



## Monthly Information Pack Guatemala

Number 143 - August 2015

### 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 globalisation on human rights.*

#### Unprecedented popular mobilization seeks to denounce Otto Pérez Molina

With less than one week to go before the elections, the country remains immersed in a climate of uncertainty. Whilst the tribunals continued to deal with cases of corruption, there have been large-scale demonstrations in the streets. The latest event is that of 21<sup>st</sup> August. Following analysis of the data gathered by the investigations of the International Commission Against Impunity in Guatemala (CICIG) and the Ministry of Public Prosecution (MP), an arrest warrant was issued against the ex-vice president Roxana Baldetti, accused of unlawful association, indirect bribery, and a specific case of customs fraud in the “La Línea” case. Thanks to telephone interception, forensic deductions and numerical spreadsheets outlining the manner in which the criminal gang divided up the bribes, it is hoped to prove that Baldetti, together with the President Otto Pérez Molina, headed up the organisation of fiscal fraud at the Superintendency of Tax Administration (SAT).<sup>1</sup>

At the same time, just a few days after the Congress has decided not to withdraw immunity rights from the President, the Office of Public Prosecutions and the CICIG presented a new request for preliminary trial against him. The first preliminary trial, requested by the deputy Amílcar de Jesús Pop Ac, of the political party Winaq, was rejected in the Congress having achieved 88 votes in favour (and 26 against), instead of the required 105.<sup>2</sup> Following this first attempt on the 26<sup>th</sup> of August, the Supreme Court (CSJ) decided by unanimous vote to accept the pre-trial procedure,<sup>3</sup> requesting Congress to proceed to nominate the investigative commission. In just 48 hours, this commission concluded that the case of Otto Pérez Molina, is neither one of double persecution, nor a spurious case, as the President had alleged, and as a result, the final decision remains with the legislative plenary, to decide on the withdrawal or not of immunity for the President.<sup>4</sup>

These events rekindled the popular protests. On 23<sup>rd</sup> August in the Central Square in Guatemala City, the people of Guatemala again expressed their indignation and called for three days of nationwide strike to demand the resignation of the President. On the 25<sup>th</sup>, 26<sup>th</sup> and 27<sup>th</sup> August, the country saw an enormous collective mobilization, with 37 peaceful sit-ins in different towns and squares, with several roadblocks and finally once more with a massive collective mobilization in the Central Square of Guatemala, in which over 100,000 people participated.<sup>5</sup> Indignation increased in the following days, whilst Otto Pérez continually emphasised his intention to remain in post, questioning the work of the MP and the CICIG, and accusing the latter of attempting to “implement an interventionist strategy” in order to smash the democratic process in

<sup>1</sup> “MP and CICIG request preliminary trial against President, and arrest the ex-Vice-President for leadership of customs fraud operation”. Monday 24<sup>th</sup> August 2015, Centre for Guatemalan Studies, CEG.

<sup>2</sup> Congress shelves request for preliminary trial against Pérez Molina”, <http://elperiodico.com.gt/2015/08/14/pais/congreso-engaveta-solicitud-de-antejuicio-contra-perez-molina/>

<sup>3</sup> Unanimous vote: CSJ approves preliminary trial procedure against Otto Pérez Molina for La Línea” <http://elperiodico.com.gt/2015/08/25/pais/voto-unanime-csj-da-tramite-a-antejuicio-contra-otto-perez-molina-por-la-linea/>

<sup>4</sup> “Investigation recommends the withdrawal of immunity for Pérez Molina” , <http://www.prensalibre.com/guatemala/politica/incertidumbre-en-pesquisidora-de-antejuicio-de-perez-molina>

<sup>5</sup> “GUATEMALA NATIONAL STRIKE: Chronicle of three days with one united call: Resign Now!!!” <https://comunitariapress.wordpress.com/2015/08/29/guatemala-paro-nacional-cronica-de-tres-dias-de-rabia-y-dignidad/>

the country.<sup>6</sup>

If this spontaneous social movement has been exceptional since its beginning in bringing together different social sectors, the 27<sup>th</sup> August has without doubt been an historic day for Guatemala, in which the schools and universities, both public and private, together with rural and urban organisations, declared a national strike, and more than 40 colleges, and 18 businesses participated,<sup>7</sup> including companies such as Megapaca, Dominos Pizza and McDonalds.<sup>8</sup>



Protesters in the collective mobilization of August 27<sup>th</sup> in the Central Park of Guatemala City.  
Foto: PBI Guatemala 2015

### Guatemala Alert to Irregularities in the Electoral Process

In over 4 months of popular protest, in which the people have expressed their rejection of the government and corruption, one of the permanent cries has been: “in these conditions we do not want elections”, condemning the process as irregular and illegitimate.<sup>9</sup> Now people are focussing on the different institutions in order to ensure that they fulfill their mandate: the magistrates of the Supreme Electoral Council (TSE) are accused of not having blocked the electoral participation of the Democratic Liberty Renovation Party (LIDER), when it exceeded the budgetary ceiling for its electoral campaign by 1,079,000 quetzales.<sup>10</sup> While the Congress is criticised for not listening to the demands to reform the Electoral and Party Political Law (LEPP). At the same time, Randy Barrios, a member of the Social and Popular Assembly, has declared that “the upcoming elections lack legality, given that there are legal processes in train involving several of the candidates, both deputies and mayors. Such is the case of Edgar Barquín, standing as vice-presidential candidate for the LIDER party.<sup>11</sup>

The proposal of reform of the LEPP was initially presented by the TSE 26<sup>th</sup> June past and was supported by the National Platform for the Reform of the State, integrated by the University of San Carlos (USAC) and others. Within the framework of the forum *Citizen Awake*, the rector of the state university, Carlos Alvarado, underlined the importance of undertaking various changes prior to the elections, focussing on three points: the validity of the spoiled vote, the limit of re-elections through a second term, and the tendency of defection between parties.<sup>12</sup> According to several spokespeople, the delay in approval of the law is due to a lack of political will, which was manifested by the repeated absence of the deputies from the benches of the Patriotic Party (PP) and the LIDER party at the different sessions programmed to discuss the approval of the law.<sup>13</sup>

In addition to this exceptional situation, there are three other pending concerns, such as that which is outlined by the organisation Electoral Watch in its Observation Report No. 4, which highlights the increasing electoral violence and marginalisation, in particular in relation to indigenous peoples.<sup>14</sup> Another repetitive pattern is that of vote transfers: members of COCODES, opposition candidates, and community members of different municipalities, have denounced the increase in irregularities in the electoral register, while

<sup>6</sup> “Pérez Molina seeks pardon, but refuses to resign”, <http://www.s21.com.gt/nacionales/2015/08/24/perez-molina-pide-perdon-pero-se-niega-renunciar>

<sup>7</sup> “Guatemala turned upside-down by national strike and mega-demonstration”. <http://www.jornada.unam.mx/ultimas/2015/08/27/se-vuelca-guatemala-en-paro-nacional-y-megamarcha-3000.html>

<sup>8</sup> “The depths of Guatemala take over the Square”, <http://www.plazapublica.com.gt/content/la-guatemala-profunda-tomo-la-plaza>

<sup>9</sup> “The whirlpool of legitimate, void, or spoiled vote, or abstentionism”, <https://comunitariapress.wordpress.com/2015/08/30/el-remolino-del-voto-efectivo-blanco-nulo-y-del-abstencionismo/>

<sup>10</sup> “TSE indicates that LIDER has exceeded the budgetary ceiling for its electoral campaign”, Friday 7 August 2015, Centro de Estudios de Guatemala, CEG

<sup>11</sup> “Historic demand for Pérez to resign”, <http://lahora.gt/miles-de-guatemaltecos-piden-la-renuncia-de-perez-molina/>

<sup>12</sup> “National Strike proposed in order to provoke reforms”, <http://www.s21.com.gt/nacionales/2015/08/07/proponen-paro-nacional-para-provocar-reformas>

<sup>13</sup> “Congress suspends session planned to discuss initiative of reform of the Electoral Law”, Friday 7 August, 2015, Centro de Estudios de Guatemala, CEG

<sup>14</sup> “Electoral Watch presented IV Observation Report”, Thursday 20 August, 2015, Centro de Estudios de Guatemala, CEG

campesinos in other municipalities have admitted being bought over by promises of work.<sup>15</sup>

## 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 rights<sup>16</sup>*

During this month we have continued to accompany the members of the village **La Trementina in the process of defending the Merendon Mountain (Zacapa)**. In addition, we have had regular telephone contact with the Lutheran reverend **José Pilar Álvarez Cabrera** and others in the community.

We continue to accompany the **Verapaz Union of Campesino Organisations (UVOC)** being present in their headquarters in Santa Cruz Alta Verapaz and maintaining a schedule of weekly visits to the office of **Jorge Luis Morales** (lawyer for UVOC).

On the 1<sup>st</sup> August we were present at the event held at the Finca La Primavera, in San Cristobal, Alta Verapaz, to commemorate and celebrate the handover of land title to those living on the land which took place at the end of July. We also were present at an UVOC conference and in a march in Cobán, Alta Verapaz organised on the 9<sup>th</sup> of August to celebrate the Day of Indigenous Peoples.



*Community members of the Finca La Primavera listen to the talks given at the celebration where land titles were handed to them. Finca La Primavera, San Cristóbal, Alta Verapaz, 1<sup>st</sup> of August 2015. Foto: PBI.*

We continue our accompaniment of the members of the **National Coordinator of Widows of Guatemala (CONAVIGUA)**, ensuring an international presence twice a week at the headquarters of the organisation and making regular phone contact with its members.

We continue to accompany the **Council of Communities of Cunén (CCC)** through weekly phone calls to keep ourselves up to date on their activities.

We continue our work with the **Human Rights Law Office (BDH)** and its lawyers. We accompanied Edgar **Pérez Archila** when he was travelling outside the office and we attended the firm's offices weekly. We also went as observers to several of the hearings brought by members of the Law Firm.

We continue to accompany the **Association of Indigenous Women of Santa María Xalapán, Jalapa (AMISMAXAJ)**, maintaining weekly telephone contact and accompanying them on their travels when working out of the office.

<sup>15</sup> "There are differences in the electoral register in 23 places" <http://www.prensalibre.com/guatemala/politica/hay-diferencias-en-padron-de-23-lugares>

<sup>16</sup> General information about accompaniment and the organizations we accompany is available on our website: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>



Members of the of the Central Campesina Ch'ortí New Day and various communitites in the barricade of the Jupilingo bridge, 25<sup>th</sup> and 26<sup>th</sup> August 2015. Foto: PBI.

During the month we continued to accompany the activities of the **Central Campesina Ch'ortí New Day (CCCND)**. We were present in Jocotán, at the event of recognition of various Ch'ortí communities as indigenous communities celebrated on the Day of Indigenous Peoples. Among these communities are: Las Flores, Escobillar, Suchiquer, Matazanos, Guareruche and Pelillo Negro. We were also present at a forum in Jocotán organised by CCCND and several women's organisations, under the theme of political participation of community women. As part of our accompaniment to several Ch'ortí communities, this month we were present as observers at the celebration of a conciliatory meeting between various members of the community of Matazano in the Office of Public Prosecutions of Chiquimula. In relation to the National strike which took place from 25<sup>th</sup> to 27<sup>th</sup> August, as part of the many road-blocks and demonstrations throughout the country, we were present to observe the barricades organised by the CCCND on the 25<sup>th</sup> and 26<sup>th</sup> August on the Jupilingo bridge in Camotán.

We continue our accompaniment of the **Peaceful Resistance of La Puya**. As part of this accompaniment, we continue to make regular visits to the protest camp. We have also been present at several meetings which took place in the Offices of the Human Rights Ombudsman (PDH) between members of the Peaceful Resistance and the Municipality of San Pedro Ayampuc. The purpose of these meetings is to ensure continued observation of the protection order issued on 15<sup>th</sup> July 2015 by the 3rd Civil Court of First Hearings of Guatemala, in which the Municipal Council of San Pedro Ayampuc was ordered to suspend construction works at the "El Tambor" mine, a derivative of Progreso VI, until the sentence of the court has been definitively complied with and the community consultations have taken place. On foot of this protection order, on 23<sup>rd</sup> July, the Municipal Council of San Pedro agreed to halt the construction works at the mine, until such time as the protective order imposed by the Resistance had been definitively resolved. Among the issues to be resolved was the completion of a community consultation process as well as an independent environmental impact study, due to the negative effects of the mine on the environment and the eco-system of the region. At the moment, the members of the Peaceful Resistance are waiting for the definitive resolution of the protective order.

As part of our accompaniment of the Resistance, we have been following the cases of three members of La Puya who were sentenced in April 2014 due to accusations made by the mining company. Another hearing was held on 13<sup>th</sup> August, during which the members of the Resistance presented their appeal in the face of the accusations. Arising from this Hearing, the tribunal called another appointment to try to resolve the appeal. We also maintain our telephone contact with the barricade and with members of the Resistance.

### 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.*

On 16<sup>th</sup> August we observed a meeting between representatives of the community and representatives of the sub-station of the National Civil Police (PCN) in the **Municipality of Nacahuil**. During that meeting the role and practice of two agents of the PCN were discussed. As in the previous meeting that we had observed, this is one of the actions undertaken by civil society to try to resolve the problems of violence which are devastating the municipal district, and to continue drawing attention to this problematic behaviour.

At the same time, we have given attention to the situation of the **Committee in Defence of Life and Peace of San Rafael Las Flores**, making regular phone contact and keeping abreast of the judicial process faced by one of its members.

### Good Faith Consultation in the Municipality of Malacatancito, Huehuetenango.

On the 1st and 2nd August we observed the Good Faith consultation held in the municipality of Malacatancito, Huehuetenango. The objective of this consultation was to gather the views of the population in relation to the exploitation of the natural resources in the municipal area.

A “Workshop for Observers of the Consultation” took place on the first day in order to inform, coordinate and assign to the different communities the verification observers, both national and international. On the second day the consultation took place in the municipal capital with the participation of members of all the different communities in five rounds of voting .

It is estimated that more than 4,000 people participated and of all the votes registered only two resulted in favor of the exploitation of the resources.



Women of the communities in the Malacatancito municipality voting during the consultation. 1st and 2nd August 2015. Foto: PBI

## 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.*

Within the framework of our relations with the diplomatic corps and international organisations, this month we met with Catalina Lleras, human rights official of the **Office of the United Nations High Commissioner for Human Rights (OACNUDH)** in Guatemala. We also had meetings with Terry Steers-González, political and economic advisor to the US ambassador, and with Sally Meyers, responsible for human rights in the **US Embassy**; with Rafael Chaves, First Official in the **Embassy of Spain**; with Evely G. Hoen, First Secretary at the **Norwegian Embassy** and with Rita Grajeda, responsible for Human rights at the **British Embassy**.

Meanwhile, relations with Guatemalan authorities this month include: The **Human Rights Ombudsmans Office (PDH)**, a meeting attended by Mario Minera, National Director of Outreach and Giovanni Guzmán, sub-director of mediation; also in this same institution, we met with Brenda Ramos, auxiliary at **the Ombudsman’s office (PDH) in Zacapa**. We also met with Byron Fernando Arteaga Chicas, **Assistant Director of the National Civil Police (PNC)** and with Paulo Mérida, Advisor to the Assistant Director of that same institution; with Onofre Carrillo of **the Presidential Commission for Human Rights (COPREDEH) in Quiché** and with Miguel Angel from **COPREDEH in Nebaj**; with Fausto Fajardo, director of the **National Council of the Protected Areas of Zacapa (CONAP)**; with César Augusto Paz, **operational governor of the Department of Zacapa**; with Marlon García, Director of the **Analysis Unit at the Ministry of Governance** and with José Antonio Lopez Yoc and Cristina de La Rosa for this same body; with Alberto Aquino, **Municipal Mayor of San Pedro Avampuc**.

### 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 our meetings and regular visits to the office of the **Unit for Protection of Defenders of Human Rights in Guatemala (UDEFEQUA)** to share concerns and current information related to the work of human right defenders in the country.

We continue to hold regular meetings and to visit the headquarters of the **Madre Selva Collective**, where we meet to compare information and analysis on different issues. We have also visited the office of the **Women's Sector**.

At the same time, we maintained ongoing contact with international organisations with offices in Guatemala such as: the **Coordination of International Accompaniment in Guatemala (ACOGUATE)**, the **Guatemalan Human Rights Commission (GHRC)**, **Protection International (PI)**, the **Forum of International Non-Governmental Organizations (FONGI)** and 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.*

During August, the European representative of the Project was on summer vacation. She will take up her activities again in September.

## 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.*



### JUSTICIA Y LIBERTAD, REQUISITOS PARA LA DEMOCRACIA EN GUATEMALA

Nosotras, feministas conscientes de las problemáticas históricas que el país enfrenta, agravadas en esta crisis de corrupción generalizada, manifestamos nuestro parecer desde una perspectiva crítica, con el objetivo de elaborar en colectivo propuestas que nos permitan salir de este atolladero que tiene sumida a la población en dificultades profundas.

Consideramos que la democracia en Guatemala tiene defectos de origen porque fue diseñada por las elites sin considerar a los pueblos. Con el paso del tiempo se ha ido deformando más en manos de gobiernos que le han impreso su sello de impunidad. La democracia es restringida, incompleta y frágil. Los grupos tradicionales y emergentes que monopolizan el poder económico y político la han manipulado para obtener su propio beneficio, afectando a las grandes mayorías que siguen padeciendo carencias y falta de oportunidades; con las políticas neoliberales de privatización están destruyendo nuestros territorios y el tejido social del que hacemos parte, generando desconfianza, miedo y confrontaciones a través de la promoción de valores como la competitividad y la ostentación.

Nuestro país está inmerso en una crisis que va más allá de la corrupción que la CICIG ha destapado. El modelo de acumulación basado en el despojo ha generado mayores niveles de empobrecimiento, de violencia y de inseguridad. Que miles de niñas sean víctimas cotidianas de abusos sexuales, que los hospitales estén desabastecidos, las carreteras y el transporte sean un peligro, y que en las escuelas no haya textos, infraestructura ni maestros aptos, que exista mayor explotación laboral, muestra que los sucesivos gobiernos han sido incapaces de resolver siquiera los problemas básicos. Peor aún, los han agravado.

Otto Pérez Molina representa los intereses de grupos criminales a quienes benefició con acceso a las estructuras del Estado, permitiendo los hurtos más ignominiosos de la historia reciente. Este personaje vinculado a los militares más tenebrosos, actor directo en masacres y responsable de los desfalcos en el aparato del Estado, debe ser expulsado del cargo de inmediato, y ser llevado ante la justicia. Su presencia como jefe de gobierno es un insulto a la ciudadanía, una burla a la democracia; si continúa como presidente se está institucionalizando la impunidad.

Las elecciones, viciadas por una ley anacrónica que excluye a las mayorías y permite la participación a personas implicadas en ilícitos, no constituyen ningún proceso genuino de democracia, sino son un dispendio, una farsa que pretende engañar a la población con poner su voto en un cartón de lotería.

Luego de debatir en colectivo, de sopesar nuestras decisiones y considerar otras opiniones, nos manifestamos como ABSTENCIONISTAS, desde nuestro rechazo a este sistema que abre más las brechas económicas, deteriora nuestro entorno y pone en riesgo nuestro futuro y el de las generaciones por venir.

Ante las políticas represivas que atacan a quienes defienden sus derechos y favorecen a quienes los violan, nos motiva a declaramos ABSTENCIONISTAS EN REBELDÍA en este evento político que nos pone entre la espada y la pared, sin dejarnos opciones.

NO VOTAREMOS porque no queremos apoyar mecanismos de engaño y dispersión. NO VOTAREMOS porque en la forma en que está constituido el sistema, margina a las mujeres, a la juventud, a los pueblos originarios, a las culturas diversas que habitan estos territorios, por ello volvemos, cuatro años después, a reivindicar nuestra postura de ABSTENCIONISTAS INSUMISAS ante este sistema patriarcal, colonial y neoliberal.

Guatemala puede ser un mejor lugar para vivir, nuestra ubicación geográfica y la riqueza biológica, unidas a la diversidad social, son cualidades que le otorgan a nuestro país un potencial para que todas las personas podamos vivir con dignidad y en armonía. Para ello, hace falta llevar a cabo transformaciones de fondo que impliquen lo personal y lo político, lo económico, lo subjetivo, todas las áreas de la vida.

Las feministas de la Asociación La Cuerda queremos vivir en una Guatemala que garantice condiciones para la vida con dignidad plena para toda la gente, con seguridad integral, acceso a justicia, oportunidades y libertad. Las niñas, las mujeres, la juventud, las personas mayores de todos los pueblos merecen vivir en paz.

Es tiempo que quienes creemos que se puede transformar esta sociedad para convertirla en una justa y libre para todas y todos, nos articulemos, hagamos alianzas y demos pasos concretos para construir la Guatemala donde podamos vivir bien, en armonía y paz.

*ASOCIACIÓN FEMINISTA LA CUERDA*

*Ciudad de Guatemala, 12 de agosto, 2015.*

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