

CRUSHED BY INJUSTICE:



INDIGENOUS TERRITORY, CULTURAL
IDENTITY AND HUMAN RIGHTS IN
GUATEMALA

2018 GHRC-USA EMERGENCY
DELEGATION REPORT



CRUSHED BY INJUSTICE: INDIGENOUS TERRITORY, CULTURAL IDENTITY & HUMAN RIGHTS IN GUATEMALA

Report by Members of the 2018 GHRC/USA Emergency Delegation

Table of Contents

Guatemala Human Rights Commission - GHRC/USA	3
Executive Summary	3
Background and Context	5
Introduction	8
San Luis Jilotepeque, Jalapa: Luis Marroquín & CODECA	13
Camotán, Chiquimula - Ch'orti' Territory of Eastern Guatemala	15
Nuevo Día	15
COMUNDICH	16
Corozal Arriba—an emblematic case of the double standard of justice in Guatemala	
17	
Cobán, Alta Verapaz: Other challenges facing Indigenous communities in the Verapaces	18
Tourist Development and Protected Areas in Q'eqchi Territory	19
Candlemas Caves - Cuevas de Candelaria:	20
Semuc Champey:	20
Visit to Choctun Basilá and meeting with CCDA	21
Visit with Maya Q'eqchi land defender Abelino Chub Caal	22
Meeting with the Human Rights Ombudsperson's Office (PDH)	24
Visit to communities affected by the Fuego Volcano eruption	26
CONCLUSIONS	27
What you can do:	28

Guatemala Human Rights Commission - GHRC/USA

Since its founding in 1982 by Sister Alice Zachmann, the work and vision of the Guatemala Human Rights Commission - GHRC/USA - have been guided by a deep commitment to solidarity and a bold approach to advocacy, principles that have placed GHRC at the forefront of the international struggle for human rights in Guatemala. For three decades, GHRC has contributed to positive, systemic change: denouncing torture, forced disappearances, massacres, and US involvement in these atrocities; monitoring the implementation of the Peace Accords; addressing patterns of abuses such as violence against women and attacks against human rights defenders.



GHRC regularly organizes delegations as a way to better understand the on-the-ground reality with local partners in Guatemala in order to better engage in advocacy in the US. GHRC is grateful to the people who join delegations; who answer the call to bear witness and report on their findings. Delegates are key to supporting our grassroots work for systematic change for true justice and peace in Guatemala. If you are interested in joining a GHRC delegation, please contact abird@ghrc-usa.org.

Executive Summary

From July 12-16, 2018, the Guatemala Human Rights Commission (GHRC/USA) coordinated an emergency delegation to Guatemala after the international community was alerted to intensified violence and a series of murders targeted at human rights activists and Indigenous land defenders. The delegation, made up of human rights and justice advocates from the USA, Canada and Guatemala, traveled to the eastern and northeastern departments of Jalapa, Chiquimula and Alta Verapaz, as well as Guatemala City. The group met with organized communities, national organizations, researchers, state institutions and political prisoners, many at risk for defending human rights, their territory, land and water. This report summarizes the first-hand accounts of serious human rights violations reported to the group during the delegation. Some key observations the group documented:

- **The string of assassinations that inspired the delegation were not isolated incidents but are part of an ongoing trend of systemic violence and targeted attacks against defenders and territorial leaders.**
- **The delegation repeatedly heard about the lack of access to justice for crimes committed against Indigenous community members, while at the same time how local prosecutors and judges move swiftly to protect local, national and international economic interests.**
- **The actors behind the dispossession and pillage of Indigenous territories, which led to genocide for economic gain, remain strong and poised to keep power at any cost.**

Since the delegation ended, the targeted violence that Indigenous *campesinos*, or farmers, and land defenders face has only intensified. Despite the violent land evictions and murder noted here and well documented by Guatemalan and international human rights organizations, there have been no arrests for the crimes outlined in this report. In fact, *campesino* organizations we visited during the delegation continue to be attacked, their members killed¹ while more defenders have been criminalized.

In January 2019, President Morales tried to unilaterally and illegally cancel the mandate of the UN-mandated International Commission Against Impunity (CICIG), in an effort to attack the rule of law and democratic institutional². That same month, Transparency International released a report showing that the Guatemalan government was perceived to be on the most corrupt countries in the Americas³. On January 30, Human Rights Ombudsman Jordan Rodas noted in his 2018 report to Congress that “with more corruption, there are fewer human rights.”⁴ Impunity coupled with corruption have left grassroots Indigenous organizations, communities and families without justice.

¹ Business and Human Rights Resource Center: Willy Rene de Paz Bojorquez (CODECA): <https://www.business-humanrights.org/en/17032019-willy-ren%C3%A9-de-paz-bojorquez-comit%C3%A9-de-desarrollo-campesino-codeca>

² Political Crisis in Guatemala: Organizations Call on Embassy, State Department to Support CICIG: <https://nisgua.org/organizations-call-embassy-support-cicig/>

³ Transparency International Corruption Perceptions Index: <https://www.transparency.org/cpi2018>

⁴ Congress of Guatemala: Annual Presentation of Human Rights Ombudsperson on Facebook Live: <https://www.facebook.com/congreso.republica.guatemala/videos/408272399919749/>

Our delegation heard how agribusiness and mining companies are responsible for the dispossession of water, forests and lands of Indigenous communities. Not only are these activities resulting in less land for subsistence farming and food crops, contributing to



increased malnutrition and poverty, they are major contributors to exacerbating the climate crisis⁵. Throughout the delegation, we heard that for many Guatemalans, especially young adults and youth with few opportunities and no access to basic rights like health care, education and food, migration to the USA is their only option.

Based on the delegation's observations, we urge the US government to:

- Take measures to support the Constitutional Court and the Human Rights Ombudsperson's Office.
- Openly show its support for CICIG and its legal right to continue its works until its mandate ends in September 2019.
- Support efforts of the Public Prosecutor's Office to investigate, prosecute and sanction those responsible for the murders of land defenders.
- Urge the Attorney General to end the malicious prosecution of land defenders, which has led to an alarming number of political prisoners in Guatemala in recent years.

⁵ MiningWatch Canada: Over 50 Organizations Urge World Bank to Boost Recycling, Circular Economy and Non-Mining Solutions for a Truly Climate Smart Agenda: <https://miningwatch.ca/news/2019/5/1/over-50-organizations-urge-world-bank-boost-recycling-circular-economy-non-mining>

Background and Context

At the time of the delegation in July 2018, President Jimmy Morales was facing severe internal criticism. Morales ran under the banner, “Neither Corrupt Nor Thief” and swept into power in the 2015 general elections during the country’s biggest anti-corruption crackdown⁶. As President, however, Morales almost immediately came under attack after his party, the National Convergence Front (FCN-Nación), backed by the military elite and powerful economic interests, faced investigation into corruption and fraud just months⁷ after being sworn in in January 2016. As a result, President Morales has repeatedly attacked constitutional order in order to protect himself and those closest to him.

In August, 2017, the International Commission Against Impunity (CICIG) and the Attorney General’s Office (MP) publicly announced investigations into illegal financing that political parties received in the 2015 campaign. They filed a request to impeach Morales; Morales responded by trying to expel the CICIG Commission, Ivan Velasquez, from the country.

By September, 2017, other parties, afraid of investigations into their electoral campaigns, joined forces with FCN-Nacion and created the “Pact of Corrupts” a majority number of congressional representatives who came together to protect themselves from criminal prosecution related to illegal campaign financing by reforming laws⁸ that would reduce sentences of those convicted. This power was consolidated in January 2018 when Alvaro Arzu Escobar, the only representative of the Unionist Party, was named president of congress.⁹ Arzu Escobar is the son of Alvaro Arzu Irigoyen, the controversial former President of the country who led the Unionist Party until he died in April 2018. The Unionist Party has also come under investigation by the Public Prosecutor’s Office and CICIG for illegal campaign financing. In addition to their power in congress, in April 2018, an in-depth investigation by the Intercept reported¹⁰ that “an army of trolls protects the Guatemalan elite,” referring to the concerted efforts to manage its image and reinforce its discourse in social media networking.

The Pact of Corrupts has repeatedly backed the illegal decisions of the Morales Administration, and pushed a pro-sovereignty discourse aimed at attacking the CICIG, the

⁶ America’s Quarterly: The Amazing Case That Proved That Latin America’s Crackdown on Corruption is for Real:

<https://www.americasquarterly.org/content/amazing-case-proved-latin-americas-crackdown-corrupti-on-real>

⁷ InSight Crime - President Jimmy Morales (and Guatemala’s) Original Sin:

<https://www.frontlinedefenders.org/en/organization/codeca>

⁸ InSight Crime: Public Outcry Forces Guatemalan Congress to Backtrack on “Impunity Pact”:

<https://www.insightcrime.org/news/brief/public-outcry-forces-guatemala-congress-backtrack-impuni-ty-pact/>

⁹ Plaza Publica: Arzu y Morales unen fuerzas o el pacto de corruptos se consolida:

<https://www.plazapublica.com.gt/content/arzu-y-morales-unen-fuerzas-o-el-pacto-de-corruptos-se-c-onsolida>

¹⁰ The Intercept: The Rise of the Net Center:

<https://theintercept.com/2018/04/07/guatemala-anti-corruption-trolls-smear-campaign/>

Human Rights Ombudsperson's Office (PDH) and international organizations and institutions. Most recently, they have promoted a bill¹¹ to stop investigation, prosecution and sanction for crimes against humanity through reforms to the National Reconciliation Law and another¹² that endangers the lives of women and girls and the LGBTQ community. The Pact of Corrupts has refused to strip Morales of political immunity after three requests for impeachment.

The consolidation of power and the ability to pass laws and approve reforms while remilitarizing the state have become a key priority for the Morales Administration and his backers. Congressional representatives, tied to economic and military elite, are bent on keeping their political immunity and regaining control of state institutions and the judiciary that have gone through a series of pro-justice reforms in the past 10 years.

At a local level meanwhile, violence against communities defending their territories from large scale extractive projects continues to escalate¹³, a trend that has been on the rise since the signing of DR-CAFTA in 2005 with the USA. President Morales, backed by CACIF (the major business association representing the economic elite), the military, the National Civil Police, and his cabinet is clearly taking the side of foreign and national economic interests. During his January 7, 2019, press conference¹⁴ to announce the illegal, unilateral cancellation of CICIG, Morales made special reference to the decisions of the Constitutional Court and the legal challenges that primarily Indigenous communities have won regarding their right to consultation before the implementation of large-scale extractive projects in their territory. "Abusing its faculties [the CC], has closed mines, interrupted the construction of hydroelectric plants, and has selectively protected people and groups calling themselves civil society."

Since January 2019, the pressure has only mounted in Congress. In the lead up to the June 2019 general elections, President Morales and his FCN-Nacion party and their allies, principally those who form part of the Congressional Administrative Council, continue to be in the spotlight for their ties to corruption and drug trafficking. A key member of that Council is the National Change Union Party (UCN), also investigated¹⁵ for illegal campaign financing by CICIG. In April the party's founder and presidential candidate Mario Estrada was arrested in the USA for allegedly seeking, "millions in campaign funds from Mexico's

¹¹ IACHR Asks Guatemalan State to Not to Amend National Reconciliation Law:

https://www.oas.org/en/iachr/media_center/PReleases/2019/014.asp

¹² Amnesty International: Discriminatory law puts at risk the lives and rights of thousands of women, girls and LGBTI people.

<https://www.amnesty.org/en/latest/news/2018/09/guatemala-ley-discriminatoria-pone-en-riesgo-la-vida-y-los-derechos-de-miles-de-mujeres-ninas-y-personas-lgbti/>

¹³ UDEFEGUA Annual Reports 2007-2017: <http://udefegua.org/documentacion/informes-anales>

¹⁴ CNN Espanol: Jimmy Morales announces cancellation of agreement with CICIG:

<https://www.youtube.com/watch?v=pgs4q06Q9cQ>

¹⁵ CICIG: Report on Political Financing in Guatemala:

http://www.cicig.org/uploads/documents/2015/informe_financiamiento_politicagt.pdf

Sinaloa Cartel in exchange for facilitating the group's drug trafficking activities.¹⁶ The arrest of Estrada further revealed his party's connections to Jimmy Morales and FCN-Nacion and the deep participation¹⁷ of judges, the business elite and drug traffickers in the "Pact of Corrupts" to maintain power in their favor.

On May 6, 2019, CICIG and the Office of the Special Prosecutor Against Impunity (FECI) filed impeachment proceedings¹⁸ against the Minister of the Economy, Acisclo Valladares Urruela, and seven members of Congress, including the FCN presidential candidate Estuardo Ernesto Galdamez Juarez, for conspiracy and bribery among other crimes. The two directly connected to FCN-Nacion are accused of giving and receiving bribes in exchange of voting in favor of laws between 2012 and 2015 and in particular, a package of laws that benefited the TIGO telecommunications company, where Valladares Urruela was a senior manager before being named a Minister in Jimmy Morales' cabinet. The case shows how members of congress responded to individual, partisan and business interests in exchange of money and the deep seeded corruption that has continued to imbed itself in congress even after the 2015 crackdown.

A National Survey released¹⁹ in April 2019 showed that only 8% of Guatemalans thought that Morales has had a good Administration; 49% don't believe a word he says in public speeches. Controversial decisions that have shown his allegiance to national and foreign political and economic interests, like moving the Guatemalan Embassy in Israel to Jerusalem and his failure to adequately respond to national emergencies, like the Fuego Volcano eruption on June 3, 2018 have cast serious doubt on President Morales' ability to govern the country in the interests of the people.

Within a context of intensified violence and defamation against human rights activists, Indigenous land defenders - and the Constitutional Court that has upheld their rights - delegates of the 2018 GHRC Emergency Delegation present this report, outlining first hand accounts of serious human rights violations reported to them in July 2018. Actors behind the dispossession and pillage of Indigenous territories, which led to genocide for economic gain remain strong and poised to keep power at any cost. Despite the documented cases of violent land eviction and murder, there have been no arrests for the crimes outlined in this report. In fact, *campesino* organizations we visited during the delegation continue to be attacked. Corruption and impunity have left grassroots Indigenous organizations, communities and families without justice.

¹⁶ InSight Crime: US Drug Probe Lands Guatemala President in Hot Water:

<https://www.insightcrime.org/news/analysis/us-drug-trafficking-probe-lands-guatemala-president-hot-water/>

¹⁷ Nomada: (Video) Earthquake in Jimmy's Criminal Alliance (by UCN):

<https://nomada.gt/pais/la-corrupcion-no-es-normal/terremoto-en-la-alianza-criminal-de-jimmy-morales-y-ucn/>

¹⁸ CICIG - A legislative power subordinated to the executive branch is an expression of state capture:

<https://www.cicig.org/case-information/a-legislative-power-subordinated-to-the-executive-branch/?lang=en>

¹⁹ Government Under the Magnifying Glass of Guatemalans:

<https://www.prensalibre.com/tribuna/plus/gobierno-bajo-la-lupa-de-los-guatemaltecos/>

Introduction

In May 2018, the international community was alerted to reports of the alarming numbers of murders of Indigenous and peasant human rights defenders in Guatemala. Criminalization, malicious prosecution, unjust imprisonment and targeted attacks on those who have opposed the efforts of transnational and Guatemalan corporate interests to construct hydroelectric dams, carry out open-pit mining, push forward agribusiness or other “mega projects”, often against the expressed wishes of rural Indigenous farming communities, is not new. However, the Guatemalan Human Rights Commission, an organization with more than 35 years of experience monitoring the human rights situation in Guatemala, along with other national and international NGOs, observed a notable spike in the frequency and brutality of the assassinations of Indigenous leaders in 2018.

According²⁰ to leading Guatemalan human rights organization the Unit for the Protection of Human Rights Defenders (UDEFEUGA), 13 targeted killings of human rights and land defenders took place between January 1 and June 8 of 2018. Those numbers increased as the year went on; in total, nine members of two well-known campesino organizations, the Committee for *Campesino* Development (CODECA) and the *Campesino* Committee of the Highlands (CCDA) were killed. CODECA in particular has drawn the ire of the Guatemalan government. On April 24, 2018, CODECA mobilized thousands²¹ of its members to march to Guatemala City’s Central Plaza to demand that President Morales resign in the midst of the allegations of illegal campaign financing. On May 2, and just days before the onslaught against CODECA members began, President Jimmy Morales publicly called out CODECA²² as criminal and anti-development. At the same rally, he denounced²³ the head of the Human Rights Ombudsperson’s Office and the Public Prosecutor’s Office at the same rally. Since the 2019 elections were called, two members of the organization, which now has a political arm called the Movement for the Liberation of Peoples, have been murdered²⁴.

On May 9, 2018 United Nations Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz wrapped up a visit to Guatemala and issued a public statement calling for an end to the criminalization of Indigenous human rights defenders. In her final report²⁵ issued in August 2018, she noted the barriers that Indigenous peoples face in Guatemala: “Serious structural problems, particularly the lack of protection for their rights to their

²⁰ UDEFEGUA: Aggressions Against Human Rights Defenders:

<http://udefegua.org/wp-content/uploads/2015/08/Infografi%CC%81a-Junio-2018.jpg>

²¹ Plaza Publica: Jimmy Mentions It and CODECA Fills Up the Plaza Again

<https://www.plazapublica.com.gt/content/jimmy-la-menciona-y-codeca-vuelve-llenar-la-plaza>

²² GHRC May 2018 Human Rights Report:

<http://www.ghrc-usa.org/wp-content/uploads/2011/12/GHRC-Report-May-2018.pdf>

²³ Soy 502: Jimmy Attacks the PDH, MP, comunicadores y CODECA frente a manifestantes:

<https://www.soy502.com/articulo/jimmy-ataca-pdh-mp-comunidades-codeca-frente-manifestantes-30612>

²⁴ Business and Human Rights Resources Center - Willy Rene de Paz Bojorquez:

<https://www.business-humanrights.org/en/17032019-willy-ren%C3%A9-de-paz-bojorquez-comit%C3%A9-de-desarrollo-campesino-codeca>

²⁵ Report of the Special Rapporteur on the Rights of Indigenous Peoples on her visit to Guatemala, <http://unsr.vtaulicorpuz.org/site/images/docs/country/2018-guatemala-a-hrc-39-17-add3-en.pdf>

lands, territories and resources and the racial discrimination that pervades all areas of life,” and expressed deep concern on the “resurgence of violence, forced evictions and the criminalization of Indigenous peoples that defend their rights.”

Ms. Tauli-Corpuz noted that impunity, corruption, institutional weakness, the failure to implement the Peace Agreements and extreme economic and social inequality are the main obstacles for Indigenous peoples. Her report went on to say that it is, “Imperative that the Government of Guatemala identify the structural problems as a matter of urgency and work towards their resolution.”

On the same day that Ms. Tauli-Corpuz’s visit ended, CODECA national leader Luis Marroquín was brutally assassinated in San Luis Jilotepeque, Jalapa while on his way to a meeting. The following day, May 10, the CCDA alerted that José Can Xol, who was part of the CCDA board of directors in his community, was assassinated in Choctun Basilá, Alta Verapaz. Targeted killings of organized *campesino* leaders sent a clear message that those defending their territory are not safe in Guatemala.



In response to the targeted attacks which continued throughout May and June, GHRC organized an Emergency Delegation from July 12 to 16 to primarily visit Indigenous communities impacted by the violence, in order to obtain firsthand information about the situation in Guatemala.

The delegation included people from diverse backgrounds and with varying degrees of familiarity with, and experience in, Guatemala ranging from first time in country to decades of involvement. For two members of the delegation, this was their first trip to Guatemala, while others have a decade or more of involvement. Two were former Fulbright scholars in Guatemala, and several have long-standing engagements with a variety of Guatemalan civil society organizations, social movements and community-based projects, ranging from education to land rights. Not counting the GHRC staff members, our delegation included

two Canadians, seven people from the U.S. – including one who lives permanently in Guatemala and another who spends several months a year in country - and one Guatemalan. With the exception of the Guatemalan participant and a GHRC staff member, both of whom are Indigenous Guatemalans, all members of the delegation were white. There were five men and four women, and all three of the GHRC staff members who accompanied us were women.

On the first day of the mission, July 12, we received word that Ángel Estuardo Quevedo, an Indigenous Xinca leader of the peaceful resistance opposing USA-Canadian mining company Tahoe Resources, had been brutally killed in Casillas, Santa Rosa, where he lived. This underscored for delegation members that the string of assassinations that had inspired the delegation were not isolated incidents but were part of an ongoing trend of systemic violence and targeted attacks against defenders and territorial leaders. We became keenly, almost viscerally aware of the violent repression being lived in Indigenous rural communities where people are fighting against illegal land transfers, displacement, and so-called “development” projects that threaten the cultural, economic and environmental sustainability of those communities.



The string of assassinations that inspired the delegation were not isolated incidents but part of an ongoing trend of systemic violence and targeted attacks against defenders and territorial leaders.

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2018 Emergency Delegation Report

The right side of the image shows a group of people, including men and women, sitting on chairs in an outdoor setting, likely a community meeting or a public hearing. They are looking towards the left, presumably towards a speaker or a point of interest. The background shows more people and some structures, suggesting a rural or semi-rural community setting.

The delegation could not visit every community affected by threats, forced evictions, and assassinations in five days, but we traveled to rural communities in the departments of Jalapa, Chiquimula, and Alta Verapaz where we met with dozens of people at risk for defending their territory, land and water. In Guatemala City we visited imprisoned Indigenous land defender Abelino Chub Caal in the infamous Preventive Detention facilities in Zone 18. We met with widows of murdered leaders, political prisoners and their families and Indigenous Ancestral Authorities who exemplified courage despite the grave risks they face for defending their territory. We also met with Guatemala’s Human Rights Ombudsman (Procurador de Derechos Humanos or PDH), and had an informal conversation with some U.S. Embassy staff. On our last day, several members of the

delegation traveled to Palín, Escuintla, to visit one of the shelters for survivors of the June 3 Volcán de Fuego (Fire Volcano) eruption.

This report summarizes our meetings with the seven groups or individuals we visited on this mission. Each visit ranged from approximately 1-3 hours, and this report is a synthesis of delegation members' notes on those visits. Because of time constraints, the stories presented here do not represent all perspectives on the disputes in question. Rather, we attempted to capture "snapshots" of disputes throughout the country to identify common themes.

We repeatedly heard about the lack of access to justice for crimes committed against Indigenous community members, while at the same time, how local prosecutors and judges move swiftly to protect local, national and international economic interests.



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2018 Emergency Delegation Report



We repeatedly heard about the lack of access to justice for crimes committed against Indigenous community members, while at the same time how local prosecutors and judges move swiftly to protect local, national and international economic interests. We heard about communities being threatened and terrorized. Residents told us they felt unsafe and like prisoners in their own homes for fear of being arbitrarily detained and criminalized and how sexual violence is used to instill terror during illegal land evictions. Despite their varied geographies, what the groups and individuals whose stories are represented here have in common is that they are voices from the margins whose struggles for dignity in the face of repression and injustice are rarely heard in the international press. In light of this, our aim was not to carry out a detached, fact-finding mission to represent all possible views, but rather to bring to the fore the voices and perspectives of Indigenous, poor, and rural communities who are all too often ignored, marginalized and silenced.

The members of the mission, from the USA, Canada and Guatemala, recognize that our own government and companies are deeply implicated in provoking and sustaining violence against human rights defenders in Guatemala and we are committed to holding these actors responsible. We offer this brief report of our findings as one step towards holding our governments accountable.

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2018 Emergency Delegation Report



San Luis Jilotepeque, Jalapa: Luis Marroquín & CODECA

The delegation's first stop was the remote community of San Luis Jilotepeque, nestled in the mountainous terrain of the department of Jalapa, in the eastern part of Guatemala. This was where CODECA leader Luis Marroquín had been assassinated²⁶ two months before our arrival. As our van wound its way along sinuous mountain roads, we were joined by Blanca Mejía, the national legal representative of CODECA, who is from Retalhuleu, on Guatemala's southern coast. She gave us some background about the organization's history and her own involvement as one of the women in the national leadership.

CODECA was founded in 1992 during the last years of the armed conflict. It is a grassroots organization devoted to improving the conditions of the rural poor in Guatemala and has chapters in 20 of Guatemala's 22 departments. CODECA has taken up many issues, including land rights, fair wages for agricultural workers, gender equality, opposition to the privatization of electricity, and protection and defense of water and land. CODECA's stances on these issues have put it in conflict with powerful business and political interests, and since 2012²⁷, CODECA leaders have been killed, harassed, kidnapped, arrested on false charges and imprisoned. The situation has only worsened during the presidency of Jimmy Morales, who has publicly attacked CODECA. Blanca told us that she herself has come under attack for her involvement with CODECA; in 2014, Blanca and other members of CODECA were kidnapped²⁸ by ENERGUATE (the national electric company) agents before

²⁶ Truth Out: The Assassinations of Indigenous Leaders in Guatemala Trigger Fear As Political Cycle Begins: <https://truthout.org/articles/assassinations-of-indigenous-leaders-in-guatemala-trigger-fear/>

²⁷ Frontline Defenders - CODECA: <https://www.frontlinedefenders.org/en/organization/codeca>

²⁸ Mesoamerican Initiative for Women Human Rights Defenders: <https://im-defensoras.org/2016/03/whrdalert-guatemala-criminalization-against-blanca-julia-ajtun-and-codeca-members/>

being arbitrarily arrested and detained for 96 days. Blanca told us that often at night cars or motorcycles circle around her house, and sometimes shots are fired. Members of her family have been forced to migrate as a result of the threats.

When we arrived in San Luis Jilotepeque, we were ushered into a large auditorium with a CODECA banner draped over the front entrance. The hall was packed with over a hundred people, including many women with babies tied on their backs. One after another, CODECA members from different communities in the eastern part of Guatemala – San Pedro Pinula, Santa María Xalapán, La Paz in El Progreso – came to the microphone to give brief testimonies stating that they had been criminalized, threatened and attacked, often by criminal gangs working hand in hand with local authorities. They detailed the collusion between the national political elites, transnational companies, and local authorities; in many cases, they argued, mayors and other local officials had been bought off by the companies. When they filed complaints with the Public Prosecutor’s office (*Ministerio Público* or MP), the MP failed to follow through and investigate.



A tall, rangy man from Mataquescuintla described how, less than two weeks earlier, on June 30, the police arrived at his home without a warrant and removed him by force and took him to prison. “We are delinquents to them,” he said. The head of the prison told the man (who asked that we not use his name or record his voice) that he had been given orders to

have the CODECA member killed in prison but since he was a Christian, he knew he had to answer to a higher power and so did not go through with the assassination.

A Xinca man named Fernando from Santa Maria, Xalapán, told us that he knew the names of some of the people who were attacking him, and added that he had a price of 10,000 quetzales (about \$1300 USD) on his head. Nine months earlier, a gun had been found in the home of one of the people who had threatened him, but the public prosecutor's office had not done anything. Out of fear, Fernando was no longer staying in his home. But, he emphasized, "We are here for the *compañero* who was assassinated. They killed his body but his soul lives on." Another underscored this point, "They thought when they killed him that the struggle was over, but it continues."

Camotán, Chiquimula - Ch'orti' Territory of Eastern Guatemala

From San Luis Jilotepeque we headed west toward the Honduran border, where we met with two groups working to represent the Ch'orti' communities of Eastern Guatemala: COMUNDICH and Nuevo Día. The Ch'orti' people, who number approximately 56,000, are an Indigenous Mayan group who live primarily in eastern Guatemala and Western Honduras. The Ch'orti spiritual worldview (in common with other Mayan groups) holds that human beings are interdependent with nature and all forms of life. From this perspective, their territory has paramount cultural, spiritual and economic significance. Yet from the Spanish conquest to the present, the Ch'orti's ability to live in peace on their land has constantly been at risk. Today, mining, ranching, drug smuggling, and a major infrastructure project known as the Interoceanic Corridor Project²⁹ pose major threats to Ch'orti' sovereignty. In addition, the region faces long standing issues of poverty and malnutrition due to the scarcity of rainfall it receives and a shortage of social services. The two organizations with whom our delegation met, Nuevo Día and COMUNDICH, both work to support the sovereignty, human rights, and social welfare of Ch'orti' communities.

Nuevo Día

The first group with whom we met, Nuevo Día (New Day), is a Ch'orti'-led grassroots organization based in Camotán, Chiquimula. Nuevo Día's work includes supporting rural economies, promoting ecologically sustainable agriculture, and building the legal and political capacity of Indigenous and farm working communities to advocate for their rights. For example, they provide legal support to communities working to obtain the designation of "Indigenous community" which affords them a degree of decision-making autonomy under Guatemalan law. In addition, Nuevo Día supports communities resisting hydroelectric dams, mining projects, and other infrastructure projects that harm local communities and ecologies. They work to support Ch'orti' communities' efforts to ensure that the Guatemalan government upholds its constitutional and international commitment

²⁹ CMI-Guatemala: The megaproject that broke the alliance between the military and businessmen: <https://cmiguate.org/el-megaproyecto-que-quebro-una-alianza-entre-militares-y-empresarios/>

to guaranteeing free, prior and informed consent and meaningful consultation before such projects are initiated.

COMUNDICH

The second group we met was the Coordination of Associations and Communities for the Integral Development of the Ch'orti' Region - COMUNDICH, a Ch'orti'-led organization that works to advance the human rights of the Maya Ch'orti' community in eastern Guatemala. Their work is organized around five pillars: (1) cultural identity and human rights; (2) land, territory and natural resources; (3) engagement of women and youth in an inclusive society; (4) food security and economic solidarity; and (5) building political and technical capacity to address criminalization and impunity. COMUNDICH received the 2017 Alice Zachmann Award.

COMUNDICH has achieved significant victories in advancing the territorial rights of Ch'orti' communities, including the restitution of significant extensions of land and the recognition of the autonomous legal authority of Indigenous leaders in numerous communities. Yet, as with Nuevo Día, their success in these endeavors has challenged powerful economic interests in the region, making COMUNDICH members targets of repression. As one leader said, "We've had to pay for it. Here, generally you pay with blood."

In our meetings with both Nuevo Día and COMUNDICH, we learned about the profound relationship between human beings and the land in the Ch'orti' culture and worldview; both



organizations' significant achievements in women's rights and Indigenous rights; and the price they have had to pay for their activism. We learned that for Ch'orti communities, territory, cultural identity and human rights go hand in hand. Yet in their efforts to achieve these basic rights, community members have faced brutal acts of criminalization and repression, including the following that was shared with the delegation:

- A mother whose son had been killed in 2016 in retaliation for her involvement in efforts to achieve land restitution.

Despite that fact that she and others in her community know the identity of the assassin and despite filing multiple claims, no progress has been made on her case.

- Several community leaders who shared they had bounties publicly placed on their heads, yet to our knowledge, no protection has been provided by the state.
- A young leader who had escaped multiple death threats, and who reported being unable to sleep at night out of fear of the next attempt on her life.
- Women whose husbands were in jail for crimes they adamantly claim they did not commit.
- Women whose husbands were assassinated by armed gunmen in apparent retaliation for having won a land dispute.
- A judge found guilty of having obstructed justice for three years in a murder case, whose punishment was a mere five days without pay.
- A mining executive who signed a written agreement with community members to cease mining activities, yet broke the agreement and resumed construction one month after signing it.
- Multiple expressions of a widespread sentiment that one can only make the justice system work with cash bribes. The net effect, as one community leaders said, is that “our complaints are archived or lost; but when *campesinos* are accused of usurpation of land, the justice system works perfectly.”

The testimonies we heard painted a clear picture of a justice system that fails to protect the rights of Ch’orti’ communities, yet that in many instances moves swiftly to prosecute Indigenous defenders when they stand in the way of the interests of wealthy landowners and corporations. For example, COMUNIDICH reported to us that they have put forward 17 legal complaints, and not a single one of these cases has moved forward. It is a system described by one COMUNIDICH leader as “Justice for my friends, the law for my enemies.” This is further illustrated by the Corozal Arriba case, described below:

Corozal Arriba—an emblematic case of the double standard of justice in Guatemala

At 5:00 pm on June 6, 2013, the Mayor and Municipal Council of La Unión, Zacapa issued a declaration recognizing the community of Corozal Arriba as an Indigenous community with the rights to self-determined governance. Basing its decision on International Labor Organization Convention 169 and Article 67 of the Guatemalan Constitution, the declaration would have required a local landowner to turn over land to the local Ch’orti’ community. Within an hour of the municipal government issuing this declaration, four men carrying guns moved in on the community of Corozal Arriba. Upon becoming aware of the gunmen’s presence in their community, community members approached the scene. The gunmen then shot and killed three community members — Catalino Pérez, Juan de Dios Alonzo and David Almazán — and wounded two others. Later, the body of one of the armed gunmen was found dead. Community members of Corozal Arriba understood the gunmen to be members of the private security force of the landowner involved in the territorial dispute.

Following the killings, the widows of Catalino Pérez, Juan de Dios Alonzo and David Almazán appeared before the local public prosecutor, Gabriel Ignacio Solís, to issue a legal complaint. However, Solís responded to them with verbal aggression, making it impossible for the case to proceed. The women's requests for copies of the files of their deceased husbands' cases were repeatedly denied, and to date, no one has been arrested in connection with these murders.

In a recent development, a suspect was identified and an arrest warrant issued for the murder of Perez, Alonzo, and Almazan. At the suspect's July 12, 2018 hearing, Gabriel Ignacio Solís, the former public prosecutor initially responsible for investigating the case, appeared in court as the defense attorney for the murder suspect on trial. This only confirmed the *Ch'orti'* community's suspicions that while employed as a public prosecutor, Ignacio Solís was intentionally working on behalf of the landowner by stalling and obstructing justice on their case. Unsurprisingly for the *Ch'orti'* community, the suspect had his murder charge reduced to a lesser crime, and was allowed to walk free.

While not a single suspect has been apprehended in connection with the murders of Perez, Alonzo, and Almazan, seven individuals were arrested in May 2017 and prosecuted for the murder of the security guard. Following their trial in September, 2018, they were found guilty. Their lawyer appealed the sentence and as a result, they were found guilty of "homicide by tumultuous fight" which carries a three year, commutable sentence. This allowed the convicted men to finally be released from jail on February 5, 2019. Eleven others are still facing murder charges but have not been arrested. The arrests appeared to specifically target individuals holding leadership roles within the community, including the mayor and treasurer of the Corozal Arriba community.

Cobán, Alta Verapaz: Other challenges facing Indigenous communities in the Verapaces

After leaving the *Ch'orti* region of eastern Guatemala, we traveled northward to Alta Verapaz. In Cobán, we met with three Indigenous community leaders who gave us an overview of the some of the issues facing Indigenous communities in Alta Verapaz and Baja Verapaz. This is an area that is being crossed by the *Franja Transversal del Norte* (FTN), or the Transversal Strip of the North, a major highway cutting through the north-western to eastern part of Guatemala, ostensibly to facilitate trade.

The delegation was told about the many illegal land seizures and fraudulent or illegal land purchases, resulting in Indigenous communities being forcibly removed from their land. One of the motors behind illegal and forceful land acquisitions has been the increase in global demand for palm oil which is used in the preparation of food products, such as cooking oil, make-up and biofuel. This has resulted in extensive and growing numbers of palm oil tree plantations (colloquially known as *palma africana*); the massive and unregulated expansion of industrial-scale palm oil plantations has resulted in the contamination of the aquifers and rivers from chemical spill-off. The best-known was a

massive chemical spill resulting in ecocide in May 2015, in Pasión River in Sayaxché, Petén, which killed over 6000 kilograms of fish and threatened tens of thousands of families.

The delegation was told that there are palm oil companies operating in the FTN that have reported bought off mayors and other local government officials, including the community development councils (COCODES). The COCODEs operate at the level of rural hamlets (aldeas) and villages. The COCODEs were an imposition from the central government, as historically most rural Indigenous communities had their own forms of traditional self-governance.

In one case, the delegation was told that a palm oil company dug ditches for irrigation, but it resulted in flooding and the communities had to evacuate. It turned out that the flood waters were full of toxic chemicals. The communities wanted to reach a solution with the company but the company ended up filing charges against the traditional Indigenous authorities. In turn, the community filed charges against the company. As we had heard in other areas, the public prosecutor has not investigated the community's complaints but has issued 18 arrest warrants against community members. One of the women in the community was sexually abused by a worker for the company. She went forward with a criminal complaint, and was evaluated by a psychologist, but the psychological report was supposedly lost and the public prosecutor's office wanted her to go the INACIF (the National Institute of Forensic Sciences) to be examined a second time, retraumatizing the victim of the abuse.

Glenda, one of the three presenters, explained the deep distrust of state institutions. For example, when environmental impact studies have been conducted, they are deeply flawed because they are not objective. The companies are the ones who pay for the environmental impact studies, not the government, and so the perception in the affected communities is that the researchers have been "bought". Unfortunately, this is how the system is set up. She also noted the inefficiency and inadequacy of the protective measures that the state offers to at-risk defenders when they do respond to community complaints who have been threatened by palm oil companies. Glenda also noted that economic burden that the targets themselves have to take on by paying the expenses of the police officers providing their security.

Tourist Development and Protected Areas in Q'eqchi Territory

The delegation was told about two long-standing disputes involving tourist development in the region. The first involved the municipality of Raxruhá, where there has been a longstanding dispute between members of the local Q'eqchi community and a foreign investor. The second involves Semuc Champey, a sacred monument that was declared a national protected area in 2005 and as a result, converted into a popular tourist destination, controlled by the National Council for Protected Areas (CONAP).

Candlemas Caves - *Cuevas de Candelaria*:

The dispute in Raxruhá³⁰ dates to the 1980s, with the arrival of Daniel Dreux, a French explorer and investor who wanted to develop the area, which contains many caves and caverns sacred to the Q'eqchi people. He bought up local lands and in 1990, created a cultural and eco-tourism complex. Dreux continued to exert his power in the region and through his "Tierra Maya" Association, lobbied then-President Alvaro Arzu to make the "Caves of Candlemas" (*Cuevas de Candelaria*), a national protected area in 1999. In 2002, President Alfonso Portillo agreed to allow local Indigenous Maya Q'eqchi co-administer the park with CONAP, which Dreux describes as having "favored land invasion in the parcels acquired for conservation." In 2012, Dreux developed a luxury "eco-lodge" called Candelaria Lodge which continues operations today. There have been allegations of sexual abuse against Dreux but no notable investigations.

On the Candelaria Lodge website³¹, Dreux blames the local Indigenous communities for forest fires, plunder, contamination and hunting. According to people the delegation heard from, while the community was eventually able to bar his presence from the national park and regain control over the caves, because of charges brought against community members, people are unable to leave their homes for fear of being arrested.

Semuc Champey:

The Guatemalan government declared Semuc Champey a "protected area" in 2005³². It was supposed to be administered jointly by the municipal government, the Guatemalan Council for Protected Areas (CONAP) and the local Q'eqchi community. But according to community members we met with, CONAP has managed to displace many of the local residents from the area, including those who were responsible for administering the park. As a result, CONAP effectively controls the site and the monies from tourism end up in their coffers, not benefiting the community. There have also been a number of arrest warrants issued against community members who have vocalized their disagreement with the current management of the park. CONAP designated "protected areas" have led to major conflict throughout northeastern Guatemala as it provides a legal framework to violently evict Indigenous communities, an example of the malicious use of laws to deny communities the possibility of living in their territories. The local Indigenous community isn't receiving income from the multi-million quetzal fees that are gathered every year, and the community is now considered to be illegally occupying their ancestral territory.³³

Visit to Choctun Basilá and meeting with CCDA

³⁰ Raxruhá means "Rivers of Green Waters" in Q'eqchi and was part of the municipality of Chisec until it separated in 2008.

³¹ Candelaria Lodge website: Who Are We? <http://candelarialodge.com/es/quienes-somos>

³² Decree No. 25-2005 of the Congress of Guatemala: Law that declares the Semuc-Champey Natural Monument a Protected Area: <http://extwprlegs1.fao.org/docs/pdf/gua134000.pdf>

³³ Nomada, August 9, 2016: All those responsible for the Crisis at Semuc Champey: <https://nomada.gt/pais/estos-son-los-responsables-de-la-crisis-de-semuc-champey/>

The CCDA (Comité Campesino del Altiplano) was first created in 1982 in Chimaltenango during the armed conflict. This organization “fights for the improvement of the living conditions of Indigenous farmers by seeking a global change in the social, economic and political spheres, and for the respect of the cultures, ethnicity, language(s), traditions and territories of these peoples.”³⁴ This political activism is accomplished through social and economic projects via the production of Café Justicia, a fair-trade coffee whose sales support the work of CCDA.



Our delegation visited the village of Chotún Basilá in Alta Verapaz. There, subsistence farmers grow corn and cardamom. They do not have running water, sewage treatment, or electricity. The CCDA is accompanying three members of the community who have been criminalized; at the time of the visit two were on trial for homicide³⁵ charges brought forward by people connected to the Chilte Cooperative that the community alleges has been trying to force the people off their land. At the first trial against two men, no concrete evidence was presented and they were absolved of all crimes. The second trial is yet to begin.

As community members spoke with us, the fear, sorrow, and desperation were clear on their faces, reinforcing the mental toll criminalization takes on families members. They repeatedly asked us to help them, to tell their stories, to pressure the

government to respect their rights. One of the wives even said that the animals have more rights than they are given by the state.

³⁴ CCDA webpage: www.ccdaguatemala.org

³⁵ Prensa Comunitaria: Political prison: hearing delayed for two community members: <http://www.prensacomunitaria.org/prision-politica-retrasan-audiencia-de-dos-comunitarios-qeqchi/>

Chotun Basilá is also the village where José Can Xol lived before he murdered on May 10, 2018³⁶. On July 11, 2018, Rep Hank Johnson and 28 other members of US Congress sent a letter to the US Ambassador to Guatemala expressing concern about the role of the justice system in the upheaval of indigenous communities and the repression of people who try to defend their fundamental rights;³⁷ in the letter, he makes special mention of José Can Xol's case. José's widow and two children pointed to the small area of trees on the other side of the corn fields where José was killed as he tried to escape a large group of armed men who came to terrorize the community as they had done on other occasions in the months before the deadly attack. His family believes the armed men were working on behalf of a cooperative that is trying to displace the community to occupy their land. At the time of the attack, the village meeting place was burned down and corn, ready to harvest, was stolen.

The poverty and hardship in this community is already apparent without the further impacts of theft and violence. Although the family and CCDA have been assured that there is an investigation into José's murder, no one has yet to be apprehended and charged.

Some of the children are so traumatized by the recent events that they are too scared to attend school. Even as we spoke to the adults, the children were told to get away from the path down to the corn fields as armed men had been seen on the ridge above the field in recent days. We were also told not to venture down certain paths as the community felt it was unsafe. Our time was limited in the community as the fear for security was paramount; the psychological terror that the community was feeling was evident.

The resounding frustration and helplessness we heard in other communities during the delegation were repeated in Chotun Basilá. The sense that the state only listens to, and acts on behalf of, large companies was proven true through the testimonies we heard.

Visit with Maya Q'eqchi land defender Abelino Chub Caal

After our return from Cobán, we had the opportunity to visit with one of several Indigenous land defenders who have been unjustly imprisoned, Abelino Chub Caal.

Abelino is Maya Q'eqchi from a humble background who works with the Guillermo Toriello Foundation on local development issues. He has been accompanying communities in Alta Verapaz and Izabal who are working to have historic land titles recognized, especially as their territory is threatened by hydroelectric, mining and agribusiness interests. Abelino was detained and imprisoned in the "Centro Preventivo" (pretrial detention facility) in Guatemala City's Zona 18 for more than 2 years before his trial. Visiting hours are normally on Saturdays and each prisoner is limited to four visitors at a time, but we were able to make special arrangements so that our entire delegation could visit on a Monday with the

³⁶ International Federation for Human Rights (FIDH):

<https://www.fidh.org/es/temas/defensores-de-derechos-humanos/guatemala-asesinato-de-jose-can-xol-miembro-de-la-junta-directiva-del>

³⁷ House of Representatives Letter to US Ambassador in Guatemala:

http://www.ghrc-usa.org/wp-content/uploads/2011/10/180711_LetterAmbassadorArreaga.pdf

accompaniment of the Human Rights Ombudsperson's Office (Procurador de Derechos Humanos or PDH).

During the trip to Zona 18, the representative of the PDH gave us a brief overview of the problems of the prison system in Guatemala. He noted that Guatemala's prisons were built to house 6,000 prisoners but the current prison population is over 24,000. The prisons are both overcrowded and underfunded and understaffed. There are not enough guards to effectively manage the size of the prison population and therefore, in effect, the prisoners are the ones who control the prisons.

While security inspections were somewhat more relaxed than on a normal visiting day, we were required to leave any coins, bags, credit cards and cell phones behind, and we had to relinquish our passports for the duration of the visit. We were allowed to bring in a regular photographic camera, however, after the PDH representative spoke to one of the supervisors. After we were all patted down, one by one, we were allowed to meet Abelino, who was waiting for us, and then were ushered into a private room for a conversation. Abelino began by thanking us for our visit and reminding us that we had the power to make visible what is going on in the country.

Abelino explained the details of his arrest and his case; it showed how the Guatemalan government operates against people it thinks constitute a threat to the state and its economic agenda to support the elites and transnational companies.



In February 2016, Abelino had taken his family out to a local restaurant to celebrate his birthday. A National Civil Police (PNC) officer approached the table and said he wanted to speak with Abelino. Abelino replied that he would be happy to talk after he had finished

eating and paid the bill. The policeman was insistent, and then two more police officers arrived and surrounded Abelino; they said that they were professionals and had a job to do, and that they were arresting him because he was an Indigenous leader. Abelino replied, "If it's for that bullshit then take me." He told the police that they didn't need to use handcuffs, that he would go voluntarily, but they insisted upon handcuffing him in public, in front of his family. Then they took him to Coban, and took photographs. He overheard one of the officers making a phone call to report, "The job is done." The police questioned him, asking him for his parents' names. He refused for reasons of security, but then the officers showed him that they had copies of both his parents' personal identification documents on their computers.

Abelino was arrested for arson, aggravated land occupation and illicit association for having allegedly led a group of Maya Q'eqchi farmers to take over a private property and burning palm oil trees. At the initial stages of the prosecution, the public prosecutor managing the case – the equivalent of the district attorney in the US – argued that the charges against him should be dropped due to lack of evidence. The local judge, with the persistence of palm oil and banana companies, forced the case to move forward and denied Abelino bail.

While we visited Abelino, he noted that there were many errors in the case file. For example, one of the contested properties (*fincas*) mentioned in the complaint is not even registered under the name of the person who is listed as the complainant and there are a myriad of irregularities in state documentation about who the owners of the property are. Abelino noted that at the evidentiary hearing in May 2018, photographic evidence was presented by the companies leading the prosecution, but the pictures were taken of a different property. Abelino was eventually acquitted of all charges and released from prison after more than 800 days in jail.³⁸

Meeting with the Human Rights Ombudsperson's Office (PDH)

After leaving the Preventivo, the GHRC-USA delegation met with Jordan Rodas, Guatemala's Human Rights Ombudsperson, to discuss the current situation of human rights in

³⁸ Abelino's trial opened on Earth Day, April 22, 2019. During the weeks leading up to the trial, GHRC and other organizations launched an international campaign to draw attention to the case, and call upon the Guatemalan government to release Abelino and stop criminalizing Indigenous human rights defenders. Several members of our delegation were involved in these efforts, and we followed the trial closely. On April 26, a three-judge panel found Abelino innocent of all charges and ordered his release. For a detailed report on the case and the trial, please see GHRC's observation report: <http://www.ghrc-usa.org/wp-content/uploads/2019/05/GHRC-Report-on-Abelino-Chub-case-MAY-1-2019-FINAL.pdf>

Guatemala. According to its website³⁹, the Human Rights Ombudsperson is a Commissioner chosen by the Congress of the Republic whose role is to defend human rights as established in the Political Constitution of the Republic of Guatemala, the Universal Declaration of Human Rights as well as the Treaties and International Conventions accepted and ratified by Guatemala. According to the Guatemalan constitution, the Ombudsperson is not subordinated to any governmental entity, institution or official, and is able to act with complete independence. There are 33 local offices throughout the country.



Mr. Rodas shared his concerns about the ongoing crisis facing human rights defenders in Guatemala. At the time of the meeting, there had been eight murders of defenders in 2018 with little response or notable action taken by the President or the Ministry responsible for security, Enrique Degenhart Asturias to ensure security for affected communities. Mr. Rodas noted that Attorney General Consuelo Porras had had meetings with organizations affected by the murders, including the CCDA and CODECA, though not clear follow up had been noted.

The Human Rights Ombudsperson's Office expressed concern that the Guatemalan State had removed 20 police officers⁴⁰ from their duty of protecting and providing security the International Commission Against Impunity in Guatemala (CICIG). This is contrary to Article

³⁹ PDH website: <https://www.pdh.org.gt/la-pdh/procurador-de-los-ddhh/quien-es.html>

⁴⁰ CICIG Press Release: 20 Police Agents Assigned to CICIG Removed: <https://www.cicig.org/comunicados-2018-c/retiran-a-20-agentes-de-la-pnc-asignados-a-la-cicig/>

8 of the agreement between the State of Guatemala and the CICIG and compromises the ability of the CICIG to complete its mission in the country. President Jimmy Morales has tried to expel CICIG, and Ivan Velasquez, from the country on several occasions but the Constitutional Court has ruled in favor of the Commissioner.

Visit to communities affected by the Fuego Volcano eruption

The municipality of Palín, Escuintla is located about one hour's drive from the area that was devastated by the Fuego Volcano eruption on June 3, 2018. At the time of our visit, a vocational school building served as the temporary home to 149 people from 49 families, mostly from the same village. The classrooms had been converted into makeshift bedrooms and there are no showering facilities on-site.



The government was providing this shelter with daily food and NGOs were delivering other supports. We witnessed the delivery of small wooden tables, tall plastic stools, and balls for the children during our visit. In speaking with a CHILD FUND worker, we learned that one of the main concerns is the effects of trauma on the children. His NGO visits daily, two or three workers, to play with the children and try to improve their psychological state during this difficult time. One teacher who was also affected by the eruption was providing one hour per day of instruction for all the students. These lessons had only just started the week of our visit.

The government posters around the courtyard indicated that the official plan is composed of three phases.

This temporary group shelter is considered phase 1, *Albergues*

Colectivos / Collective Shelters, and that the next step is phase 2, *Albergues de Transición Unifamiliares* / Transition Single Family Accommodation. This would allocate 15 square meters per family, and eventually the final phase, *Vivienda Digna* / Dignified Housing. This will consist of small houses on a lot of 84 square meters of land. One woman expressed her frustration with this being the second time she had had to relocate. During the armed conflict, she had had to move to Chiapas, Mexico. When her family returned, they were

given unproductive land. Now, they feel that the same will happen again. They will not be able to farm the land that they are given, if indeed receiving farm land ever comes to pass. There is no timeline on this three-phase venture, yet but we did see in the newspaper that week that the contract has been assigned with a supposed 28 million quetzals over estimation of costs (El Periódico, July 16, 2018).

One young man, Juan Roberto, told us that a few days earlier his wife and two children, aged 4 and 7, were found partially incinerated in the ash in his town. Four of his in-laws died as well. His family could only be identified via a few bones and the clothes that survived. He would be burying his family two days after we met him. He was alone at the shelter as many of his neighbors had died in the disaster or are at other shelters. Many people want to dig for their loved ones themselves, he continued, but it would cost Q200 (\$27USD) per hour to hire heavy machinery and these people literally only have the clothes on their backs. Juan Roberto was a day laborer and poorly paid. There are about 1000 people in the shelters from an area with approximately 4000 residents. That means that there may be thousands dead, not the few hundred that the government is reporting.

Most of the people at the shelter were women and children. The men were out looking for work or back at town trying to recover what they could. Some families had suffered looting of what little remains of their homes. A bus system had developed to take the families back to their homes daily, but it was expensive and, on the highway, the buses were being stopped by armed men demanding payment. So many had given up on traveling to the devastation.

We introduced ourselves to a group of women who became very passionate in response to our pledge to hold the Guatemalan government accountable for the promises they have made to the people they are supposed to serve. They pleaded with us to help them pressure the government to maintain their dignity, their farming way of life, and their self-sufficiency by restoring land that is suitable for them to try to rebuild a somewhat similar life to what they had before the eruption.

CONCLUSIONS

Our meetings with human rights leaders throughout Guatemala painted a clear picture of a justice system that moves swiftly and efficiently to prosecute Indigenous land defenders, but is halting and negligent when it comes to investigating cases brought by Indigenous human rights defenders and land protectors against companies. Over and over, people emphasized that there seemed to be a pattern to the attacks they suffered – companies are trying to push people off their lands, and together with local officials, they criminalize those who stand up for their rights, human rights defenders languish in jail for years before going to trial, and the MP does not act when human rights defenders are the victims. As Abelino Chub Caal stated, “incitement to commit delinquency”, and “capture and kidnapping” are among the criminal charges most commonly levied against leaders. The courts also deny bond so that the leaders must remain in pretrial detention, and then drag the trials out over several years with constant postponements and delays. In several other criminal cases against human rights defenders, the MP says there is a lack of evidence to

support the charges and asks that the charges be dropped, but the judge insists that the case go forward. The intent seems to be to decapitate the opposition movements by sidelining certain well-known leaders, and forcing the movements to expend human and financial resources fighting the legal cases. As one presenter commented to us, many people in the affected communities don't even want to bother filing complaints when they are attacked or their rights are violated because they have seen how unlikely it is that anything will come of it.

Even as we focus our attention on the systematic nature of the injustices we observed, we also wish to highlight the tremendous human suffering experienced by Indigenous leaders who make the courageous decision to defend their lands against illegal activity. The women we spoke to in the Ch'orti' territory of Chiquimula described through tears the wrenching, daily pain of having lost husbands and sons to senseless acts of violence. Abelino Chub described his enormous suffering as a result of his unlawful detention and forced separation from his family. Many survivors of armed assaults live in a constant state of fear knowing that the perpetrators of these violent crimes walk free, and might retaliate against them if they continue their pursuit of justice. We deeply admire these activists' bravery, resilience, and commitment to justice, but we feel tremendous grief and anger that the mere act of taking a stand for justice comes at such an incomprehensibly high personal cost.

We stand in solidarity with communities under threat, and commit to continue to hold our own governments, as well as the Guatemalan government, accountable for the protection of human rights.

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GHRC/USA

2018 Emergency Delegation Report



As record numbers of Indigenous leaders are being assassinated, it is unconscionable to us that these gross human rights violations seem to be elicit such a limited response from the Guatemalan government, the U.S. and Canadian governments, and international corporations doing business in Guatemala. We were humbled by how openly the groups we met welcomed us into their communities and shared their stories with us. However, it was disturbing to note that the communities had few formal channels for filing legal complaints, forcing them to place a great deal of trust in us, a foreign delegation. A presenter from CODECA said, “We put this in your hands, so you can be our spokespeople.”

We were urged to “find out who has killed our compañero and the other leaders who have been assassinated.” We take the trust placed in us very seriously, and we now urge our own elected representatives to support the human rights of Indigenous human rights and territorial defenders.

We stand in solidarity with the communities under threat, and commit to continue to hold our own governments, as well as the Guatemalan government accountable for the protection of human rights.

What you can do:

- Stay informed - join a delegation; sign up for the GHRC-USA listserv; take appropriate action when called for.
- Contact your congressional representative and urge the US government to:
 - Take measures to support the Constitutional Court and the Human Rights Ombudsperson’s Office.
 - Openly show its support for CICIG and its legal right to continue its works until its mandate ends in September 2019.
 - Support efforts of the Public Prosecutor’s Office to investigate, prosecute and sanction those responsible for the murders of land defenders.
 - Urge the Attorney General to end the malicious prosecution of land defenders, which has led to an alarming number of political prisoners in Guatemala in recent years.
- Make a contribution to GHRC so that we can continue to support human rights and land defenders in Guatemala, and their lawyers, with legal and physical accompaniment both in Guatemala and the USA.