



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

GAM demands that the military leadership take responsibility for the El Jute massacre in 1981

Guatemala, 31.08.2010 (PL).- The Mutual Support Group (GAM) denounced members of the military leadership that governed in 1981 for their involvement in the massacre committed in the town of El Jute (Chiquimula) during the internal armed conflict. The accusation was made against 150 soldiers and two members of the military high command during the period, Benedicto Lucas García, ex chief of the military General Staff and Ángel Aníbal Guevara, ex defence minister. GAM accused them of participating in the rape of three women and the torture of seven on 17 December 1981.

The Guatemalan state apologises to victims' families for pain caused during the war

Guatemala, 07.09.2010 (PL).- President Álvaro Colom apologised in the name of the Guatemalan state to families of the victims of the civil war in a letter in which he also announced that 1,017 families would receive financial compensation from the National Reparations Programme. In the letter, which was given to victim's families, president said that "after years of indifference, in the name of the state of Guatemala, we apologise for the anguish and pain caused during the internal armed conflict". The civil war in Guatemala lasted 36 years (1960-1996) and left a total of 200,000 people dead and thousands disappeared. The Truth Commission (CEH) found that the army was responsible for 93% of the crimes against humanity committed during this period in their report entitled "Guatemala, Memory of Silence".

CICIG presents report of its third year

Guatemala, 10.09.2010 (CICIG).- Francisco Dall'Anese Ruiz, chief of the International Commission Against Impunity in Guatemala (CICIG) submitted to President Álvaro Colom the third report of the institution's work in Guatemala. Dall'Anese said: "The world, through the countries whose ambassadors are present here, has permitted the establishment of a multinational force for justice, in which professionals of 24 nations have come to collaborate with Guatemalans and share with them the fight for justice and the construction of the Rule of Law. Guatemala will be the country that Guatemalans want it to be without impositions from outside, and we are simply collaborating, by responding to the call that Guatemala made for a multilateral justice force to cooperate with the country." In her speech, María Encarnación Mejía García de Contreas, current chief of the Public Prosecutors Office (MP), said the fight against impunity was the biggest challenge for the country, and since the 1994 Global Agreement on Human Rights, Guatemala had committed itself to combating illegal security forces operating under the veil of impunity.

Twenty years on Myrna Mack Chang's murder is commemorated

Guatemala, 11.09.2010 and 13.09.2010 (LH, EP).- September 11 was the 20-year anniversary of the murder of the anthropologist Myrna Mack Chang. To commemorate it, the Myrna Mack Foundation name organised several activities at the headquarters of the Association for the Advancement of Social Sciences (AVANCSO), of which Myrna Mack was the founder. Among the activities were a photographic display and a biographical exhibition. Among the notable people attending were members of the diplomatic corps. Helen Mack, Myrna's sister, said the Foundation maintained its commitment to the fight against impunity. "The impunity of the past is what has generated impunity of the present," she said.

Myrna Mack was born on 24 October 1949 in the district of San Nicolás, in Retalhleu, of Mayan and Chinese decent, and studied anthropology in the United Kingdom at the universities of Manchester and Durham. She was murdered on 11 September 1990 in the

context of actions initiated by the state against people it considered to be its enemies, and carried out by the army. She was stabbed 27 times in front of her office in AVANCSO's headquarters in Zone 1 of Guatemala City.

LAND

Government announces a new battalion for Laguna del Tigre National Park

Guatemala, 01.09.2010 (PL, EP, SV).- On 31 August the army announced the creation of the Forest Battalion, which has been tasked with recuperating control of Laguna del Tigre, in Petén. According to Abraham Valenzuela, Minister of Defence, the Battalion has 250 staff, including officials, specialists and soldiers. Among their functions are the strengthening of border protection, and control of the territory to prevent illicit activities related to drug trafficking, as well as the protection of natural resources. The detachments will be financed by the petrol company Perenco Guatemala Limited.

Los Amates communities of Izabal search for legal certainty of their land

Izabal, 21.09.2010 (AC).- Various government entities have begun action to legalise land occupied by communities of the Los Amates municipality in Izabal. Mayor Marco Tulio Ramírez said they aimed to find a definitive solution to the agrarian conflict caused by the lack of legal certainty of the land. The information agency Cerigua also reported that the process had begun in the community of Cumbre de Río Banco, where they had met with the departmental governor, authorities from Los Amates municipality, the Land Fund of the Secretary of Agrarian Affairs and Los Amates residents, to analyse and discuss how the initiative would be carried out.

NEGATIVE EFFECTS OF GLOBALISATION

Forum: "A new mining law is necessary in Guatemala" held in Guatemala City

Guatemala, 09.09.2010 (PL).- One of the conclusions of the forum called "A new mining law is necessary in Guatemala", held on 8 September, highlighted that illegal quarries extracting construction material from the sides of roads and rivers are as damaging as open mines. Congresswoman Rosa María de Frade expressed her concern that they undermine peaks and water basins, run off into rivers and lakes causing environmental disasters and increase the risk of landslides putting human lives at risk. Yuri Melini, director of the Centre for Environmental and Social Legal Action (CALAS), said the aim of the forum was to open spaces for discussion, so that citizens can be aware of all the aspects and opinions about mining.

Alfonso Bauer Paiz, an academic at the University of San Carlos, said the current Mining Law was harmful for the country; it put the public's health at risk and failed to consult communities. He also said the commercial conditions were beneficial for transnational companies while being unjust for the state, and that the Canadian justice system had condemned mining companies for not carrying out environmental impact studies. De Frade and Melini both recognised the existence of powerful groups with particular interests, who since 2003 had delayed the approval of a new Mining Law.

Villagers from Alta Verapaz block roads in rejection of mining and hydroelectric projects

Alta Verapaz, 13.09.2010 (AC).- Residents of the majority of the communities of the Lanquín and Cahabón municipalities gathered at the El Pajal junction, blocking traffic in protest against the approval by the Ministry of Energy and Mining (MEM) of the construction of a hydroelectric plant in Lanquín and a mining project in Cahabón. The communities say their discontent is due to the National Council of Protected Areas (CONAP) giving permission for work in Semuc Champey National Park and authorising the evictions of several families. The people have demanded the presence of public authorities so that a solution can be reached through dialogue.

Communities from Uspantán, El Quiché, organise popular consultation on hydroelectric projects

Guatemala, 20.09.2010 (PL).- Leaders of 162 communities of Uspantán, El Quiché announced a popular consultation, to be carried out on 29 October in local communities, to gauge support for or against hydroelectric projects. Efraín Vicente Sajbín, from Uspantán's municipal consultation commission, said the participation of the 61,946 inhabitants was expected. "The consultation will be held in each community to avoid unnecessary costs to the people, and guarantee the greatest possible number of voters, because each vote is vital to impede these megaprojects that favour the government and private initiatives but cause harm to the communities," he said. He added that it was hoped that the population would reject the projects in Palo Viejo, Xalalá and Xacbal, the last of which is already underway.

Government to put six oil reserves up for tender in 2011

Guatemala, 20.09.2010 (EP).- At the end of September the Ministry for Energy and Mining (MEM) will present to the Presidential General Secretary documentation for the promotion of oil extraction in Guatemala. The MEM will propose that six of the 12 identified oil reserves, in Petén, the north of Huehuetenango, Quiché, Alta Verapaz, and on the Pacific Coast, should be put up for tender. Rafael Maldonado, legal coordinator of the Centre for Social and Environmental Action (CALAS), said a legal appeal had been submitted, to prevent the well in the Pacific going to tender, because oil extraction in open sea and on the coasts presents a risk to ecosystems and the health of the population. He pointed out that Guatemala had approved a coastal marine policy and that other international environmental regulations protect the coasts.

Sources: Agencia Cerigua (AC), Diario de Centroamérica (DC), El Periódico (EP), International Commission Against Impunity in Guatemala (CICIG) La Hora (LH), Prensa Libre (PL), Siglo Veintiuno (SV)

2. PBI-GUATEMALA ACTIVITIES – IN GUATEMALA

Team: Attilio Altieri (Italy), Julia Paola García Zamora (Colombia), Kathrin Bull (Germany), Frauke Decoodt (Belgium), Lena Niehaus (Germany), Aldo Pérez-Gascón (Spain), Janieke Drent (Holland); Ricard Hernández Martín (Spain); Pascal Bodemeijer and Anabella Estol (Argentina).

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:

- Enrique Luis Vaca Narvaja, responsible for business and international affairs, Argentinian Embassy, Guatemala City
- Philippe Moreau, first secretary, French Embassy, Guatemala City
- Christina Papadopoulou, Human Rights Officer, Office of the United Nations High Commissioner on Human Rights, Guatemala City

Guatemalan Authorities:

- José Hermógenes González, advisor to the Vice Minister on Sustainable Development, Ministry of Energy and Mining (MEM), Guatemala City
- Francisco Guaré, deputy director of the Mediation Division, Human Rights Ombudsman's Office (PDH), Guatemala City
- Eddy García, assistant mediator, PDH, Guatemala City.
- Gustavo Méndez, regional coordinator of the Presidential Commission for Human Rights (COPREDEH), Zacapa
- Edgar Rolando Noriega, departmental ombudsman, PDH, Chiquimula
- Mario Orlando Lemus Martínez, Governor of Chiquimula, Chiquimula
- Graciela Azmitía, research analyst of the Human Rights Defenders Department, COPREDEH, Guatemala City
- Julio Revolorio, coordinator of the department of analysis and conflict mediation with focus on human rights, COPREDEH, Guatemala City
- Jacobo Gramajo, responsible for the central region, COPREDEH, Guatemala City
- Mario Chamay, PDH personnel, Nebaj, Quiché
- Edgar Lardy, departmental government adviser, Santa Cruz del Quiché, Quiché
- Marlo Adolfo López Galindo, local chief of the National Civil Police (PNC) Uspantán station, Quiché
- Álvaro Urizer, vice-mayor, Uspantán, Quiché
- Alex Bosbelí, secretary of Uspantán mayor's office, Uspantán, Quiché
- Germán Roel López Cabrera, manager of Uspantán mayor's office, Uspantán, Quiché
- Agents of Chiquimula PNC, Chiquimula
- Agents of Camotán PNC, Chiquimula

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:

- Representatives of various communities of Laguna del Tigre, Ruta Bethel, Ruta Naranjo and Sierra del Lacandón, Peten
- Father Flavio, La Libertad Parish, La Libertad, Peten
- Members of the Convergence for Human Rights, Guatemala City
- José Cruz, member of Madre Selva Collective, Guatemala City
- Rosa Gallado and Karen Ramos, members of Women in Resistance, Guatemala City
- Iduvina Hernández, director of the Security in Democracy Association (SEDEM), Guatemala City
- Representatives of the Kab'awil Campesino Coordinator, Salvador Xolhuitz Community, Retalhuleu
- Mario Maldonado, legal officer of the Campesino Unity Committee (CUC), Guatemala City
- Aureliano Mejía, political coordinator of CUC, Guatemala City
- Father Juan Boxus, Jocotán Parish, Jocotán, Chiquimula

International Organisations and Agencies:

- International Accompaniment Coordination in Guatemala (CAIG-Acoguate), Guatemala City
- Billy Kyte and David Young, members of Global Witness (Office in London, United Kingdom), Guatemala City

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA.

In September we intensified our accompaniment to CONAVIGUA after death threats against its director, Magdalena Sarat and against another of its members, Jorge Morales Toj. The threats came in the context of their work organising community consultations on natural resource extraction projects in the municipalities of Uspantán (El Quiché) and Lanquín (Alta Verapaz). We increased our physical presence with CONAVIGUA and through meetings with various Guatemalan authorities and international entities we brought attention to the situation and expressed our concerns about the threats against the lives and physical wellbeing of various members of the organisation. This month we also accompanied CONAVIGUA to an inhumation of the remains of victims of the armed conflict in Joyabaj, El Quiché.

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

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

In September, we continued our accompaniment of OASIS with regular office visits and meetings. We also have had regular meetings with Zulma Robles, following up on the formal 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.

We are closely monitoring the situation following a number of incidents that occurred in September, beginning with the destruction of a wall located in one of the estates on the mountain by a representative of the Tachoró estate and a group of men that the population identified as North Americans. The wall had been constructed by communities of La Trementina, with the permission of the owner, to limit the passing of heavy trucks transporting timber around the mountain. We are very concerned about the events because the clashes resulted in people hospitalised for tear gas injuries, threats against Reverend José Pilar Álvarez Cabrera and public defamations in local media.

This month we accompanied the association to a meeting at Congress where they discussed the legal process of declaring the Las Granadillas Mountain as *Chortí-Ladina Las Granadillas Mountain Spring Reserve*.

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.

During September we had several meetings with members of AMISMAXAJ. The association, as a collective of women who are strengthening local spaces of political power to achieve change, is concerned about partisan interests that wish to undermine the organisational autonomy of the Xinca women in their territory. The association is also concerned about the loss of harvest as a result of heavy rains in the region, which is already affected by extreme poverty and malnutrition.

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 September we held regular meetings with members of New Day. In meetings with several authorities we mentioned our accompaniment of the organisation, its work, and the situation in the region, expressing our deep concern about increasing criminalisation of social leaders, reported by the leaders of New Day.

We continue monitoring the situation of the communities that stand to be affected by the Technological Corridor project¹. This month we also visited the Canón Tisipe and El Candelero communities, where various organisations were analysing the violation of the right to food.

*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 which they relate to the work they undertake. In September 2009, one of their members was victim of a gun attack close to the community.*

Camoteca Campesino Association.

During September we had regular meetings with the members of the Association, in which they expressed their concern about the politicisation of aid following tropical storm Agatha. They say that this politicisation results in international aid failing to reach all of the affected population.

We maintained presence as observers in a demonstration and blockade at Jupilingo Bridge in Camotán, in which members of the association participated to protest against disinformation and lack of community consultations about projects linked to the Technological Canal (see note on page 1).

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.

We are deeply concerned about the defamation of Carlos Hernández, a member of the association, after several state actors circulated letters accusing him of contributing to the paralysation of the construction of an electricity network in the Camotán area. We also remain very concerned about the death threats received by Carlos Hernández and Santos Vázquez, both members of the association.

We continue monitoring the situation of 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 Association was founded in 1988, made up then of health promoters and midwives of the municipality of Camotán, 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.

In September we had several meetings with members of Qamoló, and we accompanied them to meetings with representatives of the Ministry of Education and the Human Rights Ombudsman's Office. We continue visiting the communities of San Juan Sacatepéquez and to monitor the vulnerability of the organisation, its members, and the communities who are demanding that the results of their community consultations be taken into account. Defamatory publications about members of the organisation – both before and after the visit of UN Special Rapporteur James Anaya – continue to be another central concern.

A representative of Qamoló has been in Spain this month, invited by PBI to participate in a speaking tour. The aim of the tour was to bring awareness about the work and experience of the organisation, the threats and the obstacles faced by the communities in demanding their collective rights, and to talk about the conflict related to the construction of the cement factory in San Juan Sacatepéquez.

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

In January 2007, several San Juan Sacatepéquez communities submitted an application to the municipality for a community consultation about the installation of the factory. The consultation, however, was deferred until finally it was revoked. As a consequence, by means of their Community Development Councils but without backing from the municipalities, the communities decided to reactivate the process. They held a consultation on 13 May 2007 with the participation of 8,950 people. 8,946 voted against and 4 in favour of the installation of the factory. The Municipal Council, along with the mayor, agreed to take into account the results of the consultation prior to the authorisation of any licence for construction. Since then, the 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 make known their availability for dialogue with legal and democratic mechanisms to seek agreements of benefit to the community.

Cunén Communities Council.

During September we have continued to be in regular contact with the council's members. Our presence in the area allows us to remain attentive to events, acquire information about the situation and the context of work being done to protect land rights and natural resources, share information about the situation of human rights defenders and meet with different local actors. It also

enables us to monitor the community consultation processes such as the one in Santa Cruz del Quiché that will be carried out on 22 October and in Usulután, which has been organised for 29 October.

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.

In September we met frequently with UDEFEGUA members in their office in the capital. We continued to monitor their security situation due to the serious security incidents of the last year.

We also accompanied UDEFEGUA members to visit Aberaldo Curup in prison. Mr Curup is a community leader from San Juan Sacatepéquez who is opposed to the installation of a cement plant of the company Cementos Progreso in his community and who is serving a 150-year sentence for his alleged participation in a triple murder.

We also accompanied UDEFEGUA, as a member of the Convergence for Human Rights, in a fact-finding visit to learn more about the situation affecting communities in Peten.

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.

Vera Paz Union of Campesino Organisations, UVOC.

In September we were present at the office and house of Carlos Morales, coordinator of UVOC in Santa Cruz, Cobán. We are paying special attention to the security situation of members of UVOC due to serious security incidents that occurred last month.

UVOC's members remain deeply concerned about the situation in Panzós, Alta Verapaz, where the Maya Niquel Company plans to build a road that passes through the community of Apos Azul I. The community, which has not been duly informed nor consulted, is protesting against the project.

Background: UVOC is a campesino organisation based in the departments of Alta and Baja Verapaz that works principally to defend and promote access to land for the peasant population, and it advises communities about legalisation of their lands. UVOC also offers training and support to member communities in the management of development projects.

*We have accompanied **Carlos Morales**, leader of the UVOC, since May 2005 because he has been the victim of death threats, intimidation, and persecution by unidentified individuals. At the same time, we continue to pay attention to the delicate situation of some of the communities that are part of the organisation.*

Human Rights Lawyer Edgar Pérez Archila

In September we frequently met with Edgar Pérez in his office in the capital and we have continued accompanying him to court hearings in the Dos Erres massacre case. We are concerned about recent security incidents that have occurred following the intensification of his public appearances for court cases relating to grave human rights abuses that took place during the war in Guatemala.

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. Edgar Pérez is working on cases of massacres committed during the internal armed conflict, as well as other human rights violations. We have specifically accompanied him during his work on the Bámaca Velásquez vs. Guatemala case, in which the state is accused of the forced disappearance, torture and murder of the guerrilla commander Efraín Bámaca Velásquez in 1992. In 1998, the case was closed with a ruling favourable to the

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.

accused army officers, but it was reopened in 2009, following a ruling of the Inter-American Court of Human Rights (IACtHR). Since then the legal process has been hindered, say civil society organisations, by a series of appeals lodged by lawyers defending the accused. At the end of September, the Constitutional Court ordered the criminal chamber of the Supreme Court of Justice (SCJ) to close the current case and open a new investigation into the death of Bámaca.

We have also accompanied Mr Pérez to hearings and judgements relating to the Dos Erres massacre case. In December 1984, soldiers from the kaibil elite army unit entered the village of Dos Erres in Petén, and killed 250 of its inhabitants. The case against the soldiers began in 1994 but due to a series of appeals presented by the defence, the case was paralysed until 2009, when the SCJ decided to continue it, again following a ruling of the IACtHR. The release of US National Security Archive documents in 2010 allowed a broader documentation of the case and led to the arrest in the US in February and May this year of three former kaibil soldiers accused of participating in the massacre.

PBI is providing international accompaniment to Mr Pérez due to the high profile of these and other cases, as well several security incidents he has experienced.

2.4 FOLLOW-UP

We regularly receive requests for accompaniment from social organisations and human rights defenders who are or who feel threatened. Through international accompaniment, we seek to reduce the threats and open a more secure space in which they can carry out their work. Once the level of risk, the threats, and security incidents suffered by the accompanied organisations and individuals have diminished, we continue the accompaniment in the “follow up” phase. This means that we reduce the physical accompaniment 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:

Centre for Human Rights Legal Action, CALDH.

Following a positive analysis of the organisation’s security situation, and in order to prioritise resources, we have decided, together with CALDH, to end the follow-up phase of the accompaniment as of September this year. We remain in contact with the organisation and its members.

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.

We continue monitoring the tense situation in San Marcos department, due to a conflict between the Spanish electricity provider Unión FENOSA (DEOCSA in Guatemala) and communities from several municipalities.

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.

In September we continued observing the situation at San Carlos University (USAC) in Guatemala City. Since 9 August, Students for University Autonomy (EPA) have blocked both entries to the University. Among their demands are reform of the electoral system for appointing the University High Council (CSU) and an increase of the university budget, as established in the constitution. The budget is presently at 2.8 per cent of the national budget, while according to the constitution it should be at 5 per cent. Different civil society organisations have expressed fears that the EPA students may be evicted by force. Tensions have escalated on several occasions, and several people recently fired guns into the air close to the campus entrance.

At the time of writing, after 54 days of the student occupation, the CSU and members of EPA have come to an agreement for the situation to return to normal on campus. They have agreed to set up a reform committee made up representatives from different

sectors of USAC. This committee will be responsible for finding a legal, administrative and legislative resolution to the conflict and reinstate the student's rights in electing members of the faculties' executive boards.

On 2 and 3 of September we observed a fact-finding mission carried out by the National System of Dialogue close to Coatepeque, San Marcos. Participants included public authorities from the National System of Dialogue, the National Coordination for the Reduction of Disasters (CONRED), the Ministry for the Environment and Natural Resources, Ministry of Food, Livestock and Agriculture (MAGA), as well as representatives from the Campesino Unity Committee (CUC) and Madra Selva Collective. We visited various sites with problems due to river diversions carried out by banana and African palm companies. One community was not present due to threats its members had received. The representatives from CUC expressed profound concern about the increase in threats by armed men against the communities that have expressed their resistance against the companies.

On 3 September in the capital, together with the Security in Democracy Association (SEDEM), we organised a workshop on security for social organisations, which was attended by representatives from several organisations we accompany.

On 23 September we observed the blockade of Jupilingo Bridge in Camotán. Diverse social organisations demanded improvements to the health system, a stop to construction work related to a hydroelectric plant and the installation of electricity lines across the municipality.



Photo PBI: Blockade at Jupilingo Bridge, Camotán, 23.09.2010.

On 28 September we were present at a good faith consultation about the construction of a hydroelectric plant in Lanquín, Alta Verapaz. The outcome of the consultation was a total of 14,314 votes against and 24 in favour. We are very concerned about a number of security incidents that occurred in the weeks running up to the consultation, involving leaders of the social organisations involved in organising the event. Jorge Morales Toj, a member of CONAVIGUA received death threats, Gerado Tux Ixim was kidnapped and Bernado Caal was persecuted. We are also concerned that at dawn on the day of the consultation, groups of armed men blocked community leaders from entering and leaving Lanquín, impeding the submission of results from the consultation to the communities.

3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA

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

In Brussels on 13 September, the project's European representative met with Sean Carroll, the new Guatemala and El Salvador officer of the Foreign Affairs Department (Relex) of the European Commission. On 15 September she met with Franziska Brantner, Member of the European Parliament for the German Green Party, and also a member of the Foreign Affairs and Gender and Equality Commissions.

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.

MEMORIAL ABIERTO

LOS REPRESENTANTES DE LAS COMUNIDADES DEL MUNICIPIO DE LANQUIN: ALCALDES AUXILIARES Y PRESIDENTES DE LOS Consejos Comunitarios de Desarrollo COCODES: reunidos en nuestras comunidades celebrando la Consulta

Comunitaria de Buena, las comunidades Qeqchi haciendo uso de nuestro derecho a la libre determinación como pueblos indígenas de acuerdo con nuestras normas y tradiciones de nuestras comunidades para la toma de decisiones y proveer la participación de mujeres, hombres, jóvenes (mujeres y hombres), niños y niñas y la búsqueda de la solución de los problemas, la protección y desarrollo de la madre tierra y sus recursos naturales atentamente,

EXPONEMOS

Que el día de hoy 28 de Septiembre nos hemos reunido en cada una de las 61 comunidades y en la cabecera del municipio de LANQUIN, para pronunciarnos a viva voz y/o con mano alzada respecto SI o NO queremos la construcción de Mega Proyectos "HIDROELECTRICAS, MINERIA O EXPLOTACION DE PETROLEO, AREAS PROTEGIDAS Y MEGAPROYECTOS en nuestras tierras y territorios.

En la CONSULTA COMUNITARIA DE BUENA FE se pronunciaron niños y niñas de 7 a 13 años, jóvenes mujeres y jóvenes hombres de 14 a 18 años, adultos mujeres y hombres, pronunciándose cada grupo a mano alzada, mecanismo que hemos desarrollado tradicionalmente para tomar nuestras propias decisiones, dirigidas por nuestras autoridades, teniendo como testigos a la comunidad, colaboradores como los maestros y observadores.

Los resultados generales de la Consulta Comunitaria de Buena Fe, fueron los siguientes total de participantes 14,338, los que dijeron SI 24, y los que rechazaron y dijeron NO fueron 14,314. La voluntad popular a quedado demostrada y solicitamos que se respete la decisión de las comunidades que han dicho No a la imposición proyectos mineros, hidroeléctrica, áreas protegidas y megaproyectos que afectan la vida de nuestros hijos, nuestras familias, nuestras tierras y territorios.

Se asentó la voluntad y decisión de la comunidad en un acta en el libro de Alcaldes Auxiliares y un acta en el libro de los COCODES, cada observador levantó un informe de la consulta de buena fe en cada comunidad.

Como autoridades de las comunidades, terminadas nuestra consulta, nos hemos trasladado al centro de cómputo de la consulta en el segundo nivel de la municipalidad y hemos entregado una fotocopia de las dos actas y un informe de los y las observadoras.

FUNDAMENTO DE DERECHO

Los habitantes de la república de Guatemala tienen derecho a dirigir individual y colectivamente, peticiones a la autoridad, la que está obligada a tramitarlas y deberá resolverlas conforme a la ley. Artículo 28 de la Constitución Política de la República de Guatemala; consultar a los Pueblos Interesados, mediante procedimientos apropiados y en particular a través de las instituciones representativas, cada vez que se prevean medidas legislativas o administrativas susceptibles de afectarles directamente.

Artículo 6 del convenio 169 de la OIT; los pueblos indígenas tienen derecho a participar en la adopción de decisiones en las cuestiones que afecten sus derechos. Los estados celebraran consultas y cooperaran de buena fe con los pueblos indígenas interesados por medio de sus instituciones representativas antes de adoptar medidas legislativas y administrativas que los afecten para obtener su consentimiento libre previo e informado.

Artículo 18 y 19 de la Declaración de las naciones Unidas sobre los derechos de los pueblos indígenas.

SOLICITAMOS

1. Que se tenga por recibidas las actas levantadas por Alcaldes Auxiliares, informes de los observadores en la que se hace constar la voluntad soberana del pueblo y los resultados la CONSULTA DE BUENA FE de las 61 comunidades del municipio de LANQUIN, del departamento de Alta Verapaz.
2. Que mediante acuerdos ministeriales declaren vinculantes los resultados de la consulta comunitaria de buena fe, en el ámbito de sus competencias.
3. Que los Ministerios respeten las decisiones de las comunidades y para el efecto no continúe emitiendo licencias mineras, hidroeléctricas, petroleras, y otros megaproyectos que puedan afectar la vida de nuestros hijos, nuestras familias, tierras y territorios. Que NO se continúen aprobando estudios de impacto ambiental que dañan nuestra vida y la nuestros recursos naturales.
4. Que la Corte Suprema de Justicia y la Corte de Constitucionalidad en concordancia con nuestro ordenamiento jurídico nacional, deje de tener una actitud discriminatoria hacia los pueblos indigenas en la aplicación de las leyes y DECLARE VINCULANTES LOS RESULTADOS DE NUESTRA CONSULTA.

En el municipio de San Agustín Lanquín, Alta Verapaz, 28 de septiembre de 2.010

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- PBI GUATEMALA PROJECT-

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