

# LAND RIGHTS DEFENDERS IN GUATEMALA FIGHT BACK AGAINST INTIMIDATION, ASSAULT, AND ARBITRARY DETENTION

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Country: **Guatemala** - Principal Organisation: **CODECA**

### ABSTRACT

Staff and members of CODECA (Comité de Desarrollo Campesino) faced serious repercussions after the organisation published a report highlighting human rights violations by powerful landowners in Guatemala. There were 40 arrests and 117 acts of aggression, which left two people dead, and a media campaign aimed at defaming and discrediting the organisation. Despite this, CODECA carried on its struggle and implemented community resilience mechanisms,

and, with support from the UN Working Group on Arbitrary Detention, eventually secured acquittal verdicts from the Guatemalan justice system and the release of three detained land rights defenders. This experience has changed CODECA's position as a movement coordinating efforts by urban, rural, and indigenous peoples to transform Guatemala into a multinational state.

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# COMPETENCIES

## AREAS

2

# RURAL LAND GOVERNANCE PROTECTION OF HUMAN RIGHTS CLIMATE CHANGE AND NATURAL DISASTERS

## SKILLS

# ADVOCACY AND CAMPAIGNING LEGAL ASSISTANCE, LEGAL EMPOWERMENT, AND ACCESS TO JUSTICE ESTABLISHMENT AND STRENGTHENING OF LOCAL INSTITUTIONS

## BACKGROUND

CODECA is a national movement which since 1992 has been defending people's rights to land and territory, along with agricultural labour rights and the rights of peasant communities and indigenous peoples in Guatemala. In 2013 it conducted research into agricultural conditions in the country and published a study that highlighted persistent breaches of national

legislation and international agreements signed by Guatemala. This report was not well received by certain sections of business and government and provoked a wave of persecutions of land rights defenders, including the arrest and imprisonment of CODECA's General Coordinator and two other leaders.

## THE CHALLENGE

### Challenges included the following:

- Countering negative perceptions generated by campaigns conducted by powerful business and governmental interests to discredit CODECA; this was done through mass media and flyers that presented the reality of CODECA's struggle.
- Demonstrating the innocence of the land rights defenders who had been criminalised and imprisoned.
- Intensifying efforts by members of CODECA and communities in Guatemala to defend their rights to their territories.
- Securing a resolution from the United Nations that declared the detention of the three CODECA land rights defenders to be arbitrary and required the Guatemalan state to pay reparations and guarantee that this would not happen again.





## OVERCOMING THE CHALLENGE

**Organisational and mobilisation capacity:** CODECA already had a presence in 20 of the country's 22 departments, and so was able to organise simultaneous demonstrations all over Guatemala.

**Coordination of technical teams for legal monitoring:** CODECA held regular meetings with private lawyers and the International Commission of Jurists (ICJ) to consider and monitor its defence strategy for the legal case.

**Protests and lobbying at national and international levels:** Action included street mobilisa-

tions by activists; visits to diplomats at embassies in Guatemala to inform them about the case; and international protests against the government, appeals, and urgent action demanding justice.

**Communicating the truth about criminalisation:** CODECA members began using alternative means to highlight the truth and to publicise people's struggles.

**Strengthened identity as human rights defenders:** Since the wave of persecution began, CODECA members have become more strongly aware of their identity as human rights defenders.

## MOVING TOWARDS PEOPLE-CENTRED LAND GOVERNANCE

CODECA's leaders have defined themselves as land rights defenders, working daily to defend rural people's rights to land and territory and the collective and individual rights of indigenous peoples.

CODECA community leaders and defenders have participated in a round table discussion with the Public Prosecutor's Office to address cases of persecution and criminalisation.

Community organisation and efforts have been stepped up to defend land, territories, common goods, and natural resources.

The restitution of land and territories to indigenous peoples and peasants has been included in demands relating to land for peasants.

Proposals for structural changes in land ownership and land distribution in both the rural and urban sectors have gained greater legitimacy.

Sectors of civil society that were previously indifferent to land issues have begun to debate the possibility of structural changes, including agrarian reform.

# THE GOOD PRACTICE IN FIVE SIMPLE STEPS

1

Community organisation and capacity building to defend land rights: Faced with growing persecution and criminalisation of its members, CODECA adopted a strategy of strengthening its local community organising. It expanded its coverage nationally from 12 to 18 micro-regions and coordinated interaction between academic and professional sectors in the capital, Guatemala City, an initiative that later acquired the name "Urban CODECA". A programme of socio-political education was also implemented in all micro-regions, with national leaders teaching regional leaders, who then taught community leaders, who in turn taught community members.

2

Coordinated work to create a coherent organisational, technical, and political strategy: CODECA's leadership put together a legal team, which, with close support from the International Commission of Jurists, put forward a technical defence plan for the detained defenders. The team was comprised of lawyers and national CODECA leaders, who met regularly to evaluate the case and to define their organisational, political (including national and international lobbying), and technical/legal defence strategies. The organisational, political, and technical aspects of the case were worked on simultaneously to ensure that no strategic action or advance on either the organisational or political front could put the technical defence at risk.

3

Constant mobilisation: Regular mobilisations were part of the political strategy to keep up pressure and call attention to the case at national and international levels. CODECA has organisational structures in 20 of Guatemala's 22 departments and used them to organise simultaneous demonstrations in every city in the country, something that had never been seen before, despite the wave of persecution and criminalisation. Street demonstrations saw protestors carrying banners protesting against the arrests and demanding the release of the detained leaders. In Guatemala City, constant demonstrations were held in the streets where the Supreme Court and the Constitutional Court are located.

4

Communicating with local communities: CODECA members decided at their national assembly to become community communicators to raise the profile of people's struggles, protest against injustices, and raise awareness about the persecution and criminalisation of human rights defenders. A national network of communicators from local communities was coordinated with organisational support from CODECA, using social media as the main tool. In addition, an AM radio frequency was purchased with the support of CODECA's membership; this is currently being operated as an online radio station, run by young volunteers from the communities.

5

National and international lobbying to protest against persecution and criminalisation: The main objective was to encourage other organisations and international mechanisms to put pressure on the Guatemalan government to respect the law and due process, and to release the imprisoned rights defenders. These actions were undertaken with actors such as diplomats, international journalists, and human rights organisations. One of the main achievements was that two ambassadors, international journalists, and representatives of international mechanisms researched the case and visited the imprisoned defenders, and several of the journalists wrote about the case. A favourable resolution from the United Nations was also secured.



## 3 THREE FACTORS OF SUCCESS AND REPLICABILITY

1

Constant organisation, mobilisation, and community communication: CODECA strengthened its community organising capacity at the national level, achieving constant and simultaneous mobilisations across the country to demand the release of the three rights defenders.

2

Protests and lobbying at national and international levels: Work was done in coordination with other organisations at two levels: the community level, where tasks were carried out through social networks and constant mobilisation, and the international level, which involved coordinating visits and meetings with accredited diplomats (at their embassies) and with other organisations.

3

Consistent legal strategy: A coherent strategy was agreed between diverse professionals, with the assistance and support of the ICJ.

5

## LESSONS LEARNED

As a result of the persecution and criminalisation of its rights defenders, CODECA and its members learned to:

- Qualitatively advance the discourse and methodology for the struggle of rights defenders, and build these developments into the context of structural changes in the country;
- Move from classic protests to simultaneous actions at national level;
- Consider themselves as rights defenders of land and territories, while increasing their learning and training on protection mechanisms for defenders, such as laws and international conventions;
- Overcome the media siege from their opponents and perform a role as communicators in community struggles, making use of social networks and community radio broadcasts;
- Include urban sectors in the struggle via Urban CODECA, bringing together academics, students, individual professionals, and others in the capital city and other departments;
- Work in a coordinated manner on the definition of strategies, techniques, and organisational policies to advance the protection of human rights defenders.

# LIBERTAD PARA LOS DEFENSORES DE DERECHOS HUMANOS



MARIANO GARCIA



B...TUM



MAURO VA

## FIND OUT MORE

### Defamation and criminalisation campaign by corporate media

<https://goo.gl/Yfjydb>  
<https://goo.gl/Nu8VXu>  
<https://goo.gl/NW2MkG>  
<https://goo.gl/qQ7DXZ>  
<https://goo.gl/dUv99z>  
<https://goo.gl/YgsaoA>  
<https://goo.gl/nndF6H>  
<https://goo.gl/9uH6cp>

### Campaign to publicise the struggles of the criminalised defenders

<https://goo.gl/Jgvzho>  
<https://goo.gl/sYDzui>  
<https://goo.gl/yPPT5Y>  
<https://goo.gl/9tNcFP>  
<https://www.servindi.org/actualidad/107660>  
<https://goo.gl/V7Fv4h>  
<https://goo.gl/j3o2eN>  
<https://goo.gl/DJRSyR>  
<https://goo.gl/oXnq2f>  
<https://goo.gl/PQXeNw>  
<https://www.alainet.org/es/articulo/188314>  
<https://goo.gl/GQAZXd>  
<https://goo.gl/vpt3Ri>  
<https://goo.gl/JiaeB5>

### Trial and sentencing of the CODECA land rights defenders

<https://goo.gl/uoNpr8>  
<https://goo.gl/iz3T5f>

### UN declaration that the detention and incarceration of the CODECA land rights defenders was arbitrary

<http://www.rebellion.org/noticia.php?id=214167>  
<https://goo.gl/yPSB85>  
<https://goo.gl/4jiWqq>

### Acquittal of the CODECA lands rights defenders

<https://goo.gl/BWzy7x>