

Monthly Information Pack from Guatemala

Number 130 – July 2014

1. 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.

Debate about the arrival of minors from Central America in the United States

During the month of July, the issue of migrants from Central America travelling to the United States, and in particular the arrival of non-accompanied minors, has been debated in Guatemala.

According to U.S. government statistics, 57 thousand unaccompanied minors without documents have arrived there since October 2013, the majority of them originating from El Salvador, Honduras and Guatemala.¹

On the 8th of July the United States Secretary of Homeland Security, Jeh Johnson, arrived in Guatemala accompanied by the Counsellor to the Secretary of State, Thomas Shannon, and the commander of U.S. Southern Command, John Kelly, to discuss the issue of children travelling unaccompanied to the United States.² Among other events a conference was organized in which the Interior Minister, Mauricio López Bonilla and the Foreign Affairs Minister, Fernando Carrera and the Mexican Secretary of State, Miguel Ángel Osorio, participated.³ What was clear in the different meetings was that the United States would continue to deport anyone who came into the country without documents, including minors.⁴

Human Rights organizations have criticized the conditions of the shelters where the minors have to stay in the United States while they are waiting to be deported. These centres are often saturated beyond their capacity and there have been various reports of abuses against children by the authorities. Furthermore, the minors on many occasions do not have access to a lawyer.5

In an attempt to reduce migration towards the United States, the legal department of security and justice presented a proposal to reform the Migration Law in which it categorizes the illegal trafficking of Guatemalans with sentences of 12 years in prison. The modifications of the law also look to give more tools to the Public Ministry to investigate and take to court persons identified as "coyotes": those who coordinate and facilitate the migration of other nationals who do not carry papers, to other countries. However, various organizations have criticized the proposal that focuses only on the changes in the Migration Law instead of promoting an integral reform to facilitate better social and economic conditions so that Guatemalans do not want to try to emigrate in search of better opportunities. Furthermore⁶, the Ministry of Interior has already contracted a service for migratory control. The contracted Company will install a system to control the influx of migrants towards national territory. It will consist of a multi -biometric security system (security scans of passports and

- 1 ABC, 9.07.2014.
 - $\underline{\text{http://www.abc.com.py/internacionales/eeuu-mantendra-deportacion-de-ninos-migrantes-de-centroamerica}. 1264394. \underline{\text{http://www.abc.com.py/internacionales/eeuu-mantendra-deportacion-de-ninos-migrantes-de-centroamerica}. 1264394. \underline{\text{http://www.abc.com.py/internacionales/eeuu-mantendra-de-oeuu-mantend$
- 2 El Periódico, 15.07.2014, http://www.elperiodico.com.gt/es/20140715/pais/250843/
- 3 ABC, 9.07.2014,
 - http://www.abc.com.py/internacionales/eeuu-mantendra-deportacion-de-ninos-migrantes-de-centroamerica-1264394.html
- 4 El Periódico, 15.07.2014, http://www.elperiodico.com.gt/es/20140715/pais/250843/
- Cerigua, 14.07.2014, http://cerigua.org/1520/index.php? option=com content&view=article&id=19047:oea-y-representantes-de-la-region-abordaran-problematica-de-ninos-migrantes&catid= 42:migrantes&Itemid=10
- El Periódico, 15.07.2014

digital photographs to recognize facial features) combined with biometric techniques of finger prints.⁷

The permanent council of the Organization of American States published a declaration in favour of migrant children, in which it asks that the children's protection be guaranteed, in their own countries as well as the countries of transit. The Council emphasized that the phenomenon of the migration of minors should be tackled from an integral perspective which includes all the countries involved ,as well as economic and social politics. It asked that the countries of origin guarantee the security and respect the human rights of their citizens, to avoid migration; it also asked that these countries focus their migratory policies on the well-being and respect of the human rights of non-accompanied migrant children.⁸

The United Nations High Commissioner for Human Rights and the Human Rights Ombudsman also carried out a forum about the issue of migrant children.

The Ombudsman's representative affirmed that the state had not met its commitments to guarantee the fundamental liberties and rights of children and the families, for which "there are no conditions which permit that you could have a better life in Guatemala". Alberto Brunori, representative of the OACNUDH in Guatemala, expressed his preoccupation before the recent decision in the Texas, United States, to raise the number of state agents assigned to patrol the southern border, as an attempt to stop the illegal migration, instead of saving lives of the people that arrive in the country in search of a better quality of life.⁹

In search of justice for the crimes of the armed conflict: testimonies of the massacre of Panzos presented

The 22nd of July, Juan Maquín Caal, survivor of the massacre committed in Panzós in 1978, presented his testimony as preliminary evidence in the tribunal of high risk A in Guatemala City. At the same time, he explained how his mother Adelina Caal (known as, Mamá Maquín) had died on the 29th of May,1978, from shots fired by soldiers. ¹⁰

That day, more than 160 people were murdered. Juan Maquín Caal told how the victims, mostly from the communities Sebcoch and Cahaboncito, arrived for a meeting arranged by the then mayor, Wálter Overdick García, to discuss the legislation of land in favour of the communities. However on arriving at the meeting the mayor refused to meet with them which is when they began to hear shots being fired.¹¹

According to investigations by the attorney, the owners of the land and the military in charge of the zone planned to carry out the attack because the communities' demand for the property could have presented a risk to land owners in the area. The massacre of Panzós is considered as the first large massacre carried out by the army in Guatemala. The military justified the killing by stating that Mamá Maquin had provoked them and that the community members were carrying machetes and intended to act in a violent manner. ¹² The day after seeing his mother shot dead, Juan Maquín Caal escaped to the nearby mountains where he hid for four years. ¹³

Juan Maquín Caal named the military sergeant Heriberto Valdez Asij as responsible for shooting many of the injured who lay in agony, including his mother. Valdez Asij is also linked to the process for the case of Sepur Zarco beween Izabal and Alta Verapaz, in which 15 women reported that for 6 months (between 1982 and 1983), they were kept as sex slaves by the soldiers.¹⁴

- 7 El Periódico, 25.07.2014, http://www.elperiodico.com.gt/es/20140725/pais/251446/
- 8 Cerigua, 24.07.2014, http://cerigua.org/1520/index.php?
 option=com content&view=article&id=19172:oea-emite-declaracion-a-favor-de-ninos-y-ninas-migrantes-&catid=42:migrantes&Itemid=10
- 9 Prensa Libre, 28.07.2014, http://www.prensalibre.com/noticias/migrantes/PDH-Jorge De Leon-hara-recorrido-conocer-drama-migrantes 0 1183081774.html
 10 El Periódico, 22.07.2014, http://www.elperiodico.com.gt/es/20140722/pais/251249/
- 11 Prensa Libre, 22.07.2014, http://www.prensalibre.com/noticias/justicia/masacre-Panzos-testimonios-Ejercito 0 1178882173.html
- 12 El Periódico, 22.07.2014, http://www.elperiodico.com.gt/es/20140722/pais/251249/
- 13 Prensa Libre, 22.07.2014, http://www.prensalibre.com/noticias/justicia/masacre-Panzos-testimonios-Ejercito 0 1178882173.html
- 14 El Periódico, 22.07.2014, http://www.elperiodico.com.gt/es/20140722/pais/251249/

Guatemala has not progressed in the index of Human Development

At the end of July 2014, the United Nations Development Program (PNUD) presented a report about the Human Development Index (IDH). The report included statistics about 187 nations, in which Guatemala occupied the 125th place, with the score of 0.63 above 1, the same level as last year.

According to the report, the Guatemalan population has a life expectancy of 72 years, which represents the worst index in Central America. With respect to gender inequality, the report indicates that the women have a disadvantage of 0.52 points in comparison to the men.

The factors that were evaluated in this report were the opportunities that are available in term of health and education as well as the quality of life of people in the country.¹⁵

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. ¹⁶

During July we have continued to accompany the Central Campesina Ch'ortí 'New Day' (CCCND). On July 19 accompany members of the organization to Gujor, Camotán (Chiquimula), where they participated in a community meeting at which



explained, among other topics. On day 28 we observed the protest of some communities of Ch'ortí ' in front of the municipality of Jocotán, because of the lack of recognition as indigenous communities they are encountering. Through this action, communities reached an agreement whereby next week the City Council will be given the certification of community recognition as an indigenous community. We ended the month once again accompanying the organization in a community meeting, this time in Ingenio, Jocotán; among the topics discussed concerns about the construction of hydroelectric projects in the region and its process were highlighted as an indigenous community. CCCND members continue to express their concerns about the increasing intimidation, slander and threats against them and against some community leaders that they accompany.

Observation Ch'ortí demonstration communities' in Jocotán (Chiquimula), 28/07/2014. Photo: PBI 2014

We have maintained regular contact and meetings with members of the **Verapaz Union of Campesino Organizations (UVOC)**. There are still grave concerns amongst the organization's members regarding intimidation and constant threats which they suffer. Later on this month we accompanied members of the organization to a meeting with Secretary of Agrarian Affairs (SAA) following the issue of access to land in the communities of La Primavera, Nueva Seamay, Santa Inés, Tres Cruces and San Miguelito . We also maintained a presence in UVOC headquarters in Santa Cruz.

This month, we continued weekly contact by phone with the **Council of K'iche' Peoples (CPK)**. On July 26, we accompanied the organization at their monthly meeting.

¹⁵ El Periódico, 25.07.2014, http://www.elperiodico.com.gt/es/20140725/pais/251453/?tpl=77719

General information about accompaniment of organisations and individuals can be found on our website: http://www.pbi-guatemal.org/field-projects/pbi-guatemala/who-we-accompany/

In July we visited the Peaceful Resistance La Puya seven times, while maintaining the regularity of international presence, the police were still in the Plantón and the situation remains tense.

Mid-month we observed the procession of several church organizations and civil society going from the capital to the camp in solidarity with the resistance.

On the 31st we maintained a presence in the camp due to increased tensions between the police and members of the resistance. The latter refer to the constant provocations from the PNC.

We also observed on three occasions, as members of the Resistance made their way to Congress where they waited for the Minister of the Interior, Director and Chief Operating Officer of PNC and responsible Migration to answer some questions in front of a judge, concerning the violent eviction of the past May 23.

Observation of the Caravan of social organizations marching to the Peaceful Resistance La Puya, San José del Golfo, Guatemala. 10/07/2014. Photo: PBI 2014



We maintained phone contact in July with members of the Association of Indigenous Women of Santa María Xalapán, Jalapa (AMISMAXA)). On 26 July we supported women of the association at a healing workshop organized in Jalapa with the women of San Rafael Las Flores.

We maintained regular contact with members of the Twelve Kaqchikel communities of San Juan Sacatepéquez during the month, and were present at their weekly meetings in Santa Fe Ocaña.

In July, we continued accompanying Cunén Communities Council (CCC). We observed an assembly of communities in northern Quiché in Cunén. The communities shared the concerns about the Transportation Expansion Program (PET) and Electrification Programme (PER), among other matters.



In July, we continued to accompany the Law Offices of Human Rights. We accompanied the lawyer Edgar Pérez Archila and paid weekly visits to the firm's headquarters. On the 3rd and 4th,we accompanied representatives of firm to a hearing related to the case "Military Journal," at which 4 families testified to the missing people recorded in this journal.

During this month, we maintained frequent telephone contact and weekly visits to the headquarters of the National Coordination of Widows of Guatemala (CONAVIGUA). On 18 July we accompanied the organization at a burial in San Juan Comalapa, Chimaltenango. The remains of ten victims of the internal armed conflict were buried; they were disappeared between 1980 and 1984 and were found in the old military post in San Juan Comalapa.

The burial in San Juan Comalapa (Chimaltenango), 07/18/2014. Photo: PBI 2014

Cancellation of temporary residence of two PBI Guatemala volunteers and revocation of the decision:

temporary resident visas of two volunteers from the organization in the country¹⁷. The resolutions received in writing¹⁸ refer to the articles of the Guatemalan immigration legislation particularly specifying various faculties of the DGM such as cancelling the temporary residences already granted by issuing a reasoned decision (Article 74 of the Migration Act) and "suspend the stay of foreign nationals on grounds of public policy national interest and security" and also in this case using motivation(art. 92). However the resolutions received lacked any reasoning about concrete facts to substantiate the decision and had no basis in actions by PBI or volunteers. The PBI volunteers referred to the resolutions maintained an international presence in La Puya May 23 and observed the violent eviction of the encampment of Peaceful Resistance La Puya on which PBI published an 'Alert' on June¹⁹.

The temporary residence of the two volunteers were cancelled on the 10th²⁰. After a meeting held on the same day between the Minister of Interior Mr. Mauricio López Bonilla and diplomats from various European embassies we were informed that the situation came as a result of an unfortunate misunderstanding in the identity of the persons mentioned. Mr. Bonilla contacted the PBI team by telephone to formally present the explanation of the incident and express respect for the work that the organization does in the country accompanying human rights defenders.

We believe that samples of concern, support and international solidarity expressed by many diverse entities contributed fundamentally to find a favourable solution to this situation: Guatemalan social organizations, foreign and international human rights activists, members of the diplomatic corps and OHCHR journalists political personalities and social environment individuals all committed to human rights in Guatemala and abroad.

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 1 July we observed the meeting of the **Ecumenical Pastoral Co-ordinator for the Defence of Life**, in Camotán (Chiquimula). Representatives of various churches and people of various communities attended.

Earlier this month we saw the launch of the PNC substation in **San José Nacahuil**. After several meetings between community, municipality and PNC an agreement was reached to reinstall the substation. The PNC will work closely with the community in accordance with their communal obligations.

On 9 and 10 July we were in Zacapa to observe the conciliation boards of people who came from the village of La Trementina (Zacapa). In one case the charges against the community are threats, aggravated robbery and instigation to commit a crime and have been filed by one of the leaders of the Ecological Farms Corporation Company. The communities continue their struggle in the defence of water and against illegal logging trees in the Maciso Merendón.

In the context of the increasing **criminalization** of community leaders, on the 10th we were present at the court hearing against Timothy Chen Tum of the community of Monte Olivo (Alta Verapaz) which was suspended for lack of prosecution witnesses. People in the community are facing several processes of criminalization as a result of his opposition to the operations in the area Hydropower Santa Rita SA company.

- 17 PBI, "Cancelación de residencia temporal a dos personas voluntarias de PBI Guatemala", Guatemala, 2.06.2014, http://www.pbi-guatemala.org/field-projects/pbi-guatemala/latest-news/news/?no-cache=1&tx ttnews%5Btt news%5D=4292&cHash=415fbc6d3d7070240457e2d131515003
- 18 Resolución No. 40 2014, Expediente 26627-2013, que cancela la Residencia Temporal concedida el 10 de marzo de 2014 (No. PR-01235-2014); y Resolución No. 41 2014, Expediente 30776-2013, que cancela Residencia Temporal concedida el 2 de abril de 2014 (No. PR-01693-2014).
- 19 PBI, "Desalojo violento de la Resistencia Pacífica de La Puya", Guatemala, 3.06.2014, http://www.pbi-guatemala.org/field-projects/pbi-guatemala/latest-news/news/?
 no cache=1&L=0&tx ttnews[tt news]=4272&cHash=e2a749c4c1508c6e7a7ff9e3d37166c2
- 20 PBI, "Revocada la decisión de cancelar la residencia temporal de dos personas voluntarias de PBI Guatemala", Guatemala, 11.06.2014, http://www.pbi-guatemala.org/field-projects/pbi-guatemala/latest-news/news/?no_cache=1&tx_ttnews%5Btt_news %5D=4312&cHash=9a100073cf4aeedbf2b6f54a1818ffdf

4. POLITICAL ACCOMPANIMENT

Meetings with the diplomatic corps, international organizations and Guatemalan authorities

Meetings with national and international authorities are an important tool for the work of PBI to make known what are our objectives and work. Through these meetings, where necessary and in a reserved manner, concerns about critical situations that we know at first hand from the work we do in the field.

As part of the emergency of the temporary residency permits cancellation of two PBI volunteers, we held meetings with members of the diplomatic corps and international organizations present in the country. On 7 July, we met with Motsabi Rooper, Official of Human Rights and Projects and Andrew Tate, Deputy Head of Mission at the British Embassy. The next day, with the missions of the European Union, France, Sweden, Germany, Spain and Italy and members of the OHCHR. We also met with Joao Pereira Pinto, Ambassador of Brazil and in mid-month with David Ribera, Assistant Consulate of Portugal; Namuncura Domingo and Daniel Ortiz, Ambassador and Consul of Chile, respectively. On the 23rd we met with Jurg Benz, Ambassador of Switzerland and Roberta Beltranena, Assistant for the Defense of the Interests of the Embassy. The same day, along with representatives of several non-governmental organizations (NGOs), we had lunch with Sarah Dickson Motsabi Rooper, Ambassador and Official of Human Rights and Projects in the UK, respectively. On the last day of the month we had the opportunity to meet with Phillipe Franc, Ambassador of France and Clémentine Moriceau, Deputy Cultural Department of the same embassy.

We also maintained regular contact and met Alberto Brunori, Catalina Lleras, Representative and Human Rights Officer, Office of the UN High Commissioner for Human Rights (OHCHR) in Guatemala.

During July we had contact with institutions and public authorities. On the 3rd we met with Oswaldo Enriquez, **Director of the Institute for the Analysis of Attacks on Human Rights Defenders**. The same day we received Iván Espinoza, **Deputy Minister of Foreign Affairs of Guatemala**. On 5 July, we met with Mario Minera, **Director of Mediation Unit, Conflict Resolution and Advocacy in Public Policy Human Rights Ombudsman (PDH)**. On the 8th we had a meeting with Flora Reynosa Mendizabal and Auri Sosa of the **Displaced Peoples Defence and Migrant PDH** and on the 10th again with Mario Minera, **the Ombudsman for Human Rights**, Jorge de Leon Duke, and with Eddy Garcia and Giovanni Guzmán, assistant Attorney for the same. That same day we received Menéndez Manuel Vicente Roca, **Controller of the Department of Migration** and assistant Aleli Alvarado.

We also met with officials from the PNC: on the 2nd with Inspector Livares at Substation Jocotán (Chiquimula) and on the 29th with the Chief Commissioner Cayetano Chuc of Station11 in the capital. On the 3rd we met Nito Palencia, Mayor of San José del Golfo. On 9 July we were with Brenda Ramos, Assistant PDH Zacapa and the next day the Mayor of San Cristóbal, Julio Romeo Suram Chun. Later in the month we held meetings with Roel Perez, Governor of Chiquimula, José Humberto Orellana, Third Councillor of the Municipality of Chiquimula and Daniel Portillo, Assistant PDH of the same municipality.

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.

During July we held regular meetings with the Protection Unit for Defenders of Human Rights (UDEFEGUA) to share concerns about the work of human rights defenders; we regularly visited the headquarters and offices of Madre Selva and the Women's Sector. This month we also met with Paola Sosa, a member of the Human Rights Office of the Archbishop of Guatemala (ODHAG), with whom we had exchanges on various local situations in which we conduct our work.

We also had meetings with international social organizations in Guatemala. Throughout the month we had contact with the

Coordination of International Accompaniment in Guatemala (ACOGUATE), with Guatemala Human Rights Commission (GHRC) with Protection International, with the Forum of 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.

In early July the European representative and other staff members of PBI Guatemala participated in the information network to support the project from abroad over the emergency situation described in the previous section.

Also, a member of the project's Coordinating Committee held meetings in Mexico City with the **Austrian Ambassador**, Eva Hager; with the **Second Secretary of the Australian Embassy**, Ashleigh McArthur and the **First Secretary of Ireland**, Catherine Campbell to inform them of PBI's work .

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.

SE INTENSIFICA LA CRIMINALIZACIÓN A DEFENSORAS Y DEFENSORES DE LA TREMENTINA EN ZACAPA

El día de hoy, 9 de julio de 2014 se presentaron a una audiencia conciliatoria en el Ministerio Público de la cabecera departamental de Zacapa los Sres. Reverendo José Pilar Álvarez Cabrera, Martín Cabrera, Froilán Cabrera, Antonio Álvarez Antón, Miguel Cabrera, Byron Galdámez, Francisco López Rámos, Raúl Antón, Juan Hernández Pineda, Aída Cabrera, Aracely Antón y Estela Antón a quienes se les acusa de robo agravado, amenazas e instigación a delinquir.

Durante dicha audiencia las condiciones para conciliar han sido adversas pues no hay acuerdo posible, debido a que el fiscal amenaza con girar órdenes de captura a cambio de que los acusados remuevan "las muras", que ellos no colocaron. Estas consisten en unos toneles con concreto, ubicados en el terreno del Sr. Salvador Cabrera. Q.E.P.D. y cuya albacea testamentaria es su hija Mabilia Cabrera, por donde pasa el camino que conduce desde la Aldea La Trementina hacia las comunidades de la Montaña Las Granadillas. Dichas muras, construidas por un grupo de comunitarios de la aldea, tienen el propósito de reducir el espacio para que circulen por esa vía solamente vehículos medianos, evitando el paso de camiones madereros de quienes depredan la montaña que les provee de agua.

Los comunitarios y principalmente las mujeres que defienden su derecho al agua han sido víctimas, en repetidas ocasiones, de criminalización y de agresiones que han llegado a la violencia física, afectando a mujeres, una anciana y un niño, por parte de grupos de comunitarios de aldeas de la montaña, apoyados por los madereros, quienes se han hecho acompañar incluso de miembros del ejército y posteriormente a dichas agresiones han sido dejados en libertad por las mismas autoridades policiales.

Exigimos a las autoridades el cese a este hostigamiento y criminalización a los defensores y defensoras de derechos humanos.

¡Por el Derecho a Defender Derechos Humanos!

UNIDAD DE PROTECCIÓN A DEFENSORES Y DEFENSORAS DE DERECHOS HUMANOS - GUATEMALA Guatemala, 9 de julio de 2014

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