



## Monthly Information Package Guatemala

Number 182 - November 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.*

#### **Possible reform to the Public Order Law and other regressive initiatives for human rights**

On November 22, The Congressional Commission on Legislation and Constitutional Affairs issued a favorable opinion on initiative 5412, *which proposes reforms to the Public Order Law*, stating that it would be a tool to fight gangs and highly dangerous organized crime groups. This initiative would grant the government the power to enact states of siege more broadly and *not only for the purpose of terrorist, seditious, or rebellion activities that seek to change by violent means public institutions or when serious events endanger the order or have well-founded indications that acts of sabotage, fire, kidnappings, murder, armed attacks against individuals, or civil or military authorities or another form of organized, terrorist, or subversive crime are to take place.*<sup>1</sup>

Following this announcement, several national and international organizations expressed concern. The International Commission of Jurist (ICJ) considers that reform to this law *could become an instrument to repress the people of Guatemala*. ICJ's Director Ramón Cadena affirmed that *this law should have been reformed in its entirety two decades ago, taking into consideration the Peace Accords* and explained that *said regulation currently develops a regime to limit human rights contrary to international treaties.*<sup>2</sup> Even relevant Guatemalan personalities, such as former Vice Minister of the Interior Ilse Álvarez expressed that if approved by Congress, the initiative *could be used to attack people who are against some government actions.*<sup>3</sup>

This legislative reform could have evident impact on the current situation in the country, which is on the verge of a legislative elections of 2019. The regressive agenda on human rights continues to be debated in Congress without some laws getting countersigned. In this sense, during the same week that a possible reform to the Public Order Law was being debated there was new debate on Bill 5257, or the NGO Law, which in article 22 would grant *sanctioning capacity to the Ministry of Interior the power to cancel NGOs,*<sup>4</sup> hindering or impeding the work that these organizations do in defense of human rights.

#### **Initiative to eliminate Constitutional Court does not prosper**

In mid-November a group of members of Congress stated they were preparing a bill *for the population to decide, through a Popular Consultation, if they agree to dissolve the Constitutional Court (CC).*<sup>5</sup> At the moment there does not seem to be a majority in favor of calling for a referendum on this. These events must be framed in the context of the crisis unleashed by the Government prohibiting the entrance of Commissioner Iván Velásquez into the country and the CC's response regarding the need to lift said prohibition.

<sup>1</sup> Álvarez, C., [Ejecutivo tendría facultades para combatir pandillas mediante estado de Sitio](#), Prensa Libre, 11.22.2018.

<sup>2</sup> Paredes, L., [CIJ: Reformas a Ley de Orden Público promueven represión](#), El Periódico, 11.27.2018.

<sup>3</sup> García, M., [Ley antipandillas: "Podría arremeterse contra personas contrarias al Gobierno", dice exministra](#), Emisoras Unidas, 11.23.2018.

<sup>4</sup> Ortiz, E., [Iniciativa de ley 5257: Reformas a Ley de ONG. ¿restricciones a la libertad de asociación?](#), Fundación Libertad y Desarrollo.

<sup>5</sup> Diputados cabildean iniciativa para disolver la CC, El Periódico, <https://elperiodico.com.gt/nacion/2018/11/12/diputados-cabildean-iniciativa-para-disolver-la-cc/>

### Conviction in Dos Erres Case

This month former Guatemalan military official Santos López Alonzo was convicted to 5,160 years in prison for his participation in the Dos Erres massacre which took place in Petén in 1982 during the internal armed conflict. *He was judged for the murder of 171 people and for crimes against humanity against 201 victims, sentenced to 30 years for each of the deaths, plus another 30 for crimes against humanity. He was a member of the Army's elite forces called kaibiles, in charge of special forces and intelligence.*<sup>6</sup>

The tribunal unanimous ruled that as a reparations measure (...) *December 7<sup>th</sup> should be declared National Day to Commemorate Victims. The tribunal also ordered the Municipality of Las Cruces, Petén to carry out a public act of commemoration for the victims of the massacre and require the Ministry of Health to guarantee the physical and psychological health of the survivors. The tribunal also ordered (...) is that victims of the massacre should have security measures in their favor and to annul the birth certificate of Ramiro López García (child kidnapped by person convicted...).*<sup>7</sup>

The UN office responsible for supervising human rights was satisfied with the verdict: *For us this verdict is very important. It is very important that the State of Guatemala continue its efforts to investigate and take to court those who ordered and committed these crimes. And it is very important that the victims have access to reparations, justice, and access to the truth.*<sup>8</sup>

### Other relevant news

On November 20th, for the first time, there was a rupture between the Public Prosecutor's Office and the International Commission Against Impunity in Guatemala (CICIG) in a process against businessmen Rodrigo Arenas and Andrés Botrán. The MP called to close the process while the CICIG stated there were legal elements to process them for illegal campaign financing, despite the recent Penal Code reform.<sup>9</sup>

The announcement of a reduction of 20 million quetzals to the Human Rights Ombudsman (PDH) Office's budget for 2019 was qualified by the Ombudsman Jordán Augusto Rodas Andrade as a *jab to human rights*. He also stated that the *budget is a show of the State's priorities* and that it is evident that human rights are not a priority for members of Congress.<sup>10</sup>

<sup>6</sup> BBC, [5,160 años de cárcel en Guatemala para el exmilitar Santos López Alonzo por la masacre de Dos Erres](#), 11.22.2018.

<sup>7</sup> Ríos, R., <https://elperiodico.com.gt/nacion/2018/11/24/victimas-de-las-dos-erres-seran-resarcidas/>, El Periódico, 11.24.2018

<sup>8</sup> Noticias ONU, [La condena por la matanza de Dos Erres, un paso importante para la justicia guatemalteca](#), 11.23.2018.

<sup>9</sup> García, J., [MP rompe con CICIG postura por financiamiento electoral ilícito](#), Nómada, 11.20.2018.

<sup>10</sup> Juárez, T., [PDH: Una "puñalada" de diputados a los derechos humanos...](#), El Periódico, 11.21.2018.

## 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>11</sup>*

### STRUGGLE AGAINST IMPUNITY

During the month of November we accompanied the **Human Rights Law Firm (BDH)** to several hearings:

- **Community leader Bernardo Caal Xol's case**

On November 9<sup>th</sup>, we accompanied the BDH to a hearing when the verdict in the Bernardo Caal Xol case was handed down in a court in Cobán. The judge restricted recordings and taking photographs in the courtroom before he handed down the verdict sentencing Bernardo Caal Xol to seven year and four months in prison for the crimes of illegal detention, switchable at a rate of Q5 per day and six years no payable for the crime of aggravated robbery. Bernardo was convicted despite evidence put forth by his defense attorneys which showed that he was not at the scene at the time of the events. According to the BDH lawyers, this is an arbitrary verdict, result of the criminalization that Bernardo is suffering. In his statement to the press, Bernardo called on the international community to continue to follow the case, fight against this injustice, and he called on the CICIG to investigate corruption in the judicial system in the Verapaces region.

On November 14<sup>th</sup> we accompanied the BDH and Bernardo to a worthy reparation hearing for the accusing party. The judge went beyond the complaint's request for compensation and ordered Bernardo to pay the sum of Q105,676.52.

On November 16<sup>th</sup> we accompanied the BDH to Cobán for a hearing of official delivery of the verdict convicting Bernardo who was not present because he was not transferred from prison to court that day, for security reasons according to the judge.

- **Dos Erres case**

On November 21, we accompanied the BDH to the hearing which handed down a guilty verdict against the accused (see section 1).



We accompanied the **Neighborhood Association of Chicoyogüito, Alta Verapaz (AVECHAV)** to a meeting in Cobán on November 4<sup>th</sup>. We also had a meeting with several board members. Members of the association shared their concerns about the situation of their lands, which are currently being sold.

### PROBLEM OF ACCESS TO LAND

This month we monitored the security situation of the **Union of Campesino Organizations of Verapaz (UVOC)** members in meetings and via telephone calls. They shared that in Tukurú, located in the Polochic Valley, the situation is complicated due to conflict related to the hydroelectric company present in the area. They also expressed concern for the security of members of their organization.

On November 20<sup>th</sup>, we accompanied members of the **Campesino Committee of the Highlands (CCDA) of Verapaz Region**, to a meeting with representatives from different governmental entities in Guatemala City: Ministry of Agriculture, Livestock and Food (MAGA), Presidential Commission on Dialogue, National Council on Protected Areas (CONAP), Presidential Commission for Human Rights (COPREDEH), and the Ministry of Finance. Members of BDH were also present. An agreement with MAGA was reached in the meeting which planned for the handover of lands to several communities in Alta Verapaz.

<sup>11</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/>

It is important to note that worrisome security incidents, surveillance, and intimidation towards members of the organization has continued this month. In fact, we accompanied members to file a complaint for intimidation in the Human Rights Prosecutor's Office. We also visited the organization's office in Cobán and met with members on several occasions.

### DEFENSE OF TERRITORY

We continue to follow the security situation of members of the **Peaceful Resistance of La Puya** in San Juan Sacatepéquez and of the **Peaceful Resistance of La Laguna** in San Pedro Ayampuc, who shared their concerns for logging taking place in the region.

November was particularly complicated for the **Campesino Central Coordinator New Day' Chortí (CCCND)** who has had to face a critical security situation. Several members suffered security incidents including: theft in their homes, surveillance, threats, intimidations, and attempts on their lives. For this reason, our communication with the organization has been constant. It is important to note that the situation in the municipality of Olopa is particularly tense. Communities are mobilizing to obtain closure of the Cantera Los Manantiales Mine, owned by ENCAMIN S.A., as they affirm the company does not have a license to work. On October 30<sup>th</sup>, we accompanied an Olopa community member to file a complaint for death threats before the Human Rights Prosecutor's Office.



On November 8<sup>th</sup> we accompanied the CCCND and several Olopa communities during an investigative visit by the Ministry of Energy and Mines, Ministry of Environment and Natural Resources, and the Mayor of Olopa to the Cantera Los Manantiales Mine.

On November 21st, after learning of the death of Elizandro Perez, CCCND member and main indigenous leader in the La Prensa, Olopa community, we ac-

companied the organization to Chiquimula to follow up on the case. CCCND considers Elizandro's death to be related to his role and leadership as a defender of territory as he had been victim of criminalization, threats, and intimidations since 2016. In addition two weeks before his death, a death threat against several resistance leaders (among them Elizandro) by company workers was reported. The day of this death, a few company workers followed him and surrounded his house.

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

This month we visited Quiché where we continue to follow the situation of the **Council of K'iche' Peoples (CPK)**. We met with several members of the organization and accompanied them during an assembly. We also met with several local authorities.



We continue to follow the situation of members of the **Peaceful Resistance of Cahabón** who, in addition to being criminalized, like the case of Bernardo Caal Xol, they continue to be victims of smear campaigns and intimidation for their defense of territory. On October 19<sup>th</sup>, we accompanied about 30 Resistance members to the PDH in Guatemala City. They denounced the Oxec Hydroelectric company, affirming that



some agreements that were signed by the company and communities in 2012 are not being complied with. For this reason they requested to desist from said acts and requested mediation. On this occasion they also accused the company of forging signatures and seals and of problems like logging and worsening of water quality in the river. This month we were present in the region from November 22 to 27, visiting the communities of Secatalcab, Champerico, Pinares, Tres Cruces, Salac I and Chiacach. We also has meeting with several local authorities.

Also during the months of October and November, Resistance member José Bo Mo went on a speaking tour in Europe. He had the opportunity to participate in the 2018 Human Rights Defenders World Summit organized by eight international organizations in Paris. One hundred and fifty defenders from around the world came together to share challenges they encounter on a daily basis in their territories and to talk about the UN Declaration on Human Rights Defenders on its 20<sup>th</sup> anniversary. He also had the opportunity to visit agro-ecologic projects in Belgium. José shared with us the importance of this experience as it allowed him to present problems and rights violations that defenders of territory in Guatemala face, especially in the Cahabón region.

We continue to be in contact with and follow the security situation of members of **TZK'AT - Network of Ancestral Healers of Community Feminism**. This month one of its members, Lorena Cabnal, participated in the European Union (EU) Forum on Human Rights in Brussels.

### 3. INTERNATIONAL OBSERVATION

*PBI Guatemala is present in international public events when requested to do so by Guatemalan social organisations, in order to show international attention and interest and in order to report internationally on what we observe.*

#### OBSERVATION TRIP TO PETÉN

In mid-November, we conducted our second trip for the year to Petén. We met with civil society representatives as well as local authorities, following up on the situation related to conflicts and human rights violations in Protected Areas, women's rights, the rights and impacts of mega projects. On our visit, we met with different civil society organizations including the following:



- **La Otra Cooperativa:** works with youth, primarily on the topics of drug addiction, alcoholism, and labor exploitation.
- **Dejando Huella:** works with 9 communities in Sayaxché, Las Cruces, and San José, conducting trainings on sexual and reproductive rights, violence against women, and empowering women in communities.
- **Ixquik Women's Association:** works on strengthening women's civil and political participation in the public and private spheres. The organization also denounces cases of sexual abuse and gender based violence. The Association is part of the Petén Women's Network.
- **National Association of Guatemalan Women Ixmucané:** promotes women's empowerment processes in communities by means of workshops and trainings.

The Association is also part of the Petén Women's Network.

- **Permanent Delegation in the Communities:** works with Sierra Lacandón and Laguna del Tigre communities, supporting their process to claim their lands.
- **Petén Front:** represents 76 communities in Las Cruces, Sayaxché, and La Libertad, who encounter problems in defending water and territory and in their resistance to African palm monoculture, hydro-electric dams, petroleum extraction, and cattle ranching.

We also visited 12 families in the **Pollo Solo Community** (located in Las Cruces municipality) with representatives from the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office of the High Commissioner for Human Rights (OHCHR). The community was evicted on August 22<sup>nd</sup> and placed in an improvised shelter on a piece of land in the municipality of San Jose. Their situation is critical at present. We were also present at a workshop facilitated by OHCHR on “International Standards on the right of property and other forms of land tenure, conservation with a human rights-based approach, forced evictions and legal impacts, and guarantees.”

During these activities communities expressed concern for the high levels of violence and insecurity in the region.

In addition to the meetings with the aforementioned organizatio

#### 4. 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 Alfonso Manuel Portabales Vázquez, **Ambassador of Spain in Guatemala.**

At the national, departmental, and municipal levels we met with the following authorities:

- Armando Ajpacaja, Head of **Human Rights PNC, Guatemala.**
- Domingo Zacarias, in charge of Operations Department of **PNC in Chinique, Quiché.**
- Jorge Arauz, Head of Services of **PNC department level in Quiché, Quiché.**
- José Francisco Pérez Reyes, **Mayor of Santa Cruz de Quiché, Quiché.**
- Higinio COC, in charge of **PNC Cobán, Alta Verapaz.**
- Sergio Caal, **PNC Chief in Cahabón, Alta Verapaz.**
- **PNC Olopa, Chiquimula.**
- José Alberto Martínez, Head of Operations of **PNC Department level in Petén, San Benito, Petén.**
- Rony Vargas and Ana Heidi Méndez, **Gobernación in Petén, Flores, Petén.**
- Miriam Juarez, head of **COPREDEH, San Benito, Petén.**
- Helen Méndez, **PDH, San Benito, Petén.**
- Marvin Oswaldo Martínez, Director of **CONAP, San Benito, Petén.**

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

On November 23 and 24th a **security workshop** took place for the **Peaceful Resistance of Cahabón** in the community of Champerico. The workshop was facilitated in the q'eqchi' language and about 40 Resistance members participated.

#### 6. 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 November, the project's European Representative participated in the following activities:

- 20th to 23rd: **European Union and NGOs Forum on Human Rights** in Brussels.
- 26th to 28th: **UN WG Forum on business and human rights** in Geneva.

And the following meetings in **Brussels**:

- November 7<sup>th</sup>, José Bo Mo, member of the Peaceful Resistance of Cahabón who was on tour in Europe, met with: Francois Roudie, in charge of Guatemala issues at the **European External Action Service EEAS**; Xabier Benito Zilluaga, member of European Parliament for **GUE Group**.
- November 20<sup>th</sup>, with Lorena Cabnal, member of TZK'AT - Network of Ancestral Healers of Community Feminism, met with Francois Roudie, in charge of Guatemala issues at the European External Action Service EEAS.

We also had the following meetings in **Geneva**:

- On the 26<sup>th</sup>, meeting with Brenda Vukovic, political officer in the office of the **Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence**.
- On the 27<sup>th</sup>, meeting with Chris Evans, political officer in the office of **Special Rapporteur on Indigenous Peoples**.
- On the 28<sup>th</sup>, meeting with Erik Fattorelli, in charge of Guatemala issues in the **Office of the High Commissioner for Human Rights**.
- On the 28<sup>th</sup>, meeting with Jazna Lazarevic, political officers in charge of human rights in the **Permanent Representation of Switzerland**.
- On the 29<sup>th</sup>, meeting with Gotzon Onondia, political officer in the office of the **Special Rapporteur on the situation of human rights defenders**.
- On the 29<sup>th</sup>, meeting with Jennifer Echeverría, political officer in charge of human rights at the **European Union Delegation in Guatemala**.

## 7. NON-GOVERNMENTAL ORGANISATIONS

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

### **PRONUNCIAMIENTO DE LA ASOCIACIÓN DE COMUNIDADES PARA EL DESARROLLO, DEFENSA DE LA TIERRA Y LOS RECURSOS NATURALES -ACODET-**

Ante la injusta condena del hermano q'eqchi' Bernardo Caal Xol y los ataques contra Rigoberto Juárez y otros defensores del territorio, y las recientes declaraciones de Monseñor Álvaro Ramazzini apoyando la construcción de hidroeléctricas:

#### **E X P R E S A M O S**

Las comunidades que vivimos en la cuenca del río Chixoy y Copón, de los municipios de Ixcán, Uspantán y Cobán, amenazadas por la construcción del proyecto hidroeléctrico Xalalá y conexos, vemos con indignación la criminalización a las y los defensores del territorio y la violación a nuestros derechos como pueblos indígenas. Nos duele profundamente que líderes religiosos justifiquen la ambición de las empresas generadoras de electricidad y olviden los sufrimientos que ese tipo de proyectos ha causado en la vida de los pueblos indígenas.

Para nosotros como comunidades Q'eqchi', que dependemos de la Madre Tierra para sobrevivir, nos indigna que continúe el despojo que hemos sufrido desde la invasión española. ¡Defender la vida y el territorio no es un delito! Nosotros no podemos quedar callados ni olvidar las masacres cometidos en contra de 33 comunidades Achi' durante la construcción de la hidroeléctrica Chixoy, ni el hecho que hasta hoy en día no se les ha cumplido con la reparación de los daños y con las promesas de llevar el desarrollo a las comunidades afectadas. No olvidamos la muerte de cuatro hermanos Q'eqchi' de Monte Olivo, Cobán, Alta Verapaz, incluyendo a dos niños, con tal de construir la Hidro Santa Rita. Rechazamos la destrucción del Río Ox eek' en Cahabón, sitio sagrado del pueblo maya q'eqchi', y la sentencia a 7 años y cuatro meses de cárcel contra de nuestro hermano Bernardo Caal Xol, por un juzgado de Alta Verapaz. No podemos quedar indiferentes ante la destrucción de los ríos Pontila e Ikb'olay en el área protegida Laguna Lachúa. No podemos quedar callados ante la ola de violencia contra los derechos de pueblos indígenas por defender la tierra que nos da de comer y los ríos que nos dan vida.

No estamos en contra de la generación de energía por medios alternativos. De lo que estamos en contra es de la destrucción de nuestros cerros y ríos sagrados para el aprovechamiento de grandes empresas transnacionales. Llamamos a los diferentes actores a informarse sobre los planes y políticas del gobierno y empresas. Les pedimos analizar ¿energía para qué y para quién? ¿Y a qué costo socio ambiental? Según

fuentes gubernamentales nuestro país produce actualmente suficiente energía eléctrica para satisfacer la demanda nacional hasta el año 2030. Con una capacidad instalada de al menos 2,700 megavatios, Guatemala es el principal generador y exportador de energía en Centroamérica. Por si fuera poco, los Planes de Expansión de Generación y Transmisión Eléctrica consideran la construcción de 67 nuevas hidroeléctricas, especialmente en los departamentos de Alta Verapaz (12), el norte de El Quiché (7) y Huehuetenango (5), sin importar el daño y sufrimiento que causen esas obras en la vida de los ríos y sus comunidades. La energía que producen esas hidroeléctricas está destinada principalmente al mercado de exportación, no a satisfacer las necesidades de la población. Es por eso que ninguna de las 82 comunidades de la Zona Reina, Uspantán, recibe energía del sistema nacional de distribución eléctrica, a pesar de que su territorio se ha visto afectado por las hidroeléctricas Chixoy, Palo Viejo 1 y Palo Viejo 2, Cuatro Chorros en fase de estudios por la empresa ENEL y otros dos proyectos de la empresa Hidroenergía, propiedad de la familia Asturias Degenhart.

Exigimos al estado de Guatemala respete el derecho al consentimiento, libre, previo e informado. Todas las mesas de dialogo no funcionan, porque el Estado no actúa de buena fe, lo hace a través de la cooptación de líderes o de falsos dirigentes, entienden el diálogo y la consulta como una simple negociación para que vendamos nuestra madre tierra a cambio de pequeños proyectos.

Pedimos a la iglesia católica que trate de entender nuestra cosmovisión y respete nuestra forma de desarrollo, nuestras formas de vida y la decisión sobre nuestros territorios. Que trate de escucharnos desde los principios de la iglesia católica que buscan proteger la creación de Dios y especialmente la vida de los hermanos más pobres y necesitados.

Animamos a nuestras hermanas y hermanos que hoy en día están defendiendo la madre tierra, les decimos que cueste lo que cueste, no nos cansaremos de velar por el bien común, por defender nuestros derechos.

¡RÍOS PARA LA VIDA, NO PARA LA MUERTE!

¡AGUA TIERRA Y ENERGÍA, NO SON MERCANCÍA!

**ASOCIACIÓN DE COMUNIDADES PARA EL DESARROLLO, DEFENSA DE LA TIERRA Y LOS RECURSOS NATURALES-ACODET-**

Desde la Cuenca del río Copón y Chixoy, 12 de noviembre 2018

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**GUATEMALA PROJECT  
PEACE BRIGADES INTERNATIONAL**

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