



Monthly Information Pack Guatemala

Number 139 - April 2015

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.

CICIG uncovers infiltration of criminal networks in the state structures: the case of "The Line".

After eight months of investigations, the International Commission against Impunity in Guatemala (CICIG) in collaboration with the Special Prosecutor against Impunity (SFIC), managed to uncover a network of customs fraud. On the 16th of this month Alvaro Omar Chacon and Carlos Muñoz Franco Roldán, current chief and former head of the Superintendency of Tax Administration (SAT), were arrested on charges of conspiracy to smuggle, customs smuggling and tax fraud.¹

By tapping telephone conversations, electronic communications and meetings, the investigation was able to expose the criminal structure which has been given the code name "The Line". Those involved range from the top management of the SAT, to customs agents. All of the captured suspects were linked to process, but the judge released six of them on bail of between Q.200,000 and Q.250,000. This decision was criticized by several experts who argue that it is obstructing justice and promoting impunity. Helen Mack, director of the Myrna Mack Foundation, said that this called into question the independence of the judiciary.²

In addition, Rojas Juan Carlos Monzon who is accused of leading the criminal group is, at the time of writing, a fugitive from justice. The accused, who is the private secretary of Vice President Roxana Baldetti, was abroad accompanying her when the arrest warrant was issued. Also unveiled as part of the network are: the president of the national newspaper Siglo 21, Stuart Salvador Gonzalez and Francisco Javier Ortiz Arriaga, aka "Lieutenant Jerez". Ortiz Arriaga was a member of the Moreno network, a group formed in the Seventies, composed of army and government officials, which was responsible for customs control to detect weapons headed for armed leftist groups. He used his power to carry out smuggling, drug trafficking and other illicit activities.³ "It is exposing the reality that the State of Guatemala is captured by mafia networks that are supported by the highest level of government," said Manfredo Marroquin, president of Citizen Action, the Guatemalan chapter of Transparency International.⁴ The criminal structure had the ability to force tax administration superintendents and importers to collect bribes of up to 30% of the value of the tax return to evade the payment of taxes, defrauding the treasury at least Q2.5 million per week.⁵

¹ "Jueza liga a proceso a todos los capturados en caso de desfalco millonario a la SAT" Resumen de noticias, del 15 al 21 de abril de 2015, CEG La Semana en Guatemala

² "SAT fue asaltada por el propio Estado; CICIG acierta golpe a estructura de contrabando" <http://lahora.gt/sat-fue-asaltada-por-el-propio-estado-cicig-acierta-golpe-estructura-de-contrabando/>

³ "El Caso SAT: el legado de la inteligencia militar" <http://cmiguate.org/el-caso-sat-el-legado-de-la-inteligencia-militar/>

⁴ "Corrupción en sistema de tributario de Guatemala queda al desnudo" el periódico <http://www.elperiodico.com.gt/es/20150416/pais/11332/Corrupci%C3%B3n-en-sistema-de-tributario-de-Guatemala-queda-al-desnudo.htm>

⁵ "La Línea": una red de corrupción y una crisis política" <http://www.plazapublica.com.gt/content/la-linea-una-red-de-corrupcion-y-una-crisis-politica>

Corruption scandals causing public outrage and political crisis, while allowing CICIG ensure the extension.

"The Line" case had strong repercussions in the country, triggering a political crisis due to the proximity of the vice president with the main accused. Rojas Juan Carlos Monzon was considered a confidant of Roxana Baldetti, despite his links with criminal gangs. Amilcar Pop, indigenous member of parliament from the *Winaq Movement of Guatemala*, presented eight official accusations against the president and the vice president, for concealment, breach of duty, obstruction of justice, racketeering for customs smuggling, conspiracy to commit a crime, collusion, trading in influence and illicit enrichment.⁶

Outrage spread in social networks and, through a Facebook event⁷, the population staged a protest to demand the resignation of the president and vice president. On Saturday 25, under the slogan #RenunciaYa, about 30 thousand people filled Constitution Square.⁸ This citizen mobilization is historical in Guatemala, as it was made up of a heterogeneous group of people from different social classes, ages and ideologies, with no political leadership, the people who went to protest were simple citizens.⁹ The demonstration took place peacefully and without major problems, however, participants lamented the installation of sophisticated video surveillance cameras whose purpose was unknown. While the first suspicion was that the towers were installed in the square as mobile phone signal jammers, according to statements made in May 2014 by the Minister of the Interior, Hector Mauricio Lopez Bonilla, they are surveillance cameras which can identify human faces with an instant link up to the National Registry of Persons (RENAP). Several experts noted that the purpose of the installation of such cameras, by the authorities, was the intimidation and harassment of the population.¹⁰

In April, international attention has been focused on the president's decision to renew, or not, the mandate of CICIG. On the 20th, the United Nations Secretary, Ban Ki-moon confirmed the willingness of donors to continue funding the commission as well as his support for extension. Several civil society organizations, members of the justice and human rights sector, and international entities, since early this year, have expressed the need for the CICIG to continue their work. With the dismantling of the criminal structure "The Line" pressure increased, and the Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF) joined those calling for the retention of the commission in the country. Even though, in January, President Otto Perez Molina had declared that "the working phase of the CICIG is over and what they have not managed to achieve in eight years they will probably not be able to do in one or two more years."¹¹ Amid the current corruption scandals, the President announced his intention to seek the extension. The request to extend the mandate of the CICIG for another two years was made official on April 23, according to the president, thanks to the report prepared by the Coordinating Body of the Justice Sector (ICSJ), which provided technical elements and data to make the decision.¹²

⁶ "Guatemala: Denunciados el presidente Otto Pérez Molina y la vicepresidenta por ocho delitos" <http://www.telesurtv.net/news/Guatemala-Perez-y-Baldetti-denunciados-por-corrupcion-20150425-0012.html>

⁷ <https://www.facebook.com/events/691923857600206/>

⁸ "El día que la indignación venció al miedo urbano" <http://cmiguate.org/el-dia-que-la-indignacion-vencio-al-miedo-urbano/>

⁹ "Aportes al análisis del momento político en Guatemala" <http://www.alainet.org/es/articulo/169243>

¹⁰ "Manifestantes fueron víctimas de espionaje" www.prensalibre.com/guatemala/politica/manifestantes-fueron-victimas-de-espionaje

¹¹ "Pérez Molina: Fase de la CICIG en el país ya terminó" <http://lahora.gt/perez-molina-fase-de-la-cicig-en-el-pais-ya-termino/>

¹² "Otto Pérez, noches de insomnio y un cambio de última hora en el informe sobre la CICIG" <http://www.plazapublica.com.gt/content/otto-perez-noches-de-insomnio-y-un-cambio-de-ultima-hora-en-el-informe-sobre-la-cicig>

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 rights¹³

During April we continued accompanying the lawyer of the **Verapaz Union of Campesino Organizations (UVOC)** Jorge Luis Morales. We held weekly visits to his office and accompanied him to a hearing in Alta Verapaz. Also, we visited the headquarters of the organization twice, we had weekly telephone contact with its members and maintained regular telephone contact when travelling.

In April we continued accompanying the women of the **Association of Indigenous Women of Santa María Xalapán, Jalapa (AMISMAXAJ)**. We maintained weekly telephone contact with the members of the organization and accompanied them in the third Regional Meeting for the Good Life of the Women and Peoples of the mountains of Xalapán.



Accompanying the Third Regional Meeting for the Good Life of the Women and Peoples. April 16, 2015. Photo PBI

We have maintained contact with members of the **National Coordination of Widows of Guatemala (CONAVIGUA)** and continue to maintain an international presence twice a week at their offices.

We continue to accompany the lawyers and the **Law Office of Human Rights**. We accompanied the lawyer **Edgar Pérez Archila** when travelling and visited the office weekly.

We continue to accompany the members of the **Central Campesina Ch'orti' New Day (CCCND)**, in its efforts to support community processes of recuperation of their Maya Ch'orti' identity. In this context we observed the celebration of the formal recognition of the community Pelillo Negro, in the municipality of Jocotán as an Indigenous community (see table below).

¹³ Further general information on accompaniment and the organisations and people we accompany available on our website: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>



The neighbours of Pelillo Negro delivered their request for registration as a Ch'orti' Maya indigenous community in November 2014 and received recognition in February 2015. This recognition is considered as progress in the recovery of historical memory and defending the rights of indigenous peoples. The first community in the municipality of Jocotán to receive recognition was Las Flores in August 2014, the celebratory activity was also observed by PBI.

Celebrating the inscription of Pelillo Negro as a Ch'orti' Maya Indigenous Community. April 11, 2015. Photo PBI

During this month, we continued our support for the **Peaceful Resistance of La Puya**. Peace Brigades mourns the death of Gregorio Catalan, member of the resistance and we accompany the wishes of the family and his fellow resistance members, who have demanded an investigation into his death. As well as continuing with regular visits to the camp we were present at the protest camp in San Pedro Ayampuc against the company Trecca that seeks to construct high-tension power lines (see box).

On April 26 we observed a peaceful march in the framework of the celebration of the 22-day protest camp "La Laguna" in San Pedro Ayampuc. In this context, we also accompanied the neighbours to a meeting in Congress.



Observing a peaceful march in San Pedro Ayampuc. April 26, 2015. Photo PBI

We continued in weekly telephone contact with several members of the **Council of Communities of Cunén (CCC)**, in northern Quiché, and with members of the **Council of Peoples K'iche' (CPK)**. We accompanied Lolita Chavez to an act of reconciliation in the Magistrates Court, Santa Cruz Quiche, and were present during a meeting at the Governor's office in Quiche on the topic of high-tension electricity pylons in the region.

We accompanied the Lutheran Reverend José Pilar Álvarez Cabrera, and several people from the community **La Trementina** (Zacapa), to verify the damage to the community due to sabotage of water pipes. This is extremely worrying because between April and August 2014 pipes bringing water to the community were destroyed on 16 occasions.

International accompaniment during the walk to verify the destruction of the pipes in La Trementina community, Zacapa. April 30, 2015. Photo PBI



Following the state of prevention in September 2014, and the context created by this situation, we have found it very difficult to communicate with members of the resistance of the **12 Kakchiqueles resistance communities in San Juan Sacatepequez**. Ignorance of the current situation in the region, coupled with the failure to receive requests for accompaniment in turn, has prevented us to carry out our work of global accompaniment.

For this reason, in January 2015 we decided to move this organization from “accompanied” to “monitored”. In light of the aforementioned explanation we have come to the conclusion that it is not currently possible to carry out such monitoring, we have therefore decided to end the accompaniment.

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 17 April we observed the peaceful march of the **Peasant Committee of the Altiplano (CCDA)** in Guatemala City. We were also present at the hearing of a member of the **Committee in Defence of Life and Peace (Community members of San Rafael Las Flores)**.

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 April we met with two members of the **Office of the High Commissioner for Human Rights (OHCHR)** in Guatemala, Alberto Brunori, **Director of OHCHR** and Vincent Simon, **Human Rights Officer**.

With regard to the Guatemalan authorities, we held a meeting in the capital with Mario Minera, **National Advocacy Director of Human Rights Ombudsman (PDH)**. We also met with José Cruz González, **Engineer of the Land Fund (FONTIERRAS)**.

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.

We continued meeting regularly with the **Unit for Protection of Defenders of Human Rights in Guatemala (UDEFEQUA)** to share concerns about the work of human rights defenders; we regularly visited their headquarters as well as the offices of **Madre Selva** and **Women's Sector**. We also had continuous contact with international organizations in Guatemala: the **Coordination of International Accompaniment in Guatemala (ACOGUATE)** with **Protection International (PI)**, the **Forum of International Non-Governmental Organizations (FONGI)** and the **International Platform against Impunity**. Also, this month, we participated in the **Meeting of International Accompaniment Organizations** held in Quetzaltenango.

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.

During this month, the European representative held the following meetings:

- On April 22 with Beatriz Becerra, Spanish **MEP and member of the Subcommittee on Human Rights**; Pier Antonio Panzeri, **Italian MEP and member of the Subcommittee on Human Rights**.
- On April 23 with: adviser Bernd Lange, **German MEP and chairman of the Committee on International Trade of the European Parliament**; Brigitte Bataille, **adviser to the Socialist Group in the European Parliament for foreign affairs and human rights**; Katarina Tapio, **Head of Latin American policy of the Permanent Representation of Finland to the EU**, and particularly in the working group LAC, COLAC.

As part of the tour of Lesly Ramirez, representative of the **Central Campesina Chorti' New Day (CCCND)**, across several European countries, including Belgium, the European representative held the following meetings:

- On April 27 with: the assistant Jude Kirton-Darlington MEP, **member of the International Trade Committee of the European Parliament**; Aurora Díaz Rato, **head of the Latin American policy of the Permanent Representation of Spain to the EU**, and particularly in the working group LAC, COLAC; Sylavain Schultze, **Guatemala desk** and Andres Basolls, **Deputy Director for Central America**, both of the **European External Action Service (EEAS)**.
- On April 28 with John Bazill, the **Department of Sustainable Development Directorate General Trade of the European Commission**; Joachim De Fraye, **Department of Human Rights** and Noella Put, **Guatemala desk, the Ministry of Foreign Affairs of Belgium**

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.

ANTE LA VIOLENCIA POLICIAL CONTRA EL PUEBLO IXIL LA CONVERGENCIA POR LOS DERECHOS HUMANOS EXPONE:

1. Una vez más, la población ixil es reprimida violentamente cuando reclama sus derechos. El 28 de abril, pobladores de Sotzil, Chajul, Quiché, protestaron por el incumplimiento contractual de la empresa Hidro Xacbal Delta, perteneciente al grupo empresarial Energía Limpia de Guatemala S. A, con comunitarios de la aldea. La protesta se produjo porque la empresa en cuestión, quebrantó el acuerdo suscrito en febrero. En esa ocasión, la compañía se comprometió a un pago de Q10 mil por familia para que permitieran el paso de maquinaria por terrenos comunitarios. Una nota del Centro de Medios Independientes informa que: Esto le permitió a la empresa reiniciar los trabajos de perforación de un túnel. Los trabajos terminaron en el rompimiento de un río subterráneo que reventó por la presión del afluente, obligando a los técnicos a frenar lo que venían haciendo. Según informaciones de los comunitarios, un ingeniero español fue trasladado a un hospital privado de emergencia en helicóptero. La empresa no se ha pronunciado al respecto.

2. Quienes firmaron el acuerdo esperaron el pago que no llegó. De allí que el 28 de abril, bloquearan de nuevo el camino, el cual fue despejado violentamente por cerca de 200 elementos de la Policía Nacional Civil (PNC), desplazados a la región. En dicho operativo fueron capturados Pedro Pacheco Solano, Bonifacio Itzep Mateo y Baltazar Zúñiga. La represión violenta contra la comunidad de Sotzil generó descontento en la población de la cabecera de Chajul la cual, se desplazó a la carretera para protestar. De nuevo, las fuerzas de seguridad, en particular PNC y antimotines intervienen violentamente. A golpes y uso desproporcional de lacrimógenas disuelven al grupo y le persiguen por las calles del pueblo. Cuentan para ello con el apoyo del ejército de Guatemala que respalda la acción policial. Reportes iniciales indican que debido a los golpes un menor de edad falleció por efecto de la acción gubernamental.

Ante esta situación de violencia estatal en defensa de intereses particulares, la CONVERGENCIA POR LOS DERECHOS HUMANOS:

1. Condena el uso de la fuerza policial irracional y su privilegio por encima del diálogo cuando se trata de responder expresiones de protesta de comunidades en defensa el territorio. Responsabiliza al gobierno de Guatemala, en particular al Ministerio de Gobernación, la Policía Nacional Civil y al Ministerio de la Defensa Nacional, por las consecuencias derivadas de su intervención arbitraria y violenta en situaciones de conflictividad social.

2. Demanda una investigación desde y hacia el Ministerio de Energía y Minas con respecto al estudio de impacto ambiental, así como la derivación de las responsabilidades administrativas y penales de los funcionarios involucrados.

3. Demanda al Ministerio Público (MP) una investigación completa e imparcial de los hechos y la derivación de responsabilidades hacia funcionarios involucrados en los hechos trágicos en el área ixil y no solo investigaciones encaminadas a criminalizar las protestas sociales.

4. Solicita a la Procuraduría de los Derechos Humanos (PDH), investigar en profundidad todos los hechos, así como sus antecedentes y pronunciarse a la brevedad, para lo cual debe requerir informes circunstanciados a cada institución involucrada, así como los planes de los operativos, vehículos, equipo y personal involucrado.

5. Repudia el accionar perverso de la empresa Hidro Xacbal Delta que intenta sobornar comunidades para alcanzar sus objetivos aunque luego incumple sus compromisos, además de que opera sin prevención de desastres derivados de su intervención.

6. Expresa su solidaridad con las comunidades y familias afectadas, a la vez que llama al pueblo ixil a mantener la defensa de sus derechos por la vía pacífica y a la sociedad guatemalteca a solidarizarse con los pueblos en resistencia en defensa del territorio.

Guatemala, 29 de abril de 2015

CONVERGENCIA POR LOS DERECHOS HUMANOS

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