



Monthly Information Pack Guatemala

Number 153 - June 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.

The risks of fighting against impunity: civil society and justice sector workers receive threats.

In recent months, several high profile cases have reached Guatemalan courts, amongst them, three cases in related to transitional justice: the cases known as *Sepur Zarco*, *Molina Theissen* and *Creompaz*. These cases all deal with the internal armed conflict in Guatemala and have, yet again, put the military under heavy scrutiny. There have also been further advances made in the fight against corruption: the investigations in the corruption case against former Guatemalan President, Otto Perez Molina, has exposed an extensive network of corruption at State level which has unsettled the political elite as well as sparked further public outrage and protests. Some of the workers in the justice area involved in these cases have been victim to threats because of their efforts to fight impunity and establish the truth of events that took place during Guatemala's internal armed conflict.

One month ago, Judge Miguel Angel Galvez, of High Risk Tribunal B, reported having received death threats. Galvez currently presides over corruption cases known as the "Quetzal Container Terminal" ("TCQ" due to its initials in Spanish) and "La Linea". Judge Galvez is also known for his role in opening the genocide and crimes against humanity case against former Guatemalan President Jose Efraim Rios Montt and Jose Mauricio Rodriguez Sanchez in January 2013. Speaking to the media about his role in the aforementioned corruption cases, he stated, "Unfortunately when you are dealing with such high ranking state officials, they assume that you will fall into line with their interests. This is not the case with me. I am an independent judge."¹

In relation to the threats he received, he explained that he received intimidating phone calls directly related to cases he was presiding over.² After receiving these threats the President of the Supreme Court of Justice, Ranulfo Rafael Rojas, stated that extra personal security measures would be provided for Judge Galvez, and security in the tribunal building would also be stepped up. The President denounced these threats and any undue intervention in the administration of justice.³ The President of the Association of Judges, Mario Taracena, added that some Judge Galvez wasn't the only judge to have received threats. Furthermore, some judges had had their personal security detail removed or reduced by the Interior Ministry without notice. He stated that because of this the Association of Judges had made official complaints, and demanded that their security be reinstated and where appropriate be extended to cover a threatened judge's family also.⁴ Judge Galvez stated in an interview to Associated Press that judges are becoming accustomed to these types of situations as, unfortunately, judges necessarily leave one party or another in criminal proceedings unsatisfied with the result, and occasionally that dissatisfaction can manifest itself in violence. Asked if he fears for his life, he considered that fear is part of his profession. He added that the threats are all related to this recent spate of cases he has been dealing with, and very much to do with the interests they touch upon.⁵

¹ Sánchez, G., "Ligados a proceso 12 por caso TCQ: audiencia duró 10 días," in Prensa Libre, 6 May 2016 <http://www.prensalibre.com/guatemala/justicia/juez-resuelve-si-procesa-a-acusados-de-corrupcion-en-caso-tcq>

² Palma, C., "Juez Miguel Ángel Gálvez denuncia intimidaciones", in Prensa Libre, 10 May 2016, <http://www.prensalibre.com/guatemala/justicia/juez-miguel-angel-galvez-denuncia-intimidaciones>

³ Ibidem.

⁴ Ibidem.

⁵ Associated Press, "Juez Gálvez: jueces se acostumbran a las amenazas", in El Periódico, 17 June 2016, <http://elperiodico.com.gt/2016/05/17/pais/juez-galvez-jueces-se-acostumbran-a-las-amenazas/>

Since last May 17, Thelma Aldana, Attorney General, initiated a crusade against corruption, smuggling networks and influence peddling. As part of this ongoing battle, the Prosecutor has also suffered several threats and slurs aimed at devaluing her work. Amongst the defamation and attempts to discredit the Attorney General, is an allegation that came out of the so-called “Aguamiel” case. In a statement made by the one-time private secretary of ex-Vice President Roxanna Baldetti, Juan Carlos Monzón, who is now collaborating with the Public Ministry, he insinuated that the Attorney General offered to delay an investigation into a smuggling investigation in which the ex Vice President was allegedly involved. The International Commission Against Impunity in Guatemala (CICIG due to its initials in Spanish) said that they had looked into these allegations and found no evidence to suggest that the Attorney General had attempted to delay any investigations.⁶

Thelma Aldana has dismissed these claims and other attempts to discredit her saying that “Guatemalans are free to think whatever they want (...). If someone wants to believe the accused, they are free to do so, and if they want to believe me, they are also free to do so. The truth will out. As discussed with Mr Velazquez (Commissioner of CICIG), we would never bring a case before the courts if the evidence were not solid, and we were not convinced that we might prove our case. I am sure of my work and I believe our methods are solid.”⁷

As well as evidence of a smear campaign against Thelma Aldana, she also faces threats of a physical attack. According to a press conference on 24 June by the Interior Ministry and the Public Ministry, there is evidence of a plot against the Attorney General being devised by various elements of organised crime. This is currently under investigation by specialised units of said state institutions. The Minister of the Interior, Francisco Rivas Lara said that the threats originate from mafias embedded within the State who will be brought to account.⁸ Thelma Aldana has said that she is anxious about the situation, but the important thing is to keep on with the important work they are doing.⁹ In a press release published recently she stated, “I am aware of the attempts being made to discredit my work. I know that many want to strike at me from the depths of the criminal underworld, and that this is as a result of the work we are doing together with CICIG to uncover corruption at the highest levels of government.” She added that her efforts would not be paralysed by fear,¹⁰ nor will the work undertaken by Ivan Velazquez and the CICIG be affected. Our work is starting to bear fruit, showing us that we are on the right path.¹¹

National and international organisations have also been subject to intimidations and threats. Past and ongoing transitional justice cases have been affecting existing power structures in Guatemala, which can result in attacks against those involved in bringing these cases. On June 21, the offices of Impunity Watch in the Capital were raided by the armed men in ski masks and gloves.¹² The organisation, as per their website, promotes accountability for atrocities in countries emerging from a violent past, as well as promoting an all inclusive approach to overcoming the results of massive human rights violations and impunity.¹³ According to the coverage of the raid, the raiders demanded to see their files. The programme coordinator, Denis Martinez, bringing the Molina Theissen case (dealing with a forced disappearance of a minor), it is unclear whether the invaders were referring to this case file or other files. While the official investigation is ongoing, human rights organisation have condemned the attack as has the President, who has stated that the government will do all in their power to see the investigation is carried out properly.¹⁴

⁶ Editorial Prensa Libre, “Se aclaran ataques contra jefa del MP”, in Prensa Libre, 25 June 2016 <http://www.prensalibre.com/opinion/opinion/se-aclaranataques-contrajefa-del-mp>

⁷ Monzón Morales, C., “Entrevista a la Fiscal General y Jefa del Ministerio Público, Thelma Aldana”, In Siglo XXI, 29 Junio 2016, <http://www.s21.gt/2016/06/fiscal-general-jefa-del-ministerio-publico-nadie-nos-va-a-detener>

⁸ Monterpeque, F., “Grupo especializado investiga posible plan para atentar contra Aldana”, En El Periódico, 28 Junio 2016, <http://elperiodico.com.gt/2016/06/28/pais/grupo-especializado-investiga-posible-plan-para-atentar-contraldana/>

⁹ Monzón Morales, C., Op.Cit.

¹⁰ Redacción La Hora, “Thelma Aldana: el miedo no nos paralizará”, in La Hora, 19 June 2016, <http://lahora.gt/thelma-al-miedo-no-nos-paralizara/>

¹¹ Monzón Morales, C., Op.Cit.

¹² Vásquez, B., “Allanan oficinas de Impunity Watch en Guatemala”, En Prensa Libre, 21 Junio 2016, <http://www.prensalibre.com/guatemala/justicia/allanan-oficinas-de-impunity-watch-en-guatemala>

¹³ Web page of “Impunity Watch”, <http://www.impunitywatch.org/html/index.php?paginaID=12>

¹⁴ Vásquez, B., Op.Cit.

All events referred to show that the fight against impunity in Guatemala is one fraught with difficulty. There are many, powerful, affected entities, and the subject of the internal armed conflict is still a sensitive subject matter. However, there is still strong determination on behalf of workers in the justice sector and in civil society organization to continue defending human rights despite the complicated context. CICIG Commissioner Ivan Velasquez, believes that these processes indicate that Guatemala is growing as a country. This is remarkable given Guatemala's past, and shows that justice must be and can be objective and equitable.¹⁵

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 the negative impacts of globalisation on human rights.*¹⁶



View from the Jupilingo Bridge, June 2016. Photo: PBI

Between 15 and June 17 we were present in the East of Guatemala accompanying the **Ch'ortí Campesino Central "New Day" (CCCND)**. We visited its headquarters in Camotán and met with the Matasano Indigenous Council and other community members in the Jupilingo Bridge. Throughout the rest of the month, we maintained regular telephone contact with members of this organization.

We continue our accompaniment of the **Association of Neighbours of Chicoyoguito** in the context of the CREOMPAZ case. We accompanied them at the final hearing in the case on 7 June and observed a very tense atmosphere. We also observed attempts to intimidate observers from international organisations. This month we initiated regular telephone contact with members of the Association.

We continued our support of the **Peaceful Resistance of La Laguna**. We visited the camp their sit-in on 10 June to discuss the situation after the installation of the military detachment in San Pedro Ayampuc. We continue to maintain regular phone contact with them.

During the month we were present regularly at the sit-in by the **Peaceful Resistance of La Puya** in San Juan Gulf and their other protest site outside the Ministry of Energy and Mines (MEM). Even though the mining company does no longer have permission enter the mining site without the presence of a government delegation, and are expressly prohibited from removing any materials mined at the site, the Resistance reports that there have been attempts to do so by their workers. Therefore the situation remains tense and the Resistance continues with their two sit-ins.

¹⁵ Ramos, J., "La justicia no es venganza ni revanchismo, dice Ivan Velásquez", In Prensa Libre, 29 June 2016, <http://www.prensalibre.com/guatemala/justicia/la-justicia-no-es-venganza-ni-revanchismo-dice-ivan-velasquez>

¹⁶ 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/>



The sit-in at the entrance to the MEM after the riot police withdrew, 27 June, 2016. Photo: PBI

After a few uneventful days, on 27 June riot police arrived at the Resistance sit-in at outside the MEM causing great anxiety and uncertainty amongst members of the Resistance. The forces finally dissipated without incident.

On June 29 the Supreme Court of Justice (CSJ) ordered the definitive suspension of operations at the mining project known as Derivado VII.

This month we visited the **Verapaz Union of Campesino Organizations** (UVOC) headquarters in Santa Cruz, Cobán, and were present during some activities in Cobán.

We continue to accompany **the Human Rights Law Firm** (BHD, due to its initials in Spanish) and pay weekly visits to their offices. We also accompany them on some of their journeys to court. We offer more intensive accompaniment to the BDH's Director, **Edgar Pérez Archila**. On 6 June, we were present at a press conference regarding the CREOMPAZ case, which the BDH is litigating. The next day, we accompanied members of BDH to a hearing in that case. The judge cleared two of the accused, due to apparent inconsistencies in the Public Ministry's evidence. 8 of the accused, all ex-military, will face a full trial for enforced disappearances and crimes against humanity. The court ruled that it would try the acts as crimes against humanity instead of war crimes.

On 27 and 28 June we were present in Zacapa. We accompanied the **Ecumenical Coordinator in Defence of Life in Zacapa and Chiquimula** to their meeting with mayors, farmers and landowners in Zacapa. Many civil society organizations from in the region also were present.

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.

Follow-up trip to Petén

We had our first annual visit to the Department of Petén in June as part the monitoring we have been carrying over the years.

During our visit, we met with different social actors and authorities, and we gave follow up to situations related to issues such as: conflicts in protected areas; militarization; womens´ rights; impacts of mega projects (including tourism, hydroelectricity installations, cash cropping etc.).

We note that the situation of human rights defenders in the region continues in spite of the difficult climate for them. Limited state presence in the region is reflected by the lack of resolution of land conflicts, and results in a very difficult to situation for many communities who lack access to land, and were indeed forcefully evicted from their lands several years ago. These people continue living in precarious situations with little prospect of certainty over land rights. Other communities located in the National Parks of the Sierra de Lacandón and Laguna del Tigre, live without access to basic services, and face the constant uncertainty of future enforced evictions.

We visited the internally displaced community known as **Centro 1** two days before the 7 year anniversary of their forced eviction from the Sierra de Lacandón: their situation remains precarious and their living conditions are sub-standard with no access to basic amenities.

We also visited the community named **Triunfo de la Esperanza** (“triumph of hope”). Here we were told that there has been almost no progress made towards guaranteeing the population their basic services to ensure their welfare.

During our visit we distributed the new PBI bulletin, “In Defence of Land Rights and Human Rights in Petén: The Risks of Resisting Megaprojects.” Communities received the publication with thanks and reiterated how difficult it is for them to get access to information.

In addition to the above, we also held meetings with various organizations: the **Leaving Footprints, Women´s Group, The Nuevo Horizonte Cooperative**, who shared information with us regarding the difficulty women face accessing economic resources; the **Cooperative La Otra**; the **Association of Ixquik Petén Women**; the **Women´s Association of Ixucamé**; the **Ixucamé Women Guatemalan Association**; the **Association of Campesino Communities for the Integral Development of Petén** (ACDIP due to its initials in Spanish); and the local Pastoral office.



Meeting with the internally from the Centro 1 community, June 2016, photo: PBI



The Parade for Sexual Diversity and Gender Identity moving through Zone 4 to Central Park, 26 June, 2016. Photo: PBI

On June 26 we observed **the sixteenth annual Parade for Sexual Diversity and Gender Identity** through the Capital. The Parade is a joyful occasion aimed at celebrating and vindicating the rights of the sexual diversity community. Several LGBTI rights organisations were present. There was music, which helped add to the festive atmosphere. The Parade ended with a public statement from the organisations which participated and a artistic performances in Central Park.

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 diplomatic corps and international organisations we met with the following: the **Consul of the Spanish Embassy**, Eliosa Moreiro Carmen Gonzalez; the **Ambassador of the United Kingdom**, Andrew Tate and their **Human Rights and Projects Officer**, Rita Grajeda. We attended a meeting with those in charge of business affairs and human rights at the **European Union Filter Group and Canada** on 22 June. At this meeting we presented the work we do in relation to the Mechanisms for the Protection of Human Rights Defenders in the context of foreign investments.

At the national level we met with the **Vice Minister of Security**, Ricardo Guzmán Loyo, and Axel Lopez, the **General Manager of the Land Fund** (known as Fontierras).

In **Zacapa** we met with Rodrigo Ordoñez, **Chief of Local Police** to talk about PBI's work.

During our trip to Petén we met with the **mayors** Benjamin Ipiña of **La Libertad**, Milton Mendez of **San Andrés**, and the new **mayor of Flores**. We also met with: Alma Polanco from the **National Council for Protected Areas (CONAP) in Petén**; the **Office of the Human Rights Ombudsman (PDH** due to its initials in Spanish) **of San Benito-Santa Elena**; the **PDH of La Libertad**; Marvin Segura Baños of the **Secretariat of Agricultural Affairs (SAA) of La Libertad** and José Manuel Mendez of **San Benito SAA**; Ivan Martinez of **Fontierras Peten**; Miriam Juarez of the **Presidential Commission for Coordinating Executive Policy on Human Rights (COPREDEH** due to its initial in Spanish) **of Las Flores**; **The Governor of Petén** and her advisor; Manuel Salguero Godoy, **Chief of the Police in the Péten Department**; **Defenders of Nature** in Santa Elena. PBI shared our concerns about the evictions have been carried out and about future evictions.

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 met with **UDEFEGUA** (due to its initial in Spanish), the **National Coordinator of Guatemalan Widows** (CONAVIGUA due to its initials in Spanish), **Acoguate**, the **Network in Solidarity with the People of Guatemala** (NISGUA), and **La Cuerda**, to share information and specific concerns. We also visited the **Foundation of Anthropological Forensics** (FAFG due to its initials in Spanish) to get updates on their work.

In the workshop given by **Maya Programme** of the **Office of the High Commissioner for Human Rights** (OCHCR) in Guatemala, we made a presentation together with Acoguate on international accompaniment, how our organisations work and what tools we use.

5. ACTIVITIES OF PBI GUATEMALA IN GUATEMALA



The workshop: "Preventing and Reacting to the Defamation and Criminalisation of Social Protest", June 2016. Photo: PBI

On 29 and 30 June PBI organised a workshop for human rights defenders in the Capital called, **Preventing and Reacting to the Defamation and Criminalisation of Social Protest**. There were around 50 people participants, the majority women.

6. 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.

PBI's European representative held the following meetings:

- June 2, Brussels, with **German MEP Hans Olaf Henkel**, a **member of the Human Rights Subcommittee of the European Parliament**, who visited Guatemala in February 2016.
- June 14, Brussels, PBI's representative participated in a meeting with the **Austrian MEP Karoline Graswander**, **member of the Parliamentary Assembly EUROLAT**, and **Helmut Weixler**, **the Secretariat for Latin America of the European Parliament**. The aim of this meeting, which included representatives of other non-governmental organizations, was to propose topics for the meeting with civil society in the next session to be held Eurolat in September in Montevideo.
- June 15, the Hague, the representative met with the **Ministry of Foreign Affairs of the Netherlands**, **Lieske of Krijger**, **Policy Officer for Central America**, **Nadji Bilik**, **future Secretary of the Embassy of the Kingdom of the Netherlands in charge of bilateral relations with Guatemala and Costa Rica**, as well as **Gilles Goedhart**, **Senior Policy Officer in charge of Business and Human Rights issue**.

7. NON- GOVERNMENTAL ORGANISATIONS

In this section we publish statements (some abbreviated) from human rights organisations in which they express their concerns regarding recent events.

21 de Junio DÍA NACIONAL DE LAS VÍCTIMAS DE DESAPARICION FORZADA

Los familiares de víctimas de desaparición forzada y otras formas de desaparición en conjunto con el Grupo de Trabajo Contra la Desaparición Forzada en Guatemala, a la opinión pública nacional e internacional, manifestamos lo siguiente:

En el marco de la conmemoración del Día Nacional de las Víctimas de la Desaparición Forzada, nos solidarizamos con todas las familias sobrevivientes de esta práctica, en particular con las familias de los 27 sindicalistas miembros de la Central Nacional de los Trabajadores -CNT- que fueron brutalmente detenidos-desaparecidos este día en el año de 1980 por las fuerzas armadas y de seguridad del Estado.

Está práctica estatal de la desaparición forzada e involuntaria afecto a más de 45 mil familias guatemaltecas, que hoy día siguen a la espera de una respuesta del Estado de Guatemala sobre la verdad de los hechos ocurridos durante el conflicto armado interno.

Guatemala, sigue siendo el país de Latinoamérica con el mayor número de personas desaparecidas, así como, en donde no existe instancia estatal que indague sobre el paradero de las víctimas de desaparición forzada e involuntaria, por ello se propone desde las organizaciones de derechos humanos, principalmente aquellas pertinentes al tema, que el Estado instituya una Comisión Nacional de Búsqueda de Personas Víctimas de Desaparición Forzada y otras formas de Desaparición.

En este día nos sumamos a la lucha por la dignificación de miles de hombres y mujeres que fueron víctimas de la práctica de Desaparición Forzada, que durante décadas las familias han mantenido una constante búsqueda para saber el paradero de cada una de ellas y de esta manera cerrar su etapa de dolor e incertidumbre.

Al Congreso de la República de Guatemala le exigimos aprobar con carácter de Urgencia Nacional la iniciativa de ley 3590 para dar una respuesta a las madres, hijas, abuelas, hermanas que no pierden la esperanza de encontrar a sus seres queridos.

Demandamos del Estado de Guatemala asumir su responsabilidad en el impulso de políticas que favorezcan el pleno ejercicio de los derechos y libertades fundamentales.

**“LA MEMORIA HISTORICA ES PARTE DE LA CULTURA SOCIAL
E INSPIRACIÓN DE RECONCILIACION Y PAZ, PARA QUE LOS HECHOS ACAECIDOS
NUNCA MAS VUELVAN A REPETIRSE”.**

FAMDEGUA Asociación de Familiares de Detenidos - Desaparecidos de Guatemala, CIIDH Centro Internacional para Investigaciones en Derechos Humanos, GAM Grupo de Apoyo Mutuo, FAFG Fundación de Antropología Forense de Guatemala.

PBI team in Guatemala: Irene Izquieta García (Spanish State), Pedro Cárdenas Casillas (Mexico), Mélisande Séguin (Canada), Marco Baumgartner (Switzerland/Germany), Eulàlia Padró Giral (Spanish State), Paulina Martínez Larraín (Chile), Manon Fenoy (France), Elba Estrada (Spanish State), Corsin Blumenthal (Switzerland), Brigitte Fischer-Bruehl (Germany), Alicia Guitérrez Esturillo (Spanish State) and Roberto Meloni (Italia).

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