



Monthly Information Pack Guatemala

Number 144 - September 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.

Resignation of Otto Pérez Molina

After four and a half months and dozens of peaceful demonstrations by the population, President Otto Pérez Molina resigned on Thursday September 3 via a public statement. Two days earlier, Congress had withdrawn immunity and the night before his resignation the Public Prosecutors Office (MP) of Guatemala gave the order for his arrest.¹ Iván Velásquez and the International Commission against Corruption in Guatemala (CICIG) had kept the country in suspense in recent months and eventually precipitated the resignation of the President, after the Supreme Court accepted a request for impeachment against him on corruption charges. In the various demonstrations that took place across the country and in the messages expressed on social networks, the Guatemalan people amply demonstrated their support for the work of CICIG.²

On the day of the resignation of Otto Perez Molina, Alejandro Maldonado Aguirre assumed the presidency of Guatemala. He will remain in office until January 2016 when, after the second round of elections, the new president will take office.³

Ambiguous Elections

The first round of the general election was held on September 6, 2015; approximately 7.5 million Guatemalans went to the polls to elect a president, vice president, 338 mayors, 158 deputies and 20 representatives to the Central American Parliament. The elections took place in an atypical environment in the framework of a national political crisis unleashed by the discovery of several cases of corruption in which various members of the Guatemalan government institutions were involved, triggering mass protests of repudiation and rejection.⁴ In the end, the participation of the population in the elections exceeded 70 percent, reaching the highest participation in the history of Guatemala. The null and blank votes combined were 9.2 percent, almost a million and a half votes. Neither candidate reached 50 percent of the votes. So, on Sunday October 25 there will be a second round of elections to choose between candidates Jimmy Morales, from the National Convergence Front (FCN-Nation), and **Sandra Torres**, candidate for the National Unity of Hope (UNE).

¹ "The president of Guatemala resigns following three months of public demonstrations", jueves 3 de septiembre de 2015, Centro de Estudios de Guatemala, CEG.

² "Renuncia presidente de Guatemala tras meses de reclamo popular", jueves 3 de septiembre de 2015, Centro de Estudios de Guatemala, CEG.

³ "Iván Velásquez, the Colombian who precipitated Pérez Molina's resignation", http://www.bbc.com/mundo/noticias/2015/08/150825_guatemala_corrupcion_cicig_perfil_ivan_velasquez_jp

⁴ "Guatemala: quién es Alejandro Maldonado, el nuevo presidente", http://www.bbc.com/mundo/noticias/2015/09/150903_quien_sustituye_presidente_guatemala_hr

Internationally, the election was seen as a success for "strengthening democracy and promoting peace" in Guatemala, said U.S. Vice President Joe Biden. The government of Mexico expressed its appreciation of the historical participation and "citizenship shown by the Guatemalan people in these elections."⁵

However, according to the Ministry of the Interior (MINGOB) in the three days after the elections, 134 sources of conflict took place across the country due to the election results. Of these, 18 required the intervention of the security forces due to violence. In addition, 575 complaints were registered by the Special Prosecutor for Electoral Crimes, part of the Public Prosecutors Office (MP).⁶ Among the offenses recorded were; voter intimidation, violation of the secrecy of the vote, threats from political parties, duplication of votes, identity theft and vote buying.⁷ The Supreme Electoral Court (TSE) decided to repeat the elections in 11 municipalities so that they could elect their local authorities, since violent acts had made it impossible to complete the vote count in these constituencies.⁸

Community leader murdered one day after temporary closure of REPSA in Petén

In early May 2015, residents of Sayaxché reported the death of thousands of fish in the river and blamed the African Palm Reforestation company (REPSA) for this problem⁹. Authorities suspended fishing activities and river water consumption. According to an Emergency Operations Committee (COE) which monitored the river La Pasi3n, 16 communities and about 30,000 families were affected. Including approximately eight thousand who use streams, canals and community wells that are supplied by water from the main river, La Pasi3n.¹⁰

On September 17, the First Criminal Court of Drug Trafficking and Environmental Crimes of Pet3n, ordered the temporary closure of REPSA for its alleged role in the contamination of the La Pasi3n river, in the municipality of Sayaxche, department of Pet3n. The court authorized the MP to make the necessary inquiries into REPSA facilities during the six months of the temporary suspension of company activities, in order to determine their responsibility for the contamination of the river.

A day after the ruling, Rigoberto Lima, one of the first people to publicly denounce the pollution in the river La Pasi3n, was killed in Sayaxche. In addition, the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEGUA) denounced the holding of three community leaders in the hands of REPSA workers due to discontent of the latter who had been informed by the authorities of the temporary closure and thus the loss of their jobs¹¹. Despite high levels of tension that occurred, the three people were released after reaching an agreement with Judge Karla Hernandez, who had also ordered the temporary closure of business operations of REPSA.¹²

⁵ "OACNUDH on alert for possibility of violence in elections", jueves 3 de septiembre de 2015, Centro de Estudios de Guatemala, CEG.

⁶ "At least 18 conflicts were recorded during the elections", mi3rcoles 9 de septiembre de 2015, Centro de Estudios de Guatemala, CEG.

⁷ "MP received 2,208 complaints of possible electoral crimes", martes 8 de septiembre de 2015, Centro de Estudios de Guatemala, CEG.

⁸ "TSE reconvenes elections in 11 municipalities", <http://www.prensalibre.com/guatemala/decision-libre-2015/tse-convoca-a-elecciones-en-11-municipios>

⁹ "Judge orders temporary closure of REPSA for six months", viernes 18 de septiembre de 2015, Centro de Estudios de Guatemala, CEG.

¹⁰ "Temporary closure of Repsa ordered for contamination in the river La Pasi3n", <http://www.prensalibre.com/guatemala/peten/ordenan-cierre-temporal-de-repsa-por-contaminacion-en-rio-la-pasion>

¹¹ "Professor who denounced ecocide in the river La Pasi3n murdered", <http://www.s21.com.gt/nacionales/2015/09/18/asesinan-profesor-que-denuncio-ecocidio-rio-pasion>

¹² " REPSA leaders in Sayaxch3 release community leaders after agreement with judge reached", <https://comunitariapress.wordpress.com/2015/09/19/tras-llegar-a-un-acuerdo-con-la-jueza-trabajadores-de-repsa-liberan-a-lideres-comunitarios-en-sayaxche/>

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*¹³

During the month of September, we have continued supporting the **Association of Indigenous Women of Santa María Xalapán, Jalapa (AMISMAXA)**, holding weekly telephone contact with its members and during the various activities carried out in the region.



Protest organised by UVOC in the context of the national strike. 1 September 2015. Photo; PBI

We continue to accompany the Verapaz Union of Campesino Organisations (UVOC), maintaining an international presence at their offices in the municipality of Santa Cruz, Alta Verapaz.

We continued to carry out weekly visits to the office of Jorge Luis Morales (UVOC's lawyer) and we continued to closely monitor the cases he is working on.

Furthermore, we observed protests organised by UVOC in various municipalities in the departments of Alta and Baja Verapaz. These were carried out in the context of the national strike which took place across the country at the end of August and start of September. The protest called for the resignation of the then president Otto Perez Molina.

We have continued accompanying **Central Campesina Ch'ortí Nuevo Día (CCCND)** in their educational and community support work and recognition of Maya Ch'ortí identity in communities in this region (as well as other activities). We observed various hearings against the organisation. Specifically, we attended three hearings on the murder case of Alfredo Ramos in Guareruche, Jocotán, and we accompanied their lawyer in another case that affects two of their members. We were also present at two women's meetings and went to visit various communities which form part of CCCND.

We have also continued our accompaniment with the **Council of Cunén Communities (CCC)** in northern Quiché, with weekly phone calls with its members to keep up to date with their activities and accompaniment needs.

We are still accompanying the **Human Rights Law Firm's** lawyers. We accompanied the lawyer **Edgar Pérez Archila** in his travels and visited the law firm's office weekly.

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/>

This month we have continued accompanying the National Coordination of Widows of Guatemala (CONAVIGUA), maintaining international presence twice a week at the headquarters of the organization and maintaining regular telephone contact with its members.

As part of our accompaniment of CONAVIGUA, we attended the ceremony of 27th anniversary of the organization. In this celebration, its members gave a talk on the history of this organisation and addressed various issues related to the current Guatemalan situation and the role of women in this scenario.

Celebration of the 27th anniversary of CONAVIGUA, 10 September 2015. Photo: PBI



We also maintain our support work with several members of the village of La Trementina in the process of defending **El Macizo de Merendón** in the municipality and the department of Zacapa. In addition, we have maintained telephone contact with the Lutheran Reverend José Pilar Álvarez Cabrera and others in the community.

During the month of September, we have also continued to accompany **the Peaceful Resistance of La Puya**. We have maintained our regular visits to the encampment and stayed in telephone contact with members of this resistance.

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 the 12th of this month we observed the protest march of the organization **Free Sumpango** in the municipality of Sumapango, the department of Sacatepéquez. This march took place in the framework of mobilizations that took place in various parts of the country because of the current political and electoral situation. Through this march, this citizen group demanded transparent and inclusive public administration without corruption which respects the priorities of the town and its people.

We have also followed the situation of the **Committee in Defense of Life and Peace of San Rafael Las Flores** through regular telephone contact and we have closely followed the judicial process that one of its members is facing.

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.

This month as part our work of maintaining contact and exchanging relevant information with the diplomatic corps and international entities, we had a meeting with Patricia Atkinson, political counsellor at the **Canadian Embassy**; with Guillermo Hernández Salmerion, first secretary and in charge of legal affairs at the **Mexican Embassy**; with Juerg Benz, **Swiss Ambassador in Guatemala** and with Robertha de Beltranena, in charge of Human Rights at the **Swiss Embassy**.

Our contact with Guatemalan authorities included meetings with Mario Minera, National **Director of the Human Rights Ombudsman (PDH)**.

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 and updates about the work of human rights defenders in the country.

We regularly visited the headquarters of **Madre Selva Collective**, where we met to share information and analysis of various issues in the country. We have also visited the offices of **Women's Sector**.

We also had frequent 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**.

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 the month of September, the European representative of the project held the following meetings:

- On September 2; A meeting with Sylvain Schultze, the person **responsible for Guatemala in the European External Action Service (EEAS) in Brussels**.
- On September 4; Participated in a presentation on "Sometimes it gets tough: Working on human rights issues and with NGOs" workshop in the EEAS. In this activity four **Ambassadors of the European Union in Latin America**, the **Director of the Americas of the European External Action Service** and representatives of the Department were present as well as representatives of different units of the **Directorate General of International Cooperation and development of the European Commission**.

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.

LA VIOLENCIA CONTINÚA EN CONTRA DE DEFENSORES DEL DERECHO AL MEDIO AMBIENTE EN SAYAXCHÉ

El día 18 de septiembre de 2015, a las 17:30 horas fueron liberados Lorenzo Pérez -directivo de CONDEG-, Hermelindo Asij y Manuel Pérez Ordóñez quienes sostuvieron casi las 12 horas de detención bajo amenaza continuada de ser quemados vivos. Por otra parte, a esa misma hora fueron liberados los retenidos en el Centro de Atención de Justicia de Santa Elena Petén. Los trabajadores de la Empresa Reforestadora de Palma de Petén, S.A. -REPSA- habían tomado las medidas de hecho ante la resolución del Juzgado Pluripersonal de Primera Instancia Penal de Delitos Contra el Ambiente del Departamento de Petén, que ordenó la cancelación de las actividades de la palmera debido a que fueron informados a que se quedaron sin trabajo.

Los hechos de ese día se dieron bajo la mirada pasiva de las fuerzas de seguridad y las instancias de diálogo permitiendo el deterioro de la situación y crearon las condiciones para el asesinato del Prof. Rigoberto Lima, defensor de derechos humanos y la primera persona que denunció y documentó el Ecocidio en el Río la Pasión -cuya presunta autoría de REPSA investiga el Ministerio Público.

Una misión de UDEFEGUA se encuentra desde el sábado en la región y hemos encontrado preocupantes hallazgos:

1. Las acciones del viernes fueron coordinadas por alguien en puestos medios de REPSA que decía responder a órdenes superiores. Varios testigos en los lugares de la retención plantean con consistencia dicha información.
2. El asesinato del Profesor Rigoberto Lima se dio en el marco de las tensiones generadas por las retenciones en Sayaxché pero podría tener otros móviles ya sean electorales, familiares o, efectivamente, por su rol como testigo en el caso de REPSA.
3. El viernes directivos y abogados de la empresa señalaron directamente a CALAS y al Lic. Rafael Maldonado de ser los responsables de lo que ocurre, olvidando que la decisión de un juez es soberana y autónoma. Que lo que todos hemos pedido en los últimos meses es jueces independientes y esta valiente jueza Karla Hernández tomó una decisión en función de la garantía de investigación.
4. El sábado durante el velorio y entierro del Prof. Rigoberto Lima, los miembros de la Comisión por la Vida y la Naturaleza, del Consejo de Desplazados de Guatemala (CONDEG) y otros líderes comunitarios fueron amenazados de muerte. Se les aseguró que su cabeza iba rodar independientemente del resultado de la audiencia. Estas amenazas subieron de intensidad el día domingo.
5. Para el día de hoy se sabe que los trabajadores de REPSA se movilizarán al CAJ para 'presionar' a la jueza a que decida a su favor. De nuevo varios testigos señalan que esto se hace por orden de la empresa -extremo que no hemos podido confirmar.

Ante estos hechos, la Unidad de Protección a Defensores y Defensoras de Derechos Humanos - Guatemala plantea que:

- El Gobernador Departamental, el Ministerio de Gobernación y el Sistema Nacional de Diálogo deben actuar de forma preventiva en esta situación y recordarle a las partes que los jueces 'no pueden ser presionados' y que de tomarse medidas orientadas a presionar a la jueza Karla Hernández se comete el delito de obstrucción de justicia.
- A los comunitarios organizados para solicitar justicia ante el Ecocidio del Río la Pasión mantengan la calma y que continúen en la lucha utilizando el sistema de Justicia. No respondan a las amenazas con violencia ni actúen contra la jueza independientemente de su resolución, recordando que existen medidas legales que permiten recurrir a la misma.
- A los directivos de REPSA que inicien una investigación interna para poder determinar quiénes - utilizando su nombre- están instigando la violencia y cometiendo una serie de delitos contra la vida y la integridad personal. Al identificarlos deben ponerlos a la disposición de la justicia. De lo contrario podrían estar encubriendo ilícitos.

Brigadas Internacionales de Paz _____ Peace Brigades International

- Al Ministerio de Gobernación recordarles que el Ministerio Público había solicitado medidas de protección frente a las personas hoy amenazadas por lo que se les hace responsables del asesinato del Prof. Rigoberto Juárez y de cualquier daño posterior que puedan sufrir Lorenzo Pérez, Hermelindo Asij, Manuel Pérez Ordóñez, Lic. Saul Pauu y otros líderes comunitarios.
- A la Procuraduría de Derechos Humanos, al Alto Comisionado de Derechos Humanos de las Naciones Unidas y la Unión Europea agradecerles todos los esfuerzos desplegados y continuar con los mismos.

¡POR EL DERECHO A DEFENDER DERECHOS!

Guatemala, 21 de septiembre de 2015

**UNIDAD DE PROTECCIÓN A DEFENSORAS Y DEFENSORES DE DERECHOS HUMANOS DE GUATEMALA
(UDEFEGUA)**

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