

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.

Death of César Barrientos, a magistrate dedicated to upholding justice¹

Members of civil society and international organizations present in Guatemala paid respects after the death of the magistrate of the supreme court of justice, César Ricardo Crisóstomo Barrientos Pellecer.

The delegation of the European Union (EU) and the International Commission against the Impunity in Guatemala (CICIG) recognized his contribution and efforts towards strengthening the judicial system and democracy, by expressing their condolences and solidarity to his family and colleagues in the judicial system. The office of the High Commissioner of the United Nations for Human Rights (OACNUDH) also recognized his labour in the promotion of relevant legal and institutional reforms in the judicial system.

Barrientos died in hospital in San Francisco Zapotitlán, Suchitepéquez, after receiving a shot to the head from a fire arm: authorities believe the shot was self-inflicted and believe that the magistrate took his own life.

OACNUDH presents study about the situation of human rights in Guatemala in 2013²

The representative of the OACNUDH in Guatemala, Alberto Brunori, presented the study about the situation of human rights throughout 2013, which highlighted: an increase in attacks against human rights defenders; it also promoted the strengthening of dialogue in the area of industrial extraction, especially in the northern state of Huehuetenango and in San José del Golfo y San Pedro Ayampuc (in the state of Guatemala); the need of the Commissions of Postulation to guarantee the honour and excellence of those who aspire to occupy public positions, with the intention of electing the suitable candidates; and the 6,072 violent deaths in the country, a similar statistic to 2012 according to registers of private security companies.

Update on the genocide trial: the CC will resolve the case if it starts again from 2011³

The 10th of May 2013 the trial for genocide had concluded with the tribunal finding the ex-head of state, Efraín Ríos Montt guilty of genocide. However, nearly a year after, the plaintiff continues looking for justice: the 26th of March, the survivors and family members of victims arrived at a hearing in the Constitutional Court (CC), where their lawyers argued that the trial could not go back to the first period, as had been ordered by the judge Carol Patricia Flores. According to the legal time frame, the CC has five days to decide if the trial returns or not to the 23rd of November, 2011.

The representative of Centre for Legal Action in Human Rights (CALDH), Hector Reyes, argues that the trial should not go back to 2011, because when the Judge Flores ordered it, it had not been facilitated to be resolved in this way, now that the law establishes that "when a judicial phase finished, it cannot return to it". On the other hand, Francisco Palamo, the defence lawyer of Efraín Ríos Montt, sustained that in his defence statement the trial should return to the moment that the accused has been charged.

¹ CERIGUA, 03.03.2014, Guatemala, http://cerigua.org/1520/index.php?option=com_content&view=article&id=17455:diversas-entidades-lamentan-muerte-de-magistrado-cesar-barrientos-&catid=49:justicia&Itemid=10

² Siglo XXI, 27.03.2014, Guatemala, <http://www.s21.com.gt/nacionales/2014/03/27/onu-pide-garantias-para-activistas>

³ Prensa Libre, 27.03.2014, Guatemala "Sigue la batalla legal en CC por caso Ríos Montt" http://www.prensalibre.com/noticias/justicia/Sigue-batalla-legal-CC_0_1109289090.html

In the same trial it is also pending, by the mandate of the CC, that the court should not be able to apply amnesty to the ex-head of state. Rios Montt was found guilty of genocide and crimes against less humanity against the Ixil people on the 10th of May 2013. However 10 days after the CC annulled the sentence.

General Context

Within the struggle against the impunity, the commissions of postulation carry on with the process, as is the case with the election of the district attorney. The current district attorney, Claudia Paz y Paz, leaves her position on the 17th of May due to the verdict by the CC. Various European members of parliament have signed a letter showing their support for her, commenting that the verdict reflects a "reprisal" for the work she has carried out⁴. However, Claudia Paz Y Paz is in the process of the commissions of postulation, in order to be re-elected. With the death of the magistrate Barrientos and the commissions of postulation in process, a number of people have expressed their concern before the uncertainty of the context in which the elections of judges and district attorney are carried out.

In a hearing that took place in the capital in relation to the accusation of unconstitutionality of the decree 145-2013 placed by the communities: thousands of people congregated in front of the CC to show their support for the denouncement made against the privatization of electric energy, demanding its nationalization⁵. (See section 2, *accompaniment of the Council of Communities of Cunén*).

This month also marks the anniversary of the eviction of 796 families in the Valley of Polochic. The government of Otto Perz Molina committed itself in 2013 to allocate land to these families: "what we say are not promises, we will find them as a commitment, and I personally will not rest until these 700 families have a place they can call their own, a roof over their heads and a place to live that they deserve"⁶. However, at this moment the 739 families still have no guaranty of land⁷. The situation becomes more worrying now that the communities report an increased presence of the army in communities such as San Miguelito, El Estor. As well as a rise in conflicts between plantation owners and the communities, like the community Santa Elena II in the department of Alta Verapaz.

2. ACCOMPANIMENT

*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, the issue of land and the negative impacts of globalisation on human rights.*⁸

This month we have carried out meetings and weekly visits to the office of the Unit For the Protection of Human Rights Defenders in Guatemala (UDEFEQUA), in which we were updated about their work in relation to human rights defenders. They published their yearly study for 2013 "The Silence is History", it highlights that in the year 2013, 657 aggressions against human rights defenders were recorded, more than double than in 2012, when 326 were recorded. Furthermore, 18 human rights defenders were killed, an increase of 72% in comparison with the year before. They define 2013 as the most violent year for human rights defenders⁹.

⁴ Prensa Libre, 01.04.14. Guatemala. "Consideran fallo como represalia en contra de fiscal general"
http://www.prensalibre.com/noticias/justicia/Consideran-fallo-represalia_0_1112288782.html

⁵ Prensa Libre, 06.03.14. Guatemala. "Campesinos marchan contra proyecto eléctrico"
http://www.prensalibre.com/noticias/comunitario/marcha_campesina-proyecto_electrico-transito-corte_de_constitucionalidad_0_1096690419.html

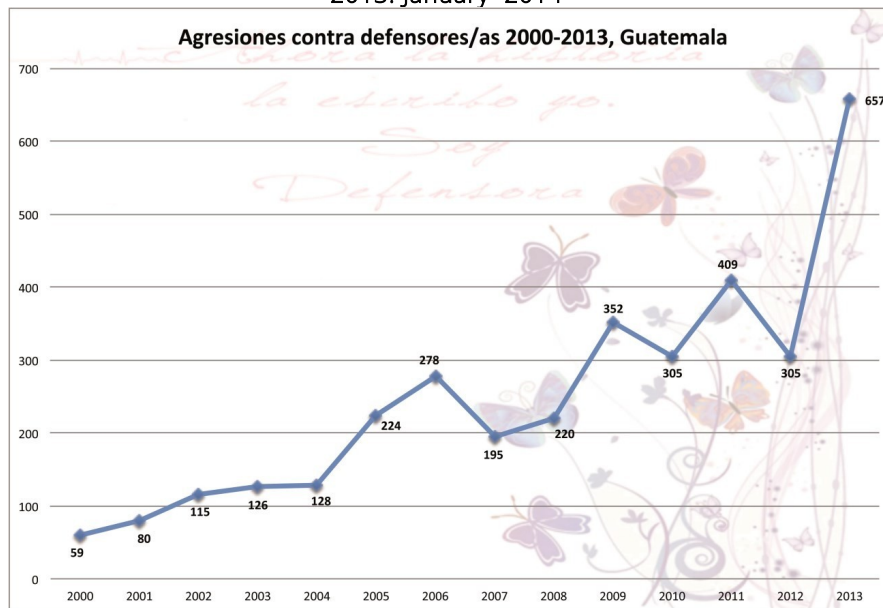
⁶ <http://www.albedrio.org/hm/otrosdocs/comunicados/variasorganizaciones-130.html>

⁷ ADITAL, 02.04.14. Guatemala. "Desalojados hace 3 años, campesinos siguen sin vivienda y seguridad alimentaria"
<http://site.adital.com.br/site/noticia.php?boletim=1&lang=ES&cod=80028>

⁸ You can consult general information about the accompaniment of organizations and individuals that we accompany, on our web site:
<http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

⁹ Unidad de Defensores de Derechos Humanos (UDEFEQUA), El Silencio es Historia, Enero 2014.

UDEFEQUA, "The Silence is History", Yearly study about Human Rights Defenders, January to December 2013. January 2014¹⁰



In March we continued our accompaniment in the east of the country with the **'New Day' Chortí Campesino Central Coordinator (CCCCND)**. In the last few months members of the organization have reported an increase in intimidations, threats and criminalization as consequences as part of their work as human rights defenders.

The 7th of March we accompanied the organization to an assemble in the village of Shupá, Camotán (Chiquimula), in which different communities from the municipality of Jocotan participated. In the assemble members of the organization expressed their concern of the possible installation of the hydroelectric plant Cajón del Río (Camotán), furthermore they spoke about other topics such as the protection of the environment, their organization as indigenous people and the right to consultation. The event was attended by a representative of the Ministry of Environment and Natural Resources (MARN) and the company JONBO S.A., that promotes the aforementioned hydroelectric project. Despite the pacific nature of this assemble, the 13th of March members of the organization were called to the Public Ministry (MP) to a reconciliatory meeting as they had been accused of forced retention and threats. In the reunion six of the accused participated as well as the representative of the MARN. Finally they arrived at an agreement and dismissed the accusations.

In March they held the elections for the members of the Community Council of Development (COCODES) in the municipality of Jocotán. Due to concerns by Nuevo Día about possible bad practise in this process, they made a petition that we observed the election in the village of Matazano (Jocotan), we were also in Pelilo Negro and Suchiquer.

Following up the assemble in Shupá, the 21st of March we were present in the village El Guayabo, where more than 200 people met to talk about problems such as the possible construction of the hydroelectric plant Cajón del Río and the conflict that has occurred in the mountains of Merendón.

At the end of the month, we accompanied members of the organization to the presentation of a letter to the local authorities of Jocotán in which they asked for the official recognition of the village Las Flores as an indigenous community. 'New Day' Chortí Campesino Central Coordinator (CCCCND), supports indigenous communities to achieve their official status, however, during the years their members have come across obstacles in their work.

In March we maintained regular contact and various meetings with members of the **Verapaz Union of Campesino Organisations (UVOC)**. We travelled twice to the La Primavera estate and observed the investigation of the Analysis Team of Attacks Against Human Rights Defenders regarding the events of the 15th of February, when two employees of the private security of the company eco-Tierra tried to injure a women from the community Baleu: after she had questioned them for cutting down trees from their community without permission (*Monthly*



¹⁰ Unidad de Defensores de Derechos Humanos (UDEFEQUA), El Silencio es Historia, Enero 2014.

Information Packet 123). While carrying out their work searching for solutions to the problems of gaining access to land, we accompanied the UVOC to two meetings with the Secretary of Agrarian Matters (SAA). Despite regular dialogue between the members of the organization and the SAA, the UVOC manifest that a lack of willingness exists from the government institutions to find resolution to the different land conflicts. They have also expressed concern for the arrival of military patrols to the community of San Miguelito in the Valley of Polochic (Izabal). The communities denounce a continual infringement of human rights that guarantees them access to land and the constant threats they have received from the company Chabil Utzaj. Photo: Meeting at Finca La Primavera, San Cristóbal (Alta Verapaz) 12.03.2014. Photo PBI: 2014

This month we visited on three occasions the **Pacific Resistance of La Puya**, that continues to be installed with a road block in this area, in the municipal limit between San José del Golfo and San Pedro Ayampuc (Guatemala). The 3rd of March they celebrated their second anniversary, where there were various activities, including a march from San José del Golfo to the manifestation, in which participated 1000 people according to the organization. Despite the celebrations, the members of the resistance continue expressing their concerns about the criminalization against them.

This month we continued to accompany members of the pacific resistance to court hearings: specifically at the start of the month to observe a court hearing that was opened against three of it's members. The 18th we accompanied the accused to another hearing where they presented evidence. They are still waiting to appear again in more hearings planned for April.



Second anniversary Pacific Resistance La Puya, 02.03.2014 Photo: PBI 2014

This month we kept regular telephone communication with the **Council of the K'iche' people (CPK)**. The 13th of March we accompanied members of the CPK to a march that recognized the second anniversary of the popular consultation in Chinique (Quiché) where they rejected mining in the area. Around 100 marched from the centre of the community.



Second anniversary of the popular consultation in Chinique (Quiché), 14.03.2014 Photo: PBI 2014

The 25th we accompanied a member of CPK, Lolita Chávez, to the Public Ministry (MP) in Santa Cruz to update them about accusations against her. The members of CPK manifested against the high level of criminalization relating to their work in the defence of human rights.

At the end of the month we accompanied the organization and its members in their bi-monthly assemble in Santa Cruz, Quiché.

We continue to accompany the **Association of Indigenous Women of Santa Maria Xalapán, in Jalapa (AMISMAXAJ)**. The 8th of March we accompanied their members during the Women's Day March.

Caravan of female human rights defenders to Barrillas

Between the 14th and 16th of March we accompanied members of AMISMAXAJ in the caravan of female human rights defenders from the Capital to Barillas to show their support to the resistance and the women in the region. Apart from the organizations of women from Guatemala they were also accompanied by other international and national organizations. The motive of the journey was to create a presence of other organizations in order to show their support, solidarity and recognition of the women, who together with their people have dedicated themselves to the defence of lives and the natural resources of their territory..

The event finished Saturday the 15th of March with a march from the town of Barillas to the entrance of the hydroelectric plant Santa Cruz.

We have also accompanied the **Council of Communities in Cunén (CCC)**. We maintained weekly contact via telephone with various of its members. The 6th of March we observed the court hearing of the legal block of

unconstitutionality that draws attention to the rejection of the Governmental Agreement 145-2013. Pedro Jerónimo, member of the CCC, and Ramón Cadena representative in Guatemala of the International Committee of Lawyers, expressed their concerns for the communities and emphasized the lack of previous consultation in reference to the Convene 169 by the International Labour Organization (OIT). The organizations present manifested that the governmental agreement is focused towards the interests of the transnational companies without taking into account the communities affected. At the end of the month we had a meeting in the headquarters of the organization in Cunén on order to create an international presence in the zone.

Also in March we maintained contact with the **12 communities of San Juan Sacatepéquez**. We observed their weekly assemblies in Santa Fe Ocaña on three occasions. At the end of the month we accompanied one of their members to a forensic examination, as part of the judicial process related to an incident in October 2013 where he was injured (see MIP 121). At the end of the month we accompanied members of the 12 communities to the presentation of the book "Dynamics of displacement and resistance in Guatemala"; written by Santiago Bastos and Quimy de León, it elaborated on the problems that occur between communities, the state and communities, using as an example the case of San Juan Sacatepéquez. The organization is still worried about the campaign of defamation, intimidations and the threats against them that have carried on denouncing.

The 17th of March we accompanied members of the **National Coordinator of Widows of Guatemala (CONAVIGUA)** during an exhumation in San Martín (Chimaltenango) together with the Foundation of Forensic Anthropology in Guatemala (FAFG). We also held meeting and weekly visits in the offices of CONAVIGUA in the capital.

In March we maintained the accompaniment **to Human rights Legal Office**, accompanying Edgar Pérez Archila during journeys and maintained weekly visits to his office. Furthermore throughout the month we accompanied the lawyers and observed different court hearings, including on the 6th of March in the CC (see CCC). The 26th of March we also observed the court hearing where lawyers from the office presented their arguments to not take the genocide case back to the 11th of November, 2011 (see notes on current context).

Follow up

The **Historical Archive of the National Police (AHPN)** continued to be a world reference in the battle against impunity and the recuperation of the historic memory. During March we stayed in constant contact with the archive through periodical calls and visits.

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.

At the start of the month we went to Huehuetenango to observe two court hearings for denouncements against the communities of **Barrillas**; both were suspended. The same day, there was a pacific protest at the entrance of the tribunal where more than 50 people from Barrillas and Santa Eulalia protested against the hydroelectric plant Santa Cruz and denounced the criminalization that the communities in the region have suffered.

The 5th of March, produced a critical situation in the community **La Trementina** (Zacapa), when two women from the community were injured by members of the neighbouring community. According to the victims, the supposed aggressors work for the land owners involved in the illegal foresting of trees in the Mountain of the Granadillas. A few days later, we accompanied the members of the community to the Public Ministry (MP) and the Human Rights Ombudsman (PDH) where they denounced the events.

The 6th of March we observed a **pacific march of the communities and the rural organizations** in which diverse groups such as UVOC, CODECA, CNOC and CONDEG participated. The March arrived at the Constitutional Court (CC) where a court hearing for the legal block against the 145-2013 agreement was placed.

The 27th of March, we assisted the **presentation "3 years after the evictions in the Valley of Polochic"**. Carolina Rax (representative of the families of Polochic), Carlos de La Torre (member of the OACNUDH), Sandra Moran (members of the Sector of Women) representatives of the Land Fund, and Norman Martínez (sub-secretary of the resolution of conflicts for the SAA) presented. Members of the public expressed their worries with respect to the lack of proposals and the failure to carry out agreements regarding the government providing the communities with land. The same day we arrived at a **press conference** by Madre Selva about the level of conflict in the community 31 de Mayo (Zona Reina)

where there is a community run hydroelectric plant.

The same day we assisted a presentation by the **International Commission of Lawyers (CIJ)** in which they discussed their paper: "Companies and Human rights violations in Guatemala: A challenge for justice".

The 28th of March we went to a press conference held by the **Council of Mayan Authorities of the Ixil People** in front of the CC. They presented four legal blocks placed in 2011 and 2012 in the Supreme Court of Justice (CSJ) in which they denounced the Ministry of Energy and Mines (MEM) for the hydroelectric plants licenced in the region. At the end of this month the legal blocks remain without resolution.

And lastly, the 29th of March we accompanied members of the Pacific Resistance of the Puya at their **road block in Chuarrancho**. The 2nd of August, 2009, they carried out a local consultation of good will in regards to the hydroelectric project Sisimite, that has been planned to be constructed on the Motagua River in the village of San Buenavenutra (Chuarrancho). In the consultation 2,748 people rejected the project and 571 voted in favour. Despite the results, the project went ahead and there were various attempts to enter machinery. As a result in the last few months the local population in the county carried out a road block in protest against the hydroelectric project.

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 various members of the diplomatic body and international entities present in the country. The 18th of March we met with Motsabi Rooper, the **official of human right in the British Embassy**, we updated them about our accompaniments in different parts of the country. The 24th of March we had a meeting with Francisco Sanclemente Molina, **ambassador of Colombia** to discuss our work and share our concerns about the human rights situation and those who defend them at the moment. This month we also had contact with Catalina Lleras from the **Office of High Commission of the United Nations for Human Rights (OACNUDH)** in Guatemala, to highlight our concern for the situation of the 12 communities of San Juan Sacatepéquez and the high level of conflict in the east of the country, especially in Chiquimula and Zacapa.

During March we were also in touch with Guatemalan entities and authorities. In the state of **Zacapa** on the 6th of March we met with the **head of the police**, Carlos Alfredo River Marroquin, to present our organization and express our concerns about the situation in La Trementina. We also met with Sandra Carolina Orellana, **governor of Zacapa**. The 20th of March we held a meeting with Carlos Guillermo, **local coordinator of the Human Rights Ombudsman in Alta Verapaz**, in which we discussed our worries related to the threats and aggressions denounced by the communities in the Primavera estate, in the municipality of San Cristobal, as well as the situation in Monte Olivo, Coban (Alta Verapaz). We also maintained contact with the officers in the **sub-station of the police in San Cristóbal, Alta Verapaz**. The 21st of March we had a reunion with Magdalena Ixquiactap, the **minister of Culture** to talk about the processes of official recognition to the holy places for the mayan kaqchiqueles indigenous people in San Juan Sacatepéquez.

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.

In March we maintained contact with various organizations and personalities from the Guatemalan civil society. We met with Yuri Melini of **CALAS**, as well as carrying out periodical visits to the officers of **The Madre Selva Collective** and **Sector of Women**.

Similarly, we had meetings with international organizations present in Guatemala. The 30th of March we met with Karl Heuberger of **HEKS** with whom we talked about the situation in the state of Jalapa. Throughout the month we maintained contact with the **Coordination of International Accompaniment in Guatemala (ACOGUATE)**, **Guatemala Human Rights Commission (GHRC)** and we held periodic meetings with the members of **The Forum of Non-Governmental Organizations (FONGI)**.

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 18th of March, the European representative of the Guatemalan Project met with Jose Pilar Alvarez from the Lutheran church of Guatemala during his visit to Brussels. Also present were two representatives of Bread for the World from Germany, Iona Logofatu, the administrator of the secretary of the sub-commission of human rights of the European Parliament and the assistant of the euro-parliamentarian of Luxemburg, Astrid Lulling, member of the delegation for Central America of the European Parliament.

The same day they also participated in a meeting with Margaret Sekaggya, special rapporteur of the United Nations for human rights defenders with the civil society in Belgium.

The European representative of the project met with Gerard Schutling in Brussels on the 19th of May, who is responsible for Guatemala in the European External Action Service (EEAS), as well as other representatives of Bread For the World, Germany. Also on the 19th of March these same people also participated in a meeting with Cornelius Huppertz, who is responsible for Latin America in the Permanent Representations before the European Union of Malta, Latvia, Spain and Ireland.

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.

8th of March, International Women's Day

The struggle for the defence of women' rights is historic, in June 1975, the international conference of the United Nations, held in Mexico, declared that year the international year of the woman. The UN recognized the 8th of March as the international day of the woman, even though many places across the worlds commemorated it.

A defender of human rights, is a women who from different spaces, home, organization, work, promotes and defends one or various human rights, that is to say, we are all defenders of all women, individual as well as collective rights. As women we continue in this historic evolution, defending the territory, the land, the body, the justice, the historic memory, the civil participation.

Many women in our country are criminalized for defending their rights. Because of this on the 8th of March the women and organizations that form part of the Network of Female Human Rights Defenders in Guatemala, we call out that we walk out together, to promote and defend our human rights and universally recognized liberties, in a non-violent manner.

We respect, recognize, commemorate and dignify the struggle of different women in this hostile and adverse context, they defend the first instance of their rights, with everything that is implied in a patriarchal, racist and clasist society, for a women to be a human rights defender.

Action for the Protection! Network of Human Rights Defenders in Guatemala.

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