

Monthly Information Pack Guatemala



Number 151 - April 2016

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.

Fourteen members of the 'Mendoza' criminal network are captured

On April 6 2016, in the Departments of Petén and Izabal, security forces led by the Office of Public Prosecution (MP) and the Ministry of the Interior (MinGob), together with the International Commission Against Impunity in Guatemala (CICIG), captured 14 members of the criminal network operated by Walter Obdulio Mendoza Matta.¹

The MP expects to prosecute these members of the 'Mendoza' criminal organisation, what is thought to be one of the strongest in Guatemala. However, to recover the land owned by campesinos in Peten and Izabal, which the Mendoza family appropriated violently, will require the MP to solve a very complex case which includes the Mendozas selling land to a multi-million dollar teak plantation project, from which the timber was exported to the United States. The 28 farms seized from campesinos by the Mendoza family were sold to Forest Ceibal S.A. and Forest Chaklum S.A., and managed by Green Millennium, S.A., the latter which is the frontline operator of both of the former organisations, and which has at least 320 farms in Petén.²

According to Insight Crime, the Mendoza network has operated in Petén since the 1980s, where they began a smuggling ring. Later they became involved in drug trafficking, money laundering, theft of property, theft of cattle and a number of other serious crimes. Over time they became one of the largest drug trafficking organisations in Central America. The family owns vast tracts of land and, as well as drug trafficking, has been implicated in cases of anti-union violence against campesinos. Added to the list of Mendoza acquisitions is a water park located on the road to Petén.³

Amongst the mechanisms used by the network, the MP highlights the following: Walter Mendoza and Gustavo Adolfo Ramirez identified farms owned by campesinos which were adjacent to their land. A group bought land at low prices, and when the owners opposed, they were threatened. The victims were owners of plots granted by the Land Investment Fund (Fontierras). Officials working for the Mendoza network granted deeds of sale with false statements from owners. Finally, officials drew up resolutions that stripped owners of their properties.⁴

¹ Juárez, T., "Clan de "Los Mendoza" despojó de por lo menos 28 fincas y terrenos de campesinos mediante amenazas de muerte", en *Prensa Libre*, <http://elperiodico.com.gt/2016/04/06/pais/clan-de-los-mendoza-despojo-de-por-lo-menos-28-fincas-y-terrenos-de-campesinos-mediante-amenazas-de-muerte/>, 6 de abril de 2016.

² Centros de Medios Independientes (CMI), "De narcotráfico, agronegocios y la justicia para campesinos despojados", <https://cmiguate.org/de-narcotrafico-agronegocios-y-la-justicia-para-campesinos-despojados/>, 18 de abril de 2016.

³ InSight Crime, "Los Mendoza", <http://es.insightcrime.org/noticias-sobre-crimen-organizado-en-guatemala/los-mendoza>, 3 de mayo de 2016.

⁴ Palma, C., "Catorce detenidos por despojo de tierras en Petén e Izabal", en *Prensa Libre*, <http://www.prensalibre.com/guatemala/justicia/cicig-y-mp-dirigen-operativos-contra-la-familia-mendoza>, 6 de abril de 2016.

On 12 and 13 April, the MP outlined accusations against the 14 alleged members of the network to Judge Miguel Ángel Gálvez, alleging they had illegally acquired 28 farms in Petén from the rightful campesino owners. The prosecution made points linking them to aggravated theft and money laundering. The judge must now consider whether criminal proceedings linked to Obdulio Mendoza Matta, his four sons and three daughters-in-law, should proceed. Amongst the accused are former officials of the Land Investment Fund.⁵

Large participation and clear demands at the March for Water

The March for Water was held this April and featured two groups which left on 11 April from Purula, Baja Verapaz, and Tecun Uman, San Marcos, traveling dozens of kilometers each day for several days. The participants spent the nights in municipality capitals, and were joined along the way by additional organisations. The aim of the march was to demand legislation to control and treat water. The central demands included defending the use and care of water and access to land and food production. They also included petitions to the legislature for freedom of political prisoners and the nationalisation of electricity.⁶

As part of these demands, on Wednesday 13 April representatives from 120 communities on the southern coast of Guatemala denounced the diversion of rivers and water extraction for agricultural crops, and asked the Latin American Water Court to issue a moral condemnation against the state. 'Our communities do not have water and the water that exists is contaminated by industrial waste and aerial spraying', said Felícita Pineda from El Paraiso community, located in Suchitepequez.⁷ Irene Barrientos, member of the Committee of Campesino Unity (CUC), said she has found that many rivers along the south coast are contaminated and its flow has been diverted by agribusiness for use in the irrigation of monoculture palm oil and sugarcane plantations.⁸

Based on the requests of the communities that participated in the march, several delegates proposed in Congress to criminalise the diversion of rivers and create a commission to investigate the matter.⁹ However, on 26 April 2016, 70 delegates, including 27 from the FCN party, voted against the criminalisation and only 61 in favor - 27 delegates were absent - .¹⁰

⁵ Ramos, J., "Fiscalía finaliza señalamientos contra los Mendoza", en *Prensa Libre*, <http://www.prensalibre.com/fiscalia-finaliza-sealamientos>, 13 de abril de 2016.

⁶ La Redacción, "Marcha por el Agua llega a la capital", en *Prensa Libre*, <http://www.prensalibre.com/guatemala/comunitario/marcha-por-el-agua-llega-a-la-capital>, 21 de abril de 2016.

⁷ EFE, "Pobladores piden condena moral contra el Estado", en *Prensa Libre*, <http://www.prensalibre.com/guatemala/politica/denuncian-desvio-de-rios-y-extraccion-de-agua-para-cultivos>, 13 de abril de 2016.

⁸ La Redacción, en *Prensa Libre*, OP. Cit.

⁹ Muñoz, G. y Hernández, M., "Diputados comprometidos en aprobar que desvío de ríos sea delito", en *Prensa Libre*, <http://www.prensalibre.com/guatemala/comunitario/caminata-llega-hoy-a-la-plaza-central>, 22 de abril de 2016.

¹⁰ Congreso de Guatemala, "Moción Privilegiada la reforma del Código Penal", http://stats.congreso.gob.gt/hemiciclo/graphs/v_container.asp?fdel=26/04/2016&fal=26/04/2016&feve=5291&fbn=&fdet=si, 26 de abril de 2016.

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

This month we were present at the headquarters of the **Verapaz Union of Campesino Organizations (UVOC)** and kept in telephone contact with its members. We continued with weekly visits to the office of **Jorge Luis Morales** (UVOC lawyer), and followed up by phone on two occasions due to the frequent movements of the lawyer who needed to attend various case hearings of communities that the UVOC accompanies. We were also in weekly phone contact with different members of UVOC communities so as to remain up-to-date on the development of their situations.

During April, we continued the accompaniment of the **Peaceful Resistance of La Puya**, with regular visits to the encampments opposite the Progress VII Subsidiary Mining Project at the 'El Tambor' mine in San Pedro Ayampuc, and opposite the Ministry of Energy and Mines (MEM) in Guatemala City. We also maintained weekly phone contact with members.

As part of this accompaniment, we were present at the encampment opposite the mine when the Verification Commission, made up of the MEM, the Human Rights Ombudsman (PDH) and the Office of the High Commissioner for Human Rights (OACNUDH), entered the mine site. The Commission verified that the mine had continued working up until that day, in conflict with the provisional injunction of the Supreme Court which suspended the granting of the license to the mining company.

Due to a car crash at the MEM encampment in Guatemala City during the night of 28 April, we visited the site on Saturday 29 April to further understand the situation.

We also accompanied and observed the hearing of a criminal case related to one of the Resistance members.



Members of the Peaceful Resistance of La Puya whilst the Verification Commission was inside the mine site. April 2016. Photo: PBI.



We observed the encampment whilst the Verification Commission was inside the mine site. April 2016. Photo: PBI.

During the biannual project meeting held between 4 and 8 April, it was decided to move the **Association of Indigenous Women of Santa María Xalapán (AMISMAXAJ)** from accompaniment to 'following'. During this new stage, we will stay in periodic contact with members and attend point in time accompaniments. We will also maintain open communication that will allow for the accompaniment to be reactivated if required.

As part of our work with the **Defence of Macizo del Merendón Process**, this month we accompanied **Reverend José Pilar Álvarez Cabrera** and other members of the **Ecumenical and Pastoral Coordinator**

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/>

in Defence of Life in Zacapa and Chiquimula by maintaining regular telephone contact with the Reverend and other people from community which form part of the Coordination.

During the advance evidence hearings of the case of the Regional Training Centre for Peace Maintenance Operations (**CREOMPAZ**), we accompanied witnesses from the **Maya Q'eqch'i Chicoyogüito Community** during their journeys between Cobán and Guatemala City, as well as during the hearings for which they came to testify.

Human Rights Law Firm (BJDHG).

This month we published an **Alert** regarding our concern for the rise in incidents and threats against the lawyers of the BJDHG and other lawyers involved in human rights cases. As part of our physical accompaniment, we attended different transitional justice hearings currently underway. We also continued to accompany lawyer **Édgar Pérez Archila** in his travels and made weekly visits to his office. Due to increased insecurity for members of BJDHG as a result of opening distinct high profile cases, we increased the frequency of our visits to their offices.



We observed the activities outside the Nebaj courthouses during the genocide case. April 2016. Photo: PBI.



We observed the activities outside the Nebaj courthouses during the genocide case. April 2016. Photo: PBI.

In relation to **the genocide case**, this month we accompanied BJDHG lawyers during their journeys between their offices and the court in Guatemala City. Due to the advanced age of some witnesses, the Major Risk Tribunal moved from the capital to Nebaj, in the Department of El Quiché, so that the aforementioned witnesses could testify. This process took four days, during which we accompanied the lawyers during each of their journeys. We also observed various protests and activities outside the court which were organised by victim associations.

In regards to the **CREOMPAZ** case, we accompanied the Firm to the hearings which dealt with the preventative detention of the accused. We also observed two hearings from **the Barillas case**.

This month we continued our accompaniment of the **Council of Cunén Communities (CCC)** by making weekly phone calls to remain abreast of the organisation's activities and any changes in the region. As part of our work, we also observed and were present at a CCC assembly in the Department of Quiché.

We maintained accompaniment with **Ch'orti Campesino Central "New Day" (CCCND)** during their activities and continued to phone members weekly. We also made visits to the organisation's head office and met on two occasions with members for updates on changes in the region and to follow up on the organisation's situation of security.

Council of Peoples K'iche' (CPK). As well as making weekly phone calls during the month of April, we also accompanied two of the group's members to criminal case hearings in which they were implicated.

On 9 April we accompanied and observed **the Fourth Anniversary of the Community Consultation of Chinque**, in the municipality of Santa Cruz del Quiché. This consultation took place on 14 March 2012, during which the population rejected future mining projects and the mining activities that took place prior to the community consultation.

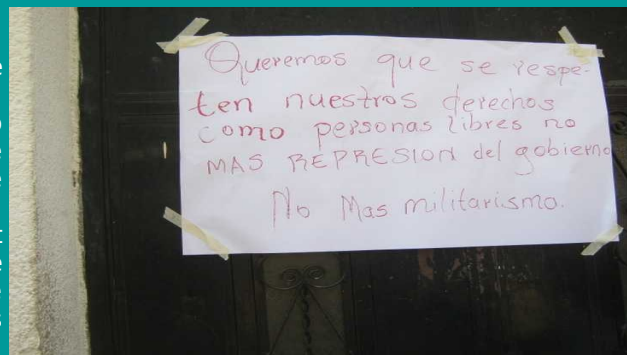
On 22 April we accompanied the CPK during the **March for Water**. We observed representatives from all regions of Guatemala arrive at Guatemala City's Central Park; many having walked for days to arrive at this point together. As part of the march, twenty thousand people demanded the right to water and life.



Fourth anniversary of the Community Consultation at Chinque. April 2016. Photo: PBI.

The Peaceful Resistance of La Puya. We continue to maintain a presence at the encampment at San Pedro Ayampuc. Our observation has allowed us to confirm an increased military presence in the zone due to the opening of a new military post in the same locality.

We also accompanied members of the Resistance at one of their coordination meetings; observed the protest that took place in front of the place of the imminent military post; and made weekly phone calls to members of the the Resistance.



Wall during the protest - 'We want you to respect our rights as free people. No more government oppression. No more militarisation'. April 2016. Photo: PBI.

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 19 April, we went to observe the intermediate phase of the **Molina Theissen case**, in which the judge was to decide if the accused ex-military personnel would appear for interrogation.

The same day, however, the judge processed an appeal from one of the accused. As such, the procedural act was suspended, generating strong discomfort amongst various civil society organisations who consider this to validate the delay tactics used previously by military defenses in several cases related to internal armed conflict.¹²

For over three decades, the Molina Theissen family has sought justice for the forced disappearance of Marco Antonio Molina Theissen, and the illegal detention, torture and rape suffered by his sister Emma by the Guatemalan army in 1981.

Although this is not one of the cases of lawyers that we accompany, we observed one of these hearings as we deem it important to show our presence during these type of high profile cases.

We also attended a breakfast briefing organised by the family and the Center for Legal Action of Human Rights (CALDH).



Poster outside the court houses Guatemala City on the day of the Molina Theissen hearing. April 2016. Photo: PBI.

This month we also observed:

- The **Molina Thiessen** family press conference, inviting the people of Guatemala to accompany them to the evidence hearing on 19 April.
- The **Mam de Cajolá community** (Quetzaltenango) press conference, demanding the return of their land, a process which began over a decade ago. They arrived in the capital as part of the March for Water on 22 April and remain at an encampment opposite the National Palace for Culture.
- The press conference held by the **Peoples of Huehuetenango Departmental Assembly (ADHP)**, the **Way of Dignity** and the **Resistance of the People and the Freedom of Political Prisoners**, in which they spoke about the human rights violations in the north of Huehuetenango.

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.

As part of our interaction with the diplomatic corps and international organizations, we met with:

- Stella Zervoudaki, **Ambassador for the European Delegation in Guatemala**, and Jennifer Echevarría, **Head of Cooperation for the European Delegation in Guatemala**.

¹²<http://www.ecapguatemala.org.gt/sites/default/files/Pronunciamento-Caso-Molina-Theissen.pdf>

- Denise Hausser, **Head Official, Office of the High Commissioner for Human Rights (OACNUDH)**, Catalina Lleras, **Official for Human Rights Defenders, OACNUDH**, and Tania Sagastume, **Official for Human Rights, OACNUDH**.
- Terry Steers, **Head of Political Affairs, Embassy of the United States of America**, and Sally Meyers, **Head of Human Rights, Embassy of the United States of America**.
- Deborah Chatsis, **Ambassador for Canada**, y con Patricia Atkinson, **Head of Political Affairs, Embassy of Canada**.
- Matthias Sonn, **Ambassador for Germany**, and Artur Brunner, **First Secretary, Embassy of Germany**.
- Rafael Chaves Beardo, **Second in Charge, Embassy of Spain**.

With regard to dialogue with Guatemalan authorities, we met with:

- Roberto Velásquez, **Deputy Minister for Sustainable Development in the Ministry for Energy and Mines (MEM)**.
- Clemente de León, **Governor, El Quiché**, and José Francisco Pérez Reyes, **Mayor of Santa Cruz, El Quiché**.
- Guillermo Guerra, **Mayor of Camotán**, Department of Chiquimula. We also met with the **Municipal Council of Camotán**.
- Peñate Najarro, **Chief Inspector of the National Civil Police (PNC) of Jocotán**, Chiquimula.
- Salvador Gómez, **Deputy Mayor, San Pedro Ayampuc**, Department of Guatemala.
- Larache Landa Verde, **Chief of the PNC substation, San Pedro Ayampuc**.

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 with and to regularly visit the offices of the **Unit of Protection of Human Defenders in Guatemala (UDEFEUGA)** to share concerns and to update one another on the work of human rights defenders in the country.

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

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

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.

During April 2016, the project's European representative met with the following:

- Julia Bas, **Official for Latin America and Relations with Civil Society Organisations, Human Rights Unit, European External Action Service (EEAS)**; Aldo Dell' Ariccia, **Head of Mexican Division**, and Andreu Bassols, **Deputy Head of Mexican Division, EEAS**.

- Victoria Pirker, **Assistant to Europarliamentarian Ulrike Lunacek.**
- Helmut Weixler, **Administrator, Latin American Unit, European Parliament.**

On 29 April, the project's representative met in Rome with Marco Giomini and Cesare Bielle, **Responsible Desk and Deputy Head for Central America and the Caribbean, Ministry for Foreign Affairs and Cooperation, Italy.**

The project representative also carried out the following activities:

- On 19 April, presented to the **Council of the European Union Latin America Working Group and Human Rights Working Group.**
- On 12 and 13 April, participated in the **General Assembly of the Copenhagen Initiative for Central America and Mexico (CIFCA).**

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.

COMUNICADO PETÉN EN UNIÓN A LA MARCHA DEL AGUA

A la opinión pública nacional e internacional. Los abajo firmantes manifestamos públicamente lo siguiente: ¿De quién son los ríos, lagunas, lagos y mares?, ¿de quién son los bosques?, ¿de quién es la tierra y sus elementos?, ¿De quién es el aire?... Durante el siglo XVIII se configuró el Sistema Capitalista basado en la propiedad Privada, el capital, la inversión, la producción, la obtención de beneficios y el consumo masivo. Tal sistema se ha apoderado abusivamente de los elementos de la tierra (agua, bosque, minerales, aire, etc.) así como de la mano de obra barata y del aparato estatal para alcanzar su objetivo mezquino.

Las empresas palmeras, de banano, de caña de azúcar, mineras, aldoneras, petroleras, entre otras, utilizan, contaminan, roban y desvían el agua de ríos, lagunas, lagos, costas marinas y extracción de agua subterránea. Haciéndolo con total libertad y sin contar con Estudios de Impacto Ambiental y Social.

No existe una ley que regule la apropiación del agua, pero si hay una represión y criminalización masiva contra defensores y defensoras de los derechos de la tierra, de los derechos humanos y de la vida. Lo que demuestra que el Sistema Capitalista ha corrompido a tal grado que el Estado está contra la población.

Por tal razón animamos y admiramos a miles de personas que se movilizan, nos unimos en apoyo a LA MARCHA POR EL AGUA, al mismo tiempo Denunciamos lo que acontece en Petén:

EL ROBO, EL APODERAMIENTO Y LA VENTA de los Bosques, antigüedades mayas, lagunas, ríos y demás minerales, poniendo en peligro la extinción de la Flora y Fauna, todo con el consentimiento de gobiernos mendigos. Lo que ha provocado contaminación en Lago Petén Itza; contaminación de la tierra, el aire y el agua por Petroleras como Perenco, Petro Energy, Cyti Petén y por grandes cadenas hoteleras.

EL ECOCIDIO en el Río La Pasión por empresas palmeras como REPSA. Dichas empresas no tienen responsabilidad de buscar soluciones, al contrario, financian la confrontación social entre comunidades y organizaciones que defienden los bienes naturales. Operan a pesar de no tener un Estudio de Impacto Ambiental. Lamentamos que la Corte de Apelaciones de Poptún diera trámite a la Demanda Sumaria Civil en contra de la jueza Karla Hernández promovida por abogados de la empresa REPSA. Lo que pone en peligro la independencia judicial al dar mayor prioridad a las demandas de la empresa y no así a lo resuelto por la jueza en favor de la madre tierra y los bienes naturales.

LOS ASESINATOS de defensores de los lagos, ríos y bienes naturales como: el Maestro Rigoberto Lima Choc, el asesinato del Licenciado Roberto Álvarez en relación al caso REPSA, así como Walter Manfredo Méndez Barrios integrante del Frente Petenero Contra Las Represas, el Asesinato del Promotor de Salud Ramiro Chom y del comunitario Víctor Tut. Así como del asesinato del líder comunitario de Laguna Vista Hermosa San Andrés Petén, Santiago Pérez.

LA CRIMINALIZACIÓN Y LA MILITARIZACIÓN, que somos objeto los peteneros. Ya estamos cansados de gobiernos mediocres y sin claridad de proyectos políticos, económicos y sociales efectivos para todos por igual.

LAS DETENCIONES A CAMPESINOS en Laguna del Tigre y Sierra Lacandón, promovidas por el Consejo Nacional de Áreas Protegidas quienes son parte de los negocios lícitos e ilícitos practicados en estas áreas que “supuestamente administran”.

LAS DETENCIONES Y CRIMINALIZACIÓN A LÍDERES COMUNITARIOS Y DE ORGANIZACIONES SOCIALES DE GUATEMALA, quienes a pesar de no tener delitos son ligados a procesos ilegítimos, oscuros y parciales. Esta práctica ya debe tener fin. Exigimos la libertad de los presos políticos.

EXIGIMOS

AL GOBIERNO ACTUAL, del señor Jimmy Morales, que busque soluciones viables y efectivas a la conflictividad social en relación a los bienes naturales, a la tierra y a la vida. Si no puede encontrar soluciones concretas, que tenga la dignidad de renunciar. Los pueblos decidiremos lo que queremos y cómo lo queremos.

AL CONGRESO DE GUATEMALA, tenga la dignidad y capacidad de escuchar a los pueblos de Guatemala y legisle con leyes favorables a la naturaleza, a la madre tierra, a los derechos humanos y a la vida.

AL ORGANISMO JUDICIAL, sea imparcial en los procesos, resuelva con base a la justicia y conforme a la ley. La justicia y la dignidad no deben negociarse.

A LAS Y LOS SERVIDORES PÚBLICOS, cumplan con su obligación, por el bien de la nación y la ciudadanía, renuncien si no se sienten capaces de dar un buen servicio.

CESE LA REPRESIÓN contra las y los defensores de derechos humanos, de la tierra, del agua y la vida. Libertad para todos los presos políticos.

QUE CESEN LAS DETENCIONES contra campesinos en áreas protegidas y contra defensoras y defensores de los derechos humanos, de la tierra y la vida.

¡¡No más ecodios, criminalización, represión, militarización, engaños y detenciones... Si a la vida!!

Petén, 22 de abril de 2016

ASCORTE

ASECSA

COMISIÓN DE LOS 15

ACCODIL

LA OTRA COOPERATIVA

IXQUIK

FRENTE PETENERO CONTRA LAS REPRESAS

COMUNIDADES DE LAGUNA DEL TIGRE, RUTA AL NARANJO Y SIERRA LACANDÓN

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