

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 AGENCIES
 - 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

Supreme Court reopens investigation of Efraín Bámaca's disappearance

Guatemala, 26.01.2011 (EP, PL, SV) – The Criminal Chamber of the Supreme Court of Justice (CSJ) decided to reopen the investigation into the 1992 disappearance of guerrilla commander Efraín Bámaca Velásquez. The ruling was in response to a resolution issued by the Inter-American Court of Human Rights (IACtHR) in 2000, which ordered the case reopened. Bámaca was a member of the Revolutionary Organisation of the People in Arms (ORPA) and the husband of United States citizen Jennifer Harbury, who visited Guatemala several months ago demanding the reopening of the investigation.

On 17 December 2010, the IACtHR ordered the state to comply with its obligation to investigate Bámaca's disappearance, after the case was dismissed following the decision of the Guatemalan Constitutional Court not to reopen it. The IACtHR argued that it could not be suspended because it was a case involving crimes against humanity.

"The decision of the CSJ on the forced disappearance of Efraín Bámaca Velásquez seems like a significant precedent and sends a clear message that serious violations of human rights committed during the internal armed conflict will not be left to impunity," reported the United Nations High Commission for Human Rights Office (OHCHR).

Obstacles to justice in the case of the Dos Erres massacre (Petén)

Guatemala 31.01.2011 (CA) – Lawyer Édgar Pérez, director of the Human Rights Legal Desk in Guatemala, said that in the case against those responsible for the massacre in Dos Erres which happened 6 December 1982 in Petén, there have been more than 40 protection measures and several unconstitutional actions taken which constitute obstacles to justice in the case and generate impunity. "Throughout the process the military lawyers have presented a series of objections that have paralysed the case," he added.

As lawyer for the victims, Pérez presented a request for the amplification and clarification of a new resolution issued by the Constitutional Court, which, in his opinion, protects those responsible for the massacre. He cited the existence of an Inter-American Court of Human Rights (IACtHR) resolution demanding that the Guatemalan state remove all obstacles that have generated impunity in the case, such as disproportionate use of *amparos* (appeals on the grounds of unconstitutionality). Pérez said that the CC resolution "is favouring the rights of the accused and not those of the victims".

LAND

CNOC expresses concern for food security in 2011

Guatemala, 26.01.2011 (AC) – The National Coordinator of Campesino Organisations (CNOC) anticipates a difficult food insecurity situation in 2011 in Guatemala. According to the sub-coordinator, Poncio Tayún, the situation had fatal consequences in 2010. Luis Enrique Monterroso, coordinator of the Food Rights Unit of the Human Rights Ombudsman's office (PDH), reported 14,982 cases of acute malnutrition since November 2010 among children under 5 years old; 187 may have died of this cause. Tayún said that 2011 could be more complicated given that in 2010 some 600,000 families were affected by natural disasters with no state measures in

place to reactivate the agricultural economy for the small producers who suffered losses. He also said that the Ministry of Agriculture, Livestock and Food Production (MAGA) had a budget near Q630 million for 2011¹, less than the Q800 million last year. He said that if the government needed to redirect resources to MAGA, otherwise the communities would be in even more difficult conditions in terms of food security. The CNOC representative said that the National Rural Development Policy approved in 2009 has not received adequate budget allowance either.

Social organisations call attention to possible loss of employment due to rise in minimum wage

Guatemala, 27.01.2011 (AC) – According to Hélder Velásquez, member of the Coordination of NGOs and Cooperatives (CONGCOOP), massive lay-offs of urban and rural workers announced by the business sector in response to the increase in minimum wage could result in social upheaval. The National Coordinator of Campesino Organisations (CNOC) and CONGCOOP denounced the business sector's intent to lay off workers, primarily in the agricultural sector, due to the Q7 increase in daily minimum wage, from Q56 to Q63.70 daily. They pointed out that the *campesino* population does not receive the actual minimum of Q56 per day; on the plantations, farm workers receive between Q25 and Q30 per day, for a period of up to 12 hours, and in the case of other workers, the wage is Q20 per day. Both agencies called on the government to uphold its decision on the minimum wage and on the Ministry of the Interior to monitor compliance with the law.

NEGATIVE EFFECTS OF GLOBALISATION

Associations denounce metal exploration and extraction on the South Coast

Retalhuleu, 26.01.2011 (AC) – Adela Andrade, member of the Institute for Economic and Social Development for Central America (IDESCA), said that the threats posed by iron exploration and extraction on the Pacific coasts of Guatemala are caused, in large measure, by the absence of a municipal policy for the protection of the environment and natural resources. She said the government continued to issue extensions on licences for extraction of raw materials even though different communities at the national level have rejected this type of activity through popular consultations, and despite the fact that the activities cause destruction, poverty, and misery in the country.

According to research done by the South Coast Citizen's Alliance, a group formed in October 2010 to support the population's defence of its coastal and marine resources, though the transnational companies seeking metals from the beaches argue that they would extract only iron, they also remove others (such as titanium, which has a high world market value) without reporting to the government.

In 2010, G4G Resources Ltd., with the permission of the Ministry of Energy and Mines (MEM), started exploration of magnetite in a 300 square kilometre tract of land on the Pacific coast of Guatemala. According to the analysis of the South Coast Citizen's Alliance, the identification processes jeopardise the protected areas of Monte Rico, Sipacate-Naranjo, and the Chorrera-Manchón Guamuchal, areas of importance and international protection due to high concentration of biodiversity, productivity and mangroves. In Retalhuleu, the company works under the name Tikal Minerals, S.A.; the licence was approved on 20 October 2009 and extended for three years and allows exploration of gravel, sand, monocyte, nickel, rutile, magnetite, chromite, cobalt and other rare earth metals in the departmental seat, in Champerico, and in Cuyotenango.

OTHER

Government extends State of Emergency in Alta Verapaz for 30 more days

Guatemala, 19.01.2011 (EP, SV, PL) – President Álvaro Colom announced a 30-day extension to the State of Emergency in Alta Verapaz which began one month earlier, 19 December 2010, in response to threats from narco-trafficking groups in the area. The president said there had been a reduction from 90 criminal acts to 60 following the imposition of the State of Emergency. "This does not mean that we have the situation totally controlled," said the minister of Interior, Carlos Menocal, asserting the need to reinforce justice institutions. He explained that the majority of municipalities had reported crime rates lower than 10%, with the exception of Cobán, which had a rate of 31% (before the State of Emergency, it had reported 45%). Menocal said that Santa Cruz, Tamahú and Senahú were among the most peaceful places.

Q'eqchi communities in Alta Verapaz denounce abuses by public security forces

Guatemala, 24.01.2100 (EP) – The *campesino* population in three communities near Lachuá Lagoon denounced abuses by the army, the National Civilian Police (PNC), and security guards of the National Council for Protected Areas (CONAP) to the offices of the Public Prosecutor and the Human Rights Ombudsman (PDH) in Alta Verapaz.

Rómulo Caal, one of the delegates from the communities of Secoc Pur, Yaxtun, and Cejé Ché, reported that 40 soldiers, 20 CONAP security guards, and two police had arrived at the community Cejé Ché in the second week in January and, after firing into the air to drive away the population, destroyed 300 *cuerdas*² of harvested cardamom. "When the neighbours ran away, Héctor Ruiz took advantage of the moment and attempted to sexually assault Adelina Yaxcal, who was able to escape with her clothing torn," reported Caal.

Sources: Centro de Estudios de Guatemala (CEG), La Hora (LH), Siglo XXI (SV), Prensa Libre (PL), El Periódico (EP), El Diario de

¹ Nearly 58 million euros.

² 1 *cuerva* = approx 0.17 acres / 700 sq. m

2. PBI-GUATEMALA ACTIVITIES – IN GUATEMALA

Team: Frauke Decoodt (Belgium), Lena Niehaus (Germany), Janieke Drent (Holland), Ricard Hernández Martín (Spain), Pascal Bodemeijer (Holland), Anabella Estol (Argentina), Jorge Palomeque (Argentina), Engel Montuenga Peña (Spain/Colombia), and Samuel Jones (United Kingdom).

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:

- Idar Insteford, first secretary, and Marte Myhre Tonhiem, intern, Embassy of Norway. Guatemala City.
- Patrick Egloff, adjunct mission chief, Embassy of Switzerland. Guatemala City.
- Manuela Sessa, officer for human rights programs, European Union delegation in Guatemala. Guatemala City.
- Alberto Brunori, representative in Guatemala, and Christina Papadopoulou, human rights officer, Office of the United Nations High Commissioner for Human Rights in Guatemala (OHCHR). Guatemala City.
- Michael Fabri, adjunct mission chief, Embassy of Germany, and Monika Frank, Guatemala officer, German Ministry of Foreign Affairs. Guatemala City.

Guatemalan authorities:

- Eulogi Ceto, educator, Human Rights Ombudsman's Office (PDH). Nebaj, Quiche.
- Gustavo Méndez, analysis coordinator for conflict mediation, Andrea Adriana Domingo, measures monitor, Jacob Grarnajo, central region officer, Carlos Quiej, defenders department analyst, Presidential Coordinator Commission on Executive Policy on Human Rights (COPREDEH). Guatemala City.
- Edgar René Orellana Barrera, mayor, Municipality of Zacapa.

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:

- Javier Gurriarán, consultant and member of the Initiative for Recovery of the Historical Memory in the North of El Quiche. Guatemala City.
- Nery Ródenas, director, Human Rights Office of the Guatemala Archdiocese. Guatemala City.

International organisations and agencies:

- Coordination of International Accompaniment in Guatemala (CAIG - Acoguate). Guatemala City.
- Anabella Sibrián, Dutch Platform Against Impunity in Guatemala. Guatemala City.

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA

In January we continued our accompaniment of CONAVIGUA through regular visits to the organisation's offices in the capital. CONAVIGUA is awaiting the resolution of the municipal council in Uspantán, one month after the submission of the results from the community consultation held there on 29 October were submitted.

On 25 January, CONAVIGUA released a communiqué calling for justice for victims of the armed conflict who were buried recently in the Lancetillo cemetery, in Uspantán, El Quiche.

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 January, we made several periodic visits to the OASIS office, and we held meetings with some of its members. We continue to be concerned about Zulma Robles' security.

*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 29 November, eight people, including members of 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', in relation to the events of September 2010 (see background).

In January, PBI reiterated our concerns (initially expressed to our support network in Guatemala and internationally in October) about the violent situation in the communities of La Trementina, caused by unresolved conflict with private landowners on Las Granadillas Mountain and increasing threats against APMG members. The threats include persistent rumours and intimidating warnings against leaders of the association and death threats against Reverend José Pilar Álvarez Cabrera, linked to their human rights work in the communities working to protect water sources, forests and biodiversity on the mountain.

The hearing the eight had been summonsed to on 26 January was postponed with a new date set for 7 March. Members of the association are concerned that official notification of the change of hearing was not received until the same day, 26 January.

The Association had begun to inform the communities about a construction plan of the technological corridor (see *Background for accompaniment of 'New Day' Chortí Campesino Central Coordinator*, below), through several villages of Zacapa. We made several visits to Zacapa to meet and accompany members of the Association and to maintain dialogue with the municipal and departmental authorities. On 24 January, we observed a press conference organized by APMG in the capital about the legal process, which was attended by several members of civil society organisations and diplomatic corps present in the country.

*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 January, we travelled to Santa María Xalapán Mountain and met with the board of directors and other members of the association. We accompanied them during several activities, including a presentation for new Xinka government members about the association's work.

As follow up to her European advocacy tour last November, Lorena Cabnal, a member of AMISMAXAJ, met with members of the German Ministry for Cooperation and Development, who visited Guatemala during the last week of January.

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

We continued to intensify our accompaniment of the organisation with regular visits to the region and sustained contact and accompaniment of its members. We accompanied Omar Jerónimo and Edgar Hernández, and continued to visit their work places and homes in the region. Both continue to be targets of intimidation that the organisation sees as attempts 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.³ 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 January we intensified our accompaniment with the organisation and maintained a presence in the region. During January, we accompanied Carlos Hernández and Santos Vásquez when they registered with the court, a requirement of the alternative measures ordered by the judge in November (See Background). These measures greatly impede their work in the communities. Both have been targets of surveillance, threats, and defamation.

³ 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.

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

On November 15, **Carlos Hernández and Santos Vásquez**, were detained and accused of crimes against national security and participating in illegal meetings and demonstrations, after participating in a public gathering, which included more than 70 people opposed to the electrification plans and projects in the region, held more than six months earlier on 30 March 2010. It is of concern that the arrest warrant was issued on 13 October, one day after the events in Jocotán and that the media has linked their detention with that confrontation.

On 16 November, they had their first appearance before the judge, who upheld charges against them, set bail of 3,000 quetzals, and ordered house arrest without supervision as an alternative measure to incarceration. Unsupervised house arrest requires that both present themselves to the court every 15 days and limits their right to full participation in collaborative work. The Public Prosecutor's Office will investigate the charges during the next three months. The next court appearance is set for 2 March 2011.

Qamoló kí Aj Sanjuani - People of San Juan Unite

In January we accompanied members of the organisation to the court in San Juan Sacatepéquez to file a complaint against 17 Cementos Progreso workers who harassed three women in Las Trojes II community. We also made regular visits to the area and maintained contact with members of the association who expressed concern about a sustained campaign to discredit the work of the organisation through the distribution of defamatory leaflets in the communities.

We visited Las Trojes II and Las Trojes I where we were told in detail about events of 5 January, when strangers destroyed the communities' Christmas tree, prompting the communities to file complaints.

On 20 January, 250 community authorities from San Juan Sacatepéquez travelled to the Ministry of Transportation in the capital, to submit a petition rejecting construction of a highway that would pass through several communities in the municipality.

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.⁴ 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 January we communicated periodically with members of the Cunén Communities Council. Next month, a round of dialogue is planned with the National Electrification Institute (INDE) and Unión Fenosa – DEOCSA to discuss electricity in the municipality of

⁴ 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

Cunén.

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 January we periodically visited the UDEFEGUA office in Guatemala City and held meetings with members of the organisation.

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.⁵ 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 reports of attacks against human rights defenders.*

Verapaz Union of Campesino Organisations, UVOC

In January we accompanied Carlos Morales to Cobán for the talks in the governor's office of Alta Verapaz, which each month focuses on land issues in the region. We also accompanied him during meetings with several organisations in the municipality of San Cristobal, Alta Verapaz, to prepare for a community consultation on plans for a high voltage power line in the municipality by the Italian energy company, Enel. The meeting was about the communities' right to receive information about the company's environmental impact studies.

In addition, we accompanied UVOC members to a meeting with the under-secretary for conflict resolution in the Agricultural Issues Secretariat (SAA), in which they submitted a document outlining 40 cases that they identify as the most conflictive in Alta Verapaz.

In our accompaniment of UVOC, we remain vigilant to the restrictions of constitutional rights and freedoms that have resulted from the State of Emergency in the department of Alta Verapaz.

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

In January we periodically visited the office of Mr Pérez Archila 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.

2.4 FOLLOW UP

⁵ Human Rights First (HRF), Washington Office on Latin America (WOLA), Network in Solidarity with the people of Guatemala (NISGUA), Grassroots International, American Jewish World Service, Latin America Working Group (LAWG), Institute for Peace and Justice – University of San Diego, *Carta al Presidente Álvaro Colom*, 8 May 2009.

We regularly receive requests for accompaniment from social organisations and human rights defenders who are or who feel threatened. Through international accompaniment, we seek to reduce the threats 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 continue 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 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.

2.5 OBSERVATION

PBI in Guatemala provides international observation of those public events in which Guatemalan social organisations require it in order to demonstrate international attention and interest and to be able to communicate outside the country what we observe.

On January 24 we observed a press conference organised by APMG in the Mutual Support Group (GAM) office in the capital, which focussed on the court case involving eight individuals from Las Granadillas Mountain including association members. The conference was attended by several representatives of civil society organisations and diplomatic corps present in the country.

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.

We have updated our contacts in PBI Guatemala's international support network about the change of date of the court hearing of several members of the APMG. In January we planned PBI Guatemala project advocacy tours for 2011 with several PBI country groups and other PBI projects.

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.

Guatemala, 6 de Enero del 2011

La sangre la pone el pueblo

Ayer, en horas de la tarde, nos asesinaron a otro compañero dirigente.

El compañero Eswin Gálvez, médico del Hospital de Retalhuleu, afiliado al Sindicato Nacional de Trabajadores de Salud y asesor de la Filial del SNTSG en Retalhuleu, llegó al frente de su casa, en San Felipe, Reu, a eso de las 2 p.m., tras hacer compras en el mercado. Al disponerse a bajar las bolsas y entrar a su vivienda, un sicario disparó en su contra, dándole muerte. El asesino subió a una motocicleta que estaba esperándolo y se dio a la fuga, perdiéndose en las calles.

Nadie puede sugerir siquiera que se trata de un hecho de delincuencia común. A nuestro compañero no le robaron nada, en absoluto. Los criminales ni siquiera hicieron el menor intento por robar ninguna de sus pertenencias. Simplemente lo esperaron y le dieron muerte, al frente de su casa.

Se trata, pues, de una acción previamente planificada, realizada con la única intención de quitarle la vida a un dirigente. Se trata, entonces, de un claro acto represivo más, en contra de quienes se colocan al frente de su pueblo en lucha por los derechos e intereses de las mayorías.

Ya es hora de que las autoridades competentes hagan algo al respecto. Requerimos, de manera enfática, la intervención de la CICIG, por cuanto solamente en la medida en que los autores materiales e intelectuales de tantos crímenes se vean enfrentados a la justicia, será posible poner un alto a la impunidad.

Desde Octubre del 2009 le hicimos entrega a la CICIG de un listado de casos de asesinatos contra dirigentes de organizaciones populares, a efectos de que se abrieran las investigaciones respectivas. Desde esa fecha, se han sumado muchos nuevos nombres de valerosos hombres y mujeres que han ofrendado sus vidas por la construcción de una Guatemala justa, digna y humana.

Esta creciente violencia contra el pueblo y sus legítimos dirigentes debe cesar de inmediato.

Los asesinos de Eswin, tanto los autores materiales como quienes ordenaron el crimen, deben saber que, por cada compañero que cae, surgen diez, cien, mil que recogen sus banderas y que, con profundo dolor pero con toda firmeza, las hacen ondear con dignidad por los caminos del pueblo.

Expresamos nuestras sinceras y profundas condolencias a la familia de nuestro compañero.

Asimismo, hacemos llegar nuestro pesar a los afiliados y afiliadas al SNTSG, miembro del FNL, organización que se ha visto agredida de una manera brutal a lo largo de los últimos meses.

FRENTE NACIONAL DE LUCHA POR LA DEFENSA DE LOS SERVICIOS PÚBLICOS Y LOS RECURSOS NATURALES (FNL)

Fundación Sobrevivientes

Guatemala, 10 de enero de 2011

Luego de debatirse entre la vida y la muerte por casi una semana la noche de ayer dejó de existir el niño Jorge Enrique Cac Zacarías de trece años quien a su corta edad debió sufrir los embates de la violencia que se viven en nuestro país.

A las siete víctimas mortales que dejara el acto terrorista del inicio de año 2011 se suma ahora el deceso de un niño: Jorge Cac Zacarías, de 13 años, quien falleció anoche, luego de que él y su mamá y dos hermanos un niño y una niña murieran víctimas de un atentado contra un autobús el lunes 3 de enero en la Ciudad de Guatemala.

El único sobreviviente de la familia Cac Zacarías es ahora el padre de familia: Efraín Cac quien en declaraciones a los medios de comunicación a expresado entre su dolor su falta de ánimo de vivir.

En ese sentido debido a la inestabilidad emocional del señor Cac ha sido necesario brindarle atención psicológica psiquiátrica, a opinión de estos expertos resulta contraproducente el confrontar a esta víctima indirecta con los hechos sin asistencia profesional necesaria.

Es de hacer notar que el hecho de que el señor Cac este efectuando entrevistas con medios de comunicación, declaraciones repetitivas en Juzgados y Ministerio Público lo somete a una sobre victimización. Por lo que lo adecuado es evitar al máximo las entrevistas individualizadas y que le sea tomada una sola declaración en la que estén presentes todos los operadores de justicia e interesados.

Desde Fundación Sobrevivientes solicitamos se tomen en consideración estas recomendaciones y demandamos de las autoridades a cargo de las investigaciones poner al frente a sus mejores elementos para que los resultados sean positivos para llevar ante la justicia a los criminales, en el sentido de que existen suficientes componentes para esclarecer el caso.

¡Digamos si a la vida, No a la Violencia!

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