



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

MIP - MONTHLY INFORMATION PACKAGE – GUATEMALA

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

United Nations supports extension of the CICIG

Guatemala, 09.12.2010 (CA) .- The application submitted by President Alvaro Colom to extend the time period of the International Commission against Impunity in Guatemala (CICIG) has won the backing of the United Nations. Congress will have the last word on the matter, given that international convention will have been ratified in September 2011.

Spanish National Court raises two cases against former Guatemalan Minister Carlos Vielmann

Guatemala, 12.15.2010 (EP) .- Francisco Dall'Anese, head of the International Commission Against Impunity in Guatemala (CICIG) reported that the Office of the Spanish National Court opened a new case against former Guatemalan Interior Minister Carlos Vielmann, on charges of murder and conspiracy. Dall'Anese said that the new prosecution originated from a charge for crimes against humanity presented on 9 December, arguing the jurisdiction of Spanish courts given Vielmann's Spanish nationality. The former head of the ministry of the Interior is charged by the CICIG Special Prosecutor of involvement in the extrajudicial execution of seven inmates of Pavón Rehabilitation Farm in September 2006 and the execution of three prisoners from El Infiernito prison in October 2005. The new extradition demand made by the CICIG to the Spanish courts is independent of that presented by the Guatemalan Government the previous week, according to the commissioner. "This is a message that demonstrates not only from the presence of the CICIG or the donor nations and aid workers in Guatemala, that those who want to commit crimes against humanity in this country will not be given an inch of protection anywhere in the world," said the commissioner.

Human Rights Court orders a new investigation of the forced disappearance of Bámaca

Guatemala, 18.12.2010 (PL) .- Edgar Perez, plaintiff in the case of disappearance of Efraín Bámaca- acting on behalf of his widow, Jennifer Harbury, reported that on 10 December the Inter-American Court of Human Rights (IACHR) ruled that the state must redirect its investigation of the case. Perez stated that the Court had reiterated the State's obligation to ensure access to justice and to remove any obstacle that hindered the case. Since 2000, the Inter-American Court has ordered the Guatemalan state for a resolution to the case. Ruth Del Valle, director of the Presidential Human Rights Commission (COPREDEH), said the opinion of the Inter-American Court requires the State to initiate an investigation from scratch, and explained that the new resolution will work to avoid the problems which marred the previous investigation, to ensure that the disappearance of the former guerrilla does not go unpunished.

LAND

Peasant organisations criticise the neglect of agrarian and rural development in 2010

Guatemala, 17.12.2010 (AC) .- The murder and intimidation of leaders, violent evictions and aggravation of land conflicts, alongside the non-approval of the Rural Development Act, were highlighted by peasant and indigenous organisations as some of the problems that have affected the rural population in 2010, chiefly the poor and indigenous. Rafael Gonzalez, assistant coordinator of the Peasant Unity Committee (CUC), said one of the worst aspects was the failure to approve the Rural Development Act, which several organisations belonging to the Alliance for Integrated Rural Development (ADRI) had demanded from successive governments. Gonzalez said that there was no will in Congress or the Executive, despite President Alvaro Colom's promise that the legislation would be approved in 2009. Added to this, while arrest warrants had been issued for peasants, many had been injured during

evictions and Efraín Mantar Corea, a community leader in Los Amates, Izabal, had been murdered, though no crime has been investigated by the authorities. For its part, the National Indigenous and Peasant Coordinator (CONIC) reported the killing of Ricardo Estrada, a member of the Sucely community in Laguna del Tigre, and Coordinator of CONIC in Petén department. According to the organisation, the crime may be related to his work in defending the land, as the community was threatened with eviction. Moreover, the Coordination of NGOs and Cooperatives (CONGCOOP) stressed that the rural economy accounted for 13.6 Gross Domestic Product (GDP) in 2009, and criticized the fact that despite this, the Ministry of Agriculture and Livestock (MAGA) has been one of the least supported ministries during the financial year and would be given insufficient funds again in 2011. CONGCOOP also advocated the resolution of land conflicts (which in 2010 numbered at least 5,000) and the tackling of inequality, given that of the 830,684 farmers, 92% are small farmers with only 21% of the land.

NEGATIVE EFFECTS OF GLOBALISATION

The CIDH announces legal action over the refusal to suspend the Marlin mining operation

Guatemala, 10.12.2010 (LH) .- The Inter-American Commission on Human Rights (IACHR) announced that it had initiated legal action against the Marlin mine and judicial officers, over the refusal by the state to suspend mining operations in compliance with the interlocutory injunction the Commission in 2010, over the environmental pollution is caused by mineral extraction. In a resolution adopted on May 20th 2010, the IACHR ordered the Guatemalan state, to among other measures, suspend mining at the Marlin project run by Goldcorp / Montana Guatemala, and implement effective measures to prevent environmental contamination. However, Carlos Loarca, the Commission's legal adviser in the case against the Marlin Mine, stated that these measures have not been followed, and also noted that as a result of the struggle for the rights of the villages surrounding the mine, at least eight defenders of natural resources had been prosecuted. "The first months of next year we will present a series of legal actions against mining company Montana and judicial officials, for having issued arrest warrants against eight human rights defenders in the community of San Miguel Ixtahuacán," warned Loarca.

OTHER

Claudia Paz y Paz takes over leadership of the Public Prosecution and promises to fight against impunity

Guatemala, 10.12.2010 (PL).- Claudia Paz y Paz Bailey, age 44, took over on the position of Prosecutor General of Public Prosecutions (MP) on the 9th of December, for a period of four years, promising to fight against impunity, respect the rights of victims and combat organised crime. She was appointed and sworn in by President Alvaro Colom, and is the first woman to formally assume the direction of the agency responsible for criminal prosecutions. Members of the diplomatic corps and representatives of various social organisations welcomed the appointment. Paz y Paz announced that she would work reduce levels of impunity and fight against organised crime "those who seek ways to enrich themselves using extreme violence," and strengthen "the capacity of institutions." "I want to express my deep commitment to justice and fight against impunity," she said during her first speech. The new official set out her priorities, to evaluate the performance of MP staff, continue to support the International Commission against Impunity in Guatemala (CICIG), combat organised crime and take the rights of victims into account. "The MP is a school where the victims have recourse to demand effective access to justice. I am aware that this promise has not been entirely fulfilled. That is my main motivation," said Paz y Paz. The prosecutor referred in particular to her "strong commitment" to the victims of crimes against life, liberty and social violence. She described her appointment as a huge responsibility and urged society to join in the fight against impunity. She also offered an 'open door' to social representatives.

Government declares a state of siege in Alta Verapaz

Alta Verapaz, 20/12/2010 (CEG) .- On December 19th the government declared a 30 day state of siege in Alta Verapaz, in order to fight against drug trafficking. The status restricts freedom of action, legal custody, interrogation of detainees or prisoners, freedom of movement, freedom of expression, possession and carrying of arms and state workers' right to strike.

Some 500 police officers, including the Counter-narcotics Research and Analysis Division, and soldiers carried out security patrols at the entrances and exits of Coban, San Pedro Carchá, Santa Cruz Verapaz and Chisec. They searched vehicles and conducted 16 raids. The Ministry of the Interior ordered the suspension of Carlos Medrano Zapeta, head of the Police Station 51 in Alta Verapaz, and said: "We are looking at the actions of the police station, and if there is need to remove agents, we will do it and they will be subject to an investigation." Menocal arrived by helicopter in Coban, and gave a press conference in the Regional Command for the Maintenance of Peace Operations, in which he explained that a "state of siege is a strong measure that suspends constitutional guarantees, but it should not be seen as a witch hunt, and residents should rest assured." Oswaldo Samayoa, the Institute for Comparative Studies in Criminal Sciences (ICCPG), said that the measure does not solve the problem, but encourages the abuse of authority and the committing human rights violations.

Sources: Prensa Libre (PL), El Periódico (EP), El Diario de Centro-América (CA) and Agencia Cerigua (AC).

2. PBI-GUATEMALA ACTIVITIES – IN GUATEMALA

Team: Julia Paola García Zamora (Colombia), Kathrin Bull (Germany), Frauke Decoodt (Belgium), Lena Niehaus (Germany), Janieke Drent (Holland), Ricard Hernández Martín (Spain), Pascal Bodemeijer (Holland), Anabella Estol (Argentina) and Jorge Palomeque (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:

- Juan Masferrer Pellizzari, Ambassador of Chile. Guatemala City.
- Christina Papadopoulou and Catalina Lleras, Human Rights Officers, Office of the United Nations High Commissioner for Human Rights in Guatemala (OHCHR). Guatemala City.

Guatemalan authorities:

- Hugo Martínez, Head of Department for Coordination of Protection for Human Rights Defenders, and Adriana Andrea Domingo, Measures Instructor, the Presidential Commission for Coordinating Executive Policy on Human Rights (COPREDEH). Guatemala City.
- Marlon René Hugo Ac Nuila, COPREDEH Regional Advisor in Alta Verapaz. Cobán, Alta Verapaz.
- José Maldonado, Assistant Division of the Human Rights Ombudsman (PDH) in Alta Verapaz. Cobán, Alta Verapaz.
- Sonia Ester Sacbá Mérida - Assistant Coordinator, Olga Marina Buc - Conciliator-Mediator, Eduardo Estrada, Legal Adviser, Argentina Vilma Ixim, - Conciliation and Mediation, Humberto Xoyá Yat - Intercultural Facilitator, Julio Anibal Rosales Reynoso, Land Registration, and Ericka Nicole Morales Sarg, Legal Attorney, Secretariat of Agrarian Affairs (SAA) of Alta Verapaz. Cobán, Alta Verapaz.

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:

- Bernardo Caal, a member of Oxlaju B'e. Cobán, Alta Verapaz.
- Jesus Tecú Osorio, president of the Popular Legal Office Rabinal. Rabinal, Baja Verapaz.

International organisations and agencies:

- Coordination of International Accompaniment in Guatemala (CAIG - Acoguate). Guatemala City.
- Susanna Daag, executive secretary of the Copenhagen Initiative for Central America and Mexico (CIFCA), Martin Wolpold-Bosien, coordinator for Central America, Fighting Hunger with Human Rights (FIAN) and representatives of international NGOs in Guatemala. Guatemala City.

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA

In December we continued our accompaniment of CONAVIGUA through regular visits to their offices in the capital. On December 8th we accompanied Magdalena Sarat, CONAVIGUA Coordinator, for the formal delivery by community leaders and social organisations of the results of a community consultation, held on 29 October in the municipality of San Miguel Uspantán, Department of El Quiché, to the authorities of that municipality. As part of the preparation and organisation of this consultation, Magdalena Sarat has received several threats, including death.

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 rural communities where victims and perpetrators live side by side, occasionally culminating in threats aimed at stopping the work of the women of CONAVIGUA. Due to increasing requests from the communities in which CONAVIGUA works, the organisation has expanded its work offering legal and organisational advice to communities in the process of organising themselves. San Juan Sacatepéquez is one of the areas where CONAVIGUA is accompanying this process, as is Uspantán, where CONAVIGUA supported the preparation of a 'good faith' community consultation on extractive industry projects. We have periodically accompanied the association since August 2003 with visits to its office and during its members' journeys around the country. Since September 2010 we have intensified the accompaniment following grave death threats

against its members, **Magdalena Sarat** and **Jorge Morales Toj**, in relation to their work assisting in the preparation of the community consultations for natural resource extraction projects in the municipalities of Uspantán (El Quiché) and Lanquín (Alta Verapaz). We also activated PBI Guatemala's Support Network internationally in October 2010 as a result of these threats.

Organisation to Support an Integrated Sexuality to Confront AIDS, OASIS

In December, we held several meetings and regular visits to the offices of OASIS.

*Background: OASIS is an organisation that works with HIV/AIDS education and prevention and promotes and protects 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 OASIS then continued to suffer harassment and threats for which, in February 2006 the Inter-American Commission of Human Rights (CIDH) ordered protection measures for thirteen members of the organisation, which were put into effect by the Guatemalan state three years later.*

*PBI started to accompany OASIS at the beginning of 2006. In January 2009 we intensified the accompaniment of its director, **Jorge López**, after he was accused of the attempted murder of sex worker Laila (Axel Leonel Donis González) and a criminal prosecution opened against him. Jorge López viewed the prosecution as a further manifestation of the constant persecution and intimidation he had suffered for years, which were aimed at impeding the organisation's work and discouraging 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, after two court hearings at which the members of various European embassies participated as observers.*

Association for the Protection of Las Granadillas Mountain, APMG

On November 29, eight people, including members of the APMG and the Lutheran Church in Guatemala (ILUGUA) received a subpoena as part of criminal proceeding against them under the 'prevention of crimes of illegal detention and intimidation', as a result of the events of September 2010 (see background). In December, PBI reiterated the concern initially expressed in October to our international support network; over the atmosphere of violence that is currently affecting the community of La Trementina, both in terms of the lack of solution to the conflict with private landowners, and the gravity of threats against members of the APMG, rumours and intimidation against leaders of the association, and even death threats against Reverend José Pilar Álvarez Cabrera, linked to his work defending human rights around water issues and the protection of forests and biodiversity in The Granadillas.

*Background: APMG was created in 2003 in Zacapa to protect the ecosystem of Las Granadillas Mountain (the principal source of water and natural diversity in the region) due to diverse threats identified by the local population: illegal logging, monoculture, deforestation, large-scale cattle farming and the diversion of water sources. The organisation is supported by the Lutheran Church in Guatemala (ILUGUA), led in the region by Reverend **José Pilar Álvarez Cabrera**, and the Madre Selva Collective. One of APMG's goals is to have the mountain designated a protected area. However, existing economic interests in the land have made APMG's work dangerous, and its members have faced diverse types of persecution and threats since they denounced the illegal logging trade and started, with the population of the La Trementina community, a permanent social monitoring process of licences granted and logging carried out on the mountain's private estates.*

We have accompanied APMG since August 2008. At the beginning of 2009, José Pilar Álvarez and two members of APMG faced legal accusations connected to their work protecting the mountain. The charges were dismissed in the first hearing before a judge. In May 2010, an internal report prepared by the National Civil Police (PNC) accused APMG members of planning illegal actions, such as blocking highways to impede the passage of vehicles transporting lumber from the Tachoró Estate, and mobilising the community of La Trementina to carry out a blockade. The APMG learned of the report and called a meeting with the governor, the PNC and the Environmental Protection Division (DIPRONA), to demonstrate the lack of evidence or truth in the accusations and request their 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.

In September 2010 a new conflict emerged between the population of La Trementina and the owner of the Tachoró Estate after a fence erected by the community to control the flow of heavy goods vehicles was destroyed. During this conflict José Pilar Álvarez was the target of death threats and defamatory statements in the local media, for which in October PBI Guatemala's International Support Network was activated.

Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ

In December Lorena Cabnal returned to Guatemala, after representing AMISMAXAJ on a European tour, organised by the PBI Guatemala project in coordination with PBI groups in Germany, UK, Belgium and Spain. The tour publicised the work and experiences of the organisation as well as obstacles and threats they face.

Background: AMISMAXAJ was founded in February 2004 as an association of women workers and became part of the Women's Sector in June of the same year. AMISMAXAJ is made up of 75 women leaders representing 15 Xinka communities from the Santa María Xalapán Mountain (Jalapa). They work at the local, departmental and national levels in

opposition to all forms of patriarchal, neo-liberal, racist, homophobic and lesbophobic oppression, and have established strategic territorial and national alliances to promote their political actions. The association works actively in the region of Jalapa, promoting women's rights, the revitalisation of the Xinka ethnicity and the defence of land and territory. In particular, it is actively working to defend natural resources and to monitor and raise awareness about plans for mining and oil extraction in the region.

On 12 October during a demonstration commemorating the Day of Indigenous Peoples' Resistance in Jalapa, a man issued a death threat to AMISMAXAJ member **Lorena Cabnal**. Other members of the Association were also intimidated, adding to the growing number of security incidents that they have suffered over the last two months. For this reason, we included AMISMAXAJ in the international activation of PBI Guatemala's Support Network in October 2010.

'New Day' Chortí Campesino Central Coordinator

During December we continued to intensify our accompaniment of the organisation with visits to the region and regular contact with members. In this context we accompanied Jerome and Edgar Omar Hernandez during a visit to the community of Lela Chancó, in the Camotán municipality and during journeys in the area. Both continue to be targets of intimidation that the organisation suffers as an attempt to limit its work.

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 and informs rural communities on issues relating to the rural economy, the environment, rights and land, in coordination with other local organisations. In 2006 New Day became aware of construction projects for three hydroelectric plants in two of the department's municipalities: the projects El Puente and El Orégano in Jocotán and the project Caparjá, in Camotán. They form part of the largest project of the Electrical Interconnection System for Central American Countries (SIEPAC). As part of its work, the organisation has shared this information with the communities in the area, creating spaces for the evaluation and analysis of the environmental effects and impact on local economies that this, and other development projects planned for the region, may have. Members of New Day say the lack of information and consultation of Chiquimula's communities by public institutions is a source of conflict. Several members of the association have been threatened and attacked due to their work with the communities. In September 2009, one of its members was the victim of a gun attack close to his community.

*On 12 October 2010, a violent confrontation between demonstrators and police took place when Mayan Ch'orti' communities gathered in front of Jocotán town hall to demand talks with the mayor regarding the Technological Corridor Project. Following these events, a number of national and local media outlets (television, radio and print) carried statements from local authorities accusing **Omar Jerónimo**, member of New Day, and **Carlos Hernández**, member of the Camoteca Campesino Association, as well as representatives of the Catholic Church, of being involved in the incident.¹ Following this, Omar Jerónimo and Edgar Hernández received death threats and were intimidated by unidentified armed men. As well as intensifying our accompaniment to New Day, we also included the organisation in our international activation of PBI Guatemala's Support Network in October 2010.*

Camoteca Campesino Association

During the month of December we intensified our accompaniment of the organisation with regular visits to the region. We accompany Carlos Hernandez and Santos Vasquez, along with other members of the organisation, during various evictions in the region. Both have been the targets of surveillance and threats.

Background: The Camoteca Campesino Association was founded in 1988 by 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 to defend life and natural resources, to ultimately achieve wellbeing for human and natural life in the area in which they live. Today, it is made up of 718 associates who monitor compliance with laws and monitor human rights violations in the eastern region. They cooperate closely with the New Day' Chortí Campesino Central Coordinator, particularly in informing communities about land, agriculture, and environmental issues. When the association learned of construction plans for the three hydroelectric projects "El Orégano", "Caparja", and "El Puente" (see above in the Background of New Day' Chortí Campesino Central Coordinator) and for the Technological Corridor, all of which would affect several municipalities in the department, they began work of informing the communities about the effects of mega-projects on the environment and their economic situation.

After the violent events in Jocotán during a demonstration on 12 October 2010, several national state and local media outlets published statements by local authorities that linked Camoteca Campesino Association member Carlos Hernández to what had happened (see above, re. 'New Day' Chortí Campesino Central Coordinator). Mr Hernández also received death threats and was the target of intimidation by groups of armed men. In response, PBI Guatemala intensified our

¹ Agrarian Platform press release, 12.10.2010. COPISCO press release, 12 and 13 October 2010. National Resistance Front (FNL), "Tres campesinos muertos en Jocotán", 13.10.2010. Latin American Mining Conflict Observatory (OCMAL), "Agresiones y represión en contra del pueblo maya ch'orti'", 13.10.2010. Guatemalan and local press of 13.10.2010.

accompaniment of the association. We also included the organisation in the international activation of PBI Guatemala's Support Network in October 2010.

Qamoló kí Aj Sanjuani - People of San Juan Unite

In December we accompanied members of the organisation to the Dejudicialisation Agency's office in Guatemala City in response to the incident in March 2010 in the community Las Palmas, in the municipality of San Juan Sacatepéquez. We also conducted regular visits to the area and we had contact with members of the association, who reported a sustained campaign to discredit the work of the organisation through the distribution of defamatory leaflets in the communities. The organisation has issued a press release denouncing an incident on December 29th when two helicopters, having taken off from the platform of the Cementos Progreso company, flew very low over the Trojes I community, during a Community assembly and later on to the Pillar II community. They have demanded an investigation into the incident which caused alarm and fear among local residents.

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, that participate in the struggle to defend 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.

On 13 May 2007, without the support of the municipality, the communities of San Juan Sacatepéquez carried out a community consultation on the factory's installation. 8,950 people participated, of which 8,946 voted against and four in favour of the factory. Although the mayor and the municipal council agreed to take into account the results of the consultation prior to the authorisation of any licence for construction, the construction work continued. During more than three years, the residents of San Juan Sacatepéquez have made numerous complaints about human rights abuses and a criminalisation campaign against them. The dialogue process in which various Guatemalan public authorities and institutions have participated has ended without reaching a resolution or transformation of the conflict.² PBI has accompanied Q'amoló Kí Aj Sanjuani since December 2009, following a request from the organisation due to threats and persecution against several of its members and the communities it represents.

Cunén Communities Council

In December we have maintained regular communication with members of the Cunén Communities Council.

Background: The Council was established at the first communities' assembly in San Siguán. 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 consultation itself, in which approximately 19,000 people from 71 communities voted against the aforementioned projects. We began our accompaniment of the Council in February 2010.

Human Rights Defenders Protection Unit, UDEFEGUA

In December we regularly visited the UDEFEGUA office in Guatemala City, and held meetings with members of the organisation. We also attended the forum on "The right to food" covering attacks against human rights defenders in Guatemala, organised by UDEFEGUA with national and international organisations. We also attended the press conference of the Convergence for Human Rights (which is part UDEFEGUA) on the declaration of a state of siege in Alta Verapaz (see announcement).

Background: The Human Rights Defenders Protection Unit (UDEFEGUA) was founded in 2004 to promote the security of human rights defenders in Guatemala and help protect the political space in which they work. The Unit's programmes support threatened human rights defenders and their organisations and advise them about preventing and responding to threats and attacks, through information, training, monitoring and psychological support. UDEFEGUA also lobbies for the protection of human rights defenders by government institutions and the international community.

*For many years PBI has maintained a close collaborative relationship with UDEFEGUA and in 2007 provided the Unit with international accompaniment during a period of threats. We recommenced our accompaniment following further threats received during May 2009, which the Unit denounced to the Public Prosecutor's Office. Several international organisations have expressed their concerns about what they describe as a "serious pattern of persecution" of the organisation.³ We intensified the accompaniment again in March 2010 following break-ins to the home and vehicle respectively of **Erenia Vanegas** and **Claudia Samayoa**, increasing our visits to UDEFEGUA's office, carrying out periodic meetings with its staff and accompanying them during their movements to the interior of the country during their investigation and verification of*

² You can find further information in the PBI Special Report published in 2010, at the following link:

http://www.pbi-guatemala.org/fileadmin/user_files/projects/guatemala/files/english/Mujeres_Completo_ING.pdf

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.

reports of attacks against human rights defenders.

Verapaz Union of Campesino Organisations, UVOC

In December we accompanied Carlos Morales to Coban for the roundtable in the Governorate of Alta Verapaz (AV), which each month focuses on land issues in the region. We also accompanied him during his visit to meetings with various organisations in the municipality of San Cristobal, Alta Verapaz, who had gathered to prepare a community consultation on plans for high voltage power line in the municipality by the company Enel, the assembly stressed the communities right to environmental impact studies information. We remain vigilant to the continued limitation of constitutional rights, that have resulted from the declaration of a state of siege in the department of Alta Verapaz, in the process of our work accompanying UVOC in the region.

*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 campesino 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. We also continue to observe the delicate situation of communities that are part of the organisation, that are struggling for access to land.*

Human Rights lawyer Edgar Pérez Archila

During the month of December we visited the office of Archila Pérez regularly and held meetings with him and members of his team.

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. He works on legal proceedings relating to massacres committed during the internal armed conflict and other cases of past and current human rights violations. We have specifically accompanied him during his work on criminal prosecutions relating to the following: the forced disappearance, torture and extrajudicial execution of the guerrilla commander Efraín Bámaca Velásquez in 1992; the massacre of the community Las Dos Erres in 1982; the massacre of the community of Río Negro in 1982; and the prosecution for genocide that has been pending before a number of Guatemalan tribunals since 2000. PBI is providing international accompaniment to Mr Pérez due to the high profile of these and other cases, and to several security incidents of which he has been target in recent years.

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, through communications maintained with a member of CRP.

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.

3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA

The Regional Representatives, the Project Office Coordinator and other members of the committee and the Project Office and national groups of PBI, conduct public relations campaigns with many NGOs, agencies and national governments, parliamentarians and others. These meetings result in the development and strengthening of the project's "Support Network", an essential tool in the international presence provided by PBI in Guatemala.

The European representative of the project spent the 6th-7th December in Brussels, Belgium, at the "First Global Conference on Preventive Action," organised by the EastWest Institute in the European Parliament. As part of this conference she participated in a workshop on "Strengthening regional capacity for preventive action in Central America", sponsored by the Global Partnership for the Prevention of Armed Conflict (GPPAC) and the Regional Coordinator of Economic and Social Research (CRIES).

The project coordinator participated in the public film showing of "Halfway to heaven" on 3rd of December in Valencia, Spain, which was attended by Andrea Lammers, one of its directors.

The PBI Guatemala Project committee has developed spent an intensive period between October and December 2010 providing information to the support network outside of Guatemala, within the framework of the international activation due to serious threats against members of five organisations GDP comes in different areas of the country (see section 2.3. accompaniments).

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.

SÍ A LA RECUPERACIÓN DEL TERRITORIO DENTRO DEL ESTADO DE DERECHO

La Convergencia por los Derechos Humanos, organizaciones de derechos humanos, organizaciones de mujeres y campesinas, ante el Estado de Sitio impuesto en Alta Verapaz, expresa:

1. Desde hace tiempo hemos señalado la gravedad de la situación de seguridad en la región de las Verapaces, en donde estructuras del Estado y gobierno mantienen nexos con organizaciones de crimen organizado y afectan seriamente los derechos y garantías de la población.
2. En ese marco, el Estado tiene el deber de garantizar el control del territorio, siempre y cuando se proceda conforme a derecho y se garantice a la ciudadanía el goce de sus libertades y derechos.
3. Con los resultados obtenidos desde la declaratoria del Estado de sitio, se pone en evidencia la ineficacia de la restricción de garantías como política para combate al crimen organizado, por cuanto la Ley de Orden Público en vigor, tiene un enfoque contrainsurgente y limita la capacidad de las fuerzas de seguridad para enfrentar el crimen y por el contrario, vulneran de manera flagrante los derechos de la ciudadanía.
4. En tal sentido, la recuperación territorial por parte del Estado, es factible sin necesidad de recurrir al Estado de sitio, típico y característicos de gobiernos dictatoriales.

Por lo anterior:

1. Demandamos al Congreso de la República, improbar la imposición del Estado de Sitio en Alta Verapaz y en cualquier parte del territorio nacional y aprobar una nueva Ley de Orden Público que facilite al Estado de Guatemala contar con los recursos necesarios para el combate al crimen organizado.
2. Exigimos al Procurador de Derechos Humanos, verificar y auditar el desempeño de las fuerzas de seguridad mientras esté en vigor el Estado de Sitio y haga públicos los hallazgos al respecto. Particularmente vigile la integridad de los líderes comunitarios y el derecho a mantener la actividad en defensa de los derechos humanos. En este sentido, las actividades de consulta comunitaria y resistencia.
3. Al gobierno de Guatemala, requerimos la inmediata depuración de las fuerzas armadas, a fin de anular todo vínculo de estas con estructuras que pongan en riesgo la acción del Estado contra el crimen organizado.
4. A la población de Alta Verapaz le expresamos nuestra solidaridad y la llamamos a denunciar toda acción violatoria de sus derechos.

Convergencia por los Derechos Humanos
Guatemala, 21 de diciembre de 2010

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