



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

40 thousand outstanding arrest warrants accumulated over 40 years

Guatemala, 09.01.2010 (PL) – The National Civilian Police (PNC) has accumulated more than 40 thousand arrest warrants over 40 years, of which many have expired. Loss of information, imprecise data, and lack of collaboration from the courts are a few of the complications mentioned by the authorities responsible for making the arrests. Police investigators mention that incorrect names and addresses are the principal problem when they attempt to carry out a warrant. Insufficient personnel is another problem. Social sector representatives name some other factors influence the execution of warrants: corruption in the PNC, political interference, and the lack of coordination between the Public Prosecutor (MP) and the PNC. “There is a lack of planning between these two justice agencies that results in few captures being made each year,” said Carmen Aída Ibarra, member of the Pro-Justice Group. Expert Mario Mérida considers it necessary for the police to prioritise arrest warrants according to the crime and, at that “there should be a reengineering of the police to determine the number of agents for prevention and execution of arrest warrants.” According to sources within the MP many arrest warrants have been archived because the individuals have fled the country or changed identity, or in other cases because the warrants had already expired.

Presiding judge named for Carpio Nicolle case

Guatemala, 12.01.2010 to 18.01.2010 (CEG) – The Second Instance Criminal Court was identified as the presiding court in the investigation into the assassination of the journalist Jorge Carpio Nicolle on July 3, 1992. Carlos Aguilar, in charge of the judiciary, said he would send notice to the Public Prosecutor’s Office, for it to begin the necessary proceedings to support the inquiry.

LAND

FAO: Estate owners not paying minimum wage to farm workers

Guatemala, 09.01.2010 (PL) – A study by the United Nations Food and Agriculture Organisation (FAO) indicates that in 2009 minimum wages were not being paid in rural areas. According to the Annual Report on Monitoring of Reserves, Price and Market of Maize and Beans, the estate owners did not pay farm workers the minimum salary of 52 quetzals per day established by law. The study reported that in 44 municipalities of the 50 evaluated, this norm was not met. The daily wage might be reduced if the worker receives food – breakfast, snacks, and lunch and in other occasions, lunch only. On average, last year a rural farm worker on an estate received 37 quetzals per day, if food was included in his pay, and 47 quetzals if it was not.

NEGATIVE EFFECTS OF GLOBALISATION

Maya Biosphere Reserve: 45% of forest lost in two years

Guatemala, 07.01.2010 (PL) – The advance of the agricultural frontier, excessive tree felling, drug trafficking, and forest fires have between them destroyed 45 percent of the forest mass in the Maya Biosphere Reserve in only the last two years. There is fear that the problem will worsen 2010 and that in few years the forest will disappear.

Studies by the Centre for Monitoring and Evaluation (CEMEC) of the National Council of Protected Areas (CONAP) foresees that in this year deforestation and destruction of the reserve will be very severe, with harmful consequences for biological and cultural

biodiversity. According to CEMEC deforestation has increased in the last two-year period (2008-2009) by 200 percent (52,755 hectares) compared with the period 2006-2007 (17,600 hectares).

For example, in Petén alone, in the Buffer Zone of Melchor, Mencos, and Sacpuy, and the El Zotz Bioregion in the municipality of San Andrés, 22,252 hectares have been destroyed; in the Laguna del Tigre National Park the area destroyed is as much as 14,600 hectares. The figures concern Byron Castellanos, director of the Balam Association, who says that without concrete policies the damages could increase another 200 percent in the coming years. The central, north and eastern parts of the Laguna de Tigre National Park are most affected – sites of the Santa Amelia, Nuevo Amanecer, and Buenos Aires settlements and of unauthorised cattle ranches. “Illegal forestry is winning the battle. It is putting regional biodiversity in danger. If we do nothing, in a few years there will be no forests,” he said.

New attacks against human rights defenders in San Marcos

Guatemala, 12.01.2010 to 18.01.2010 (CEG) – On the night of January 13, unidentified assailants attacked a car carrying four community leaders from San Marcos (three men and one woman). The attack left Evelina Ramírez Reyes, a leader from the municipality of Ocos, San Marcos murdered by gunshot. Leonel de León and Jorge Lorenzo were injured, and the fourth victim, Freddy Rodas, has disappeared. They were returning from Guatemala City after two days of meetings with government authorities in which they had demanded the suspension of the state of emergency decreed in San Marcos, the expulsion of the Unión FENOSA company from the country, and the prompt clarification of the murder of Víctor Gálvez (social leader whose murder several months ago has not been cleared up). The group had participated in protests in favour of nationalisation of electric energy, which have been held San Marcos communities.

San Marcos under state of prevention protests against abuses by Unión FENOSA

Guatemala, 04.01.2010 to 10.01.2010, and 21.01.2010 (CEG) – The executive body decided to extend for two more weeks (until January 20) the state of prevention in force in San Marcos since the end of 2009. Its goal is to try to continue the normalisation of electric energy supply in at least five municipalities in this department. The information was confirmed by Aldo García, general manager of the Spanish electric energy company Unión FENOSA (in Guatemala DEOCSA/DEORSA) who said that most of the protests had been by residents of the municipalities of Ocos, San Pablo, and Malacatán, and demanded that the responsible authorities carry out arrest warrants against those organising the population. The governor of San Marcos, Francisco Mérida, said that public order forces (police and army) were carrying out joint patrols, and justified the measure in the face the of public insecurity in zones of high levels of violence resulting as much from social discontent with deficient energy service, as from common delinquency. Despite all this, San Marcos residents have arrived at a minimum agreement with the Government to try to re-establish the roundtable dialogue regarding the conflicts with the company, which had been promoted by some members of parliament.

“The correct thing is to continue with the dialogue because the state of prevention really is not an effective measure, and the only thing it does is to complicate the problem more because it is applied in an unequal way,” said Walter Félix, Member of Parliament of the Guatemalan National Revolutionary Unity (URNG-MAIZ). Although the state of prevention prohibits meetings or gatherings of individuals, he said, the Unión FENOSA company continues to hold them. Its meetings are not prohibited, while if the population tries to gather, they immediately are stopped.

Huehuetenango councillors protest mining

Guatemala, 29.01.2010 (PL) – Councillors of the communities of San Juan Ixcoy, San Pedro Soloma, Santa Eulalia, San Mateo Ixtatán, Barillas, San Sebastián Coatán, San Rafael la Independencia, and San Miguel Acatán of Huehuetenango, protested on Thursday in front of the Congress of the Republic against gold extraction in their communities’ lands. They also demanded that justice be applied and that no laws be authorised that compromise sovereignty of the people, and that mining and hydroelectric concessions in the zone be annulled. The Departmental Assembly for Defence of Natural Resources held a consultation on mining activity in the communities, with mining being rejected by all of the inhabitants.

Ramiro López, representative of the community mayors, said that 23,000 people had participated in the consultation. According to community leader Francisco Rocael, to date 28 consultations have been held about mining and megaprojects in Huehuetenango, through which more than half a million residents have reiterated their rejection and various communities have declared themselves “mine free.”

Canada Supreme Court requires Canadian mining companies to present comprehensive environmental impact evaluations

Guatemala, 29.01.2010 (PL) – Environmental organisations trust that they will now be better able to audit the Canadian-financed mining companies seeking to extract precious metals in Guatemala, after the Supreme Court of Canada ordered more complete environmental impact studies with information that is understandable for public consultation.

The resolution requires mining companies like Montana Exploradora, SA – owner of the Marlin mine – and Entre Mares, SA, both owned by the Canadian company Goldcorp, to respect this norm in their new projects.

Experts say that the ruling prohibits the disguising of damages by presenting divided environmental studies, and demands that these analyses be comprehensive and edited in a understandable format suitable for presentation in public consultations.

Sources: El Periódico (EP), Diario de Centro América (CA), La Hora (LH), Prensa Libre (PL), Radio Sonora (R S), Siglo Veintiuno (SV), Agencia Cerigua (AC), Centro de Estudios de Guatemala (CEG).

2. PBI-GUATEMALA ACTIVITIES – IN GUATEMALA

Team: Jessica Fujan (USA), Simone Gessler (Switzerland), Juliane Walter (Germany), Samuel Jones (United Kingdom), Jorge Palomeque (Argentina), Attilio Altieri (Italy), Julia Paola García Zamora (Colombia), Kathrin Bull (Germany), Frauke Decoodt (Belgium)

2.1. MEETINGS WITH DIPLOMATIC CORPS AND GUATEMALAN AUTHORITIES

Meetings with national and international authorities are an important tool for PBI's efforts to make known our objectives and nature of work. Through these meetings, in cases where it is necessary and with a reserved manner, we express our concerns about critical situations that we have come to know first hand from the work we carry out in the country.

International Authorities:

- Bodo Schaff, head of business in the German Embassy
- Julie Chappell, United Kingdom Ambassador
- Philippo Moreau, first adviser for the French Embassy
- Steven Steger, head of labour and human rights, US Embassy

Guatemalan Authorities:

- Jacobo Bolvito Ramos, coordinator of the Presidential Commission against Discrimination and Racism against Indigenous Peoples in Guatemala (CODISRA), Guatemala City
- Laura Estela Cárcamo, executive director of the National Women's Office (ONAM) Guatemala City
- Hugo Enrique Martínez, head of the Department of Coordination of Protection Mechanisms for Human Rights Defenders of the Presidential Human Rights Commission (COPREDEH), Guatemala City
- José Adrián López Monterroso, Governor, Alta Verapaz
- Alexander Toro Maldonado, auxiliary of the Human Rights Ombudsman's Office (PDH), Cobán, Alta Vera Paz
- Valdemar Barrera, PDH auxiliary, Zacapa
- Mario Chamay, PDH auxiliary, Nebaj, El Quiché
- Mario Morales Toj, coordinator of COPREDEH auxiliaries, Santa Cruz del Quiché, El Quiché
- Domingo Camajá Santay, Mayor of Cunén, El Quiché
- Edgar Larín, technical and administrative adviser of the Quiché governor's office, El Quiché
- Delfino Natareno López, Municipal Mayor, Santa Cruz del Quiché, El Quiché
- Juan Alfonso de León, Secretary of Agrarian Affairs (SAA), Guatemala City
- Tomás Aiglar Pol, Indigenous Mayor of Uspantán, El Quiché

2.2 MEETINGS WITH CIVIL SOCIETY ORGANISATIONS

The team in the field meets periodically with civil society organisations to follow up on the situation of human rights defenders, to inform one another about the work being done, and to gather information that contributes to internal processes of contextual analysis.

- Helen Mack Chang, coordinator of the Myrna Mack Foundation and of the Police Reform Commission, Guatemala City.
- Roly Escobar Ochoa, coordinator of the National Coordination of Inhabitants of Marginalised Areas of Guatemala (CONAPAMG), Guatemala City
- Daniel Pascual and Rafael González, coordinator and general sub-coordinator of CUC, Guatemala City
- Javier Gurriarán, Initiative for Recovery of Historic Memory, El Quiché
- Jorge Luis Castro, director of Cáritas in Santa Cruz del Quiché, El Quiché
- Padre Roberto Paz, Social Ministry of Santa Cruz del Quiché, El Quiché
- Padre Jacinto, Parish of Cunén, El Quiché
- Juan Tipaz, coordinator of the K'iché rights office in Santa Cruz, El Quiché
- Miguel Us Aguare, coordinator of the Mayas Iq'B'alam Communities Council, COCOM, Uspantán, El Quiché
- Dionicio Camajá Sánchez, coordinator of the Association of Maya K'iché Education Promoters (ASPREMKI), Uspantán, El Quiché
- Diego Chávez Guzaro and Tomás Guarcas of the Association of Resettled Educators of Quiché (AEPREQ), Nebaj, El Quiché
- José Aníbal Cuadra, coordinator of CEDES and of the Council of the Peoples of Nebaj, El Quiché
- Miguel de León Ceto, member of the board of directors of FUNDAMAYA, Nebaj, El Quiché
- Ana Laynez Herrera, coordinator of the board of directors of FUNDAMAYA, Coordinator of DEMI, Coordinator of Mayas, Garífunas and Xincas Women (CONMAGAXI), El Quiché
- Miguel Rivera Solís, First Indigenous Mayor of Nebaj, El Quiché
- Pedro Sicá and Francisco Osmundo, coordinators of the Council of Cunén Communities, El Quiché

- Julio Archila, member of the Campesino Workers Movement (MTC), San Marcos
- Maripaz Gallardo, verifier for the Human Rights Defenders Protection Unit (UDEFEQUA), Guatemala City
- Miguel Quiej, coordinator of the National Council of Communities for the Integrated Development of Guatemala (CONCODIG), Guatemala City

International Organisations and Agencies:

- Enrique Zelaya and David García, director and communications officer of ONUSIDA, Guatemala City
- Coordination of International Accompaniment in Guatemala (CAIG), Guatemala City
- Christina Papadopolou, Office of the United Nations High Commission on Human Rights (OACNUDH) in Guatemala, Guatemala City

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA.

In January we accompanied CONAVIGUA with visits to their office in the capital and during initial phases of organisation of a good faith community consultation in the municipality of Uspantán, El Quiché.

Background: CONAVIGUA carries out exhumations and inhumations in different departments throughout Guatemala, above all in Quiché, Chimaltenango, and the Verapaces, as part of its work towards the recuperation of the collective memory of Guatemala's recent troubled history. These processes provoke very tense situations in small rural communities where both victims and perpetrators live, occasionally culminating in threats that seek to stop the work of the CONAVIGUA women. We periodically have accompanied the association since August 2003 with visits to their office, during its members' journeys to different departments of the country, and in exhumation and inhumation activities in clandestine cemeteries in rural areas.

Organisation to Support an Integrated Sexuality to Confront AIDS, OASIS.

Since the case against Jorge López was thrown out, we have continued our accompaniment with regular office visits and meetings with him. We have finalised the activation carried out by PBI within its Early Alert and Reaction System (SART), initiated in January 2009 in relation to the case against Jorge López. This activation process was intended to alert the attention of the international community in Guatemala, the diplomatic corps, Guatemalan institutions and public authorities, and of organisations and institutional contacts in general within the project's Support Network inside and outside of Guatemala. We also have had regular meetings with Zulma Robles to follow up on the complaint she filed at the Presidential Human Rights Commission (COPREDEH), after receiving suspicious and worrisome phone calls.

*Background: OASIS is an organisation that works with HIV/AIDS education and prevention, as well as promoting and protecting the rights of gay, lesbian, bisexual and transgender people. On 17 December 2005, a transgender worker, Paulina, was killed, the seventh murder of a transgender worker that year. **Zulma Robles**, who witnessed the crime, was seriously injured during the incident. OASIS reported the case to the Public Prosecutor's Office (MP) and Zulma, as a witness to the murder, identified alleged agents of the National Civil Police (PNC) as the perpetrators of the crime. Members of the organisation continued to suffer harassment and threats. Executive Director **Jorge López** reported being pursued by a police car during the night of 22 January 2006. On 3 February 2006 the Inter-American Commission of Human Rights (CIDH) granted protection measures for Zulma Robles, Jorge López, and another eleven members of OASIS, requesting that the Government of Guatemala adopt the necessary measures to guarantee their lives and physical integrity.*

We have been accompanying OASIS since the beginning of 2006. In January 2009, we intensified the accompaniment of Jorge López after he was accused of the attempted murder of sex worker Laila (Axel Leonel Donis González) and a legal process opened against him. Jorge López interpreted this process as a new manifestation of the constant persecution and intimidation he has suffered in recent years, which aims to impede the progress of the organisation's work and the respect for the human rights of sexual minority communities. On 29 September 2009 Jorge's case was overturned by the Ninth Court of the First Criminal Instance.

Association for the Protection of Las Granadillas Mountain, APMG

In January we observed a sit-in (or rally) by the association in the central park of Zacapa, which was aimed at gathering signatures to demand comprehensive reform to the Forestry Law (Decree 101-1996) and the measurement of the mountain by the Land Information Registry (RIC). Currently the signatures collected exceed the minimum number needed. We also participated as international observers at talks convening the Ministry for the Environment and Natural Resources (MARN), APMG, local communities, the Municipality of Zacapa and the private sector (owners of estates located on the mountain). These talks are a space for dialogue and negotiation that aim to resolve the conflict existing around the Las Granadillas Mountain between the communities and private landowners located there. We are concerned about the security of several members of the organisation who recently have received telephone threats from unidentified callers.

*Background: The association was created six years ago in Zacapa, when a group of residents realised that the ecosystem of the Las Granadillas mountain (Zacapa) was in danger due to logging, monoculture, and large-scale cattle farming. They were concerned above all, that the water reserves would disappear, given that all of the region's water comes from the mountain's forests. The organisation sought the support of the Lutheran Church, specifically from Reverend **José Pilar Álvarez Cabrera**, and the Madre Selva Collective. These organisations carried out an analysis of the deterioration of the area, and found that the lower part of the mountain had lost 70% of forest cover due to illegal logging and inadequate regional application of the Forestry Law. Now the principal objective is to protect 20-30% of the remaining forest and to promote reforestation. The association's members want to convert the mountain into a protected area but this proposal has proven difficult and dangerous because of the economic interests involved. Threats against members of the association began when the association tried to denounce the illegal timber trade. We have accompanied the APMG since August 2008. At the beginning of 2009, Reverend José Pilar Álvarez and two members of the APMG faced legal accusations connected to their work of protecting the mountain. The charges were dismissed in the first hearing before a judge.*

Association of Indigenous Women of Santa María Xalapán (AMISMAXAJ)

In January we travelled to the Santa María Xalapán mountains, and met with its board of directors and other members of the association. We accompanied them in their meetings and activities. We have also heard the concerns of one female member of the association about irregular activities on the part of the National Civilian Police (PNC) in her private home, and we accompanied her as she made a formal complaint to the authorities.

Background: AMISMAXAJ was founded in February 2004 as an association of women workers and became part of the Women's Sector in June of the same year. AMISMAXAJ is made up of 75 women leaders representing 15 Xinca communities from the Santa María Xalapán Mountain (Jalapa). They work at the local, departmental and national levels, from a political position opposed to all forms of patriarchal, neo-liberal, racist, homophobic and lesbophobic oppression, and have established strategic territorial and national alliances to promote their political actions. The association works actively in the region of Jalapa, promoting women's rights, the revitalisation of their Xinca ethnicity and the defence of land and territory. In particular, it is actively working to defend natural resources and oppose plans for mining and petroleum activity in the region.

'New Day' Chortí Campesino Central Coordinator

In January we have closely followed the situation in the area, particularly the situation of *campesino* communities that do not have titles legally granting ownership to the land they inhabit. We have begun to increase our presence in the region, and we are paying attention to the situation of vulnerability caused by the lack of land titles for the communities in the area that are facing potential evictions.

We have maintained permanent contact with active members of the organisation, who during this month have received repeated threats against them because of the community work they carry out in defence of their rights and of natural resources.

*Background: 'New Day' Chortí Campesino Central Coordinator is part of the Agrarian Platform, working in the Municipalities of Camotán, Jocotán, Olopa and San Juan Hermita in the department of Chiquimula. It trains rural communities on issues relating to the rural economy, the environment, rights and land, in coordination with other local organisations. It has 7,400 members and a political council made up of 16 people (eight senior members and eight vice-members). Omar Jerónimo is the coordinator of the organisation. In 2006 New Day became aware of construction projects for three hydroelectric plants in two of the department's municipalities: "El Orégano" which would be built on the Rio Grande in the municipality of Jocotán and which would have the capacity to generate 120 megavolts; and "Caparjá", in the municipality of Camotán with a potential of 57 megavolts. They are both projects of the Company **Desarrollo de Generación Eléctrica y Manejo de Recursos Naturales Las Tres Niñas SA** (Development of Electricity Production and Management of Natural Resources Las Tres Niñas Inc). The third project, "El Puente", in Jocotán, is a project of the company **Generación Limpia de Guatemala, S.A.** (Clean Generation of Guatemala Inc) and would have a potential of 27 megavolts. Since learning of the projects, New Day began to inform communities about the projects and their effects. Members of New Day have received threats and attacks that they relate to the work they carry out. In September one of their members was victim to a gun attack close to the community.*

Camoteca Campesino Organisation

In January we began accompaniment of the Camoteca Campesino Organisation after considering their request for accompaniment based on threats received by several of its members.

Currently, their concerns focus on the situation of *campesino* communities located in territory affected by the Technological Corridor project, and we have heard about their discontent with psychological and media pressure directed against Church members for their support of the *campesino* movement in the area.

Background: The Camoteca Campesino Organisation was founded in 1988, made up then of health promoters and midwives of the municipality of Comatán, department of Chiquimula. At that time, the association was called Committee for Oversight and Defence of the Resources of the Municipality of Camotán. In 2002, it was renamed the Campesino Association of Camoteca Farmers. Currently, the Camoteca Campesino Organisation is an active member of the Coordinator of Popular, Indigenous, Union, and Campesino Organisations of the East (COPISCO).

Its primary objective is the defence of life and of natural resources, and its ultimate goal is the search for well being for human beings and the natural world in which they live. Today, it is made up of 718 associates who monitor compliance with the laws and who follow up violations of human rights in the eastern region. They maintain a close relationship of cooperation with the New Day' Chortí Campesino Central Coordinator, in particular with regards to land, agriculture, and defence of the environment.

When the association learned of construction plans for three hydroelectric plants, "El Organo", "Caparja", and "El Puente" (see above in the background of New Day' Chortí Campesino Central Coordinator) and for the Technological Corridor, they began work on awareness building and information in the communities about the effects of the megaprojects on the environment and on their economic situation.

Qamoló kí Aj Sanjuani- People of San Juan Unite

In January, we accompanied the organisation's members in their activities and particularly during meetings in the offices of the Rigoberta Menchú Tum Foundation (FRMT) to prepare for a visit of the three state powers to the communities of San Juan Sacatepéquez affected by the construction plans for the cement factory of Cementos Progreso, SA. We also continued to closely follow the hearings in the judicial process in which several members of the organisation are involved.

Background: Qamoló kí Aj Sanjuani-People of San Juan Unite is an organisation that brings together neighbours from diverse communities in the municipality of San Juan Sacatepéquez, participating in the movement for the defence of territory and natural resources in the region. Since 2006, the Guatemalan company Cementos Progreso S.A. has been working on 'project San Juan', which includes the construction of a factory and a quarry in the San Gabriel Buena Vista estate and the villages of San Jose Ocaña and San Antonio las Trojes I and II. Cementos Progreso has an 80% share in the project, while the remaining 20% belongs to the Swiss multinational company Holcim, the worlds largest cement producer.

In January 2007, several San Juan Sacatepéquez communities submitted an application to the municipality for a community consultation about the installation of the factory. The consultation, however, was deferred until finally it was revoked. As a consequence, by means of their Community Development Councils but without backing from the municipalities, the communities decided to reactivate the process. They held a consultation on 13 May 2007 with the participation of 8,950 people. 8,946 voted against and 4 in favour of the installation of the factory. The Municipal Council, along with the mayor, agreed to take into account the results of the consultation prior to the authorisation of any licence for construction. Since then, the inhabitants of San Juan Sacatepéquez have made numerous complaints about human rights abuses and a fierce campaign of criminalisation against them.

The recent verdict by the Constitutional Court (CC) in November 2009 suspended the April 2007 decision of the San Juan Sacatepéquez Municipal Council, which had left without effect the application by the neighbourhood to hold its community consultation. The decision by the CC found in favour of the appeal made by the Community Councils for Development of El Pilar I and II, Sector 1 of San Antonio Las Trojes, the village Lo de Ramos and the hamlet Cruz Ayapán, urging the Municipality of San Juan Sacatepéquez to organise a new community consultation so that the population could have a say about the mining exploitation. Although the resolution recognises the rights of the indigenous population to be consulted and should be taken into account by the Executive Body, the results would not have a binding effect. The Kaqchiquel communities of San Juan Sacatepéquez, through their legitimate authorities, have continued make known their availability for dialogue with legal and democratic mechanisms to seek agreements of benefit to the community.

2.4 FOLLOW-UP

We regularly receive requests for accompaniment from social organisations and human rights defenders who are or who feel threatened. Through international accompaniment, we seek to reduce the threats and open a more secure space in which they can carry out their work. Once the level of risk, the threats, and security incidents suffered by the accompanied organisations and individuals have diminished, we continue the accompaniment in the "follow up" phase. This means that we reduce the physical accompaniment and continue to maintain contact with them through visits and/or phone calls to their workplaces and offices. At the same time, we remain available to respond should they have specific requests for international presence.

We are providing follow-up with these social organisations:

Vera Paz Union of Campesino Organisations (UVOC)

Following analysis of the threats that some members have received recently, we continue closely following the organisation's security situation.

In January, we accompanied UVOC to La Mocca estate where the community continues to live on the side of the road following a violent eviction in February 2006. With the support of FONAPAZ and the Secretary of Agrarian Affairs (SAA), new lands for the families were acquired and handed over for their relocation. Though legally the situation is resolved, it is still necessary to prepare the new land before the families can move. In addition, we accompanied UVOC in visits to the jail because several *campesinos* detained during the 2006 eviction remain incarcerated.

*Background: UVOC is a campesino organisation based in the departments of Alta and Baja Verapaz that works principally to defend and promote access to land for the peasant population, and it advises communities about legalisation of their lands. UVOC also offers training and support to member communities in the management of development projects. We have accompanied **Carlos Morales**, leader of the UVOC, since May 2005 because he has been the victim of death threats, intimidation, and persecution by unidentified individuals. At the same time, we continue to pay attention to the delicate situation of some of the communities that are part of the organisation.*

Human Rights Defenders Protection Unit (UDEFEFUGA)

We attended a press conference about the Pocohil case organised by UDEFEGUA in the offices of the Centre for Human Rights Legal Action (CALDH). On 29 May 2009, during an exhumation in Pocohil, department of Chichicastenango, several family members of the victims were captured and tortured over the course of 11 hours by other members of the community opposed to the exhumation.

Background: The Human Rights Defenders Protection Unit (UDEFEFUGA) was founded in 2004 with the objective of promoting the security of human rights defenders in Guatemala and contributing to the protection of the political space in which they work. The Unit's programmes support threatened human rights defenders and their organisations and advise them about prevention and response to threats and attacks, through the provision of information, training, monitoring and psychological support. In addition, UDEFEGUA promotes the protection of these people by government institutions and the international community. For many years PBI has maintained a close collaborative relationship with UDEFEGUA and in 2007 provided the Unit with international accompaniment during another period of threats. Following the threats received during the month of May 2009, those affected have denounced the incidents to the Public Prosecutor's Office. Several international organisations have expressed their concerns about what they describe as a "serious pattern of persecution".¹

Centre for Human Rights Legal Action (CALDH)

CALDH has had its headquarters in the capital since 1994. It receives reports of human rights violations, directing investigations into the cases and pushing for access to justice. One of its main areas of work is seeking justice in genocide cases and other crimes committed during the internal armed conflict.

We have accompanied CALDH workers on several occasions between 2004 and 2006. In February 2007, members of the legal team received direct threats. That same month, José Roberto Morales Sic, Coordinator of CALDH's Rights for Indigenous Peoples Programme, was the victim of kidnapping by two armed men who threatened to kill him. At that point we began to accompany him on a regular basis. In February 2009, we began to observe some of the organisation's other activities. This came following an increase in threats and security risks because of its active role in the truth process, the recuperation of historical memory and the release of classified military archives relating to its actions during the internal armed conflict.

The Commission of Peaceful Resistance of San Rafael Pie de la Cuesta (CRP)

In January, we have paid close attention to the tense situation in the department of San Marcos caused by the conflicts between the Spanish electric energy distribution company Unión FENOSA (DEOCSA) and the communities in several municipalities.

We also held a meeting with an active member of the CRP after receiving information about threats against him.

Background: The CRP, founded in 2007 in the Municipality of San Rafael Pie de la Cuesta (San Marcos), focuses on the investigation and reporting about a particular hydroelectric project, whose proposed construction in early 2008 was announced by the mayor in September 2007. The project was based on another earlier one that had not been realised, and about which the municipality's population had not been informed.

We began accompanying members of the CRP in December 2007, when some of them were attacked and interrogated by police officers during a meeting after which several members received threats. As a result of a positive evaluation of their security, the accompaniment has been in the follow up phase since November 2008.

2.5 OBSERVATION

PBI in Guatemala provides international observation of those public events in which Guatemalan social organisations require it in order to demonstrate international attention and interest, and to be able to communicate outside the country what we observe.

On January 8, we observed the press conference of the Indigenous Mayor's Office of Nebaj, where indigenous mayors and members of the Campesino Unity Committee (CUC) submitted a formal complaint against the Mayor of Nebaj and held a memorial about the events that occurred in Salquil Grande.

¹ Human Rights First (HRF), Washington Office on Latin America (WOLA), Network in Solidarity with the people of Guatemala (NISGUA), Grassroots International, American Jewish World Service, Latin America Working Group (LAWG), Institute for Peace and Justice – University of San Diego, *Carta al Presidente Álvaro Colom*, 8 de mayo de 2009.

In relation to the conflict over provision of electric energy in the municipality of Nuevo Progreso, San Marcos, we observed a sit-in on 13 January that the communities held in the capital's Central Park. On the 21st, we observed a meeting between the Nuevo Progreso population and representatives of the National Electric Energy Commission (CNEE).

3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA

The regional representatives, the project's coordination office, other committee members and the project office, as well as PBI national groups, carried out public relations campaigns with numerous NGO's, agencies, national governments and parliamentarians, etc. These meetings translate into the development and strengthening of the project's "Support Network", an essential tool for the functioning of PBI's international presence in Guatemala.

In Brussels in January, as observer members of the European platform of the Copenhagen Initiative for Central America and Mexico (CIFCA), we have been supporting the planning of advocacy actions aimed at the European Presidency to express several concerns related to the persistent climate of serious attacks against human rights defenders in Guatemala and, in particular, defenders of economic, social, cultural, and environmental rights. In January, as part of the CIFCA Working Group on Guatemala, we continued our active participation in the bimonthly meetings of the group.

The European project representative met in Brussels with Ruth Casals, coordinator of the European Coalition for Corporate Justice, which brings together more than 200 European NGOs and has participated in a hearing in the European Parliament on the issue of "European Union (EU) support of human rights defenders" organised by the Director General of Foreign Affairs of the EU, the Directorate A – Multilateral Committees and Commissions, and the Sub-Commission on Human Rights.

In addition, we continued close coordination with PBI Spain to support in the preparation of its meetings in Madrid with the Ministry of Foreign Affairs and Cooperation (MAEC), developed in January, and with the United Nations Rapporteur on the situation of human rights defenders, scheduled for February. We have also collaborated with this PBI group and with PBI United Kingdom to organise a tour in both countries of Jorge Luis López Sologaitoa, director of OASIS, who PBI Guatemala has accompanied since 2006.

4. NON-GOVERNMENTAL ORGANISATIONS

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

EL MOVIMIENTO SINDICAL, INDÍGENA Y CAMPESINO GUATEMALTECO –MSICG-

Actuando a través de su consejo político
DENUNCIA:

1. Que desde el año 2009 los trabajadores sindicalizados del sector municipal aglutinados en el MSICG, miembros específicamente de la Confederación Central General de Trabajadores de Guatemala, CGTG, Confederación de unidad sindical de Guatemala CUSG y la Unión sindical de trabajadores de Guatemala UNSITRAGUA han venido trabajando de manera unitaria en el diseño e implementación de estrategias para enfrentar las graves violaciones a la libertad sindical y derechos laborales cometidas por el Estado de Guatemala en su calidad de empleador por medio los Alcaldes y concejos municipales, trabajo que además ha permitido elaborar una propuesta de reformas a la Ley de Servicio Municipal que el MSICG ha presentado al Congreso de la República de Guatemala como parte de una agenda legislativa actualmente conformada por siete propuestas tanto de reformas a leyes existentes como de creación de nuevas leyes. Entre estas también la propuesta de eliminación del pago dietas a dirigentes sindicales por la representación de su sector en los diferentes espacios en los que se participa.
2. Como parte de este proceso con fecha 05 y 06 de enero del año en curso los trabajadores sindicalizados de la Municipalidad de Malacatán organizaron acciones para demandar el pago de los salarios que se les adeudaban desde el mes de diciembre del año 2009, el pago del aguinaldo correspondiente al año 2009, el cumplimiento del pacto colectivo y el pago de otras prestaciones laborales. Todos ellos derechos mínimos obligatorios contemplados en la legislación laboral.
3. La acción estuvo encabezada por el compañero PEDRO ANTONIO GARCIA, Secretario de Cultura y Deportes del Sindicato de Trabajadores Municipales de Malacatán, San Marcos; Sindicato afiliado a la Confederación de Unidad Sindical de Guatemala CUSG y al Movimiento sindical, indígena y campesino guatemalteco –MSICG-.
4. Con fecha 29 de enero del año 2010, a eso de las 08:00 AM, el compañero PEDRO ANTONIO GARCIA se retiró de su centro de trabajo ubicado en la Municipalidad de Malacatán rumbo a su casa de habitación, siendo interceptado minutos después, a las 08:15 Am, por individuos que fuertemente armados le dieron muerte. El asesinato se produjo en la Finca Barranca Honda, Malacatán, San Marcos. En el lugar de los hechos se encontraron, 23 cascabillos de arma de fuego.
5. Una vez más el MSICG condena este hecho de sangre en contra de sus bases, y las graves violaciones a los derechos laborales y sindicales de los trabajadores y trabajadoras guatemaltecas especialmente de los trabajadores aglutinados en el sector municipal donde el empleador es el propio Estado de Guatemala a través de los gobiernos municipales.
6. El MSICG llama la atención de la Comunidad internacional y nacional sobre la reiterada violación de los derechos sindicales y laborales acaecidas en las Municipalidades y la protección de que gozan las mismas para actuar con toda impunidad. Hace apenas unos días condenamos la intimidación e intento de asesinato de que fuera objeto, justo al iniciar el año 2010, nuestro compañero

ABEL ROLDAN Directivo del Sindicato de trabajadores de la municipalidad de Zaragoza y los al menos 6 asesinatos acaecidos en el año 2009 contra los miembros del Sindicato de trabajadores comerciantes de Coatepeque, ambos miembros de la Confederación Central General de Trabajadores de Guatemala –CGTG- y adscritos al Movimiento sindical, indígena y campesino Guatemalteco.

7. Solicitamos a la Comunidad internacional fiscalizar el cumplimiento de los derechos laborales y sindicales en todas aquellas municipalidades con las que cooperan y limitar cualquier tipo de apoyo al respeto del Estado de derecho, principalmente al respeto de los derechos humanos laborales y sindicales.

8. Exigimos al Ministerio Público investigar este asesinato y cualquier vínculo que haya podido tener en él la parte empleadora, es decir el Alcalde y miembros del Consejo Municipal, de la Municipalidad de Malacatán, San Marcos.

9. Ante este panorama reiteramos una vez más la solidez de nuestra lucha por la justicia social, la democracia y el respeto a los derechos socioeconómicos del pueblo de Guatemala.

¡ANTE LA REPRESIÓN: ORGANIZACIÓN Y UNIDAD!
¡PORQUE SOLO EL PUEBLO SALVA AL PUEBLO!
MOVIMIENTO SINDICAL, INDÍGENA Y CAMPESINO GUATEMALTECO –MSICG-

Guatemala, 30 de enero 2010

**EXIGIMOS JUSTICIA PARA LOS DEFENSORES DE DERECHOS
HUMANOS VÍCTIMAS DE TORTURA, DETENCIÓN ILEGAL, ABUSO DE
AUTORIDAD, DISCRIMINACIÓN Y OTROS DELITOS EN POCOHIL,
CHICHICASTENANGO, EL QUICHÉ, COMETIDOS DEL 29 DE MAYO A JUNIO DEL 2009**

El día 29 mayo cuando se realizaba la exhumación de víctimas que desaparecieron durante el conflicto armado interno, SEBASTIAN MARTIN GUARCAS, MANUEL JORGE ORDOÑEZ, MIGUEL MACARIO XAPER, SEBASTIANA MARÍA MORALES GONZALEZ, DIEGO MARTIN SALVADOR, SEBASTIAN MARTIN CHITIC, SEBASTIAN TEVELAN PANJOJ, presuntamente lideraron a miembros de su comunidad para detener y someter por espacio de 11 horas a 3 miembros de la Asociación de Víctimas de la Comunidad y personas que les asistían a la exhumación y a sus familias a sufrimientos graves físicos y psicológicos, actos que encuadran dentro del delito de tortura, ya que los sindicados son el Alcalde Auxiliar I, el Alcalde Auxiliar II y los miembros con cargo del Consejo Comunitario de Desarrollo y Junta Local de Seguridad.

Además de esto, a los miembros de la Fundación de Antropología Forense de Guatemala (FAFG) y del Consejo Nacional de Comunidades para el Desarrollo Integral de Guatemala (CONCODIG) se les coaccionó y obligó a salir de la comunidad dejando el proceso de exhumación que había arrojado evidencia de que alguien había desenterrado los restos de forma previa. Asimismo, la patrulla de LA Policía Nacional Civil (PNC) que trató de rescatar a las personas que estaban siendo detenidas y torturadas, rociada de gasolina. Luego de estos hechos, las familias de los defensores de derechos humanos fueron sometidos a una detención ilegal en sus casas y a trato discriminatorio ya que se les obligaba a pagar una cuota para reinstalarles la luz y el agua, se les retiró de los proyectos de la comunidad y se les suspendió a sus hijos el derecho a la educación. Los tres defensores y sus familias desesperados y con mucha dificultad logran salir de la comunidad para ocultarse y denunciar los hechos a las autoridades y Organizaciones de Derechos Humanos como la Unidad de Protección a Defensoras y Defensores de Derechos Humanos – Guatemala (UDEFEQUA) quienes le acompañan.

El 1 de diciembre de 2009, la Unidad de Delitos contra Activistas de Derechos Humanos procedió a solicitar un Juez Contralor que abriera causa en contra de los arriba indicados y de TOMÁS MARTÍN MORALES, PASCUAL MARTIN MORALES, MARÍA MARTÍN MORALES, MARIO MARTÍN MARTÍN, SEBASTIÁN MARTÍN SALVADOR por la presunta comisión de otros delitos durante estos hechos. El día, 25 de enero del 2010 se presentó ante el Juzgado Primero de Instancia Penal, Narcoactividad y Delitos contra el Ambiente de Santa Cruz de El Quiché, la solicitud para que el señor Jerónimo Guarcas Macario sea parte del proceso como querellante adhesivo, actuando como representante de las otras víctimas quienes buscando verdad y justicia, encontraron tortura, detención, discriminación y destierro de su comunidad. Las víctimas de estos hechos están hoy bajo la protección del Estado, a excepción del Querellante Adhesivo que tomó la decisión de buscar la justicia. Durante este período ha tenido que enfrentar varias amenazas. Sin embargo, piensa que la única forma de poder regresar a su comunidad es que aquellos que hoy tienen el poder local y que fueron capaces de cometer estos hechos de violencia, sean sometidos a la justicia. Es por ello, que las organizaciones de la Convergencia por los Derechos Humanos le apoyamos en su lucha por la justicia. Del 1 al 5 de febrero han sido citados todos los sindicados para dar su primera declaratoria y para que la Jueza Rafaela Salazar López, decida si los deja ligados a proceso y cuál debe ser su situación legal. Ha circulado información de que se preparan manifestaciones de apoyo a los denunciados orientadas a presionar para que se sobresea este proceso penal.

Por ello,

1. Demandamos que el proceso se lleve con independencia y apegado al Derecho, particularmente ante el peligro de ser amenazado por los poderes ocultos que funcionan en el Departamento de El Quiché y que favorecen la Impunidad.

2. Que al valorar los elementos de convicción presentados por el Ministerio Público y los argumentos que se presenten en la primera declaración, el Juzgado deje abierto el proceso para permitir que continúe la investigación contra las personas que han sido sindicadas. Asimismo que por el poder que este grupo de personas ejercen en su comunidad, por el grado de amenaza que ya han mostrado, por la posibilidad de que obstaculicen la investigación y por la posibilidad de fuga se solicita que se dicte prisión preventiva.

3. Que el Ministerio de Gobernación tome medidas para garantizar la seguridad de las partes procesales y evitar que el desarrollo de las diligencias judiciales desemboquen en actos de violencia la semana entrante.

4. A la comunidad nacional e internacional que acompañe a Jerónimo Guarcas Macario y a las otras víctimas que han decidido buscar justicia ante la tortura, detención ilegal, abuso de autoridad, discriminación y otros delitos cometidos en su contra y de su familia cuando buscaban la verdad y la justicia para sus familiares víctimas del conflicto armado interno.

Convergencia por los Derechos Humanos

CALDH, CIIDH, Fundación Sobrevivientes, Instituto Estudios Comparados en Ciencias Penales de Guatemala, ODHAG, SEDEM, UDEFEGUA

Guatemala, 28 de enero de 2010

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