

## PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

### MIP - MONTHLY INFORMATION PACKAGE – GUATEMALA

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1. CURRENT NEWS
2. PBI GUATEMALA ACTIVITIES: WITHIN GUATEMALA
  - 2.1 MEETINGS WITH GUATEMALAN AUTHORITIES, DIPLOMATIC CORPS AND INTERNATIONAL ENTITIES
  - 2.2 MEETINGS WITH CIVIL SOCIETY ORGANISATIONS
  - 2.3 ACCOMPANIMENT
  - 2.4 FOLLOW-UP
  - 2.5 OBSERVATION
3. PBI GUATEMALA ACTIVITIES: OUTSIDE GUATEMALA
4. NON-GOVERNMENTAL ORGANISATIONS

### 1. CURRENT NEWS

#### IMPUNITY

##### **Witness at the genocide trial testifies that soldiers who participated in massacres were following orders from Otto Perez Molina.**

Guatemala, 05.04.2013 (PE, PL). - In the courtroom of the Supreme Court of Justice (CSJ), General José Efraín Ríos Montt and Mauricio Rodríguez Sánchez are being tried for genocide and crimes against humanity. There, a protected witness testified that soldiers who carried out the massacres in Nebaj, El Quiché, received orders from commander Tito Arias, nickname of Otto Pérez Molina, current president of Guatemala. According to his statement, "the soldiers, under Major Tito Arias a.k.a Otto Perez Molina, General Quilo Ayuso and commanders of the Engineers Company, co-ordinated the burning and looting of the villages, and then carried it out".

Orlando Lopez, for the prosecution, said the testimony was "one hundred percent credible", and will be looked at with the possibility of starting an investigation into possible human rights violations by other military commanders than those currently being prosecuted. The Secretary General of the Presidency, Gustavo Martínez, at a press conference, spoke of a "huge mistake" made by the Public Prosecutor (MP) in allowing the witness' statement, and said that the case is being handled irresponsibly in his opinion, "the President has not been charged and is not on trial".

##### **Order to stop genocide trial rejected by Public Prosecutor and lawyers who say it will harm the victims**

Guatemala, 19.04.2013 (PE, PL, SV). – On 18 April, Carol Patricia Flores, head of the First High Risk Court A, withdrew all proceedings for the trial of genocide and crimes against humanity of former de facto head of state José Efraín Ríos Montt, and the former head of Military Intelligence, Mauricio Rodríguez Sánchez. Since the opening of the trial, on March 19, the defendants have appeared before the First High Risk Court, chaired by Judge Yasmin Barrios, in 20 sessions.

After hearing Flores' ruling, the representative of the Public Prosecutor and the plaintiffs filed a motion for a judgemental review, however, this was overruled by the judge, as requested by Francisco Palomo Sánchez Rodríguez, lawyer, who believed that Flores' ruling "is based on impeccable legal logic."

Edgar Pérez, lawyer for the Association for Justice and Reconciliation (AJR), argued that the ruling harmed the victims who have waited many years for justice. "More than 30 years have passed and the State has not resolved the grievances against the victims, which is why justice must not be stopped and why a higher authority has appointed another judge to continue the process," said Pérez.

Hector Reyes, lawyer for the Centre for Legal Action in Human Rights (CALDH), said the criminal process "must not remain stagnant" and that Judge Flores' ruling "is reversing procedural steps that have already been completed." Claudia Paz y Paz, attorney general for the Public Prosecution, said in a press conference that judge Flores had issued an illegal ruling in overturning work done in the trial against Ríos Montt and Rodríguez Sánchez, and said that the Public Prosecution will submit the necessary legal action against the courts, since Judge Flores had no jurisdiction to cancel the trial.

#### LAND

**Daniel Pascual: integrated rural development is an obligation and a commitment of the Guatemalan state.**

Guatemala, 25.04.2013 (LH). - Following statements by President Otto Perez Molina to defend the current rural development policy, Daniel Pascual, leader of the Campesino Unity Committee (CUC), said that this is a commitment and an obligation not only of the president, but the state as a whole, to advance the country's rural development. He stressed that the implementation of this policy is not currently consistent with the needs of the country's rural community because there have only been palliative programmes which leave much to be desired, and the approach to rural development must be comprehensive. Pascual said that the indigenous community does not accept the development policy that the current Government is implementing, as it has only two objectives: first, the revival of the economy through public investment into private business, ceding the territory of indigenous peoples to transnational companies, and secondly, palliative programs, such as land leasing or delivery of fertilisers, whilst the indigenous people and campesinos face financial hardship.

**NEGATIVE EFFECTS OF GLOBALISATION**

**Resistance and opposition to the power plant in Santa Cruz Barillas continues**

Guatemala, 10.04.2013 (AC). - The Departmental Assembly of Huehuetenango (ADH) and the Council of Peoples of the West (CPO), in a joint press statement, described the latest actions that have taken place at the location of the hydroelectric company Hidro Santa Cruz, as democratic expressions of legitimate peaceful resistance by the people of Santa Cruz Barillas, Huehuetenango. They claim that the community consultations and dialogues, complaints, briefs and negotiations conducted by local community people have not had a positive response from the government or public institutions.

Almost a year since the murder of an inhabitant of Barillas which led to the protest in the city, and the subsequent declaration of a state of siege, fear of the repetition of similar events persists in communities, because lately the company has made irresponsible commitments to answer the neighborhood's complaints. Santa Cruz inhabitants have requested the presence of human rights organisations to monitor the situation.

**The Ministry of Interior (MINGOB) assesses the use of the state of emergency in 30 municipalities**

Guatemala, 04.16.2013 (EP). - "This is a feasible tool and I believe we are going to use it," said Interior Minister, Mauricio López Bonilla about the possibility of declaring a state of emergency in several municipalities where there is evidence of weapons circulating, violent deaths and drug dealing. He also said that "the state of emergency is used by some international journalists in Guatemala, to say the rights of the Guatemalans are being violated."

Gary Estrada, a member of the Institute of Comparative Studies in Penal Sciences Guatemala, rejected the remarks of the Executive, and said policies that target the prevention of violence should be implemented. He said that "these actions only show a logic of repression, the office of the Human Rights Ombudsman must participate in the process, as an overseer, so as not to violate the constitutional guarantees of the people"

**MINGOB confirms that private security agents from the San Rafael mine attacked the inhabitants of San Rafael Las Flores**

Guatemala, 29.04.2013 (EP). - MINGOB confirmed that the mine guards attacked six residents of San Rafael Las Flores, Santa Rosa, on the night of April 27, outside the mine. According to the victims, mine security guards fired shots while they demonstrated peacefully outside the premises. The lawyer who represents them, Rafael Maldonado, from the Guatemalan Center for Legal, Environmental and Social Action (CALAS), referred to the incidents: "As they were arriving the guards opened the gates and shot them. They heard Alberto Rotondo, a Chilean working with the company, order the guards to open fire on them"

Minister for the Interior, Mauricio Lopez Bonilla, had a different version of events: "The report I have is that people wanted to enter by force, and the mine security used rubber bullets. Our report disputes the use of firearms."

Verania Lopez, Roosevelt Hospital spokeswoman, confirmed that on April 28 at 2:45 in the morning two people wounded in San Rafael Las Flores were admitted to the hospital, Luis Fernando Garcia and Adolfo Agustin Garcia Garcia, having been referred from the hospital in Cuilapa: "Adolfo Garcia had a bullet wound in the lumbar area and was discharged at 11:00 am Luis García has a wound to his face and is still in hospital".

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**Sources:** El Periódico (EP), Prensa Libre (PL), Siglo Veintiuno (SV), La Hora (LH) and Agencia CERIGUA (AC).

**2. PBI-GUATEMALA ACTIVITIES: IN GUATEMALA**

**Team:** Aline Herrera (Switzerland/Mexico), Kristel Best Urday (Peru), Valdivia Moutawali (Netherlands), Raquel Rojo Diez (Spain), Johannes Stiebitz (Germany), Stephen Bradford (United States), Daniel Butler (United Kingdom), Melanie Rücker (Germany) y Valentina Caprotti (Italy).

**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 our objectives and the nature of our work known. 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 across the country.

## **Diplomatic corps and other international entities in Guatemala:**

- Manuel Lejarreta, ambassador, Spanish Embassy, Guatemala City, Guatemala.
- Alberto Brunori, Guatemalan representative, United Nations Human Rights Commission (UNHRC), Guatemala City, Guatemala
- Jennifer Echeverría, officer of co-operation and human rights, European Union Embassy, Guatemala City, Guatemala.

## **Guatemalan Authorities:**

- Victor Maldonado, co-ordinator, Communal Lands area, Land Register (RIC), Guatemala City, Guatemala.
- Blanca Ascencion Quiñones, station chief, National Civil Police (PNC), San Juan Sacatepéquez, Guatemala.

## **2.2 ACCOMPANIMENT**

### **National Coordinator of Guatemalan Widows, CONAVIGUA.**

In April we have been in constant contact with members of CONAVIGUA through meetings, visits to their office in the capital and by telephone. On several occasions during this month, women who are part of the organisation have participated in activities related to genocide trial currently before the courts, where PBI has been present.

*Background: In its pursuit of justice, dignity and the recovery of Guatemala's historical memory, CONAVIGUA carries out exhumations and inhumations of the remains of victims of the internal armed conflict in different departments throughout Guatemala, above all in Quiché, Chimaltenango and the Verapaces. These processes provoke very tense situations in rural communities where victims and perpetrators live side by side, occasionally resulting in threats aimed at stopping the work of the organisation and its members. CONAVIGUA was founded by women who were widowed by the war, although today men also participate in the organisation. We have accompanied the association since August 2003, visiting its office and joining its members on journeys to regions where the association is currently developing its 'Justice and Dignity' programme. In recent years CONAVIGUA has experienced several critical security issues, including death threats received by members in 2010. Analysis of the risks and security incidents faced by the association today suggests its work fighting impunity, and the security of its members, should continue to be monitored.*

### **Association for the Protection of Las Granadillas Mountain, APMG.**

In April we have maintained regular contact with the APMG and its members through phone calls, visits, meetings, observation of their activities and accompaniment in the east of the country.

On the 5th we were present as observers of the assembly the Co-ordinator of Popular, Indigenous Churches, Eastern and Campesino Unions (COPIISCO) at the Office of the Indigenous Community. In the activity, facilitated by Reverend José Pilar Álvarez Cabrera, issues related to mining and hydroelectric projects in the region were highlighted, as was concern over the murder of Carlos Hernandez, and analysis of the criminalisation and other attacks on human rights defenders.

In a show of solidarity, José Pilar Álvarez and other members of the association were present on several occasions this month at organised sit-ins in front of the San Rafael mine, held as a way of protest and peaceful resistance by inhabitants of the municipality of San Rafael Las Flores, Santa Rosa (a department in the east, neighbouring Zacapa).

*Background: APMG was created in 2003 in Zacapa to protect the ecosystem of Las Granadillas Mountain (the principal source of water and natural diversity in the region) due to diverse threats identified by the local population, including illegal logging, monoculture, deforestation, large-scale cattle farming and the diversion of water sources. Since its foundation, the organisation has been supported by the Lutheran Church in Guatemala (ILUGUA), led in the region by Reverend José Pilar Álvarez Cabrera, and the Madre Selva Collective. It works in alliance with various organisations and collectives in the region. One of APMG's goals is to have the mountain designated a protected area. In March 2012, the National Council for Protected Areas (CONAP) presented a proposal declaring the area protected. However, existing economic interests in the land have made APMG's work dangerous, and its members have faced diverse types of persecution and threats, including legal proceedings, which were later dismissed. These events began after they denounced the illegal logging trade and started, with the population of the La Trementina community, a process of permanently monitoring the licences granted and logging carried out on the mountain's private estates. We have accompanied APMG since August 2008 and, since then, have observed the spaces for dialogues the Association has participated in with public authorities and private actors, in order to promote the defence of economic, social and cultural rights in Zacapa and the region. One of the most serious security issues of recent years took place in 2010, when José Pilar Álvarez experienced death threats, defamations, prosecution and was taken into police custody in relation to the ongoing conflict with Juan José Olavarrueth, owner of the mountain's Tachoró estate. The Association and several members of the La Trementina community have been portrayed negatively by Zacapa's public authorities. Indeed, since April 2012, legal charges have been brought by the Governor of the department, Carolina Orellana, against three members of APMG for acts of protest against deforestation. The Technology Corridor megaproject, soil and food production issues, and the exploitation of natural*

*resources (communities are neither informed of nor consulted on the latter) are key concerns for APMG and feature prominently in the collaborative work they conduct with other collectives and communities in the region today.*

### **Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ.**

During April we maintained constant contact with the members of the association, through phone calls and presence in Jalapa. We accompanied AMISMAXAJ women in their activities in their office headquarters in Jalapa on the 4<sup>th</sup> and 5<sup>th</sup>. Their concerns include the high level of insecurity and violence against human rights defenders in the country.

From 14 to 27 April, Lorena Cabnal, a member of the organisation, visited Spain. She was invited by various social organisations to participate in several information activities, in co-ordination with PBI Spain and PBI Cataluña, whose members in Bilbao and Barcelona attended several of the events held during this tour. She also visited the local PBI group in Santander, location of the office of PBI Spain.

Lorena Cabnal participated in forums, talks, interviews and meetings with MPs, civil society organisations and journalists. She attended several of the activities organised with other Guatemalan activists, Natalia Atz, member of Ceiba, and Paula del Cid, of La Cuerda. In these activities, the women highlighted concern about the impact of transnational investments in indigenous and rural communities of the country, attacks against defenders of human rights and the situation of criminalisation of social welfare protest, and other social demands and initiatives, particularly from the point of view of women and indigenous peoples.

*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 Xinka communities from the Santa María Xalapán Mountain (Jalapa). They work at the local, departmental and national levels in opposition 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 the Xinka ethnicity and the defence of land and territory. In particular, it is actively working to defend natural resources and to monitor and raise awareness about plans for mining and oil extraction in the region. Since our accompaniment of AMISMAXAJ began in July 2009, the organisation has strived to improve political and feminist education in the region. Indeed they now have their own school in which to do so. Various members of the organisation were subjected to grave death threats in 2009 and 2010, due to the work that they carry out. Based on security incidents in the past, risks faced today and the security situation of its members, the Association's work combating the infringement of women's rights, and those of indigenous people and DESCAs, should continue to be monitored.*

### **'New Day' Chortí Campesino Central Coordinator, CCCND.**

This month we have maintained a physical presence in the region and regular communication with members of the organisation. We observed the April 5 COPIISCO assembly (see Accompanying APMG). Various community delegates who form part of CCCND attended. We accompanied them on the 25<sup>th</sup> and 26<sup>th</sup> in a security workshop facilitated by UDEFEGUA in Jocotán and Camotán. In these cases we observe an alarming increase in threats against human rights defenders in the region.

*Background: 'New Day' Chortí Campesino Central Coordinator is part of the Agrarian Platform, working in several municipalities in East Guatemala (including Jocotán, Chiquimula, Camotán, Olopa and San Juan Hermita), in the department of Chiquimula. It trains and informs rural communities on issues relating to the rural economy, the environment, rights and land, in coordination with other organisations in the region. In 2006, New Day became aware of the planned construction of three hydroelectric plants in two of the department's municipalities: the projects El Puente and El Orégano in Jocotán and the project Caparjá, in Camotán. They form part of the largest project of the Electrical Interconnection System for Central American Countries (SIEPAC). As part of its work, the organisation has shared this information with communities in the area, enabling the evaluation and analysis of the environmental effects and impact on local economies that these, and other development projects planned for the region, may have. They carried out this work in relation to the project initially known as 'Dry Canal', then the 'Technological Corridor', and most recently as the 'Interoceanic Corridor of Guatemala' (ICG), which is intended to link the Atlantic and Pacific coasts of Guatemala. This in turn forms one part of the most ambitious regional plans produced under the Mesoamerican Project (successor of the Plan Puebla-Panama, PPP). Members of New Day say the lack of information provision to, and consultation of, Chiquimula's communities by public institutions is a constant source of conflict. Community authorities have therefore been present at meetings and discussions with the Guatemalan firm, Las Tres Niñas S.A., which seeks to implement the El Orégano hydroelectric plant project. They have highlighted the need to consult local inhabitants before implementing megaprojects in the area. In 2012, in addition to the court summons issued to community members of Las Flores, Jocotán, the firm has sent several letters to various organisations and international community actors in Guatemala, portraying community actors and the social organisations that work in the area in a negative light.*

*PBI has accompanied New Day since 2009. Several members of the association have received threats and attacks, including death threats and intimidatory acts, as a result of their work with the communities.*

### **The 12 Communities of San Juan Sacatepéquez**

This month we maintained constant contact with members of the 12 communities of San Juan Sacatepéquez, through frequent calls and presence in communities. We went to Santa Fe de Ocaña three times this month to accompany weekly assemblies and to meet

with representatives of the organisation. On the 14<sup>th</sup> we accompanied many people from the communities to the Public Ministry (MP), who denounced threats they have received.

*Background: In 12 Maya Kaqchikel communities in the municipality of San Juan Sacatepéquez, organised residents participate in processes related to the defence of territory and natural resources in the region. Since 2006, the Guatemalan company Cementos Progreso S.A. has been pushing on with the San Juan project, which includes the construction of a factory and a quarry in the San Gabriel Buena Vista estate where the villages of Cruz Blanca, Santa Fe Ocaña, El Pilar I and II, Los Pajoques, and San Antonio Las Trojes I and II are located. Until December 2012 Cementos Progreso had an 80% share in the project which included the construction of this factory, and the remaining 20% belonged to the to the Swiss multinational company, Holcim. However, the Swiss multinational company sold its share in December 2012, and from then on Cementos Progreso holds 100% of the investment on this project.*

*On 13 May 2007, without the support of the municipality, the communities of San Juan Sacatepéquez carried out a community consultation on the factory's installation. 8,950 people participated, of which 8,946 voted against and four in favour of the factory. The dialogue process, which involved various Guatemalan authorities and public institutions, concluded without offering any means of resolving the conflict. For more than six years, the 12 communities resisting<sup>1</sup> the San Juan Sacatepéquez project have made numerous complaints about human rights abuses, threats and, in particular, a criminalisation campaign against them, which has maintained its intensity in 2012. Their key demands continue to be the permanent withdrawal of the army from the communities; and compliance with their rights under national and international law.*

### **Council of Communities of Cunén, CCC**

In April we maintained telephone contact with members of the Council of Communities of Cunén and also visited to the region.

On April 20, in Nebaj, Quiché, we observed the assembly of the People of Northern Quiché, which was attended by several members of the CCC and numerous people appointed by their communities, social organisations. They talked about respect and exercising the right to consultation. Megaprojects were noted as a source of conflict and human rights abuses of the people.

Concern about the Government Accords 145 - 2013 of the Ministry of Energy and Mines (MEM), published in the Diario de Centro America on April 3rd, when the government declared a National Emergency and Public Need for the construction of the work contained in the Plan of Expansion Power System, including the works to transport energy and rural electrification. According to press reports in April, this refers both to the installation work of transmission lines and substation (in the Metropacific Ring, Hydraulic Ring, the Atlantic Ring and Western Ring), as rural electrification works in the lines and their respective transmission electrical substations. The Committee to Support the Expansion of the Transmission System was created to do this, which will be chaired by the MEM. Where there are rights of way governmental agreement indicates that all individuals owning or possessing property in the areas referred to, should obligatorily contribute to the development of the Expansion Plan.

The Council of Communities of Cunén, among other local groups in the area, have expressed concern that this legal instrument, in force since early April, forces rural communities in the region to grant the right of way for works that the people and communities have not agreed to. They feel that the government decision is inconsistent with constitutional rights, and contradicts international treaties, facilitating the dispossession of campesino and indigenous people's lands.

*Background: On 14 January 2009, the communities of the Cunén municipality, department of Quiché, held a meeting to initiate a process that would better defend their territory, natural resources and human rights. At this meeting, the CCC was formed. It consists of 22 directly elected members from eight micro-regions of Cunén. One of the main focuses of the Council's work is the defence of their land and natural resources. In October 2009, they organised a community consultation on mining and hydroelectric exploitation and the construction of hydroelectric plants, among other mega-projects, planned for the Municipality. PBI observed part of the preparation process as well as the consultation itself, in which approximately 19,000 people from 71 communities voted against the aforementioned projects. We began our accompaniment of the Council in February 2010, due to the security risks faced by persons actively promoting the right to land, territory and natural resources in the region, and in following up with the community consultation.*

### **Guatemalan Human Rights Defenders Protection Unit (UDEFEFUGA)**

Throughout April we have maintained regular office visits to UDEFEFUGA, frequent telephone contact and meetings with its members in the capital. Also in several departments where we were present in April, we met staff from the organisation during its verification work of threats and attacks against human rights defenders. Because of the ongoing work, UDEFEFUGA faces ongoing attacks, threats and slurs, the purpose of which is to de-legitimise and impede the work of the organisation and its members.

On April 18<sup>th</sup> the organisation headquarters in Nebaj, Quiché, was raided, leaving evidence that officials were seeking information. UDEFEFUGA filed a complaint on the same day and expects an investigation by the relevant authorities, following these events.

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1 The expression '12 communities in resistance' refers to communities and individuals directly affected by, and in direct opposition to, the San Juan Project. The term is used when these actors sign communiqués and public statements, and it acknowledges the fact that the majority of the communities' members oppose the Project. It reflects the sentiment expressed in the consultation process and that which has been documented in public activities. There are of course nuances, with some having stronger opinions than others. There are also advocates of the San Juan Project and divisions within the communities regarding the matter. However, we believe the expression "12 communities in resistance" best describes reality in the region, as observed by PBI *in situ*.

The work entitled "The Sham Genocide in Guatemala", published by the Counterterrorism Foundation (FCT) and published in instalments by Guatemalan Sunday newspapers (15th, 21st and 28<sup>th</sup> of April), has had a negative focus, publishing accusations of the commission of crimes against many people who are part of Guatemalan civil society and the international community, including human rights defenders, social organisations and institutions or international organisations with a proven track record of fighting against impunity, and commitment to the defence and promotion of human rights in the country. Among these people figure Claudia Samayoa, coordinator UDEFEGUA, in the second part of the booklet, released on April 21. We are concerned for Claudia Samayoa's safety, and for that of other members of the organisation, and human rights defenders mentioned in these articles. These incidents seem to be part of a continuing series of threats and acts of intimidation against UDEFEGUA staff, as part of the work of protecting human rights defenders, in particular, because of the support and assistance given to witnesses in the genocide trial currently before the Guatemalan courts. Members of the organisation have attended several hearings, meetings and other activities related to these proceedings, in which PBI has been an observational and international presence. UDEFEGUA staff participated in the Assembly of the Peoples of the North of the Department of Quiché held on April 20 in Nebaj, Quiché (see Accompaniment of the Cunén Communities Council). We observed security workshop organised in Jocotán and Camotán by UDEFEGUA on the 25<sup>th</sup> and 26<sup>th</sup> of April.

*Background: The Human Rights Defenders Protection Unit (UDEFEGUA) was founded in 2004 to promote the security of human rights defenders in Guatemala and helps protect the political space in which they work. The Unit's programmes support threatened human rights defenders and their organisations and advise them about preventing and responding to threats and attacks, through information, training, monitoring and psychological support. UDEFEGUA also lobbies for the protection of human rights defenders by government institutions and the international community. For many years PBI has maintained a close collaborative relationship with UDEFEGUA and in 2007 had already offered to provide the Unit with international accompaniment following a period of threats. After the Unit reported threats to the Public Prosecutor's Office (MP) in May 2009, PBI reactivated its accompaniment. Since then, UDEFEGUA has reported some critical security situations, highlighting an illegal raid on one of its member's homes and tampering with the vehicle of one of its members in March 2010. We continue our regular visits to UDEFEGUA's office, carry out periodic meetings with its staff, and accompany them on visits to various Departments in the country. The visits allow the Unit to develop its work and strengthen its analyses by investigating and verifying reports of attacks on human rights defenders.*

#### **Verapaz Union of Campesino Organisations, UVOC.**

In April we maintained telephone contact with members of UVOC, made regular visits to the organisation's office in the capital, and accompanied its members to two court hearings in Alta Verapaz. We accompanied the lawyer Jorge Luis Morales to a reconciliation table in the municipality of San Cristobal, as legal representative of the population of the community La Primavera, and on the 8<sup>th</sup> we accompanied him to a court hearing in Cobán.

This month we also followed up on a new emergency situation in the community of San Miguelito in the Polochic Valley. On April 14, it was reported that one of the inhabitants was attacked and wounded with a machete, by individuals belonging to an armed group that has previously attacked the community and its members in order to intimidate and force them to leave their land. The injured person was hospitalised, and the community caught two assailants and handed them over to the authorities to be dealt with. The institution responsible for the arrest and transfer of detainees, the National Civil Police (PNC), did not pick them up from San Miguelito, which according to UVOC is a breach of duty. No other public authorities, who should be responsible for protecting the community from the risks of attacks of other members of the community, had come. The next day, members of the community transferred the offenders to the nearest PNC substation in Panzós. During the events described, we maintained continuous contact with community members, contacted public authorities to express concern over the situation in San Miguelito and to promote the protection of the community and its members. We held a meeting with Carlos Morales, coordinator of the UVOC, and Maripaz Gallardo from UDEFEGUA, to monitor the issue.

*Background: UVOC is an indigenous and campesino organisation which focuses on defending and enabling access to land for campesino people in the departments of Alta and Baja Verapaz. Amongst other activities, UVOC offers advice to numerous rural communities on land ownership, accompanies communities on activities involving the protection of their land, and participates in formal discussions on related matters. The organisation ensures these discussions are tailored carefully, to squarely confront the well-documented land disputes and agrarian conflict in the region. PBI has accompanied UVOC since 2005, after its members experienced serious threats and intimidatory acts. Carlos Morales, UVOC coordinator, and members of communities which form part of the Union have been subjected to death threats, and various forms of intimidation and persecution, on several occasions. In addition to the Rural Development Law, UVOC publicly demands an end to evictions and violence in the region, led by State and non-governmental actors. The Union monitors agrarian issues, and has warned of a deteriorating situation in many localities since the beginning of 2012. In February 2012, PBI drew the international community's attention to concerns about the atmosphere UVOC has to conduct its work in. Threats are made to its members and several communities the organisation accompanies and supports in the region, in particular the community of La Primavera (in the municipality of San Cristóbal, Alta Verapaz) and San Miguel Cotojax (on the municipal and departmental border of Panzós, Alta Verapaz, and El Estor, Izabal).*

### **Human rights lawyer Édgar Pérez Archila.**

We maintained our intensive accompaniment of the lawyer Edgar Perez, in his work at the Human Rights Law Office, in their activities, and in court hearings, particularly in the trial for genocide and crimes against humanity which started on March 19 against members of the Guatemalan Army High Command in 1982-1983 (see 1. Notes on the Current Situation). We observed all the court sessions in April, which included expert testimony from survivors. We were present at press conferences, meetings and other activities associated with these proceedings.

On April 18<sup>th</sup> the trial was provisionally suspended after a tribunal of Higher Risk ordered the resolution of one of the hundreds of appeals filed by the defence of the accused officers, and called for a return to an earlier phases of the process. The tribunal in charge of the trial and the prosecution considered it to be an illegal resolution, and human rights organisations and also lawyers described it as "an insult to the victims" and "a ploy by the defence to suspend the trial".

*Background: In August 2010 we began the accompaniment of lawyer and human rights defender Edgar Pérez Archila in his work defending justice and battling impunity. Pérez and his legal team work on proceedings related to massacres committed during the internal armed conflict and other cases of past and current human rights violations. We accompany him because of the trials' importance in the fight against impunity and the fact Pérez has experienced various security incidents in recent years. Pérez and his legal practice are involved in legal proceedings related to: the forced disappearance, torture and extrajudicial execution of the guerrilla commander Efraín Bámaca Velásquez in 1992; the massacre of the Las Dos Erres community in 1982; the massacre of the community of Río Negro, Alta Verapaz, in 1982; and the prosecution for genocide that has been pending before a number of Guatemalan tribunals since 2000.*

### **National Police Historical Archive, AHPN.**

This month we have maintained frequent contact with members of AHPN with phone calls and meetings. We also continue to visit their offices regularly.

The current work of the AHMPN supports historical clarification and the search for justice in Guatemala for the serious human rights violations that took place during the internal armed conflict, by making documents relating to that time, publicly available. One indicator of this is the continuous requests for documentation from the Public Ministry (MP) and survivors of human rights violations or their relatives or legal representatives, to AHPN, to reveal how such violations took place. In the first quarter of 2013, the AHPN has provided 3,501 documents to the MP, and 840 documents to survivors and relatives of victims of human rights violations, following requests for information.

*Background: The AHPN was discovered by chance in 2005, by staff of the Human Rights Ombudsman's Office (PDH), when they carried out preventative procedures relating to the storage of explosives in Guatemalan public security force buildings. In a building in Zone 6 of the capital (built during the internal armed conflict to house the National Police (PN) hospital, although never used as such), 80 million documents were discovered, abandoned, piled up and poorly conserved. This is the historical-administrative documentation of the PN, from its creation in 1881 to its closure in 1997. The institution's participation in the commission of human rights violations during the internal armed conflict was documented by the Historical Clarification Commission (CEH). In its report "Guatemala: Memory of Silence", CEH affirms that the PN was an operative body for army intelligence, serving as the facade of the G-2, and acted on its orders in the majority of cases. During the CEH investigation, various state bodies, including the Interior Ministry and the PN itself, repeatedly denied the existence of archives or documentary materials that would assist an investigation into human rights violations. Following the first phase of work headed by the PDH to recover the documentation and then create the conditions necessary to allow public access to it, work since 2010 has centred on the institutionalisation of the Archive, the search for political, legal and administrative certainty, the technical stabilisation of the resource and the initiation of procedures to ensure permanent, public access to its contents.*

*Today the AHPN forms part of the General Archive of Central America, its title and control is the responsibility of the Guatemalan Ministry of Culture, and it functions exclusively on the basis of donations and funds from international cooperation. The Archive is also a member of the International Coalition of Sites of Conscience, as the building which houses it was used as a clandestine detention centre by the PN during the armed conflict. Well-known Guatemalan human rights activists participate in the direction, coordination and documentation recovery work, and also promote public access to the information it holds. 150 people work on the tasks of conservation, organisation and archival description.*

*You can get more information by visiting this website: [www.ahpn.lib.utexas.edu/](http://www.ahpn.lib.utexas.edu/)*

### **The Communities in Peaceful Resistance; La Puya, San José del Golfo and San Pedro Ayampuc**

In April we have maintained frequent contact with the Communities in Peaceful Resistance of La Puya, with regular calls and several visits. On the 4<sup>th</sup> we accompanied four of its members to a court hearing, which made its first statement responding to charges related to their participation in this peaceful resistance.

From the 11<sup>th</sup> to 23<sup>rd</sup> of April we passed by San José de Golfo to visit La Puya and provide physical accompaniment. During these visits we met with members of the resistance and observed the situation.

On April 20 in Nebaj, Quiché, we observed the Assembly of Peoples of the North of the Quiché Department, in which Alvaro Sandoval and Yolanda Oquelí participated and gave a presentation of the resistance.

The members of the resistance highlight continuing concern to what they see as a campaign of criminalisation against human rights defenders.

*Background: From 2010 residents of San José del Golfo and San Pedro Ayampuc, two municipalities that are located round about 30 kilometres from Guatemala City are leading a pacific resistance to make their disagreement with mining projects in the area evident. The US mining company Kappes, Cassidy & Associates together with their local subsidiaries Exploraciones Mineras de Guatemala S.A. and Servicios Mineros de Centro de America S.A. is promoting these projects. The company has received the authorization to develop the project El Tambor that consists of various licenses, among them that of Progreso VII Derivada. In March 2012 residents decided to block the entrance to the mine and install a protest camp in La Puya where the members of different communities take shifts of 24 hours to prevent the entry of machinery. On 8<sup>th</sup> of May at 1am the company attempted to enter 25 trucks with machinery, guarded by 40 patrol cars of the National Civil Police (PNC). As residents were alerted approximately 2.000 people of the surrounding communities united stop the entrance of the machinery pacifically. Kappes, Cassidy & Associates (KCA) has publicly accused the people opposing the project of holding up development. On 23<sup>rd</sup> of June in San José del Golfo an attack on the life of Yolanda Oqueli, an activist participating in the resistance of La Puya took place. She was shot from a motorcycle and up to present it has not been possible to extract the bullet. After 4 months away from her community, Yolanda returned to San José del Golfo and has rejoined the activities of the resistance movement. During this time flyers with offensive and defamatory messages have been circulated, directed especially at the women that form part of the resistance. The harassment and aggressions intensified around 24 November 2012, marking one year since the concession of the mining license. According to the mining law, if in the course of a year the exploitation at the site has not begun, the license has to be cancelled. In September 2012 the Guatemalan Human Rights Commission declared the communities of San Pedro Ayampuc and San José del Golfo winners of the Alice Zachmann Human Rights Defenders Award.*

## 2.4 OBSERVATIONS

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

In April we closely monitored the **processes of popular consultation**, which has been underway since the beginning of the year in the municipality of **San Rafael Las Flores, Santa Rosa**, in relation to mining in the region, as well as aggressions and threats reported in this context by the communities of the municipality and Guatemalan social organisations. On 3<sup>rd</sup> April the Ministry of Energy and Mines (MEM) granted an operating license to the San Rafael mine; in the week of April 8<sup>th</sup>, the local people set up a permanent encampment on private land near the mine, with the owner's permission. On the 11<sup>th</sup>, the PNC violently evicted a peaceful demonstration by members of the encampment outside the mine, arresting 26 people and leaving several people injured. The next day, April 12<sup>th</sup>, we attended the district criminal court at Barberena, Santa Rosa, to observe the court hearing of the 26 people arrested. We also observed the continuing demonstration. We returned to court on the 15<sup>th</sup> and observed another hearing. The judge ordered the release of the 26 people due to lack of evidence against them.

In this context, on the 14<sup>th</sup> of April we observed **the Municipal Consultation in Barrio Occidental**, where the population was consulted on the mining projects in their municipality. Out of 150 people, 4 voted in favour and the rest, 97.33%, voted to reject this type of exploitation.

During the evening of the 27<sup>th</sup>, private security agents from the mine fired on residents of San Rafael Las Flores as they left a demonstration outside the mine, leaving six people wounded. On April 29<sup>th</sup> we observed a **press conference** in which the victims of the shootings publicly denounced the head of mine security, Alberto Rotondo, for having ordered the attack, with guns and rubber bullets, against people peacefully exercising their constitutional rights. The next day, **we were invited by the family of two of the people injured in this attack, to visit them in the capital** where they had been admitted to Roosevelt Hospital. Luis Fernando Garcia, 18 years old, was in a serious condition with three gunshot wounds, and his father, Adolfo Garcia, had a gunshot wound in his back.

We observed a number of social activities, in response to the order of Judge Carol Patricia Flores to temporarily suspend the trial for genocide on April 18<sup>th</sup> (see **1. Notes on the Current Situation**, and Edgar Perez Archila Accompaniment). We observed **a vigil in the plaza of the Supreme Court of Justice** organised by the Association for Justice and Reconciliation (AJR) and the Centre for Human Rights Legal Action (CALDH). The next day we observed a **protest march calling for the continuation of the trial**, from the Supreme Court of Justice (CSJ) to the Constitutional Court (CC). Social organisations, survivors, relatives of victims, international observers, journalists and members of the public all took part. PDH staff were also present. On April 20<sup>th</sup> we observed a press conference organised by lawyers for the prosecution and on the 23<sup>rd</sup> we observed a sit-in in central park. On Friday 26<sup>th</sup> April we observed a march in memory of Gerardi and victims of genocide, from the Constitutional Court to the central park of the capital.

## 3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA

Regional Representatives, the Project Office Coordinator and other members of the committee and the Project Office and national groups of PBI, conduct public relations campaigns with many NGOs, agencies and national governments, parliamentarians and



others. These meetings result in the development and strengthening of the project's "Support Network", an essential tool in the international presence provided by PBI in Guatemala.

The European representative of PBI Guatemala participated, in the 2013 EIDHR Forum on the 16<sup>th</sup> and 17<sup>th</sup> April in Brussels, which focuses on the implementation of the Instrument for Democracy and Human Rights of the European Union.

In Europe, members of the committee and the project co-ordination office attended activities informing on the human rights situation in Guatemala held by Natalia Atz and Paula del Cid, Guatemalan activists and members of Ceiba and La Cuerda respectively.

#### **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.

#### **THE COUNCIL OF THE PEOPLE (CPO) RESPOND TO THE KIDNAPPING AND MURDER OF BROTHER AND COMMUNITY LEADER DANIEL PEDRO MATEO (DANIEL MAYA) LAST SUNDAY APRIL 7TH IN THE MUNICIPALITY OF SANTA EULALIA, HUEHUETENANGO.**

Once again, today (April 17th, 2013) we appeal and a dencounce to the National and International Community the grave violations of fundamental right to life, expression and thought of our historical and ancient peoples in defense of our sacred territory and natural assets. Proof of this are the constant threats, harassment, intimidation, the torture and murder of our brothers and community leaders. The last one of these was the cowardly assassination of Daniel Pedro Mateo, a member of the Assembly of Peoples of Huehuetenango who under false pretenses was invited to carry out a training session Santa Cruz Barillas. En route from the village the Quetzal, at 08.30am, he was kidnapped. Following several threatening calls from the kidnappers to the family, they agreed to negotiate a ransom for Daniel. Facing this situation the community mayors met and began a search in this of northern Huehuetenango where they found Daniel's body. Daniel participated in different manners of resistance currently being waged in the municipality of Barillas facing the imposition of a hydroelectric megaproject by a Spanish multinational company in cahoots with the government of Guatemala.

We also denounce that despite having carried out Good Faith Community Consultations in the municipalities in the northern region of Huehuetenango, where the population expressed its total opposition to mining and exploitation of any natural resource, the company Hidrosantacruz has forcefully attempted to install itself in the municipality of Barillas.

Also the company Maderas de San Luis, in the territory of Santa Eulalia, is implementing projectes of supposed reforestation, displacing indigenous people and causing anxiety among residents.

So again, we call on the national and international community to speak out and reflect and adopt new methods, attitudes and behavior that respect Mother Nature, the environment and the individual and collective life of the people.

We also condemn the actions and campaigns of criminalization and persecution of the struggles of indigenous and environmental movements, Mayan Intellectuals and the organized people to defend their ancient rights as rightful and hstorical owners of this country.

We believe that the persecution, imprisonment, assault, torture and murder of our fellow leaders responds to a plan of bullying and intimidation for these and other megaprojects that transnational companies have planned in this country.

[www.cpo.org.gt](http://www.cpo.org.gt), <http://consejodepueblosdeoccidente.blogspot.com/>  
**COORDINACIÓN Consejo de Pueblos de Occidente (CPO)**

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**- PBI GUATEMALA PROJECT-**

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