



## Monthly Information Package Guatemala Number 164 - May 2017

### 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.*

#### **Constitutional Court revokes suspension of Oxec I and Oxec II hydroelectric dams**

On February 17 the Constitutional Court (CC) ordered to suspend the construction of Oxec I and Oxec II hydroelectric projects due to incompliance with Convention 169 of the International Labour Organisation (ILO) which establishes the right of indigenous peoples to be consulted on projects that affect them. However, about a month later on the night of May 26, the CC revoked this judgement allowing the hydroelectric projects to continue their operations on the Cahaba River for a year, with possible extensions, while the Ministry of Energy and Mines (MEM) organizes necessary consultations. In addition said extension could be extended in the case that a consultation is not carried out for motives attributed to indigenous peoples.<sup>1</sup> This resolution increases the levels of tension that this project has provoked both in communities in the area as well as in the legal and media spheres.

After the CC's first decision that suspended the project, the company announced their intention of filing a complaint against the State of Guatemala before international entities for "indirect expropriation" if the suspension was not handed down in their favor.<sup>2</sup> Simultaneously, a powerful media campaign developed with support from the Foundation for Development in Guatemala (FUNDESA), which included numerous paid advertisements published in national newspapers where they denounced social organizations who filed the injunction that resulted in the initial CC's decision to suspend the project.<sup>3</sup> In this process union member Bernardo Caal and ecologic collective MadreSelva were mentioned. In fact since March there has been an arrest warrant out for Bernardo Caal which is based on alleged fraud to the State. Prensa Comunitaria considers this arrest warrant a clear example of criminalization and points out that *transnational companies take advantage of this process to delegitimize and harm those who defend the Cahaba River.*<sup>4</sup>

It stands out that FUNDESA was the first to make known the CC's resolution on May 26, several hours before the CC itself made the decision public.<sup>5</sup> FUNDESA's satisfaction to the decision to revoke the suspension clashes with the tremendous disappointment expressed by indigenous and community organizations. The Council of Maya Peoples (CPO) published a statement denouncing this resolution considering it a matter of power and domination fruit of the pressure from the *criminal oligarchic and pro-oligarchic business sector.*<sup>6</sup>

All of the described situation can be framed in a controversial process that is happening in Guatemala: the attempt to regulate indigenous peoples consultations included in ILO Convention 169 which was approved in 1989 and ratified by Guatemala in 1996. Since the State has never legislated clear protocols for consultations included in this convention, many communities have conducted their own consultations, which have always been considered non-binding by the CC.<sup>7</sup> Hence, the CC sustains its latest resolution in favor of Oxec in the alleged need for consultations, recognized under Guatemala law, before making a final decision on the future of the project. The CPO considers this justifications a gross maneuver and an aggression to the intelligence and capacities of the Mayan peoples.<sup>8</sup>

<sup>1</sup> Herrera, O., [CC: Hidroeléctricas Oxec pueden seguir sus operaciones](#), El Periódico. Guatemala, 05/27/2017.

<sup>2</sup> Gamarro, U., [Hidroeléctrica Oxec analiza denuncia contra el Estado](#), Prensa Libre. Guatemala, 04/28/2017.

<sup>3</sup> Solano, L., [CC cede a presiones: resuelve a favor del proyecto Oxec](#), Centro de Medios Independientes (CMI). Guatemala, 05/27/2017.

<sup>4</sup> Redacción Radio Kamolbe, [San Pedro Carchá y Cobán amanecen con panfletos contra Bernardo Caal](#), Prensa Comunitaria. Guatemala, -04/01/2017.

<sup>5</sup> Solano, L., Op. Cit.

<sup>6</sup> Comunicado del CPO, "Salvaguardar la inversión es la justificación de la agresión y despojo a los pueblos", Guatemala, 05/27/2017.

<sup>7</sup> Villatoro García, D., [¿Quién le teme a las consultas comunitarias?](#), Plaza Pública. Guatemala, 05/28/2017

<sup>8</sup> CPO press release, Op. Cit.

In communities there is a strong mistrust of the efforts to regulate consultations as there is fear that the process will be indefinitely manipulated to absolve authorities of their obligation to recognize the wishes and needs of indigenous peoples. They suspect that such regulations will not take into account the community perspective and their forms of organizing and making decisions. In 2011 during the Álvaro Colom administration the first attempt to regulate consultations took place and it was widely rejected by indigenous communities and organizations. James Anaya the United Nations Rapporteur on the Rights of Indigenous Peoples at the time stated *the project (of regulating) would not comply with international standards if it was not subject to an adequate process of prior consultation with indigenous peoples.*<sup>9</sup>

### **Delays in the process to appoint a Human Rights Ombudsperson**

The process to evaluate 31 candidates to head the Human Rights Ombudsman (PDH) who presented their applications in April have continued this month. However the final selection slated for the end of May has been delayed due to numerous complications and questioning of the process itself. Several organizations, among them the Pro Justice Movement, criticized the deadlines set to present impediments of candidates stating that they were not adequate to facilitate significant participation. At the end of the month, the Office of Public Prosecutions (MP) revealed that 8 of the 31 candidates had current proceedings against them. The candidates were given one week to present rebuttal evidence and these were analyzed by the Congress' Human Rights Commission. None-the-less, there are reports of internal disputes within this Commission, it remains to be seen whether the process will continue to be delayed.<sup>10</sup>

## **2. ACCOMPANIMENTS**

*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>11</sup>

### **STRUGGLE AGAINST IMPUNITY**

This month we continued weekly visits to the **Human Rights Law Firm (BDH)** and we accompanied lawyers to the opening hearing in the murder case of human rights activist and feminist Patricia Samayoa, who was killed by private security guard in 2014. The case involves the legal representative of the private security company whose employee shot the activist. We also accompanied BDH members in the Dos Erres Massacre case trail against Santos López Alonzo, former Kaibil (special forces of the Guatemalan Army). He was sent to trial last April for his participation in the massacre of more than 200 inhabitants in Las Dos Erres, Petén which took place in December 1982. He is also charged with suppression of civil status for having taken a child out of the community and changing the child's identity.

We were also in periodic contact with the **Neighborhood Association of Chicoyogüito (AVECHAV)** to be up to date on their security situation while the assessment process in the CREOMPAZ case continues, of which they are joint complainants.

### **ACCESS TO LAND**

This month we closely followed the security situation of the **Union of Campesino Organisations of Verapaz (UVOC)** community members which continues to be worrisome. The hearing scheduled for May 3 in the criminalization case of members of the Santa Inés (Santa Cruz, Alta Verapaz) community was suspended and rescheduled for June 8. Even though a round table has existed for 17 years, several people were detained and accused of aggravated usurpation during an eviction in January. We also accompanied UVOC during visits from representatives of European Embassies and the UN's Office of the High Commissioner for Human Rights (OHCHR) to their offices in Santa Cruz.

<sup>9</sup> Villatoro García, D., Op. Cit.

<sup>10</sup> Gramajo, J., *Revelan procesos contra ocho aspirantes a PDH*, Prensa Libre. Guatemala, 06/01/2017.

<sup>11</sup> For general information about the organizations and people we accompany see our website: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

Also, the situation of communities Seamay and Nueva Sebox (Senahú, Alta Verapaz) continues to be of concern as death threats and aggressions have continued.

There have also been firearm attacks against UVOC community members. After the destruction of their lands and harvests last month, they continue to live in highly vulnerable conditions due to lack of access to food and basic goods for survival. In this context we must remember that in October of last year Dominga Caal Col of Nueva Sebox was injured by gun fire. To date those responsible for this attack have not yet been identified. Attacks continue despite the active dialogue round table with the Secretariat for Agrarian Affairs (SAA).



To this we must add the strong concern of possible criminalization of two community members who form part of UVOC in the La Primavera (San Cristóbal, Alta Verapaz) community which takes place in the context of economic interests present in the community.

### NEGATIVE IMPACT OF GLOBALISATION ON HUMAN RIGHTS

This month we made one visit to the **Peaceful Resistance of La Puya** protest camp at the entrance to the Progreso VII Derivada mine. On May 31 the CC suspended the mine's activities confirming the Supreme Court of Justice's (CSJ) decision from last year which resolved a temporary injunction in favor of the Resistance. The CC's decision is based on the fact that MEM did not carry out prior, free and informed consultation of the communities who could be affected by mining activities in violation to ILO Convention 169.



We also visited the **Peaceful Resistance of the Laguna**.

We continue to follow the situation of members of the **Ecumenical and Pastoral Coordinator in Defense of Life in Zacapa and Chiquimula (Coordinadora)**, particularly in relation to criminalization, megaprojects, organized crime, impunity, unregulated logging, and discrimination against women.

Likewise, this month we followed the situation of the **Council of K'iche' Peoples (CPK)**. At the end of May we accompanied its members to one of its meetings. A few days later in a press conference, CPK members denounced unregulated logging of forests in Quiché, calling on authorities to halt deforestation in the region.



We are closely following the worrisome, risk situation of members of the **Campesino Central Coordinator New Day' Chortí (CCCND)** which is attributed to the high levels of conflict around the presence of hydroelectric and mining companies in the area. We are particularly concerned about the constant intimidation, harassment and attempts to co-opt the CCCND. All of this takes place in a context where



companies intend to develop antimony mine activities in the municipality of Olopa.

Similarly, this month we have followed the situation of community members of Matasano who have faced death threats. We accompanied two people from the community to the Office of Public Prosecutions (MP) in Chiquimula to follow-up on a complaint filed against a person who attacked one of them with a machete.

The situation in the El Rodeo community characterized by high tensions continues to be worrisome for CCCND members and family members who live in this community who have been targets of numerous attacks and threats for several months.

CCCND members to a water ritual in the Tuticopote Lagoon in the municipality of Olopa carried out by ancestral authorities from nearby communities.

### 3. INTERNATIONAL OBSERVATION

*PBI Guatemala is present in international public events when requested to do so by Guatemalan social organisations, in order to show international attention and interest and in order to report internationally on what we observe.*

This month we observed a ceremony, conducted by the **Network of Ancestral Healers**, commemorating the lives of the 41 girls killed in the Virgen of Asuncion "Safe" House.

On May 10 we observed a press conference to commemorate the fourth **anniversary of the genocide case judgement** and to present an allegation of prevaricate against the CC judges who in May 2013 suspended said judgement.

For the **International Day Against Homophobia, Transphobia and Biphobia** celebrated on May 17, we observed a press conference and a march against proposed legislation to penalize abortion, ban gay marriage and spread hate speech against LGTBI people.



We also visited the **Historical Archive of the National Police**.

Friday May 26 we observed a **press conference held by several women's organizations** in the Central Park (see press release below in section 6). The defenders of territory, body-land and the mothers of the girls killed in the fire of the "Safe" House demanded justice for their daughters. They were joined by Nora Cortiñas, co-founder of the Mothers of the Plaza de Mayo and Claudia Korol, member of the Popular Education Team *Pañuelos en Rebeldía*, both from Argentina.

## 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 our interlocution work with the diplomatic corps and international organisms this month we met with:

- Vanesa Álvarez and William Bolainez, Human Rights Officers at **OHCHR**.
- Rain Bian and Mike Sykes, Political Affairs and Human Rights Officers at the **United States Embassy**.

At the national and regional level we met with the following authorities:

- Virgilio Ichich Chen, National Civil Police (**PNC**) agent **Senahú, Alta Verapaz**.
- Rodas Recinos, deputy commissioner of the **PNC Chiquimula**.
- Mario Minera, Director of Conflict Mediation of the **PDH, Guatemala City**.
- Oficial Zúñiga Rodríguez, Head of the **PNC San Pedro Ayampuc, Guatemala**.
- Comisario García Alvarado, Head of the **Comisaría 11 of the PNC, Guatemala City**.
- Flavio Ruiz, assistant to the **PDH Quiché**.
- Yesenia Sandoval, assistant to the **PDH Chiquimula**.
- Estela Ventura, **Governor of Alta Verapaz**.

## 5. OTHER PBI GUATEMALA ACTIVITIES IN GUATEMALA

On May 26 through 28, we celebrated the **10<sup>th</sup> Meeting of Female Defenders of Territory, Body-Land** in Antigua. Nora Cortiñas, co-founder of the Mothers of the Plaza de Mayo and Claudia Korol, member of the Popular Education Team *Pañuelos en Rebeldía*, both from Argentina attended the meetings as well as some of the mothers of the 43 girls killed in the fire of state-run safe house. A total of 30 female defenders exchanged experiences on different struggles they face. On this occasion much time was dedicated to maternity, to the strength and resources that mothers have when they decide to take to the streets to defend their rights. Nora Cortiñas shared the experience of her efforts to shed light on the disappearance of her son, one of the 30,000 disappeared during the dictator in Argentina. Claudia Korol also shared actions taken in Argentina on behalf of the 43 girls from the “Safe” House fire. The voices of other defenders were also heard creating a space of self-care and deeply healing self-awareness.

## 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.*

### COMUNICADO DE PRENSA

Acuerpamiento feminista comunitario en Abya Yala, por las niñas y las defensoras de territorio cuerpo tierra. Convocadas este 9 Noj en el calendario maya desde Iximulew-Guatemala, nos acuerpamos hermanas provenientes de las luchas históricas de las Madres de la Plaza de Mayo y Pañuelos en Rebeldía en Argentina, con madres y familiares de la Plaza de las niñas del 8 de marzo, quienes fueron calcinadas por el estado femicida guatemalteco.

Nos acuerpamos hermanas en territorios ancestrales que actualmente estamos en situación de riesgo político en la defensa de nuestros cuerpos y la tierra y junto a hermanas feministas autónomas diversas, artistas urbanas, caminantas de la tierra, comadronas y estudiantes, nos hemos enrabiado e indignado y a partir del 8 de marzo hemos estado denunciando al estado guatemalteco y estamos aportando a interpelar al imaginario social, por la violencia sexual, el femicidio, la criminalización y judicialización que vivimos las mujeres desde la plaza, hasta las camas.

Hemos aportado a la creación permanente del espacio simbólico ceremonial en la Plaza de la Constitución, para no perder la memoria de la indignación, la demanda de justicia y para expresar nuestra ternura espiritual, feminista y territorial comunitaria a las madres y familias que viven este duelo político. Esto ha conllevado vivir violencia, acoso policial, militar, vigilancia, estigmatización y desacreditación, sin embargo han sido 80 días que aquí hemos estado demandando públicamente porque el estado guatemalteco no ha asumido su plena responsabilidad del femicidio de las 43 niñas del Hogar “seguro” Nuestra Virgen de la Asunción, de las 16 niñas en situación de sobrevivientes y de las y los 90 niños que aún se encuentran desaparecidos en el contexto del incendio.

**Denunciamos que al día de hoy;** No hay información confiable del paradero de al menos 160 adolescentes que fueron reubicadas en otros hogares privados o públicos. Otras tuvieron que regresar a sus comunidades o familias, lugares donde habían tenido que huir porque vivían peligro y violencias. Este escenario es el caso de una de las niñas sobrevivientes del incendio que murió por heridas de arma de fuego en Villanueva en el mes de abril.

El “Hogar Seguro” tenía capacidad para 400 personas y ahí vivían 717 niñas. El hacinamiento, la violencia sexual, el hambre, la falta de políticas para resguardo de sus vidas y la condena social fueron agravantes también. Todavía hay más de sesenta niñas que no aparecen. Hay 46 alertas Alba-Kenneth activada por las niñas y adolescentes desaparecidas de ese hogar. Hay varias de estas niñas en situación de gestación por violencia sexual a lo interno del lugar.

Denunciamos la criminalización de las familias de las niñas y la persecución y el acoso policial y hostigamiento en el espacio simbólico ceremonial de la Plaza, de las que hemos acompañado el duelo permanentemente, por ser mujeres con identidades plurales.

**Demandamos al estado guatemalteco:**

Agilizar los mecanismos de investigación de la situación actual de las niñas para que el caso no quede solo como un caso penal, sino que sienta precedente para la no repetición.

Luego que la semana pasada se llevara a cabo la audiencia de anticipo de prueba por el caso Hogar Seguro, se hace necesario que se garantice el resguardo de la vida de las niñas sobrevivientes y de las 9 menores que han testificado.

Aunque la audiencia fue declarada bajo reserva, es necesaria la información pertinente con los mecanismos de resguardo para las familiares, porque en varios casos se desconoce o no se comprende el proceso.

Que agilice mecanismos de resarcimiento integral de las familias, tanto en la dimensión psicológica, así como en lo económico porque se encuentran en situación de empobrecimiento, dadas las deudas adquiridas por los sepelios.

Que se asuma con prontitud políticas integrales por parte de la la Secretaría de Bienestar Social, PDH, la Defensoría de la Niñez, el Consejo Nacional de Adopciones, Consejo Nacional para la juventud, para la niñez y adolescencia en Guatemala.

Nos acuerpamos como una acción política que de lo personal pasa a la comunidad, como un acto amoroso entre mujeres plurales ante las indignaciones que vivimos en diferentes territorios en Abya Yala, a partir de las múltiples opresiones patriarcales, coloniales, racistas y capitalistas neoliberales que vivimos, para seguir demandando justicia y porque reivindicamos que nos han quitado todo, hasta el miedo, por eso reivindicamos la alegría sin perder la indignación.

¡43 niñas nos faltan en Guatemala y el Mundo!!

¡NI UNA MENOS, VIVAS Y LIBRES NOS QUEREMOS!

¡Demandamos Justicia por las niñas de Guatemala, porque así es, así sea y así será!!

Red de Sanadoras Ancestrales del Feminismo Comunitario desde Iximulew-Guatemala

Defensoras de Bienes Naturales de territorios en situación de riesgo político  
Cármén Urias y familiares de la Plaza de las niñas-Guatemala  
Nora Cortiñas - Madre de Plaza de Mayo Línea Fundadora, Argentina  
Pañuelos en Rebeldía - Argentina  
Ni Una Menos - Argentina  
Ni Una Menos - Costa Rica  
Guanared - Costa Rica  
Jaurias Comunicación Feminista - Costa Rica  
CIEM-Occidente - Costa Rica  
Comunicadoras Comunitarias  
Feministas Autónomas  
Abuelas del Movimiento Nacional de Comadronas Nim Alaxiq Mayab  
Mujeres por la Verdad y la Justicia Mujemaya- K'iché  
Mujeres en Resistencia de su territorio del Estor Izabal

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