



Monthly Information Pack Guatemala

Number 155 - August 2016

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.

Criminalization Persists: 11 new detentions of community officials in San Pablo

During the "For life and defense of Mam Sipakapense, K'iche' and Mestizo Territory" festival on August 4 in the park of San Marcos, the Te Txe Chman Peoples Assembly and Maya mam ancestral authorities of San Marcos held a press conference to denounce the environment of criminalization and repression in the communities that dates back to 2008, the moment when some communities in this department started to see the presence of mining and hydroelectric companies.¹ At the root of the problems is the action and attitude of the companies seeking to install hydroelectric projects and dams without prior consent of the communities in the zone. In the press conference, they demanded that the Guatemalan State immediately free the ten San Pablo community officials that are being detained for their actions in defending their territory.²

These community leaders have been detained between 14 and 21 months and have been given sentences between 2 and 5 years - although the sentences have not been imposed due to appeals and other open criminal proceedings -. Some of them are community leaders who legitimately oppose the imposition in San Pablo of the Hydro Salá hydroelectric by the business group, FabriGas. *Others have been active as well in the social opposition to the high cost of electricity imposed by Energuate (...) The others the majority, have not even been active in any of social struggles mentioned.*³

On the day of the press conference, the Maya Mam ancestral authority, Oscar Sánchez from San Pablo, was outside of the San Marcos courthouse awaiting the hearing for two of the region's officials detained for their defence for the right to water. He was arbitrarily detained by National Civil Police (PNC)⁴ agents, increasing to eleven, the number of community officials detained in the department of San Marcos.

Molina Theissen Case and legal harassment of human rights defender

The **Molina Theissen** case continues with the new twist this month of the implication of the ex-chief of Staff, Benedicto Lucas García, now involved in the CREOMPAZ case. In addition to crimes of forced disappearance and crimes against humanity, the Public Ministry charges include aggravated sexual assault laid against the four ex-military involved in the case. As a consequence, the retired military official will be the fifth charged in the case in which Francisco Gordillo, Edilberto Letona, Hugu Zaldaña and Manual Callejas y Callejas are accused of crimes against humanity. The last two also are charged with forced disappearance.⁵

At the August 29 hearing, Ms. Idivina Estalinova Hernández Batres, journalist and executive director of the Association for Study and Promotion of Security in Democracy (SEDEM) who has documented cases of transitional justice and accompanied victims of serious human rights violations in which the Army was

¹ Rivera, N., "San Marcos: Autoridades ancestrales exigen libertad de diez presos políticos", Prensa Comunitaria, 4 de Agosto 2016, <https://comunitariapress.wordpress.com/2016/08/04/san-marcos-autoridades-ancestrales-exigen-libertad-de-diez-presos-politicos/>

² Ibidem.

³ Centro de Medios Independientes (CMI), "Los 11 presos políticos de San Marcos que guardan prisión", 8 de Agosto 2016, <https://cmiguate.org/porque-siguen-habiendo-presos-politicos-los-11-de-san-pablo-san-marcos/>

⁴ Prensa Comunitaria, "San Marcos: detienen a otra autoridad ancestral en las afueras de tribuNales", 4 de Agosto 2016, <https://comunitariapress.wordpress.com/2016/08/04/san-marcos-detienen-a-otra-autoridad-ancestral-en-las-afueras-de-tribunales/>

⁵ Orozco, A. y Ramos, J., "Molina Theissen. Suspenden audiencia para vincular a Benedicto Lucas", Prensa Libre, 12 de Agosto 2016, <http://www.prensalibre.com/guatemala/justicia/benedicto-lucas-seria-el-quinto-acusado-en-el-caso-molina-theissen>

involved, *learned that a complaint had been filed against her for alleged death threats by Ms. Jeniffer Rosalinda Zaldaña Mazariego, daughter of General Hugo Zaldaña Rojas, one of the accused.*⁶ She was informed that she was the subject of a restraining order since Ms. Zaldaña Mazariego was under protective measures which prohibits her from approaching that person or even attending the hearing.

Ms. Hernández Batres went to the case management to obtain information about the complaint against her, learning at the same time that a June 16 hearing was held in her absence though she had not been notified in which the accuser was granted protective measures.⁷

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.*⁸

LAND ACCESS PROBLEM

We continued accompaniment of the **Verapaz Union of Campesino Organizations (UVOC)** being present in its offices in Alta Verapaz, making weekly visits in the capital to the office of their attorney, Jorge Luís Morales, and accompanying them at meetings and hearings for the several cases, most notable of which has been the case of Santa Inés.

STRUGGLE AGAINST IMPUNITY

This month we continued our accompaniment of the **Human Rights Law Firm** and its members. We accompanied attorney **Édgar Pérez Archila** in his travels, and we made weekly visits to their office. We also observed the hearings of two cases in process: the case of Rigoberto Juárez with regard to his arrest warrant in the Barillas case and the opening statements in the case against the Kaibil (Elite Military), Santos López Alonzo, implicated in the Dos Erres Massacre carried out during the Internal Armed Conflict. In the second hearing, Judge of Court Major Risk A, Claudette Domínguez, determined that the accused should remain in custody and face justice for the assassination of 200 people (children, women, men, and elderly) who were previously tortured, as well as for having taken a minor from the community to be his son. The juez actions means that the crimes for which López Alonzo will be processed are assassination, crimes against humanity, and suppression and alteration of the civil status of a minor.⁹

We maintained regular phone contact with members of **Association of Chicoyogüito Neighbours.**

NEGATIVE IMPACT ON HUMAN RIGHTS OF GLOBALIZATION

This month we continued to accompany with visits and phone calls the **Peaceful Resistance of La Puya** at the protest camp in the "El Tambor" Mine Derivative Project VII and at the other protest camp in front of the Ministry of Energy and Mines (MEM). On August 4, we accompanied them at a public hearing in the Constitutionality Court (CC) where the mining company presented its appeal to the legal request filed by La Puya and the Guatemalan Centre for Environmental and Social Legal Action (CALAS) before the Supreme Court (CSJ) asking for the suspension of mining activities. During the hearing, the Supreme Court judges heard arguments from the two sides.

On August 11, during a visit to the protest camp at the mine, we observed the work of the MEM verification commission which is responsible for clarifying whether the mine continues to operate counter to what was mandated in the provisional request of the CSJ that ordered the temporary cessation of work.

⁶ Fidh, Movimiento Mundial de los Derechos Humanos, "Guatemala: Hostigamiento judicial en contra de Iduvina Estalinova Hernández Batres", 31 de Agosto de 2016, <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/guatemala-hostigamiento-judicial-en-contra-de-iduvina-estalinova>

⁷ Ibidem

⁸ Further information on accompaniments and the organisations and people we accompany on our website: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

⁹ Ramos, J, "Kaibil en procesamiento por masacre en Dos Erres", Prensa Libre. Guatemala, 21 de agosto de 2016, <http://www.prensalibre.com/guatemala/justicia/militar-es-procesado-por-masacre-en-dos-erres>

On August 13, we accompanied members of the Resistance at the protest camp in front of the Ministry of Energy and Mines where they continue their actions in a peaceful manner. It is worth noting the concern they expressed to us given the lack of police officers to monitor the security of the people there.

With regard to **La Peaceful Resistance of La Laguna**, we maintained regular calls.



In the accompaniment of the **Campesino Central New Day Ch'orti (CCCND)** between August 18 and 20, we were present in the region at several meetings with its members, updating ourselves about their security situation as well as about the progress in their activities. On the 19th, we accompanied a peaceful march organized by several Maya Ch'orti communities in the zone held in Olopa with the participation of 500 people. The aim of the march was: to claim Maya Ch'orti identity, reaffirm their position against mining, and celebrate the start of the registration as an indigenous communities.

Other work this month included accompaniment of representatives from the Community Development Council (COCODE) in the region at actions in front of the Public Ministry in the capital. The motivation for the actions was the concern over increased harassment by municipal authorities who negatively view their defence of human rights.

As part of accompaniment for **Ecumenical and Social Coordinator in Defense of Life in Zacapa and Chiquimula**, we continued making regular visits to the zone and meeting with its members. On August 24, we met with **Reverend José Pilar Álvarez**, who had contacted us to express concern over the removal of protective measures for him on August 19. The cancellation of the measures leaves the Reverend more vulnerable and in a situation of high risk in his defence of human rights.

We continue accompaniment of the **Cunén Communities Council (CCC)** through visits in the region and weekly phone calls. On August 12, we met with two of its members in Cunén.

With regard to the **K'iche' Peoples Council (CPK)**, this month we were in the region holding several meetings with its members and accompanying and observing their different activities. The security situation for its leader, **Aura Lolita Chávez**, continues to be precarious since due to her work defending life and territory, she has been the target of serious threats and defamation. On August 22, we accompanied Council members at a peaceful demonstration in front of Government of Santa Cruz del Quiché where, in addition to claiming Quiché identity, they expressed their opposition and concern over the uncontrolled cutting of trees by logging companies. The same day, we accompanied them to a mediation meeting at the National Forest Institute (INAB) where several local actors involved in the logging of the region were gathered.

3. INTERNATIONAL OBSERVATION

PBI provides international observation of some public events where Guatemalan social organizations require it to demonstrate international attention and interest and to be able to communicate what we observe outside of the country.

August 19-20, we were present at opening statements by Benedicto Lucas García in the **Molina Theissen** case. The Molina Theissen family seeks justice in the forced disappearance of Marco Antonio Theissen and for the illegal detention, torture, and sexual assault suffered by his sister, Emma Guadalupe, at the hands of the Guatemalan army in 1981. Because of the relevance and high impact of this case, we continue to attend the hearings.



On August 15, the home of the attorney for the International Commission of Jurists, **Ramón Cadena**, was raided illegally. The attorney is an expert witness in the Barillas case and a proposed expert witness by the MP in the Creompaz case, a case that is in current proceedings against 10 army high commanders accused of crimes against humanity. As a result of the situation, we have been accompanying Ramón Cadena and his family in some travel and have placed international presence at his home.

4. POLITICAL ACCOMPANIMENT

Meetings and other contact with the diplomatic bodies, international organisations and Guatemalan authorities

Meetings with national and international authorities are an important way for PBI to make known what we do and what our objectives are. Through these meetings, where necessary and in a reserved manner, we share our concerns about worrying situations that we have witnessed first-hand from the work we do in the field.

As part of interaction with the diplomatic corps and international organizations, this month we met with the **Ambassador for Colombia**, Carlos Pulido Collazos.

At the national level, we met with: Mario Minera, **Director of Conflict Mediation for the Human Rights Ombudsman (PDH)**; Nery Ramos, **Director of the PNC**; Victor Hugo Godoy, **Presidential Commissioner for the Presidential Coordinating Commission of Executive Human Rights Policy (COPREDEH)**; Erick Cárdenas, **Director of the Office for Analysis of Attacks Against Human Rights Defenders of the Ministry of the Interior**; Oscar Perdomo, **Advisor for the Ministry of Environment and Natural Resources** Sydney Samuels.

At the departmental level, we held meetings with: Clemente de León, **Governor of Quiché**; Francisco Pérez, **Mayor of Santa Cruz del Quiché**; Guadalupe Hernández, **Mayor of Cunén**; Manuel Castillo, **Chief of Quiché Sub-region for INAB**; Yesenia Sandoval, **PDH Station Chief in Chiquimula**; Brenda Ramos, **PDH Station Chief in Zacapa**; Cirse Córdón, **Departmental Delegate in Zacapa for the Ministry of Environment and Natural Resources (MARN)**; Oliver Guzman, **Chief of Zacapa Sub-region for INAB**.

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.

This month we held meetings with: **the Unit for Protection of Human Defenders in Guatemala (UDEFEQUA)**; **the Human Rights Office of the Archbishop of Guatemala**; **International Protection (PI)**; **the Guatemalan Human Rights Commission**; **the Madre Selva Collective**; **the Coordination of International Accompaniment in Guatemala (ACOGUATE)**.

5. ACTIVITIES OF PBI GUATEMALA OUTSIDE OF 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.

With the summer season in August, we did not hold meetings outside of Guatemala. This activity will resume 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.

Asamblea de Pueblos Te Txe Chman, San Marcos

COMUNICADO A LA COMUNIDAD NACIONAL E INTERNACIONAL

Por la Vida y la Defensa del Territorio Mam, Sipakapense, K'iche' y Mestizo.

Denunciamos la incursión de empresas nacionales y transnacionales en proyectos de explotación de bienes naturales en territorios mayas, sin contar con el aval ni la aceptación de los pueblos originarios, tampoco de la demás población local.

Estos proyectos han generado conflictividad social, rompimiento del tejido social, criminalización de liderazgos, violencia y asesinatos. Su imposición es una clara violación al marco legal nacional e internacional, por ejemplo, incumplimiento de consultas a pueblos indígenas potencialmente afectados. En varias ocasiones, la población del municipio de San Pablo, San Marcos informó a sus autoridades, previo a la realización de asambleas comunitarias, su no consentimiento para la construcción de diferentes proyectos hidroeléctricos – “HidroSalá”, “Tres Ríos”, “Proyecto Negro” y “El Porvenir” – Aun así Instituciones estatales autorizaron proyectos de explotación de bienes naturales, en una clara violación a las disposiciones legales del Convenio 169.

Denunciamos la criminalización que estamos sufriendo como pueblos originarios en resistencia en defensa de los derechos humanos, en especial a la consulta, las libertades de asociación, de organización, de reunión y de manifestación. En abierta violación a las mencionadas libertades y derechos humanos fundamentales, se ha criminalizado a las autoridades comunitarias, que son nombradas y designadas en asambleas, con el mandato de representar las opiniones y decisiones comunitarias.

Exigimos que nuestras estructuras comunales y nuestras autoridades sean reconocidas y rechazamos el calificativo de "estructuras criminales" por tener una opinión diferente hacia los proyectos de explotación de bienes naturales.

Denunciamos que actualmente una mujer y nueve hombres, líderes, lideresas y autoridades comunitarias: María Maribel Díaz Gómez, Heriberto Evelio Santos López, Nery Edilmar Santos López, Simeón Mauricio Guzmán, Marco Tulio Pérez Pablo, Bruno Emilio Solís Pérez, Lorenzo Ramírez Rodríguez, Plutarco Irineo Clemente Pérez, Alfonso Chilel Hernández, Fausto Sánchez Roblero del municipio de San Pablo, departamento de San Marcos han sido privados de su libertad, están siendo judicializados y criminalizadas en el marco de conflictos sociales generados por proyectos de energía eléctrica que actúan sin respetar los resultados de las asambleas comunitarias, ni consultar las opiniones de la población y sobre los efectos que ha tenido la privatización de los servicios de electricidad en el país.

Rechazamos rotundamente que se encarcelen a personas con opiniones diferentes a las de actores de poder económico y se continúe con la política de criminalización contra líderes y lideresas, emitiendo órdenes de captura contra líderes y lideresas comunitarios y defensores de Derechos Humanos. Entre los presos políticos se encuentran autoridades ancestrales, autoridades comunitarias y personas miembros de la comunidad, padres y madre de familia, separados injustamente de sus familias. La mayoría de los presos políticos llevan 600 días en la cárcel, entre ellos un anciano con 75 años de edad, con severos efectos de salud en sus ojos, que debe ser tratado clínicamente y la compañera que es madre soltera. Seis de los diez presos políticos ya

fueron condenados a prisión inmutable por 2 a 4 años, de manera injusta se definió que sean sentencias inmutables; a la vez, los querellantes adhesivos hacen uso excesivo de recursos legales para atrasar que la sentencia quede firme, y los presos están privados de libertad por mayor tiempo. Ambos motivos impiden que los presos políticos salgan de las cárceles sobre pobladas. Otras causas penales siguen su curso en primera instancia, y en otras las resoluciones de primera instancia están siendo impugnadas por los querellantes adhesivos, alargando de esta manera artificialmente los juicios, incumpliendo el principio de celeridad, lealtad procesal, derecho de defensa, objetividad, etc. Uno de los procesos en contra Fausto Sánchez Roblero autoridad ancestral del Consejo Maya- Mam y Alfonso Chilel Hernández, líder comunitario, se encuentra en la etapa de debate.

Por ello exigimos que el juicio se lleve a cabo con estricto apego a la verdad de los hechos y la ley en materia de derechos colectivos y convenios internacionales, esperando que sean declarados inocentes en todos los puntos de la acusación y puestos en libertad inmediata, al concluirse este proceso caracterizado por la falta de pruebas, contradicciones de testigos de acusación, la incorporación de documentos sin carácter científico ni oficial, entre otras falencias más.

A la vez, les damos una calurosa bienvenida a los siete presos políticos del Norte de Huehuetenango, quienes igualmente fueron víctimas por el injusto encarcelamiento de uno a tres años, sin que se contara con prueba idónea, objetiva, pertinente y recabada en forma lícita. Esperamos una reparación digna, en las dimensiones económicas, políticas y sociales.

A la vez, esperamos que el Estado cumpla con su obligación de consultar a poblaciones locales sobre proyectos de explotación de bienes naturales que implican licencias y autorizaciones del Estado. Esperamos que el Organismo Judicial y el Ministerio Público encuentren los mecanismos idóneos para evitar la criminalización de autoridades comunitarias, a la vez proceder a las sanciones administrativas, penales y civiles en contra de funcionarios que según indicios, actúan al margen de la ley.

¡EXIGIMOS LIBERTAD YA PARA LOS 10 PRESXS POLÍTICOS DE SAN PABLO, SAN MARCOS!

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All photos are from PBI

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