



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

United Nations name Dall’Anesse as new head of CICIG

Guatemala, 01.07.2010 (EP, PL, SV).- Francisco Dall’Anesse Ruiz, Costa Rica’s attorney general, was named as successor to Carlos Castresana as head of the International Commission Against Impunity in Guatemala (CICIG), announced Farhan Haq, acting deputy spokesman for the UN Secretary General.

“The Secretary General takes this opportunity to reiterate his gratitude to Castresana for the excellent work he carried out during the two and a half years he led the Commission. The achievements of CICIG during this period have been highlighted by Guatemalan authorities and civil society and by the international community,” said Haq.

Dall’Anesse has stood out in his work in the Costa Rican prosecution service, for leading investigations against drugs traffickers and the corruption case that resulted in the prosecution of former presidents Miguel Ángel Rodríguez and Rafael Ángel Calderón.

Former kaibil soldier Gilberto Jordán admits part in the massacre of Las Dos Erres

Guatemala, 08.07.2010 (CA).- Twenty-eight years after having killed a baby, throwing its body into a well, Gilberto Jordán admitted his participation in the act. During the intervening time he kept the secret, including lying about his military past in Guatemala in order to gain United States citizenship.

Jordán was a member of the kaibil group that raided the village Las Dos Erres on 7 December 1982, where the Guatemalan army killed 252 men, women and children. He testified before a United States judge about the killings he had committed during the massacre in the community, which is located in the La Libertad municipality of Petén.

Jordán was detained in Florida on 5 May by immigration authorities and on 7 July he admitted in court that he had been a member of the special military forces known as the kaibils, the group responsible for the massacre.

His confessions could result in a 10-year prison sentence and a fine of up to US\$250,000 for violation of US immigration law. For his part in the Las Dos Erres massacre, a criminal case has been initiated against him in Guatemala.

Guatemalan activist Miguel Ángel Albizures said the Public Prosecution Service (MP) should request his extradition and establish the army chain of command at the time of the crime.

“They dragged the people from their houses. They imprisoned the men in the village school and the women and children in the evangelist church. While they were detained they were beaten and some died as a consequence of the beatings,” states the sentence emitted by the Inter-American Court of Human Rights relating to this case. It also states:

“The kaibils took the men from the school and they led them blindfolded and with their hands tied to a bottomless well where they shot them. Afterwards, they took the women and children to the same place. On the way, many girls were raped.”

“[...] They asked them if they belonged to the guerrilla. Then they beat them on their heads with an iron mallet or they shot them, to later throw their bodies in the well.”

30 times more ‘femicides’ registered in Guatemala in 2009 than in 2008

Guatemala, 05.07.2010 (AC).- There were 30 times more femicides (murders of women) in Guatemala in 2009 than there were in 2008, stated Carlos Castresana, interim commissioner of the International Commission Against Impunity in Guatemala (CICIG), during the presentation in Costa Rica of UNITE to End Violence Against Women, the campaign of the United Nations Secretary

General, Ban Ki-Moon. Castresana also said that the rate of violence against women in Central America was the highest in the world, above all in the 'northern triangle', consisting of Guatemala, El Salvador and Honduras.

Of the proximately 700 violent deaths of Guatemalan women registered in 2009, only 56 – or 8 per cent – had ended in a criminal conviction, said Castresana. In El Salvador there were 314 cases of femicide, and in Honduras 181. He added that girls are the worst affected, given that they are not able to access the justice system, and because their guardians or family members are often the perpetrators.

Castresana said he agreed with the idea of enacting an international criminal convention in order to harmonise legislation that categorises violence against women, thus reducing the high rate of impunity that surrounds it.

Such an international instrument should standardise basic concepts, like gender-based violence, and define the crimes of homicide, genital mutilation, sexual assault, traffic of women and sexual exploitation, among others, concluded the former CICIG chief.

LAND

San Marcos residents sue president of Supreme Court of Justice for ideological forgery

Guatemala, 29.07.2010 (PL).- The population of San Miguel Ixtahuacán, San Marcos, marched from the Plaza de la Constitución to the headquarters of the Supreme Court of Justice (SCJ) to lodge their case against Erick Álvarez, SCJ president, accusing him of ideological forgery after he registered public property in favour of a company. The marchers were accompanied by Nobel Peace Prize laureate Rigoberta Menchú and Monsignor Álvaro Ramazzini, bishop of San Marcos.

According to the lawsuit, Álvarez, as representative of the company Peridot, S.A., initiated proceedings for the supplementary titling of land belonging to the indigenous Mam population, contrary to the Supplementary Titling Law, which prohibits this. The lawsuit also includes accusations against Jorge Asensio, representative of the company Montana Exploradora, subsidiary of the Canadian Gold Corp.

The land claimed by the Mam population is of 20 square kilometres and is registered in the Quetzaltenango Land Registry in the name of the Municipality of San Miguel Ixtahuacán.

Rigoberta Menchú said she hoped that Álvarez would resign or be relieved of his post as president of the SCJ as a result of the complaint of illegal activities, adding that a commission should be formed to investigate.

NEGATIVE EFFECTS OF GLOBALISATION

Writer calls for common sense in the Perenco case

Guatemala, 12.07.2010 (AC).- The Laguna del Tigre national park contains Central America's most important wetlands, with its system of lagoons, swamps and ponds and the biodiversity that dwells there. It is a natural barrier against hurricanes and regulates the water cycle. Illeana Alamilla, a columnist for the Guatemalan national newspaper *Prensa Libre*, said the extension of Contract 2-85 to allow oil exploitation in the core zone of the Mayan Biosphere Reserve for 15 more years risked making a mockery of the whole legal system and entailed a new setback to Guatemala's fulfilment of international obligations.

The writer also said that, according to estimations by the Institute for Agriculture, Natural Resources and Environment (IARNA) of Rafael Landívar University, the economic benefit obtained by conserving Laguna del Tigre amounts to 5,600 million quetzals (Q). This is more than the Guatemalan state would earn from royalties by extending the oil extraction contract, at approximately Q4,000 million.

Both IARNA and the Institute for Analysis and Investigation of National Problems of the University of San Carlos say that the extension of the contract will weaken the country's constitution, and that the president would be responsible.

The company Perenco, which holds the contract, produces 10,000 barrels of crude oil per day. Between 2002 and 2009, the royalties received by the Guatemalan state amounted to US\$ 660 million, said Alamilla. At the same time, the company made US\$ 1,695 million from exports.

Sources: Agencia Cerigua (AC), Diario de Centroamérica (DC), El Periódico (EP), Prensa Libre (PL), Siglo Veintiuno (SV).

2. PBI-GUATEMALA ACTIVITIES – IN GUATEMALA

Team: Samuel Jones (United Kingdom), Jorge Palomeque (Argentina), Attilio Altieri (Italy), Julia Paola García Zamora (Colombia), Kathrin Bull (Germany), Frauke Decoodt (Belgium), Lena Niehaus (Germany), Aldolfo Pérez-Gascón (Spain), Janieke Janine Nelleke (Holland) and Ricard Martín Hernández (Spain)

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 nature of 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 in the country.

International Authorities and other international entities in Guatemala:

- Christina Papadopoulou, human rights officer of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Guatemala, Guatemala City
- Jennifer Pierce, desk officer for the Stabilization and Reconstruction Task Force, Ministry for Foreign Affairs of Canada, Guatemala City

Guatemalan Authorities:

- Jorge Mario Monzón, director of regions III, National Protected Areas Commission (CONAP) of Zacapa, Zacapa
- Byron Lacs, municipal manager, Zacapa municipality, Zacapa
- Hugo Martínez, coordinator of the Human Rights Defenders Department, Presidential Human Rights Commission, (COPREDEH), Guatemala City
- Gerzon Oliva Ramos, adjunct director general, National Civil Police (PNC), Guatemala City
- Franklin Asturias, advisor to the Vice-Minister of Security, Interior Ministry Agency for the Analysis of Attacks on Human Rights Defenders, Guatemala City
- Otoniel López, head of administrative section, Environment Protection Division (DIPRONA), Guatemala City
- José Berreondo Zavala, Governor, Santa Cruz del Quiché, El Quiché
- Ricardo Rodríguez, Human Rights Ombudsman's Office (PDH), Santa Cruz del Quiché, El Quiché
- Escobar Cruz, PNC inspector, Santa Cruz del Quiché, El Quiché
- Ramón Olivares Guzmán, PNC second officer, Santa Cruz del Quiché, El Quiché.
- Ruth del Valle, director of COPREDEH, Guatemala City

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.

Guatemalan Civil Society:

- Arturo Chub, deputy executive director, Security in Democracy Association (SEDEM), Guatemala City
- Idivina Hernández, director, SEDEM, Guatemala City
- Andrés Cabanas, writer and human rights activist, Guatemala City
- Alfonso Bauer, human rights activist, Guatemala City

International Organisations and Agencies:

- International Accompaniment Coordination in Guatemala (CAIG-Acoguate), Guatemala City
- David Montesinos, head of the Governability Programme, Spanish Agency for International Cooperation for Development (AECID) – Technical Office for Cooperation (OTC) in Guatemala, Guatemala City
- Anantonia Reyes, facilitator of the Democratisation and Strengthening of the Rule of Law Programme, of the Interchurch Organisation for Development Cooperation (ICCO), Guatemala City
- Claudia López, coordinator in Guatemala, Lawyers without Borders (Advocats sense Frontières) of Canada, Guatemala City

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA.

In July we continued our regular visits to the CONAVIGUA office in the capital. We remain concerned about threats made to several of CONAVIGUA's members.

We accompanied members of CONAVIGUA to the exhumation of a victim of the armed conflict assassinated by the army in the village of Las Lomas, San Martín Jilotepeque, Chimaltenango. We also accompanied them to meetings with women of the San Martín Jilotepeque mountains, members of organisations that work with CONAVIGUA.

We continue to monitor the preparation of the community consultation in the municipality of Usulután, and we have accompanied CONAVIGUA to several meetings in relation to this.

Members of CONAVIGUA have expressed their concern about the fact that, since the visit of UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples James Anaya, there has been an increase in threats in relation to their work on defending land and environmental rights.

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. Due to increasing requests on the part of communities in which CONAVIGUA works, the organisation expanded its work in the areas of legal and organisational advisory services to communities that are in the process of self-management. San Juan Sacatepéquez is one of the areas where CONAVIGUA is accompanying this process.

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

We continue our accompaniment of OASIS with regular office visits and meetings. We also have had regular meetings with Zulma Robles, following up on the complaint she filed after receiving suspicious anonymous 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. Director of OASIS, 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 dismissed by the Ninth Court of the First Criminal Instance.

Association for the Protection of Las Granadillas Mountain, APMG.

In July, we held meetings with several authorities to talk about the work of APMG and the struggle of this organisation to protect the mountain. An objective of these meetings was to follow up on and share information about a criminalisation process targeting leaders of the organisation. On 1 July we observed a march in Zacapa, held by the organisation's members and local communities to publicly denounce the criminalisation of environmental activists, and demand more protection for Las Granadillas Mountain.

We are concerned about the security situation of several members of APMG, as they have received threats and have noted security incidents indicating tactics of surveillance and intimidation against them. They fear a new campaign of criminalisation against human rights defenders working to protect the environment and the mountain.

Background: The association was created in 2003 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. In May 2010, an internal report prepared by the PNC accused members of the Association of threatening illegal actions, such as blocking the highway to impede the passage of vehicles transporting lumber from the Tashoro estate, or mobilising the community La Trementina to carry out a blockade. The APMG, in a meeting with the governor, the PNC and DIPRONA, demonstrated the lack of grounds or truth in the accusations and requested its retraction. Two days later, during a meeting with the same authorities, the PNC and DIPRONA agreed to carry out an investigation and prepare a new report – which they subsequently did, and in which the accusations were retracted.

Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ.

We held several meetings with AMISMAXAJ members in July.

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 July we accompanied the organisation as it held an assembly in which representatives of each municipality were elected. We also held regular meetings with its members. In meetings with several authorities we mentioned our accompaniment of the organisation, its work, and the situation in the region.

We remain concerned about several arrest warrants issued against leaders of communities; they have reported being victims of criminalization campaigns and have received threats relating to their work on land rights.

We also continue monitoring the situation of the communities that stand to be affected by the Technological Corridor project¹.

*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 2009, one of their members was victim of a gun attack close to the community.*

Camoteca Campesino Organisation.

We have continued to have regular meetings with the members of the Association.

The security situation of Association members continues to be critical, due to threats against some of its members. We are particularly concerned about Carlos Hernández and Santos Vázquez, who have received death threats.

We continue monitoring the communities that may be affected by the Technological Corridor project, the presentation of which took place in Camotán at the end of October 2009.

Background: The Camoteca Campesino Organisation was founded in 1988, made up then of health promoters and midwives of the municipality of Camatán, 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 Orégano", "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 mega-projects on the environment and on their economic situation.

Qamoló kí Aj Sanjuani - People of San Juan Unite.

During July, we continued regularly visiting the communities of San Juan Sacatepéquez.

We continue to monitor the vulnerability of the organisation, its members, and the communities demanding that the results of their community consultations be taken into account.

The defamatory publications about members of the organisation continue to be another central concern.

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

¹ At a cost of US\$12bn, the infrastructure project known as the Technological Corridor seeks to link, by 2015, Guatemala's Atlantic and Pacific coasts. It will comprise the construction of a four-lane motorway linking Pedro de Alvarado, Moyuta (Department of Jutiapa), with the port of Santo Tomás de Castilla (Department of Izabal), crossing the departments of Chiquimula, Zacapa, Izabal and Jutiapa. It will also include the construction of a train line and a gas pipeline.

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 world's 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 residents 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 to make known their availability for dialogue with legal and democratic mechanisms to seek agreements of benefit to the community.

Cunén Communities Council.

During July we have continued to hold regular meetings with the Council's members. We observed a workshop on political training for communities, and accompanied members of the Council to a meeting with the mayor of Cunén.

Our presence in the area allows us to remain attentive to events in the area, acquiring information about the situation and the context of work being done to protect land and natural resources, sharing information about the situation of human rights defenders and meeting with different local actors. It also enables us to monitor the community consultation processes in the department of El Quiché.

Background: The Council was established at the first communities' assembly in San Siguán. It is made up of 22 members from eight micro-regions of Cunén. The 22 members were named by their communities. One of the principal focuses of the Council's work is the defence of land and natural resources. In October 2009 they organised a community consultation on mining and hydro-electrical exploitation activities, and mega-projects in general; around 19,000 people from 71 communities voted against. PBI observed part of the preparation process and the realisation of the consultation.

Human Rights Defenders Protection Unit, UDEFEGUA.

We continue paying special attention to the security situation of UDEFEGUA members and hold frequent meetings in their office in the capital.

Background: The Human Rights Defenders Protection Unit (UDEFEGUA) 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".² We intensified the accompaniment again on 5 March, when several unidentified individuals broke into the house of Erenia Vanegas, investigator for the organisation. Nothing was taken, but a wardrobe and documents kept in a box were both searched. After this incident and another on 2 February, in which the car brakes of the director of the organisation, Claudia Samayoa, were interfered with, PBI increased the accompaniment through visits to the office, regular meetings with the organisation's members, and accompaniment during journeys to departments in the interior of the country necessary in their activities of investigation and verification of reports about attacks against human rights defenders.

2.4 FOLLOW-UP

² 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 May 2009.

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 but 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.

In July we held regular meetings with members of the organisation. We remain concerned about the threats received by some members of UVOC and continue to monitor and show our presence in the area and among the communities where the organisation works.

We accompanied members of the organisation to a meeting with community leaders from the San Miguel estate, in El Estor, Izabal. The estate has been occupied by 90 families, who were evicted two years ago without recognition of their labour rights. They fear another eviction following the arrival of 400 armed men on the land. We also accompanied UVOC to meetings with the Secretary for Agrarian Affairs and observed a press conference held by the NGO and Cooperatives Coordination (CONGCOOP), which also dealt with the situation on the San Miguel estate.

Members of UVOC have expressed concern about the families of the old La Mocca estate, who remain badly affected following tropical storm Agatha.

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.*

Centre for Human Rights Legal Action, CALDH.

In July we have held regular meetings in the organisation's office.

Background: 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 July we monitored the tense situation in the San Marcos department, due to a conflict between the Spanish electricity provider Unión FENOSA (DEOCSA in Guatemala) and communities from several municipalities. The government currently maintains the state of prevention³ in the area that was decreed on 22 December 2009, which has now continued for seven months.

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.

³ The first and lowest level of official public alert.



On 1 July we observed a press conference held by the NGO and Cooperatives Coordination (CONGCOOP), about the situation on the San Miguel estate in the municipality of El Estor (Izabal). Several organisations expressed their solidarity with the families of the estate, among them UVOC and the Campesino Unity Committee (CUC).

We observed several preparatory activities for the good faith consultation in the municipality of Uspantán (El Quiché) in which, along with local communities, several organisations are participating, among them CONAVIGUA and UKUXBE.

On 28 July we observed a march held by the Council of Western Peoples, the Rigoberta Menchú Foundation, the San Marcos Diocese and the Human Rights

Office of the Archdiocese of Guatemala (ODHAG), to submit a legal complaint to the Supreme Court of Justice (SCJ). They accuse Érick Álvarez, president of the SCJ, of ideological forgery for registering communal property to a company

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 July the project’s European representative attended the 12th EU-NGO Forum on Human Rights in Brussels. She participated in the workshop on “the role of the EU in the promotion of economic, social and cultural rights”.

At the end of the month, the entire PBI Guatemala team met in Guatemala City for a week, where they worked on analysis of the current situation in Guatemala, and the evaluation and planning of the project’s work. The team of volunteers, the project committee and the project coordination office all participated.

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.

Comunicado de la Convergencia por los Derechos Humanos sobre la coyuntura de violencia en Guatemala

¡Detener la barbarie! ¡Garantizar el derecho a la vida!

La **Convergencia por los Derechos Humanos**, alerta a los pueblos y pueblo de Guatemala por el terror que intenta imponerse con el incremento de ejecuciones y ataques contra usuarias, usuarios y pilotos del transporte urbano, los asesinatos de mujeres, niños y niñas, así como la criminalización de la actividad de defensores y defensoras de derechos humanos.

El terror y el miedo vienen acompañados de documentos apócrifos y discursos, en los cuales, al justificar esta situación alarmante, se utiliza un lenguaje propio del autoritarismo que invoca la impunidad como moneda de cambio. En estos, se descalifica y discrimina a cualquier tipo de diferencia, mientras se alienta el desprecio a la vida pues, se promueve una falsa idea de que un sector determinado tiene la exclusividad para acceder al poder público.

Ese lenguaje violento recuerda y hace presente los años de las amenazas de muerte, el desplazamiento forzoso, la persecución criminal, las ejecuciones extrajudiciales, las desapariciones forzadas, los actos de tortura, la violencia sexual y el genocidio que las fuerzas de seguridad cometieron contra la población civil no combatiente de los pueblos y del pueblo guatemalteco. Violaciones a los derechos humanos por las cuales, sobrevivientes y familiares de las víctimas aún esperan y reclaman justicia al Estado. Vemos con preocupación que no hay diferencia entre los asesinatos del pasado y el lenguaje inquisidor de la actualidad. Tenemos muy poco para dudar que este terror y miedo que día a día se siembra con los ataques a los y las usuarios y pilotos del servicio del transporte urbano capitalino y de municipios aledaños, así como contra la ciudadanía en general, se origina en esos factores de poderes ligados a las violaciones a los derechos humanos y graves delitos de lesa humanidad y genocidio, y son ellos los que hoy invocan la impunidad ante la total pasividad de las autoridades del Estado.

El miedo y el terror que se siembra en estos días son el nicho en el cual anida, crece y se reproduce la impunidad, y con ella, la proliferación inusitada de los cuerpos ilegales y aparatos clandestinos de seguridad. Sin la justicia por las graves violaciones a los derechos humanos, la impunidad y los aparatos de seguridad de nuevo se multiplican y hoy crecen vinculados a la incesante actividad del crimen organizado, que atraviesa incluso los poderes económicos en el país.

Después de la firma de los Acuerdos de Paz, ninguno de los presidentes electos a la fecha, ni los integrantes del Congreso de la República, han tomado medidas serias para erradicar el flagelo de la impunidad y dismantlar los cuerpos paramilitares. Menos aún, para administrar la justicia pronta y cumplida a la cual los pueblos y el pueblo guatemalteco tienen derecho. El Acuerdo Global de Derechos Humanos identifica con mucha claridad el problema y ofrece caminos a seguir para fortalecer el Estado de Derecho.

A instancia de propuestas de organizaciones sociales y de derechos humanos, la comunidad internacional expresada en las Naciones Unidas, acordó la creación de la Comisión Internacional contra la Impunidad en Guatemala (CICIG), desde hace tres años. No ha sido fácil el camino de la Comisión. Como fiscalía especial, en sus investigaciones, la CICIG ha identificado y golpeado a estructuras ligadas a la impunidad, al crimen organizado y a aparatos de seguridad. Son numerosos los detenidos por la acción de la fiscalía especial y públicos sus nombres. Además de ser responsables de violaciones a los derechos humanos del pasado, hoy los detenidos están ligados a múltiples ilícitos del crimen organizado.

El Estado de Guatemala tiene responsabilidad en la barbarie. El gobierno, por su actitud indolente, el Congreso por su irresponsabilidad y su preocupación exclusiva por la reelección, el Organismo Judicial por su ineptitud para depurar sus estructuras. Así las cosas, no hay manera de que el conjunto del sistema de procuración y administración de justicia, reaccione con decisión y cumpla su obligación de proveer la garantía del derecho a la vida. Ante ello, los pueblos y el pueblo de Guatemala -en su mayoría usuario del transporte colectivo-, está sometida nuevamente al desprecio, a la discriminación y el racismo que justifican esta ola de violencia.

Por lo anterior, las organizaciones que integramos la Convergencia por los Derechos Humanos emplazamos al Estado de Guatemala y exigimos al Presidente y gobierno de la República que de una vez por todas, dismantle las estructuras que producen y procuran impunidad. De igual forma, demandamos a las y los diputados al Congreso, que dejen de lado sus afanes reeleccionistas e inviertan el tiempo en promulgar las leyes y reformas en materia de seguridad propuestas por la CICIG, a fin de dotar al sistema de seguridad de las herramientas necesarias para el combate a la impunidad. Al Organismo Judicial, en particular a la Corte Suprema de Justicia, que concentre sus esfuerzos en el combate a la corrupción dentro de sus estructuras.

Guatemala, 23 de julio de 2010.

CONTRA EL DESPOJO Y LA USURPACIÓN DE LA MADRE TIERRA EN NUESTRO TERRITORIO

Los representantes del Pueblo Maya Mam de San Miguel Ixtahuacán (FREDEMI) del departamento de San Marcos, miembro del Consejo de los Pueblos de Occidente, acompañados por la Convergencia Nacional Maya "Waqib' kej", comunidades de San Juan Sacatepequez, y de otros pueblos afectados por la minería. Así como el Obispo Monseñor, Alvaro Ramazzini de la Diócesis de San Marcos, Rigoberta Menchú Tum, Premio Nobel de la Paz de la Fundación Rigoberta Menchú Tum, Nery Rodenas de la Oficina de Derechos Humanos del Arzobispado de Guatemala, la Coordinadora Nacional de Organizaciones Indígenas y Campesinas -CONIC- el Comité de Unidad Campesina CUC y Organizaciones de Derechos Humanos.

MANIFESTAMOS:

1. Que la totalidad del territorio del municipio de San Miguel Ixtahuacán San Marcos, pertenece al Pueblo Maya Mam inscrito en el Segundo Registro de la Propiedad de Quetzaltenango, bajo el número de finca 20,697, folio 58 del libro 133 del departamento de San Marcos.

2. A pesar de esto con fecha 6 de septiembre del año 2001, el señor ERICK ALFONSO ALVAREZ MANCILLA, actual presidente de la Corte Suprema de Justicia, en su calidad de representante legal de la empresa PERIDOT, SOCIEDAD ANONIMA, inició

diligencias de titulación supletoria de una fracción de dicha finca ante el Juzgado Octavo de Primera Instancia Civil de esta ciudad, (Expediente C2-2001-7813) el cual está prohibido por la Ley de Titulación Supletoria que literalmente regula: “ el que pretenda mediante las diligencias de titulación supletoria titular un inmueble cuya titulación está prohibida por la ley, o que ya esté inscrito en el Registro de la Propiedad, incurrirá en el delito de FALSEDAD IDEOLÓGICA que establece el Código Penal”.

3. Que en este delito han incurrido los señores ERICK ALFONSO ALVAREZ MANCILLA Y JORGE ASENCIO AGUIRRE, en su calidad de representantes legales de Peridot, S. A por lo que hemos interpuesto una querrela en su contra, con el fin de que las instituciones correspondientes del Sistema de Justicia, procedan a investigar y juzgar a los responsables y en consecuencia se ordene el desalojo de la las empresas Peridot, S.A. y Montana Exploradora de Guatemala, S.A. propiedad de la transnacional canadiense Gold Corp, por ocupación ilegal de nuestro territorio.

Guatemala 28 de julio de 2010

FRENTE DE RESISTENCIA MIGUELENSE, (FREDEMI)
MIEMBRO DEL CONSEJO DE LOS PUEBLOS DE OCCIDENTE (CPO)

PBI GUATEMALA DOES NOT NECESSARILY IDENTIFY WITH THE OPINIONS AND CONTENT OF THE ARTICLES AND COMMUNIQUE REPRODUCED. THE NOTES ON CURRENT CONTEXT IN SECTION 1 ARE NOT FROM A LITERAL COPY OF THE SOURCES CONSULTED: THEY SIMPLIFIED THE WRITING AND SYNTHESISED THE ORIGINAL ARTICLES.

- PBI GUATEMALA PROJECT-

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