



PEACE BRIGADES INTERNATIONAL
GUATEMALA PROJECT

making space for peace



Bulletin No.

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The impact of COVID-19

in communities accompanied by PBI

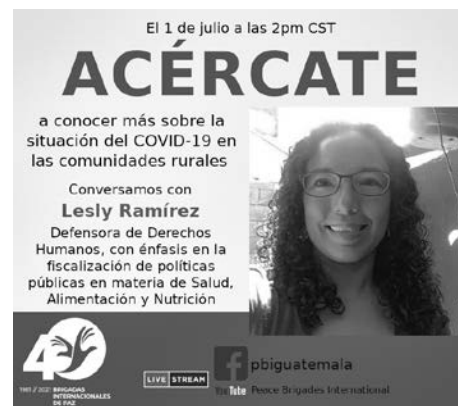
The first cases of COVID-19, detected in Wuhan, China, were reported to the World Health Organization (WHO) on December 31, 2019 and, on March 11, 2020, the WHO declared a pandemic. This situation has posed a great challenge for countries and governments around the world, who have had to react quickly to minimize contagions, avoid the collapse of health systems and cushion the economic crisis which, once again, is being experienced with particular force by poor and vulnerable populations.

The first known case of COVID-19 in Guatemala was reported by the President of the Republic, Alejandro Giammattei, on March 13, 2020,¹ but measures to contain the pandemic had already been in place since the previous week. A State of Public Calamity was decreed, which translated into limits on the rights to freedom of movement and assembly, as well as the establishment of minimum and maximum prices for products necessary for the prevention, treatment, containment and response to COVID-19.² A couple of weeks later the government instituted border closures and a imposed curfew between 4 pm and 4 am.³

In parallel with the government measures, communities took the initiative to protect themselves by establishing their own prevention measures,⁴ which contributed to the very slow spread of the pandemic throughout 2020. With the opening of the country and the lifting of restrictions from September onwards, However, the rate of infection began to

accelerate and the pandemic spread throughout the country.⁵

Since the beginning of the pandemic, several governmental decrees have established various restrictions in an attempt to halt the advance of the virus. The consequences of the pandemic and the government's management of the crisis are considered extremely serious



Our ACÉRCATE programme with Lesly Rámirez is to be found here: <https://pbi-guatemala.org/es/multimedia/acercate> (in Spanish only)

by different sectors of civil society, especially for the most impoverished communities and populations. According to Lesly Ramirez of the Center for Equity and Governance Studies (CEGSS), the government's measures were of little relevance in addressing the outbreak and have demonstrated a tremendous lack of consideration for the rural population.

Urgent need for an efficient awareness raising and informational campaign

To address a situation the magnitude of a pandemic, it is key that information reaches the entire population in a prompt and clear manner. The Guatemalan Ministry of Public Health and Social Assistance (MSPAS) has assured that information about COVID-19 has been reaching the population through awareness raising campaigns.⁶ Lesly Ramirez, however, has denounced that there is no communication strategy that provides adequate information, neither about the disease nor about the vaccines. In a study carried out in December 2020 by CEGSS and the Network of Defenders of the Right to Health (REDCSALUD), based on a sample of health services in five departments (Sololá, Totonicapán, Huehuetenango, Quiché and Alta Verapaz), only 39% of the population consulted stated that they had seen or heard messages from official information

1 OPS, Se confirma primer caso de COVID-19 en Guatemala, 13.03.2020.
 2 Government Agreement No. 5-2020, President of the Republic, 6.03.2020.
 3 Government Agreement No. 6-2020, President of the Republic, 22.03.2020.
 4 ACÉRCATE with Lesly Ramirez, julio 2021, at: <https://pbi-guatemala.org/es/multimedia/acercate>. All the quotes from Lesly Ramirez are taken from this interview.
 5 Ibid.
 6 CEGSS y REDCSALUD, *Informe de monitoreo, situación de los servicios de salud, balance de la información producida de abril a julio del 2020*, julio 2020.



Peasant and indigenous organizations such as UVOC recover ancestral knowledge to take care of the immune and respiratory system. Ceremony held on October 20, 2021 in the Chintún community.

campaigns on the prevention and protection of COVID-19.⁷

There are serious doubts as to whether the measures applied in rural areas have taken into account the specific needs of these regions.⁸ The government has made use of state security forces to control the application of the restrictions imposed, with roadblocks, patrols and visits by armed forces to rural communities. People from communities in various regions of the country accompanied by PBI have described how the states of siege and curfews

have had an extreme impact on the elderly population, as they have revived the memory of trauma experienced during the Internal Armed Conflict: “for those of us who lived through the war, it awakens that fear again. People were more afraid of the curfew than of the disease.”

Regarding the vaccination roll out, critics have noted how there has been no clear communication strategy for the population, which makes many people, especially in rural areas, distrustful or unwilling to get vaccinated. According to

the midwife Graciela Vásquez,⁹ member of TZK’AT Network of Ancestral Healers of Community Feminism, there is not enough information about vaccines and their side effects, “there are no health personnel who know the local languages and who can inform people about the symptoms that may result from vaccinations: pain in the arm, tiredness, etc.”

Local leaders across several departments are concerned about the lack of efficiency of the information campaigns. According to Abelino Mejía,

7 CEGSS y REDCSALUD, *Informe integrado del monitoreo*, diciembre 2020. The survey was realized to local Health Centers in 5 departamentos of the country, in December of 2020

8 ACÉRCATE with Lesly Ramírez.

9 The quotes from the various people that appear throughout this article were taken from interviews that PBI held between September and October 2021 with: Graciela Vásquez, Abelino Mejía, Sandra Cael and Oscar Ical.

member of the Community Council of Retalhuleu (CCR), “many have been informed through pamphlets distributed by organizations”, as “most people in rural areas do not have television and most elderly people have no telephone. The little information that reaches them is from younger people who share it with them.” Sandra Calel, leader of the Verapaz Union of Campesino Organizations (UVOC) in Alta Verapaz, points out that “the information arrives, but communicated in the wrong way, because they only scare people rather than telling them how to cure or prevent the illness. Also, the conditions necessary for complying with the measures they have demanded do not exist in the communities.” Based on his experience, he noted that “information to the communities only comes through the Community Development Councils (COCODES). While there may be information available in the media, it often does not reach the communities. And with respect to information shared through radio, there is not always a radio signal in the communities.” This lack of culturally appropriate information from the state, available in local languages, does not help in spreading an understanding of the importance of adopting protection measures. It also facilitates the spread of all kinds of hoaxes about the virus, thus discouraging the diagnosis of the disease and encouraging the omission of positive cases, all of which favors the further spread of the pandemic.

Pandemic, institutional weakness, a precarious health system and worsening poverty

There is a generalized lack of strategy which is also having considerable impact on health services which were already weak before the pandemic. Nevertheless, the pandemic has

caused a further drastic deterioration in services.¹⁰ At the end of March 2020, according to the report mentioned in the previous section, most of the health services analyzed were functioning relatively normally. As the pandemic progressed, however, limitations in access to medical care began to be registered, as well as a lack of protective equipment, biosecurity protocols and training for professionals. In addition, hurricane Eta and storm Iota which hit the region in November 2020, led to 60 deaths as well as the loss of homes, crops and roads, and the already precarious health infrastructure was also seriously affected. So far, there has been no plan for the reconstruction of this infrastructure and the population has denounced the almost total absence of the State.¹¹

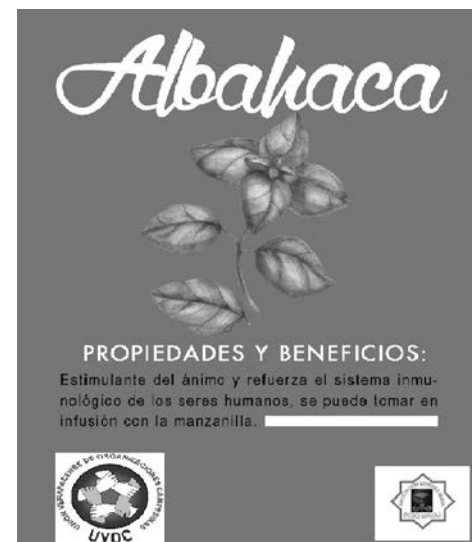
As for the increases in deaths, there are other causes that have increased mortality aside from COVID-19. The



UVOC promotes natural medicine. Garlic – Properties and benefits: it is used for respiratory diseases such as cough, angina, asthma, sore throat, hoarseness and bronchitis and for pain in general, such as back, head and muscle pain.

precariousness of health centers and hospitals, mobility restrictions and the reduced flow of public transportation, as well as the curfew, prevented many patients who needed, for example, to undergo dialysis, from being able to access to these services.¹² It is estimated that around 400-500 patients with kidney failure died silently because they were not able to access care in the rural disease units. According to Lesly Ramirez, hospital outpatient clinics have been closed for a year and a half, so many of these patients may have died.

With respect to acute malnutrition, a



Basil - properties and benefits: Mood booster and strengthens the immune system of humans; can be taken in infusion with chamomile.

significant increase has been evident since 2019, particularly among the population of the Dry Corridor.¹³ The pandemic exacerbated this trend and the rate of chronic malnutrition in Guatemala has become the highest in Latin America and one of the highest in the world (49%), reaching very alarming levels in some rural areas, such as those located in the department of Chiquimula (80%).¹⁴

10 ACÉRCATE with Lesly Ramirez.

11 ACÉRCATE with Lesly Ramirez.

12 Quintela, C. et al., *Las otras muertes de Guatemala de la tempestad de la COVID-19*, Agencia Ocote, 28.06.2021.

13 ACÉRCATE with Lesly Ramirez.

14 Acción contra el hambre, *Guatemala: el país de América Latina con más desnutrición crónica*, accessed 2.11.2021.

“The generalized measures dictated by the government for the entire country within the framework of the pandemic have had diverse impacts and repercussions on the lives of people, on community dynamics (loss of employment and marketing channels, greater food insecurity, greater difficulties in mobilizing in the face of emergencies) and on the provision of health services.”¹⁵

Trade and the local economy have been severely damaged. Graciela Vásquez points out that there has been “an excessive increase in the price of transportation, both private and public, and that this has prevented many people in rural communities from being able to travel to sell their products. According to Abelino Mejía, a criminalized human rights defender from the South Coast, by the end of 2020 there was evidence of increased labor precarity: “people

were fired and those who remained had to take on more tasks”.

Once again it has become clear that when there is a crisis, women are particularly affected, as they often face situations of greater vulnerability and the measures adopted to fight the pandemic have had a specific impact on them. Graciela Vasquez describes how during lock-down there was “an increase in rapes, aggression and economic violence against women. Housework also increased because the men were always at home.” According to Sandra Calel, at UVOC they are accompanying cases of single mothers and widows who have had to sell their land to be able to support their families during the pandemic, because although “women during the pandemic were producing products, they could not sell them because of the total lock-down.”

Children are another population which have been deeply affected. Oscar Ical, a member of the Community Council of the Highlands (CCDA), is very concerned about children’s education. On-site classes in rural schools were suspended in March 2020 and were not resumed until September 2021. For example, in her community “the teacher comes and gives one hour to each class once a week. The students are learning nothing this way. My son was moved into fourth grade and next year he will be in fifth grade without knowing how to read and write. And I don’t have time to practice with him every day.”

In addition to the defenselessness of the population, especially in rural areas, the Secretary of Agrarian Affairs (SAA), an institution to which one could turn to try to solve agrarian conflicts, was shut down this year leaving an institutional vacuum. According to Sandra Calel, there has been a notable increase in the



Eucalyptus - properties and benefits: by decoction, infusion and inhalation of the leaves are used to treat respiratory conditions including asthma, flu, influenza, colds, fever and cough. Antiseptic and depurative properties are also attributed.



Cinnamon - properties and benefits: Cinnamon is useful in all kinds of “cold” conditions, such as the common cold. It is a good energetic herb for conditions that can be linked to energy shortage. It promotes sweating.

criminalization of defenders of land and territory within the context of pandemic and the absence of institutions. She questions the extension of the State of Calamity, as she feels it has favored “total corruption. We do not know where the money went.” Even the Human Rights Ombudsman¹⁶ has stated that there is evidence and indications of the failure to implement the extraordinary budget approved by the Congress to respond to the most vulnerable populations in the face of the crisis caused by the pandemic.¹⁷ Government policies are said to be inconsistent and contradictory, since, as Abelino Mejía points out, “public transportation is limited, but the shopping malls have been given free reign, and are full of people.” This deficient management by the Government has generated distrust in the communities and Lesly Ramírez points out that it has evidenced a failed State and the deep co-optation of the institutions.

15 CEGSS and REDCSALUD, *Monitoring report, health services situation, summary of information produced from April to July 2020, July 2020.*

16 The declaration of a State of Public Calamity allows the government to purchase services and products without having to go through the normal auditing process.

17 Comunicado PDH 220/20, *El Procurador de los Derechos Humanos, Jordán Rodas Andrade, recomienda*, 12.10.2020.

So far, it is the civil society organizations who have been organizing themselves to bring information and humanitarian assistance to the communities. For this

reason, organizations such as UVOC are demanding “social programs to recover the local economy and improve child nutrition.” In addition, they recall

the need of peasant organizations for an institution to resolve land conflicts affecting the communities.



UVOC has been organizing solidarity markets to facilitate local and neighboring communities' exchange and consumption, October 2021

10th anniversary of the Guiding Principles on Business and Human Rights:

challenges for their implementation in Guatemala

June 2021 marked the 10th anniversary of the unanimous endorsement by the United Nations Human Rights Council (HRC) of the Guiding Principles on Business and Human Rights.¹ These Principles represent a step forward in the attempt to transition to a fairer economic growth model by recognizing the shared responsibilities of the State and the private sector in promoting sustainable development and protecting human rights.

However, the implementation of the Principles remains a challenge at the global level and, particularly, in countries rich in natural resources such as Guatemala. The expansion of the private sector and the intensification of competition for these goods have contributed to the strengthening of extractivist and exclusionary economic models. The implementation of these models has serious consequences for rural communities, indigenous peoples and human rights defenders who are very often the target of all kinds of attacks and threats when they dare to raise their voices against large-scale projects of various kinds: hydroelectric, mining, agribusiness, logging, etc. According

to the Observatory for the Protection of Human Rights Defenders (Obs) and the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEQUA), it is possible to identify a sequence of aggression, threats, criminalization, stigmatization and even assassinations against those who defend land and territory.²

“Today, the person who fights, who defends their environment, the rivers, the forests, Mother Earth and their community is persecuted and criminalized,” denounces María Caal Xol,³ leader of the Peaceful Resistance of Cahabón (Alta Verapaz), who has experienced human rights violations caused by the installation of hydroelectric projects on the Cahabón River. This pattern is repeated across various territories in Guatemala. Juan Lázaro, an ancestral indigenous authority of the Poqomam people from Santa Cruz Chinautla (department of Guatemala) highlights how: “We find it very difficult to denounce the abuses of the companies when they threaten us with potential reprisals. Then we start thinking about our family, about what would happen if something were to happen to us. Intimidation stops us, because we limit our actions and our denunciation of human rights abuses. They want us to keep quiet.”

According to María Caal, the criminalization of human rights defenders is one of the strategies

most used to silence them: “human rights defenders are imprisoned as a tactic and are given unjust sentences.” Criminalization processes generally target community leaders and are part of a strategy to repress and silence the entire community. Lawyer Wendy López, director of the Indigenous Peoples Law Firm, gives as an example the case of criminalization of María Choc, a Mayan Q’eqchi defender against the damages caused by mining projects in Izabal. She was arbitrarily detained by the National Civil Police (PNC) after serving as a translator in a judicial hearing concerning the Q’eqchi’ community Rubel Pek⁴ “María is a Mayan woman, who speaks Q’eqchi, but who had the opportunity to study and therefore speaks Spanish. If you go to the community, nobody speaks Spanish. She is the element and the tool that the community uses to be able to express itself, and the persecution of the companies against her takes place because of this, so that the others are not heard.”

These criminalization cases are usually preceded by defamation and smear campaigns on social media. In many cases, the defamation and intimidation are loaded with strong racist, sexist and discriminatory connotations, with the aim of delegitimizing the communities’ struggles. “We suffer discrimination for being women, for being peasants, for being Mayan. They use different tactics to intimidate us in the different spaces we have as Mayan women,” comments

1 United Nations Human Rights Office of the High Commissioner, *Guiding principles on business and human rights*, 2011

2 Obs y UDEFEGUA, *Guatemala, una deuda sin saldar. Recomendaciones para una agenda pública que garantice el derecho a defender derechos*. Enero 2011, p.11.

3 The quotes from the various people that appear throughout this article were taken from interviews that PBI held with María Caal Xol, Juan Lázaro, Wendy López and Felicia Muralles.

4 Front Line Defenders. *Acoso Judicial a María Magdalena Cuc Choc*. Acceso: 18.10.2021.

María Caal. Felicia Muralles, member of the Peaceful Resistance of La Puya, which has been opposing a mining project between San José del Golfo and San Pedro Ayampuc (department of Guatemala) since 2012, explains how, “women, for example, are told that we join the Resistance to prostitute ourselves. Defamation has been a big obstacle for us, as well as criminalization. Many people end up withdrawing from the Resistance because of the defamation they receive and this has had many consequences for the organization, because before there were many more people participating but this has been gradually decreasing.”

The lack of guaranteed land rights experienced by indigenous communities makes them vulnerable to possible human rights violations caused by the implementation of transnational extractive projects. As lawyer Wendy López explains, “the company comes and says that it owns all the land and it has the titles. The community members, on the other hand, have absolutely no documents. Then the companies threaten them that they have to give up their land or they will be reported to the police. In exchange for the land they offer them a job, but generally with very bad conditions. This means that the whole family has to work. For the children this means that they will not have the opportunity to study. It is a form of modern slavery.” “Many of our *compañeros* in different territories in Guatemala who have been imprisoned, sometimes sentenced to more than 30 years, are falsely accused of trespassing, when we are the legitimate owners of our territories,” comments María Caal.

It is important to note that the abuses and attacks on defenders by corporate actors take place in a context where there is a clear imbalance of power between private companies and affected communities as “private



Bernardo Caal Xol, Maya Q’eqchi’ inhabitant of Santa María de Cahabón in the department of Alta Verapaz, is one of the spokespersons of the **Peaceful Resistance of Cahabón** against the hydroelectric projects on the Cahabón and Ox-eek’ river basin. After filing legal appeals against the Ministry of Energy and Mines (MEM) for the lack of consultation with the affected Q’eqchi’ communities, a criminalization process was initiated against Bernardo that culminated in a conviction and a prison sentence of 7 years and 4 months. The appeal of the sentence was rejected by the Supreme Court of Justice.

companies exert considerable influence on States and ensure that regulations, policies and investment agreements serve to promote the profitability of their economic activities.”⁵

“According to various reports, judges and prosecutors have contributed to the irregular application of criminal law by accepting false testimony, issuing injunctions without sufficient evidence, allowing unfounded prosecutions to succeed, and improperly interpreting the law to incriminate indigenous defenders.”⁶ “The person who defends Mother Earth is unjustly accused and condemned, without evidence. This happened in the case of my brother Bernardo, where it is evident how the companies have co-opted the justice system,” comments María Caal. Sharing her own experiences in legal cases, Wendy López points out that

“in cases of criminalization, the Public Prosecutor’s Office (MP) should carry out the investigation impartially and using its own means, but in many cases the investigations are carried out in collaboration with personnel from the companies. The Public Prosecutor’s Office (MP) often does not even show up and it is the companies who provide the images, the videos, the descriptions, and they accept testimonial statements from people who were not even present when the supposed crimes were committed. This is serious, because everything is biased.”

Another problem is the lack of transparency, information and consultation with communities during the installation of projects in their territories. Number 18 of the Guiding Principles establishes that companies should identify and assess the negative

5 *Informe de la Relatora Especial sobre los derechos de los pueblos Indígenas A/HRC/39/17*. 10.08.2018, párrafo 9.

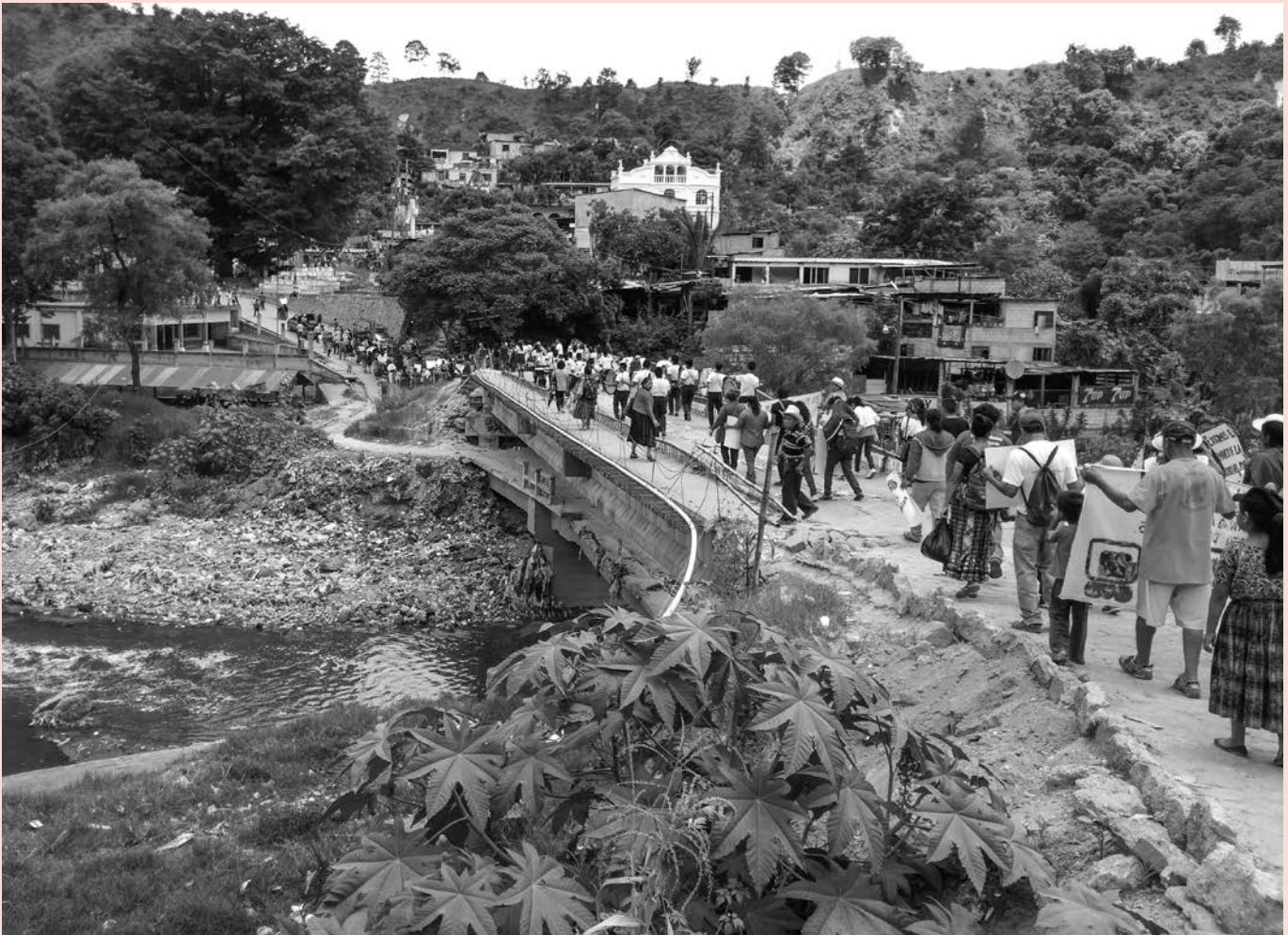
6 *Ibidem*, párrafo 46.

human rights impacts of their activities through substantive consultation with potentially affected groups. In the case of indigenous peoples, they have the right to free, prior and informed consultation on any measure that may affect them, in accordance with Convention 169 of the International Labor Organization (ILO).

However, the right to consultation is constantly violated and information

on project impacts does not reach the communities. In the case of the Peaceful Resistance la Puya, Felicia Muralles comments how “the information that first reached the communities was based on pure deception, because they told us that it was going to be a great development, that it was going to generate many jobs, that it was not going to cause damage, and many other lies in order to gain entry.” In

Santa Cruz Chinautla, Juan Lázaro explains how “there has never been any consultation. There are mining licenses that were granted in 1988 or 1996, before the Ministry of the Environment even existed. There have been no environmental impact studies either. We asked for a study, but they don’t want to do one. The people are asking for consultation because there has already been so much abuse, with so much



Chinautla, 10 km from the capital, has been a sand mining area for decades. Since 1995, large-scale sand extraction with heavy machinery has begun, an activity that has had a strong social and environmental impact on the area. More than 2,000 people are being affected in different ways, e.g., health problems due to dust and river contamination from the garbage dump in zone 3 of the capital city; decrease in the quality of the mud in the area, raw material used in handicrafts, the main economic activity of these communities; and increasing destruction of infrastructure and houses. The **Multisectoral of Chinautla** defends their right to consultation on economic projects that strongly affect their lives. They have initiated several dialogue tables with the Ministry of Health and the Ministry of Energy and Mines.



Courtesy of Prensa Comunitaria

The **communities of El Estor** have been resisting the Fénix mine next to Lake Izabal for decades because of the contamination it causes to the territory of the Q'eqchi' people. In 2019, the Constitutional Court (CC) accepted an injunction from the union of artisanal fishermen of El Estor and the Q'eqchi' Indigenous Authorities, who alleged that the mine was operating illegally for not having a mining license, environmental impact studies and for not having carried out prior, free and informed consultation with the affected population. The CC ruled that the mine could not operate and reiterated its decision in 2020. Despite this, the mine continued its operation. In October 2021, neighboring communities led by the Q'eqchi' Indigenous Authorities blocked the entrance to the mine. The government responded with evictions and the declaration of a state of siege, which was used to raid the homes of journalists and regional human rights defenders.

pollution the people are suffering from health problems.”

According to Wendy López, “there is a lot of corruption in the granting of these licenses. Another point is the falsity of the environmental instruments and the little interest the authorities have in analyzing what is happening or whether

the data is accurate or not. They approve everything without any kind of study. There is a coalition between the State of Guatemala and the extractive companies, which means putting elements of the PNC or the Guatemalan Army at the service of the companies, among other measures.”

The installation of large-scale economic projects often causes significant environmental impacts, posing serious threats to health, access to water, food security and the right of communities to a healthy environment. Juan Lázaro notes how, for example, construction companies “come to dump garbage however they wish, using Santa Cruz



The **Pacific Resistance La Puya** has been resisting for 10 years against a precious stone mine that would contaminate the water and lands of the communities in the municipalities of San Pedro Ayampuc and San José del Golfo.

While the courts have suspended mining activities and ordered a consultation, the US company Kappes, Cassidy & Associates (KCA) is in arbitration with a \$300 million claim against the State of Guatemala. The company ignores that the mining project had irregularities in its Environmental Impact Assessment (EIA), that the required free, prior and informed consultation with the affected population was not carried out, and that there was a lack of a construction license.

Chinautla as a garbage dump. They come to dump whatever they want without any proper control. They dump waste and contaminated water in the rivers that supply the community. The environmental impact on our water sources is severe, because this water supplies almost 60% of the community. The issue of environmental impact is very complex and worries us a lot.” In the case of the Peaceful Resistance of La Puya, Felicia Muralles explains why they are opposing the mining project “in defense of water, because water in these communities is very scarce, so this is our main concern, because we are already in a part of the dry corridor and it rains very little”.

The Guiding Principles establish access to justice as one of their fundamental pillars. However, the difficulties faced by communities affected by corporate projects in accessing an effective remedy remain significant. “A first obstacle for accessing justice is the discrimination and racism present in the system. We are not seen as equals, so they attribute incidents to you, and because you are indigenous you are considered guilty of certain acts. The communities also suffer a lot from the lack of communication, in the sense that many are monolingual and unable to speak Spanish which does not allow them to have general knowledge of what is happening. Just as they are not understood, they

do not understand the processes. Another important point is that many of the *compañeros* and *compañeras* in the communities are seeing that the leaders are being criminalized, and this criminalization has greatly affected community organization,” explains Wendy López.

The COVID-19 pandemic has resulted in even more obstacles to communities’ ability to report abuses. “The pandemic does not allow us to mobilize and denounce abuses because we cannot hold large gatherings. We can’t get together. But little by little we are starting to work again, trying to maintain the corresponding distance and the necessary measures,” says Juan Lázaro.

Widespread impunity for attacks on human rights defenders and for illegalities committed within the context of economic projects also demonstrates how communities face serious challenges in securing effective access to justice.⁷ “If we accept the justice systems are co-opted throughout the country then I believe in the end the denunciations do not favor us, but rather the companies, who use them to prove they are right,” comments Juan Lazaro. “Between the impunity and corruption, the extractive companies are saying to

us that ‘you can’t fight us’. This leaves us in a situation of powerlessness,” says Wendy López.

In this sense, the genuine application of the Guiding Principles on Business and Human Rights continues to be a relevant challenge and an urgent necessity for respecting the human rights of communities affected by economic projects. For María Caal Xol, the effective implementation of these Principles and human rights norms must begin with raising awareness among communities about their rights. “It is in the interest of

the State and the companies that the brothers and sisters do not speak out and do not demand their rights. But today, day by day, girls, young people, women and men are realizing that these rights do exist. It is necessary to raise awareness in each community, teaching them their rights”. As Juan Lázaro points out, “we need to be respected as indigenous people, our territory needs to be respected. We have resisted for a long time in this territory and we will always continue to defend our lives, our rights, our land.”



Anabella España, Abelino Mejía, Flavio Vicente and Virgilio García are suffering criminalization for defending land, territory and life on the South Coast. They are members of the Board of Directors of the **Council of Communities of Retalhuleu (CCR)**, made up of more than 18 communities. The CCR was born in 2015 to try to curb the negative impacts of sugarcane expansion and the use of agrochemicals and pesticides on the communities’ family agriculture and the health of their inhabitants. In addition, the very high water consumption for the production of monoculture causes shortages of this vital liquid for the maintenance of the population’s livelihoods. The response to the peaceful demands of the communities has been the criminalization of their representatives.

7 Informe del Relator Especial sobre la situación de los defensores de los derechos humanos A/71/281. 03.08.2016, párrafo 29.

The power of words

Luis de Li3n's cegacy and the Diario Militar –Death Squad Dossier– case

On May 27, 2021, eleven former military officers were arrested and charged by the Human Rights Prosecutor's Office of the Public Prosecutor's Office (MP) with serious human rights violations committed during the Internal Armed Conflict (IAC). These arrests are part of the "Diario Militar" (DM) case, referring to a document also known as the "Death Squad Dossier", which contains detailed

information about the capture and disappearance of 183 people between August 1983 and March 1985. It includes photos of the victims, a brief summary of their political activities and/or activism and, in some cases, the place of abduction and date of their execution. This is the first time in Latin American history that an official record, written by the perpetrators themselves, of

kidnappings and executions of opponents of a military dictatorship, that of General 3scar Humberto Mejía V3ctores (1983-1986), has been found.¹ In June 2021, more than 35 years after these crimes were committed, the first phase of the statements from the officers accused of the crimes of forced disappearance, torture and murder began.



PBI observes the first statement hearings of the defendants in the Diario Militar case, Guatemala, 6.08.2021

1 R3molo Molina, F. R., L3pez Herrera, R., La verdad detr3s del Diario Militar. Desapariciones forzadas en Guatemala 1982-1985. Guatemala, 2009.

Buscaban armas.
Y buscaron, buscaron, buscaron.
Le dieron vuelta a la casa,
le sacaron las tripas.
Y nada.
En esa casa no había ni un arma,
solamente había cientos de libros.

Luis de Lión

Poem on the façade of the Casa Museo Luis de Lión, October 2021

One of the victims in this case was Luis de Lión (José Luis de Lión Díaz), a poet, writer and educator from the community of San Juan del Obispo, in Antigua Guatemala. We spoke with his daughter, Mayarí de Lión,² who told us about her father's life and dreams, as well as her own dedication to honoring his memory and rescuing his legacy in the field of education. Mayarí is still searching for her father's body, which remains unaccounted for.

Luis de Lión

Luis was the youngest of five siblings. He was born on August 19, 1939 in San Juan del Obispo, to a campesino family with Kaqchikel ancestry on his mother's side. He loved nature and life, cared for children and had a great interest in the history of his country, Guatemala. He dedicated his life to the education and preparation of new generations and to the cultivation of the arts. For Luis, writing was a powerful weapon; reading

and writing was a tool for understanding himself, shaping his own ideas and making decisions.

From a young age he worked as a teacher and literacy educator, doing internships in rural areas and with factory workers. He also established a library in his village and fought for the implementation of multilingual education. All his work was guided by a love of poetry and literature, which he saw as tools of empowerment for the impoverished classes.

² Most of the information for this article was taken from an interview we held with Mayarí de León, on 13.09.2021 in San Juan del Obispo, Antigua Guatemala.

As detailed in the DM, Luis de Li3n was kidnapped on May 15, 1984, at the age of 45, on 2nd Avenue and 11th Street in Zone 1 of Guatemala City. He remained in the hands of his captors for 21 days before his murder on June 5 that year.

Mayar3 de Li3n's struggle and the failure of the State to comply with the law

In May 1999, upon learning of the existence of the DM, Mayar3 joined a complaint filed against the State of Guatemala before the Inter-American

Commission on Human Rights (IACHR) for its responsibility in the forced disappearance and extrajudicial execution of the people mentioned in the "Death Squad Dossier." Through the mediation of the IACHR, the Presidential Commission for the Coordination of Executive Policy on Human Rights (COPREDEH) and Li3n's family reached a friendly settlement in March 2004. The government not only acknowledged its responsibility for the disappearance of Luis de Li3n, but also made a commitment to comply with several reparation measures including: a State

investigation into the disappearance, an awareness raising campaign about the importance of searching for victims of forced disappearance during the IAC, and public recognition of these incidents through the media.³ The State also committed to including Li3n's literary work in the national educational curriculum and to constructing a building in his native village to house the community library, a museum about the author's life and a children's playground. However, COPREDEH (closed in July 2020) has failed to fulfill these commitments.⁴



El tiempo principia en Xibalb3
LUIS DE LI3N



Los zopilotes y Su segunda muerte
LUIS DE LI3N

3 Francisco Roberto R3molo Molina, Rub3n L3pez Herrera, La verdad detr3s del Diario Militar Desapariciones forzadas en Guatemala 1982-1985, 2009

4 Rivera, N., Luis de Li3n, ¿d3nde est3?, Prensa Comunitaria, 23.05.2017



The Luis de Li6n House Museum in the village of San Juan del Obispo, in Antigua Guatemala, October 2021.

How to Survive Enforced Disappearance: Reparation and Dignity for Victims and Survivors

The kidnapping of Lu6s de Li6n tore his family apart. Mayar6 says it was as if the foundation of their home had been removed. The military left no record in the DM regarding the whereabouts of the body, which has prevented them from closing the cycle of mourning. They are

still waiting to find him. Mayar6 said that this is very painful because it confirms that the same powers which caused the family and national tragedy continue to be present, operating under the same patterns of the past. This makes them feel vulnerable and is preventing her father from resting in peace. She laments that the commemorative plaque located on 2nd Avenue and 11th Street in Zone 1 of Guatemala City, the place where he

was kidnapped, has been vandalized with hammers on different occasions: "it is as if they symbolically disappear him every time they do it."

Mayar6's life philosophy is characterized by the defense of non-violence, respect for all forms of life and the opposition to war. When a journalist once asked her what she would do to her father's murderers if she ever had to face

them, she answered: “for every day that Luis was tortured, I would give them an artistic, educational or cultural activity.” This way of understanding life is part of her father's legacy. As a way of sharing this message of peace, and at the suggestion of a friend, she created the Luis de Li3n Memory Days, which have been held every year for the last five years. Over the course of this celebration, the Luis de Li3n Project invites people from different parts of the world to carry out artistic activities in memory of the poet. The purpose of this commemorative festival is the celebration of life and the vindication the missing persons' dreams. The survivors and relatives of the missing are, therefore, not only perceived as victims, but as heirs of a great legacy. Otherwise there would only be room for pain, fear and uncertainty which can often lead to a state of depression. In Mayari's own words: “the Days of Memory invite us to recover our humanity. The challenge is to be fill the Museum with laughter, harmony and joy because in this way the cycle of forced disappearance is broken”.

Mayari's security situation has been affected since the DM case has opened, but she continues to remain firm in her efforts and the children give her strength. She notes that, more than a judicial sentence, it is fundamental for the families of the victims to know the whereabouts of their disappeared, in order to honor them and close the cycle mourning.

Given that many years have already passed since the forced disappearances that occurred during the IAC, reparations, according to Mayari, should be given to the granddaughters and grandsons, in acknowledgment that the trauma experienced is passed on from generation to generation. Beyond a commemorative plaque, it is also necessary to identify the dreams of the disappeared person, recover

Discovery of the “Military Diary”

On May 29, 1999 an expert in declassified archives working at the National Security Archive in the US State Department, Kate Doyle, made public a document called the “*Diario Militar*” (Military Diary). The document came into her hands after having paid US\$2,000 to an employee of the Guatemalan Army, who had previously stolen it from the secret archives of the institution.

Doyle announced that the document was created by a parallel intelligence body, attached to the Presidential General Staff, known as “The Archive”, and assured its authenticity, which, despite the absence of headings, signatures or seals, shares many characteristics and similarities with other documents created by the Guatemalan Army.

The categorical argument used to reinforce the authenticity of the document, however, is the correlation between the data of the records in the *Diario Militar* and the incidents and modus operandi of the perpetrators, the dates referred to in the written media of the time and testimonies and statements of the victims' relatives and survivors. (Direcci3n de los Archivos de la Paz, Secretar3a de la Paz, *La Autenticidad del Diario Militar, a la luz de los documentos hist3ricos de la Polic3a Nacional*. Second Edition, Guatemala, January 2011)

and remember who they were and share their memory in public spaces, in the parks and streets of the city and throughout the country. Reparation, is not only about family but should also be social. “They are more than numbers, or names, they are people with qualities, stories, dreams and of course, also defects. The disappeared are human beings like us and therefore, they must be made visible as such. If these wounds are not healed, it will be impossible for Guatemala to build peace and achieve happiness.”

The Luis de Li3n House Museum and his continued legacy

Luis de Li3n's artistic, educational, political and moral weight, led his daughter Mayari to resume his work and

struggles in 2004 so that they would not be lost. Without any help from the State, and using her own resources, she opened the Luis de Li3n House Museum in the village of San Juan del Obispo, in Antigua Guatemala, in what was once the library founded by her father in 1962. The library functioned until the IAC broke out, forcing the books to be hidden to protect them from destruction. In 1992, four years before the signing of the Peace Accords, community leaders from San Juan del Obispo decided to reopen the library, naming it Jos3 Luis de Li3n D3az, in memory of the poet. One of the streets of his town was also named after him, to honor his memory and the educational work he did in favor of the population that who had experienced a situation of great vulnerability.⁵

5 <https://proyectoluisdelion.wordpress.com/>

New Accompaniment

of the Association 'Nunca Pares' (Never Give Up)



The Association of Victims and Relatives of Violence against Women in Universities, *Nunca Pares*,¹ was founded as a result of extremely serious crimes that took place on January 25, 2020 at the University of San Carlos, Guatemala (USAC), when Murphy Paiz was dean. *Nunca Pares* has denounced that on this day, during an act of “initiation”, several students were drugged and raped by members of the and strongly critiqued society called the “Honorable Committee of Strike of Sorrows.”²

Nunca Pares is an organization of women victims of sexual violence in universities who, together with their families, the Association of University Students (AEU), the Positive People Association, the Human Rights Law Firm with Feminist Approach, the Collective of Feminist Women, Otra Guatemala Ya, Otrans – Queens of the Night and Úara Garífuna are fighting for justice, to demand the guarantee of non-repetition of these crimes and demand the application of protocols for the attention of victims of sexual violence in the Public Prosecutor's Office (MP), the National Civil Police (PNC), the National Institute of Forensic Sciences of Guatemala (INACIF) and the universities themselves.

Since they began their work, they have had to face many obstacles: hospital

negligence in the care of victims, administrative reprisals by the university, multiple errors in the investigation reports, incompetence of the respective unit from the Public Prosecutor's Office (MP), refusal to transfer the cases to the Human Rights Prosecutor's Office of the MP, delays in the proceedings against the accused, leakage of information from the investigation, manipulation of evidence and co-optation of power structures that hinder the path to justice. In addition, and due to the national visibility of the case, the members of *Nunca Pares* have experienced intimidation, persecution and threats. For this reason, they approached PBI to request accompaniment, which they began to receive in April 2021.



March on the International Day of NO-Violence against Women, Guatemala City, 25.11.2020

1 All the information contained in this section has been provided by members of *Nunca Pares*.

2 Ayala, A., La Huelga de Dolores: un animal que se autodestruye, Prensa Comunitaria, 22.02.2020.

PBI is an international non-governmental organization (NGO) which provides international accompaniment and observation at the request of threatened social organizations. The presence of international volunteers backed by a support network helps to deter violence.

PBI in Guatemala

PBI maintained a team of volunteers in Guatemala from 1983 to 1999. During those years, it carried out accompaniment work with human rights organizations, unions, indigenous and campesino organizations, refugees and churches. In 1999, after an evaluation process, it was decided to close the project since the country had greatly advanced in the opening of space for the work of human rights organizations. Nevertheless, PBI continued attentive to the happenings in Guatemala through a follow-up committee.

From the middle of 2000, **PBI** began receiving a number of requests for international accompaniment. Due to these requests, PBI carried out an investigation in the field that made evident a turn in the direction and a losing of space for human rights defenders. In April of 2002, **PBI** decided to reopen the Guatemala Project in order to carry out international accompaniment and observation in coordination with other

international accompaniment and observation in coordination with other international accompaniment NGOs. In April 2003, the new **PBI** office was opened in Guatemala.

Purpose and principles

Contribute to improve the human rights situation in Guatemala and accompany social and political processes that promote the enhancement of democracy and participation in the country and the region. To attain this, PBI employs an international presence that supports the maintenance and opening of political and social spaces for human rights defenders, organizations and other social expressions facing repression due to their work supporting human rights.

PBI follows the principles of non-violence, non-partisanship and non-interference.

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Photos: PBI Guatemala

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