



## Monthly Information Package Guatemala

Number 181 - October 2018

### 1. THE CURRENT SITUATION

*Monthly update on the situation in Guatemala as highlighted by the press, related to the main thematic areas of PBI Guatemala's work: the fight against impunity, land issues and defense of territory.*

#### **Violent events in the Yich K'isis micro region, San Mateo Ixtatán, Huehuetenango**

During the month of October violent events were reported in the Yich K'isis micro region against the Peaceful Resistance that the communities maintain against the attempt to impose the Pojom I, Pojom II and San Andrés hydroelectric projects. On October 8<sup>th</sup> and 9<sup>th</sup> the National Civil Police (PNC) riot police unit attacked the population with firearms and tear gas, injuring several people. According to the press, riot police came to the area at the request of the hydroelectric companies, in particular the Energía y Renovación S.A. company.<sup>1</sup> On October 11<sup>th</sup> when the Chuj peoples solidarity caravan were in Ixquisis there was gunfire in San Mateo Ixtatán, which killed, Antonio Juan Pascual, a collaborator of the hydroelectric dam. The news disseminated by several national media sources, blamed members of the resistance from San Mateo Ixtatán.<sup>2</sup> These accusations were rejected by the Resistance as well as organizations who participated in the caravan and they requested that these acts not go unpunished while calling for an exhaustive investigation of what happened.<sup>3</sup>

The Forum of International Non-governmental Organizations in Guatemala (FONGI)<sup>4</sup>, in a statement issued October 12<sup>th</sup>, affirms that *the defenders of the Peaceful Resistance for ten years have faced threats, violence and sexual harassment, intimidation, surveillance, physical aggressions, constant defamation campaigns, stigmatization and smear campaigns in the local and national media as well as on social media. They have also faced strategies to fragment the community and strong militarization in their territory for their defense of land, territory, and environmental rights.* The same statement calls to adopt protection measures for the members of the Peaceful Resistance of the Microregion of Ixquisis given the seriousness of the security situation and the extreme risk they face daily while carrying out their work. The repression reached maximum severity with the murder of community leader Sebastián Alonzo Juan which took place during a peaceful demonstration in January 2017 in Yich K'isis.

In June of this year the Peaceful Resistance of the Microregion of Ixquisis received the Front Line Defenders Award 2018 in recognition of their collective effort and the peaceful struggle they are carrying out in favor of their territory rights and for environmental justice. After receiving the award, the violence against members of the Resistance increased. It is important to note that also on June 18<sup>th</sup>, the Supreme Court of Justice (CSJ) held a public hearing on three injunctions to revoke the operating license of the Pojom II hydroelectric dam for irregularities in the process of granting the license and the lack of free, prior, and informed consent of communities.

#### **Migrant caravan towards United States**

Since October 13<sup>th</sup>, thousands of Hondurans started walking to the United States seeking a better future. Since then other Central Americans have joined the caravan. It is estimated that the migrant caravan is more than 7,000 people walking through Mexico towards the north while there is another group of about 2,500 people near the Mexico-Guatemala border. In addition on October 28<sup>th</sup> and 31<sup>st</sup>, two more caravans of more than one thousand Salvadorians, adults and minors, started out walking with the same intention of reaching

<sup>1</sup> Mesa de Coordinación Transfronteriza Migraciones y Género (MTMG), [Pronunciamento para denunciar los más recientes actos de represión contra la población de Yich K'Isis, San Mateo Ixtatán, Huehuetenango, Guatemala](#), 10.11.2018.

<sup>2</sup> El Periódico, [Matan a colaborador de hidroeléctrica de San Mateo Ixtatán, Huehuetenango](#), 10.12.2018.

<sup>3</sup> Rivera, N., [La violencia contra las comunidades opositoras a las hidroeléctricas en Guatemala](#), Prensa Comunitaria, 10.12.2018.

<sup>4</sup> FONGI, [Statement: Violent acts in the Ixquisis Microregion, Huehuetenango, October 2018](#), 10.12.2018.

the United States.<sup>5</sup> The reasons people from these three countries joined this migratory initiative are the same: gang violence, lack of employment, and poverty.

During the journey, migrants have encountered violence from border authorities. On the morning of October 29<sup>th</sup> the Mexican border was closed, so several people attempted to cross the Suchiate River (that separates Guatemala and Mexico) to reach Mexico and continue their route. Others waited for Mexican authorities to allow them to enter via the bridge, while other families waited at customs in Tecún Umán, in San Marcos, Guatemala. The violence from border authorities has been constant with practices like the use of Mexican helicopters flying low over the river to dissuade those who decided to cross it.<sup>6</sup> Also since the caravan departed from San Pedro Sula, Honduras three deaths have been reported, two of which were migrants who fell from a moving vehicle.<sup>7</sup>

The migrant caravan is the *visible face of a forced migration crisis brewing for years, fruit of a model of insecurity and violence. (...) The 2009 Coup (in Honduras) and the establishment of Juan Orlando Hernández's regime, re-elected in a questionable election on November 26, 2017, were two triggers of this mass migration. Many people in the caravan did not have time to prepare for the trip and joined in a spontaneous manner, taking very little with them or no money, but they have found support and solidarity from many people along the way.*<sup>8</sup>

Mexican President Enrique Peña Nieto reacted to the situation on October 26<sup>th</sup> by announcing the implementation of "You are at Home" plan. The main condition for Central Americans to opt for this plan is for them to stay in the States of Chiapas and Oaxaca<sup>9</sup>, but to do that they must obtain refugee status. At present more than 1,700 Central Americans are enclosed in the fair grounds of Tapachula, México, waiting for a response on their request for asylum, which can take more than 45 business days.<sup>10</sup>

Donald Trump has rejected the migration, calling it multiple times an "invasion" and ordered more than five thousands troops to the Mexican border to impede their entrance into the United States. Also, he has threatened to cut economic aid to Guatemala, Honduras, and El Salvador because the governments did not prevent the migrants from leaving those countries.

Social organizations have provided food, clothing, and lodging for members of the caravan. They have also asked migratory officials to respect human rights and to not carry out collective deportation. They call on the international community for solidarity with the migrants to provide humanitarian aid and to help cover their most immediate basic needs.

### **Other important events**

The political uncertainty and instability sparked by President Jimmy Morales' decision to not renew the International Commission Against Impunity in Guatemala's (CICIG) mandate and his decision to impede Commissioner Iván Velásquez entry to Guatemala continues. In October the Morales' administration revoked 11 visas of CICIG employees.<sup>11</sup>

On the other hand, the International Land Coalition's (ILC) report presented in October emphasized the grave infringement on human rights in Guatemala, this was the result of a delegation to the country. The ILC findings are worrisome, they highlight the extreme vulnerability of defenders of land rights. They state there is an *increasing palpable hostility* that is articulated in criminalization and attacks, even fatal, towards defenders, constituting in a worrisome closure of space. The ILC asks the Government of Guatemala to demilitarize areas with land conflicts, to guarantee the right to defend rights, to renew the CICIG's mandate,

<sup>5</sup> El Periódico, [Más de mil salvadoreños salen en marcha con la mirada puesta hacia Estados Unidos](#), 10.31.2018.

<sup>6</sup> Miranda, R., Paredes, E. y Toc, M., [Autoridades mexicanas incrementan seguridad en la frontera con Tecún Umán](#), Prensa Libre, 10.31.2018.

<sup>7</sup> Morales, S., [Migrantes de caravana pueden desarrollar padecimientos psicológicos](#), Prensa Libre, 10.31.2018.

<sup>8</sup> Solano, F., [Preguntas y respuestas sobre la caravana migrante](#), Plaza Pública, 10.23.2018

<sup>9</sup> [Redacción. México anuncia el plan "Estás en tu casa" para dar condición de refugiados a los migrantes de la caravana que se quedan en el sur del país](#), BBC News Mundo, 10.27.2018.

<sup>10</sup> Pradilla, A., [Así fueron engañados y encerrados en una "cárcel" de Tapachula más de 1.700 migrantes](#), Plaza Pública, 10.26.2018.

<sup>11</sup> El Nuevo Diario, [Gobierno de Guatemala revocó visas a 11 empleados de la CICIG](#), 10.16.2018.

and to comply with protective measures granted by the Inter American System on Human Rights, among others.<sup>12</sup>

## 2. ACCOMPANIMENTS

*PBI accompanies social organizations and individuals who have received threats for their work in the defence and promotion of human rights. In this context we are accompanying social processes in the fight against impunity, land inequality and defense of territory.*<sup>13</sup>

### STRUGGLE AGAINST IMPUNITY

We accompanied the **Human Rights Law Firm (BDH)** to several hearings in October:

- **Dos Erres Case**

The opening hearing was held on October 4th. The accused Santos López Alonso, former kaibil soldier extradited from the United States where he lived, is accused of murder, crimes against humanity, alteration of marital status and legal competition. The third crime is due to the fact that he kidnapped and “adopted” one of the two children who survived the massacre, Ramiro Antonio Osorio Custales. He changed Ramiro’s name so that he could pass for his own child and he subjected him to inhumane and degrading treatment. Prosecutor Erick de León and attorney Edgar Pérez spoke of the context in which the Dos Erres massacre took place. Sociologist Manolo Estuardo Vela Castañeta and expert in the case, spoke of the social situation in Dos Erres and of the structure of the kailbils which showed a clear intent of plans to destroy the village because of their alleged connection with the guerrilla group FAR (Rebel Armed Forces). The mission of the operation was to recover 22 rifles taken by FAR members in an ambush months prior to the massacre. Dos Erres was a prosperous community which does not exist today.

- **Safe Home Case**

The violent death of Gloria Perez y Perez de León, mother of one of the girls who died in the fire, was revealed in the October 2nd hearing. She was her child’s the legal representative and plaintiff in the case, one of her brothers came before the court in her absence. All parties except the defense attorneys accepted this request. The lawyers argued that this would delay the process as the paperwork must be reviewed by a Family Court. They called for a reevaluation of the coercive measures for their clients which the judge denied at least until the intermediate stage of the trial.

In the October 10<sup>th</sup> hearing, the Public Prosecutor's Office (MP) presented evidence including photographs and videos of events, contracts and functions of the accused and their institutions.

- **Community leader Bernardo Caal Xol’s Case**

During the October 9<sup>th</sup> hearing, representatives of the following entities were present: Human Rights Ombudsman’s Office (PDH), Unit for the Protection of Human Rights Defenders in Guatemala (UDE-FEGUA), Office of the High Commissioner for Human Rights (OHCHR), Madre Selva, and the Guatemalan Federation of Radio Schools (FGER) who broadcasted the hearing. Journalist and social communicator Ricardo Busquets gave his testimony and presented 420 images and five videos of the events brought to trial. Followed by Bernardo’s testimony, defending his innocence and arguing the criminalization he has been subjected to. Finally the joint plaintiff and MP presented their conclusions and called for a total of 14 years in prison for Bernardo for the crimes of illegal detention and aggravated robbery. Before the defense presented their closing arguments, the judge suspend the hearing at 6pm referring to alleged altercations taking place outside the court, where a peaceful demonstration in support of Bernardo was taking place. It is important to note that the Peaceful Resistance of Cahabón, demonstration organizers, could not identify the group of people who staged these altercations and disassociated themselves from these acts. Finally, PNC riot police entered the

<sup>12</sup> International Land Coalition, [Informe final Misión internacional llevada a cabo en Guatemala, agosto de 2018](#)

<sup>13</sup> See our website for general information on organizations and individuals we accompany: <http://www.pbi-guatemala.org/field-projects/pbi-guatemala/who-we-accompany/>

hearing and the judge called for the next hearing to take place on October 24<sup>th</sup> with more police and army presence to protect the building.



On October 24th, the PNC riot police were present with no army elements. The defense presented their closing arguments calling for the acquittal of Bernardo due to lack of crime. Bernardo Caal in his last words denounced defamation on behalf of the media and the intention to criminalize his efforts to defend the Oxec River. The judge scheduled the verdict for November 9<sup>th</sup> at 10am at the Justice Palace in Cobán.

- **CREOMPAZ Case**

On October 29th, we accompanied a public hearing in the Supreme Court of Justice (CSJ).

We continue accompanying the **Neighborhood Association of Chicoyogüito of Alta Verapaz (AVEHAV)** paying attention to their activities and security situation.

#### **PROBLEM OF ACCESS TO LAND**

**Union of Campesino Organizations of Verapaz (UVOC):** this month we monitored the security situation of its members via meetings and telephone calls. They shared with us their assessment of the situation in the La Primavera community and their concern for the growing militarization in the region and the Guatemalan army's attempts to co-opt campesino leaders.

**Campesino Committee of the Highlands (CCDA) of Alta Verapaz:** we continue to accompany the directive in hearings and hold regular meetings with them. This month surveillance and intimidation have continued. On October 9<sup>th</sup>, a case was opened against CCDA member Miguel Caal who is criminalized after filing an injunction against the Pointlá hydroelectric dam. On Monday, October 15<sup>th</sup> the verdict in the rape Juana Herrera, from the Chipamtún community, was handed down with a conviction of six years in prison. The hearing for the murder of CCDA member Daniel Choc was scheduled for Friday, October 26<sup>th</sup>, but was suspended due to vacation and rescheduled for February 4, 2019.

On October 9th, an extrajudicial eviction of the Río Zarco community took place by paramilitary groups who hit two members of this organization. They also feared another eviction in the community scheduled for the 17<sup>th</sup> which did not happen. Río Zarco, to date, is the only territory free from African palm in the region.

This month we also visited several CCDA members who are criminalized and incarcerated in the Preventative Detention Center for Men and Women in Cobán.

#### **DEFENSE OF TERRITORY**

**Peaceful Resistance of La Puya:** on the 12th we accompanied members to a hearing in the Torre de Tribunales. The hearing was motivated by a complaint filed by a member of La Puya against two police agents from San José del Golfo that detained and attacked her in 2015. During the hearing an expert assessment was presented along with two defense witnesses and one MP witness.

On October 23<sup>rd</sup> a hearing for the case of the Resistance against the mine was scheduled, but was suspended due to lack of evidence by the defense. It was postponed until January 23, 2019.

**Peaceful Resistance of La Laguna:** On the 6th Resistance members met again to reaffirm their rejection to the presence of the TRECESA company and its projects.

**Campesino Central Coordinator New Day' Chortí (CCCND):** we have accompanied the organization on its tours to different communities. The situation in the region is one of high conflict, aggressions and acts of intimidation with firearms directed at both the directors of the organization and community members. On October 7<sup>th</sup> we accompanied an assembly in the community of Lelá Chancó in the Camotán municipality with 70 people present. Topics discussed included the importance of the maya Ch'ortí' identity, defense of land, and the implications and existing legal tools for the struggle. They also talked about the conflict generated by the illegal dump that affects the area. We also accompanied Nuevo Día in two assemblies in the communities of Guayabo (October 11<sup>th</sup>) and Matasano (October 15<sup>th</sup>) in which people from the Jocotán region attended to discuss the situation of communal forests in the area which are in constant danger of exploitation.

We also accompanied the following activities in the community La Prensa, located in the Olopa municipality:

- October 10<sup>th</sup> we accompanied an assembly with delegations from nine Olopa communities (about 500 people). After a religious ceremony for the defense of territory, representatives from each community and the CCCND directive expressed their rejection to the Olopa mine and to conducting a second consultation, as well as expressing their commitment to defend land, water, and territory. Later they organized a march near the mine. Mine workers uttered threats and fired guns into the air, a clear act of intimidation.
- Friday, October 19<sup>th</sup>, we observed a demonstration against the mine in which representatives from the municipality and the MP were expected to attend to verify the situation, they however never came.
- Tuesday, October 23<sup>rd</sup>, a meeting between the Mayor of Olopa, PDH, CCND, and community representatives took place. Community councils and the Mayor committed to reject all activities and extractive licenses until the situation in the communities is clarified. The PDH agreed to verify all threats and aggressions perpetrated by the company and its workers. The CCCND along with a community commission committed to make an official petition to national institutions to pressure them to decline all extractive licenses for failing to respect legal processes. In follow-up to this meeting on October 30<sup>th</sup>, a roundtable took place in Congress in which the CCCND participated. The commission is formed on 60 community representatives, Ministry of Energy and Mines, and the Vice Minister of Environment. The authorities present at the meeting committed to visit the area to verify the situation of the mine. CCCND and the commission of communities gave a press conference expressing their demands and filed a legal complaint before the MP and the Human Rights' prosecutor.



It is important to note that the second corn harvest in the Ch'ortí' region was lost, almost in its entirety, due to the drought.

We continue to monitor the security situation of the **Ecumenical and Social Coordinator in Defense of Life in Zacapa and Chiquimula.**

**Council of K'iche' Peoples (CPK):** we had meetings with CPK members and on Sunday, October 20<sup>th</sup> we accompanied them to an assembly in Santa Cruz del Quiché. Also, on the 21<sup>st</sup> we met with one CPK member in the community of Chinique, where he resides, to corroborate his grave security situation, threats, and discrimination that he and his family have suffered by local authorities. We introduced ourselves at the local PNC substation in the community and met with its Director.

**Communities in Peaceful Resistance of Cahabón:** this month we were present in the region from October 5<sup>th</sup> through 9<sup>th</sup>, visiting the communities of Champerico, Sactá, Chikté and Salac I, introducing ourselves and accompanying their assemblies. On Tuesday, October 9<sup>th</sup>, we accompanied the Resistance to a hearing and Bernardo Caal Xol's family on a march they organized in the plaza of Cobán, where a few altercations provoked by a group of strangers took place. On the 24<sup>th</sup>, we were present at

a hearing for Bernardo Caal Xol in Cobán and we also accompanied the Resistance to a demonstration in Sactá community, where the trial continued. The Resistance continues to be concerned for the divisions sparked by the hydroelectric project on the Oxec and Cahabón Rivers, for threats and intimidation that they are subjected to, as well as concern for Bernardo Caal's incarceration. This month we also continued visits to Bernardo in the Preventative Detention Center for Men and Women in Cobán where he has been in jail since January 2018. We are deeply concerned for the criminalization against Bernardo Caal as well as the slander campaign in the national press in recent weeks against him and the Resistance.



We continue to be in frequent contact with **TZK'AT - Network of Ancestral Healers of Community Feminism**, paying attention to their activities and security situation. On Tuesday the 23<sup>rd</sup>, they were in Guatemala City denouncing, before the Congressional Commission on Transparency and Probity, the Director of the hospital in Uspantán for poor service and calling for his replacement. Members of Congress agreed to respond to the complaint in a period of 62 hours, but they have yet to respond. At this activity a few indigenous peoples' councils from the region were also present.

### 3. POLITICAL ACCOMPANIMENT

**Meetings and other contact with the diplomatic bodies, international organisations and Guatemalan authorities**

*Meetings with national and international authorities are an important way for PBI to make known what we do and what our objectives are. Through these meetings, where necessary and in a reserved manner, we share our concerns about worrying situations that we have witnessed first-hand from the work we do in the field.*

In our interlocution work with the diplomatic corps and international organisms this month we met with Jennifer Echevarría and Tomas Pallas of the **European Union**.

At the municipal, departmental, and regional level we met with Óscar Soto Gómez, Director of the **PNC** substation in **Chinique**.

#### 4. OTHER ACTIVITIES OF PBI GUATEMALA IN GUATEMALA

This month we organized the following activities:

- October 3<sup>rd</sup> and 4<sup>th</sup>: **security workshop** for organizations accompanied by PBI Guatemala. Thirty defenders from eight different organizations participated in the workshop.
- October 6-7 and October 27-28: **eighth and ninth security workshop for the Peaceful Resistance of Cahabón**. Both took place in the community of Sactá and were conducted in the q'eqchi' language. In each workshop approximately 45 women and men from the Resistance participated.
- October 23<sup>rd</sup> and 24<sup>th</sup>: **security workshop for the CCDA**, also facilitated in the q'eqchi' language. Approximately 20 women and men from CCDA member communities participated.

#### 5. ACTIVITIES OF PBI GUATEMALA OUTSIDE GUATEMALA

*Outside the country we constantly develop and strengthen the network of support for the Guatemalan PBI project, as this is one of the essential tools necessary to protect defenders of human rights. 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. In this context we develop actions and public relations campaigns, and / or advocacy aimed at protecting defenders of human rights.*

In October, the project's European Representative participated in the following activities in Brussels:

- October 2<sup>nd</sup>: presentation of the situation of human rights defenders in the **Foreign Affairs Commission in the Belgium Parliament**.
- October 2<sup>nd</sup> and 3<sup>rd</sup>: participated in the General Assembly of **EULAT Network**.
- October 11<sup>th</sup>: meeting with Helmut Weixler, **Secretariat of Eurolat** and of the **Delegation for Central America in the European Parliament**.

Also during the month of October, the Guatemala Project facilitated **two tours for Guatemalan defenders**:

- Domingo Vásquez, of **CCCND** participated in diverse activities and meetings with authorities in Brussels, Spain, and the United Kingdom.
- José Bo Mo, of the **Peaceful Resistance of Cahabón**, participated in **the Human Rights Defenders World Summit in Paris** October 29 - 31 and will continue to tour other European countries during the month of November.

## 6. NON-GOVERNMENTAL ORGANISATIONS

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

**PAYXAILYAJAW KONOB' Akateko, Chuj, Popti', Q'anjob'al  
Gobierno Ancestral plurinacional de las Naciones Originarias  
Akateko, Chuj, Popti', Q'anjob'al  
Departamento de Huehuetenango, Guatemala, C. A.**

**ATAQUE ARMADO PERPETRADO POR LA POLICÍA NACIONAL CIVIL  
CONTRA LA POBLACIÓN CIVIL DE YICH KISIS (Yich K'isis) SAN MATEO  
IXTATÁN, HUEHUETENANGO.**

1. El día de ayer y el día de hoy 9 de octubre de 2018, elementos de la Policía Nacional Civil, atacaron con armas de fuego y de forma indiscriminadamente a la población civil de las Comunidades de la Micro Región de Yich K'isis, San Mateo Ixtatán, Huehuetenango, ataque del que han resultado mayoritariamente heridos niños y mujeres, además de los hombres.
2. Como ya es ampliamente conocida, en la Finca privada Yich K'isis, San Mateo Ixtatán, Huehuetenango, hay además de Militares, 200 agentes antimotines de la PNC acuartelados con la finalidad de proteger las acciones de la empresa Energía y Renovación SA., la que opera con licencias anómalamente concesionadas por el Estado guatemalteco.
3. La población de Yich Kisis permanentemente ha sido agredida por personal de la empresa Energía y Renovación SA, tanto de policías privados como de los peones y de los operadores políticos, principalmente cuando transitan en los caminos y carreteras.
4. Ante esas agresiones, las comunidades tomaron la decisión de resguardar sus caminos y carreteras, las que han sido ocupados y privatizados por la empresa Energía y Renovación SA.
5. El resguardo de los caminos y carreteras para garantizar el respeto de los derechos humanos en Yich Kisis, San Mateo Ixtatán, Huehuetenango, es considerado por la empresa Energía y Renovación SA y la Cámara de Industrias de Guatemala y las fuerzas de seguridad estatal, como actos terroristas e ilegales. Resultado de esas consideraciones, es el ataque armado perpetrado por las fuerzas de Seguridad del Estado guatemalteco en día de ayer y hoy a la población civil.
6. Pedimos a las instituciones garantes del respeto a los derechos humanos, verificar las acciones de violaciones a los derechos humanos que permanentemente se están cometiendo en las comunidades indígenas del Municipio de San Mateo Ixtatán, Huehuetenango, especialmente ahora, en la Comunidad de Yich Kisis de la Micro Región de Yich Kisis, para verificar la cantidad y condiciones en que se encuentran las y los heridos.

Ox Chinax (9 de octubre de 2018)  
Stenamil Jolom Konob' Q'anjob'al (Territorio Q'anjob'al)  
Plurinational Ancestral Government of the Akateko, Chuj, Popti and Q'anjob'al Maya Nation  
Northern Region of Huehuetenango Guatemala, C. A.



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*All photos published are from PBI*

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**GUATEMALA PROJECT  
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