

Monthly Information Pack from Guatemala

Number 129 – June 2014

1. CURRENT SITUATION

Monthly selection of news on the situation in Guatemala as highlighted by the press, related to the main thematic areas of PBI Guatemala's work: the fight against impunity, land issues and the negative effects of globalization on human rights.

Erwin Sperisen, former Guatemalan Chief of Police, sentenced in Geneva, Switzerland, for extrajudicial executions¹

On the 6th of June Erwin Sperisen, former chief of the PNC (June 2004-March 2008²) was handed down a life sentence for murder. He was found to be the material author in one of the cases and co-author in six others. The Court in Geneva that tried him determined him to be directly responsible for the execution of prisoner José Abraham Tiniguar and to be complicit in the killing of six others in the Pavón prison on the 25th of September 2006 during the Pavo Real operation that was carried out to regain control of the prison.³ Sperisen, who is Swiss-Guatemalan and 41 years of age, was tried in Geneva because the Swiss Confederation does not extradite its citizens. Instead, it requires that citizens living in Switzerland who are accused of having commited crimes outside of the country be tried locally.⁴

"These crimes can be traced back to an Iron Fist policy (Mano Dura) as inherited from the armed conflict in Guatemala - a conflict that resulted in 200,000 deaths, and consisted of a "social cleansing" aimed at those who were bothersome, or deemed useless [by the state]. All were executed; there was no resistance" said First Attorney, Yves Bertossa, at the Criminal Court of Geneva, referring to testimony presented during the trial.⁵

Following the Court judgment, the International Commission Against Impunity in Guatemala (CICIG) commended the efforts of the Swiss court and thanked the different individuals and national and international institutions that collaborated in the case despite the great risks that such participation implied.⁶ According to the Prensa Libre, among others, the Vice President of the Republic, Eduardo Stein, expressed his disagreement with the judgement, arguing that during that period of government, the administration took clear actions to comply with human rights committments. He also denied that a policy "social cleansing" existed at the time.⁷

On the 10th of June Sperisen appealed the sentence, alleging that his right to defence had not been respected.⁸

Civil complaint filed against Canadian mining company for gunfire injuries in San Rafael Las Flores in 2013

On the 18th of June seven Guatemalans filed a civil complaint in a Vancouver (Canada) court against the Canadian mining company, Tahoe Resources Inc. The complaint was for injuries suffered last year when private security personnel fired blanks at the seven individuals. The plaintiffs are residents of the San Rafael Las Flores municipality, Santa Rosa, where the

¹ El Periódico, 06.06.2014, http://www.elperiodico.com.gt/es/20140606/pais/248780/

² Prensa Libre, http://prensalibre.com/noticias/justicia/Erwin Sperisen-Condena-Suiza-Caso Pavon-opiniones divididas 0 115884999.html 3 Prensa Libre.

http://prensalibre.com/noticias/justicia/sperisen-condena-cadena_perpetua-suiza-ginebra-caso_pavon_0_1151884853.html

⁴ El Periódico, 06.06.2014, http://www.elperiodico.com.gt/es/20140606/pais/248780/

⁵ El Periódico, 06.06.2014, http://www.elperiodico.com.gt/es/20140606/pais/248780/

⁶ CICIG, http://cicig.org/index.php?mact=News,cntnt01,detail,0&cntnt01articleid+548&cntnt01returnid=67

⁷ Prensa Libre,

http://prensalibre.com/noticias/justicia/sperisen-condena-cadena perpetua-suiza-ginebra-caso pavon 0 1152484752.html 8 Prensa Libre.

http://prensalibre.com/noticias/justicia/erwin sperisen-apela sentencia-caso pavon-suiza-ejecucion extrajudicial 0 1154884591.html

El Escobal mine is located. They claim that as owner of the mining project (which commenced in 2007) Tahoe is legally responsible for the violence committed against them during a peaceful protest.

The affected individuals stated that on the 27th of April 2013, Tahoe security personnel opened fire upon the demonstrators when they were exercising their right to demonstrate and protest in defence of human rights as recognised by the Political Constitution of Guatemala. They said that the security guards followed them and continued firing as the group of demonstrators fled through a public street.⁹ Alberto Rotondo, then chief of security for the Escobal mine, is accused in Guatemala of ordering the assassination of seven community leaders who participated in the protest against Tahoe Resources in San Rafael Las Flores.¹⁰ Six of the seven victims of the attack are co-plaintiffs in the criminal case that is being investigated by the Public Ministry (MP) Attorney for human rights crimes in Guatemala.

This is the first civil complaint filed in Vancouver against a Canadian mining company accused of acts of violence in another country. Elsewhere in Canada, of similar cases in Ontario and Quebec that initially did not proceed because of jurisdiction issues, three complaints against Hudson Bay Minerals Inc. alleging abuses in Guatemala have moved on to trial in Toronto. In 2013, the judge in these cases declared that a Canadian parent company can be directly responsible for negligence for not stopping abuses on the part of security personnel connected to the operations of the company outside of the country. Matt Eisenbrandt, Director of Legal Issues for the Canadian Center for International Justice (CCIJ), said that the victims of violence directly linked to the operations of Canadian mining companies in foreign countries are coming to Canadian courts because they cannot find justice with the corporations in their own nations and because they firmly believe that the Canadian law should apply to Canadian companies. The lack of significant regulation in Canada over their transnational companies means that the Canadian courts offer a better chance for real compensation in these cases.¹¹

Demonstrations in several regions of the country: "National Strike"¹²

On the 23rd of June, in several regions of the country, thousands took part in peaceful demonstrations in Huehuetenango, Tecpán, Chimaltenango, Quetzaltenango, Santa Cruz del Quiché, and the capital, among others places.¹³ Convened by the Council of Peoples of the West (CPO), different groups and organisations joined a "national strike", and thousands took to the highways and major plazas in their departments with lists of demands for the authorities.¹⁴ According to "La Hora", indigenous and campesino sectors of the country demanded that Government authorities respect consultations and the lifestyle of the communities that openly reject mining, hydro-electric projects, and mono-culture production on their lands. In addition, they expressed opposition to the Telecommunications Control Law and the political repression against the La Puya Peaceful Resistance in San José del Golfo.¹⁵

In its political declaration and opening of "The Maya People's National Strike", the CPO said: Equality in dignity and rights is one of the fundamental pillars of a harmonious and peaceful co-existence; but history demonstrates that as Maya People, we have been deprived of these rights for more than 500 years. (...) Our political proposal is to institutionalise the practice of Dignified Life in all policies of the State. For this, we urge the effective participation of legitimate and representative authorities of the Maya People elected in Assembly processes. (. . .) we will continue to defend our lands and territories, and our natural resources, with wisdom and courage in the face of the threats and attempts against us that we suffer at the hands of the businesses that act with complicity of the Guatemalan government authorities. (...) in a demonstration of political maturity and respect for the Rule of Law, we have acted by legal means to demand that the State respect our legitimate rights recognised in the Political Constitution and in International Conventions; despite these efforts, we continue to be greeted with a resounding NO from judicials entities; that is, the

⁹ CCIJ, http://www.ccij.ca/programs/cases/index.php?DOC_INST=24

¹⁰ Prensa Libre, http://prensalibre.com/economia/Guatemaltecos-demanda-Canada-Tahoe Resources-minera 0 1159684274.html

¹¹ CCIJ, http://www.ccij.ca/programs/cases/index.php?DOC_INST=24

¹² http://cmiguate.org/el-paro-nacional-maya-un-dia-de-pacifica-movilizacion-masiva//

¹³ http://cmiguate.org/el-paro-nacional-maya-un-dia-de-pacifica-movilizacion-masiva//

¹⁴ http://cmiguate.org/el-paro-nacional-maya-un-dia-de-pacifica-movilizacion-masiva//

¹⁵ La Hora

http://www.lahora.com.gt/index.php/nacional/guatemala/actualidad/197878-campesinos-y-trabajadores-de-salud-bloquean-important es-vias

denial of our rights. So, today in the national territory, we are in the streets, parks, and highways to reflect on and strengthen our commitment to unity in the defence of life $(...)^{16}$

The procession organised by the National Front for Struggle (FNL) and health sector unions, joined marches in the capital coming from different points in Guatemala City to demand compliance with a collective agreement, improvements in services, and a greater investment in food for patients in national hospitals.¹⁷

2. ACCOMPANIMENT

PBI accompanies social organizations and individuals who have received threats for their work in the defence and promotion of human rights. In this context we are accompanying social processes in the fight against impunity, land inequality and the negative impacts of globalisation on human rights.¹⁸

We continue to accompany the Twelve Kaqchikeles Communities of San Juan Sacatepéquez and, in June, we attended two weekly assemblies in Santa Fe Ocaña. In addition, in mid-June we observed the "Flowers of Resistance" march and at the end of the month during the first round of negotiations between the communities and public authorities, we maintained an international presence in the outer room (described in the following text box).

Observation of "The Flowers of Resistance" March

Organised by the Twelve Kaqchikeles Communities of San Juan Sacatepéquez.

Some 15,000 individuals marched from their municipalities toward the capital over the course of two days. Upon arrival, the twelve communities presented their demands to the Supreme Court of Justice of the Republic. Their proposals include:

- an end to criminalisation of the communities and their members:
- removal of military base;
- recognition and respect for the visions and unique development communities and indigenous peoples;
- investigation of the construction of the highway that cuts through the communities in the

In response to the march, President Otto Pérez Molina promised to establish a negotiation table to discuss the community's concerns and proposals; the first session was held on the 24th of June.



"Flowers of Resistance" March arrives in Guatemala City, 16.06.2014. PBI Photo: 2014

This month, we also maintained regular contact with the Association of Indigenous Women of Santa María Xalapán in Jalapa (AMISMAXAJ). We accompanied its members in mid-June during one of their activities in which they facilitated a mental health workshop attended by female members of the La Puya Peaceful Resistance. These women had again been seriously impacted by violence at the end of May when they were violently evicted from their protest camp at the entrance to the mining project in San José del Golfo. The project had been subject to opposition by the community and has

¹⁶ CPO, http://www.cpo.org.gt/index.php/articulos/163-declaration-politica-del-paro-nacional-del-pueblo-maya

¹⁷ La Hora. http://www.lahora.com.gt/index.php/nacional/guatemala/actualidad/197878-campesinos-y-trabajadores-de-salud-bloquean-important es-vias

¹⁸ General information about accompaniment of organisations and individuals can be found on our website: http://www.pbi-guatemal.org/field-projects/pbi-guatemala/who-we-accompany/

been questioned and rejected before authorities and public institutions for over two years.

We held meetings and weekly visits at the head office of the **Judicial Human Rights Bench**, and we accompanied the attorneys to court hearings in the capital.

We continued to accompany the **Council of Communities of Cunén (CCC).** On 13 June, we observed a peaceful demonstration in Cunén in which the Council demanded transparency from the municipality. At the end of the month, we accompanied its members to a meeting with deputies in which concerns and proposals of the Council addressing this issue were discussed.

We also continued accompaniment of the **Central Campesina Coordinator Chortí Nuevo Día (CCCCND).** At the beginning of the month, we accompanied its members in Las Flores, Jocotán to a visit of the Apostolic Nuncio (diplomatic representative of the Holy See to the State).

Between the 9th and 10th of June, we observed a peaceful gathering of CCCCND at the Jupilingo, Camotán bridge which lasted throughout the night. The gathering came to an end when representatives of the municipality arrived the following day and demonstrators and municipal authorities agreed to establish a verification commission of the site where a hydro-electric project is being constructed without a permit from the mayor. Members of the organisation informed us that the verification was carried out on the 19th of June in Cajón del Río, Camotán, on the site where contruction work is underway. The mayor and community delegates participated in the commission.

On the 20th of June, we accompanied members of the organisation to La Libertad, Camotán, and we provided international presence at a community assembly.

We have been in regular telephone contact this month with members of the **National Coordinator of Guatemalan Widows (CONAVIGUA)** who we continue to accompany. This month, the organisation celebrated its annual assembly during which we provided daily presence at its offices in the capital.

In June, we maintained periodic contact and held several meetings with members of the **Council of K'iche' Peoples (CPK).** On the 23rd of June, as part of the National Strike (see 1. Current Situation), we observed the march organised by the Council of Western Peoples (CPO) in Santa Cruz del Quiché, El Quiché. The CPK, member of the CPO, presented a statement to the Office of the Interior declaring that it does not accept the Telecommunications Law and asking that it not be approved.

This month, we visited the **La Puya Peaceful Resistance** eight times, increasing the international presence at the peaceful sit-in following the violent eviction on the 23rd of May. Following the eviction, police agents have remained at the entrance to the mine, maintaining a very tense situation.

At the beginning of the month, PBI Guatemala publicy declared its concern over the eviction that it had observed - in particular over the excessive use of force on the part of the public security agents that resulted in a higher number of injuries. We made contact with the international community in Guatemala and outside the country, asking that protective measures be granted for the La Puya Peaceful Resistance and its members affected by the violence during the eviction, and also that attention be paid to the subsequent judicial harrassment against them.¹⁹ On a second occasion later on in the month, considering the eviction of La Puya and the situation faced by the organisation and its members, we informed international community contacts and the Support Network for the PBI Guatemala project of the current context of reduced space for effective defence of human rights in the country. In this framework, we asked for adoption of concrete measures to open such spaces and to contribute to the protection of social actors who defend and promote human rights and who, because of this, face threats, various aggression, and represion (outlined in the table below).

This month, we also accompanied the Verapaz Union of Campesino Organisations (UVOC). Within its work to resolve

¹⁹ PBI Guatemala, "Desalojo violento de la Resistencia Pacífica de La Puya", Guatemala, 03.06.2014. <u>http://www.pbi-guatemala.org/field-projects/pbi-guatemala/latest-news/news/?</u> <u>no_cache=1&tx_ttnews[tt_news]=4272&cHash=4a7a9c02d282fc0a41d7140a124f51ee</u>

the problem of access to land, we accompanied UVOC at a meeting with the Secretary of Agrarian Affairs (SAA) in which the cases of the communities of Las Cruces, La Primavera, Lote 8 and 12 Águilas were discussed. We maintained regular contact with its members and weekly presence at the office of the organisation's attorney.

In June we followed up on the situation of the Unit of Human Rights Defenders of Guatemala (UDEFEGUA). We maintained contact with the organisations through calls to its members, visits to workplaces, and/or meetings; while we decreased physical accompaniment in June, we continued paying close attention to the situation and we responded to concrete requests made for international presence at specific situations.

Closure of space in which to defend human rights:

Given the background to the violent eviction of the La Puya Peaceful Resistance sit-in at the end of May, a central concern in this current context is the **closure of space to exercise defence of rights** (see Accompaniment of the La Puya Peaceful Resistance). Through our accompaniment and international observation, PBI has identified the following worrying indicators that are evidence of this closure. They affect organisations and other social actors who promote and defend human rights in the country, and increase their vulnerability:

1. The **increase in threats and attacks against human rights defenders.** In 2013, the Unit of Human Rights Defenders in Guatemala (UDEFEGUA) registered nearly 657 aggressions against it, more than double the number of the year before (326). In the first six months of 2014, the register has reached 639 attacks, among them 142 threats, 401 damage to property, 6 assassinations, and 3 attempted assassinations.

2. The **increase in use of penal system** (legal accusations and arrest orders) **and public defamation** of social protest and human rights defenders.

- 3. The devaluation of dialogue as an effective tool for overcoming conflict by peaceful means.
- 4. Violent eviction in response to social protest.

The closure of space for action also makes it difficult to engage in alternative possibilities for overcoming existing conflicts in different regions of the country. These conflicts generally exist in areas where the projects aimed at the exploitation of land and natural resource are taking place or are planned without information, consultation and prior consent of the affected local community. These rights are defended, along with other collective rights of indigenous peoples, as are economic, social, cultural, and environmental rights (DESCA).

3. INTERNATIONAL OBSERVATION

PBI Guatemala provides international observation of public events as requested by Guatemalan social organisations, to bring attention and international interest and to communicate outside the country what we observe.

On the 3rd and 4th of June, we observed the Human Rights Defenders' Gathering with diplomatic missions of the European Union (EU), in which the analysis of their situation was deepened and concerns, needs, and protective measures were addressed within the EU Guidelines for Human Rights Defenders, whose tenth anniversary is being celebrated in 2014. The meeting was supported by several Guatemalan and international organisations, among them PBI, and was attended by over 60 participants: among others, representatives of several organisations we accompany such as CCCCND, CPK, and the La Puya Peaceful Resistance, UVOC, AMISMAJAX, and UDEFEGUA; of organisations we have accompanied in the past such as OASIS; of other Guatemalan social organisations such as the Coordinator of Associations and Communities for Integral Development of the Chortí Region (COMUNDICH) and the Committee for Campesino Development (CODECA). International organisations were also present at the meeting, such as PBI, the Accompaniment Project in Guatemala (ACOGUATE), Oxfam, Diakonia, and Guatemalan Human Rights Commission (GHRC).

On the 28th of June, we observed the Sexual Diversity and Gender Identity Parade. Organised by OASIS, the parade takes place annually and moves through the center of Guatemala City.

At the end of the month, we visited Huehuetenango: we observed a campesino march in Santa Bárbara in which the Assembly of Huehuetenango Peoples demanded the right of the communities to prior consultation on issues that affect

and interest them and expressed rejection of mining and hydro-electric exploitation in the region.

Visit to Petén

At the beginning of the month, we visited the department of El Péten to follow up on a previous visit at the end of 2013. We met with civil society organizations and members of displaced communities of the Sierra de Lacandón and Laguna del Tigre National Parks in order to be updated on their situation. One of these communities, **Centro 1**, has its population spread across several locations, in particular, El Retalteco and La Libertad. In the La Libertad encampment, where there are refugees from Centro 1 five years after an eviction, we witnessed the lack of basic services in the provisional housing, constructed from recycled wood and plastic.

The social organisations with which we met also shared several concerns, among them: the plan for tourism and hydro-electric projects in the zone that do not take into account the communities' opinions or respect the right to information and prior consultation; the serious violation of women's rights;the growing influence of African palm

monoculture companies; and the situation in the area known as **La Candelaria Triangle** where evictions are feared.

To inform local and departmental authorities of our work and of the visit to the region and to share our concerns over the human rights situation affecting social organisations and communities, we held meetings with several public institutions such as: the Secretary for Agrarian Affairs (SAA) in La Libertad and San Benito, the Land Fund (FONTIERRAS), the National Council of Protected Areas (CONAP), the Presidential Human Rights Commission (COPREDEH), the Human Rights Ombudsman (PDH) of San Elena and El Naranjo, and the municipal mayor and National Civilian Police (PNC) of Flores.



Meeting with displaced community, Centro 1, Petén, 09.06.2014. PBI Photo:

4. POLITICAL ACCOMPANIMENT

Meetings with the diplomatic corps, international organisations, and Guatemalan authorities

Meetings with national and international authorities are an important tool for PBI to make known our objectives and work. In these meetings, where this is necessary, we express concerns in a restrained way about critical situations we know first- hand from the work we do on the field.

This month we met with several members of the diplomatic corps and international agencies in Guatemala City. At the beginning of the month, we met with Naomi York, First Secretary for the Embassy of the Netherlands, and with the Italian Ambassador, Fabrizio Pignatelli, to update them on the accompaniment work and international observation that we do and of the concerns over the situation of human rights and defenders of human rights in light of the violent eviction that we observed at the end of May in La Puya. With the same goal, on the 9th of June we met with Daniel Ortiz and Rodrigo Araya, Consul and First Secretary of the Embassy of Chile and with the Spanish Ambassador, Manuel Lejarreta. Later on in the month, we met with Kristine Erlandsson, Second Secretary for the Swiss Embassy. That same week, we met with diplomatic staff from the German Embassy: Matthias Sonn (German Ambassador), Thomas Cieslik (Chief of cooperation), and Lothar Rast (Director of GIZ). We also met with the Ambassador of Norway, Jan Gerhard Lassen and with Sindre Borsntein, human rights officer for that embassy. Finally, we presented our work to Eduardo A. Leoni, Councillor to the Embassy of Argentina.

We also maintained regular contact and meetings with Catalina Lleras, human rights officer with the Office of the United Nations High Commission on Human Rights (OACNUDH) in Guatemala.

In the capital and in several regions of the country, we held meetings with public authorities, primarily with the National Civilian Police (PNC): at the beginning of the month we met with the Chief Commissioner from Commission 12, Guatemala City; we also had contact with police staff from the Camotán Substation, Chiguimula; and on 23 June, we met with the Director of the PNC, Telémaco Pérez, and expressed our concern over the eviction that we witnessed in La Puya on the 23rd of May and over the lack of police protection that the communities we accompany and visit had denounced.

Meetings with Civil Society

The team in the field meets regularly with civil society organisations, with the aim of monitoring the situation of human rights defenders' human rights, to inform each other about the work being done and to gather information to help develop analysis of the political situation. We coordinate aspects related to the field of international involvement.

In June, we maintained contact with several organisations and individuals from Guatemalan civil society. We met with Jorge López, director of the Support Organisation for Integral Sexuality in the face of AIDS (OASIS). We also made regular visits to the offices of Madre Selva Collective and the Women's Sector.

We also met with social organisations from the international community present in Guatemala. During the entire month, we were in contact with the Coordination of International Accompaniment in Guatemala (ACOGUATE), with Guatemalan Human Rights Commission (GHRC), with Protection International, with the Forum of International Non-Governmental Organisations (FONGI), and with the International Platform against Impunity.

5. ACTIVITIES OF PBI GUATEMALA OUTSIDE GUATEMALA

Outside the country we constantly develop and strengthen the network of support for the Guatemalan PBI project, as this is one of the essential tools necessary to protect defenders of human rights. 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. In this context we develop actions and public relations campaigns, and / or advocacy aimed at protecting defenders of human rights.

The European representative of PBI Guatemala had several meetings and participated in many activities in Brussels in June. On the 6th of June she met with Gerard Schulting, staff with responsibility for Guatemala at the European External Action Service (EEAS). On the 17th, she participated in a gathering of the new United Nations Relator for Defenders, Michel Forst, with human rights organisations. The same day, she attended the "10th anniversary of the European Union Guidelines for Defenders", an activity co-organised by PBI, Frontline Defenders, Amnesty International, Protection International, Human Rights Watch, the International Human Rights Federation (FIDH), as well as the Permanent Representation of Ireland in Brussels. On the 18th of June, she met with Julita Bas, of the Human Rights Department of the EEAS, with Nicola Murray from Working Group Council on Relations with Latin America and the Caribbean (COLAC), and with Phillip Gross, staff in charge of Mexico with EEAS.

6. NON- GOVERNMENTAL ORGANISATIONS

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

SE AGUDIZA LA PERSECUSIÓN Y CRIMINALIZACION CONTRA DEFENSORES DE DERECHOS DE CODECA, COMITÉ DE DESARROLLO CAMPESINO

El día de hoy 26 de Junio del 2014, personas vestidas de particular, en el municipio de Chiantla, Huehuetenango, detuvieron de manera ilegal a Mauro Vay y Blanca Ajtum, ambos defensores de derechos humanos, miembros de la dirigencia nacional del Comité de Desarrollo Campesino (CODECA). La detención ilegal se realizó alrededor de medio día, cuando los compañeros defensores se disponían a almorzar en el municipio de Chiantla.

DENUNCIAMOS Y REPUDIAMOS PÚBLICAMENTE ESTAS ACCIONES ENCAMINADAS A INTIMIDAR Y FRENAR LAS LUCHAS SOCIALES POR LOS DERECHOS EN GUATEMALA.

EXIGIMOS A LAS AUTORIDADES LA LIBERTAD INMEDIATA DE LOS COMPAÑEROS ARBITRARIAMENTE DETENIDOS, YA QUE NO EXISTE PRUEBA DE DELITO ALGUNO EN CONTRA DE ELLOS.

PEDIMOS A LOS ORGANIMOS NACIONALES E INTERNACIONALES DE DERECHOS HUMANOS SU SOLIDARIADAD Y PRONUNCIAMIENTOS PÚBLICOS EN DEFENSA DE LA LIBERTAD Y LOS DERECHOS DE LOS DOS DEFENSORES CAPTURADOS ILEGALMENTE.

> Guatemala 26 de junio de 2014 Comité de Desarrollo Campesino CODECA "El momento más obscuro de la noche, es el que antecede al amanecer"

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