



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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

1. NOTES ON THE CURRENT SITUATION

IMPUNITY

The state of Guatemala exhumes conflict victims for the first time

Guatemala, 01.10.2010 (PL, SV).- On 30 September the remains of five indigenous Aq'eq'chi people were located and unearthed in the first exhumation by the Guatemalan state since the 1996 Peace Accords. The remains were exhumed by anthropologists from the National Presidential Compensation Program and members of the National Institute of Forensic Science (INACIF), at the back of a school in the community of Agua Blanca 1, Aguacatán (Huehuetenango). According to the victim's families, at midnight on 26 February 1982, a group of soldiers forcibly took Félix Cruz Mendoza and his brother Roberto Virgilio, Gaspar Ailón Solís and his son Gaspar, and José Ailón, from their homes in the urban centre of the municipality of Aguacatán. Until now, exhumations in Guatemala had been done only by civil society organisations.

Human rights organisations reject congressional move to grant the president the power of reprieve

Guatemala, 08.10.2010 (PL).- The Convergence for Human Rights and the International Commission of Jurists (ICJ) publicly expressed their rejection of the move by Congress to return the power of reprieve to the president. Claudia Samayoa, director of the Human Rights Defenders Protection Unit (UDEFEQUA), said the resolution demonstrated the Congress members' irresponsibility and lack of seriousness in using a series of laws that go against human rights to sell the move as a solution to the crime problem. Oswaldo Samayoa, of the Institute for the Study of Comparative Criminal Science (IECCPG), said that the approval of the same text as Decree 6-2008, which was vetoed by the current president, was irresponsible. Jorge Santos, member of the International Centre for the Investigation of Human Rights (CIIDH), said that the members of Congress had had the chance to approve a number of laws that sought to reduce violence, but had failed to do so. Among these laws were: the Law of Criminal Police Investigation, the Law of Private Security Services, the Law of Youth and of Illicit Gain. They have also failed to pass amendments to the Organic Law of the Public Prosecutor's Office and to the Law of Appeal, among other initiatives. Ramón Cadena, representative of the ICJ, said Congress' approval of the power of reprieve was a regressive move in terms of human rights, while all of the aforementioned interviewees demanded that the legislature return to the pending security agenda.

Guatemalan women highlight lack of state support for victims of sexual abuse during the conflict

Guatemala, 19.10.2010 (AC). - Rosalina Tuyuc, founder of the National Coordinator of Guatemalan Widows (CONAVIGUA) and renowned Mayan activist for the rights of women and of indigenous peoples, highlighted the enormous debt that the Guatemalan state owes to the women who suffered sexual abuse during the armed conflict, while also noting that economic compensation is an insufficient means of healing their wounds. Tuyuc emphasised the absence of a state entity that specifically deals with these women, which she claims is due to a lack of political will from successive governments since the signing of the Peace Accords. The victims themselves have been the ones who have gone about the business of healing, said Tuyuc. She also said the current government had ended any possibility of creating a state entity which might attend to the physical, emotional and psychological conflicts that afflict the victims. According to the feminist María Eugenia Mijangos, sexual violence was used as a weapon of war during the armed conflict, with women of all ages affected, 88% of whom were Mayan and the majority of whom remained silent about the abuses. Raquel Zelaya, ex Secretary for Peace, before thinking about economic compensation it was necessary to attend to the mental health needs of the women - an enormous challenge given the lack of doctors with the appropriate specialism.

Dall'Anese: powerful groups seek to shut down CICIG

Guatemala, 27.10.2010 (SV). - Francisco Dall'Anese, the director of the International Commission Against Impunity in Guatemala (CICIG) said "a smear campaign" had been initiated by powerful groups, which he attributed to the uncovering of the "nest of maggots". Dall'Anese revealed that these groups intended to shut down CICIG, so that its "functionaries return to their countries while Guatemala remains as it has been for the last few years". When faced with this smear campaign, CICIG was "like a tractor that runs over whoever stands in its way", he said. When asked by the press what powerful groups he was referring to he said: "You know whom I am talking about, you have interviewed them."

LAND

Guatemalan Settlers Movement demands housing promised by the president

Guatemala, 06.10.2010 (PL). - During a protest march carried out on 5 October, the Guatemalan Settlers' Movement (MPG) criticised President Álvaro Colom's failure to carry out his promise to construct 50,000 homes each year. Roly Escobar, representative of the MPG, said that for the promise to have been carried out, 1,400 million quetzals (Q) would have been needed each year, yet only Q198 million were used, due to the fact that most of the funds were assigned to pay off existing debts. As a result very few houses have been built over the three years. Escobar added that the protest was also about the fact that residents had not been included in the reconstruction commission set up by the government after Hurricane Agatha.

Campesino organisations demand the approval of Rural Development Law

Guatemala, 26.10.2010 (PL). - On 25 October, members of the National Coordination of Campesino Organisations (CNOC) and of the Campesino Development Committee (CODECA) marched in protest, demanding the approval by Congress of the Rural Development Law. Around one thousand people marched in the capital city, from Zone 11 (Trébol) to the Historical Centre, where they gathered in front of the Congress of the Republic and in front of the Presidential House. Manuel Pérez, general coordinator of CNOC, said the protestors were demanding the approval of the law, as well as the budget for the rural development policy and Q200 million for the agricultural regeneration of communities affected by natural disasters. They also demanded the nationalisation of electricity, the approval of subsidies for several communities through the Home Fund, and agrarian reform. The marches were accompanied by road blocks at Santa Elena airport, as well as in Petén, parts of Izabal, Alta Verapaz, Huehuetenango and Cuatro Caminos in the west of the country.

NEGATIVE EFFECTS OF GLOBALISATION

CONAP files a law suit against expansion of oil extraction contract in Laguna del Tigre National Park

Guatemala, 05.10.2010 and 06.10.2010 (PL, LH). - On 5 October, the National Council for Protected Areas (CONAP) filed a lawsuit claiming that the Government Agreement 214-2010 (contract 2-85), which from July onwards expanded and extended an oil contract into the Laguna del Tigre National Park (Petén), is unconstitutional. Rodolfo Rohrmoser, the lawyer representing CONAP, filed the lawsuit in the offices of the Constitutional Court (CC). He said the basis of the suit was that the extraction of oil from a registered protected area represents a violation of human rights – rights whose implementation have pre-eminence over Guatemalan Law, according to article 46 of the Constitution. Alluding to the Ramsar Convention, Rohrmoser added that the extension of the 2-85 contract violated the international obligations assumed by the Guatemalan state, to protect wetlands, biodiversity and species, guaranteeing the human right to a healthy environment. The CC has received several appeals in relation to the expansion of the contract sought by the French firm Perenco, but none have halted the extraction of oil from the park.

The daily paper Prensa Libre, in its 5 October edition, recalled that Colom had approved the expansion of the contract for a further 15 years, going against the advice of environmental organisations and public opinion as well as against some members of his own government, refusing Germany's offer to finance alternative programs of sustainable development in the area, and failing to take into account the irreparable damage to the ecosystem.

Miriam Monterroso, a member of the directing board of CONAP, said: "We are denouncing the serious damage being done to protected areas." Francisco Castañeda, director of the San Carlos University Centre for the Study of Conservation and member of the directing board of CONAP, said a study of the effects of oil extraction in the park was needed. Rohrmoser said that if the CC ruled against Protected Areas, CONAP would take its case to the international courts.

Communities in Uspantán carry out a popular consultation on large resource extraction projects

Guatemala, 30.10.2010 (PL). - On Saturday 29 October, amidst a festive atmosphere, albeit with strong security measures in place, the 174 communities of the municipality of Uspantán (in the department of Quiché) carried out a community consultation. The aim of the consultation, which did not have the support of local government, was to allow the communities to exercise their right to express their opinion in favour or against mining projects, hydroelectric plants and oil extraction on their territory. It is the fourth popular consultation that has taken place in Quiché,¹ and there were international and national observers present. The voting was done through show of hands. At the close of press on the last day of the month, the result of the consultation was not yet known, given the distance between some of the communities to the urban centre of the municipality. The presence of the National Civil Police (PNC) and of the army was considered intimidating by the population and by the organisations that participated in the consultation.

Sources: Prensa Libre (PL), Siglo Veintiuno (SV), La Hora (LH) and Agencia Cerigua (AC).

¹ In the department of Quiché, popular consultations have been carried out in the municipalities of: Ixcán, Cunén and Santa Cruz del Quiché.

2. PBI-GUATEMALA ACTIVITIES – IN GUATEMALA

Team: Julia Paola García Zamora (Colombia), Kathrin Bull (Alemania), Frauke Decoodt (Bélgica), Lena Niehaus (Alemania), Janieke Drent (Países Bajos), Ricard Hernández Martín (España), Pascal Bodemeijer (Países Bajos) 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 the nature of our work known. Through these meetings, in cases where it is necessary, and with a reserved manner, we express our concerns about critical situations that we have come to know first-hand from the work we carry out across the country.

International Authorities and other international entities in Guatemala:

- Evelyne Coulombe, business officer, Canadian Embassy. Guatemala City.
- Thomas Schafer, German Ambassador, German Embassy. Guatemala City.
- Birgit Vleugels, aid section programme officer, European Union Delegation in Guatemala, Guatemala City.
- Grégoire Vardakis, Belgian Ambassador for Central America and Panama. Guatemala City.
- Patrick Egloff, adjunct chief of mission, Swiss Embassy. Guatemala City.

Guatemalan Authorities:

- Hugo Marlon René Ac Nuila, regional advisor of the Presidential Commission for Human Rights (COPREDEH). Cobán, Alta Verapaz.
- Luis Antonio Velásquez Quiroa, Secretary of State, and Marcia Guerra, executive assistant, Presidential Secretariat for Specific Affairs. Guatemala City.
- Martín Sacalxot, member of the Indigenous Rights Office of the Human Rights Ombudsman's Office (PDH), Guatemala City.
- José López Monterroso, governor of Alta Verapaz. Cobán, Alta Verapaz.
- José Maldonado, departamental auxiliary, PDH. Cobán, Alta Verapaz.
- Gustavo Méndez, regional coordinator of COPREDEH. Zacapa, Zacapa.
- Juana Soc, analysis officer, PDH. Santa Cruz del Quiché, El Quiché.
- Onofre Carillo, regional advisor of COPREDEH. Santa Cruz del Quiché, El Quiché.
- Edgar Larín, advisor to the governor of El Quiché. Santa Cruz del Quiché, Guatemala.
- Agents of the National Civil Police (PNC). San Miguel de Uspantán, El Quiché.
- Jorge Rodríguez, second councillor, Municipality of Uspantán. San Miguel de Uspantán, El Quiché.
- Office of the National Institute of Statistics (INE). Flores, Petén.
- Carlos Marín Rosado, mayor of La Libertad. La Libertad, Petén.
- Alan Boris Ayala, coordinator, and Mynor Reinosa, legal advisor, Land Registry (RIC). San Benito, Petén.
- Marco Antonio Castellanos, coordinator of the National Plan for Compensation. Santa Elena, Petén.
- Claudia Mariela López Díaz de Tager, regional director of the National Council for Protected Areas (CONAP). San Benito, Petén, Guatemala.
- Estuardo Puga, coordinator of the PDH office of Santa Elena, Petén.
- María de los Ángeles Chinchilla, coordinator of COPREDEH. Flores, Petén.
- Gerson Aguirre, coordinator, La Libertad office of the Secretary for Agrarian Affairs (SAA). La Libertad, Petén.
- Gustavo Méndez, coordinator, San Benito office of the SAA. San Benito, Petén.
- Gustavo Salvatierra, property coordinator, registration and access to Land, Land Fund (FONTIERRAS). San Benito, Petén.
- Ángel Boanegra, mayor of San Andrés. San Andrés, Petén.

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 the processes of contextual analysis on specific issues in Guatemala.

Guatemalan Civil Society:

- Silvia Valenzuela, member of Caritas Switzerland. Guatemala City.
- José Roberto Morales, coordinator of the Indigenous Peoples Human Rights Program of the Centre for Human Rights Legal Action (CALDH). Guatemala City.
- Sotero López, coordinator of CALDH in Jocotán, Chiquimula.
- Padre Juan María Boxus, parish priest of the Catholic Church Parish of Jocotán. Chiquimula.

- Rigoberto Ramírez López, member of the Coordination for Mayan Chortí Holistic Development (COMACH). Jocotán, Guatemala.
- Padre Flavio, parish priest of the Catholic Church Parish of La Libertad, Petén.
- Padre Enrique Bolaños, parish priest of the Catholic Church Parish of Las Cruces. La Libertad, Petén.
- Attorneys and promoters of historical memory recuperation, of the Catholic Church Parish of La Libertad, Petén.
- Health promoters for the communities of Laguna del Tigre. San Andrés, Petén.
- Bayron Castellanos, executive director, Balam Association. Flores, Petén.
- Jesús Guerra, spokesman of the executive board of the Cooperative Workers Organisation for Resistance and Autonomy. Petén
- Members of the communities of Laguna del Tigre. San Andrés, Petén.
- Members of the communities of Sierra del Lacandón. La Libertad, Petén.
- Members of the communities of Comunidad El Mango. La Libertad, Petén.
- Begoña Bouza, member of the Association for the Promotion of Holistic Development Azmitia Dorantes (FOMENTA). Guatemala City.

International Organisations and Agencies:

- International Accompaniment Coordination in Guatemala (CAIG-Acoguate), Guatemala City.
- Manuela Sessa, human rights program officer, European Union Delegation in Guatemala. Guatemala City.

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA.

In October we continued our more intense accompaniment of CONAVIGUA, through physical accompaniment and meetings with local, national and international authorities to express our concern about death threats received by members of this organisation. We also activated PBI Guatemala's Support Network outside of the country, to highlight the worrying increase in threats against human rights defenders (for more information please see the section below: PBI Guatemala Activities – Outside Guatemala).

We also attended the 'good faith' community consultation, in which CONAVIGUA participated, held in the municipality of Uspantán on extractive industry projects in the mining and oil sectors, and on the construction of hydroelectric plants. We met with a variety of regional authorities, with representatives of civil society, as well as with international and national authorities, to express our concern on the security situation surrounding the consultation. Before the consultation we also accompanied CONAVIGUA on its visits to participating communities. Finally, we observed the actual process of consultation. The results have not yet been published but the method of voting by show of hands indicated a majority rejection of large extractive industry projects.

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 women members of CONAVIGUA. 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 the 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 supported the preparation of a 'good faith' community consultation in Uspantán.

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

In October we visited the office of OASIS and held periodic meetings with its members. Recently OASIS has begun to work with minors on the protection of their human rights and on education promotion.

*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). 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 then 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, and which aimed at impeding the progress of the organisation's work as well*

as the respect for the human rights of sexual minority communities. On 29 September 2009 Jorge's case was dismissed by the Ninth Criminal Court of the First Instance, and Jorge López was absolved of all charges.

Association for the Protection of Las Granadillas Mountain, APMG.

Throughout October we have followed up on September's conflicts between the proprietor of one of the private estates located on Las Granadillas Mountain (the Tachoró Estate) and the community of La Trementina. The conflicts related to the destruction of a wall built by the communities to limit the passage of heavy goods vehicles. Following this incident the Reverend José Pilar Álvarez Cabrera filed a complaint at the Public Prosecutor's Office, accompanied by PBI. This episode occurred at a time when a number of other events have affected the safety of members of the APMG, for which we activated an international alert to raise awareness of the increase in security incidents and threats against them.

*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 due to the 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 to pursue illegal actions, such as blocking highways to impede the passage of vehicles transporting lumber from the Tachoró Estate, and of mobilising the community of La Trementina to carry out a blockade. The APMG, in a meeting with the Governor, the PNC and DIPRONA, demonstrated the lack of evidence or truth in these 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 to prepare a new report – which they subsequently did and in which the accusations were retracted.*

Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ.

On 12 October we accompanied AMISMAXAJ on a march that took place in the Jalapa's urban centre on the Day of Indigenous Peoples' Resistance. During the march, a stranger issued a death threat to Lorena Cabnal, one of the members of AMISMAXAJ. Other members of the Association were also intimidated, adding to the growing number of security incidents that they have suffered over the last few months. Two PBI volunteers were also intimidated during the march. In this context, we included AMISMAXAJ in the international activation alert about the increase in threats against human rights defenders.

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 to oppose plans for mining and petroleum activity in the region.

'New Day' Chortí Campesino Central Coordinator.

On 12 October, members of various indigenous Mayan Ch'orti' communities gathered in front of Jocotán town hall, demanding a dialogue with the mayor about the Technological Corridor Project, to which they were opposed.² The ensuing violent conflict resulted in the death of a policeman, several injured people, and four arrests. Following these events, a number of national and local media outlets (television, radio and print) issued statements from local authorities that accused Omar Jerónimo, member of the 'New Day' Chortí Campesino Central Coordinator, and Carlos Hernández, member of the Camoteca Campesino Association, as well as representatives of the Catholic Church, of being involved in the incidents. In particular, according to the daily paper Prensa Libre, one local official, Saúl Oswaldo Rodríguez, accused them of "misleading communities about the Technological Corridor, and inciting them to burn the town hall and other buildings". Omar Jerónimo and Edgar Hernández (another member of New Day) were later intimidated and threatened with death by unidentified armed groups. Neither of them participated in the events of 12 October, and they have held press conferences to publicly reject suggestions that they were involved.

² Agrarian Platform (Plataforma Agraria) press release, 12.10.2010. Coordinator of Popular, Indigenous, Union, and Campesino Organisations of the East (COPISCO) press release, 12 and 13.10.2010. National Resistance Front (Frente Nacional de Lucha - FNL), "Three campesinos killed in Jocotán", 13.10.2010. Observatory of Latin American Mining Conflicts (Observatorio de Conflictos Mineros de América Latina - OCMAL), "Aggressions and repression against mayan ch'orti' communities", 13.10.2010. Local Guatemalan Press on 13.10.2010.

PBI held meetings with local and national authorities and civil society actors, and intensified our accompaniment of Omar Jerónimo, holding regular meetings with him, observing the press conferences in which he denounced events, including a press conference held in the office of the Centre for Human Rights Legal Action (CALDH), and accompanying him to meetings at the American Embassy, the Dutch Embassy and with members of the Human Rights Ombudsman's Office (PDH), where he filed a complaint against what he called a strategy of criminalisation on the part of local authorities.

Due to these worrying incidents we also included this organisation in our international alert on the increase of threats against human rights defenders.

*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 megawatts; and "Caparjá", in the municipality of Camotán with a potential of 57 megawatts. 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 the potential to generate 27 megawatts. Since learning of the projects, New Day began to inform communities about them and their effects. Members of New Day have since 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 in which they live.*

Camoteca Campesino Association.

Within the context of the violent events that occurred on 12 October in the municipality of Jocotán (see above), Carlos Hernández, representative of the Camoteca Campesino Association, was subject to intimidation and death threats by unidentified armed groups. In response, PBI held meetings with local and national authorities and civil society actors, and intensified our accompaniment of Carlos Hernández. We observed a number of press conferences where Carlos publicly denounced what had occurred, including the press conference held in the office of the Centre for Human Rights Legal Action (CALDH), and accompanied him to meetings at the American Embassy, the Dutch Embassy and with members of the Human Rights Ombudsman's Office (PDH), where he filed a complaint against what he called a strategy of criminalisation on the part of local authorities.

Due to these worrying incidents we also included this organisation in our international alert on the increase of threats against human rights defenders.

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 the Committee for the 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 wellbeing of human beings and of 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 on informing 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.

At the beginning of October a member of Q'amolo Ki Aj Sanjuan was invited by PBI to participate in a tour of Spain, in an effort to raise awareness of the work of the organisation, as well as the threats and obstacles they face.

We received news about an assault on the community of Los Pajoques in the municipality of San Juan Sacatepéquez. According to members of the community the assault was carried out by members of the Cementos Progreso company. PBI organised meetings with the Human Rights Ombudsman's Office and with the Swiss Embassy, to express our concerns about the safety of people we accompany. On 12 October we also observed a commemorative march on the Day Indigenous Peoples' Resistance, which left from the Obelisk in Guatemala City, ending in the capital's Central Park. During the march, the protesters stopped outside the American Embassy and in front of a variety of state institutions (the Palace of Justice, the Public Prosecutor's Office and the National Palace), where they submitted to authorities a letter in which they requested the closure of the cement plant in their municipality.

PBI has kept a watchful eye over the region since September's security incidents, which have directly affected members of the organisation. PBI has also observed the trial of Abelardo Curup, a resident of San Juan Sacatepéquez who opposes the construction of the cement plant and who is serving a 150-year sentence for his alleged involvement in a triple homicide.

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 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 that might benefit the community.

Cunén Communities Council.

In October we remained in contact with representatives of the Cunén Communities Council, exchanging information on the preparation and realisation of the 'good faith' community consultation, which took place on 22 October in the municipality of Santa Cruz, Quiché. PBI also travelled to Cunén to observe the Council's commemoration of the first anniversary of the community consultation held on 27 October 2009, which rejected large-scale development projects being planned for the municipality of Cunén.

Background: The Council was established at the first communities' assembly in San Sigüán. It is made up of 22 directly elected members from eight micro-regions of Cunén. One of the main focuses of the Council's work is the defence of their land and natural resources. In October 2009 they organised a community consultation on mining exploitation and on the construction of hydroelectric plants, among other mega-projects, planned for the Municipality. PBI observed part of the preparation process as well as the actual consultation itself, where approximately 19,000 people from 71 communities voted against the aforementioned projects.

Human Rights Defenders Protection Unit, UDEFEGUA.

Throughout October, PBI regularly visited UDEFEGUA's office so as to meet with its members and exchange information. PBI also observed the presentation of the report: *Seeking the Future: the Situation of Human Rights Defenders Living in the Rural Regions of Guatemala*, which systematises the events in the west of the country, describes the kinds of threats and situations experienced, analyses attacks and defines protection mechanisms.

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".³ 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.

³ 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.

Vera Paz Union of Campesino Organisations, UVOC.

At the beginning of October we accompanied Carlos Morales, representative of UVOC, to a round of dialogues that take place every month in Cobán (Alta Verapaz) and which deal with the problem of land conflict in the region. UVOC provided documents relating to 40 priority cases to the Secretary for Agrarian Affairs (SAA), and is now awaiting its response. In a meeting with the Presidential Commission for Human Rights (COPREDEH), PBI was informed of the setting up of a negotiating table to deal with the problem of land conflict, in which will participate a number of state institutions, and in which the cases that UVOC has provided will be prioritised due to its peaceful character. PBI has also intensified its presence in Santa Cruz, Alta Verapaz, given the number of security incidents over the last few months.

*Background: UVOC is a campesino organisation based in the Departments of Alta and Baja Verapaz and that works principally to defend and promote access to land for the peasant population, as well as advising communities about the 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

During October, PBI periodically visited Edgar Pérez's office, following up especially on the cases of the Dos Erres massacre (1984) and the disappearance and extrajudicial execution of Bámaca Velásquez (1992). On 27 October, PBI accompanied Edgar Pérez to a hearing on the Dos Erres massacre, which was attended by witnesses from various regions of the country, as well as by family members of the victims. However, the hearing was suspended due to the absence of one of the magistrates, leading the people present to make statements to the press expressing their disappointment at the turn of events.

On 27-30 October Edgar Pérez travelled to Washington (USA) where he participated in the public launch of a National Lawyer's Committee on Human Rights, organised by PBI USA.

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 works on cases of massacres committed during the internal armed conflict, and other cases of current and past 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 extrajudicial execution of the guerrilla commander Efraín Bámaca Velásquez in 1992. In 1998, the case was closed with a ruling favourable to the 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 2010, 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 the hearings and judgements relating to the Dos Erres massacre case. In December 1982, 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 as due to 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 they receive and to open up a more secure space within 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 currently providing our follow-up accompaniment to these social organisations:

The Commission of Peaceful Resistance of San Rafael Pie de la Cuesta, CRP.

We have continued to monitor the tense situation in the department of San Marcos due to the conflict between the Spanish electricity company 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

At the request of Guatemalan social organisations, PBI Guatemala provides international observation of public events in order to demonstrate international attention and interest, and to be able to disseminate information outside of the country on what we observed.

At the beginning of October PBI carried out a 10-day visit to Petén, to get to know the north-western area of the Mayan Biosphere Reserve and deepen our understanding of land conflicts located in protected areas like the Laguna del Tigre National Park. We met with a variety of communities, social and civil society actors, local authorities and public sector representatives. The trip was organised in response to a petition we received in September from a delegation of representatives of several Petén communities, and to follow up on the Alert we had published that month.⁴

During the visit and the meetings, we noted situation in which competing needs and interests converge and conflict: the fulfilment of the fundamental rights of local communities in the area; environmental and conservationist interests; national and multinational economic interests. Further complicating the matter, there are profound problems such as the existence of drugs traffickers, the presence of extensive cattle farming, and human settlements responding to the historical problem of lack of access to land, as well as a lack of access to rights and an absence of public services for settlements in protected areas. These factors create an extremely complex scenario in this area of Petén, and we are concerned about the situation of the communities and their members, and about the fulfilment and guarantee of their human rights.

Despite the visibility of the problems faced by communities settled in protected areas and their problems around access to land, we remain concerned about the risks and consequences of in the possible event of their eviction.

The communities that we spoke to expressed their fear of violent evictions and their anxiety about the both the increase of the military in the region and the absence of a relocation program. Over the last few months a round of negotiations between state institutions and other actors has been aimed at resolving these problems.

According to some local actors, the purpose of increasing military presence in the region is to regain control of the Mayan Biosphere Reserve as a protected area. The social actors we met with were concerned about the possible consequences this may entail for local communities. There are currently eight Joint Operations Centres (COC) coordinating the actions of the National Council for Protected Areas (CONAP), the National Civil Police (PNC) and the army. Meanwhile we have learned of the licencing of a further 12 forest permits in the Multiple Uses Zone – an area in which certain commercial activities are permitted and which are monitored and evaluated by CONAP. PBI also observed a workshop to create a map of conflicts afflicting the region, which was organised by local communities in Laguna del Tigre and in the Naranjo route.

On 12 October on the **Day of Indigenous Peoples' Resistance**, we accompanied the commemorative marches of the Association of Indigenous Women of Santa María Xalapán (AMISMAXAJ), in the department of Jalapa, and the march of the Qamoló kí Aj Sanjuani - People of San Juan Unite in Guatemala City. Both organisations demanded the proper implementation of their human rights while defending their land and natural resources against large extractive industry projects. We are extremely concerned at the death threats received by Lorena Cabnal, member of AMISMAXAJ and at the other security incidents that occurred during the Jalapa march.⁵

On 22 October PBI observed the **'good faith' community consultation** of Santa Cruz, Quiché, in which, according to media sources, 27,000 people from 87 communities expressed their opposition to mining and hydroelectric projects. On 29 October we also observed the 'good faith' community consultation of San Miguel, Uspantán, where a majority voted against mining, oil extraction and hydroelectric projects on their land, although the results of the consultation have not yet been formally published. We consider it very positive that both consultations were carried out peacefully and without security incident.

⁴For more information on the Alert please visit: [http://www.pbi-guatemala.org/los-proyectos/pbi-guatemala/noticias/spanish-news-holder/?L=1&tx_ttnews\[tt_news\]=2374&cHash=6b233ba2d1be2c17f76a68381600446d](http://www.pbi-guatemala.org/los-proyectos/pbi-guatemala/noticias/spanish-news-holder/?L=1&tx_ttnews[tt_news]=2374&cHash=6b233ba2d1be2c17f76a68381600446d)

⁵ For more information please visit: [http://www.pbi-guatemala.org/los-proyectos/pbi-guatemala/noticias/spanish-news-holder/?L=1&tx_ttnews\[tt_news\]=2444&cHash=03306ab0042f588568a974ece744e71f](http://www.pbi-guatemala.org/los-proyectos/pbi-guatemala/noticias/spanish-news-holder/?L=1&tx_ttnews[tt_news]=2444&cHash=03306ab0042f588568a974ece744e71f)



The moment of voting in the 'good faith' community consultation of San Miguel, Uspantán, (El Quiché), 29.10.2010 Photo: PBI



Observation of the community workshop to create a map of conflicts afflicting the Laguna del Tigre area. La Libertad (Petén), October 2010. Photo: PBI

3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA

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

In October the PBI Guatemala Project coordination office **activated the project's International Support Network** due to our concerns about an increase in **SERIOUS THREATS** against human rights defenders accompanied by PBI. These threats occur in the context of human rights defenders seeking to claim their economic social and cultural rights, as well the right of indigenous people to prior and informed consent on development projects likely to affect them. We have asked the international community to give urgent attention to the security and physical safety of the members of the National Coordinator of Guatemalan Widows (CONAVIGUA), the 'New Day' Chortí Campesino Central Coordinator, the Camoteca Campesino Association, the Association of Indigenous Women of Santa María Xalapán (AMISMAXAJ), and the Association for the Protection of Las Granadillas Mountain (APMG). The threats - in almost all cases death threats – are not just a threat to their physical safety, but also seriously affect the work they do promoting and defending human rights. We also have highlighted the acts of intimidation directed against members of PBI Guatemala's field team in Jalapa, as they observed the march on the Day of Indigenous Peoples' Resistance.⁶

The project's coordinator participated in the **International Forum for the Recovery of Collective Memories**, held in Valencia (Spain) on 22-24 October.⁷

On 26 and 27 October, the project's European representative participated in the **meeting of the Guatemala Working Group** and in the **General Assembly of the Copenhagen Initiative for Central America and Mexico (CIFCA)**.

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.

FRENTE A LA IMPLEMENTACIÓN DEL CORREDOR TECNOLÓGICO EN EL ORIENTE DEL PAIS LA CONVERGENCIA POR LOS DERECHOS HUMANOS SE PRONUNCIA

Ante los hechos ocurridos la semana pasada en el municipio de Jocotán, Chiquimula, las organizaciones de derechos humanos, **MANIFESTAMOS:**

1. Nuestra preocupación por la creciente conflictividad que se ha generado en la región, evidenciada en hechos como los suscitados el 12 de octubre pasado en dicha localidad, a raíz de la implementación del megaproyecto Corredor Tecnológico en la región oriental del país como parte del Plan Puebla Panamá
2. Nuestra indignación frente a la incapacidad de las autoridades locales de velar por el respeto de los derechos colectivos de las comunidades, sino que al contrario han sido ellos mismos los que han generado la fragmentación social dentro de las comunidades en beneficio de sus intereses individuales y los de entidades como ODEPAL S.A. y Corredor Tecnológico, S. A
3. Nuestro total respaldo a la labor que históricamente han realizado defensoras y defensores de derechos humanos de las

⁶ For more information on the activation of the Alert please refer to the footnote of page 5 of this document.

⁷ For more information please visit: <http://www.acsud.org/index.php/es/noticias/actualidad/191-noticia-celebracion-irmc>

organizaciones sociales en defensa de los derechos colectivos de más de 200 comunidades que ya están siendo afectadas por la implementación de megaproyectos energéticos en la región, entre ellos la del sacerdote católico Juan María Boxus y otros catequistas.

4. Que este y otros conflictos suscitados a raíz de la implementación de megaproyectos en el área han provocado la profundización de la confrontación en las comunidades siendo éstas las que históricamente han estado excluidas de los proyectos de desarrollo nacional.

Por lo anterior, EXIGIMOS:

1. Que los órganos competentes realicen una investigación seria respecto de los hechos ocurridos en Jocotán, además de proporcionar información sobre el paradero de Miguel Carranza Interiano, Domingo Ramos Aldana y Juan Suchite Ramírez, todos ellos campesinos que fueron detenidos ilegalmente por parte de la PNC con claras muestras de abuso de autoridad
2. Que se detenga la estigmatización, criminalización y señalamientos que defensoras y defensores de derechos humanos han sido objeto, la cual es promovida por autoridades locales, grupos paralelos, medios de comunicación y personajes oscuros, quienes han implementado campañas difamación y calumnia en contra de las organizaciones sociales para favorecer sus intereses corporativos en contra de los derechos colectivos de las comunidades
3. A las alcaldías de la región chorti, a la Mancomunidad Copán-Chorti y al Estado, a restablecer la gobernabilidad en la región oriental por medio de la instauración de una mesa de diálogo que permita volver a sentar a las partes involucradas y alcanzar acuerdos mínimos sobre la problemática en cuestión. A la empresa ODEPAL S.A., la empresa Poder Para Todos y Corredor Tecnológico, S. A. respetar los acuerdos de gobernabilidad que de allí se consense.
4. Que el Presidente de la República atienda seriamente los recurrentes llamados al diálogo que las comunidades han realizado para resolver la conflictividad. Asimismo, vete el decreto de ley 16-2010, mismo que fuera aprobado por el Congreso, el cual es claramente inconstitucional que lesiona los intereses colectivos de más de 200 comunidades que se verían afectados con la implementación del corredor tecnológico

CONVERGENCIA POR LOS DERECHOS HUMANOS Centro para la Acción Legal en Derechos Humanos – CALDH; Centro Internacional para Investigaciones en Derechos Humanos – CIIDH; Instituto de Estudios Comparados en Ciencias Penales de Guatemala – ICCPG; Oficina de Derechos Humanos del Arzobispado de Guatemala – ODHAG; Seguridad en Democracia – SEDEM; Unidad de Protección de Defensores y Defensoras de Derechos Humanos de Guatemala – UDEFEGUA.

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