The Spanish National Court’s Rogatory Commission - a step towards justice

A long and difficult road travelled
On 7th July this year, social organisations celebrated with enthusiasm and hope the news that judge Pedraz had issued international arrest warrants for eight Guatemalans accused of genocide before the Spanish National Court. It had been a long struggle, which started in December 1999 when Rigoberta Menchú Tum denounced six members of the Guatemalan military and two Guatemalan civilians before the Spanish National Court, accusing them of genocide, torture, terrorism, assassination and illegal detention committed during the governments from 1978 to 1986. The crimes included the burning of the Spanish Embassy in Guatemala in 1980 which resulted in the death of 37 people, amongst them three Spanish citizens, and the

(...continued on page 2)

Sipacapa: a year on from the community consultation
Whilst in Sipacapa the people still wait for the ruling from the Court of Constituionality to be handed down, five municipalities in Huehuetenango have organised themselves in the same way against open-pit mining...

Interview with Sandra Morán from the Women’s Sector
The Women’s Sector is a coordinating structure of women’s organisations that, incorporating diversity, searches to strengthen the collective. We interviewed Sandra Morán, the coordinator of the Leadership and Organisation Strengthening Programme.

The Mocca: Chronicle of a death foretold
For centuries, the agrarian conflict has been a central theme in Guatemala. After a series of conflicts in the Mocca estate, Miguel Quib was killed and 38 people were injured during a confrontation on the 8th of July this year.

An update on the project’s activities
In the last three months, not only have three new volunteers arrived, but we have also accepted two new petitions, celebrated 25 years of PBI, helped organise a European delegation and met for a week with the project committee.
assassination of four Spanish priests in 1980 and 1981. The case presented before the Spanish National Court was initially accepted and the judge, Ricardo Ruiz Polanco, started an investigation. The public prosecutor, however, quickly appealed the decision. The Court accepted the appeal and ordered the judge to archive the case. Faced with these events, the accusers lodged consecutive appeals before the High Court and Constitutional Court. At last, the National Court was obliged by the Constitutional Court to reexamine the case. This was thanks to the fact that the Spanish Constitutional Court had ruled in October 1999 that the Spanish justice system is competent to judge crimes of genocide and crimes against humanity, even when the crimes were committed in a foreign country.

Due to this decree, an extension could be requested in order for the Rogatory Commission, which had been working in the investigation of crimes committed against Spanish citizens, to include genocide. The extension was granted a few days before the first expiration of the Commission in June 2006.

The principle of Universal Jurisdiction

The principle of Universal Justice or Jurisdiction, on which Rigoberta Menchú based the initial accusations against the Guatemalan Army, is that the crime was committed and the nationality of the active or passive persons. It is applied when it is considered that the trial cannot be held in the country where the crimes where committed.

The Spanish National Court’s Rogatory Commission a step towards justice

The Spanish National Court’s Rogatory Commission in Guatemala

The Spanish National Court’s Rogatory Commission in Guatemala is an attempt by the façade of organisations of terrorist groups that operate in our country outside the law to initiate the persecution of those that defeated them mainly speaking.” The following day, retired General José Luis Quito Ayuso, president of AVEMIGUA and ex-minister of Defence, warned that the judicial process against the members of the military linked to the genocide case by Spanish justice “could bring tragic actions”.

International arrest warrants

The military members’ appeals matured in 2006, when the Spanish justice system is competent to judge certain crimes committed anywhere, even when there are no Spanish victims.

Spanish jurisdiction is “extra-legal”

According to Gustavo Meoño, “it has been achieved”.[3] Something was achieved in that “the topic is clearly talking about impunity. On one hand now “the topic is clearly talking about impunity and the necessity to set precedents”. According to Miguel Ángel Albizures, in “general the results are positive... There will be a judge or court of another country in order to carry out determined procedural acts, in proceedings that the former is investigating”. http://www.sre.gob.mx/ noticiero/pressrelease.php?ID=3113

1 CALDH. Programme for Justice and Reconciliation. “Universal Penal Jurisdiction. The Genocide Case before the Spanish Penal Jurisdiction”. 2 “request and authorisation that a judge or court of a country directs for breach of the law to initiate the persecution of those that defeated them”. 3 August 2006. 2 Interview with Benito Morales, 8 July 2006. 3 Interview with Gustavo Meoño, 20 July 2006. 4 Prensa Libre, 27 July 2006. 5 Interview with Gustavo Meoño, 20 July 2006. 6 Interview with Miguel Ángel Albizures, 3 August 2006. 7 Prensa Libre, 8 July 2006. 8 Interview with Amílcar Pop, 1 August 2006. 9 UNHCR. Lucy Turner. Presentation: “Amnesty Laws and the Human Rights doctrine”. 19 July 2006. 10 Prensa Libre, 8 July 2006. 11 Interview with Amílcar Pop, 1 August 2006. 12 Ibid. 13 Interview with Benito Morales, 8 August 2006. 14 Interview with Gustavo Meoño, 20 July 2006. 15 Interview with Miguel Ángel Albizures, 3 August 2006. 16 Interview with Gustavo Meoño, 20 July 2006. 17 Ibidem. 18 Interview with Benito Morales, 8 August 2006. 19 Interview with Miguel Ángel Albizures, 3 August 2006. 20 Interview with Gustavo Meoño, 20 July 2006. 21 Interview with Miguel Ángel Albizures, 3 August 2006.
Sipacapa: a year on from the community consultation

On the 18th July, the anniversary of the community consultation carried out in the municipality of Sipacapa, took place. A year ago, 13 Sipacapan communities affected by the mining concessions in the zone, expressed their rejection of open-pit mining. The commemorative act took place in the framework of the Central American week of resistance against metal mining, convoked by various organisations including the Madre Selva Collective, the Association of Friends of Lake Izabal (ASALI), and the Movement of Campesino Workers (MTC). The activities carried out during the event, according to the participants, reaffirmed the struggle of the Sipacapan people and the environmental groups whilst at the same time strengthening ties against open-pit mining on a Latin American level. With the backing of several authorities, the following demands were formulated: 1) that the rejection of mining exploitation was respected; 2) that through a definition of borders the cultural and physical territory of the people is respected; and 3) that the company Montana Exploradora S.A. completely withdraws from Sipacapan territory. The consultation in Sipacapa was developed according to the laws and customs of the Indigenous peoples. According to Vinicio López of the MTC, this signifies “an important step in passing from a representative democracy to a participative democracy” ⁴. The legal basis of the community consultations are found at a national level: Law on Urban and Rural Development Councils, the Law of Decentralisation, and the Municipal Code, and in Convention 169 of the International Labour Organisation (ILO). This Convention establishes that governments “must consult the people in interest through the appropriate proceedings and in particular through their representative institutions, each time legislative or administrative measures susceptible of affecting them are directly predicted” ⁵. In June, not only was it a year since the consultation in Sipacapa, but also 10 years since the entry into force of Convention 169 of the ILO. Central American Inforpress pointed out in an article that up until now, the State of Guatemala has not implemented the Convention due to the lack of a mechanism that would serve for its application, “but it has authorised several projects on the exploitation of national resources without consulting the Indigenous peoples”⁶. According to the Ministry of Energy and Mines (MEM) data, today there are 92 valid licences in the country, 22 for exploitation, 69 for exploration and 1 for the reconnaissance of metallic minerals. Furthermore, this institution is processing 12 applications for exploitation, 83 for exploration, and 4 for reconnaissance. Amongst the metal minerals worked in Guatemala are gold, iron, zinc, silver, nickel, chrome, cobalt, and platinum. Environmental groups point out that the negative impacts of open-pit mining on the environment are multiple and include deforestation, the use of great quantities of water, water and air pollution and the removal of tonnes of rock. Moreover, the use of cyanide to separate the extracted metal from the rock, due to its high toxicity, is considered a serious danger to the health of the population and to the ecological environment.⁷ Days before the community consultation in Sipacapa, the company Montana Exploradora lodged an appeal arguing that the consultation was unconstitutional and that it would be carried out outside of the deadline. The Guatemalan company belongs to the Canadian company Glamis Gold Ltd. and is in charge of the Marlin mining project that is located in the municipalities of Sipacapa and San Miguel Ixtahuacán. It has an exploitation license that was granted at the end of 2003, to extract gold and silver. However, 9 months later, on the 5th April this year, Prensa Libre announced the Court of Constitutionality (CC) declared the consultation valid, and in this manner denying the appeal lodged by the mining company. Despite this, on that occasion some signatures of magistrates who had finished their period in April were still missing and since then the new magistrates have not declared themselves. Environmental groups fear that the actual magistrates could vote in favour of the appeals lodged against the community consultation.⁸ According to Vinicio López, the long legal process to endorse the consultation reflects that the State is not willing to recognise the use of Indigenous law.⁹ Furthermore, the Ecumenical Forum for Peace and Reconciliation (FEPAZ) considers that the affected economic sectors and the political circles that support them have tried to delegitimise and discredit not only the results from Sipacapa, but also the very instrument of the consultations. These sectors argue that, for example, the consultations are not valid for not being supported in the jurisdiction of the Electoral Supreme Court but only in the Municipal Code.¹⁰ In this sense, to use the Convention 169 gains importance for the Indigenous peoples affected by metal mining as, according to the very political Constitution of the Republic in Article 46, for being an international treaty it has pre-eminence over national legislation. In light of the neo-liberal politics and the coming into effect of the Free Trade Agreement on the 1st of July, the community consultations on mining activity are gaining more and more importance both in Guatemala and Latin America in general. Magaly Rey Rosa from the Madre Selva Collective points out the importance in carrying out community consultations before mining companies enter, as is stipulated in the Convention 169, because once the licenses are granted in the framework of the Free Trade Agreement, the possibilities of revoking them diminish considerably.¹¹ At the end of July in Huehuetenango, another department greatly affected by mining concessions gives its great weight of metallic minerals, the authorities of five municipalities took the initiative to carry out community consultations. In March, the municipalities of Santiago Chimaltenango, San Juan Atitlán, Cotoltenango, Todos Santos Cuchumatán, and Concepción Huista were notified of the grant of a license for exploration in its territories. More than 28,000 people, in their majority Indigenous, expressed their rejection of metallic mining licenses, whether it be of reconnaissance, exploration, or exploitation in their lands. The Mayor of Todos Santos, Julián Ramírez, stressed to the Creative Radio of Huehuetenango, that the consultation represents a peaceful resistance without links to political parties. At the same time he pointed out that “the State has a right to extract but we as Indigenous people also have the right to conserve our beautiful homeland.”¹² According to Carlos Guárdiz of the Guatemalan Association of Mayors and Authorities (AGAAI) and co-organiser of the event, for Guatemala the novelty of these consultations resides in the fact that the municipal corporations appropriated the process, elaborating municipal agreements for its achievement. Carlos Guárdiz noted that they reported to the few existing legal resources to be able to carry out the consultations.¹³ The goal of the community consultations presents judicial vacuums, Inforpress points out: “(...) it is still pending a regulation and specific rules that say how these consultations should be carried out, as well as their binding nature.”¹⁴ In the mean time, the results of the recent community consultations held in Huehuetenango are so far as to reflect a rejection of business activity that leaves few benefits for the local population, many mysteries about the effects on the public health of the nearby populations, and the incompatibility of open-pit mining with the use of the earth and the Mayan cosmovision.

² Interview with Vinicio López, 19 July 2006.
³ Convention 169, Article 6, Numeral 2.
⁵ www.mem.gob.gt; licenses in force and applicable deadline.
⁶ Interview with Magaly Rey Rosa, 30 January 2006.
⁷ 1 August 2006.
⁸ Interview with Vinicio López, 19 July 2006.
¹⁰ Interview with Magaly Rey Rosa, 30 January 2006.
¹¹ Prensa Libre, 18 August 2006.
¹³ Interview with Carlos Guárdiz, 21 July 2006.
The Mocca: Chronicle of a death foretold

For centuries the agrarian conflict has been a catalytic topic in Guatemala, a country where millions live off the land. The various dialogue tables on this topic continue to be very weak; at the time of writing this article the press was reporting the Supreme Court of Justice’s withdrawal from the National Agrarian Dialogue, a step that Ingrid Urizar from the Agrarian Platform, describes as a “political exit” 1. On the attempt to resolve the agrarian conflict, the National Coordinator of Campesino Organisations for the Prevention of Peasant Exploitation (UVOC) illustrates the lack of political will from the government, its institutions and officials 2. Both the CNOC and Marielos Monzón, a columnist for the Prensa Libre, highlight the case of the Mooca estate as an example of a “tragedy that has been unfolding since the 70s” 3. However, Mr. Morales fears that “we have never even discussed the issue before” 4. After a series of conflicts, amongst them contentious evictions, in the Mooca estate, municipality of Sanáhuá, Alta Verapaz, on the 8th July 2006, Miguel Quib was killed and 38 people wounded during a confrontation.

For many years, Q’eqchi campesinos have lived and worked as tenant farmers in the Mooca estate, owned by the Hempstead Diesel field family. With the fall of coffee prices in 1999-2000, the owners could no longer provide work nor pay the tenant farmers their labour benefits for the years worked. In 2002, faced with the workers’ demands, land was awarded to 850 families, out of the more than a thousand that lived there, in exchange for the payment of their labour benefits. On that occasion each family received two or fourteen cuerdas of land (one cuerda is 20m squared). These awards of land are the source of today’s conflicts for many reasons. Firstly, some of them argue that the Campesino Organisations for the Verapaces’s (UVOC) lawyer, Jorge Luis Morales Cifuentes, on selling the land the owners did not fulfill their obligation of showing the buyers where their lands were situated. “…when he sold the land it was his obligation to tell them which land it is. Before it is sold to him, he who buys must know what it is he is buying.” 5 They have discovered that the lands are actually located in different municipalities, in Carcacha, Panzós, Sanáhuá, and Tucurú. Secondly, the campesinos did not just acquire their lands as individuals but rather as co-owners of a single expanse of land. Thirdly, when the lands were awarded the calculations of the labour benefits were not based on the number of years worked 6. This has been a source of much conflict between all those involved. According to Hugo Herculano Pop, from the Human Rights Ombudsman’s Office (PDH) in Alta Verapaz, the task of deciding who receives how much and where should have been the responsibility of the owners 7. However, Mr. Morales fears that, at best, the task will fall to the campesinos. Lastly, some campesinos complain of not having benefited from the land awards despite having worked, lived and been born on the Mooca, some for more than 70 years.

In 2003, these 235 families joined the Campesino Development Association (ACDSJM), which comprised of families demanding their labour benefits, adequate lands (some were located in hazardous areas), and that the Mooca’s owners designate the land for them. In 2004 this group affiliated itself with the UVOC in order to receive consultancy, and on 9th September 2005, when the lands that some families had received were swept away by Hurricane Stan, the ACDSJM left the Mooca estate for that of Las Casas (also of the Hempstead Diesel family), opposite the Mooca, to look for lands to live on and also as a means of pressure.

On the 1st February 2006, some 600 policemen and 100 soldiers evicted the campesinos from the estate. However, the following day they reoccupied the same land and on the 4th February in a confrontation over water between the farm’s private security and the campesinos, three campesinos and one security guard suffered gunshot wounds. As a means of pressure, a group from the ACDSJM occupied the management house in the centre of the Mooca estate. On the 5th April the UVOC’s assessor determined that the problem was a labour situation and proposed a “Collective Dispute in Land matters” (CONTIERRA), and other authorities...” Hugo Pop confirms that, “they attacked each other with bottles, with sticks, both sides. But as this group was bigger, about 800...then the police arrived and there was a battle. There was not a single person wounded out of the 800, only on the other side, men, women, and children.

And many, 38 injured and one dead.” 8 On the late arrival of the PDH and the National Civil Police (PNC), Mr. Morales comments, “it’s strange that it took so long. The newspapers reported eight or nine seriously wounded, but what authority took the interest to go and see where these seriously injured were? None.” On the 2nd August the Secretary for Peace and the Secretary of Agrarian Affairs (SAA) called the two sides of the conflict together in the “Agreement for peaceful coexistence between the community members of the Mooca estate communities, Sanáhuá, Alta Verapaz”. In the meeting, the ACDSJM vindicated their labour rights, specifically that their lands be designated, that they receive individual deeds and that they negotiate with the Cabarías estate. Claudia Villagran from the SAA responded that they would investigate the cases of those who received nothing and those who received land that was affected by natural phenomenon. Moreover, she asked that they look into the responsibility of the previous owners and the demand of land access. The two groups also agreed to refrain from assaulting each other. However, on the 5th August, on going to visit his family inside the Mooca estate, Mr Filiberto of the ACDSJM was detained for five hours by about 80 people of the majority group. “They detained him saying that they were going to kill him if he didn’t hand over Mateo Yat Caal and milliano Xé, the leaders of the group in front of the farm, because they want to kill them.” 9

What makes the situation all the more complicated is that they are all relatives. “The most serious part of the case is that the person who shot Mr Quib was Mr. Quib’s son-in-law. They’re killing each other.” 10 Although it appears to be a confrontation between campeinos there is evidence that the very owners could be involved. 11 Despite the aggressors having been named, due to the absence of ‘flagrante delito’, the MP will start a six month investigation before arrest warrants can be issued. With 464 agrarian conflicts (the majority in Alta Verapaz) that the Land Fund and CONTIERRA manage, there are few resources to confront the problems. However, it is hoped that with the guarantees to investigate from the national parliament the situation will calm down and eventually be resolved. Meanwhile, a group of 235 families continue to live on the side of the road, suffering extremes of climate, malnutrition, lack of sanitation, lack of access to education for the children, and unemployment; waiting for a solution. Up until now there has been no communication between the owners of the Mooca S.A. estate and the ACDSJM.

1 Prensa Libre 11th August 2006.
2 Press release from CNOC, 10th July 2006.
3 Prensa Libre 11th July 2006.
4 Interview with Jorge Luis Morales Cifuentes, 1st August 2006.
5 Interview with Ana Gladis Ollas from the MNH, 8th August 2006.
6 Interview with Hugo Herculano Pop, 31st July 2006.
7 Prensa Libre 11th July 2006.
8 Interview with Ana Gladis Ollas from the MNH, 8th August 2006.
9 Interview with Hugo Herculano Pop, 31st July 2006.
10 Interview with Ana Gladis Ollas from the MNH, 8th August 2006.
11 Ibidem.
12 Prensa Libre 11th July 2006.

Photo: PBI
Interview with Sandra Morán, coordinator of the strengthening, organising and leadership programme of the Women’s Sector

How did the Women’s Sector Start?
The Women’s Sector (WS) started up in the nineties, around the time that the Assembly of the Civilian Society was created to make proposals to the Negotiating Table, so that the Guatemalan National Revolutionary Unity (URNG) and the government would start implementing the Peace Agreement. There were people who were wondering why women were not being represented in the process and through various debates, the Women’s Sector was created. We could say that the WS was born out of a political agreement with more than 30 organisations. It was originally characterised by the diversity of its members, including organizations from the popular movement as well as other professionals, some of whom, according to the perception of some of us, were rather to the right, politically speaking. In spite of this diversity, we saw the need for a basic agreement which would allow us to play the role we deserved and would ensure that our voice be heard.

In the early years we pushed ourselves to promote participation, to clarify the issues and to ensure that not only the Peace agreements, but also our proposals, would be recognised. Through the signing, we focused on encouraging national organisation and internal development, always within the context of fighting terror and organising and participating.

During the year 2000 we carried out a self-evaluation and realised that these political negotiations were wearing us down and not making any real changes. So from that time on, we decided that we were going to focus on ourselves, to fight to change our daily lives and not just the institution. We continue to criticise government actions and have never stopped holding the state to account for failing to implement the Peace Agreements. Ten years on and the evaluation is negative, things which have been accomplished have been due to the efforts of civil society, where the government has been investing in constructing organisational frameworks which have not borne fruit.

Contrary to the Agreements, we now have a re-militarised State, a lack of change in the party political system, an increase in poverty – we have starvation in parts of Guatemala, lack of social investment and weakness on the social side of the State.

What is the current role for the Women’s Sector?
We are now developing into a much more politicised movement, fighting to change what we define as a capitalist, racist, homophobic patriarchy. This is why we are opposed to the Central America Free Trade Agreement; we are fighting against impunity, against ‘femicide’, we’re trying to find economic alternatives for women, we’re with the peasants’ struggle, the students’ movement. You’ll find us in the context of the struggle coming from our identity as women, fighting for all our rights, against the elements of patriarchy which is capitalist nowadays, and keeps us in poverty. That is how the WS is today, not just about the Agreements, which we have never left because they were also our effort. The Peace Agreements were our point of arrival, an arrival after a terrible struggle, but they are now the departure point for a new struggle.

How is the Women’s Sector structured?
The Sector is a coordinative structure which seeks to complement the work of organisations, to strengthen and activate collectively. The strength we have comes from working collectively. We’re a group of about seventy organisations at national level, representing ethnic diversity and a diversity of organisations and work foc. We are trying to arrive at common ideas and political positions. We don’t subscribe to any political party and put in practice that which is private is also political.

Can you tell us a bit about your areas of work?
The WS is developing three programmes. The organisational strengthening and leadership programme focuses on organisational strengthening and working together within the group. The School of Political Training is inspired from this programme. The second is the fight against violence, impunity and for justice, including national and international denunciations and actions directed against the State, the strengthening of our abilities in order to accompany other women, the creation of support groups, and actions of solidarity and accomplishment in cases of violence both past and present. The economic development programme, the third, is less developed. At the moment we are developing a process to understand how the system functions and the effects that it has on our lives, so as to be able to take action from within the communities. Related to this is our involvement in the Central American women’s resistance movement which opposes the CAFTA. Also, on a national level, we join with other organisations in this fight against the CAFTA, against privatisations, mining and deeds which intend to sell our land. In the month of June we declared ourselves to be in resistance for the recovery of our lands and power over our bodies.

The situation for Guatemalans is complicated. How does the Sector deal with it? What is your view on ‘femicide’?
We think that the country needs a policy of democratic security, not of present criminalisation and punishment. The government bettles the problem, asking why we talk so much about ‘femicide’ when there are far more men murdered. Now it is the young people who are being persecuted and blamed for everything, and that is unacceptable, when they are given nothing.

They used to chase the youngsters for being organised, maybe because they were involved with the guerrillas. Now it comes in a different guise, but it is still persecution. Moreover, it is easy for the State to blame these gangs, as then they don’t have to investigate. There is, unfortunately, an ideological justification for the terrible attacks of the gangs, and what the population wants is “more order” (a repressively strong government).

The way we see it is that ‘femicide’ is more than taking a woman’s life, it is also the way it is done, how they throw them away and the evidence of hatred towards women for being women, for having a woman’s body. It also sends a message that the women who were organised, and these murders are a means of to reinstating a state of terror.

We have seen this in the break-ins we suffered, the way they left blood in the office, glass smeared with blood, it is a symbol of a terrible death.

We think that the murdering of women cannot be disassociated from the genocide of the war. Now we are living the effects of that culture of violence, an acceptance of that culture. On the other hand there is a real situation. Where are these people who were trained to kill, to torture, who killed women in time of war, where are they? Well, they are in the communities, they are working as police private, they are the recycled gang, the recycled violence, the corruption. All the circumstances, all the facts. This country went from war to peace, but without any healing process.

When they exhumed the mass graves at Comalapa, they found women’s bodies which showed they had been killed in the same way as these current murder victims. This gives us a connection - the people who are killing these women could actually be the people who were involved in the repression.

What strategies are you using to improve the current situation?
Finally, in terms of the breaks-ins, we are continuing with our work. As before, we think that these acts are part of the strategy to frighten our type of organisation into giving up its work. Because they are taking advantage of the fear and terror still in our memories from the war, and re-activating it, we decided to pull through and continue our work with the same force and the same presence. We believe that by continuing our work we can do something, from our very ordinariness. Perhaps we can’t transform the whole system, but transforming little by little we can achieve something. If we attempt to find a way to fight the monster we will die, but if we go about looking for ways to debilitating it, we can win. This is our hope.

In the little things, we have achieved; the ability for our companions to stand up for themselves, to speak out and say “no”, their ability to get out of the problems caused by a violent history. By getting an understanding of what is happening, we can win. This is our hope.

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World you like to add anything?
We must insist on remaking the solidarity networks, fundamental in a globalised world, networks from North to South and North to South, and within, both in the South and in the North, networks that will help us to find the ways to change in every sense, not only the protection of life, but also to confront this system which affects us all, men and women. We must insist on there being in our history a group of networks, to change the system, to mobilise and rebel against the impositions of governments.
An update on the project’s activities

Latest News

In the last 3 months, the team has said goodbye to one member and welcomed three new ones, whilst continuing with the regular accompaniments, routine work and accepting new petitions. The Women’s Sector, that we have been accompanying since June, and the Guatemalan National Front of Market and Informal Economy Vendors (FENMEDEGUAS). The Centre for Human Rights Legal Action (CALDH), which we had been following up on until recently, organised various activities and actions together with other Guatemalan organisations. The objective was the search for justice over impunity, and was motivated by the Spanish Pogocay Commission’s visit at the end of June. Just before the Commission arrived, CALDH organised The Third Meeting on Racism and Genocide; this included the subject of Universal Justice as applicable to the genocide case in Guatemala to be presented to the Spanish judge. When, on the 7th of July, Judge Pedraz issued an arrest warrant for Rios Montt and 7 other accused human rights dwellers and organisations in Guatemala society in general, to pressure the government to carry out the arrests. We were already thinking about the effects of the current context of the daily acts of violence which this country endures, the United Nations Office for Human Rights in Guatemala (OACNUDH) has received information on various attacks and harassment directed at NGOs and human rights defenders, and that this is the moment to act. We have expressed grave concern about the well-founded state of fear which exists within civil society. Although no clear situation can be identified, there are a wide range of causes, there are indications that suggest systematic intimidation, which many of those affected, and that many of these authorities themselves, attribute to so far unidentified clandestine forces. Impunity is at the root of the spiral of fear which runs through life in Guatemala.

Accompaniments

At the beginning of July there was a confrontation at the Mocca estate where one person was killed and another injured. All of them are members of a community of campesinos affiliated to the Verapaz Union of Campesinos (UVOC) whom we have been accompanying for over a year.

We are continuing the accompaniment with the Organisation to support an Integrated Sexuality to Confront AIDS (OASIS), and organisation that defends an integral sexuality. The murder of a trans-gender soldier by a soldier in June this year, a friend of OASIS, has still not been investigated. This year’s Gay Pride march, where we accompanied the aforementioned organisation, took the theme of mourning for the murders of many transgender and transsexual sex workers over the years. The murder of Barbara a week earlier added emphasis to this.

In July we accompanied Carlos Guzman of the Guatemalan Association of Indigenous Mayors and Authorities (AGAAI) and Fundamaya, in the department of Huehuetenango, during the public consultations on the mining activities in the department. Approximately 27,000 people from 5 municipalities took part, clearly expressing their opposition to mining exploitation in the area (there were only 50 votes in favour).

Environmental issues continue to be a cause of grave concern. The Madre Selva Collective is an organisation which aims to protect “ecologically valuable areas and reserves, and is also one of the very few ecologically focused organisations in Guatemala which will speak out on these matters as an alternative interest, thus making themselves open to political risks. Among their most contentious areas of focus at the moment are open-cast mining and hydroelectric installations. Madre Selva is also defending the mangroves which extend down the Pacific coast from Mexico and are at risk of extinction because of the over-growing sugar plantations and drug-trafficking. Madre Selva and its members have received various threats because of their work.

We continue to accompany the Friends of Lake Izabal (ASALI) whose headquarters are beside the largest lake in the country. The founder and legal representative, Eloyda Mejia, has received many threats for her work aiming to protect the lake and inform the surrounding population about the harmful effects of re-opening the local nickel mine owned by EXMIBAL.

We continue to accompany the National Coordinator of Guatemalan Widows (CONAVIGUA) and the Country Workers Union (MTC), which, that on the 22nd of August, celebrated the end of 6 years of conflict in the Clermont estate with the handing over of land to the workers. We have intensified the accompaniment with the National Co-ordinator of Inhabitants of Marginal Areas (CONAPAMG) following the murder of Carmen Sagastume Palme, one of the organisation’s leaders, in August 2006.

Observation

The situation of the campesinos evicted from the Nueva Linda estate in August 2004 is very worrying. There are still approximately 50 families living in unbearable conditions by the side of the estate, where they have been since August 2004. The Committee for Campesino Development (CODECA), which accompanies these evicted families, organised a peace camp for justice and dignity with the aim of taking their case into front of the presidential palace. We visited the camp regularly during the 17 days that they endured heavy rain and cold in provisional tents.

European Delegation visits Guatemala

From the 21st to the 27th of May 2006, a delegation from several European countries came to Guatemala about the human rights defenders situation. This was organised by the Guatemalan Peace Brigades project. Amongst the group members were a lawyer, three journalists, a senator, a Spanish town councillor and a member of the European parliament, along with the Government of Spain, four countries came to Guatemala about the human rights defenders situation. This was organised by the Guatemalan Peace Brigades project. Amongst the group members were a lawyer, three journalists, a senator, a Spanish town councillor and a member of the European parliament, along with the Government of Spain, the Irish and Belgians. Their agenda included meetings with a wide range of people, social organisations, national government departments and international authorities, including Guatemalan government officials, parliamentarians, the diplomatic corps, indigenous leaders and activists from different human rights organisations which we accompany. At the end of the visit one of the delegates made the following comment: “...my understanding is much deeper now. About the Guatemalan situation in general and about the human rights defenders in particular, I feel that these 5 days gave us, if not a complete panorama, at least a very wide one.

PBI Guatemala Project Committee Meeting

In the next months the project committee will meet with the team of international volunteers to evaluate, follow up and plan the sensitive work project. During their stay this July, the committee members also met with various national and international authorities and met representatives from OASIS and the Women’s Sector. Maria Gabriela Serra, project assistant, facilitated several workshops for the team in Guatemala.
Peace Brigades International

PBI is an international non-governmental organisation (NGO) which protects human rights and promotes nonviolent transformation of conflicts. At the request of threatened social organisations it provides international accompaniment and observation. The presence of international volunteers backed by a support network helps to deter violence. In this way, PBI creates space for local activists to work for social justice and human rights.

PBI in Guatemala

PBI maintained a team of volunteers in Guatemala from 1983 to 1999. During those years it carried out accompaniment work with human rights organisations, trade unions, indigenous, and campesino organisations, refugees, and religious organisations. In 1999, after an evaluation process it was decided that, as the country had greatly advanced in the opening of space for the work of human rights organisations, the project could close. Nevertheless, PBI remained attentive to the situation in Guatemala through a follow-up committee.

In mid-2000, PBI began receiving a number of requests for international accompaniment. As a result, an investigation was carried out in the field which revealed a deterioration and in some cases a closing of the space for human rights defenders. In April of 2002 PBI decided to reopen the Guatemala Project to carry out international accompaniment and observation in coordination with other international accompaniment NGOs. The new PBI office was opened in April 2003.

Team office in Guatemala
7º Avenida 1-13, Zona 2
Ciudad de Guatemala
Tel/Fax: (00502) 2238-4834
Cellular: (00502) 5814-7422
Correo-e: pbiguatemala@intelnett.com

Project Coordinator’s office
C/ Romero, 9. 28720 Bustarviejo;
Madrid (Estado Español)
Tel/Fax: (0034) 918 482 496
Correo-e: pbiguate@pangea.org
Web: www.peacebrigades.org

Team in September 2006
Ulrike Beck (Germany)
Tawia Abbam (United Kingdom)
Chus Garcia (Spain)
Michael Beattie (Australia)
Silke Gatermann (Sweden/Germany)
Katia Aeby (Switzerland)
Csilla Horvath (Hungary)
Mary Scott (United Kingdom)
Maripaz Gallardo (Spain)

Members of the team in Guatemala with project advisor María Gabriela Serra (top right), and project committee member Tara Ward (centre in black). Photo: PBI