



Monthly Information Package from Guatemala

Number 124 – January 2014

1. 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 globalisation on human rights.

In this first information package of 2014, we summarise the key issues that emerged in the three thematic focuses of our work in Guatemala during 2013.

The Struggle Against Impunity

2013 saw further developments in the prosecution of ex-head of state, José Efraín Ríos Montt, and the ex head of military intelligence, José Mauricio Rodríguez Sánchez, for **genocide and crimes against humanity**. The prosecution is considered to be a symbolic case in the fight against impunity both domestically and internationally, receiving close scrutiny from both Guatemalan and international human rights organisations and other entities of the international community present in Guatemala¹. On a more negative note, **campaigns took place in response to the case seeking to the defame human rights defenders** involved in the prosecution in Guatemala, both individual and collective. In response, Guatemalan human rights organisations made formal and public complaints to the Human Rights Ombudsman - Jorge de León Duque - on 22 May 2013. He later decided, in August 2013, that **the rights of such human rights defenders had been violated**².

On 10 May 2013, the case concluded with what was a **historic sentence**, finding **Ríos Montt guilty of genocide and crimes against humanity** and sentencing him to 80 years in prison, and absolving Rodríguez Sánchez. This was the first time that an ex-head of state had been found guilty of genocide by a domestic court³. However, ten days later, the Guatemalan Constitutional Court (CC) accepted an application from the defence asserting errors in the prosecution and on 20 May 2013 it suspended the sentence⁴. The case had effectively been frozen by the highest court in the country.

Since these events, an already complex case has become yet more complicated, with a multitude of applications, injunctions and judicial decisions, resulting in confused, vague and often contradictory media coverage. Meanwhile **the right to justice** of the victims of grave violations of human rights, the survivors and their families, is threatened once again, this time by Ríos Montt's purported reliance on a previous amnesty arrangement. Under the National Reconciliation Law, and in accordance with international human rights instruments, the amnesty expressly excludes the crimes of genocide and crimes against humanity⁵. Nevertheless, the defendants continue to argue for its application to them in the courts. The present paralysis is viewed by some as a 'de facto amnesty'⁶.

On 13 January 2014 the First Appeal Chamber rejected applications made by the Prosecution and one of the interested parties in the prosecution, the Centre for Human Rights Legal Action (CALDH) seeking to reinstate the sentence of Ríos Montt and in this way to reassert the rights of the victims. Edgar Pérez, lawyer for the Association for Justice and Reconciliation (AJR) – another interested party in the prosecution – explained that this decision was not definitive, and that it would be heard by the Constitutional Court. However, Ríos Montt's defence team announced that the rejection of

1 PBI Guatemala, "Justice for Genocide: The rights to truth and justice for the victims, families and survivors.", Bulletin N° 29. Guatemala, 2013.

2 PDH, "PDH determine violation of rights for human rights defenders.", communiqué, 27.08.2013.

3 Thale, G. y Burt, J.M., "After the verdict: What does Rios Montt's prosecution mean for Guatemala", Washington Office for Latin American affairs (WOLA). Washington, 14.03.2013

4 Complete resolution: <http://www.cc.gob.gt>

5 Prensa Libre, "Public Ministry rejects amnesty for Rios Montt". Guatemala, 25.10.2013

http://www.prensalibre.com/noticias/justicia/MP-rechaza-amnistia_0_1017498269.html

6 Gascó, E., "Ríos Montt has amnesty de facto", Diagonal. Spanish State, 31.01.2014. Published by Community Press, Guatemala: <http://comunitariapress.wordpress.com/2014/02/01/rios-montt-tiene-una-amnistia-de-facto/>

the applications validated the decision of Carol Patricia Flores to re-hear the case from November 2011 onwards. Currently therefore, the re-hearing of the case is listed to be heard by Tribunal B of High Risk Sentences to start on 5 January 2015⁷.

The Problem of Land

In relation to the problem of land, the absence of a rural development policy; of effective mechanisms for resolving agrarian conflicts; and monitoring of the processes of land registration, are emphasised by the campesino sector as **key factors in the spread of violence and conflict** affecting numerous rural communities throughout the country and particularly in Alta Verapaz and El Quiché⁸. The proposed **Integral Rural Development Law**, that seeks to address some of the root causes of the land problem, but which since 2009 has been awaiting approval in Congress, continued to be side-lined in 2013 despite the demands of campesino organisations and other social actors supporting and promoting it.

In April, under Government Accord 145-2013 of 20 March 2013, the government declared that the Expansion of the Electrical Energy Transmission Network, including the Rural Electrification Plan (PER)⁹ had the character of national urgency and public necessity. In November, civil society organisations presented a complaint of unconstitutionality against this decision, stating that it lacked the approval of Congress and thus violated the constitution. Citing past experiences of the use of "national emergency and public necessity", their concerns focused on the expropriation of land and displacement of its inhabitants. At a local level, in places such as Cunén (El Quiché), community representatives criticised the violations of individual and collective rights and demonstrated against the Government Accord saying it is pressuring rural communities of the region to grant rights of way over their land to works that had received neither consultation nor the consent of the communities and indigenous peoples.

Forced displacements have continued to be a key concern of rural organisations and communities in various regions of the country. For example the situation of the communities violently evicted from the Polochic valley in 2011 continues with little change, with only 30 of the 763 families displaced having received land to re-settle¹⁰.

In the first half of the year, the Guatemalan state was accused of violating the right to food of five children in Chiquimula. It was found to have **violated the economic, social and cultural rights** of the affected individuals, and to have failed to comply with its duties to protect children and to guarantee the right to food of the five children¹¹.

The Human Rights Impact of Globalisation

Localised conflicts over the planning or execution of mining, hydro-electric and other mega-projects, and resistance and social protest against such projects, have been ever present in the situation in 2013.

Key concerns in this context in 2013 were the failure to carry out **community consultation** and to respect its results; **the failure to respect the rights and the views of rural communities**; the experiences of negative **dialogue** processes; **the failure to determine official complaints of aggression and threats** against social and community actors opposing such projects; and the lack of **attention or presence of public authorities** when called upon by communities to guarantee their security and protection. Factors such as these have been identified, moreover, as factors that generate or increase the conflicts and, in general, the violence that affects these communities, social organisations and human rights defenders in rural areas.

The case of the **communities of Santa Cruz Barillas, Huehuetenango**, which has continued throughout the year, is emblematic of these problems. The resistance of the community to the hydro-electric project promoted in the area by the company Hidro Santa Cruz S.A. (Guatemalan subsidiary of the Spanish corporation Hidralia Energia) has continued

7 Prensa Libre, "Hearing confirms annulment of justice for genocide", 10.01.2014

http://www.prensalibre.com/noticias/justicia/rios_monnt-anulacion_de_juicio-genocidio_0_1063693833.html

8 SSAA, Report of Agrarian Conflicts, 7 de Agosto de 2013.

9 Complete Government Accord: http://www.minfin.gob.gt/downloads/leyes_acuerdos/acuerdogub145_030413.pdf

10 OXFAM Intermon, "Thirty families evicted in Valle del Polochic receive the lands promised", December 2013.

<http://www.oxfamintermon.org/es/campanas/proyectos/polochic-firma-ahora-por-desalojos>

11 Agencia EFE, "Ruling condemns the State of Guatemala for not guaranteeing the right to food.", 8.07.2013.

http://noticias.terra.com/america-latina/guatemala/juzgado-condena-estado-de-guatemala-por-no-garantizar-derecho-a-alimentacion_f2a7a6faad0bf310VgnCLD200000ec6eb0aRCRD.html

for years despite the aggressions and the criminalisation highlighted on numerous occasions by communities and social organisations in the region. In 2013, nine people were detained in January 2013 and held for months before being released due to a lack of evidence. In August 2013, two of them were once again detained. On 15 March 2013 Rubén Herrera, member of the Departmental Assembly for the Defence of the Natural Resources of Huehuetenango (ADH) was detained. A little over two months later he too was released on the grounds of lack of evidence. A number of judicial investigations continue open in 2014.

2. ACCOMPANIMENTS

PBI accompanies social organisations 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, the issue of land and the negative impacts of globalisation on human rights.¹²

This month we continued the accompaniment of the **Central Chortí Campesina Coordinator New Day**. On 27 January we observed a hearing in the prosecution of two members of the community Las Flores, Jocotán (Chiquimula) continuing our monitoring of this process, which has been ongoing for more than 7 months. The judge decided to open the prosecution, ordering once again that the individuals be remanded into custody.

Background:

- Agustín Díaz Ramírez and Timoteo Suchite, members of the Indigenous Council of Las Flores, were detained on 19 June 2013. They were accused of murder and were remanded in custody. Two other persons detained at the same time were later freed without charge.
- Four months later, in October 2013, the prosecution was provisionally brought to a close due to a lack of evidence and they were conditionally released, while the Public Prosecutor (MP) was given a further two months to investigate and present evidence to support the charges.
- According to a press release of the Central Chortí Campesina Coordinator New Day published in June 2013, these events occurred in a context in which the company Las Tres Niñas S.A. seeks to develop a hydro-electric project in the area which has been opposed by the communities living on the river. In the press release, they denounced the lack of consultation and indicated that the Municipality of Jocotán had also failed to respect the rights of the inhabitants when in 2010 it granted the use of the land to the company for 50 years. The organisation highlighted the climate of violence, insecurity and fear that has resulted and which affects the communities in the area; as well as the various aggressions and threats against them. It also denounced the vulnerability of the rights of the detained persons, as well as the irregularities in the first hearing, and expressed its regret that human rights defenders and indigenous authorities continue to be opposed in this way in such contexts¹³.

Aggravating the already difficult security situation of human rights defenders in the region, new aggressions and intimidations took place this month against the communities and members of the organization: on 12 January, a person in Las Flores was wounded with a machete and taken to hospital after being attacked by four individuals. Despite calls from the community, the police did not attend nor did any other public authority investigate the incident: the aggression was denounced by the victim to the public prosecutor (MP) and the Human Rights Ombudsman (PDH) in Chiquimula.

Intimidations and pressure exerted by both state and non-state actors continued as one of the central concerns of the organization in January. They have continued to affect social actors in the region seeking to encourage collective and community processes in defence of the land, the territory and the natural resources opposed to the private hydro-electric project.

During the month of January we continued communication with the **Twelve Communities of San Juan Sacatepéquez**. We observed three of their weekly meetings in Santa Fe Ocaña. We also continued following-up on the concerns and requests described in the Alert that we published in July 2013, regarding "Legal accusations, arrest warrants, and detention of persons Kqchikele communities of San Juan Sacatepéquez"¹⁴: as a result of the judicial

¹² For general information and background on our accompaniments see:

<http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

¹³ Detailed information is in the MIP No. 117, June 2013 (2.3. y 4.), y MIP No. 121, October 2013 (2.3.).

¹⁴ [http://www.pbi-guatemala.org/field-projects/pbi-guatemala/latest-news/news/?no_cache=1&tx_ttnews\[tt_news\]=3894&cHash=ddec104d3f706d9c80f03871886c08ba](http://www.pbi-guatemala.org/field-projects/pbi-guatemala/latest-news/news/?no_cache=1&tx_ttnews[tt_news]=3894&cHash=ddec104d3f706d9c80f03871886c08ba)

hearing that took place in December 2013 a case was opened against three community leaders who had been detained five months previously and who had remained in prison since that time; although they were initially accused of various crimes, they currently are accused of damage to possessions and instigating delinquency and armed groups, relating to events that took place in 2011 during protest and social organising in protest against a cement plant that is opposed by the community.

This month we visited the organisation **Peaceful Resistance of La Puya**, on three occasions, maintaining our international presence in the area. On 13 January we accompanied a delegation of the organisation to observe a court hearing involving four members. This was an intermediate phase in the judicial investigation. It was adjourned due to the non-attendance of the prosecution. The defence lawyers denounced the repeated adjournment of the hearings as a strategy in light of the lack of evidence, to maintain the criminalisation of the organisation and its members.

The concerns of the organisation regarding the presence of the army in the area returned in January due to rumours in La Puya regarding the request of a military camp of which the communities in San José el Golfo and San Pedro Ayampuc were unaware.

Yolanda Oquelí has received intimidatory phone calls this month, which follow upon past concerns regarding the presence of army agents near to her house.

This month we continue to have telephone contact with members of the **Association of Indigenous Women of Santa María de Xalapán in Jalapa (AMISMAXAJ)** and we had a meeting with one of the members, Lorena Cabnal.

In January we continued to accompany the **Cunén Communities Council (CCC)**. We maintained weekly telephone contact with a number of its members and on 10 January 2014 we met with one of them. The focus of the Council on the problems related to the land and territory that affect the communities, and its role in documenting, denouncing and monitoring the same and their impacts, such as in the case of the Ejidos in the municipality of Cunén, continues along with the negative accusations against various members, in the context of the criminalisation of the work of the Council.

This month, we also accompanied the **Council of K'iche' Peoples (CPK)**. We had two meetings with one of its members, Lolita Chávez, who raised concerns regarding the local authorities of San Pedro Jocopilas. On 25 January we were present in Santa Cruz del Quiché during the bi-monthly assembly of CPK; the same day we also accompanied its members to San Pedro, where we observed a meeting of the local authorities, which considered the situation of the indigenous mayors of the municipality. We also observed a meeting between members of CPK and the Governor of Quiché, Heber Cabrera, in which José Francisco Pérez, mayor of Santa Cruz del Quiché was also present. The Council referred to the violence which has accompanied the imposition of electrification projects in various communities, and to various conflicts and problems related to the distribution of land, Access to potable water and the services of the National Register of Persons (RENAP).

This month we maintained regular contact and various meetings with members of the **Verapaz Union of Campesino Organisations (UVOC)**. They continue to express concern regarding the intimidations denounced by the community of Finca La Primavera, San Cristóbal (Alta Verapaz), the possibility of forced displacements in the region, as well as the arrest warrants made in respect of various community leaders in the department of Alta Verapaz. On 21 January 2014, we accompanied Jorge Luis Morales, lawyer for UVOC, to the municipality La Tinta: he met with the prosecutor in the Office of the Public Prosecutor (MP), in the presence of a delegation of persons from the community Seamay, and denounced the criminalisation and the extortion that affects the community and its members. The following day, we attended an assembly of UVOC. On 30 January 2014, we observed a meeting in the Norwegian Embassy where various representatives of UVOC and members of the community La Primavera called attention of the diplomatic corps to the land conflicts and the criminalisation of campesinos and campesinas that defend and struggle for access and opposing its eviction. The Norwegian Ambassador, Jan Gerhard Lassen, the Political Secretary, Sindre Stemshaug Bornstein, the adviser, Per Anders Pollen Nilsen, and Medarda Castro, cooperation assistant, all participated.

We held meetings during the month and weekly visits to the headquarters of the **Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEGUA)**. The organisation continues to be concerned with the situation in Monte Olivo, Cobán (Alta Verapaz), in San Rafael de las Flores (Santa Rosa), and in Barillas (Huehuetenango), and worried by the diverse forms of persecution that affect the communities and human rights defenders in these areas.

Repetition of the mayoral elections in Nebaj – Monitoring of the Human Rights Convergence organisation:

On 11 and 12 January, we were present in Nebaj (El Quiché), accompanying UDEFEGUA in their work of monitoring the elections for municipal mayor, as representatives of the Human Rights Convergence organisation. On 11 January we accompanied members of the organisation to the office of the Public Prosecutor (MP) where they denounced the aggression suffered by two women and one of the indigenous mayors in Nebaj. The following day, we observed the Election Day that concluded with the victory of Pedro Raymundo Cobo, the candidate for the coalition National Union of Hope (UNE) – Great National Hope (GANA). Threats and intimidations affected the voting and this means of influencing of votes was criticised.

The same candidate was elected who, two years ago, the Supreme Electoral Tribunal (TSE) ordered must face a re-vote after a complaint by the candidate of the Patriot Party (PP), Virgilio Bernal, ex mayor of Nebaj, alleging that there had been irregularities in the 2012 elections.



Voting Centre in Nebaj, El Quiché, 12.01.2014
Photo: Centro de Medios Independientes (CMI), 2014

In January we continued accompanying the **Human Rights Law Office**. We accompanied lawyer Edgar Perez Archila during his travels and also made weekly visits to their headquarters. We observed a hearing in the “Cotzal” case, which concerned the accusation of a police agent for the illegal detention of two persons in aggravating circumstances. The prosecution sought a sentence of four years in prison for abuse of public office, and the Law Office sought to include in the sentence an obligation on the guilty perpetrator to provide a public apology. The court imposed a suspended sentence but required the offender to appear in San Juan Cotzal park to publicly apologise and not to have any contact with the victims. Her liberty is conditional upon no further offending in Cotzal (El Quiché). In the event of a further offence, the 4 year sentence will be imposed.

During January we maintained frequent telephone contact with members of the **National Coordination of Widows of Guatemala (CONAVIGUA)** and carried out weekly visits to their office. Sadly, the month of May has been tragically marked by the death of Juan de León Tuyuc Velásquez, brother of one of the founders, Rosalina Tuyuc.

Follow up:

During January we visited on three occasions the **Historical Archive of the National Police (AHPN)**. Between January 2009 and 31 January 2014, the AHPN received more than 9,000 requests for digital copies of documents. The Public Prosecutor’s Office had 3,278 requests, there were 2550 private, 625 from the PDH and 392 from the PNC. Many other individuals and organizations also made requests all of these requests amounted to the delivery of 254,102 documents and images.

3. INTERNATIONAL OBSERVATION

PBI Guatemala provides international observation of public events as requested by Guatemalan social organisations, to bring attention and international interest and to communicate outside the country what we observe.

On 7 January we met with **Jorge López**, director of the **Organisation for Support of an Integral Sexuality Against Aids (OASIS)**, to update ourselves regarding its activities in 2014.

On 19 January, we received the tragic news of the death in a traffic accident of **Roly Escobar**, leader of the National Coordinator of the Poor of the Marginal Areas of Guatemala (**CONAPAMG**), who we accompanied between 2005 and 2009.

On 22 January, we observed a **press conference** organised by the **People’s Council of Tezulutlán**, the **Council of Ancestral Authorities of the Micro-Region Bal B’a Tzul** and the **Madre Selva Collective** to present the *Report*

*Regarding Actions Opposing the Santa Rita Hydro-Electric Plant, which is located in the Municipality of Cobán, Alta Verapaz. During the activity, they presented a communication condemning the presence of the company promoting the project in the **Monte Olivo** region, and the inter-communal division that it has generated, as well as the failure to carry out an environmental impact study. They also demanded the clarification of the death of nine children killed by firearms in the community in August 2013.*

We also observed the first meeting of the year of the **Ecumenical and Pastoral Coordinator in the Defence of Life in Chiquimula and Zacapa**, which occurred in La Unión, on 23 January and focused on identifying the significant events in the region over the previous year and planning its work for the year ahead. On 25 January we observed a meeting of the **communities of the Las Granadillas mountain** in the village of El Maguey in Zacapa. Reflecting the communities' concerns for the defence and protection of water, land, the territory and biodiversity, the meeting considered the recent felling of trees. Three days later, we observed a press release organised by the Ecumenical Coordinator at which the problem regarding the logging and access to water in Las Granadillas. The conduct of the municipal mayor of Zacapa and the departmental Governor was also questioned as they had not attended a meeting scheduled for 15 January for them to meet with the campesino communities of Zacapa.

In January we continued to monitor the official complaint made last year by the Guatemalan company Cementos Progreso S.A. against **Francisca Gómez Grijalva** – a Maya Kaqchikel journalist –, following an opinion column he wrote regarding the communities in San Juan Sacatepéquez that have for many years demonstrated their rejection of the construction of the cement plant proposed by this company. On 29 January 2014, we observed a meeting between Francisca Gómez and members of the PDH in the capital, at which Francisca Gómez made a complaint against the company.

4. POLITICAL ACCOMPANIMENT

Meetings with the diplomatic corps, international organisations and Guatemalan authorities.

Meetings with national and international authorities are an important tool for PBI to make known our objectives and work. In these meetings, where this is necessary, we express concerns in a restrained way about critical situations we know first-hand from the work we do on the field.

This month we met with several members of the diplomatic corps and international organizations present in the country. On 16 January we met with **Jan Gerhard Lassen, Ambassador of Norway** and **Sindre Stemshaug Bornstein, human rights official of the Embassy of Norway**, in order to present our work and to share our concerns regarding criminalisation of social protest, as well as the public accusations and defamations that affect numerous social and human rights organisations. In particular, we raised the situation of UVOC, of Peaceful Resistance of La Puya, of the Twelve Communities of San Juan Sacatepéquez, and the vulnerable security situation of its members.

On 24 January, we attended in Guatemala City a workshop regarding "Business & Human Rights" facilitated by **Luis Rodríguez-Piñero Rojo, consultant and adviser of the United Nations (UN) Special Rapporteur on the Rights of Indigenous Peoples**. On 28 January we met with staff of **Office of the UN High Commissioner for Human Rights (UNCHR)** in Guatemala: **Carlos de la Torre, official for Economic, Social & Cultural Rights**, and **Omar Gómez, official on the theme of security**. We raised the situation in Monte Olivo, as well as our concerns in various contexts raised by the social actors that we accompany. For example, persecution through legal means, such as criminalisation of social protest and community resistance to private investment projects: amongst others, the case of San Juan Sacatepéquez and the Twelve Kaqchikel Communities in resistance, and in Chiquimula, where we accompany the Central Campesina Coordinator Nuevo Día. We also emphasised the situation in the department of Petén, sharing information regarding the human rights situation there following our most recent visit there the month previously.

On 29 January, we met with **Thomas Cieslik, the new Official for Cooperation in the Embassy of Germany**, to whom we presented our organisation and work.

On 31 January, we met with **Norman Galimba, Political Official of the US Embassy**, to share our concerns regarding the human rights situation and human rights defenders in the current situation. The next Nominating Commissions, prior to the renewal of authorities in several public positions and the criminalisation of social protest were themes covered during the meeting. We emphasised in particular our accompaniment of the Peaceful Resistance of La Puya, and the concerns relating to the criminal prosecutions pursued against various members of the group after having participated in protest activities opposing mining, and in a context where the organisation had denounced before the

governmental authorities diverse forms of aggression, including the criminalisation of its members. We also expressed our concerns for the negative accusations and attacks directed towards actors from the international community, which can often be a form of restricting the freedom of operation of Guatemalan social and human rights organisations.

During the month of January, we met with institutions and Guatemalan public authorities. On 9 January 2014, we had various meetings in **Santa Cruz del Quiché**: with **Onofre Carrillo of the Presidential Commission of Human Rights (COPREDEH)**, with personnel from the office of the **PDH (Human Rights Ombudsman)** and with **Abel de Jesús del Cid Solare, chief of Station 71 of the National Civil Police (PNC)**. The objective was to present the organisation and our work in the region and raise specific themes of the accompaniment of the Council of K'iche' Peoples (CPK) and the Council of Communities of Cunén (CCC). The following day we met with the **Mayor of Cunén, Leonardo Sarat**, to whom we presented our work and the accompaniment of CCC, raising our current concerns. On 24 January we returned to meet with **Abel de Jesús Del Cid Solare, commissioner of Quiché** to update him regarding our work, emphasising the accompaniment of CPK and its members.

In the department of Chiquimula we had a meeting on 22 January with **Honorio Vásquez y Vásquez, PNC Commissioner**, to present the work of PBI and in particular the accompaniment of Central Chortí Campesina Coordinator 'New Day'. On the same day, we met with **Daniel Portillo, in the office of the PDH**, to share our concerns regarding the aggressions and intimidations that the members of the organisation had denounced in communities actively involved in the defence of the land, the territory and the natural resources. They have been affected by violence and conflict as a result. We also met **Edwin Palma y Palma, the new chief of the PNC Sub-Station in Jocotán** to present our organisation and our accompaniment work in the region.

Meetings with civil society organisations

The team in the field meets regularly with civil society organisations, with the aim of monitoring the situation of human rights defenders' human rights, to inform each other about the work being done and to gather information to help develop the analysis of the political situation. We coordinate aspects related to the field of international involvement.

In January we maintained contact with various organizations and personalities of Guatemalan civil society. On 22 January we met with **Jorge Mario Coy, of the Social Pastorate of Cobán (Alta Verapaz)**, to present our work of accompaniment to UVOC and to share various concerns in this regard, in particular an increase in threats and aggressions against the community in the zone of the finca La Primavera. In the course of this month also visited the headquarters of the Madre Selva Collective.

Throughout the month we maintained contact with the Coordination of International Accompaniment in Guatemala (ACOGUATE) and the Forum of International Non -Governmental Organisations(FONGI).

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.

On 14 January the European project representative met with Patricia Bocchi and Julita Bas of the department of Human Rights and Democracy from the European Service of Exterior Action (EEAS) of the EU.

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.

Petición creada por la Convergencia por los Derechos Humanos Procesos de elección de Funcionarios Públicos

En el pasado, la integración de las comisiones de postulación estuvo sujeta al predominio absoluto de grupos dominantes y aplanadores que, en ausencia de disposiciones normativas sobre la distribución de espacios públicos en las comisiones y en la idea que éstas mantuvieran sus puertas cerradas ante cualquier observación ciudadana, les permitió nominar a los candidatos que no representaban los intereses de las mayorías. Sin embargo, a partir de 2009, luego de aprobarse la Ley de Comisiones de Postulación, por primera vez y con un rol protagónico, participaron en los

distintos procesos de elección una enorme cantidad de organizaciones de sociedad civil como garantes de la independencia, transparencia y publicidad en cada uno de los procesos. No obstante ello y por la variada gama de fines e ideologías institucionales, este cambio en el “deber ser” no limitó -desafortunadamente- la infiltración del capital tradicional que, lejos de pregonar la mejora en la calidad democrática y el Estado de Derecho, aprovechó el contexto para recobrar posiciones en el control de las instituciones públicas.

Por lo anterior y tomando en cuenta la astucia política de determinados sectores -luego de las elecciones pasadas- y el mal uso que pueda darse al poder público para conseguir ventajas ilegítimas, generalmente secretas y privadas, a favor de determinados sectores que en el pasado tenían el predominio absoluto y aplanador en la elección de todos los puestos clave, la **Convergencia por los Derechos Humanos** manifiesta:

1. Que le daremos seguimiento serio, académico y riguroso a todos los procesos de elección de los funcionarios públicos, a partir de los principios de independencia, transparencia y publicidad, plasmados en la Constitución Política de la República y Ley de Comisiones de Postulación.
2. Que analizaremos rigurosamente el perfil, funciones y conexiones no sólo de los candidatos a puestos clave, sino de los integrantes de cada una de las comisiones, a fin que pueda seleccionarse a los profesionales más probos, honorables e idóneos que en sus decisiones fortalezcan la democracia y el Estado de Derecho.
3. Que articularemos con otros actores nacionales e internacionales, para hacer sinergia, auditoría y presión en los procesos de elección, a fin de garantizar la transparencia y la elección de los mejores candidatos.
4. Que llevaremos a cabo un proceso de incidencia mediática que conlleve a la sensibilización social, a fin que se valore la necesidad e importancia de conocer a profundidad los procesos de elección de todos los funcionarios públicos.
5. Que llevaremos a cabo, de ser necesario, un proceso de denuncias por violaciones a los procedimientos establecidos en la Ley de Comisiones de Postulación y de tachas -si amerita- hacia los candidatos ímprobos y no idóneos.

Exhortamos a todas las organizaciones nacionales e internacionales, públicas garantes de los derechos humanos, académicos y ciudadanía en juntos, desde los principios democráticos y las garantías del Estado luchemos por la transparencia, independencia y publicidad en todos los elección.

Guatemala, 13 de enero de 2014.

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