# Brigadas Internacionales de Paz \_\_\_\_\_

Peace Brigades International



# Monthly Information Pack from Guatemala

Number 128 – May 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 globalisation on human rights.

# One year on from the judgment against José Efraín Ríos Montt, Congress passes a resolution denying the existence of genocide during the internal armed conflict

10 May 2014 marked the first anniversary of the sentencing of retired General José Efraín Ríos Montt to 80 years in prison for genocide and crimes against humanity. That sentence was annulled 10 days after the Constitutional Court (CC) decided to re-hear the majority of trial following applications made by the former general's defence team<sup>1</sup>. Many political analysts viewed the trial as marking a turning point for the Guatemalan people in confronting its recent history<sup>2</sup>. The new trial has been scheduled for 5 January 2015. Rios Montt and former Director of Military Intelligence, Jose Mauricio Rodriguez Sanchez, are accused of responsibility for the murder of 1,771 people of the Maya Ixil community by the Guatemalan army in massacres committed in several communities in the department of Quiché between 1981 and 1982. To commemorate the judgment, civil society organized several activities in the capital, such as a forum and a concert in the central square<sup>3</sup>.

On 13 May, three days after the anniversary of the ruling, Congress passed a resolution (3-2014) asserting the absence of genocide in the country during the internal armed conflict and calling upon the judiciary to administer justice with impartiality, avoiding "sectoral influences" so that justice produces peace. The document states that it is "legally unfeasible" that the elements that constitute genocide are established under current Guatemalan law. The resolution was proposed by the Republican Institutional Party (PRI), the successor party of the Guatemalan Republican Front (FRG) founded by Rios Montt, and was supported by 87 of the 111 members of congress present. However, the resolution was also questioned by several blocks within Congress and by civil society. Various figures condemned the resolution, stating that it transgresses the separation of powers between the judiciary and congress, and imposes a singular version of the country's history that is not shared by many people and lacks legal and technical accuracy and serves only to reinforce impunity and human rights violations in Guatemala<sup>4</sup>.

On 19 May, the country's indigenous organizations held a rally in front of Congress to demand the annulment of the resolution. They pointed to the conflict with the National Reconciliation Law; under which there can be no immunity for crimes of genocide, torture and forced disappearance. The President of Congress, Aristides Crespo, did not accept the annulment, stating that any member of congress can "propose a new resolution and obtain the corresponding votes". The Inter-American Commission on Human Rights (IACHR) also issued a statement regarding the resolution; stating that it was not a constructive step for the investigation and punishment of human rights violations that had occurred during the past and calling upon the State of Guatemala to respect the principle of separation of powers<sup>5</sup>.

<sup>&</sup>lt;sup>1</sup> El Periódico, 09.05.2014, <u>http://elperiodico.com.gt/es/20140509/pais/247088/</u>

<sup>&</sup>lt;sup>2</sup> El Periódico, 09.05.2014, <u>http://elperiodico.com.gt/es/20140509/pais/247050/</u>

<sup>&</sup>lt;sup>3</sup> Siglo 21, 11.05.2014, <u>http://m.s21.com.gt/nacionales/2014/05/11/conmemoran-aniversario-condena-genocidio</u>

<sup>&</sup>lt;sup>4</sup> Prensa Libre, 14.05.2014, <u>http://www.prensalibre.com/noticias/politica/Genocidio-negado-legisladores 0 1138086211.html</u>

<sup>&</sup>lt;sup>5</sup> Centro de Reportes Informativos (CERIGUA), 19.05.2014, <u>http://cerigua.org/1520/index.php?</u> <u>option=com\_content&view=article&id=18335:cidh-cuestiona-negacion-de-genocidio-por-parte-del-organismo-legislativo&catid=37:der</u> <u>echos-humanos&ltemid=10</u>

### Resistance to new Telecommunications Act

The Law for Mobile Telecommunications in Detention Centres and Strengthening of Data Sharing Infrastructure was approved as a national emergency by Congress on 8 April 8 2014, with 108 votes in favour and 8 against<sup>6</sup>. It was recorded as Decree 12-2014 and entered into force on 25 March 2014<sup>7</sup>. The new law triggered criticisms from various stakeholders, including representatives of indigenous communities and organizations, indigenous authorities, mayors, municipalities and their associations. They filed several actions of unconstitutionality and amendments against the law. The Constitutional Court (CC) rejected several such applications in May<sup>8</sup>.

One of the main criticisms of the Telecommunications Law is that although its stated aim is to control the use of mobile phones in prisons, the majority of its provisions relate to an authorization given to the Superintendence of Telecommunications (SIT) to construct telegraph posts and other infrastructure for the transmission of data and any other means of information<sup>9</sup>. According to its opponents, this law gives arbitrary power to the SIT; allowing the installation of telecom towers in certain areas without consulting the Ministry of Environment and Natural Resources (MARN), with no mayor being able to object due to the possibility of conviction. They state that this violates municipal autonomy. A further criticism is that the law violates the right to private property, as it prevents people from objecting to telephone or TV company equipment being in stalled on their property. Those who question the law fear that its implementation will generate greater polarization<sup>10</sup>. Furthermore the means by which the law was passed has also been criticized: by proposing the law as a national emergency a congressional debate on its content was circumvented. The president of Citizen Action stated: "it is clear that congress are being pressured and we are asking for clarification, because this issue has nothing to do with a national emergency."

Municipality spokesman, Carlos Sandoval, said the day after the official publication of the law, several telecommunications companies began work to install telegraph poles in the city justifying their actions under the rule of law<sup>11</sup>.

### Choosing Thelma Aldana as new Attorney General

On 9 May 2014, President Otto Perez Molina named Thelma Aldana Esperanza Hernandez as the new Attorney General. On 17 May 2014, he reinstated Claudia Paz y Paz as the Head of the Prosecutor's Office (MP). Rumours had circulated during the selection process that Aldana was the preferred candidate of the Executive, but this was denied by the president at the time of the appointment. He rejected the criticisms levelled at the selection process by several embassies and other members of the international community, stating that Guatemala is a sovereign country<sup>12</sup>.

# 2. ACCOMPANIMENTS

PBI accompanies social organisations 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>13</sup>.

6 Prensa Libre, 16.05.2014

http://www.prensalibre.com/noticias/justicia/ley de telecomunicaciones-alcaldes indigenas-inconstitucionalidad-cc 0 1139286196.ht ml

- 7 El Periódico, 21.05.2014, http://www.elperiodico.com.gt/es/20140521/pais/247815/
- 8 Guatemalan News Agency, 28.05.2014, http://www.agn.com.gt/index.php/component/k2/item/16361-rechazan-tres-inconstitucionalidades-contra-ley-de-telecomunicacionesde-guatemala
- 9 El Periódico, 09.05.2014, http://elperiodico.com.gt/es/20140508/pais/247052
- 10 Prensa Libre, 16.05.2014, http://www.prensalibre.com/noticias/justicia/ley\_de\_telecomunicaciones-alcaldes\_indigenas-inconstitucionalidad-cc\_0\_1139286196.ht ml
- 11 El Periódico, 21.05.2014, http://www.elperiodico.com.gt/es/20140521/pais/247815/
- 12 El Periódico, 10.05.2014, http://elperiodico.com.gt/es/20140510/pais/247111/
- 13 To find out more information about the organisations and people we accompany consult our website: http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/

#### Forced eviction of Peaceful Resistance of La Puva

In May we continued accompanying the organisation Peaceful Resistance of La Puya, whose social protests have led it to maintain a permanent protest camp in front of the mining project El Tambor for more than two years, as it seeks to

vindicate the rights of the residents of the municipalities of San international human rights organizations<sup>14</sup>. Our visits to La Puya 2014, when the protest camp was evicted on the pretext of bringing in machinery to the El Tambor mine. PBI observed that during the eviction there was a disproportionate use of force by government security forces. Police used tear gas, sticks and stones indiscriminately against men and women who were in the camp and who were resisting peacefully with songs and prayers. We are concerned about the use of force against organizations and / or Days before the events we observed during a press conference in Casa Cervantes at which members of the resistance expressed their willingness to continue dialogue.



Photo: PBI 2014

On the 27th of this month we attended a court hearing at which 5 members of the resistance were accused of coercion, false imprisonment and threats. The judge acquitted one of them, Yolanda Oquelí, for lack of evidence, but judgment was reserved in respect of the others. There was a strong presence of national and international organizations and institutions.

We have maintained regular contact and meetings with various members of the Campesino Central Coordinator Chortí New Day (CCCCND) in the East of the country. On 5 May 2014 we accompanied members of the organization to a meeting with the mayor of Camotán (Chiquimula). The community demanded an investigation into the possible construction of a hydroelectric plant in Cajón del Río. The mayor reaffirmed his commitment not to grant licenses for mega projects in the region.

On 15 May 2014 we maintained an international presence at the court hearing in which two members of the CCCCND, from Las Flores (Jocotán) were sentenced to 6 years imprisonment for the crime of murder. We were present due to concerns regarding the criminalization of social organizations and communities in the region. In earlier issues of the MIP and Bulletin, PBI has set out the concerns of the organisation and the defendants regarding lack of due process and detainee rights in the trial.<sup>15</sup> In a statement in June last year, the CCCCND denounced how these people had been arrested: "... on 19 June in front of the Prosecutor's Office in Chiquimula, using as a trap a subpoena to an conciliatory hearing, four members of the Indigenous Council of Las Flores were arrested. About 15 plain clothes police officers, with no identification and without presenting a judicial order, captured the leaders: Claudio Ramirez, Luis Ramirez de Rosa, Agustín Díaz Ramírez and Timothy Suchite. The latter two were charged with murder and sent to the Preventative prison in Zacapa"<sup>16</sup>. The conciliatory hearing

no cache=1&tx ttnews[tt news]=4272&cHash=4a7a9c02d282fc0a41d7140a124f51ee 16 PBI Guatemala, Monthly Information Pack (MIP), No.s 117, 120, 121 and 124, 201 and 2014. http://www.pbi-guatemala.org/field-projects/pbi-guatemala/publications/monthly-information-package/; PBI Guatemala, "Criminalisation of Social Protest Continues", Bulletin 30, Guatemala 2013 http://www.pbi-guatemala.org/fileadmin/user\_files/projects/guatemala/files/spanish/Boletin\_No\_30 - Segundo\_semestre\_2013.pdf

<sup>14</sup> PBI, "La Puya in resistance", Bulletin 28, Guatemala, 2012 http://www.pbi-guatemala.org/fileadmin/user\_files/projects/guatemala/files/spanish/PBI\_Boletin\_28.pdf 15 For more information see "Violent evictions of the pacific resistance of La Puya" 03.06.14 http://www.pbi-guatemala.org/field-projects/pbi-guatemala/latest-news/news/?

had been organised to discuss the activities of the Las Flores community in the defence of land, territory and natural resources regarding the proposed construction of a hydroelectric project on the Rio Grande by Las Tres Niñas, SA.

In mid-May we attended the organisation's assembly held at the Jupilingo Bridge near the centre of Camotán where there was representation from 11 communities. Later in the month we observed a meeting between organizations in the region, including CCCCND and Jennifer Echeverria, Human Rights Officer of the Delegation of the European Union (EU) in Guatemala. Members of the Coordinating Committee expressed concerns about the criminalization and conflicts that affect communities where hydroelectric projects are planned or executed, and demanded that the Guatemalan government observe its responsibilities to support human rights defenders and their work.

The work of Verapaz Union of Peasant Organizations (UVOC) and its members is focused on the issues of land in the region of Verapaz and on seeking alternatives and solutions to existing land conflicts that affect many communities in the area. They continue to denounce the issue of criminalization, that continues to be an obstacle to their work for the communities and campesino populations in enforcing their right to land. Earlier this month we visited their headquarters, accompanied them in meetings in the Senahú municipality, in the Public Ministry of La Tinta and with the community population of the area (Alta Verapaz). We continue to monitor the situation in the village San Miguelito Cotoxiá in the Polochic Valley: after several years of dialogue, they have reached an agreement with the company and government agencies which should ensure that the community population will not be evicted from their homes.

This month we continued to have telephone contact with members of the Association of Indigenous Women of Santa Maria de Xalapán in Jalapa (AMISMAXAJ). On 27 May 2014 members of the organization attended the court hearing against members of Peaceful Resistance of La Puya, in support and solidarity. PBI maintained an international presence at this hearing.

We continue to accompany the Twelve Cakchiquel Communities of San Juan Sacatepequez, observing their weekly

meetings in Santa Fe Ocaña. On 19 May 2014 we attended a court hearing in the possible prosecution of three members of the organization in connection with social protest activities in 2011. The judge adjourned the process, so no prosecution was opened against any of the three men. PBI had issued an alert in July 2013 to report on the case and to call for the attention of the international community<sup>17</sup>.

Later in the month, representatives of the Swiss diplomatic mission in the country visited San Juan Sacatepequez. Members of the Twelve Communities explained their social and community resistance against the proposed construction of the cement factory without the consent of the Kaqchikel Maya people, as well as the lawsuits against them, and set out what assistance they seek from the international community.



Visit by the Swiss Embassy to San Juan Sacatepéquez, 26.05.2014. Photo: PBI 2014

In late May we visited the Cunén Communities Council (CCC) at its headquarters in El Quiché. Council members are planning several activities in the communities in the coming weeks.

We remained in contact with the Council of Peoples of K'iche '(CPK) as it continues in its work in defence of life, nature,

<sup>17</sup> PBI, PIM No. 117, Guatemala, June 2013. See final section, containing press releases from Guatemalan social and human rights organisations. http://www.pbi-guatemala.org/fileadmin/user\_files/projects/guatemala/files/spanish/PIM\_No. 117.pdf

land and territory On 11 May 2014 we attended the funeral of one of its members, Don Martin Rojas, expressing our deepest sympathy to the family and friends. Later in the month we accompanied the organisation at its Assembly in Santa Cruz Quiche (Quiche).

On 12 and 13 May 2014 we accompanied the National Coordination of Widows of Guatemala (CONAVIGUA) in a burial ceremony in Chimaltenango. Later in the month we returned to maintain a presence during exhumations in the same municipality. On 31 May 2014 we accompanied the members of the organization at its assembly in Joyabaj.

Finally, we maintained contact with the Human Rights Law Offices through weekly visits to their headquarters, and we accompanied the lawyer Edgar Perez Archila on journeys for his work. On 6 and 7 May 2014 we accompanied members of the firm in an activity that took place in La Tinta (Alta Verapaz).

# 3. INTERNATIONAL OBSERVATION

PBI Guatemala provides international observation of public events as requested by Guatemalan social organisations, to bring attention and international interest and to communicate outside the country what we observe.

On 1 May 2014 we observed the Labor Day march. There were several organizations and unions that marched in zone 1 of the capital city.



#### Verification Mission in Río Dolores communities

In view of the situation of human rights violations in Alta Verapaz, and following the latest Alert published by PBI<sup>18</sup>, we were present in the region on 12, 13 and 14 May 2014 during the verification mission conducted by Human Rights (OHCHR) in Guatemala, together with national and international organizations. We maintained a presence in the Río Dolores communities, including amongst others Monte Olivo and Nueve de Febrero, who have experienced a number of violent attacks. The objectives of this mission were to gain first hand testimony regarding recent events in the region, and to process of criminalization that they are facing as a result

of their opposition to the operations of the Hydropower Santa Rita SA company in the area. We observed the mission's visit to the communities of Monte Olivo and Nueve de Febrero. Three people had been detained in police custody in Coban. Amidst concerns of increasing criminalization of community leaders we attended the court hearings against Timothy Chen Tum, where it was decided that while the investigation continues, he will remain in custody.

/erification mission to Río Dolores (Alta Verapaz), 13.05.2014. Photo: PBI 2014

On 30 May 2014 we observed the meeting of the Ecumenical Pastoral Coordinator for the Defence of Life Jocotán (Chiquimula). Representatives of various churches and communities were present. During this meeting information about community assemblies held in recent months was shared and the next aseesmblies were planned.

Also at the end of the month we visited Zacapa Regional Hospital to visit a member of the tensions that arose on 28 May

<sup>18</sup> PBI Alert: Legal Accusations, Arrest Warrants and Detention of Persons in Kaqchikel Communities of San Juan Sacatepéquez, Guatemala, June 2013 http://www.pbi-guatemala.org/field-projects/pbi-guatemala/latest-news/news/? no cache=1&tx ttnews[tt news]=3894&cHash=ddec104d3f706d9c80f03871886c08ba

2014 between members of the community La Trementina, a farmer and the National Civil Police. The population is opposed to illegal logging in the Macizo del Merendón region and are not permitting trucks to pass through their community carrying timber (See section 6 'Non-Governmental Organisations').

On 10 May 2014 we were present to observe the event 'Celebrating Life Festival 2014 "Dignifying the Truth of the **Peoples**" at Centennial park in the capital, a year after the genocide sentence was passed.

## 4. POLITICAL ACCOMPANIMENT

#### Meetings with the diplomatic corps, international organisations, and Guatemalan authorities

Meetings with national and international authorities are an important tool for PBI to make known our objectives and work. In these meetings, where this is necessary, we express concerns in a restrained way about critical situations we know first- hand from the work we do on the field.

This month we met with several members of the diplomatic corps and international organizations present in the country. On 2 May 2014 we met Roberta de Beltranena, Assistant in the Swiss Interests section of the Swiss Embassy, to present our work and we provided an update on our accompaniments in different areas of the country. On 27 May 2014 we held a similar meeting with Norman Galimba, Policy Officer at the United States Embassy.

We also met with Guatemalan authorities and other organisations during the month of May. On 2 My 2014 we attended a meeting with Hugo Martinez, Head of Unit for the Coordination of Protection for Human Rights Defenders of the Presidential Commission on Human Rights (COPREDEH), and on 26 May 2014 with Claudia Lopez, Assistant Officer of the Office of Rights (PDH).

### Meetings with civil society

The team in the field meets regularly with civil society organisations, with the aim of monitoring the situation of human rights defenders' human rights, to inform each other about the work being done and to gather information to help develop analysis of the political situation. We coordinate aspects related to the field of international involvement.

Early this month we held a meeting with Claudia Samayoa from the Protection Unit of Defenders of Human Rights (UDE-FEGUA) to share concerns related to the work of human rights defenders and regularly visited their headquarters. We also visited the offices of the Madre Selva Collective and the Women's Sector. This month we also met with Carlos Alberto Alarcón and Paola Sosa, members of the Human Rights Office of the Archbishop of Guatemala (ODHAG), with whom we discussed the political and human rights situation in which we conduct our work.

On 23 May 2014 we met with Rodolfo Valenzuela Nuñez, Bishop of Coban (Alta Verapaz) of the Catholic Church.

We also had meetings with international social organizations in Guatemala. Throughout the month we maintained contact with the Coordination of International Accompaniment in Guatemala (ACOGUATE), the Forum of International Non-Governmental Organisations (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.

The European representative of the project participated in Brussels from 12 to 14 May 2014 at the Forum EIDHR (European Instrument for Democracy and Human Rights), organized by the European Commission. The theme of this year was the European Union (EU) Guidelines for the protection of human rights defenders, following their tenth anniversary. We also

held meetings on 12 May 2014 with Gerard Schulting, representative for Guatemala in the European External Action Service (EEAS) during the visit of a representative of the Twelve Communities of San Juan Sacatepequez, who had been invited by the European Commission. The representative also met the same day with Aurora Diaz Rato, human rights representative at the Permanent Representation of Spain to the EU.

On 13 May 2014 he held a meeting with Julita Bas, responsible for Latin America in the Unit for Human Rights and Democratization of the EEAS. Also on 13 May 2014, the European representative met with Dolores Infante of the office of the Rapporteur for Human Rights Defenders of the OHCHR.

On 15 May 2014, in conjunction with her colleague from the PBI Mexico Project and two human rights defenders from Guatemala and Mexico, the European representative of the project met with Jonatan Henriksson, Latin American policy officer for the Permanent Representation of Sweden to the EU. The same day they held a meeting with officials from the Ministry of Foreign Affairs of Belgium: Frank Van de Craen, Director of Latin America, Elizabeth George, Minister for Latin America and the Caribbean, Kathleen Joppen also an adviser for Latin America and the Caribbean and Nora Loozen Department of Human Rights.

On 21 May 2014, in The Hague, Netherlands, the European representative of the PBI Guatemala Project participated in a panel at a conference on the theme: "Strong Women: Who protects them" organized by various organizations (Peace Brigades International, Vrouwen voor Vrede, WILPF Colombia, Kvinna till Kvinna, Care Nederland, Stichting Nahid, Vond Stichting Cordaid and Oxfam Novib).

# 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.

### CONTINÚAN LAS AGRESIONES EN CONTRA DE LA TREMENTINA

Este miércoles 28 de mayo 2014, siendo las 9:00 de la mañana en el lugar de la resistencia pacífica por el derecho humano al agua y para que no se sigan destruyendo los bosques en la Montaña de Las Granadillas la cual realizan los vecinos de La Trementina. Uno de los terratenientes quien con intenciones de pasar con sus camiones y maquinaría para cortar y transportar madera de los bosques de las montañas por las cuales las comunidades reclaman protección, se presentaron al lugar acompañados de aproximadamente 40 elementos de la Policía Nacional Civil de la Comisaría 24 de Zacapa y agredieron a los vecinos que allí se encontraban manifestando pacíficamente. Provocaron con sus camiones y maquinaría e insultos dando inició a un enfrentamiento con piedras entre los trabajadores del finguero y los vecinos. El guardaespaldas del finguero (ambos plenamente identificados) sacó su arma de fuego y amenazó apuntándole en el rostro con el arma a Glenda Antón. Fue notoria la presencia policial, un representante de la gobernación departamental de Zacapa en apoyo al finquero, que aunque vieron al guardaespaldas sacar su arma y amenazar a las mujeres que allí se encontraban y en particular a la señora Glenda Alvarez con por lo menos 3 meses de gestación.

Hoy, 30 de mayo 2014 Glenda Antón fue trasladada de emergencia al hospital regional de Zacapa y al ser intervenida perdió a su bebé por un aborto el cual sucedió como consecuencia de los ataques y amenazas en contra de ella dos días antes.

Responsabilizamos de estos ataques al finquero y su guardaespaldas (este finquero fue denunciado hace unas semanas ante la Fiscalía de Ataques contra Activistas Defensores de Derechos Humanos por agresiones en contra de Glenda Antón, Roselva Barahona y Eduardo Madrid (menor de edad). Responsabilizamos también a las autoridades de gobernación departamental de Zacapa y a la Policía Nacional Civil de la comisaría 24 del municipio de Zacapa y pedimos que se investiguen estos hechos y se deduzcan las responsabilidades legales y la reparación de los daños causados a las mujeres y en especial a la señora Glenda Antón.

RESTAURAR LOS BOSQUES, RESTAURAR EL AGUA, PRESERVAR LA VIDA

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