitation in Cantel, Quetzaltenango.

In Cantel, Quetzaltenango, 23,827 people participated in the consultation, 23,391 of whom voted against any mining activity in the area, 139 voted in favour and 297 were spoiled votes. According to the Centre for Informative Reports on Guatemala (CERIGUA), in the Ministry of Energy and Mines, there is an application from the company Sierra Negra S.A, pending. This relates to an exploration licence in a 97 sq km area which includes, among other areas, the municipality of Cantel.¹ Polling stations were set up in 9 communities, and these were attended by community mayors, local leaders and national observers. Voting began at 10am and closed at 9pm. David Colop, community mayor and coordinator of the participating organisers, explained that voting was open to all members of the community over 7 years of age.²

In Teculután, Zacapa, approximately 50% of the population of the municipal area voted in the 22 polling stations which had been set up. It was reported in "La Hora" that 5,128 people voted against the installation of the hydroelectric plant in the river Teculután, 87 voted in favour and there were 102 spoiled votes.³ Prior to the municipal consultation, the community had made a petition to the Ministry of the Environment in September this year, rejecting the environmental impact study.⁴

In addition, and also on the 9th November, there were celebrations for the 2nd anniversary of the community consultation in Mataquescuintla. This consultation, held in 2012 at the request of the local population, rejected all mining activity on their lands. The Centre of Independent Media (CMI) reported that "under the logo 'We are People of Peace and We Love Life', organised civil society in Mataquescuintla, celebrated (...) the second anniversary of the municipal consultation, carried out on 11th November 2012, a day in which more than 10,000 members of the local population, assumed their legitimate right and declared their opposition to the installation and implementation of projects involving chemical mining of metals on their lands. The right to carry out such a consultation was upheld by the Constitutional Court, stating that "The right of the population to be consulted is unquestionable" and popular consultations are important mechanisms in order to guarantee fundamental rights, as well as being the clear expression of a democratic regime, and the residents of Mataquescuintla have the right to express their opinion in relation to the use, benefit and enjoyment of the natural resources that can be found in their lands."⁵

The Inter-American Commission on Human Rights (CIDH) concludes Session 153.

On the 7th November 2014, the CIDH concluded the period of 153 sessions which had begun on the 23rd of October. They held 53 public hearings and 31 working sessions on specific cases and preventative measures. According to its press release, CIDH made advances in the analysis of petitions, cases and preventative measures. They held meetings both with government representatives, appellants, and civil society organisations. Among other things, the Commission expressed "a profound preoccupation relating to the

¹ CERIGUA, "Residents of Quezaltenango reject mining activity", Guatemala, 10.11.14. http://cerigua.org/1520/index.php?option=com_content&view=article&id=20383:pobladores-de-quetzaltenango-rechazan-actividad-minera&catid=37:derechos-humanos&Itemid=10

² Prensa Libre, "Residents express views on mining in Quetzaltenango and Zacapa" Guatemala, 10.11.14. http://www.prensalibre.com/departamental/Cantel-Teculután-votan-consultas-hidroelectrica-mineria_0_1245475588.html

³ La Hora, 24.11.14, "Teculután rejects construction of hydro-electric plant" <http://lahora.gt/teculutan-rechaza-construccion-de-hidroelectrica/>

⁴ Prensa Libre, Op. Cit.

⁵ Centro de Medios Independientes (CMI), "Second anniversary of the Mataquescuintla consultation celebrated" Guatemala, 10.11.14. <http://cmigate.org/celebran-2do-aniversario-de-consulta-de-mataquescuintla/>

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criminalization of human rights defenders in various countries in the region". They referred to the Second Report on the Situation of Human Rights Defenders in the Americas, "indicating that these are systematically subjected to unsubstantiated penal processes, with the objective of preventing them to carry out their work and delegitimizing their causes". The CIDH reiterates its concern that "on many occasions, the penal processes are preceded by defamatory declarations by public representatives, are indefinite in duration and include measures such as preventative detention and prohibition to leave the country". Amongst others, the Commission identifies that those most affected by these measures are the defenders who participate in protest demonstrations as well as campesino and indigenous leaders who are opposed to the implementation of mega-projects. "The Commission urges the governments of the region to give priority to providing an integral response to the problem of criminalization of human rights defenders".⁶

According to the Prensa Libre of 18.11.2014 "the human rights surveillance system of the OAS is undergoing one of its worst moments, questioned by various countries for its supposed partiality and for overstepping its powers" According to the Prensa Libre, several countries – including Dominican Republic, Ecuador and Guatemala – continually question the competence of the Inter-American Court of Human Rights which, together with the Commission, form the Inter-American System of Human Rights.⁷

In relation to Guatemala, the CIDH reached conclusions from sessions held in October and November this year, and emphasised its profound preoccupation for the "authorities' denial of genocide and the position taken by the official State delegation in the hearings relating to the defence of the application of amnesties for serious violations of human rights, which is incompatible with the international obligations of the State. Furthermore, the CIDH rejects the viewpoint expressed by the State delegation at the hearing regarding access to (the) justice (system) and the legacy of the internal armed conflict, which constitutes an attitude of contempt towards the Inter-American Court". Furthermore, the CIDH "urges the Guatemalan State to comply with the sentences of the Court and all the decisions of the Inter-American System, and to adopt the necessary measures to identify, judge and sanction all those with material or intellectual responsibility for the genocide, as well as other serious violations of human rights perpetrated during the armed conflict".⁸

⁶ Inter-American Commission for Human Rights (CIDH): CIDH finalises Period 153 of Sessions" 7.11.14
<http://www.oas.org/es/cidh/prensa/comunicados/2014/131.asp>

⁷ Prensa Libre: "American System of Human Rights target of queries. Sistema americano de derechos humanos blanco de cuestionamientos", Guatemala, 18.11.14. http://www.prensalibre.com/internacional/EEUU-CIDH-CorteIDH-derechos-diplomacia_0_1250275111.html

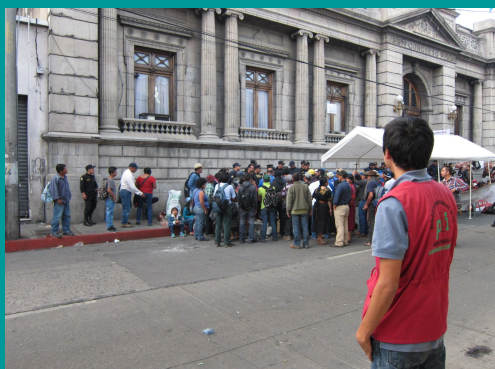
⁸ Inter-American Commission for Human Rights (CIDH) Op. Cit.

2. ACCOMPANIMENT

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 the negative impacts of globalisation on human rights⁹

On three occasions in November, we were present at the permanent protest camp of the Peaceful Resistance of **La Puya** and we were in regular contact with its participants by telephone. In addition, we attended as observers at the judicial hearings where four members of the resistance were accused by people linked to the company Mining Explorations of Guatemala S.A. (EXMINGUA) in relation to events in 2012.

Demonstration in front of the Congress Building (11-13 November, 2014)



On the 11th, 12th and 13th November, we were present as observers when members of **the Peaceful Resistance of La Puya** and other civil organisations from around the country gathered in front of the Congress building. Their objective was to demand that the review of several legal initiatives be included in the legislative agenda of Congress.¹⁰ This arose due to events on the 17th and 18th of September, during the previous national strike, where the Congress had not responded to the demands of civil society. Furthermore, the organisations present demanded the repeal of the Law on Traffic Movement on Highways Free of any Type of Obstacles (Law of Speed Ramps).

Photo: International Observation of the Demonstration in front of the Congress Building

13 November, 2014. Photography: PBI 2014

We continue to accompany **'New Day' Chortí Campesino Central Coordinator, CCCCND.**

We maintained a regular international presence in the organisation's headquarters and were present for two of the members' activities: on the 18th of November for a court hearing in Jocotán and the 25th of November for the handing in of a petition in relation to the recognition of several communities as indigenous communities. We also kept in weekly contact with members of the CCCCND.

This month we have also continued our accompaniment of the **12 Kakchiqueles communities of San Juan Sacatepéquez.** We were in regular contact with members of the resistance and closely monitored the situation in the area, following on from the publication of the Governmental Agreement 11-2014, which officially removed the State of Prevention. The State of Prevention was effective for 44 days, declared following the violent episodes of the 19th and 20th of September, resulting in 8 dead, several people wounded and houses destroyed.¹¹

Throughout the month, we maintained weekly telephone communication with members of the Association of Indigenous Women of Santa María Xalapán, Jalapa (AMISMAXAJ) as well being in telephone communication whenever they were travelling. In addition we accompanied the women to two events in relation to the International Day against Gender Based Violence: an inter-community march on 23rd November and a further march on 25th November in Jalapa.

⁹ Further general information on accompaniment and the organisations and people we accompany available on our website: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

¹⁰ Organizaciones sociales exigieron la aprobación de las iniciativas de las leyes 4084 Ley del Desarrollo Rural Integral, 4087 Ley de Medios de Comunicación Comunitaria, 3835 Ley de Lugares Sagrados de los Pueblos Indígenas y 4826 Ley de Juventud y la desaprobarción de la iniciativa 4782 Ley de Servidumbre Legal de Transmisión Eléctrica ("Ley TRECSA"), 4644 Ley de Promoción de Inversiones y Empleo y 4647 Ley Marco del Sistema Nacional para la Competitividad y la Productividad.

Prensa Libre: "Campesino demands not backed in Congress" Guatemala, 13.11.2014.

http://www.prensalibre.com/noticias/politica/Nacionales-demanda-campesina-no-consigue-respaldo-Congreso-protestas_0_1247875208.html

¹¹ Prensa Libre: "Terminan 44 días de Estado de Prevención en San Juan", Guatemala, 03.11.2014.

http://www.prensalibre.com/noticias/justicia/Terminan_44_dias_de_Estado_de_Preencion_en_San_Juan-los-pajoques-cemetera-muerte-disturbios_0_1241875852.html

Women's march on the International Day for the Elimination of Violence against Women



In 1999, the General Assembly of the United Nations declared the 25th of November as the International Day for the Elimination of Violence against Women¹². In Guatemala, on this day, several social organisations organised diverse activities aimed at raising awareness in respect to the problems of violence against women. This violence manifests itself in several forms: psychological, sexual, patriarchal, economic, physical, social, etc. "Not One More Death" was one of the slogans of the women who participated in the peaceful demonstrations in the capital and in other parts of the country.¹³

International Observation of the peaceful march of women in Jalapa on the International Day for the Elimination of Violence against Women. 13.11.2014, foto PBI 2014

We continue to accompany the **Verapaz Union of Campesino Organisations**. We visited their offices 4 times in November and we followed up with weekly visits to the office of the organisation's lawyer. Furthermore, we were present at a hearing involving one of UVOC's members, and again at a meeting in El Estor, in relation to the recognition of San Miguelito as an indigenous community. We also made some 17 phone calls to members of UVOC who were travelling or involved in the work of the organisation. Within the wider framework of UVOC's work to seek solutions to land conflict, we accompanied them to two meetings with national authorities: Fontierras and the Secretariat of Agrarian Affairs (SAA).

Throughout November we visited **the Human Rights Law Office**. We accompanied the lawyer **Edgar Pérez Archila** when required. We also accompanied other lawyers from the Legal Offices to 7 different hearings in the capital (several hearings relating to the burning of the Spanish Embassy in 1980, a hearing for the case of the Dos Erres and a further hearing relating to the Genocide Case).

We are in continual telephone communication with members of the **Council of Communities of Cunén (CCC)**, as well as with those of the **Council of the K'iche Peoples (CPK)**. In this regard, on the 7th November we were present at a judicial hearing in Santa Cruz Quiché, and on the 29th November, we provided international accompaniment to a community assembly. In addition, we maintained weekly telephone communication with the members of the CPK.

Finally, we were in regular telephone contact with the **National Coordination of Widows of Guatemala (CONAVIGUA)** and visited their headquarters weekly.

3. INTERNATIONAL OBSERVATION

PBI Guatemala provides international observation of those public events in which Guatemalan social organizations request it, to show international attention and interest and to communicate outside the country what we observe.

Again this month, we maintained regular telephone contact with the Lutheran pastor **José Pilar Álvarez Cabrera** and members of the **La Trementina hamlet in Zacapa** following up on their work to protect the woodlands of Macizo del Merendón and to protect local water supplies.

¹² CICIG: "25 de noviembre: Día Internacional de la Eliminación de la Violencia contra la Mujer", Guatemala, 25.11.2014. <http://www.cicig.org/index.php?page=25-de-noviembre-dia-internacional-de-la-eliminacion-de-la-violencia-contra-la-mujer>

¹³ LaHora: "ACTUALIZACIÓN: Dicen NO a la violencia contra la mujer", Guatemala, 25.11.2014.

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.

In November we met with various representatives of the diplomatic body. On the 3rd of November we met with the **Italian ambassador**, Fabrizio Pignatelli della Leonessa. We also held meetings with the Austrian consul, Manuel Cáceres, the **First Secretary of the Swedish Embassy**, Jocke Nyberg, the **German ambassador**, Mathias Sonn, and **the deputy ambassador of Germany**, Artur Brunner. We also met with the **Second Secretary of the Australian Embassy in Mexico**, Ashleigh McArthur.

We have held meetings with Guatemalan public institutions and authorities, including: Sr Hernández, **Inspector of the sub-station of the National Civil Police (PNC) of San José del Golfo** and Mario Minera, **National Director of Advocacy of the Human Rights Ombudsman's Office**.

This month we also met with Axel Lopez, secretary to the **Secretariat of Agrarian Affairs (SAA)**, Henry Meda, **Advisor in Valuation of Rural Lands**, and also Manuel Hernández, **National Representative on Socio-Economic Affairs of Fontierras Nacional**

Finally, we were present during the Annual Meeting of the **European Union** mission, where there was space given to an exchange between human rights defenders and heads of mission, where it was possible to speak openly about the challenges they face in their work.

Meetings with civil society

The field team meets regularly with civil society in order to monitor the situation of human rights defenders human rights, inform each other about the work being done and to gather information to help analyse the internal situation. We maintain opportunities for co-ordination in the field of international accompaniment.

We have continued to meet regularly with **the Unit for the Protection of Human Rights Defenders of Guatemala (UDEFEQUA)** to discuss concerns regarding the work of human rights defenders; we visited their headquarters regularly, as well as the offices of the Madre Selva Collective and **Women's Sector**. We also met with the Council of Guatemalan Communities for Health.

We also had meetings with international organisations with representation in Guatemala. Throughout the month we maintained contact with the Coordination of International Accompaniment in Guatemala (ACOGUATE), with the **Guatemala Human Rights Commission (GHRC)**, with **International Protection (PI)**, with the **Forum of International Non-governmental Organisations (FONGI)** and with the International **Platform against Impunity**.

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.

On 17th November 2014, the European representative of the project held meetings with Petras Austrevicius MEP, member of the Commission of External Affairs of the Sub-Commission of Human Rights of the European Parliament.

The following day she met Andres Bassols, deputy head of the Central American division, Julita Bas, from the Human Rights division and Ana Almeida Campos, responsible for México, all representing the European *External Action Service (EEAS)*

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On the 20th of November she met Dr. Roland Schißau, First Secretary and representative of the Permanent Representation of Germany in the EU Working Group on Relations with Latin America (COLAC) as well as Ruth Adam, official political representative of the Permanent Representation of Germany in the Human Rights Working Group (COHOM) of the EU Council.

On the 18th and 19th November, the European representative of the Guatemala project participated in the General Assembly of CIFCA, European network which brings together more than 40 European development and human rights organisations whose work focuses on Central America and Mexico.

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.

PERSECUSIÓN POLÍTICA A DEFENSORES DE DERECHOS HUMANOS SE AGRAVA

La segunda semana de noviembre se tornó en una donde el Sistema de Justicia muestra su participación en la persecución política a defensores y defensoras de derechos humanos.

El día jueves 13 de noviembre, el juez de primera instancia de Villa Nueva decidió **enviar a juicio a Oscar Morales**, líder de la resistencia en **San Rafael Las Flores**, por una presunta amenaza realizada al gerente de la empresa minera San Rafael, S.A. subsidiaria de la **Tahoe Resources**, minera canadiense. En la audiencia de imputación el juez había mostrado su parcialidad cuando ligó a proceso al defensor sin elementos de investigación. Ahora al trasladar el proceso vuelve a hacerlo sin que exista elementos de investigación claros, ya que el mismo Ministerio Público había planteado que no podía acusar al defensor. Fue claro que al trasladar el caso al Tribunal de Sentencia de Villa Nueva para que se proceda al juicio, el juez obedecía intereses privados representados por el abogado del querellante adhesivo. El día 29 de diciembre está ordenado el inicio del debate oral y público en contra de Oscar Morales.

El día viernes 14 de noviembre, **Saúl Aurelio Méndez y Rogelio Velásquez**, defensores del derecho al agua de **Barillas**, Huehuetenango fueron condenados por un Tribunal de Sentencia en Huehuetenango por el **delito de asesinato en grado de complicidad**. Los dos defensores fueron detenidos ilegalmente el 2 de mayo del 2012, en el marco del Estado de Sitio impuesto por el gobierno de Guatemala. Luego de un proceso largo fueron liberados y declarados inocentes de los hechos que se les imputaban; pero mientras iban con su abogado a la última diligencia de ese caso fueron capturados por la policía en la Torre de Tribunales por los delitos de asesinato y femicidio de dos personas que habían sido linchadas en Barillas en el 2010.

El 10 de agosto de 2010, la policía capturó a Mateo Diego Simón por su presunta participación en delitos. Una turba sacó a esta persona de la estación de policía y la exhibió en Santa Cruz Barillas junto con Guadalupe Francisco Felipe quien, según la comunidad, lidereaba la banda delincuencial.

Tanto el proceso como la sentencia en contra de los dos defensores de derechos humanos estuvo plagada de irregularidades y la sentencia se dio sin haber individualizado en la misma la presunta responsabilidad de cada uno de los acusados, violando una de las garantías del proceso penal que señala que la responsabilidad penal es individual y no puede acusarse a nadie por las acciones de otros. Ambos casos muestran, cómo los **intereses privados priman sobre la justicia** y resultan en la persecución política de líderes sociales y defensores de derechos humanos comprometidos con la causa del agua y del ambiente.

La Unidad de Protección a Defensoras y Defensores de Derechos Humanos – Guatemala ante estos hechos:

1. Repudia la actuación de jueces y tribunales que violando las garantías mínimas de los acusados consolidan la persecución política en contra de defensores de derechos humanos.
2. Anima a los defensores de derechos humanos a no desmayar y a que mantengan su apoyo a los criminalizados ante este clima adverso.
3. Se solidariza con las familias de los defensores, particularmente las de Saul Méndez y Rogelio Velásquez quienes sufren ante la ausencia de la solidaridad y la consolidación de la impunidad.
4. Reitera su apoyo a los y las defensoras criminalizados en el país, a los abogados que les acompañan y a las organizaciones que promueven derechos humanos.
5. Llama a la comunidad internacional a pronunciarse ante la violación de garantías procesales a perseguidos políticos del Estado.

Guatemala, 15 de noviembre de 2014

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The following people voluntarily contributed in translating this publication into English: Karen Jeffares and Sam Jones.

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