



Monthly Information Package Guatemala

Number 163 - April 2017

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.

Extreme violence against children and adolescents in Guatemala

In the case of the burning and death of 41 girls in the Virgen of Asuncion "Safe" House on March 8th, the former head of Secretariat for Social Well-Being (SBS), Carlos Rodas Mejía, the former Sub-Secretary Anahy Keller and Santos Torres Ramírez, former director of the home were accused of manslaughter, grave injuries, abuse against minors, abuse of authority and breach of duties. According to the judge, the tragedy could have been prevented if the civil servants who were supposed to care for the young people had listened and attended to their demands. Rodas, Keller and Santos were aware of the conditions in which the minors were treated. *The girls were reacting to the nonconformity that was not adequately addressed by those who were guarantors of protection to ensure they were not mistreated either physically, psychologically or mentally.* Despite the graveness of the events, the judge decided to grant house arrest for the accused.¹

After these terrible events in the Home, the new authorities of the institution dismissed 39 people who worked there and a total of 69 SBS employees were removed as they did not have the professional profiles required to fill the positions. While 24 adolescents who continued living at the State Home were transferred to other centers where they continue to be cared for by the same monitors from the shelter where the fire occurred. According to analyst Marvin Rabanales as long as the SBS does not have a training process for new professionals, they have no other option other than to continue working with the monitors from the Safe House, although this is not ideal.²

The 13 boys, girls and adolescents who ran away from the Home the night before the fire continue to be unaccounted for according to the Procuraduría General de la Nación.³ The vulnerable situation of the young people is worrisome. Even more so when a few days ago, a young woman who had escaped from the Home was rescued during a human trafficking operation. This young woman had an "active disappearance" alert since December 26, 2015.⁴

After the March 8th tragedy, the Office of the Human Rights Ombudsman (PDH) and social organization Refugio de la Niñez described the situation of children and adolescents in Guatemala as serious. According to Leonel Dubón, Director of Refugio de la Niñez, in 2016 more than 14,000 child abuse complaints were filed before the Office of Public Prosecutions (MP) of which 7,000 were for sexual violence. Until March 8th of this year, at least 159 boys and girls died violently without counting the girls who died in the Virgen of Asuncion Home.⁵

The most recent violent episode against children and adolescents took place on Wednesday, April 26 when a group of students were protesting to demand a new principal at the National School of Commercial Sciences II annex Federico Mora in zona 7 of Guatemala City.⁶ Students were run over by a car and 16 people were injured and taken to the Roosevelt Hospital. Fifteen year old Brenda Viviana Domínguez Girón suffered the worst injuries and doctors tried to save her by amputating her leg and arm, but three days later died in

¹ García, J. [Juez saca de la cárcel a 3 funcionarios del Hogar Seguro](#), Nómada. Guatemala, 08/04/17.

² Montepeque, F., [Adolescentes del Hogar Seguro siguen cuidados por los mismos monitores](#), El Periódico. Guatemala, 30/04/17.

³ Boche, E., [Trece menores suman 28 días desaparecidos](#), El Periódico. Guatemala, 04/04/17.

⁴ Castañón, M., [En operativos contra la trata, localizan a niña de Hogar Seguro](#), La Hora. Guatemala, 02/05/2017.

⁵ Aguilar, D., [Califican como grave la situación de violencia contra la niñez y adolescencia](#), La Hora. Guatemala, 05/05/17.

⁶ Tercero, D., [Atropellan a más de 10 estudiantes durante protesta](#), Siglo21. Guatemala, 26/04/17.

agony.⁷ PDH Youth Rights advocate Abner Paredes condemned her death and states that such acts add to the context of generalized violence in Guatemala and expressed his concern for the “normalization” of structural violence.⁸

Jorge Santos Coordinator of the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEQUA) considers these and other violent acts against the defense of human rights, the materialization of hate speech, pointing out that they account for the profound deterioration of our society, as well as a discourse that has permeated throughout the population, encouraging hatred and violence.⁹

Constitutional Reforms

Proposed constitutional reforms continue to cause fragmentation in the Guatemalan Congress. The Ombudsmen Jorge de León Duque indicates there is a smear campaign against the reforms while expressing his concern for the “irresponsible” way in which negative comments have spread. He also states that the topics under discussion are not new or of the past, yet stem from the Peace Accords which speaks of the need to strengthen the justice system.¹⁰ While Iván Velásquez, Commissioner of the International Commission Against Impunity in Guatemala (CICIG), states the country faces a series of structural problems that promote corruption and impunity which makes passing the reforms even more urgent for the justice system.¹¹

Human Rights Ombudsman (PDH) Candidates

At the end on April the Legislative Leadership received 31 applications from candidates wishing to head the PDH Office. Current Ombudsmen Jorge de León Duque’s Constitutional term ends in August. The Congressional Human Rights Commission is in charge of the appointment process and at the end of May they will present a short-list of candidates to the Congress. At that time Congress will decide who will preside over the PDH for the next five years.

The Pro Justice Movement is monitoring the appointment process and stated that the proposed timeline is too tight to be able to completely comply with the minimum guarantees in these processes to ensure eligibility, in accordance with international standards.¹²

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.*¹³

STRUGGLE AGAINST IMPUNITY

This month we continued weekly visits to the **Human Rights Law Firm (BDH)** and we accompanied the lawyers in the closing arguments of the intermediate phase of the Dos Erres case. The court “A” for High-Risk Matters ordered a special trial against José Efraín Ríos Montt for crimes of genocide and crimes against humanity associated with the Dos Erres massacre that took place in 1982 in the Peten. The trial will be conducted behind closed door in the presence of lawyers as the accused’s poor health makes it difficult for him to attend. We also accompany the Firm in hearings in the Monte Olivo case in Cobán, Alta Verapaz. In this case two community members face charges of threats and aggregated robbery. The defense argues that the case is an example of criminalization that takes place due to the conflicts provoked in the communities by the presence of hydroelectric companies in the area. Both community members were charged with a lesser crime of aggravated larceny and will be brought to trial in August.

⁷ Pérez Marroquín, C. y Quiñonez, E., *Murió Brenda Domínguez, la estudiante atropellada que soñaba con ser abogada*, Prensa Libre. Guatemala, 29/04/17.

⁸ Aguilar, D., Op.Cit.

⁹ Santos, J., *El discurso del odio genera violencia*, La Hora. Guatemala, 28/04/17.

¹⁰ López, K., *PDH denuncia campaña de desinformación sobre reformas constitucionales*, La Hora. Guatemala, 26/04/17.

¹¹ López, K., *Pese a pocos avances, Velásquez insiste en las reformas constitucionales*, La Hora. Guatemala, 20/04/17.

¹² Movimiento Pro Justicia, *Elección del Procurador de los Derechos Humanos. Análisis de los plazos del proceso 2017* presentado al público el 3 de mayo 2017.

¹³ For general information about the organizations and people we accompany see our website: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

We periodically place phone calls to the **Neighborhood Association of Chicoyogüito (AVECHAV)**, to be informed about their security situation while the expert assessment for the CREOMPAZ case continues. They are joint complainants in the case.

ACCESS TO LAND

The security situation of the **Union of Campesino Organizations of Verapaz (UVOC)** communities continues to be worrisome, especially for the Nueva Sebox and Nueva Seamay in the municipality of Senahú. They have been victims of multiple threats and attacks in recent months in the context of land evictions and threats of evictions that are increasing in the Verapaces, Izabal and southern Peten region since the beginning of the year.

We have kept in regular contact via telephone with members of these communities and UVOC leaders. We have also transmitted our concerns about the security of these people to local, national and international institutions. They have endured attacks with firearms, death threats, and their homes and crops have been burnt. These events have taken place despite the active dialogue space with the Secretariat for Agrarian Affairs (SAA). We accompanied the community members who filed a complaint at the MP in La Tinta for the destruction of their lands and crops, which has left them in a precarious situation without access to food and basic goods for survival.



NEGATIVE IMPACT OF GLOBALISATION ON HUMAN RIGHTS

We continue to accompany the **Peaceful Resistance of La Puya** with weekly phone calls to their members and one visit to the protest camp at the mine entrance in José del Golfo. Residents of nearby communities continue to have a permanent presence in the protest camp to watch for compliance of the Constitutional Court's decision which ordered permanent closure of the mine and to investigate the allegations that the company had been working without proper permits. This month a court order was granted to the company allowing them to remove machinery from the mine, an action that was questioned by the Resistance as this could imply an alteration of relevant evidence in the case. The authorization was then revoked.



We were present at the **Ecumenical and Pastoral Coordinator in Defense of Life in Zacapa and Chiquimula (Coordinadora)**'s office in La Trementina during the visit of German Congressman Frank Schwabe and Artur Brunner of the German Embassy and the Director of German aid Anja Dahl. During this activity community members expressed their concerns on criminalization, megaprojects, organized crime, impunity, non-regulated logging, and discrimination against women. The German Congressman assumed patronage of Reverend José Pilar Álvarez Cabrera with the aim of ensuring his

safety as his protective measures were revoked in September 2016. These measures were replaced by perimeter measures around his home.

This month we accompanied several members of the **Council of K'iche' Peoples (CPK)** to a hearing for the illegal detention of two neighbors from La Cumbre which took place in February. After three hours of deliberation, an agreement was reached in which the defendant party agreed to stop threatening and attacking the CPK.

With the **Campesino Central Coordinator New Day' Chortí (CCCND)** we are closely monitoring the conflict-ridden situation sparked by the presence of hydroelectric companies in the area. This month we have followed the high levels of existing tension in the El Rodeo community, where several families have received precautionary measures due to threats and attacks they have received. As part of our work, we have maintained in regular contact with pertinent authorities, transmitting our concerns and interest that measures be compiled by. Also on April 21, we accompanied members of the Lelá Chanco community to a conciliation hearing for a case on land seizure in the Río Jupilingo area.



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.

We continued our presence in the offering of evidence court proceedings in the **Molina Theissen** case, in which five former high-ranking members of the military are accused of crimes against humanity, aggravated rape and forced disappearance. The defense rejected almost all of the evidence offered by the prosecution, which will be addressed during the pending oral and public trial. Just like prior hearings in the case, we observed a tense and hostile environment on behalf of the defense directed at international observers.

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 interlocution work with the diplomatic corps and international organisms this month we met with:

- Vanesa Álvarez, Tania Sagastume y William Bolainez, Human Rights Officers at the Office of the High Commissioner for Human Rights (**OHCHR**).
- Tomás Pallas, Head of Cooperation, and Jennifer Echeverría, Human Rights Officer **EU** Delegation in Guatemala.
- Eloisa Carmen Moreiro González, Consul from the **Spanish Embassy** in Guatemala.
- Frank Schwabe, member from Bundestag, Germany, during his visit to Guatemala.
- Artur Brunner, Advisor to the **German Embassy** in Guatemala.

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

- Edgar Oswaldo Camacho and Nancy Libert Bellozo Ríos, police (**PNC**) agents in **Camotán**.
- Rigoberto Pascual Espino, Police Chief **PNC in Santa Cruz, Alta Verapaz**.

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.

In the process to strengthen our support network in the European Parliament we had the following meetings this month:

- **April 24: Carola Bennato, Assistant to Pier Antonio Panzeri, Italian member of European Parliament for S&D group, President of the Sub-Commission on Human Rights DROI of the European Parliament.**
- **April 26: Andrea Rossi, Deputy Head of Division on Human Rights in the European External Action Service of the EU; Marjin Speth, Responsible for Permanent Representation of Holland for Latin American and Caribbean COLAC groups and the working group on Human Rights COHOM of the European Union Council; Katharina Bonnenfant, Responsible for Permanent Representation of Germany for the COHOM group.**

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.

COMISIÓN INTERNACIONAL DE JURISTAS EXPRESA SU PROFUNDA PREOCUPACIÓN POR LA IMPUNIDAD QUE EXISTE ALREDEDOR DEL CASO DEL EX JEFE DE SEGURIDAD DE LA EMPRESA HUSBAY MINERALS/CGN

El llamado “caso HUSBAY” es uno de los más graves de la post guerra, ya que se utilizó la violencia extrema en contra de dirigentes comunitarios que defienden su territorio. El 27 de septiembre de 2009, Adolfo Ich, maestro y líder comunitario fue asesinado; el mismo día, en el mismo incidente en el que murió Adolfo Ich, German Chub Choc fue herido gravemente, habiendo quedado parapléjico; dos años antes, once mujeres Q’eqch’is fueron violadas sexualmente durante un desalojo efectuado por guardias privados de seguridad de la empresa mencionada. Todos los hechos se mantienen en total impunidad.

A pesar de la gravedad de estos hechos y de las vastas pruebas ofrecidas por la fiscalía y por los querellantes adhesivos, con fecha 6 de abril de 2017, la jueza ANA LETICIA PEÑA AYALA, Jueza Unipersonal de Sentencia Penal, Narcoactividad y Delitos contra el Ambiente de Izabal con sede en Puerto Barrios, conoció el caso por los dos primeros delitos y dictó fallo por medio del cual absolvió al coronel retirado MYNOR RONALDO PADILLA GONZÁLEZ (ex jefe de seguridad de la empresa HUSBAY/CGN), ordenando su inmediata libertad.

La CIJ considera que durante el proceso se dieron una serie de irregularidades, como la orden de la jueza Peña Ayala de excluir al público y a periodistas de la sala por presuntas “razones de seguridad”, llevando la mayoría del juicio a puerta cerrada y sin la presencia de público en general, ni de medios de comunicación, sin dar razones válidas para ello. Además, para la lectura de la sentencia respectiva, la Jueza Peña Ayala ha citado a las partes en diferentes fechas (18, 19 y 25 de abril); sin embargo, a pesar de estar presentes las partes, la sentencia no ha sido leída, aduciendo que la misma no está finalizada. De esta forma, se ha violado el artículo 390 del Código Procesal Penal, que establece que se debe dar lectura a la sentencia, a más tardar, dentro de los cinco días siguientes al pronunciamiento del fallo.

En Guatemala, lamentablemente se siguen dando numerosos hechos de violencia y muertes de líderes comunitarios y ataques a campesinos, por problemas derivados de la conflictividad agraria, explotación de recursos naturales, construcción de hidroeléctricas o por los nuevos cultivos asociados a biocombustibles. El Sistema de Justicia sigue demostrando ineficacia y falta de independencia e imparcialidad.

Ramón Cadena, Director de la Comisión Internacional de Juristas para Centro América expresó: “Este caso demuestra la impunidad que impera en Guatemala y los obstáculos que encuentran las

comunidades indígenas en el ejercicio del Derecho de Acceso a la Justicia. En casi todos los casos, no es posible aclarar la verdad de los hechos, porque hay personas poderosas involucradas y las y los jueces las protegen.”

Guatemala, 27 de abril de 2017

PBI team in Guatemala: Alicia Gutiérrez Esturillo (Spanish State), Roberto Meloni (Italy), Katerina Rosochova (Czech Republic), Stephanie Brause (Germany), Cristina Ortega González (Spanish State), Catriona Rainsford (United Kingdom), Gustavo García Andrade (Colombia), Francisco Vanegas Toro (Colombia), Jan Sabbe (Belgium) y Anabel Butler (United Kingdom).

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