



Monthly Information Pack Guatemala

Number 147 - December 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.

Ecocide in La Pasión River: affected population and social movements seek justice

On the 17th September 2015, in the Sayaxché municipality in Petén, the judge Karla Hernández ordered the temporary closure of the company Reforestadora de Palma de Petén, S.A. (REPSA), for a period of 6 months, as a precautionary measure and to allow for the area to be duly protected in order to ensure an objective investigation. This ecological disaster is considered "ecocide", both by the affected population and by the experts. Several reports indicate that tens of thousands of fish have been killed in the La Pasión River, with over 23 species affected. This has had a seriously detrimental impact on more than 12,000 people in 17 communities for whom the river is an important resource.¹ On the 24th October the company obtained a provisional injunction at the Regional Appeal Court of Petén in order to suspend the shutting down of their operations. This decision was taken right at the beginning of the investigations to ascertain the company's responsibility for the river's contamination.² On 30th November, the newspaper La Hora confirmed that this appeal permitted REPSA to continue operations, despite the fact that the Public Prosecutor suspected their responsibility for the ecological disaster.³

On the 1st December, international organisations handed in an open letter to the Public Prosecutor, Thelma Aldana, and the Minister of the Interior, Eunice Mendizábal, in which they requested an immediate investigation into the assassination of the environmental defender, Rigoberto Lima Choc, who was one of the first to report the contamination in the vicinity of the REPSA plant. Rigoberto Lima Choc was assassinated on the day after Judge Karla Hernández had ordered the temporary closure of the company. This letter was drawn up by many international organisations and signed by more than 49,000 people from several countries.⁴

On the 23rd December, the Court of Appeal of Petén, turned down the appeal which sought to cancel the judicial resolution which had effected the temporary closure of REPSA. As a result, the judicial process continues and the affected population and the social movements hope that justice will prevail and that the damage will be reversed.⁵

¹ Centro de Estudios de Guatemala, CEG, "International bodies seek investigation into the assassination of environmentalist in Petén", December 2015.

² Portillo, A.de, República. GT, "Repsa gets injunction which allows operations to be reopened", October 2015, <http://www.republicagt.com/nacional/repsa-logra-amparo-que-permite-abrir-operaciones>

³ Palacios, C., La Hora, Protection Order permits REPSA operations", November 2015, <http://lahora.gt/amparo-permitio-operaciones-de-repsa/>

⁴ Centro de Estudios de Guatemala, CEG, "International bodies seek investigation into the assassination of environmentalist in Petén", December 2015.

⁵ Centro de Estudios de Guatemala, CEG, "Ecocide: injunction denied; requested to avoid temporary closure of Repsa", September 2015.

19th anniversary of the signing of the Peace Accords: despondency over the deterioration of the human rights situation in Guatemala

On 29th December 1996 a firm and lasting Peace Accord was signed by the Government of Guatemala and the Guatemalan National Revolutionary Union (URNG). This included 12 separate agreements and a series of specific commitments. Nineteen years later, an assessment of the achievements of these agreements is not very positive. There are more steps backwards than achievements, particularly in relation to Human Rights, which have suffered a strong decline in recent years, leaving the majority of the population without hope. According to Nery Rodenas, of the Human Rights Office of the Archbishop of Guatemala (ODHAG) no government has shown any interest, nor have they generated projects which would allow for the necessary structural changes. Jorge Santos, director of the International Centre of Human Rights Research (CIIDH) points out that the Global Agreement on Human Rights includes commitments which are important for the strengthening of the Justice System, the Public Prosecutor's Office, the Judicial Organism and the Institute of Public Penal Defence, but these institutions do not have sufficient resources to guarantee their functioning.⁶

A good example of this situation is the National Compensation Programme (PNR) aimed to support victims of the internal armed conflict. The compensation of the victims includes not only monetary compensation, but also the restoration of dignity, cultural compensation, psycho-social compensation and rehabilitation. In 2008 the organisation had a budget of 300 million quetzals. In 2009 and 2010, a total of 250 million quetzals; in 2014 a budget of 104 million quetzals. But for 2016, only 25 million quetzals have been assigned.⁷ According to the PNR, there are 3,336 communities affected by the armed conflict which have registered with the programme. To date, of the more than 54,000 cases for which the PNR has sought solution, only 16,000 have been resolved.⁸

The Guatemalan Human Rights Ombudsman, Jorge de León Duque, asked the State to undertake the necessary actions to implement the accords aimed to terminate the armed conflict and thus to contribute to "the development of a more human society". In addition, he indicated that "the permanent presence of the army in themes of public security goes against the Peace Accords, in the sense that public safety is the exclusive competency of the civil police forces and this obstructs the strengthening of civil powers".⁹

Nineteen years ago a path of hope was opened with the signing of the Peace Accords, today the victims of the internal armed conflict continue to demand justice and compensation for the crimes committed against them and their families.¹⁰

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.*¹¹

During this month, we have continued our accompaniment of the Peaceful Resistance of La Puya. We visited the protest camp on three occasions and we continue to phone weekly. On the 3rd December, we accompanied members of La Puya campaign to a meeting with the Human Rights Ombudsman, the Ministry of Energy and Mines (MEM), the Ministry of Health and the Ministry of Environment and Natural Resources (MARM) in the Presidential Palace. The objective of this meeting was to insist in the relevance of

⁶ Muñoz Palala, G., Prensa Libre, "Peace Accords going backwards at 19 years from signing.", December 2015, <http://www.prensalibre.com/guatemala/politica/acuerdos-de-paz-reflejan-retrocesos-a-19-aos>

⁷ Muñoz, G. y Orozco, A., Prensa Libre, "PNR with less funds to indemnify war victims", December 2015, <http://www.prensalibre.com/guatemala/politica/se-reduce-asignacion-de-recursos-para-resarcimiento>

⁸ El Periódico, "Government cuts PNR Budget by 92% for 2016", <http://elperiodico.com.gt/2015/12/30/pais/gobierno-redujo-el-presupuesto-del-pnr-en-92-por-ciento-para-2016/>

⁹ Siglo 21, "Ombudsman requests State to take steps to implement the Peace Accords", December 2015, <http://www.s21.com.gt/nacionales/2015/12/29/procurador-pide-estado-medidas-para-cumplir-acuerdos-paz>

¹⁰ El Periódico, Op.Cit.

¹¹ Further information on accompaniments and the organisations and people we accompany on our website: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

their struggle and to put it on the agenda of the new government of Jimmy Morales. On the 10th and again on the 16th December, we accompanied them to the Constitutional Court (CC) and again to the Presidential Palace. These visits allowed the Resistance members to show the different authorities the urgency to ensure respect for the injunction emitted on 15th July by the Civil Court of First Instance, in which the Municipal Council of San Pedro Ayampuc was ordered to suspend construction works for the Progreso VII Derivada project in the “El Tambor” mine, until sentencing has been resolved, the neighbourhood consultation has taken place and a full environmental impact study has been completed.

As a result of these meetings, it was agreed that the MEM should visit the area affected by the construction of the mining infrastructure, to undertake sample testing of water quality. As part of our work as international observers and accompanying **the Peaceful Resistance of La Puya**, on 16th December we accompanied their members to a meeting, attended by the corresponding ministries, the Human Rights Ombudsman and the Office of the UN High Commissioner for Human Rights (OACNUDH). That same day, other members of the Resistance decided to turn up in the Constitutional Court, with the same objective to reclaim respect for the order of protection, and again we provided accompaniment to this activity.



Accompaniment of members of La Puya outside the Constitutional Court, 16th December 2015. Foto: PBI.

We have continued our accompaniment of the **Association of Indigenous Women from Santa María Xalapán (AMISMAXA)**, through weekly phone calls and by maintaining contact during their work related trips.

We maintain our accompaniment of the **Human Rights Law Firm**, accompanying the lawyer **Edgar Pérez Archila** when he is moving about and by making weekly visits to the offices. We also accompany other lawyers associated with this practise. Furthermore, during the month, we were observers at two judicial hearings, one in relation to the Genocide trial and the other relating to the Barillas case.

During the month, we made weekly calls to the **Council of Cunén Communities (CCC)** in order to maintain regular contact and to keep abreast of their activities.

We also continue to accompany the members of the **Campeño Central Coordinator New Day' Chortí (CCCND)**, maintaining regular telephone contact and monitoring their activities.

In relation to the **Council of K'iche' Peoples (CPK)** we remain vigilant of their activities and we continue our weekly phone calls to its members.

We continued our visits to the protest camp of **the Peaceful Resistance La Laguna** and continued to make regular phone-calls to its members.

Throughout the month, we also maintained frequent telephone communication with the Lutheran pastor **José Pilar Álvarez Cabrera** of the **Ecumenical Coordination for the Defense of Macizo del Merendón**. We were also in regular contact with members of the La Trementina community (Zacapa) and kept informed of their activities.

Finally, on two occasions during the month we visited headquarters in the Department of Alta Verapaz of the **Verapaz Union of Campesino Organisations (UVOC)**. We also made weekly visits to the office of their lawyer, **Jorge Luis Morales** and accompanied him on two occasions to the Office of Public Prosecution (MP).

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.

Throughout the month we have continued to attend to the situation of the **San Rafael Las Flores Committee in Defence of Life and Peace** through regular telephone contact and by following the criminal proceedings against some of its members

Visit to Petén

In December we made our second annual visit to the Department of Petén, as part of our overall accompaniment programme of the last two years.

As well as meeting with various authorities, we met several civil society organisations and members of communities which have been displaced, or are at risk, from Sierra Lacandón and Laguna del Tigre.



Visit to the Community of Triunfo de Nueva Esperanza Petén. December 2015.



International Observation of the Commemoration of the Massacre of the Dos Erres, on the Isla de los Flores, Petén. December 2015. Photo:PBI

We accompanied the **Communities of Laguna del Tigre** in the commemoration of the Massacre of Dos Erres, which took place in the Santa Elena municipal district, ending with a march through the Isla de Flores

We also visited the displaced community now living in **Centre 1** and we noted that now, a full 7 years since they were displaced from the Sierra de Lacondón, their situation remains unresolved and they have been offered no alternative which would allow them to live with dignity in a safe place and with even minimal humanitarian conditions.

We visited the community of **Triunfo de Nueva Esperanza** and we witnessed the fact that they are still not a legally recognised community, as a result of which they are unable to access minimal services which would ensure their basic welfare.

All the social organisations with whom we met during our visit to Petén, concurred that the following are the main concerns of the communities in the region:

- Plans for the construction of hydroelectric projects against the wishes of the communities.

- Increase in large-scale farming of the African Palm and its negative effect on the population, land usage and the environment.
- Ecocide of the La Pasión River and the serious consequences for the food security and the right to water of the affected population.
- The communities who live in the Protected Areas suffer harassment and continual persecution through the programmes of displacement and dispossession of the affected communities. The human rights situation of people who live in this area is worrying, as is the lack of access to basic services such as sanitation and education.
- The generalised situation of violence in the Department which affects women in particular.
- The persistent militarization throughout the region.

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 the framework of our dealings with official Guatemalan authorities, this month we met twice with the **Human Rights Ombudsman**, meetings which were attended by Mario Minera, **National Director of Mediation and Conflict Resolution**, and Jorge Eduardo De León Duque, **the Human Rights Ombudsman**. We also met with Nery Ramos, **Director General of the National Civil Police (PNC)**.

On the international front, during December we held a meeting with Catalina Lleras, Human Rights Official with the **Office of the UN High Commissioner for Human Rights**.

During the visit to Petén, we met with the following local authorities: Marvin Segura, Coordinator of the **Secretariat of Agrarian Affairs of La Libertad municipality**; Antonio Fión, Technical coordinator of the **Petén Land Fund**; Gaspar González of the **Auxiliary office of the Human Rights Ombudsman (PDH) of La Libertad municipality**; Rubén Armando Ponce, of the **Substation of the Division of Protection of Nature (DIPROMA) of the PNC in La Libertad**; José Manuel Méndez, Coordinator, and two technicians from the **Secretariat of Agrarian Affairs of the San Benito municipality**; Estuardo Puga, Official at the **Auxiliary Office of the PDH in the San Benito municipality**; Byron Bes, **Coordinator and community Mediator from the National Council of Protected areas of Petén (CONAP)**; Antonio Morales, **Governor of Petén and his advisor Héctor Monroe**; María de los Angeles Chinchilla, Official at the **Departmental Office of the Presidential Commission of Human Rights (COPREDEH)**; Gustavo Alfonso Díaz Díaz, **Mayor of La Libertad municipality**; a representative of the **Auxiliary office of the PDH of La Libertad municipality**, and two councillors; the head of the **Auxiliary Office of the PDH in the San Benito municipality**. The Commissioner, Godínez Velázquez and the sub-commissioner, Rosa Estrada, from the **62nd Precinct of the PNC in San Benito**; Carlos Saavedra, land registry technician and a facilitator-mediator from the **Secretariat of Agrarian Affairs of the San Benito municipality**; Armando Aragón, **Mayor of Flores municipality**; Salvador López, Director General and Byron Bex, Coordinator of the indigenous communities of **CONAP in Petén**.

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 continue to meet regularly and to visit the offices of the **Unit of Protection of Human Defenders in Guatemala (UDEFEQUA)** to share concerns and mutually update on the work of human rights defenders in the country.

We have maintained regular contact and visited the headquarters of **Madre Selva Collective**. We meet to share information and analysis. We have also visited the office of the organisation **Women's Sector**.

Also, we maintain constant contact with international non-governmental organizations in Guatemala such as: the **Coordination of International Accompaniment in Guatemala (ACOGUATE)**, **Guatemala Human Rights Commission (GHRC)** **Protection International (PI)**, the **Forum of International Non-Governmental Organizations (FONGI)**, the **International Platform Against Impunity** and the **Human Rights Office of the Archbishop of Guatemala (ODHAG)**.

5. ACTIVITIES OF PBI GUATEMALA OUTSIDE OF 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.

On 3rd and 4th December, the European representative of the project participated in a Forum of the **EU/NGOs** on Human Rights, held in Brussels on the theme of: "Protecting civil society and its operational capacity". In addition, on 11th December, she met with Julita Bas, who is in charge of Latin America in the **Human Rights Division of the European External Action Service (EEAS)**.

In November, the legal representative of the Guatemala Project undertook an advocacy tour in Mexico and the United States, and meeting with diverse organisations in both countries. In Mexico she met with Lydia Ladurne, Minister-Counsellor and Deputy Head of Mission, and Silvia Nussbaumer, Project Coordinator of the **Austrian Embassy**; Ashleigh McArthur, Counsellor at the **Australian Embassy**, and Anna-Emilia Hietanen, Project Coordinator at the **Finnish Embassy**. In the United States she met with Torge Löding, Director, Patricia Zapata, Project Coordinator and Annkatrin Velásquez, Finance officer, or the **Rosa Luxembourg Foundation**, Carla García Zendeja, Director of the Programme for Indigenous Peoples, Land and Resources; and Amanda Kistler, Communications Officer from the **International Center for Environmental Law (CIEL)**; Mario López and Leah Chavla, Human Rights specialists from the **Interamerican Commission for Human Rights (CIDH)**, due to its initials in Spanish); Kelsey Alford-Jones, Executive Director, and Andrew Fandino, Advocacy Coordinator of the **Guatemala Human Rights Commission (GHRC)**; Daniel Cerqueira, Senior Programme officer of the **Due Process of Law Foundation (DPLF)**; Edgar Villanueva, Minister-Counsellor at the **Embassy of Guatemala in the US**; Charles O. Blaha, Director of Western Hemisphere Affairs, Alix Frasier, Foreign Affairs Officer y Thomas Lee, Guatemala Desk Officer, of the **US State Department**; and some **members and representatives of the US Congress**.

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.

CONMEMORACIÓN DE LAS Y LOS MASACRADOS

A la comunidad nacional e internacional, al Estado de Guatemala y a todo el pueblo en general.

Hacemos saber:

Hoy recordamos con angustia y coraje social el resultado de una guerra interna e injusta que duro 36 años, se cometió una serie de delitos de lesa humanidad, especialmente masacre y genocidio en contra de población indefensa. Hoy recordamos el genocidio cometido en contra 162 personas de la Comunidad "Dos erres", asesinados vilmente por el aparato institucional, en este caso el ejército de Guatemala el día 7 de Diciembre de 1982 en el gobierno de Efraín Ríos Montt, época donde nueve de cada 10 masacres fue cometido por el ejército de Guatemala.

Pero también recordamos a todos aquellos y aquellas que durante la historia y el Conflicto Armado han caído empujando la historia y la esperanza hacia una tierra libre y cumplimiento de derechos humanos. Hoy caminamos para liberar el futuro, caminamos por el horizonte, por la memoria de ellos y ellas.

Sabemos que el origen del Conflicto Armado y las desigualdades sociales que vivimos en nuestro país, son causa de una mala distribución de la Tierra y las riquezas del país, por hombres y mujeres que se protegen bajo un sistema capitalista y corrupto.

Conmemoramos también, la masacre reciente en Finca de Los Cocos ocurrida el 14 de mayo de 2011 y la masacre de Alaska de Totonicapán ocurrida en Octubre del 2012. Vemos cómo el hombre es capaz de cometer semejantes crímenes en contra de sus mismos ciudadanos y cobijarse en el manto de la impunidad. ¡La sangre de nuestras hermanas y hermanos clama justicia a nuestra sociedad!

Repudiamos también las nuevas formas que este sistema Capitalista utiliza para aniquilar a nuestro pueblo, como la implementación de monocultivos, la extracción de petróleo, implementación de áreas protegidas, hidroeléctricas, que lejos de ayudar a la economía, solo fomenta la corrupción, la miseria, contaminación ambiental irreversible, desigualdad social, desplazamiento de comunidades, desalojos y asesinato de líderes que defienden derechos.

Condenamos firmemente el Ecocidio ocurrido el 28 de abril y 6 de junio del 2015 en el río La Pasión en Sayaxché. Esto demuestra una vez más, cómo el sistema capitalista históricamente ha cometido ecocidio en los pueblos de América, exterminando el bosque, los ríos, los animales y el aire. Además se demuestra, cómo este sistema asesina, manipula y criminaliza a líderes y comunidades que defienden el bosque, los ríos, los animales y el aire. ¡Esto ya no se aguanta! Libertad ya para todos y todas!

Recordamos al maestro Rigoberto Lima Choc, quien fue ultimado a balazos frente al Juzgado de Paz del municipio de Sayaxché, quien fue la primera persona en denunciar públicamente a la REPSA por haber contaminado el río La Pasión.

Aprovechamos para solidarizarnos con nuestros hermanos y hermanas del Cambray II ocurrida el 1 de octubre de 2015, como un efecto del cambio climático por la destrucción de la naturaleza causada por las empresas que siguen deforestando sin piedad el planeta.

Por tal motivo exigimos.

1) Que el Estado de Guatemala y el sistema de justicia asuma su responsabilidad por todos los actos crueles: Torturas, Masacres, desapariciones forzadas y desplazamientos, ocurridos durante el conflicto armado, así como se comprometió en la firma de los Acuerdos de Paz; se castigue a los principales responsables de tan grandes atrocidades para la dignificación y resarcimiento a las víctimas, como recomendó la Comisión para el Esclarecimiento Histórico, para asegurar que estos actos no se vuelva a repetir.

2) Que El estado de Guatemala busque soluciones viables a la problemática de Tierra dando seguridad de la tierra a las comunidades asentadas en Áreas protegidas, cese la persecución a los campesinos y se garantice el buen vivir para todos. La solución no es la persecución penal con más tribunales que solo castigan a campesinos indefensos y deja puerta abierta al poder político, empresarial y aparatos clandestinos para que actúen en total impunidad.

3) Que se depure el congreso y ministerios, para avanzar en normas que favorezcan al pueblo de Guatemala y no a empresarios que buscan un interés mezquino en el país, limitando el derecho de vida a los campesinos.

4) Que se aplique todo el peso de la ley a las empresas que están deteriorando y contaminando el medio ambiente, así como a los funcionarios irresponsables que sin tomar en cuenta el daño que estas pueden causar a la vida, han otorgado licencias mineras y de mono cultivo.

5) A todo el pueblo en general no olvidar los hechos de dolor y unírnos para exigir el cumplimiento de la justicia a los que por muchos años se han dedicado a saquear a nuestro pueblo y dejarnos en la miseria sea castigados y que se les aplique la extinción de dominio para que devuelvan a Guatemala todo lo que han robaron.

“Sin las raíces en el pueblo, ningún gobierno puede tener eficacia, mucho menos cuando quiere implantarlo a fuerza de sangre y dolor”.

Monseñor Romero.

Comunidades campesinas de La Libertad, Las cruces y San Andrés Petén. 7 de diciembre de 2015.

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