

PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

MIP - MONTHLY INFORMATION PACKAGE – GUATEMALA

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

Association of Military Widows lodges legal complaint against 32 people

Guatemala, 30.11.2011 (PL, EP, SV).- Estela de Matta, widow of Furlán, and president of the Association of Military Widows and Specialists of the Army of Guatemala, lodged a complaint at the Public Prosecutor's Office (MP) against 32 people who may have participated in different events during the civil war. According to Matta, the accused were the intellectual authors and leaders of people who participated in more than 45 violent acts between 1978 and 1982, including forced disappearances, kidnappings, murders of businessmen and bombings.

Judge sends military commissioner and four former civil patrollers to trial for massacre in Plan de Sánchez community, Baja Verapaz

Guatemala, 15.12.2011 (EP, PL, SV).- Judge Carol Patricia Flores ruled that Lucas Tecú, together with Julián Acoj Morales, Mario Acoj Morales, Santos Rosales García and Eusebio Grave García, should face trial for the deaths of 256 residents of the community of Plan de Sánchez, Rabinal, Baja Verapaz. The crimes for which they will stand trial are murder and violation of the duties of humanity. The charge of the Public Prosecutor (MP) states that the events occurred on 18 July 1982, when a group of civil defence patrollers (PAC) entered the community. "The order was to exterminate all the people who could help the guerrilla. Specifically indigenous communities were at risk during this period," said Oswaldo Salvador López, solicitor in the case. He added that the weapons used during the operation were rifles, knives, explosives and clubs, according to the investigation.

Prosecutor will not charge former chief of state with genocide

Guatemala, 27.12.2011 (PL).- The Prosecutor of Guatemala will withdraw its charge of genocide and other war crimes against the former chief of state Óscar Mejía Víctores (1983-1986), due to the physical and mental problems that he suffers from, said Manuel Vásquez, the solicitor in the case.

"Based on the forensic and psychiatric reports and in line with current legislation, we cannot continue with the criminal prosecution related to Mr Mejía, therefore we must suspend the trial," Vásquez said to reporters. He explained that in accordance with the reports presented by the National Institute of Forensic Sciences (Inacif) as well as other forensic doctors, the accused was not in a physical or mental condition to face trial.

UN calls for protection of freedom of expression in the controversy between military and leftists

Guatemala, 27.12.2011 (PL).- The Office of the United Nations High Commissioner on Human Rights said that behind the complaints lodged about crimes committed by alleged guerrilla groups during the armed conflict could be an attack on the freedom of expression. In a press release, the Office refers to the criminal accusation presented some weeks ago by a United States citizen against more than 50 people, including several columnists and a journalist, for their supposed links with the deaths of diplomats and foreigners. It expresses its concern that there may be "serious inconsistencies" in the accusation. "The UN Special Rapporteur on the situation of human rights defenders has highlighted the risks that human rights defenders face in the form of unfounded criminal accusations which aim to stigmatise their work in the eyes of the public or generate self censorship," the office states.

NEGATIVE EFFECTS OF GLOBALISATION

Residents of Santa Rosa submit petition against mining

Guatemala, 08.12.2011 (PL).- Residents of San Rafael Las Flores, Santa Rosa, submitted documents to the elected mayors of Santa Rosa, in which they expressed their opposition to the licence issued by the Energy and Mines Ministry (MEM) to a Canadian company, permitting it to carry out mining exploration in the municipality.

OTHERS

State of alarm extended

Guatemala, 13.12.2011 (PL).- The government published a new extension to the State of Alarm in Petén, intended to maintain restrictions on the circulation of firearms. This measure is a continuation of the state of siege that lasted three months, following the massacre of 27 workers in the department last May. The state of alarm – decreed for the first time on 12 August in the Council of Ministers – has now been extended four times. “The reasons that this state was decreed in Petén persist,” says government decree 14-2011.

CICIG presents project for constitutional reform

Guatemala, 06.12.2011 (AC).- The chief of the International Commission Against Impunity in Guatemala (CICIG), Francisco Dall’Anesse, presented a proposal for reform of the Constitution to the Congressional Legal Affairs Committee on Monday 5 December. He says the project aims to strengthen the country’s justice system. The Costa Rican judge explained that the proposal seeks increased independence and better resources for the institutions in charge of judicial administration, and the introduction of a “true judicial career” in Guatemala.

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

2. PBI-GUATEMALA ACTIVITIES: IN GUATEMALA

Team: Engel Montuenga Peña (Spain/Colombia), Guillaume Riboulleau (France), Maike Holderer (Germany), Kathrin Rüegg (Switzerland), Kathi Dunkel (Germany), Álvaro Zaldivar (Spain), María Cayena Abello (Colombia), Francisco Bernal (Colombia), Ilaria Tosello (Italy), Simón Yeste Santamaría (Spain), Phil Murwill (United Kingdom).

2.1. MEETINGS WITH DIPLOMATIC CORPS AND GUATEMALAN AUTHORITIES

Meetings with national and international authorities are an important tool for PBI’s efforts to make our objectives and the nature of our work known. Through these meetings, in cases where it is necessary, and with a reserved manner, we express our concerns about critical situations that we have come to know first-hand from the work we carry out across the country.

International Authorities and other international entities in Guatemala:

- Nicola Ware, team deputy director for Mexico, Central America and Cuba, United Kingdom Foreign and Commonwealth Officer (FCO), and Eduardo Smith, political officer of the British Embassy. Guatemala City
- Philippe Bastelica, Ambassador, Embassy of France in Guatemala. Guatemala City
- Filter Group, representatives of various European embassies in Guatemala. Guatemala City

Guatemalan Authorities:

- Raquel Sagüenza, general technical director, and Gerson Alvarado, National Council of Protected Areas (CONAP). Guatemala City
- Salvador Benito García, deputy chief of Police Station 71. Santa Cruz del Quiché, Quiché.

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:

- Dionisio Camaja Sánchez, Association of Maya K’iche Educators and Promoters. Santa Cruz del Quiché, Quiché.

- Father Sebastián, Sisters of the Sacred Family Convent. Uspantán, Quiché.

International Organisations and Agencies:

- Coordination of International Accompaniment in Guatemala (ACOGUATE). Guatemala City.
- Jennifer Echeverría, Officer for Cooperation and Human Rights Programmes, Irina Popescu, Sergio De León, and Juan José Perussina of the delegation of the European Union, with the attendance of Marco Tulio Pérez (CALDH) and Sotero Sincal Cujcuj (DIAKONIA), in an Informative Meeting about the EIDHR 2011 Project. Guatemala City
- Rob Mercatante, coordinator of the Guatemalan Human Rights Commission (GHRC). Guatemala City

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA

During December, we continued our accompaniment of CONAVIGUA, maintaining regular visits to its offices in the capital and meeting with its members. We accompanied members of the association at an inhumation of the remains of victims of the internal armed conflict in San Martín Jilotepeque, Chimaltenango, and also during a visit to the Offices of the Public Prosecutor (MP) and the Justice of the Peace in Chimaltenango and San Martín, in relation to this case.

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.

In December we maintained regular contact with the organisation. The National Council of Protected Areas (CONAP) ruled this month that Las Granadillas Mountain fulfilled the requirements to be declared a protected area, an important step in the legislative initiative promoted by the APMG. The next step will be to present the initiative in Congress for it to be approved, and to draw up the management plan for protecting the forest and water of the area.

Background: APMG was created in 2003 in Zacapa to protect the ecosystem of Las Granadillas Mountain (the principal source of water and natural diversity in the region) due to diverse threats identified by the local population: illegal logging, monoculture, deforestation, large-scale cattle farming and the diversion of water sources. The organisation is supported by the Lutheran Church in Guatemala (ILUGUA), led in the region by Reverend José Pilar Álvarez Cabrera, and the Madre Selva Collective. One of APMG's goals is to have the mountain designated a protected area. However, existing economic interests in the land have made APMG's work dangerous, and its members have faced diverse types of persecution and threats since they denounced the illegal logging trade and started, with the population of the La Trementina community, a permanent social monitoring process of licences granted and logging carried out on the mountain's private estates. We have accompanied APMG since August 2008 and, since then, have observed the spaces for dialogues in which the Association has participated with public authorities and private actors. At the beginning of 2009 and the end of 2010, the permanent conflicts between the owners of private estates on the mountain and the population of La Trementina and the APMG led to criminal accusations against members of the Association and the community, based on complaints lodged by, among others, Mr Juan José Olaverrueth, owner of the Tachoró Estate. In both cases, the accusations were linked to APMG's work promoting the protection of the mountain. Also, in both cases, the cases were thrown out in the first court hearing before the judge. In total nine people have been affected by unfounded criminal accusations (three in 2009 and eight in 2010). José Pilari 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.

In December we accompanied several members of the association during their journeys to Xalapán Mountain, Jalapa, for several internal meetings and a meeting with representatives of the Xinca government. The women continue working to strengthen the rights of the women living on the mountain, and to defend the land, which is threatened following the discovery of gold beneath a hill considered sacred by the Xinca people.

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 Xinca 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 Xinca 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.

In December we observed a meeting in the Pelillo Negro community, Jocotán, in which representatives of the communities gave information about possible effects on the communities of mining and hydroelectric projects. We also carried out our monthly visit to provide international presence in the Matasanos community.

Several members of the organisation have expressed concern about the lack of information about the sale of land in Las Flores community, which would be affected if the Las Tres Niñas hydroelectric project went ahead.

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 December we stayed in permanent contact with members of the Association. One member was physically attacked by a neighbour, an event that will be discussed in a hearing in January. The situation in the municipalities of Jocotán and Camotán continues to be tense and violent, causing concern among human rights defenders.

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.

During December we continued accompanying the residents of San Juan Sacatepéquez who seek to peacefully resist logging on the land of a private company, which they say will damage their water sources. The communities have been holding a peaceful protest since November at the side of the road to Santa Fe Ocaña Estate.

In the context of this case, we accompanied members of the organisation during a visit of delegates of the National Forestry Institute (INAB) and to a meeting with representatives of the company and the authorities. We were present during three eviction threats. Finally, the evictions were halted on the first and second dates, despite the arrival of the police. We accompanied representatives of the 12 communities to the Justice of the Peace in San Juan Sacatepéquez, where they sought legal injunctions against these acts, which they believed to be intimidatory. Nevertheless, the following week they requested our presence due to another threatened eviction. On this day, a great number of police and soldiers were present. In the end the community members were able to demonstrate that their protest did not infringe any law and the authorities left.

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 Cementos Progreso S.A. has been working on "project San Juan", which includes the construction of a factory and a quarry in the San Gabriel Buena Vista estate and the villages of San Jose Ocaña and San Antonio Las Trojes I and II. Cementos Progreso has an 80% share in the project, while the remaining 20% belongs to the Swiss multinational company Holcim. On 13 May 2007, without the support of the municipality, the communities of San Juan Sacatepéquez carried out a community consultation on the factory's installation. 8,950 people participated, of which 8,946 voted against and four in favour of the factory. Although the mayor and the municipal council agreed to take into account the results of the consultation prior to the authorisation of any licence for construction, the construction work continued. During more than three years, the residents of San Juan Sacatepéquez have made numerous complaints about human rights abuses and a criminalisation campaign against them. The dialogue process in which various Guatemalan public authorities and institutions have participated has ended without reaching a resolution or transformation of the conflict.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.

This month we continued to maintain contact with members of the Council.

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 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

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

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 (UDEFEFEGUA).

This month we continued with regular visits to the UDEFEFEGUA office in the capital. It continues its investigation and monitoring of attacks and aggression against human rights defenders, communities and their members.

Background: The Human Rights Defenders Protection Unit (UDEFEFEGUA) 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. UDEFEFEGUA 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 UDEFEFEGUA 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 UDEFEFEGUA'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.

During December we accompanied the organisation to the round table talks in Cobán (Alta Verapaz), which are held monthly to discuss issues related to land conflicts in the region. We also maintained our regular visits to UVOC's offices in Santa Cruz, Alta Verapaz, and Guatemala City. We accompanied lawyer Jorge Luis Morales and other members of the organisation during their trip to the communities of San Juan Secumán in Panzós, which are squatting in an area that has been declared protected, and in their visit relating to the case of an estate occupied by 700 families in Cahabón.

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 December we continued to visit Edgar Pérez periodically at his office, and have held meetings with him and other members of his firm. We attended the public hearing of the case against Oscar Mejía Víctores, in which the judge decided that the accused should be moved to his home due to his critical state of health.

The hearings planned for December in the cases of Guarcax, San Juan Cotzal and Bámaca were suspended, but we accompanied Edgar during a visit to the Public Prosecutor's Office (MP) after former president Efraín Ríos Montt had presented himself requesting information about a possible criminal complaint against him.

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.

During the month of December we continued to visit the facilities of the Archives periodically, and maintained contact with several of its members of staff. We accompanied the public launch of the AHPM web page. This web page, hosted by the University of Austin, Texas, offers free access to 13 million digitalised documents from the Archive.

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.

In December we continued to be in regular contact with the members of OASIS and we met with the organisation's founder Jorge López. Unfortunately, the organisation's work continues to be frozen due to a funding crisis.

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.

In December we attended the presentation of the 'IV National Report on violations of the human rights of environmentalists, environmental activists, NGO workers and government workers, related to environmental management and Guatemala's natural resources 2009-2011', by the Legal, Environmental and Social Action Centre (CALAS). Among those participating in the launch was Thomas Kolly, the Swiss Ambassador, and the cases discussed included those of San Juan Sacatepéquez, Chixoy and the Marlin Mine.

We also observed the opening hearing against Pedro García Arredondo, the former chief of Commando 6 of the Civil Police, who was accused of murders and crimes against humanity for the burning of the Spanish Embassy on 31 January 1980. He is accused of failing to prevent the fire, in which 31 people died, among them government officials, *campesinos*, lawyers and diplomats. The judge ruled that García Arredondo should be tried, and should remain in custody during the investigation. We also observed another hearing with the same accused in which the 10th judge of the criminal instance, Wálter Villatoro, committed him to stand trial for the forced disappearance of Edgar Enrique Sáenz Calito and crimes against the duties of humanity.

On 7 December, we observed a march and act of commemoration, organised between the centre and the cemetery of Las Cruces, Petén, at which spoke witnesses of the 1982 Dos Erres massacre. During the march several social organisations also spoke about the current problems in Petén, and among those present were members of several communities that had been evicted or were in danger of eviction.

In Zacapa, we observed a forum about the Technological Corridor, organised by community leaders of the region. There was a roundtable with people invited to talk about the project and respond to the questions and doubts of communities and landowners. They talked about the impact on the ecosystem, as well as the social and lifestyle impacts that the project would imply.

We attended the naming of 9th Street between 2nd and 3rd Avenues of Zone 1 of Guatemala City as Edgar Fernando García Street, in honour of the student leader who was forcibly disappeared by the Guatemalan National Police on 18 February 1984. We also observed the inauguration of another commemorative plaque in honour of three student leaders who disappeared between 14 and 17 May 1984.

We were also invited to observe a gathering of communities of the municipalities of San José de Golfo, San Pedro Ayampuc, Palencia, San Antonio La Paz, Chinautla and Guatemala City, which took place in San José de Golfo. Also present was Monsignor Álvaro Ramazzini of San Marcos. In the San José area there is a mining company with an exploration licence that is carrying exploitation activities. For this reason some social organisations associated with the Church are raising awareness about the implications of metal mining.

Finally, we observed two activities of the Women's Sector in Guatemala City. The first was a press conference about the appointment of the new Presidential Women's Secretary, and the second was a vigil organised in the Central Park to mark the 15th anniversary of the Peace Accords.

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 6 and 7 December, the project's European representative participated in a seminar of experts, organised by CIDSE, the Heinrich Böll Foundation and others, on the theme: "Strengthening human rights in the European Union Commercial Policy". On 8 and 9 December, she attended the "13th EU-NGO Forum on

Human Rights”, to which she was invited by the Human Rights Department of the European External Action Service (EEAS), and the European Commission in Brussels. On 11 December, she took part in a round table meeting on national mechanisms for the protection of human rights defenders, organised by Protection International at the Belgian Parliament in Brussels.

On 19 December, the European Representative also met with Gerard Schulting, who is responsible for Guatemala in the EEAS, Brussels.

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.

Comunicado de Prensa, 17 Noviembre 2011

Tribunal Permanente de los Pueblos: Seis de las más poderosas Transnacionales llevadas a juicio por violaciones a los derechos humanos.

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 aumentando, 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 Publica², 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 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 2011³, pronunciamos, como destaca el artículo de Plaza Publica “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 Secamun, Seolaya en el Valle de Polochic, y la comunidad de la Primavera, municipio de San Cristóbal Alta Verapaz.

San Juan Secamun 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

² <http://www.plazapublica.com.gt/content/bienestarina-azucarada-en-el-valle-del-polochic>

³ http://www.uvocguatemala.org/2011_11_01_archive.html

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 Filitz 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 Secomun, 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 intereses y moras generadas.

Santa Cruz, Alta Verapaz, 20 de Diciembre de 2011

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