



Monthly Information Package Guatemala

Number 199 - April 2020¹

1. THE CURRENT SITUATION

Monthly update 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 defense of territory.

How State powers are confronting the COVID crisis

According to the Ministry of Health, Guatemala had 599 confirmed cases of COVID-19, with 16 deaths and 66 people who had recovered as of Thursday April 30, 2020.²

The measures declared by the government during the month of March have remained in force throughout April. However, the Ministry of Health "continues to face serious problems in responding "to the health emergency, since the budget expansion approved for by Congress has not been implemented. Furthermore, the congresswoman for the *Semilla* (Seed) group, and former health minister, Lucrecia Hernández Mack, has pointed to the "lack of transparency" in the state body. According to Ms. Mack, the Government has received "around 30 million quetzales (approximately \$ 4 million) in donations to attend to the population, but" the registration "of those who gave donations has not been completed nor" has the information been published."³

On April 3, Congress approved, among other things, the 15-2020 Decree, a "Law on Additional Protection Measures in favor of the Population due to the economic effects caused by the COVID-19 Pandemic, which provides help to the most vulnerable families affected by the emergency, including a three month deferral of payments for basic services, for the duration of the State of Calamity."⁴ Following almost a month where the law was on standby, pending ratification, the decree was vetoed by President Alejandro Giammattei on April 29, who claimed it contained unconstitutionality. However, on April 30 the legislature ruled against the President's veto, therefore he must approve it. That same day, Congress ratified the third State of Calamity as requested by the Executive, which was extended until June 5. "The document included several amendments, including the obligation of the Ministry of Health to test COVID-19 to all people who are in quarantine and that the State can acquire food through the World Food Program."⁵

The Interamerican Commission for Human Rights (IACHR) presents its 2019 annual report

This April the IACHR published its 2019 annual report, in which Chapter V follows up on the recommendations issued in its 2017 report "The Human Rights Situation in Guatemala." It is worth highlighting that the IACHR, noted the following in its conclusions: "there are a significant number of recommendations pending compliance." The report draws particular attention to the "the general recommendations regarding the CICIG [International Commission Against Impunity in Guatemala], the national human rights institutions and the PNC [National Civil Police], for which the State has carried out actions contrary to the spirit of the IACHR recommendations." These actions are considered particularly worrisome since "they constitute a frank

¹ The PBI team remains present in the country and has adapted its work according to the restrictions declared by the Guatemalan government in response to the COVID19 pandemic.

² Escobar, I., *Guatemala registra 14 casos nuevos de coronavirus y llega a 599 contagios*, Prensa Libre, 30.04.2020.

³ EFE, *Diputados opositores critican al Gobierno de Guatemala por manejo de COVID-19*, eldiario.es, 01.05.2020.

⁴ Congreso de la República, *Congreso aprueba más normativas para apoyar a los guatemaltecos durante la emergencia provocada por el Covid-19*, 03.04.2020.

⁵ García, E., *Diputados obligan al Presidente a sancionar el Decreto 15-2020*, El Periódico, 01.05.2020.

setback in the fight against corruption and impunity and demonstrate a lack of will" on the part of the State "to comply with its international obligations in this area." The report also points to "the weakening of national human rights institutions through budget cuts and declarations from the highest authorities against their work; attempts to remove the Human Rights Ombudsman from the exercise of his mandate; and the lack of momentum in cases related to the internal armed conflict; the dismissals of the personnel from the Historical Archive of the National Police; and advances in processing the initiative to reform the National Reconciliation Law, [as well as] the lack of will on the part of the State to dialogue with the IACHR on human rights and legal initiatives that are incompatible with inter-American standards." It is worth noting that the IACHR continues to "observe effects on the right to freedom of expression and access to economic, social, cultural, and environmental rights, as well as the human rights of historically discriminated groups; in particular human rights defenders and justice operators; and reiterates the importance of complying with the recommendations issued in the report from the visit."⁶

Evictions of campesino and indigenous communities continue

A number of evictions and attempted forced and violent evictions were carried out during April despite the measures implemented by the government during the state of calamity due to the COVID-19 pandemic, leaving campesino and indigenous communities in a situation of deep vulnerability.

The Unit for the Protection of Human Rights Defenders of Guatemala (UDEFEQUA) denounced "the violent extrajudicial eviction against the communities of Washington and Dos Fuentes, located in the municipality of Purulhá, department of Alta Verapaz." On April 1, residents of the Washington community were attacked with guns "while they went out to farm in the early hours of the morning. Five people who work as private security personnel for Mr. Byron Thomae's estate fired indiscriminately. The campesinos managed to take shelter in the forest and waited until they were able, one by one, to return home in the late afternoon. Fortunately, no one was injured." On April 2, the residents of Dos Fuentes decided "not to leave their homes due to the constant threats they had been receiving recently. At approximately 6am, Mr. Byron Thomae's private security personnel entered the community and fired indiscriminately. The weapons were not fired into the air, rather, they shot directly at the houses. (...) Once it was safe, members of the community managed to leave their homes and check that no one had been injured. The villagers managed to collect 22 bullet casings, but they are certain that there are more. Photographs demonstrate that some shots were fired directly at people's homes." Finally, on April 5, "a group of at least 20 men with high caliber weapons, dressed in military clothing and balaclavas (according to the community members contacted), carried out a violent extrajudicial eviction in the Washington Community. Community authorities reported that the armed group blocked the entry and exit to the community and that after the expulsion of more than 36 families, they burned the houses and brought Mr. Thomae's cattle onto the land with the aim of destroying the community's crops. None of the 36 families were able to take their belongings, such as clothing or food, and they are currently looking for shelter neighboring communities."⁷

On the morning of April 13, 200 families from the "Tierra Blanca Calle Principal" farm in the Tierra Blanca microregion of Sayaxché, Petén, were victims of an attempted eviction by the Industria Chiquibul SA company, carried out by the personnel from company's private security. This attack occurred within the context of an occupation of the company's land by former workers who are demanding payment of their labor and benefits, and who have, so far, received no favorable response. Izáis Tiul Pop, a 30-year-old community member, was injured during the incident. According to the complaints, the attempted eviction was carried out without following the legal procedures or mechanisms and the dialogue between the company and the workers had been abandoned. The action was not unsuccessful due to the opposition from the community.⁸

It is particularly worrying that the limitations on freedom of movement and assembly imposed by the Government in response to the COVID-19 pandemic, have been used to carry out these evictions and attempted evictions, thus preventing communities from receiving the support from the national and international organisations that would usually provide accompaniment for their processes.

⁶ CIDH, *CAPÍTULO V. Seguimiento de recomendaciones formuladas por la CIDH en sus informes de país o temático. Segundo informe de seguimiento de recomendaciones formuladas por la CIDH en el informe sobre situación de Derechos Humanos en Guatemala*, 31.12.2019.

⁷ UDEFEGUA, Denuncia Urgente 02-2020, Guatemala, 06.04.2020.

⁸ Toro, D., *Seguridad de empresa palmera intenta desalojar a 200 familias de Sayaxché y disparan a comunitario*, Prensa Comunitaria, 16.04.2020.

Serious attacks against human rights defenders within the context of the pandemic

On April 6, Bernabé Gualná Caal, “a farmer, indigenous Q’eqchi, a member of the Sachaj Cooperative Community and a defender of labor rights, was arbitrarily detained by the PNC in the municipality of Raxruhá, department of Alta Verapaz, and later transferred to the Cobán prison (...) following a complaint filed by the company Industria Chiquibul SA,” where the human rights defender worked until the end of 2019. The first hearing in this case was held on April 15, during which “he was issued a pretrial detention order for the alleged crimes of “illegal detention”, “coercion”, “trespassing” and “aggravated trespassing.” The Observatory for the Protection of Human Rights Defenders, a joint program between the World Organization Against Torture (OMCT) and FIDH, and UDEFEGUA stress that these events “took place within a context of persecution of human rights defenders in Guatemala, where we have observed patterns of misuse of the criminal law, particularly directed against members of rural movements and defenders of indigenous and campesino rights. Also, both organizations have reminded the authorities that the misuse of crimes such as the “aggravated trespassing” against defenders of labor rights and human rights in general, not only criminalizes them, but also seriously stigmatizes their legitimate work in defense of human rights.” The hearing in the case’s intermediate stage will take place on July 30, 2020. Until then, Mr. Gualná Caal will remain in detention in Cobán’s prison.” It is important to highlight that, in the current context of global health crisis, overcrowding in prisons and detention centers poses a serious risk to public health and wellbeing of people deprived of liberty. As such, the Observatory and UDEFEGUA “urge the authorities of Guatemala to observe the recommendations recently published by the IACHR that urge states to adopt alternative measures to the granting of custodial sentences, including reevaluation of cases of preventive detention.”⁹

On April 22, the home of the lawyer Esteban Celada was raided and vandalized by unidentified Individuals. Esteban Celada is a member of the Group of Lawyers Against Torture in Latin America and a collaborator with Women Transforming the World (MTM), among other organizations. He has litigated in cases of organized crime, extortion, crimes against humanity, torture, sexual violence and femicide. He is currently a lawyer in the Hogar Seguro case.¹⁰

Please refer to the information on the criminalization and stigmatization of Lesbia Patricia Artola, Q’eqchi leader of the Community Council of the Highlands (CCDA) - Las Verapaces Region, in section 2 “Accompaniments.”

The Ch’orti Indigenous Council of Olopa confronts harassment from mining company

On April 27, the Ch’orti’ Indigenous Council of Olopa presented a memorandum to the Municipal government denouncing the work carried out by the Cantera Los Manantiales mining company, as well as the harassment they have experienced from people linked to the mine. The document explains that the mining exploitation license was suspended as a result of the provisional injunction granted in November 2019 by the appeals court. However, despite this protection and the containment measures decreed by the government in response to the COVID-19 pandemic, company personnel have continued to carry out activities within the mine site. The communities also denounced that the Carrizal Community Development Council (COCODE) has carried out work on the road that leads to the mine, without respecting the act signed in a community assembly, which agrees to close the road until there is a final resolution of the constitutional action. They also indicated that they have been intimidated by people who have come to monitor the houses of community authorities after the curfew decreed by the government has begun. The community authorities asked the Municipal Mayor, the PNC and the Human Rights Ombudsman (PDH) to take measures against this situation.¹¹

⁹ FIDH, [Guatemala: Liberen al defensor de los derechos laborales Bernabé Gualná Caal](#), 17.04.2020.

¹⁰ FIDH, [Guatemala: Allamamiento y amenazas en contra del Sr. Esteban Celada](#), 30.04.2020.

¹¹ Norma Sancir, [Crece hostigamiento de minera en Olopa Chiquimula, en medio de la crisis sanitaria del Covid-19](#), 01.05.2020.

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 defense of territory.¹²

Due to the restrictions imposed by the Guatemalan Government, and the severity of the pandemic, PBI has transformed and adapted our way of providing accompaniment to human rights defenders. At the moment we have ceased our physical presence in the field, but have maintained continuous contact with the organizations we accompany, other civil society organizations and with the Guatemalan and international authorities, through calls and virtual meetings.

THE FIGHT AGAINST IMPUNITY

The **Human Rights Law Firm (BDH)** have informed PBI that all the hearings scheduled for April have been suspended. They are waiting for notifications of new dates to be notified in the cases of: Samuel Choc, Hogar Seguro and La Cumbre.

We continue to monitor the security situation of the members of the **Chicoyogüito Neighborhood Association of Alta Verapaz (AVEHAV)**. During this month's communications with the organisation they shared their concerns over the lack of work and the food shortages caused by the COVID crisis and the consequent harm that this has caused the community.

THE ISSUE OF ACCESS TO LAND

Due to the high number of security incidents that the members of the **A Community Council of the Highlands (CCDA) - Las Verapaces Region** continue to suffer, we continued to monitor their situation closely throughout April. Due to the severity of their situation, we would like to draw attention to the following security incidents:

- Statement criminalizing Lesbia Artola: On April 16 the Alta Verapaz Farmers Association (FAV) issued a public statement on Facebook accusing Lesbia Artola of promoting land occupations and organized crime. This statement also demanded that the government and the army declare a State of Emergency in Alta Verapaz so as to enable the eviction of communities linked to CCDA. The Observatory for the Protection of Human Rights Defenders (OMCT-FIDH), signaled this incident as an act of criminalization and stigmatization and urged the Guatemalan authorities to take the necessary measures to end the escalation of criminalization against CCDA and to ensure the protection of human rights defenders.¹³
- Eviction of the Washington and Dos Fuentes communities, Alta Verapaz. On April 5, some 20 armed individuals dressed in military clothing (but not members of State forces), violently evicted the Mayan Poqomchi communities of Washington and Dos Fuentes, which are members of CCDA and are located in Alta Verapaz. These evictions took place without prior notice, using violence and without offering any housing alternative for the 36 affected families, thus violating their basic rights to housing and food and putting the lives and survival of the affected families at risk.

We remain attentive to the situation of the imprisoned human rights defenders Jorge Coc and Marcelino Xol. Overcrowding in prisons has increased, within the context of the pandemic, as well as the lack of access to basic hygienic products. Furthermore, visits are prohibited. Jorge and Marcelino's families have shared their concern for the physical and emotional health of both human rights defenders in these circumstances. We are awaiting new dates for appeal hearings.

¹² See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

¹³ OMCT, *Guatemala: Actos de criminalización y estigmatización contra la Sra. Lesbia Artola y el Comité Campesino de Desarrollo del Altiplano*, 28.04.2020.

As part of our accompaniment of the **Union of Peasant Organizations (UVOC)**, this month we maintained contact with their members over the telephone as well as a number of virtual meetings with regard to the following issues:

- The worrying situation of vulnerability in which the rural communities that are part of the organization find themselves in. Some of the outstanding problems include: misinformation about COVID, the increase in male violence against women and the increase in threats of evictions and attacks against community members.
- The peasant organizations CUC, CCDA, CCCND and UVOC have adopted a form of joint national coordination to face the current crisis (see communiqué at the end). The four organizations met with the vice president of the government to share various proposals on April, which were also discussed on the 29th in the meeting they held with the Ministry of Agriculture.

DEFENSE OF THE TERRITORY

We continued to monitor the worrying security situation of the **New Day Chorti Campesino Central Coordinator (CCCND)** closely throughout the month. They have shared their strong concerns about: the rise in the price of food and transportation; the increasing lack of work in the territory; the inequity in the distribution of food by the municipal government, which is not prioritizing the most vulnerable population, such as single mothers and widows.

We have also followed up on the situation of two Ch'orti' human rights defenders who are being targeted for various attacks and threats with strong sexist overtones.

Regarding the situation of the Olopa community, its members have explained to us that this month they gave the Mayor of Olopa, and the PNC, a memorandum describing the situation of the conflict with the mine, detailing the various incidents and acts intimidating victims and which included specific requests to the authorities.

We continue to monitor the situation of the imprisoned human rights defenders Agustín Ramírez and Timoteo Suchite, who are also members of the organization.

We continue to monitor the situation of the **Peaceful Resistance of La Puya** (municipalities of San José del Golfo and San Pedro Ayampuc) through regular phone calls to the members of the resistance.

The **Peaceful Resistance of La Laguna, San Pedro Ayampuc**, shared their concerns about the lack of drinking water in the community, as well as the food shortages suffered by the most vulnerable families. They are organizing food distribution in solidarity with the community.

The members of the **Peaceful Resistance, Cahabón (Alta Verapaz)** are facing similar problems to those currently experienced across other territories. Their main concerns relate to the increase in the price of food, especially corn, and the difficulties in accessing water. Furthermore, we remain attentive to the situation of one of the organization's human rights defenders who has received threats and attacks with strong sexist overtones.

The members of **TZ'KAT - Network of Ancestral Healers from Community Feminism** have shared with us that they continue to provide various healing processes by telephone to human rights defenders.

With respect to the **Chinautla Multisector**, the members of the organization have reported that the problems with access to water persist. They also confirmed an increase in domestic violence against women and girls in this difficult situation caused by the pandemic.

3. 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 dialogue with the diplomatic corps and international organizations present in Guatemala, we met virtually with the following people this month:

- Vanesa Álvarez, Alan Mayo and Luís Espuny, Officers from the **Office of the United Nations High Commissioner for Human Rights (OHCHR)**.
- Jennifer Echeverría, Focal Point on Human Rights issues from the **European Union (EU) Delegation**.
- The **Filter Group** (with the participation of the Spanish, Swiss, French and German embassies), the OHCHR and Jennifer Echeverria from the EU Delegation.

At national, departmental and municipal level we met virtually with the following authorities:

- Romilio Grijalba, **PNC Officer in San Antonio las Flores**.
- Mark Christopher Gardiner Bennet, **PDH Auxiliary in Baja Verapaz**.
- Gustavo Ovalle, head of the **PDH in Mixco**.
- Yesenia Sandoval, head of the **PDH in Chiquimula**.
- Hugo Gómez, deputy inspector of the **PNC in Purulhá**.
- Ruth del Valle, head of the **Human Rights Defenders and Journalists Unit of the PDH**.
- Miguel Lopez, **Mayor of San Juan Ermita**.
- Johnny López, **Regional Chief of the PNC of Jocotán**.

4. 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.

Due to mobilization restrictions in the context of the containment of COVID 19, in-person meetings have been canceled. Virtual meetings were held with:

- Tomás Reyes Ortega, geographic manager for Central America at the **European External Action Service (EEAS)**, Brussels, and Karolien Knies, desk manager for El Salvador in the same unit.
- Tilly Metz, MEP and President of the **European Parliament Delegation for Central America**, and Gaby Kueppers, advisor to the **Greens political group for Latin America**.
- Helmut Weixler, from the **Secretariat of the European Parliament in charge of the Delegation for Central America** and the **Euro-Latin American Parliamentary Assembly Eurolat**.
- Miguel Urban, MEP of the GUE political group and member of the **Subcommittee on Human Rights of the European Parliament**, of the **Development Commission** and of the Euro-Latin American Parliamentary Assembly Eurolat.

5. NON-GOVERNMENTAL ORGANISATIONS

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



ECONOMÍA Y AGRICULTURA FAMILIAR INDÍGENA Y CAMPESINA, UNA OPORTUNIDAD PARA LA POBLACIÓN GUATEMALTECA

Reactivación con Transformación

Nunca como ahora es tan clara la relevancia de la agricultura a pequeña escala y el aporte estratégico de las familias campesinas. En esta crisis producida por el COVID19, las familias guatemaltecas, en el campo y las ciudades, están abasteciéndose y alimentándose con lo que las y los campesinos, los pequeños agricultores y los pueblos indígenas producimos desde nuestras pequeñas parcelas.

A lo largo de los años, a pesar del casi inexistente apoyo estatal, hemos ofrecido a la sociedad entera alimentos producidos según saberes y experiencias que nos legaron nuestros antepasados, y que en algunas comunidades se han constituido en base de procesos agroecológicos muy valorados por otros pueblos y culturas.

En los municipios es la producción local la que permite que las familias puedan alimentarse, a pesar de las restricciones que la situación nos impone. Nuestra producción agropecuaria familiar es una actividad que concilia sociedad y naturaleza. Los pueblos indígenas, además, hemos cuidado por siglos los bienes comunes pensando en las generaciones futuras.

Es por ello que frente a la situación actual, los pequeños productores agrícolas, las y los campesinos y los pueblos indígenas, estamos llamados a cumplir un papel activo y propositivo ante la sociedad guatemalteca.

Frente a la crisis, debemos enfocarnos en medidas y políticas públicas que incluyan a todos los actores del agro. La economía campesina y la agricultura familiar en particular, con el decidido apoyo del Estado, tiene la potencialidad de convertirse en una fuente segura de alimentos para enfrentar la crisis y en una vía de superación de la pobreza para millones de personas pobres y excluidas. El Estado no nos debe considerar únicamente como destinatarios de acciones asistencialistas. Los pequeños productores, las y los campesinos y los pueblos indígenas, somos un actor económico y político relevante para la economía y la vida del país.

En virtud de lo anterior, las organizaciones campesinas que suscribimos esta declaración hacemos un llamado, desde una visión nacional, a contribuir responsablemente a la articulación de amplias convergencias sociales y políticas, señalando al mismo tiempo que el papel de lo público tiene que estar indiscutiblemente presente y en primera línea.

Las organizaciones campesinas abajo firmantes tenemos propuestas que ofrecer a la sociedad guatemalteca y expresamos nuestra decisión firme y responsable de sumarnos a un esfuerzo nacional para superar la crisis y transformar nuestra realidad nacional y agraria, propósito que nos debe hacer coincidir más allá de las diferencias que podamos tener. Hacemos un llamado a la máxima representación del Estado, al sector privado y a la sociedad civil organizada, a comprometernos todos en una confluencia social nacional para rescatar el agro del atraso secular al que ha estado sometido y enfrentar la presente crisis con directrices que nos incluyan a todos y todas, y que tomen en cuenta el aporte diferenciado de cada uno de nosotros, hombres y mujeres del campo.

Comité Campesino del Altiplano –CCDA-

Central de Organizaciones Indígenas Campesinas Ch'orti' Nuevo DÍA

Comité de Unidad Campesina –CUC-

Unión Verapacense de Organizaciones Campesinas –UVOC-

Guatemala, 15 de abril 2020.

PBI team in Guatemala: Lucie Costamagna (France), Júlia Sierra (Spain), María Lafuente (Spain), Carla Güell Font (Spain), Simone Scaffidi Lallaro (Italy), Paola Sarti (Italy), Inma Jorge Aymeric (Spain) y Alejandro Cerdá Aparicio (Spain).

PBI GUATEMALA DOES NOT NECESSARILY IDENTIFY WITH THE OPINIONS AND CONTENT OF THE REPRODUCED ARTICLES AND MEDIA RELEASES.

**GUATEMALA PROJECT
PEACE BRIGADES INTERNATIONAL**

Website: www.pbi-guatemala.org
facebook: [pbiguatemala](https://www.facebook.com/pbiguatemala)

Office of the team in Guatemala

3ª Avenida "A" 3-51, Zona 1
Ciudad de Guatemala, Guatemala
Phone/ Fax: (+502) 2220 1032
E-mail: equipo@pbi-guatemala.org

Office of the project Coordination

Avenida Entrevías 76, 4º B
28053 Madrid, Estado Español
Telephone: (+34) 918 543 150
Email: coordinacion@pbi-guatemala.org