

PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

International arrest warrant for Donaldo Álvarez Ruiz

Guatemala, 16.02.2012 (PL).- On February 16, the Eleventh Criminal Court authorised the petition of the Public Ministry for the international capture aimed at extradition of Donaldo Álvarez Ruiz who was minister of the Interior in the government of Romeo Lucas García (1978-1982, now deceased). The order went to the International Police (Interpol) to begin the search, discovery and subsequent capture and repatriation of Álvarez. It is known unofficially that the former high ranking official is in Mexico but without further information.

Álvarez Ruiz is linked to the burning of the Spanish Embassy in 1980 where 37 people died, the majority campesinos, along with diplomats and other employees. The Rigoberta Menchú Foundation has indicated that victims were left to burn to death with no attempt to rescue them. In 2006, Judge Santiago Pedraz of the National Spanish Audience requested an arrest warrant against civilians, Álvarez Ruiz and Pedro García Arredondo and military personnel Anibal Guevara, Efraín Ríos Montt, Germán Chupina Barahona (now deceased), Benedicto Lucas, and Óscar Humberto Mejía Victores with hopes of extradition. The Constitutionality Court ruled at that time that Spain had no jurisdiction to try those implicated for crimes committed in Guatemala.

House arrest confirmed for former Chief of State, Efraín Ríos Montt

Guatemala, 22.02.2012 (PL).- The First Court of Appeals confirmed house arrest and surveillance by the National Civilian Police (PNC) for former Chief of State – from 1982 - 1983 – Efraín Ríos Montt. It also prohibits movement to any other part of the country and upheld the bail amount of Q500,000 paid in lieu of detention.

The Court upheld the decision of Carol Patricia Flores Polanco, First High Crimes Judge A, who previously had established house arrest measures and bail. At the same time, it resolved that Judge Flores Polanco no longer has the Ríos Montt case and in her place is Judge B of High Crimes, Miguel Ángel Gálvez. This resulted in the suspension of the February 21 court appearance so that first Gálvez can resolve Ríos Montt's request that he be granted amnesty. This was to be resolved on March 1. Ríos Montt is linked to cases of genocide and crimes against humanity.

The Constitutionality Court affirms validity of Femicide Law

Guatemala, 24-02.2012 (PL).- The Constitutionality Court (CC) unanimously ruled unfounded the partial unconstitutionality of the Femicide Law alleged by three lawyers August 8, 2011. Three professionals of Quetzaltenango Law had requested that four articles of the Femicide Law be declared unconstitutional because, according to their criteria, they contravened the principle of equality of dignity and rights. The ruling of the CC identified three principal elements in its dismissal: the situation of violence that women in Guatemala suffer, the insufficient protection through normative regulations, and the international commitments made by the State in this area. "The petitioner states that the norms in question violate articles 1, 44, 47, 66, and 175 of the Constitution, without explaining the bases for his asseveration" say those issuing the ruling. According to the petitioners, violence against women is only a private act, but according to the CC, given that prevention, sanction, and eradication of violence are all part of the Interamerican Convention, the Public Ministry is obliged to act officially. "Sustained justification exists in a real social problem which dictates and requires a different treatment between men and women in prevention and penalization of the violence identified" explains the ruling.

LAND

Guatemala, 10.02.2012 (SV, PL).- Congress approved Decree 9-2012, Housing Law, following many months of delay. With fireworks and music, social activists received the news after staying for many months outside of Congress demanding the law's approval. The draft law was formulated by organised settlers, the Centre of Urban Studies at San Carlos University, and social organisations.

Emmanuel Seidner, president of the Economy Commission, explained the new Housing Fund (FOPAVI) will receive Q270 million assigned to the former Guatemalan Housing Fund (FOGUAVI) in this year's budget, in addition to amounts pending from the now dormant Popular Housing Unit (UDEVIPO). In addition to these amounts there will be a collection of 100% of the tax on Cement Distribution which has an annual collection of Q70 million. Mr. Seidner said that all of this "will be destined for subsidies to persons of few means so that they can acquire homes."

Orlando Blanco, deputy for the National Unity of Hope (UNE), contended that this new Housing Fund is but a "superficial" agency that was created because article 61 was modified so that Q70 million would go to FOPAVI. He also questioned the modification of article 71 which "ordered" the Executive to earmark 1.5% of their total spending budget to the new agency. Mr Blanco went further to question why this budget, "is left under the Ministry of Communications that will manage the funds at its discretion." Roly Escobar, leader of the National Coordinator of Settlers of Guatemala (CONAPAMG), expressed satisfaction with the new law, but said that they will continue to promote approval of initiative 38-70 which would allow for the creation of a housing ministry.

NEGATIVE EFFECTS OF GLOBALISATION

Commitment to community consultation in municipality of San Rafael Las Flores, Santa Rosa.

Guatemala, 20.02.2012 (PL).- Some 2000 persons gathered in the central park of San Rafael Las Flores, Santa Rosa where the Bishop of San Marcos, Monsignor Álvaro Ramazzini, officiated a Catholic mass and celebrated the Eucharist along with Monsignor Bernabé Sagastama, Bishop of Santa Rosa. During the homily, Ramazzini reflected on the impact mining in the communities.

The Mayor of San Rafael Las Flores, Leonel Morales committed to hold a popular consultation in good faith, as promised during the electoral campaign. He also noted that since mining activities have been present in the municipality for the last six years that resistance to these activities now would be difficult. Mayors of neighbouring municipalities attended this activity. Community representatives expressed their hope that the mayor will follow through with his promise of holding a popular consultation.

OTHERS

Selection process for head of Presidential Women's Secretary (SEPREM) modified

Guatemala, 03.02.2012 (AC).- President of the Republic, Otto Pérez Molina, repealed two articles outlining the creation of the Presidential Women's Secretary (SEPREM) including a rule that stated that women's organisations were authorised to nominate candidates. Now, the chief executive will be the only one in charge of nomination. Accords prior to 2000 and 2001 stipulated that women's organisations would present a list of ten candidates from which the president would choose a representative of SEPREM from those nominated.

In response to this measure, women's organisations expressed their rejection, and in some occasions, their support. On the one hand some consider it a blow to the independence of the agency – which aids and coordinates public policy in favour of women - while others made the point that it will contribute to easing the existing tensions within its diverse membership.

President Otto Pérez Molina proposes decriminalisation of drugs

Guatemala, 13.02.2012 (EP).- "Despite spending millions of dollars spent on plans executed in cooperation with the United States (US), levels of violence have not decreased" said the President. He added that at the level of Central America it is necessary to debate the issue of decriminalisation of drug traffic and consumption. Pérez Molina announced that he will propose a debate on the issue in the next meeting of Central American presidents. He referred to the cases of Mexico and Colombia which have had bloody results from the war on drugs. The President said that he held a meeting with Felipe Calderón and Juan Manuel Santos, leaders of both countries, who demonstrated their support for the proposal.

According to Pérez Molina, the purpose is not to pursue criminally those who end up linked to narcotraffic. "It will be to analyse what measures to take to regulate the sale and distribution of the substances. This would effectively end the criminal elements that surround narcotrafficking like violence, money laundering, contraband, arms trading, corruption that has affected attorneys, judges, police, and entire institutions of Government" he emphasised. "While demand continues in the US, decriminalisation must be taken into account," asserted the leader.

Sources: Agencia Cerigua (AC), Prensa Libre (PL), Siglo Veintiuno (SV), El Periódico (EP)

2. PBI-GUATEMALA ACTIVITIES: IN GUATEMALA

Team: Kathrin Rüegg (Switzerland), Kathi Dunkel (Germany), Álvaro Zaldívar (Spain), María Cayena Abello (Colombia), Francisco Bernal (Colombia), Ilaria Tosello (Italy), Phil Murwill (United Kingdom), Christa Hijkoop (Netherlands).

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:

- Jennifer Echeverría, Development and Human Rights Program Officer of the European Union, Guatemala City
- Jorge Parra, Officer of the United Nations High Commission for Human Rights (OHCHR), Guatemala City
- Eduardo Smith, Political Officer from the United Kingdom Embassy, Guatemala City
- Christina Papadopoulou, Human Rights Officer of the OHCHR, Guatemala City
- Thomas Schäfer, German Ambassador, Guatemala City
- Jacques Remmerswaal, Head of Governance and Human Rights for the Kingdom of the Netherlands, Santa Cruz, Alta Verapaz

Guatemalan Authorities:

- Francisco Guare and Ronaldo Galeano of the Conflict Mediation and Resolution Unit, and Ricardo Quintana of the International Mechanisms Unit, Human Rights Ombudsman (PDH), Guatemala City
- Israel Quiñones, Head of the Secretary for Agrarian Affairs (SAA) in Valle del Polochic, Cobán, Alta Verapaz
- Félix Santos, Commission Inspector, National Civilian Police (PNC), San Juan Sacatepéquez, Guatemala
- Lizardo Estrada Conde, Sub-director, PNC, Guatemala City
- Mr. Ramirez, Officer, PNC, Santa Cruz, Alta Verapaz
- Adriana Domingo, Presidential Human Rights Commission (COPREDH), Guatemala City
- Telémaco Pérez, General Sub-director of Operations, PNC, Guatemala City
- Margarita Reyes, Promoter for Alta Verapaz, COPREDH, Cobán, Alta Verapaz
- Carlos Guillermo, Assistant of the Department of Alta Verapaz, PDH, Cobán, Alta Verapaz

2.2 MEETINGS WITH CIVIL SOCIETY ORGANISATIONS

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

Guatemalan Civil Society:

- Javier Gurriarán, Independent Consultant, Guatemala City
- Domingo Tum, Member of the Coordinator of Communities of Sacapulas in Resistance for Defence of Natural Resources and the Environment, Guatemala City
- Sandino Asturias, Director, Centre for Studies of Guatemala, Guatemala City
- Laura Hurtado, Independent Consultant, Guatemala City
- Fernando Solís, Coordinator, Observer Association, Guatemala City

International Organisations and Agencies:

- Coordination of International Accompaniment in Guatemala (ACOGUATE), Guatemala City
- Rob Mercatante, Director, Human Rights Defenders Program of the Guatemalan Human Rights Commission (GHRC), Guatemala City

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA.

During February we continued our accompaniment of CONAVIGUA with regular visits to its offices in the capital and meetings with its members. CONAVIGUA organised an event on January 31 commemorating the burning of the Spanish Embassy. Members of the organisation expressed concerns about the situation in Zona Reina, in the department of Quiché, where they believe an increasingly high numbers of the community members are being arrested for their involvement in defending their land.

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. In 2010, CONAVIGUA accompanied this process in San Juan Sacatepéquez and in 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. Various members of the organisation were subjected to grave death threats in 2010, due to the work that they were carrying out.

Association for the Protection of the Las Granadillas Mountain, APMG.

We maintained regular contact with APMG members during February. Due to the ongoing tensions in the region, we are still concerned about their security. We are particularly worried about the security of Reverend José Pilar Álvarez Cabrera who, despite receiving death threats as a result of his involvement in association work, has seen precautionary security measures granted to him by the Presidential Human Rights Commission (COPREDEH) removed, and without prior warning.

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 Olaverueth, 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). José Pili Álvarez Cabrera has been the target of death threats and defamation in the local media during these conflicts.

Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ.

This month we maintained regular contact with several members of the association in Guatemala City. The women continue to defend their land, and promote and defend the rights of Xalapán's indigenous women. Several members of the association attended a forum in Nicaragua with representatives of women's organisations from several other countries, where they shared their views of community-based feminism in a Central American context.

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. We have accompanied AMISMAXAJ since July 2009. Various members of the organisation were subjected to grave death threats in 2009 and 2010, due to the work that they carry out.

'New Day' Chortí Campesino Central Coordinator.

This month we observed meetings in the communities of Las Flores and Guareruche, Jocotán, where representatives from many of the region's communities and several Guatemalan social organisations were present. They shared information about the hydroelectric projects and mining activities, and discussed the rights of those affected, at both the individual and community level.

We also visited the community of Matazano and accompanied organisation members to the Jocotán Peace Court, where a representative from one of the communities had been summoned to appear.

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 communities in the area, enabling 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. They carried out this work in relation to the project known as the "Technological Corridor", that is intended to link the Atlantic coast with the Pacific Coast in Guatemala, which in turn forms part of the biggest plan produced under the Mesoamerican Project (successor of the Plan Puebla-Panama, PPP). Members of New Day say the lack of information and consultation of Chiquimula's communities by public institutions is a constant source of conflict. PBI has accompanied New Day since 2009. Several members of the association have been threatened and attacked due to their work with the communities. In 2010, members of the organisation denounced death threats and intimidation by unknown armed persons. Also, a number of national and local media outlets carried statements from local authorities accusing members of New Day and the Camoteca Campesino Association as being linked to social protests demanding improved information regarding the construction of the Technological Corridor, due to affect the region.

Camoteca Campesina Association.

In February we maintained regular contact with the association and met with one its members near Jocotán, Chiquimula. We remained alert to the working environment of both the organisation and that of its members due to the continuing tension in the municipality of Camotán.

Background: The Camoteca Campesina Association was founded in 1988, made up of the then health promoters and midwives of Camotán (Chiquimula). Now the association is an active member of the Coordinator of Popular Indigenous Unions and Eastern Campesinos (COPISCO) Its primary objective is defending life and natural resources and its ultimate aim is well being of the people and the land they live on. It is now made up of 718 associates who monitor whether laws are complied with and follow up violations of human rights in the eastern part of the country. They have a long-term relationship of cooperation and alliance with the 'New Day' Chortí Campesina Central Coordinator, especially with regards to community information about the land, agriculture and protecting the environment. When the association heard of the plans to build hydroelectric plants El Puente, El Orégano and Caparía (see background to the accompaniment of 'New Day' Chortí) and the Technological Corridor project which affected several towns in the department, they started work informing the communities about the effects of these megaprojects on the environment and the economic situation.

PBI has accompanied the association since 2009. Two of its members were detained in November 2010, accused of crimes against internal security and illegal meetings and demonstrations, for participating in a public gathering carried out more than 6 months previously (30 March 2010), in which more than 70 persons demonstrated their opposition to the plans and projects for interconnecting electricity provision in the region. On 2 March we observed the second judicial hearing in Chiquimula in which the two accused persons were examined. The judge refused to impose a penal sanction and instead imposed a fine of 1,000 Quetzales respectively and prohibited the promotion or participation in illicit demonstration activities.

Q'a molo Q'i San Juan– People of San Juan Unite.

At the end of January and the beginning of February, a delegate and a lawyer representing the communities took part in a European speaking tour, organised by PBI. The main objective of this tour was to present, in person, the concerns and demands of the communities of San Juan Sacatepéquez. Their main concerns focused on the compliance of their rights and protection of the population. The representatives met with institutions, authorities, international bodies and civil society organisations in Switzerland, Germany and the Netherlands. They also took part in two public events organised by the Network in Solidarity with the People of Guatemala in Switzerland where they felt intimidated by the presence of three employees from Guatemalan firm Cimentos Progreso Ltd.

After a worrying situation involving threats and defamation, we met with the community several times this month in San Juan and observed a Q'a molo Q'i San Juan meeting in Santa Fe Ocaña. We also met community delegates and their lawyer in PBI's Guatemala City office.

We are still concerned about three residents of San Juan Sacatepéquez who have remained in preventive detention awaiting their first hearing for more than three years. The hearing is presently scheduled for March.

Background: Q'a molo Q'i San Juan-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 Cimentos 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. Cimentos 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.¹ PBI has accompanied Q'a molo Q'i San Juan since December 2009, following a request from the organisation due to threats and persecution against several of its members and the communities it represents.

Council of Cunén Communities.

During February we maintained our contact with council members and met one such member in PBI's Guatemala City office. They shared their concerns about the defamation the region's communities are currently experiencing.

Background: The Council was established at the first communities' assembly in San Siguán. It consists 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

¹ Further background information in the PBI Special Report published in 2010:

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

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, due to the security risks faced by persons actively promoting the right to land, territory and natural resources in the region.

Guatemalan Human Rights Defenders Protection Unit, UDEFEGUA.

We maintained regular contact with UDEFEGUA members in February, including several meetings at its office in the capital. We heard the unit's analysis and assessment of the current situation for human rights defenders in Guatemala.

Background: The Human Rights Defenders Protection Unit (UDEFEGUA) was founded in 2004 to promote the security of human rights defenders in Guatemala and helps 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". 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.

This month we intensified our accompaniment of UVOC because of death threats received by its coordinator Carlos Morales and members of UVOC-accompanied communities in Alta Verapaz and Izabal. This level heightened level of surveillance continued throughout February. We published an *Alert* at the beginning of the month to express our concerns to the international community and national authorities about the risks faced by UVOC and its communities.² Representatives from the Dutch Embassy responded by meeting with UVOC members and the communities of La Primavera (San Cristóbal) and San Miguel Cotaxaj (El Estor) in UVOC's office in Santa Cruz (Alta Verapaz). We accompanied UVOC members to the La Primavera community during a visit by representatives of the Office of the United Nations High Commissioner for Human Rights (OACNUDH). We also accompanied Carlos Morales and Jorge Luis Morales to a meeting with the European Union's Filter Group (the official space used by European Union embassies to coordinate the implementation of EU directives for the protection of human rights defenders).

Rumours about the possible eviction of various UVOC-accompanied communities have continued this month, creating tension among their inhabitants. We are also concerned about the security situation of both Carlos Morales and a community leader from Cahabón as they've said to be targets of a public defamation campaign in various forms of media (a paid political advertisement, an article written in the press and a local radio broadcast). We have also accompanied the lawyer Jorge Morales during his visits to the Public Prosecutor's Office in Cobán, Alta Verapaz. Our regular monthly accompaniment of UVOC to round-table discussions in Cobán continues; they seek a solution to the agrarian conflict in 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 February we continued our regular visits to Pérez's human rights-focused legal practice and accompanied him to several court hearings. We observed the prosecution of retired general Mauricio Rodríguez Sánchez in the genocide case. We also observed the second hearing for Ríos Montt, the former Head of State (see 'Notes on the Current Situation' Section 1). We observed the outcome of the Guarcax case where each of the defendants received custodial sentences in excess of 300 years for kidnapping crimes and murder. On several occasions we accompanied Edgar to court for the legal investigation into the massacre of the Las Dos Erres community, Las Cruces, Petén; one such hearing was suspended. We also accompanied Edgar to the Supreme Court for the opening of the case against Pedro Pimentel Ríos, a trainer of the *Kaibiles* (a special forces unit within the Guatemalan army). Ríos is accused of taking part in the massacre, in which 201 people were killed. We are still concerned about the security of Edgar Pérez because of his current involvement in trials passing through Guatemalan courts, trials which are investigating crimes against humanity committed during the internal armed conflict.

² PBI Guatemala, *Alert* on threats to UVOC and its communities, Guatemala, February 2012. [http://www.pbi-guatemala.org/los-proyectos/pbi-guatemala/noticias/spanish-news-holder/?no_cache=1&tx_ttnews\[tt_news\]=3303&cHash=b06038a0eb063a8fd0ca104adfec18d1](http://www.pbi-guatemala.org/los-proyectos/pbi-guatemala/noticias/spanish-news-holder/?no_cache=1&tx_ttnews[tt_news]=3303&cHash=b06038a0eb063a8fd0ca104adfec18d1)

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.

We maintained regular contact with members of the archive in February. We visited the sites several times and met the director.

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) 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 that date they had 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).

2.4 FOLLOW-UP

We regularly receive requests for accompaniment from social organisations and human rights defenders who are being, 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 currently are providing follow-up accompaniment to the following social organisation:

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

We maintained regular contact with OASIS members during February, which included a meeting with OASIS director Jorge López in our office in the capital. Regrettably the organisation's work is still impeded by its critical financial situation.

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. During almost all of 2009 Jorge Lopez, director of the organisation, was accused in the courts of the attempted murder of sex worker Laila (Axel Leonel Donis González) and subsequently of concealment of the crime. 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.

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 what we observe outside the country.

We observed a demonstration organised by the Women's Sector where they announced their objection to the nomination for the new Presidential Women's Secretary (see 'Notes on the Current Situation' Section 1).

We also observed the Madre Selva group's visit to San José del Golfo, department of Guatemala, where they met residents affected and concerned by the El Tambor and Joaquina gold mines. Representatives from COPREDEH and PDH were also present at the meeting. The group decided to visit and request access to the mines, in order to verify whether or not the land is already being exploited (currently illegal according to social organisations). However access to the sites was not granted.

We were present at a press conference arranged by the International Commission of Jurists (ICJ) and representatives of the communities of La Libertad and La Liguna del Tigre, Petén. The community delegation for Petén expressed its concerns about evictions and the presence of the army. It believes these actions are for the direct benefit of oil firms operating in the region and maintained it is being strongly oppressed since the declaration of martial law in Petén.

We observed another press conference in which the Peasant Unity Committee (CUC) and la Via Campesina responded to defamations relating to the communities' fights in accessing and defending their land. Particular reference was made to accusations levied in the press, by public authorities, against Richard Busquets, a Catalan (State of Spain) communications professional. Consequently a lawsuit was filed at the Public Prosecutor's office (MP).

3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA

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 February 17th the European representative of the Guatemala Project met with Gerard Schulting in Brussels. Schulting is responsible for Guatemala in the European External Action Service (EEAS). She also participated in the Human Rights and Democracy Network's (HRDN) General Assembly in Brussels on February 27th. The network unites international organisations dedicated to promoting human rights and democracy.

The office and the project's coordination committee worked with PBI groups in Switzerland, Germany and Holland to organise and develop a tour for Guatemalan human rights defenders (see Section 2.3 'Accompaniment' of Q'amolo Q'i San Juan).

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.

Tribunal Permanente de los Pueblos: Seis de las más poderosas Transnacionales llevadas a juicio por violaciones a los derechos humanos. Comunicado de Prensa, 17 Noviembre 2011

Organizadas por **Pesticide Action Network, PAN Internacional**, las sesiones del Tribunal Permanente de los Pueblos sobre Corporaciones Transnacionales (TNCs por su sigla en inglés), tendrán a la vista casos de violaciones a los derechos a la vida, a la salud y al sustento y los medios de vida, cometidos por Monsanto, Syngenta, Bayer, Dow, BASF y Du Pont. Estos casos serán presentados por sobrevivientes y testigos expertos de todo el mundo, y serán analizados por un panel internacional de distinguidos juristas.

"No existen mecanismos internacionales legales por los cuales se pueda hacer responder a las transnacionales por violaciones a los derechos humanos. Con la ayuda de gobiernos e instituciones, las TNCs se han librado de tener que responder a la justicia por envenenar a poblaciones enteras, contaminar el ambiente y destruir los medios de vida de pequeños productores agrícolas. Esta impunidad tiene que terminar", dijo Sarojeni Rengam, directora Ejecutiva de PAN AP.

Se destacarán en el Tribunal Permanente de los Pueblos casos de intoxicaciones en Asia causados por endosulfán de Bayer y paraquat de Syngenta; la masiva mortandad de abejas en Europa y Norte América ligados a los plaguicidas neonicotinoides de Bayer; y la contaminación de fuentes de agua por atrazina, de Syngenta en Estados Unidos.

También lo que ocurre en el medio oeste de Estados Unidos, el monopolio de las semillas de Monsanto y la violación de los derechos de los agricultores; acumulaciones de plaguicidas tóxicos obsoletos en África, la muerte de un niño en Latinoamérica por causas asociada al glifosato de Monsanto utilizado en cultivos transgénicos: el envenenamiento de las tribus del Ártico por diversos contaminantes orgánicos persistentes; el acoso a científicos y muchos otros casos.

“Por primera vez, sobrevivientes de las violaciones a los derechos humanos cometidas por las TNCs darán un paso adelante y compartirán sus historias de manera que juntos puedan lograr justicia. Este Tribunal Permanente de los Pueblos no sólo se hace por estas víctimas, sino también por las víctimas futuras que podrían incluir a las generaciones próximas”, dijo Irene Fernández, presidenta de PAN AP. Fernández enfatizó que el Tribunal se propone concluir con recomendaciones para que se establezca un sistema efectivo que asegure responsabilizar a las transnacionales por sus crímenes.

La región de Asia Pacífico tendrá como representantes a trabajadores de plantaciones de palma aceitera de Malasia, pobladores de Kasargod de Kerala y niños que trabajan en plantaciones de algodón de India, quienes testificarán sobre el grave daño ocasionado por los plaguicidas y los cultivos transgénicos.

También, se juzgará en el Tribunal de los Pueblos a los gobiernos de Estados Unidos, Alemania y Suiza, países donde tienen su casa matriz las seis transnacionales, por permitir que estas compañías dañen a escala masiva el ambiente y la población, y por no tomar medidas que permitan que estas transnacionales paguen en la justicia por crímenes horribles tales como la tragedia de Bhopal de 1984.

El Fondo Monetario Internacional, el Banco Mundial y la Organización Mundial del Comercio también son enjuiciadas, ya que sus programas de ajuste estructural y los convenios de libre comercio han allanado el camino para que las transnacionales agroquímicas se apoderen de la agricultura y expulsen del campo a nivel global a millones de campesinos. Estas entidades han hecho que los países del Tercer Mundo promuevan y usen los productos agroquímicos de estas transnacionales.

Las TNCs están aumentando su control sobre la agricultura, que es el corazón del sistema alimentario mundial. A nivel global, sólo seis compañías controlan el 72% del mercado global de plaguicidas con 44 billones de dólares de USA, y el 73% del mercado de semillas valorado en 27 billones de dólares de USA. Desde la Revolución Verde de los años 60, millones de productores agrícolas se hicieron dependientes de los plaguicidas. La llamada “Revolución Genética” también empujó a los agricultores a depender de las semillas transgénicas.

“Sus mentiras tales como “alimentamos al mundo” ya no se pueden sostener más porque el número de hambrientos sigue aumentado, después de cinco décadas de Revolución Verde y dos décadas de Revolución Genética. Es urgente que se pare a estas compañías y que se les haga pagar por décadas de injusticia transnacional y lucro”, dijo Rengam.

A Monsanto, Syngenta, Bayer, Dow, BASF y DuPont se les harán cargos por violaciones de más de 20 instrumentos de ley internacional, incluyendo violaciones a los derechos a la salud y la vida; el derecho a un ambiente seguro y saludable y a condiciones laborales seguras; el derecho al sustento y los medios de vida; el derecho a la alimentación y a la soberanía alimentaria; el derecho a la autodeterminación; el derecho a la participación y la información; los derechos de los defensores de los derechos humanos; y los derechos de las mujeres y los niños.

El Tribunal Permanente de los Pueblos es un tribunal internacional de opinión. Tuvo su origen en el tiempo de los juicios por la guerra de Vietnam y las dictaduras latinoamericanas. Comenzó en 1979 en Italia. Hasta ahora el PPT ha tenido 35 sesiones, exponiendo diversas formas de violaciones a los derechos humanos a través de juicios alternativos y articulaciones legales.

“Ya es hora que la comunidad global se dé por enterada de la extensión del daño a la humanidad y al planeta causado por las transnacionales agroquímicas, y emprenda acciones para que paguen por ello”, sostuvo Javier Souza, coordinador regional de RAP-AL, y presidente de PAN Internacional.

COMUNICADO

La Unión Verapacense de Organizaciones Campesinas -UVOC-, Las Comunidades: San Miguel, Lote 8, Seolaya y San Juan Secomun de Panzós y La Primavera de San Cristóbal Alta Verapaz,

A la comunidad Nacional e Internacional, hacemos saber:

El día 28 de noviembre de 2011, circuló por medios electrónicos un artículo publicado en la página web de Plaza Pública³, sobre las 14 comunidades que fueron afectadas por los desalojos en el Valle del Polochic; En marzo de este año, la Unión Verapacense de Organizaciones Campesinas -UVOC- como organización campesina da a conocer que seguimos presionando al Estado para que cumpla con sus obligaciones, con las 14 comunidades que están pendientes en recibir las medidas cautelares prometidas, así

³ <http://www.plazapublica.com.gt/content/bienestarina-azucarada-en-el-valle-del-polochic>

mismo también con otras comunidades acompañadas por la UVOC que confrontan una variedad de conflictos agrarios en la región de las verapaces.

En el último comunicado del 22 de noviembre de 2011, pronunciamos, como destaca el artículo de Plaza Pública “la falta de cumplimiento de la entrega de la alimentación prometida como parte de las medidas cautelares otorgadas en octubre”, por la Corte Interamericana de Derechos Humanos. También demandamos al Estado respetar la seguridad e integridad de las comunidades, un ejemplo de esto es la comunidad Lote 8, que pueden ser afectadas por la re-activación del proyecto de ferro níquel. Ahora también queremos hacer saber de los otros conflictos que confrontan las comunidades San Juan Secamún, Seolaya en el Valle de Polochic, y la comunidad de La Primavera, municipio de San Cristóbal Alta Verapaz.

San Juan Secamún se encuentra en el parte alta de la Sierra de las Minas ha sido amenazada con una petición de desalojo puesta por Defensores de la Naturaleza desde hace 10 años. Esta comunidad, tenía como documento de prueba la tarjeta que daba anteriormente el Instituto Nacional de Transformación Agraria (INTA) y les fue arrebatado de institución encargada de buscarle solución a la problemática agraria en el tiempo del gobierno Berger, además son de las familias desplazadas durante el conflicto armado, que después de la firma de la paz regresan a sus tierras, en el momento que se había comenzado el proceso de nombrar la sierra como área protegida por parte del Consejo Nacional de Áreas Protegidas (CONAP) y esta comunidad no fue integrada. Hasta el momento con el apoyo de la UVOC la comunidad ha logrado entrar en diálogo con instituciones nacionales como el Fondo de Tierras (FONTIERRA), sin embargo recién comenzó agresiones en contra de ellos por parte de otras comunidades de la sierra; Estrategias que siempre han usado las empresas interesadas para desalojar a las comunidades que reclaman su legítimo derecho.

Denunciamos nuevamente, ahora en pleno 2011 los abusos de gente enviada por la empresa “La Sociedad Maderas Filiz Díaz, S.A.” amenaza con desalojar a las 400 familias de la comunidad La Primavera, familias que han laborado durante 100 años como mozos colonos de la Familia Azurdia Saravia y Azurdia Poole que vendió la finca a la empresa maderera sin haber solventado el pasivo laboral de los campesinos.

La UVOC como organización campesina promueve la resistencia pacífica y la resolución de conflictos por vía diálogo con el Estado. Sin embargo estas vías sólo son posibles con la voluntad política de las instituciones encargadas de darle solución a los conflictos agrarios.

POR LO TANTO:

- Seguimos y seguiremos exigiendo al Estado, que cumpla con los parámetros de las medidas cautelares en la entrega de la alimentación, la salud, la vivienda y la seguridad de las 800 familias en el Valle del Polochic. Igualmente que el Estado respete la seguridad e integridad de las comunidades como Lote 8, tomando en cuenta la propuesta de la reactivación del proyecto ferro níquel que afectara a la comunidad.
- Exigimos que el Estado respete los procesos pacíficos que varias comunidades de la Valle de Polochic están llevando para resolver los conflictos de sus tierras.
- Pedimos que las instituciones del Estado - CONAP, RIC y FONTIERRA-, colaboren para aclarar la certeza jurídica de la tierra de la comunidad San Juan Secamun, tomando en cuenta las complejidades de los registros inmobiliarios de la región. Y que sigan promoviendo convivencia pacífica entre las comunidades de la Sierra de las Minas.
- Demandamos que en el caso de la comunidad Seolaya, que FONTIERRA proceda a declarar a las 25 familias como copropietarios por el tiempo que llevan en calidad de arrendantes.
- Demandamos la pronta solución del pasivo laboral de los campesinos de la finca La Primavera de San Cristóbal Verapaz.
- Alertamos a las instituciones del Estado y ONGS ambientalistas, encargadas de velar por la defensa del medio ambiente, pronunciarse por la tala inmoderada que se aproxima en la finca La Primavera.
- Al Congreso de la República que le una pronta solución al problema de la deuda agraria tomando en cuenta la propuesta del movimiento indígena y campesino la propuesta 75-25%, condonación del 75% y pago del 25% del capital y al condonación del 100% de los interés y moras generadas.

Santa Cruz, Alta Verapaz, 20 de Diciembre de 2011

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