



Monthly Information Package Guatemala

Number 176 - May 2018

1. THE CURRENT SITUATION

Monthly update 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 defense of territory.

Visit of the United Nations Special Rapporteur on the Rights of Indigenous Peoples

The United Nations Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz, visited Guatemala from 1st-10th May. She visited several departments and met with various actors including: authorities, civil society organizations, UN personnel and other members of the international community. Nearly 10,000 authorities and indigenous peoples' representatives attended meetings with the Rapporteur. In her final statement, Tauli-Corpuz expressed concern for the discrimination and marginalization of indigenous peoples in Guatemala, referring to the conditions of extreme poverty, malnutrition, forced evictions and criminal persecution they face, and called on the State to rebuild its relationship with indigenous peoples, while guaranteeing accountability and reparations for victims of the internal armed conflict. Some of the Rapporteur's statements illustrate the concerns she mentioned and her assessment of the situation in Guatemala: *While I was in the country, I met with a large number of indigenous people who had been evicted by force without humanitarian assistance. I also visited several indigenous leaders in jail who are accused of common crimes that seem to be exaggerated and they have been subject to long periods of preventative detention. (...) The main cause of the situation is the lack of land tenure. Guatemala has not adopted legislation or mechanisms for the protection of indigenous peoples' rights to land, territories, and natural resources. Many are left in a situation of total vulnerability in face of interests in conflict and numerous projects that take place without consultation or the consent of interested peoples. (...) The criminalization of indigenous leaders who seek specific and legal solutions to disputes for land only increases tensions in society. Guatemala needs to identify, accept and start to work on the resolution of these structural problems.*¹

Three human rights defenders killed

This month was marked by some tragic events. During the Rapporteur's visit and after her visit, three human rights defenders were killed: Luis Marroquín member of the Campesino Development Committee (CODECA), killed on 9th May in San Luis Jilotepeque, Jalapa; José Can Xol member of the Campesino Committee of the Highlands (CCDA), killed on 10th May in Choctún Basilá, Alta Verapaz; and Mateo Chamán Paau also a CCDA member killed on 13th May in the community of San Juan Tres Ríos, Cobán. *Human rights defenders, especially those who protect land and the resources of their communities, suffer constant threats and attacks. (...) Racism and institutionalized discrimination against indigenous peoples in Guatemala is at the root of this violence. Their inherent rights to land, territories and traditional resources are not recognized. Although half of the population is indigenous, the majority still lack collective titles to the lands they have relied on for generations, affirmed Rapporteur Victoria Tauli-Corpuz.*²

New Attorney General

On 3rd May President Jimmy Morales chose, from a list of six candidates, María Consuelo Porrás Argueta as the new Attorney General and head of the Public Prosecutor's Office (MP). In her first public statements she approved of the outgoing Attorney General, Thelma Aldana's, administration and valued the work of the

¹ Tauli-Corpuz, V., [Guatemala debe romper ciclo de discriminación contra los pueblos indígenas, dice experta de la ONU](#). Ginebra, 05.11.2018.

² Tauli-Corpuz, V., [Guatemala needs to do more to stop the killing of indigenous activists](#), The Washington Post, 05.23.2018.

International Commission Against Impunity in Guatemala (CICIG) as positive and necessary. She also stated that the fight against corruption and against impunity would be a priority in her administration. Yet, she also stated that President Jimmy Morales is a good ally against corruption, preferring not to express her opinion on the MP and CICIG's accusation against the President.³

Controversy in foreign policy

On 10th May, the Minister of Foreign Affairs requested the removal of Swedish Ambassador, Anders Kompass, and Venezuelan Ambassador, Elena Salcedo, after considering that in *the performance of their duties they have assumed attitudes that derive in interference in internal affairs of the State of Guatemala*. This decision was rejected by various sectors and organizations. A group of donor countries known as the G13, of which Sweden is part of, called on President Morales to "reconsider" this measure. Minister of Foreign Affairs, Sandra Jovel, considered the request of the G13 to be "unfortunate" and asked foreign diplomats to *circumscribe to their functions and not get involved in internal affairs of Guatemala*. The Supreme Court of Justice (CSJ) suspended the petition against Kompass on 18th May and Jovel insisted on asking Sweden to change their current ambassador.⁴

Guatemala opened its new embassy in Jerusalem on 16th May following in the footsteps of the United States, who opened its embassy two days before. Guatemala is the second country to move its embassy to Jerusalem.⁵ The secrecy around the financiers of this trip added to the controversy surrounding this already contentious decision. Forty-four government officials and the President's relatives were part of the Guatemalan delegation who traveled to Jerusalem. According to the Central American Institute on Fiscal Studies (ICEFI) and Transparency International Guatemala (Acción Ciudadana AC), *President Morales is violating the Access to Public Information Law if he does not make this information public*.⁶

Historical verdict in the Molina Theissen case

In the early morning of 23rd May, Tribunal "C" For High Risk Matters issued a verdict on the illegal detention and rape of Emma Guadalupe Molina Theissen and the forced disappearance of her 14 year old brother Marco Antonio Molina Theissen. The presiding judge, Pablo Xitumul, concluded that these crimes *offended all human beings so they should not be left in impunity*. The retired military officials, Manuel Benedicto Lucas García (former head of the Army's Estado Mayor), Hugo Ramiro Zaldaña Rojas (former intelligence officer), Manuel Antonio Callejas (former head of military intelligence) and Francisco Luís Gordillo Martínez (former commander at the military base in Quetzaltenango) were sentenced to between 33 and 58 years for crimes against humanity, aggravated sexual violence and forced disappearance. Edilberto Letona Linares (former Deputy Commander at the military base in Quetzaltenango) was acquitted *on the grounds of not being responsible in the chain of command for these acts*.⁷ The Molina Theissen family did not receive answers from the military in regards to the whereabouts of their son and brother, Marco Antonio, and will therefore continue their search.

The United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, called the verdict a "milestone judgement" for Guatemala and the world with regards to the investigation, prosecution, and punishment for severe human rights violations committed by high ranking military officials during the internal armed conflict.⁸ Also, in a hearing for dignified reparations that took place on 28th May, the court issued a resolution ruling that Guatemala has to create a National Registry of Victims, a National Plan to Search for Disappeared People and also to declare 6th October National Day of Disappeared Children, to coincide with the day Marco Antonio Molina Theissen was disappeared.⁹

³ Nómada, [María Consuelo Porras: la magistrada "prudente" es la nueva Fiscal General](#), 05.03.2018.

⁴ AFP, [Guatemala insiste en pedir relevo del embajador de Suecia](#), El Periódico, 05.21.2018.

⁵ EFE y Pocón, R., [Jimmy Morales llega a Israel para inaugurar embajada en Jerusalén](#), Prensa Libre, 05.15.2018.

⁶ Toc, M., [Icefi y AC rechazan que Jimmy Morales oculte información sobre viaje a Israel](#), Prensa Libre, 05.23.2018.

⁷ Cumes, W. Y Hernández Mayén, M., [Caso Molina Theissen | Tribunal condena a militares retirados con penas de entre 33 y 58 años](#), Prensa Libre, 05.23.2018.

⁸ ["Sentencia trascendental" en Guatemala - Alto Comisionado Zeid](#)

⁹ Hernández Mayén, M. y Toc, M., [Familia Molina Theissen tendrá reparación digna por desaparición de Marco Antonio](#), Prensa Libre, 05.28.2018.

2. ACCOMPANIMENTS

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 defense of territory.¹⁰

STRUGGLE AGAINST IMPUNITY

During the month of May we accompanied the **Human Rights Law Firm (BDH)** to several hearings including:

- **Virgin of Asuncion “Safe” Home Case**

The case is progressing slowly. The hearing on 3rd May was suspended due to the absence of a defense lawyer who was out of the country. Likewise, the 22nd May hearing was postponed because one of the lawyers of the accused could not attend as he had another hearing at the same time. The next hearing is scheduled for 5th June.

- **Ixil Genocide Case**

The Genocide Case against Mauricio Rodríguez Sánchez (Director of Military Intelligence, G-2, during the government of General José Efraín Ríos Montt) is in its final stage. During the Friday 11th May hearing, Paloma Soria Montañez, gave her expert assessment with a focus on sexual violence and rape as war crimes in the context of the internal armed conflict, stressing how these acts reinforced genocide. Montañez, who gave her expert presentation from the Guatemalan Consulate in the Netherlands based her arguments primarily in jurisprudence and analysis of 21 testimonies of female victims. In the 18th May hearing, political analyst, Héctor Rosada Granados, described the historical context, the different phases of the internal armed conflict and the targeting of the civil noncombatant population considered the “enemy”. The next hearing was held on 25th May in which two experts presented: Marta Elena Casaú Arzú, who addressed the issue of racism during the conflict; and Ramón Cadena, Director of the International Commission of Jurists (ICJ) who spoke of the grave violations against the ethnic Maya Ixil civil population. A verdict is expected to be reached next month.

- **Bernardo Caal Xol Case**

On 22nd May, we accompanied BDH to a hearing of Bernardo Caal in Cobán, Alta Verapaz. This was an important hearing as the judge had to decide whether the MP presented enough evidence to send the case to trial or dismiss the case. During the hearing the defense presented all of the inconsistencies and contradictions in the case, affirming that the MP was not objective and that no serious or scientific investigation was conducted leading to substantiated evidence. Defense attorneys also reiterated that this was a clear case of criminalization due to Bernardo’s activity as a defender of territory and the complaints that he filed against the company operating the Oxec hydroelectric project in Cahabón. The judge decided to send Bernardo Caal to trial. In a hearing on 29th May, evidence was gathered and another court date was set for 19th June.



¹⁰ See our website for general information on organizations and individuals we accompany: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

PROBLEM OF ACCESS TO LAND

During the month of May we observed a press conference convened by several organizations, including the **Union of Campesino Organizations of Verapaz (UVOC)**, CCDA, the Campesino Central Coordinator New Day' Chortí (CCCND), the Coordination of NGOs and Cooperatives of Guatemala (CONGCOOP), MAMA MAQUIN and the University Students' Association (AEU). This event was organized to denounce the recent assassinations of community leaders and the criminalization of social and campesino struggles in wake of UVOC leader Leonardo Chun Tiul's detention.¹¹



DEFENSE OF TERRITORY

We continue to accompany the **Peaceful Resistance of La Puya** opposing the El Tambor mine, made up of residents from San Pedro Ayampuc and San José del Golfo. We also continue to accompany the **Peaceful Resistance of La Laguna** who struggle against the TRECSA company's project to build an electrical substation in the area. This project is directly related to the mining activity in La Puya and the interaction between the Resistances is constant.

This month we visited the department of Chiquimula several times, due to the specific risk situation faced by members of the **Campesino Central Coordinator New Day' Chortí (CCCND)**. This month several community leaders, including the organization's leader, suffered serious security incidents.

In Chiquimula we visited the communities of Las Flores, Matasano and Guareruche (Jocotán) and we were present during a few community meetings.



We also accompanied CCCND members to a dialogue table between communities and the Municipal Council of Camotán, which took place after the communities of Lelá Chancó, Lelá Obraje and Tisipe decided to close an illegal rubbish dump in their territory. We were also present at a meeting with the Minister of Environment and Natural Resources, Alfonso Alonso, in Lelá Chancó, in which several issues were discussed, including the closure of the dump. The Minister agreed to resolve a few issues regarding the protection of territory.

On 5th May, the United Nations Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz, visited the region. On the same day a march and event took place in Camotán with the participation of more than 2,000 people. The Rapporteur also met with indigenous authorities and with women from different communities.

This month we also visited Agustín and Timoteo, two defenders and leaders of the Las Flores community who have been criminalized and incarcerated for the last five years. They were transferred to prison in Puerto Barrios a few months ago.

We continue to follow the security situation of the **Ecumenical and Social Coordinator in Defense of Life in Zacapa and Chiquimula**.

We accompanied members of the **Council of K'iche' Peoples (CPK)** during a march that took place in Chinique (Quiché) in commemoration of the Good Faith Consultation that took place on 14th March 2012. This consultation took place in 33 communities and of the 4,670 participants, 4,669 voted against mining and logging. About 300 people attended the march, including lots of young people. During the march they

¹¹ Morales, R., [Detienen a dirigente campesino de UVOC en Panzós, Alta Verapaz](#), Prensa Comunitaria, 05.15.2018

condemned the problems in the region, including illegal logging, which continues to cause concern.

We continue to monitor the security situation of the communities that make up the **Peaceful Resistance of Cahabón** on account of the security incidents members of the Resistance have suffered and the high levels of conflict in the region. We also continue to visit Bernardo Caal, a member of the Resistance, incarcerated in the Preventative Detention Center for Men and Women in Cobán.

On 8th May, we accompanied the women of **TZK'AT - Network of Ancestral Healers of Community Feminism** in a monthly ceremony to commemorate the Virgin of Asunción "Safe" Home fire in which 41 girls died and 15 were seriously injured. This activity took place in Guatemala City's central square where the Network established a permanent space dedicated to the memory of the girls. On 17th May, we accompanied the Network in the central square during a ceremony in solidarity with the families of people killed in Nicaragua in the recent violence in their country.

3. INTERNATIONAL OBSERVATION

PBI Guatemala is present in international public events when requested to do so by Guatemalan social organisations, in order to show international attention and interest and in order to report internationally on what we observe.

On 17th May we observed a march for the **International Day against Homophobia, Transphobia and Biphobia** in which several organizations demanded an end to human rights violations and called for the ratification of the Gender Identity Law 5395 which includes equal rights, nondiscrimination and the legal recognition of the sex of trans people.



Throughout the month we continued to attend hearings in the **Molina Theissen Case**. In the 9th May hearing two technical witnesses were presented by the defense: Edwin Marino Salazar, gynecologist and obstetrician, and Sergio Fernando Nitch Montiel, ophthalmologist. Both tried to argue that according to their criteria, the story of Emma Guadalupe, survivor of kidnapping, torture and sexual violence, was not true. In the 14th May hearing, the MP and lawyers for the Molina Theissen family recapped evidence and witnesses and proposed sentences of 20 to 40 years for each crime for the five accused. In the following hearings on 17th and 21st May, defense lawyers for the military considered the evidence and witnesses presented by the prosecution to be inconsistent and invalid and for this reason they called for the acquittal and immediate liberation of all the accused. Finally, parties were convened at 3pm on 23rd May to hear the sentence. We were present that day with the family and other organizations until 4am the following day when the court started reading the verdict. Four out of five of the accused were declared guilty of crimes against humanity, aggravated violation and forced disappearance and sentenced to between 33 and 58 years. Several national and international actors have called the verdict historic and is viewed as an accomplishment for the victims and survivors of the Guatemalan internal armed conflict.

On 8th May, we observed **Abelino Chub**'s hearing. He has been criminalized and detained for more than a year. Defense attorneys for Abelino, Juan Castro and Jovita Tzul, requested an alternative measure. After analyzing documents presented by the defense, such as recognition of Abelino as a human rights defender and requests that the Court accept alternative measures, Judge Claudeth Domínguez denied this request stating that Abelino's participation in the crimes was likely. A hearing to offer evidence took place on 29th May and it was stated that the Tribunal for High Risk A will be charged with the penal process.

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 our dialogue with the diplomatic corps and international organisms in Guatemala this month we met with:

- Ambassador Liliana Roche and Consul Matías Pasuchelli, **Embassy of Argentina.**
- Human Rights Officer Rain Bian, **US Embassy.**

At the departmental and regional level we met with the following authorities:

- Yesenia Sandoval, Office of the Human Rights Ombudsman (**PDH**) **Chiquimula**, Department of Chiquimula.
- Francisco José Bonilla, Presidential Commission for Human Rights (**COPREDEH**) **Zacapa, Chiquimula and El Progreso**, Department of Zacapa.
- Guillermo Guerra y Guerra, **Mayor of Camotán**, Department of Chiquimula.
- Sub Chief Yury Ramírez González, National Civil Police (**PNC**) **Chiquimula**, Department of Chiquimula.
- **PNC Jocotan**, Department of Chiquimula.

5. OTHER ACTIVITIES OF PBI GUATEMALA IN GUATEMALA

Security workshop for members of the Peaceful Resistance of Cahabón

We provided a security workshop for the Peaceful Resistance of Cahabón Communities' members in which about 40 human rights defenders participated, the majority were women from different communities. The workshop was held in Champerico and facilitated in the native language of the participants. Participants evaluated the workshop as positive and stated how useful the content was to confront attacks they suffer permanently in their communities.

XI Meeting of Women Human Rights Defenders



The XI Meeting of Defenders of territory and body-land took place at the end of the month in Totonicapán. About 35 defenders involved in different struggles to defend land and territory from around Guatemala participated. During this activity they carried out ceremonies, exchanged experiences, achievements, and challenges faced on subjects that affect them, such as criminalization for the work that they do. They also shared knowledge on health and natural medicine. There was also a space facilitated by PBI to raise awareness about security and protection.

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.

Las organizaciones que conformamos la Coalición EPU Guatemala, manifestamos nuestra indignación por los graves acontecimientos en los últimos días en el país:

Los ataques sistemáticos a defensores de derechos humanos, que tienen como saldo el asesinato de Luis Arturo Marroquín miembro de CODECA y José Can Xol miembro de CCDA, el día 9 y 10 de mayo.

La solicitud de retiro de los embajadores de los países de la República Bolivariana de Venezuela y del Reino de Suecia.

Los desalojos forzosos en la Costa Sur y Alta Verapaz.

Los ataques a organizaciones que buscan promover la justicia como la CICIG la Procuraduría de Derechos Humanos.

La promoción de más de 15 iniciativas de ley en el congreso, que atentan contra las obligaciones que el Estado de Guatemala ha adquirido en materia de Derechos Humanos y que además busca generar mayor impunidad en el país, frente al pacto de corruptos existente en las más altas esferas del poder político y económico del país, que han cooptado el Estado.

Estos actos solo son una manifestación más de la crisis institucional y del retroceso que el país está teniendo en materia de democracia, enfrentamos la instalación de un Estado fascista, donde un solo poder, el Ejecutivo, coopta el control y poder del Estado, transmite un discurso de odio contra aquellos grupos que se oponen al cierre de los espacios de participación, que señala las graves violaciones a los derechos humanos, generando un ambiente de confrontación y polarización.

Todos los actos de violencia e intolerancia que se están viviendo actualmente siguen siendo producto del reacomodo de los sectores de poder que están rearticulándose y reconstituyendo sus fuerzas en contra del pueblo de Guatemala. Todo esto produce que cualquier actor que se pronuncie ante esta rearticulación sea visto por ese poder y su institucionalidad como el enemigo interno.

La intolerancia que expresan ciertos funcionarios del Gobierno es una muestra clara de la existencia de una estrategia sistemática de ataque a los defensores de derechos humanos y a todos aquellos que denuncian los abusos de la actual administración, la corrupción, la impunidad, los privilegios, la no independencia de los poderes y la cooptación del Estado.

Exigimos al Estado de Guatemala:

- El irrestricto respeto a sus obligaciones en materia de derechos humanos y en especial los acuerdos internacionales firmados que garantizan la protección de las y los defensores de derechos humanos.
- El cese a la criminalización y ataque a las organizaciones y el asesinato a defensores de derechos humanos.
- El respeto a la independencia de los tres poderes del Estado.
- El cese de iniciativas regresivas, fascistas y que buscan menoscabar los derechos consagrados en la constitución de la república de Guatemala y en tratados internacionales en materia de derechos humanos.
- Que se retracte de su solicitud de retiro de los embajadores.
- Cese al discurso de odio y que buscan dividir y polarizar a la sociedad guatemalteca.
- Que asuma el rol que le dicta la Constitución y que establece que el estado se organiza para garantizar el bien común, así como garantizar a los habitantes de la República la vida, la libertad, la justicia, la seguridad, la paz y el desarrollo integral.

A la comunidad internacional

Su solidaridad ante el retroceso que vive el país en materia de democracia y derechos humanos.

Instamos a incrementar sus acciones de observación sobre la situación de derechos humanos en Guatemala y fortalecer su trabajo de acompañamiento a la sociedad civil guatemalteca.

Llamamos al sector empresarial

A que deje a un lado los discursos ambiguos que contribuyen a la polarización del país.

El cese de acciones que atenten contra la integridad y la vida de la población, especialmente de los hombres, mujeres y niños de los pueblos originarios, que se oponen al modelo extractivista y agroindustrial impuesto en los territorios, bajo el discurso del desarrollo.

A la sociedad civil

A unir esfuerzos y articularnos en un frente común, ante esta intencionalidad de perpetuar un Estado corrupto y de impunidad en que los poderes políticos y económicos aliados en el pacto de corruptos buscan imponer en nuestro país.

“COALICIÓN EPU, INTEGRADA POR MAS DE 60 ORGANIZACIONES DE LA SOCIEDAD CIVIL, QUE DAN SEGUIMIENTO A LAS OBLIGACIONES DEL ESTADO GUATEMALTECO EN MATERIA DE DERECHOS HUMANOS”

PBI Team in Guatemala: Andreas Lo Grasso (Germany), Laura Gomariz Cebrian (Spain), Ricardo Henao Galvis (Colombia), Dylan Lebecki (Ecuador/Portugal), Clara de Paz (Argentina), Jessica García (Switzerland), Evelina Crespi (Italy), Antonia Pérez Bravo (Chile/United Kingdom), Viviana Annunziata (Italy) and Emily Spence (United Kingdom).

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GUATEMALA PROJECT PEACE BRIGADES INTERNATIONAL

Website: www.pbi-guatemala.org

facebook: [pbiguatemala](https://www.facebook.com/pbiguatemala)

Office of the team in Guatemala
3ª Avenida "A" 3-51, Zona 1
Ciudad de Guatemala, Guatemala
Phone/ Fax: (+502) 2220 1032
E-mail: equipo@pbi-guatemala.org

Office of the project Coordination
Avenida Entrevías 76, 4º B
28053 Madrid, Estado Español
Telephone: (+34) 918 543 150
Email: coordinacion@pbi-guatemala.org