

PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

Another former police agent arrested for alleged participation in the forced disappearance of Fernando García in 1984

Guatemala, 09.04.2011 (PL).- On 8 April the National Civil Police (PNC) and the Prosecutor General's Office (MP) arrested a former police agent for his alleged participation in the 1984 forced disappearance of the trade unionist Fernando García. Jorge Humberto Gómez López was detained in the San Ignacio housing estate in Zone 7 of Mixco. The court ordered his capture for the crimes of forced disappearance, kidnapping and abuse of authority. Gómez was commander of the Fourth Corps of the defunct National Police (PN), which was responsible for intercepting and forcibly disappearing García nearly 27 years ago. Abraham Lancerio Gómez and Héctor Ramírez Ríos, two other former PN agents involved in the disappearance, were sentenced to 40 years in prison in November 2010.

Despite these convictions, the resting place of García has not been determined. Congresswoman Nineth Montenegro, who was García's wife at the time of his disappearance, said Gómez should be processed by the courts. She said that although there had been advances in this painful case, late justice was not the same as justice.

LAND

Civic and international organisations request a Congress commission to investigate Alta Verapaz evictions

Guatemala, 04.04.2011 (AC).- Guatemalan organisations, international NGOs and members of the public have asked Congress to conform an investigative commission that would demand information from the organisations which participated in the evictions carried out in the region of the Polochic Valley, Alta Verapaz, in March 2011. They say the Guatemalan government failed to fulfil its obligations in relation to international human rights agreements. In a paid newspaper announcement, they asked President Colom to order a halt to the evictions and the destruction of homes and crops in the region, and asked the Human Rights Ombudsman (PDH) and the Presidential Human Rights Commission (COPREDEH) to coordinate talks between the affected population and the presumed landowners.

In particular, they asked Congress to conform an investigative commission that would demand documentation from the Interior Ministry, the Prosecutor General's Office (MP), PDH, Judicial Organism (OJ), Central American Economic Integration Bank (BCIE), Land Registry and Tax Office (SAT), among others. The information asked of the Interior Ministry and the MP relates to the conduct of police personnel and the participation of army agents and unofficial private armed groups in the evictions of several communities. These events witnessed the death of a *campesino* civilian and left several others injured.

Roadblocks and protests in several departments to demand passing of rural development law

Guatemala, 13.04.2011 (LH).- The Road Protection Office (PROVIAL) reported the blockading of kilometres 113, 179 and 212 of the South Coast highway towards the Mexican border, in the municipalities of Coteles (Suchitepéquez), El Zarco (Retalhuleu) and Colomba (Quetzaltenango). Km 187 of the Inter-American Route was also blockaded, at the crossroads known as Cuatro Caminos. These blockades took place weeks after the government decided to exclude from talks any group that carries out this kind of direct

action. There were also reports of protests (without blockades) in Colotenango, Huehuetenango and Totonicapán. Members of the National Coordinator of Campesino Organisations (CNOC) and of the Campesino Development Coordinator (CODECA) demanded improvements in rural development and complained about electrical energy services. Basilio Sánchez of CODECA said they wanted the Rural Development Law passed and electricity services nationalised. CODECA called for the government to restart talks and seek an exit to the economic and political crisis in rural areas. Sánchez said his organisation was willing to participate in talks.

NEGATIVE EFFECTS OF GLOBALISATION

United States politicians ask Colom to suspend Marlin Mine

Guatemala, 13.04.2011 (LH).- In a letter to President Álvaro Colom, 15 US senators have asked for Marlin Mine operations to be immediately suspended, as per the resolution of the Inter-American Commission of Human Rights (IACHR). The letter, originally written in English, informed Colom that the signatories were "extremely concerned about the impact of large-scale industrial gold-mining operations on the human rights situation in Guatemala". Particular concern was expressed regarding the Marlin gold mine, in San Miguel Ixtahuacán, San Marcos, operated by the Canadian company Goldcorp. "We ask you to immediately suspend the operations of Marlin Mine and address the concerns of the indigenous communities relating to human rights, health and the environment," the letter concludes. The letter points out that the International Labour Organisation (ILO) also expressed concern about the mine and independent studies carried out by the University of Michigan and E-Tech International voiced serious concerns about the project's impact on public health and the environment.

Ministry of Energy and Mines authorises *El Orégano* hydroelectric project in Chiquimula

Guatemala, 19.04.2001 (EP).- The *El Orégano* hydroelectric plant that the company Las Tres Niñas plans to build would be located between the municipalities of Zacapa and Jocotán, in the department of Chiquimula. The Ministry of Energy and Mines (MEM) gave the green light to the company to use the flow of the Río Grande river to install the 120-megawatt-capacity project between Zacapa and Chiquimula.

Las Tres Niñas is part of the America Trans Group, which is made up of companies trading in telecommunications, real estate and renewable energy. As well as *El Orégano*, on its website the company mentions another project, the 57-megawatt Caparjá hydroelectric project, in the municipality of Camotán (Chiquimula).

In July 2009, the National Electrical Energy Commission (CNEE) approved the company's impact studies for both projects. In the case of *El Orégano*, the company told the news agency BN Américas that the plant would be operational between the end of 2014 and the middle of 2015.

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

2. PBI-GUATEMALA ACTIVITIES – IN GUATEMALA

Team: Janieke Drent (Netherlands), Ricard Hernández Martín (Spain), Pascal Bodemeijer (Netherlands), Anabella Estol (Argentina), Engel Montuenga Peña (Spain/Colombia), Samuel Jones (United Kingdom), Guillaume Riboulleau (France), Maïke Holderer (Germany) and Kathrin Helen Ruegg (Switzerland)

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:

- Thomas Schaefer, German Ambassador, Guatemala City
- Juan Guillermo Ángel, Colombian Ambassador, Guatemala City
- Manuela Sessa, human rights officer, Department of Cooperation, Delegation of the European Union, Guatemala City

Guatemalan Authorities:

- Carlos Seijas, advisor to the Human Rights Ombudsman, Human Rights Ombudsman's Office (PDH), Guatemala City
- Sergio Blanco Barrios, advocacy and negotiations officer, PDH, Santa Cruz del Quiché, Quiché
- Diego Oxjúl, fifth councillor of the Municipality of Cunén, Cunén, Quiché
- Delfino Natareno López, mayor, Santa Cruz del Quiché, Quiché
- Mario Chinchilla, Analysis Agency of the Interior Ministry, Cobán, Alta Verapaz
- Gerzon Oliva Ramos, adjunct director general of the National Civil Police (PNC), Guatemala City
- Rolando Yoc, director of mediation, conflict resolution and advocacy in public policy, PDH, Guatemala City
- Mario Eduardo Ochoa Croker, Oswaldo Enríquez Contreras, Lesbia Tevalan, legal advisors of the Anti-Impunity Unit, PDH,

Guatemala City

- Ana Julia Flores, advisor to the Human Rights Ombudsman, PDH, Guatemala City
- Víctor Godoy, director of School Coexistence and Violence Prevention Programme, PDH, Guatemala City

2.2 MEETINGS WITH CIVIL SOCIETY ORGANISATIONS

The team in the field meets periodically with civil society organisations to follow up on the situation of human rights defenders, to inform one another about the work being done, and to gather information that contributes to the processes of contextual analysis on specific issues in Guatemala.

Guatemalan civil society:

- María Teresa, Jorge Macías Frías and Enrique Corral, members of the Guillermo Toriello Foundation, Guatemala City
- Carmela Curup, lawyer, Association of Mayan Lawyers and Notaries, Guatemala City
- Josefa López, member of the Indigenous Rights Office, Uspantán, Quiché
- Juan Antonio, member of the Linguistic Academy of Uspanteko, Uspantán, Quiché
- Francisco Zeto, member of the Association of Mayan Ixil Women (AMMI), Nebaj, Quiché
- Blanca Sosa and Elizeth Tum, member and collaborator respectively of the Association of Women of Chicamán, Quiché
- José Ernesto Menchú, member of the Committee of Victims of the Armed Conflict, Uspantán, Quiché
- Gregorio Chay, member of the K'iche' Rights Office, Santa Cruz del Quiché, Quiché
- José Roberto Morales, Member of the Centre for Legal Action in Human Rights (CALDH), Guatemala City
- Ramón Cadenas, Director of the Central American office of the International Commission of Jurists, Guatemala City
- Gustavo Meoño and Alberto Fuentes, directors of the National Police Historical Archive (AHPN), Guatemala City
- Javier Gurriarán, consultant and member of the Historical Memory Recovery Initiative in the North of Quiché, Guatemala City

International Organisations and Agencies:

- Coordination of Accompaniment International Guatemala (Acoguate), Guatemala City
- Claudia López, Coordinator, Lawyers without Borders Canada, Guatemala City

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA

In April we continued our accompaniment of CONAVIGUA's members, with regular visits and meetings in their office in the capital. CONAVIGUA is involved in follow-up activities relating to the popular community consultation in Uspantán held at the end of 2010 and we accompany them in their travels and activities while keeping ourselves informed.

In April we also monitored the conflict between communities of San Juan Cotzal (Quiché) and the Italian energy company ENEL.

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 and men working for 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. Among others, CONAVIGUA has accompanied the organisation and development of the 'Good Faith' popular consultations in the municipalities of Uspantán (Quiché) and Lanquín (Alta Verapaz).

*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 serious death threats against its members, **Magdalena Sarat** and **Jorge Morales Toj**, in relation to their work preparing for several community consultations on natural resource extraction projects. It was within this context that we activated PBI Guatemala's Support Network internationally between October 2010 and April 2011.*

Organisation to Support an Integrated Sexuality to Confront AIDS, OASIS

During April we carried out periodic visits to the OASIS office and held meetings with its director, Jorge López Sologastoa.

*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 13 April, we accompanied APMG and observed the court hearing against eight members of the Association and the Lutheran Church in Guatemala (ILUGUA): José Pilar Álvarez Cabrera, Rubén Aldana Guzmán, Glenda Cecilia Antón Antón, Ronaldo Meléndez, Alfredo Mejía Gregorio, José Martín Cabrera Antón, Melvin Antón Palacios and Byron Galdámez Franco. The judge of the First Instance Criminal and Environmental Offences Court of Zacapa declared an absence of grounds for the criminal prosecution and closed the trial, in which the defendants were accused of illegal detentions, threats and psychological violence against women. As well as declaring a lack of grounds, the judge criticised the case attorney for carrying out the prosecution without due prior investigation.

We accompanied the Association to a meeting with the German Ambassador to Guatemala. This meeting took place in the Casa Campesina, in La Trementina (Zacapa), where, along with other *campesino* organisations from the region (including the Camoteca Campesino Association and the 'New Day' Chortí Campesino Central Coordinator), the Association expressed its concerns and demands.

*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 and, since then, have observed the spaces for dialogues in which the Association has participated with public authorities and private actors. At the beginning of 2009 and the end of 2010, the permanent conflicts between the owners of private estates on the mountain and the population of La Trementina and the APMG led to criminal accusations against members of the Association and the community, based on complaints lodged by, among others, Mr Juan José Olaverrueth, owner of the Tachoró Estate. In both cases, the accusations were linked to APMG's work promoting the protection of the mountain. Also, in both cases, the cases were thrown out in the first court hearing before the judge. In total nine people have been affected by unfounded criminal accusations (three in 2009 and eight in 2010). They were accused of illegal detentions, threats and psychological violence against women.¹ José Pilar Álvarez Cabrera has been the target of death threats and defamation in the local media during these conflicts. Based on this situation, we activated PBI Guatemala's international support network between October 2010 and April 2011.

Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ

In April we held meetings, in Jalapa and Guatemala City, with several members of the Association, which this month held elections for its new board of directors. We accompanied AMISMAXAJ to a meeting in Jalapa with the German Ambassador to Guatemala, in which the Xinka Government also participated, where they were able to express their concerns and demands relating to the region's current and planned mega-projects.

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

¹ On 29 November 2010, eight people, members of the APMG and the Lutheran Church in Guatemala (ILUGUA), received a judicial summons to give statements relating to a criminal process initiated against them, in which they were accused of the crimes of illegal detention and threats. After the hearing was twice cancelled (on 26 January and 7 March 2011), community representatives of Zacapa and Chiquimula expressed their concerns in a letter submitted to the Supreme Court of Justice (CSJ), highlighting how the organisations' work was being limited by the ongoing judicial process. On 31 March, the wives of José Juan Olaverrueth and Gregory Miller, the original complainants, presented themselves as joint plaintiffs, as victims of illegal detention, threats and psychological violence against women. The hearing was finally held on 13 April, more than four and a half months after the first summons.

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

In April we continued holding regular meetings with the organisation's members, and visited the community El Candelero (Jocotán), where one of its members lives. We continued to pay attention to the construction plans of the El Orégano hydroelectric project in Chiquimula Department. In April the licence for its construction was granted to the company Las Tres Niñas.

We also followed up on the summons by the Justice of the Peace of Jocotán of several of the organisation's members.

Together with members of APMG and the Camoteca Campesino Organisation, New Day representatives participated in the meeting with the German Ambassador to Guatemala in Zacapa, during his visit to the region.

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.² 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 carried out between October 2010 and April 2011.*

Camoteca Campesino Association

We maintained our accompaniment of the Association in Chiquimula and in the capital. Its delegates were also present in the meeting held in Zacapa between civic organisations of the region and the German Ambassador to Guatemala during his visit to the area.

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.

² 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.

On November 15 2010, **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.

After their first hearing (on 16 November 2010), the judge set bail of 3,000 quetzals, and ordered their house arrest without supervision. This required both to present themselves to the court every 15 days and limited their right to full participation in the Association's work. On 2 March 2011 we observed their second hearing in Chiquimula. The judge decided to apply the principle of opportunity, abandoning the criminal action: he set a fine of 1,000 quetzals each and prohibited promotion or participation in illegal acts of protest. The activation of PBI Guatemala's Support Network carried out between October 2010 and April 2011 also included the Camoteca Campesino Association.

Qamoló kí Aj Sanjuani - People of San Juan Unite

In April we followed up on our March Alert to the PBI Guatemala support network in Guatemala and abroad. This Alert was raised after members of the San Juan Sacatepéquez communities, who opposed the construction of a cement factory in the municipality, experienced attacks and threats.³ We also accompanied two people injured in these attacks to the Public Prosecutor's Office (MP) and on 19 April were present in the Court of Mixco to observe a hearing on the case, but the hearing was suspended.

We maintained an international presence in the communities of San Juan Sacatepéquez and in April began to respond to the specific demands for accompaniment by the communities' women, accompanying them during their monthly meeting.

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 April we maintained a presence in Quiché and regular contact with members of the Council of Cunén Communities. We accompanied them to round table discussions with employees of the company Distribuidora de Energía del Occidente (DEOCSA, subsidiary of Unión FENOSA) and a member of the Cunén mayor's office.

We also observed the gathering in Sacapulas where 108 of the area's communities met to share information and discuss issues relating to the planning and development of mega-projects in the region. Several delegates from the Cunén Communities Council were present at the meeting.

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 April we periodically visited the UDEFEGUA office in the capital.

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

³ The full text of the Alert can be found via the following link: [http://www.pbi-guatemala.org/field-projects/pbi-guatemala/latest-news/news/?L=0&tx_ttnews\[tt_news\]=2720&cHash=df0a99c75af42fafd395ef1be115ba8c](http://www.pbi-guatemala.org/field-projects/pbi-guatemala/latest-news/news/?L=0&tx_ttnews[tt_news]=2720&cHash=df0a99c75af42fafd395ef1be115ba8c)

⁴ 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

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 April we met with members of the organisation and Carlos Morales in UVOC's office in Alta Verapaz. We accompanied them to round table talks in Cobán, which are held monthly to discuss issues relating to land conflicts in the region.

The organisation's current concerns are centred on communities at risk of eviction in the region and the situation of communities opposing the Italian energy company ENEL in San Cristóbal (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

We regularly visited the office of Mr Pérez Archila in April, holding meetings with him and other members of his team. On 7 April we accompanied him to a hearing of the Bámaca case in the Constitutional Court (CC).

On 15 April the Sentencing Court of Chiquimula cleared the former army commissioner Isidro Cardona Osorio, in the case of the forced disappearance of Edgar Leonel Paredes Chegüen, who was detained-disappeared in 12 January 1982. Edgar Pérez has said he will appeal this decision.

On 29 April we observed a press conference in which Pérez denounced the continuing impunity for human rights violations committed during the internal armed conflict.

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.

National Police Historical Archive, AHPN

In April we accepted a request by the coordination and direction team of the National Police Historical Archive (AHPN), to accompany the recovery, maintenance and dissemination work of the documentation and information contained therein. We will maintain regular presence in their offices and activities, contribute to the dissemination of information about the work carried out, its trajectory, evolution and results or discoveries, and will also facilitate dialogue between the authorities and the international community to contribute to the Archive's protection.

The Archive is a basic documentary resource for the application of justice and the fight against impunity relating to the violations committed by state agents during the internal armed conflict. The conflict resulted in more than 200,000 victims, of which more than 45,000 were detained-disappeared. The importance of the archive to contribute to guaranteeing the fulfillment of three essential rights – the right to know the truth, the right to reconstruct historical memory (victims' testimonies, exhumation processes and state documents) and the right to demand justice – has been practically demonstrated for the first time in the case of the forced disappearance of Fernando García. The AHPN submitted a total of 667 documents to the investigation, all of them accepted by the court. On 8 April 2011, based on the legal analysis of the documentation submitted, the former head of the Fourth Corps of the National Police was arrested, accused of leading the operation in which García was captured.

Background: The AHPN was discovered by chance in 2005, by staff of the Human Rights Ombudsman's Office (PDH), when they carried out preventative procedures relating to the storage of explosives in Guatemalan public security force buildings. In a building in Zone 6 of the capital (built during the internal armed conflict to house the National Police (PN)

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.

hospital, although never used as such), 80 million documents were discovered, abandoned, piled up and poorly conserved. This is the historical-administrative documentation of the PN, from its creation in 1881 to its closure in 1997. The institution's participation in the commission of human rights violations during the internal armed conflict was documented by the Historical Clarification Commission (CEH). In its report "Guatemala: Memory of Silence", CEH affirms that the PN was an operative body for army intelligence, serving as the facade of the G-2, and acted on its orders in the majority of cases. During the CEH investigation, various state bodies, including the Interior Ministry and the PN itself, repeatedly denied the existence of archives or documentary materials that would assist an investigation into human rights violations. Following the first phase of work headed by the PDH to recover the documentation and then create the conditions necessary to allow public access to it, work since 2010 has centred on the institutionalisation of the Archive, the search for political, legal and administrative certainty, the technical stabilisation of the resource and the initiation of procedures to ensure permanent, public access to its contents. Today the AHPN forms part of the General Archive of Central America, its title and control is the responsibility of the Guatemalan Ministry of Culture, and it functions exclusively on the basis of donations and funds from international cooperation. The Archive is also a member of the International Coalition of Sites of Conscience, as the building which houses it was used as a clandestine detention centre by the PN during the armed conflict. Well-known Guatemalan human rights activists participate in the direction, coordination and documentation recovery work, and also promote public access to the information it holds. 150 people work on the tasks of conservation, organisation and archival description. As of 31 March 2011 more than 12 million documents have been digitalised, including more than 19,000 books. To date they have received 4,503 requests for information, to which they have responded with the provision of 45,020 documents (1,001 to victims' relatives and 1,298 to the Public Prosecutor's Office (98% of these to its Human Rights Office)).

Given that we consider the AHPN a key resource in the fight against impunity, the recovery of historical memory and the application of justice, and given its role contributing documentary and expert evidence in the investigation and clarification of concrete cases of human rights violations committed during the internal armed conflict, and considering its potential to determine the criminal responsibility of its perpetrators, we consider it important to contribute with our accompaniment, to protect the Archive, and to dissuade any kind of threat or attack against it.

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.

At present, we provide our follow-up accompaniment to these social organisations:

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

In April we received a visit from members of the commission at the PBI house in the capital. They explained that the CRP has reduced its activities due to the apparent paralysation of the hydroelectric project on which its social audit work has been focussed. A substantial improvement in the security situation of the association during recent years has led to this accompaniment now coming to an end.

We maintained communication with stakeholders in the San Marcos area, to follow up on studies underway in relation to a hydroelectric plant.

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 6 April we observed the launch of a travelling photographic exhibition "Guatemala, eternal spring, eternal tyranny", installed in the Linguistic Academy of Uspanteko, in Uspantán (Quiché). Around 100 people attended, the majority from communities neighbouring the regional centre of Uspantán. The show aimed to contribute to the recovery of historical memory through photography, seeking to record and make known the time of the armed conflict; not only to identify responsibility for human rights violations, but also to ensure that they do not reoccur.

On 9 April we observed, again in Quiché, a meeting of the communities of Sacapulas, in which delegates from 108 of the municipality's communities participated. The central themes of the meeting related to the planning and development of mining and hydroelectric mega-projects in the area, and the preparation of a community consultation, in principle planned for 20 May.

On 28 April we were present in Zacapa and Jalapa, as international observers, during two meetings between the German Ambassador to Guatemala and several organisations whom we accompany in the east of the country. (See Accompaniment to APMG, Camoteca Campesino Association, Nuevo Día, and AMISMAXAJ.)

On 29 April we observed the march carried out by numerous civic organisations and collectives in the capital, to demonstrate their opposition to the government's proposed directives for the consultation process contained in Convention 169 of the International Labour Organisation, about Indigenous and Tribal Peoples in independent countries. The main demands were respect for the right of consultation in good faith, and the right to life. The Council of Eastern Peoples (CPO), which brings together civic collectives of San Marcos, Huehuetenango, Quiché, Totonicapán, Sololá, Quetzaltenango and Retalhuleu, has said the directive "represents a real, latent and imminent threat to the life, territory, cosmovision and spirituality of our peoples, that can be compared to or considered as a new phase of eviction and occupation, using the pretext of "development", and taking subtle and tactical forms".⁶

The same day, we observed a press conference in which several lawyers, including Edgar Pérez – in the presence of relatives of Edgar Leonel Paredes, detained-disappeared in 1982, and of representatives of several civic organisations – expressed their concern about the continuing impunity in this case following the acquittal of former army commissioner Isidro Cardona Osorio.

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.

On 13 April the project's European representative, Kerstin Reemstma, met with the Member of the European Parliament (MEP), Raúl Romeva, member of the European Parliament's Delegation for Central America.

On 28 April she participated in a workshop about "The criminalisation of defenders and social protest, and the role of transnationals in Latin America", which was organised in Brussels by PBI, the International Human Rights Federation (FIDH), the World Organisation Against Torture (OMCT), the European Catholic development agency network CIDSE, the Copenhagen Initiative for Central America and Mexico (CIFCA) and FoodFirst Information and Action Network (FIAN).

4. NON-GOVERNMENTAL ORGANISATIONS

In this section we publish several comunicués (some abbreviated) from human rights organisations in which they express their concerns regarding recent events.

Alertamos a la comunidad Nacional e Internacional de desalojos en contra de comunidades Maya Ixiles de San Juan Cotzal, quienes defienden sus tierras y territorios ante empresas hidroeléctrica Palo Viejo y ENEL de Italia

Las comunidades Maya Ixil del Municipio de San Juan Cotzal en el departamento del Quiché, son sobrevivientes de la política de masacres, tierra arrasada y genocidio del estado guatemalteco durante el conflicto armado interno en los años ochenta.

Hoy, el Estado de Guatemala sigue violentando sus derechos como pueblos indígenas al haber vendido los bienes naturales de los territorios ancestrales, sin informar, ni consultar como lo estipula el CONVENIO 169 DE LA OIT y la Declaración de las Naciones Unidas sobre los derechos de los Pueblos Indígenas.

Después de varias reuniones en las Comunidades, el 3 de enero del año 2011 se retomó la resistencia frente a los abusos y el engaño por parte de la Empresa de Energía Limpia, ENEL, el Gobierno actual y la Municipalidad de Cotzal, ejerciendo el derecho a la resistencia pacífica establecida en el Artículo 45 de la Constitución Política de Guatemala.

El 17 de enero, la empresa ENEL, indicó que ayudaría a las Comunidades en respuesta a sus demandas, pero en la reunión del 31 de enero, los funcionarios de Gobierno solo se dedicaron a defender a la empresa y ésta negó toda respuesta a las demandas de las Comunidades y sus Autoridades Ancestrales, ante lo cual se cerró el dialogo que se había iniciado.

El 23 de febrero llegaron otros mil policías y soldados con gorras pasamontañas para capturar a quien acusan de responsable del derribo de las torres de conducción de la energía eléctrica. No se conoce de alguna captura realizada.

El 18 de marzo, 500 policías y soldados con gorras pasamontañas apoyados con 3 helicópteros que sobrevolaron por más de 2

⁶ CPO, "Presentación del amparo en contra del reglamento de consulta en la Corte de Constitucionalidad", [Presentation of legal appeal against the consultation directive in the Constitutional Court], Guatemala, 23 March 2011. <http://consejodepueblosdeoccidente.blogspot.com>.

horas los tres Municipios de la Región Ixil, llegaron a la Comunidad de San Felipe Chenla, destruyeron el control del paso de los vehículos que construyeron las Comunidades y lista en mano empezaron a buscar a las Autoridades Ancestrales claramente para capturarlos y llevarlos presos.

A partir de esta fecha, la presión, el terror, la coacción y el abuso de poder en contra de las Comunidades Indígenas, sus autoridades ancestrales y sus líderes comunitarios, se ha incrementado y nuevamente ahora, en los próximos días, el Gobierno de Guatemala por medio del Ministerio Público, a través de las fuerzas armadas, tiene programado el desalojo de cientos de compañeros que se mantienen en manifestación pacífica y permanente en contra de la hidroeléctrica Palo Viejo de la ENEL de Italia.

LO ANTERIOR DEMUESTRA LA ACTITUD REPRESIVA DEL GOBIERNO ANTE LA RESITENCIA DE LAS COMUNIDADES Y AHORA DE NUEVO LAS FUERZAS REPRESIVAS ESTAN ORGANIZANDO UN DESALOJO CONTRA LAS COMUNIDADES DE SAN FELIPE CHENLA Y POR ELLO:

Responsabilizamos al Gobierno de Guatemala y a la Hidroeléctrica Palo Viejo de la Empresa de Energía Limpia, ENEL, de cualquier acto de violación en contra de la vida de líderes, dirigentes o miembros de las comunidades en defensa de la Madre Tierra, y de la detención política o civil en contra de los mismos hermanos Ixiles.

Alertamos a la comunidad Nacional e Internacional de cualquier hecho que atente en contra de las y los líderes, y miembros de las comunidades.

Hacemos un llamado a las Organizaciones Indígenas y a todo el pueblo Maya para que nos unamos a la lucha por la Defensa de la Madre Tierra y Territorio, y que apoyemos a nuestros hermanos Ixiles.

**Coordinadora Nacional de Viudas de Guatemala -CONAVIGUA- y Movimiento de Jóvenes Mayas MOJOMAYAS
26 de Abril de 2011**

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- PBI GUATEMALA PROJECT-

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