Submission to:

1. Ms. Catarina de ALBUQUERQUE, UN Special Rapporteur on the human right to safe drinking water and sanitation
2. Ms. Victoria Lucia TAULI-CORPUZ, UN Special Rapporteur on the rights of indigenous peoples
3. Mr. Michel FORST, Special Rapporteur on the situation of human rights defenders

Contact Persons:

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1. Background of the Submitting Organization: The Lutheran World Federation (LWF) is a global communion of 146 churches in the Lutheran tradition, representing over 72 million Christians in 80 countries. Since its creation in 1947, human rights advocacy has been one of the LWF’s pillars. Among its other activities, the LWF seeks to be a reliable and effective voice for justice, peace and human rights particularly on behalf of the marginalized minorities and indigenous communities.

2. Human Rights Violated: This complaint is based on several letters we have received recently from our local member church Iglesia Luterana Guatemalteca (ILUGUA) located in La Trementina, Zacapa department of Guatemala about:

   a) Curtailment of their right to water;
   b) Increased intimidation and threats directed to local human rights defenders and community activists and;
   c) The growing impunity for human rights perpetrators

3. Communities Affected: The communities affected by these human rights violations are the Peralta, Matasano, Cerro Grande, Cerro Chiquito and La Trementina indigenous communities in the Zacapa department of Guatemala.
4. Alleged Perpetrators: The prime alleged perpetrators of these human rights violations are:

   a) The landowners,
   b) Commercial loggers and
   c) Private security agents protecting their interests.

Despite several appeals to local and national government authorities for protection, these calls have fallen on deaf ears therefore implicating the government for failure to provide protection for its citizens.

5. Background for this submission: The Granadillas Mountain is known as the lifeline for access to water for 26 peasant and indigenous communities in the Zacapa department of Guatemala. However, because of its rich natural resources (land, water and trees), the mountain has lately been monopolized by commercial farmers and loggers. In order to protect their source of water, the indigenous communities have created an Association for the Protection, Defense and Ecological Restoration of the Las Granadillas Mountain (MLG).

Since September 2008, the landowners and commercial loggers started encroaching water sources and damaging the aqueducts and breaking down the main water pipes; denying, in this way, access to water for the indigenous communities. In response, the indigenous communities organized several peaceful protests demanding respect for their right to water and continued access to their natural resources. In 2009, instead of siding with the indigenous communities, the government arrested Rev. Jose Pilar Alvarez, one of the community leader, human rights defender and head of the ILUGUA. Fortunately, due to international pressure, Rev. Alvarez was released and the loggers were forced to open access to water sources for the local communities. Nevertheless, since more licenses for logging were permitted in Las Granadillas, access to water for local communities is challenged again by the land owners and commercial loggers. That is why we are kindly drawing your attention to this serious human rights violation and hope for your prompt response to the concerned authorities on this matter.

6. Current Human Rights Violations: Since April this year, the LWF has received nine letters from our member church ILUGUA appealing for help to safeguard their right of access to water, personal security of community activists, security for the water sources, and an end to impunity for those responsible for destroying community water pipes and tanks.

   a) Destruction of indigenous communities’ water pipes, tanks and aqueduct: The local Church reported that only within the last three months, their communities’ water pipes, tanks and aqueduct have been deliberately damaged three times by landowners and commercial loggers operating in the area. On 08 April 2014, the aqueduct and water tanks of the Peralta, Matasano, Cerro Grande, Cerro Chiquito and La Trementina communities were destroyed. Although the communities repaired the pipes and resumed access after six days without water, the landowners destroyed them again on 03 May 2014. This time the communities promptly responded by repairing
their pipes again, but their efforts proved futile, as the landowners destroyed them again for the third time on 06 May 2014. Since then, the relationship between the indigenous communities and the landowners and other commercial loggers has worsened and as result greatly affected their access to water and other resources. This undermines indigenous communities’ right to water as defined by the Committee on Economic, Social and Cultural Rights in its general comment No. 15, which Guatemala has ratified on 19 May 1988.

**Recommendation:** In the short term the government should protect communities’ water pipes and tanks. In the long term the government should withdraw licenses of those commercial farmers/loggers found guilty of destroying such vital public goods/facilities, as water pipes and tanks

b) **Intimidation and threats against human rights defenders and community leaders:** Local Communities are not new to intimidations and threats from security agents operating in the area to protect the interests of commercial farmers/loggers. What concerns these communities at the moment is the apparent growing inaction of the government to protect the communities and sometimes even alleged collusion with these interests. Just this month, the government has denied temporary residence permits for International Peace Brigade volunteers that have in the past played vital role in providing protection for local human rights defenders. The level of threats against Rev. Jose Pilar Alvarez has recently taken a worrisome turn.

**Recommendations:** The government should provide adequate security for the indigenous communities particularly human rights defenders and community leaders who are under direct threat from commercial interests. In the long run the government should create an environment where there is a rule of law and freedom from fear.

c) **Impunity:** The issue of impunity is another big challenge for local communities. Despite continued complaints from local communities to higher authorities, no action has been taken to investigate those behind recent destruction of community water pipes and tanks. The community fears that if they continue speaking out and the government takes no action then those responsible would be emboldened to do more damage to the community.

**Recommendation:** The government should immediately investigate those behind the destruction of community water facilities and bring them to justice.

We thank you for taking your time to look into this complaint and look forward to your prompt action.