



## Monthly Information Package Guatemala

Number 187 - April 2019

### 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.*

#### **Abelino Chub Caal is found innocent after long criminalization process**

On Friday April 26, the Higher Risk Court A acquitted Abelino Chub Caal, Q'eqchi human rights defender, on all charges following two years and two months in which Abelino spent in preventive detention. The court concluded that there was no evidence pertaining to any of the accusations made against him by the Public Prosecutor's Office and backed by Inversiones Cobra S.A. the company who acted a co-complainants in the case. The sentence refers to the fact that *criminal law is being used to criminalize the accused's conduct*. Harald Waxenecker, an expert witness in the case, stated at the trial that the Q'eqchi population has been repeatedly expelled from their lands through different historical processes, carried out or authorized by the State, and later disguised as legal processes. Ramón Cadena, another expert witness in the case, pointed out that the real reason why Abelino has been prosecuted is because he represents a danger to the interests of the large business in the extractive sector<sup>1</sup>. For more information about the case please see here: <https://pbi-guatemala.org/es/news/2019-04/absuelven-abelino-chub-caal>).

#### **Drought puts food security at risk**

According to the UN Food and Agriculture Organization (FAO), Guatemala is facing an increasingly precarious food security situation that is putting the population at risk.<sup>2</sup> FAO warned that 1.4 million people from Central America's Dry Corridor need urgent food assistance, due to the weather extremes that are caused by climate change and have devastated their crops, leaving them without food reserves and impacting their food security<sup>3</sup>. Of the 1.4 million people in this region, Guatemala is home to half a million people<sup>4</sup>. The food security situation in Guatemala is considered to be the most serious in the region<sup>5</sup>. The majority of those affected are small holder farmers that live in communities with few public services, poor infrastructures and where the majority dedicate themselves to subsistence agriculture.

Climate expert Edwin Castellanos of the Guatemalan System of Sciences Climate Change has warned that climate change has become another reason forcing Central Americans to migrate. *The loss of crops puts additional stress on small holder farmers, which can represent the final straw in pushing a farmer to migrate*. Miguel Barreto, director of the World Food Program (WFP) explains that *traditionally, poverty and insecurity have been considered as the main causes for migration, but in recent years there has been an increase in the number of people fleeing the effects of climate change*, across Latin America and Caribbean. The agency estimates that over the last 4 years 18% of people who left Guatemala did so because of adverse climatic effects<sup>6</sup>. In 2019 the El Niño phenomenon is expected to extend the dry

<sup>1</sup> García, J., [Abelino Chub es absuelto, el líder comunitario es declarado inocente de invadir una finca](#), Nómada, 26.04.2019.

<sup>2</sup> Agencia Anadolu, [Los países latinoamericanos donde la alimentación de sus poblaciones está en riesgo](#), W Radio, 17.4.2019.

<sup>3</sup> Aguilar, D., [FAO: 1.4 millones de personas requieren asistencia alimentaria en Corredor Seco](#), La Hora, 25.04.2019; Mur, M., [ONU: La crisis alimentaria del Corredor Seco Centroamericano es "invisible"](#), Agencia EFE, 25.04.2019.

<sup>4</sup> Mur, M., Op. Cit.

<sup>5</sup> Agencia Anadolu, Op.Cit.

<sup>6</sup> Mur, M., Op.Cit.

season until October, so there is a high probability that basic grain crops will be affected, which would further worsen food and nutritional security in the Dry Corridor<sup>7</sup>.

### Hate crimes continue to occur

On April 23, on a bridge along the road to Jalapa, two bodies were found dead, both showing signs of torture and extreme violence. The bodies were of Betzy Esmeralda Co Sagastume 18 years of age and Kelly Marisa Villarreal Recinos, 25 years of age<sup>8</sup>. Both women were beheaded and the following words were written on their bodies *they died for being dykes (por panchas murieron)*. This is a recognised lesbophobic slur, according to civil society organizations and the Human Rights Ombudsman<sup>9</sup> According to Carlos Romero Prieto of the *Observatory for Violent Deaths*, there is a pattern evident from how the bodies were treated. José Díaz, murdered in Huehuetenango in March, also had homophobic messages on his body<sup>10</sup>.

The congresswoman, Sandra Moran, declared that *homophobic violence is made invisible by society and the authorities*, and insisted on *the need to typify these as hate crimes*<sup>11</sup>. Morán has been working on this issue for a while and in April 2017 presented a bill to reform the Penal Code so it would include hate crimes. This proposal was not approved in Congress in its original version. The fact that there is no legal provision for hate crimes in Guatemala means that many of these crimes go unpunished<sup>12</sup>. There is also a high underreporting of hate crimes due to the fact that most victims do not report and that when they are reported, the authorities do not categorize them as hate crimes<sup>13</sup>. According to Jorge López, director of the Organization for the Support of Comprehensive Sexuality in the Face of AIDS (OASIS), there are many more hate crimes based on sexual orientation and gender identity than those registered<sup>14</sup>. Experts attribute the deterioration in the respect for LGBTIQ rights to the growing influence of evangelical churches and other religious groups on politics and state institutions, which give tacit moral approval for crimes such as this. Guatemala has an evangelical population of 41%, the highest in Central America<sup>15</sup>.

### Electoral Violence

The political party campaigns for the upcoming June elections have been accompanied by violence, scandals and legal disputes.

The presidential candidate for the Union of National Change (UCN) was arrested in the USA for his presumed connection to the Sinaloa cartel<sup>16</sup>. The Supreme Electoral Court (TSE) canceled his registration. At the same time, other candidates are still disputing their registration at the Constitutional Court (CC)<sup>17</sup>.

With regard to violence, Guatemala's Electoral Observatory presented its first report, highlighting that 54 of 340 municipalities are at extreme risk of electoral violence and 200 are at high risk<sup>18</sup>. On April 8

<sup>7</sup> Aguilar, D., Op.Cit.

<sup>8</sup> Vega, J.M., [El país en donde se asesina a personas por no ser heterosexual, en 2019](#), Nomada, 29.04.2019.

<sup>9</sup> Salazar, P., [Asesinaron a dos lesbianas y marcaron su cuerpo con mensajes de odio](#), Agencia Presentes, 25.04.2019.

<sup>10</sup> Olmstedt, G., [Madre de joven gay asesinado: “Él es una reina y como reina que es, quiero justicia”](#), Nómada, 27.03.2019; Salazar, P., Op. Cit.; Vega, J.M., Op.Cit.

<sup>11</sup> Salazar, P., [Asesinaron a joven activista y dejaron mensajes de odio en su cuerpo](#), Agencia Presentes, 29.03.2019.

<sup>12</sup> Olmstedt, G., Op.Cit.

<sup>13</sup> Vega, J.M., Op.Cit.

<sup>14</sup> Olmstedt, G., Op.Cit.

<sup>15</sup> Salazar Argueta, P., [2018: Guatemala en alerta y en deuda con los derechos LGBTI+](#), Agencia Presentes, 29.12.2018; Vega, J.M., Op.Cit.

<sup>16</sup> Asmann, P. EE.UU. [Candidato presidencial en Guatemala solicitó financiación del cartel de Sinaloa](#), InSight Crime, 19.04.2019

<sup>17</sup> Elías, J., [La justicia guatemalteca impide a la ex fiscal general Thelma Aldana presentarse a las elecciones](#), El País, 02.04.2019.; la Hora, [Hoy es la vista pública en la CC por la inscripción de Zury Rios](#), 23.04.2019

<sup>18</sup> Juárez, E., [Violencia electoral: 54 municipios con riesgo extremo](#), La Hora, 29.03.2019

Leonel Nájera Trigueros, member of the Campesino Development Committee (CODECA) and part of the campaign team for the Movement for the Liberation of Peoples (MLP) was assassinated. It is the third murder against members of CODECA so far this year (last year six founders of the MLP were murdered). Furthermore, on March 19, one of its members, Carina Mazariegos disappeared<sup>19</sup>. In addition, candidates from the Fuerza, Bien and Humanistas parties have been attacked since the beginning of the electoral campaign<sup>20</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>21</sup>.*

### STRUGGLE AGAINST IMPUNITY

During the month of April we accompanied the **Human Rights Law Firm (BDH)** to the following audiences:

- Monte Olivo case: Blanca Estela and her brother Rolando Guitz Pop from the Monte Olivo community, Alta Verapaz, face accusations of aggravated robbery and threats, crime purported to have occurred in 2013. On April 3 an audience was scheduled to establish whether the accused would move forward to an oral and public debate. The aggrieved party, however, did not appear and the Public Prosecutor's Office requested that the hearing be suspended, a request that was accepted by the judge. Hearings have been suspended for the same reason since 2017.
- In the case against the Q'eqchi human rights defender Bernardo Caal Xol, criminalized for his work in defense of the Cahabón river and currently serving a sentence in Cobán prison in Alta Verapaz, his first appeal hearing was scheduled for April 3. There are three appeals pending, one from the defense (BDH), another from the Public Prosecutor's Office requesting an increase in his sentence to 12 years, and the final appeal is from the co-complainant in the case who are also appealing for the sentence to be extended for 12 years. The hearing was suspended and rescheduled for June 26. The BDH attorneys are also defending another case against Bernardo Caal Xol, relating to his work as a teacher and his participation in the teachers' union. At the hearing held on April 25 in the Court of Coban, the BDH requested the replacement of the judge due to lack of impartiality, which was accepted by the judge. The judge prevented the press from recording the hearing that day.



On April 5, we observed a hearing at the Puerto Barrios Court in the case against Eduardo Bin Poou, vice president of the Fishermen's Association of El Estor, Izabal. Eduardo was accused of the crimes of trespassing in protected areas following a complaint lodged by the Foundation for Ecodevelopment and Conservation (FUNDAECO). In this hearing, the judge heard the testimonies from the local branch of the Human Rights Ombudsman's Office in Izabal and from Eduardo's brother. On May 3, Eduardo was granted an acquittal, nevertheless he remains pending another trial.

<sup>19</sup> Comunicado MLP, Nos siguen asesinando por ejercer nuestros derechos políticos, 9.04.2019.

<sup>20</sup> Ramos, S., [Asesinan dirigente del MLP cuando hacía campaña](#), Public News, 09.04.2019.

<sup>21</sup> See our website for general information on organizations and individuals we accompany: [Groups and individuals currently accompanied by PBI](#)

In addition to the aforementioned audiences this month, we also accompanied the BDH to a strategic dialogue session with the Presidential Dialogue Commission and other State entities, within the framework of their role as legal advisers to the Peten communities that live in Protected Areas. Delegates from approximately 40 communities affected by the Declaration of Protected Areas for Laguna del Tigre and the Sierra Lacandón were present at this session.

We are closely following the security situation of the **Chicoyogüito Neighborhood Association of Alta Verapaz (AVECHAV)**. This month we accompanied them at one of their meetings in Cobán. Its members remain very concerned about the possible approval of the 5377 legislative initiative to reform the National Reconciliation Law, which would have tragic consequences in terms of impunity, the closing of democratic spaces and security risks for organizations seeking justice such as AVECHAV .

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

We continue to monitor the situation of the members of the **Union of Campesino Organisations for the Verapaces (UVOC)**, by holding meetings with them and visiting their offices. On April 8 we accompanied some of their members, from the community of La Primavera, to an audience with the Public Prosecutor's Office in Cobán, where they had been summoned to testify about a trespassing case. The hearing was suspended, however, on the grounds that the Public Prosecutor's Office needs to investigate more about the case.

We visited the offices of the **Community Council of the Highlands (CCDA) - Las Verapaces** and met with its members. We continue to monitor the security situation of the members of the coordination who, due to their high level of risk, have been assigned perimeter measures by the State. They also expressed their concerns over different communities where there are problems related to land ownership. Likewise, we have visited Jorge Coc Coc and Marcelino Xol Cucul, members of CCDA who have been held in preventive custody in Cobán prison for over a year. They still have not received a start date of their trial.

### **DEFENSE OF TERRITORY**



With regard to the **'New Day' Ch'orti' Campesino Central Coordinator (CCCND)**, we visited several communities that form part of the organization this month: Lelá Chanco (Camotán), Las Flores, Matazano and Pelillo Negro (Jocotán). We took advantage of these visits to meet with the indigenous authorities and update their security situation.

On April 16, we visited the peaceful protest camps established in the community of La Prensa (Olopa). This community is awaiting notice regarding its compliance with the final announcement from the Ministry of Environment and Natural Resources (MARN) regarding the cancellation of the license and closure of the Cantera Los Manantiales Mine. The team was present at a number of community demonstrations from a diversity communities affected by the activities of the mining company. The end

of April marked two months since the Resistance became organized in a permanent assembly. Throughout this period, members of the Resistance have suffered incidents of intimidation by workers from the company who shot in the air and at the ground on several occasions. As such, we are closely monitoring the security situation of the members of CCCND that are in the camp.

In addition, we paid another visit to Agustín Ramírez and Timoteo Suchité de Rosa this month, indigenous authorities from the Las Flores community convicted in 2013 in a process that, according to the lawyers, was riddled with multiple legal irregularities.

Regarding our accompaniment of the **Peaceful Resistance La Puya** (located in the municipalities of San José del Golfo and San Pedro Ayampuc), this month we visited the camp and its members reported that there have been shots nearby. We are monitoring the progress in the international arbitration process that is underway between the mining company, Kappes Cassiday & Associates, and the State of Guatemala.

In relation to the **Peaceful Resistance Cahabón**, Alta Verapaz, we visited the communities of Sacta, Secatalcab, Tres Cruces and San Martín Chichaj and attended a meeting of the board of directors this month. We also continue visiting the the human rights defender Bernardo Caal Xol in the prison of Cobán.

On April 8 we accompanied **TZK'AT - the Network of Ancestral Healers of Community Feminism from Ixmulew** and members of the **Chinautla Multisector Urban Platform** to a ceremony to remember the girls who died in the fire at the Virgen de la Asunción "Safe" Home in 2017.

As part of our accompaniment of the **K'iche Peoples Council (CPK)**, we visited several of their members so they could update us on their security situation this month.

In addition, in April we met with members of the the **Cunén Communities Council (CCC)** to update ourselves on the problems affecting the municipality, as well as on the security situation of the organization.



### 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.*

This month we observed **two hearings in the case of the human rights defender Q'eqchi 'Abelino Chub Caal**. On April 24, the defense presented four expert opinions and on the 26th, defense lawyers presented their conclusion. The court acquitted Abelino on all charges the same day, ordering his immediate release and the recognizing that the trial had been an act of criminalization.

Between the 22nd to the 30th of April we carried out our **first observation trip 2019 to Petén**. Over the course of the week we met with several organizations present in the department that fight for access to land and for women's rights including: Ixqik, Dejando Huella, La Otra Cooperativa , Ixmucané, Frente Petenero, ACDIP, the Women's Network and the Permanent Delegation of communities of Sierra de Lacandón and Laguna del Tigre. In these meetings they shared a significant number of security incidents related to the work they do in defense of Human Rights, which caused us serious concern.



#### 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.*

As part of our dialogue with the diplomatic corps and other international organizations present in Guatemala, we met this month with the following groups:

- Alejandro Gallardo, Human Rights Officer, **UK Embassy**
- The **Filter Group**, composed of representatives of the European Union, Switzerland, Canada and the United States. Embassies.

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

- Sergio Mejicanos, Chief of Services of the **National Civil Police (PNC) Jocotán.**
- Erick Cardona, Sub-inspector of the **PNC Camotán.**
- Edy Pérez, Sub-comissioner of the **PNC Santa Cruz del Quiché.**
- A. Pacay, Head of Services of the **PNC Cobán.**
- Rudy Gómez, Clerk of the **PNC San José del Golfo.**
- Laura Cuña, Procedures Officer, **PDH Petén.**
- Miriam Juárez, of the **Presidential Commission on Human Rights (COPREDEH) Petén.**
- Nestor Dieguez, Commander in Charge of the **Northern Petén district PNC.**

#### 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.*

This month, the European Representative of the project met in Brussels with Jennifer Echeverría, Human Rights Focal Point, and Claudia Barillas, Head of Civil Society and Road Map, both from the **EU Delegation in Guatemala.**

## 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.*

### **LA COORDINADORA DE COMUNIDADES AFECTADAS POR LA CONSTRUCCIÓN DE LA HIDROELÉCTRICA CHIXOY -COCAHICH-**

ANTE LA OPINIÓN PÚBLICA NACIONAL E INTERNACIONAL MANIFESTAMOS:

Nuestra inconformidad y total rechazo por el actuar de las actuales autoridades de la Comisión Presidencial Coordinadora de la Política del Ejecutivo en materia de Derechos Humanos -COPREDEH-, desde que tomaron función ante dicho órgano han mostrado poca voluntad política e interés para dar seguimiento al cumplimiento de la Política Pública de Chixoy, de conformidad con el Acuerdo Gubernativo 378-2014; la -COPREDEH- es el ente responsable de coordinar el cumplimiento de la política pública de reparación a las comunidades afectadas por la construcción de la hidroeléctrica Chixoy, cuyos derechos humanos fueron vulnerados.

Que el actuar del Presidente de la COPREDEH Jorge Luis Borrayo Reyes, el Director de la Política Pública de Chixoy Carlos Enrique Acosta Ramírez y asesores jurídicos, han derivado en el retardo malicioso y malintencionado del cumplimiento de la REPARACIÓN COLECTIVA, medida fundamental para las familias sobrevivientes de graves violaciones a los Derechos Humanos.

En la Política Pública de reparación del caso Chixoy, se determinó la cantidad de un mil millones de quetzales (Q. 1,000,000,000.00) para ser ejecutados durante 15 años en cumplimiento al resarcimiento colectivo; a la fecha su ejecución ha sido del 0%, teniendo un atraso de 4 años consecutivos con esta (2016-2019). Este incumplimiento deriva de la falta de interés de la COPREDEH para agilizar la aprobación del "Reglamento para la Administración de los recursos financieros destinados para la Reparación y Resarcimiento Colectivo", según Política Pública, con el propósito de garantizar en debida forma el manejo y uso de los recursos para el resarcimiento colectivo. El congreso de la República ha aprobado en el Decreto ley No. 25-2018, para este año cien millones de quetzales (Q. 100,000,000.00), pero sin la aprobación del reglamento este no se puede ejecutar.

En reiteradas oportunidades de forma oral y escrita hemos solicitado que se agilice la aprobación de dicho reglamento, esto no ha sido posible de parte de las autoridades de la COPREDEH de darnos respuesta, han buscado una serie de obstáculos para que este no avance, pero lo grave del asunto es que las autoridades de la COPREDEH han actuado de manera prepotente con nuestras peticiones, que con estos actos constituye una REVICTIMIZACIÓN en contra de las víctimas, ya que el plan de reparación es un plan para resarcir a víctimas sobrevivientes de graves violaciones a los Derechos Humanos provocados por el Estado de Guatemala antes, durante y después de la construcción de la hidroeléctrica Chixoy.

Con el actuar de la COPREDEH se refleja en las otras entidades del Gobierno que tiene por obligación dar cumplimiento a las otras medidas de reparación según la política Pública, dichas entidades han mostrado poco interés en cumplir su obligación en las medidas de reparación que se les ha asignado. Pareciera que tienen instrucciones generalizado de muy alto nivel para desatender el plan de reparación a favor de las familias sobrevivientes de las graves violaciones a los Derechos Humanos del caso Chixoy, de las comunidades del Quiché, Alta y Baja Verapaz.

La COPREDEH lejos de ser un ente de velar los derechos humanos en el país se ha convertido un ente violador de los Derechos humanos. Ante ello, demandamos lo siguiente:

1. Solicitamos al señor presidente de la República que nos de audiencia para una reunión con los representantes de la Coordinadora de Comunidades Afectadas por la Construcción de la Hidroeléctrica Chixoy -COCAHICH-, en dicha reunión deberán estar presentes también los ministros y secretarios que tiene una obligación de dar cumplimiento de las medidas de Reparación en la Política Pública tal como: COPREDEH, MINFIN, SEGEPLAN, MAGA, MINCULDE, SESAN, INFOM, MICIVI, MEM, SCSP, INDE, MINGOB, MARN, INAB, SAA, MSPYAS, MINEDUC, CDP, CODISRA, INGUAT, FODIGUA, ALMG, CONJUVE, RIC, FONTIERRA, MP, RENAP, MTAS, SGP y otras

entidades, para tratar el asunto relacionado. Además, en dicha reunión el presidente deberá convocar a los observadores que ha participado en el proceso de la implementación de la Política Pública de Reparación a la cual nos referimos, ellos son: La Oficina de la Alta Comisionada de las Naciones Unidas para los Derechos humanos OACNUDH, la Procuraduría de los Derechos Humanos, PDH, Embajada de los Estados Unidos de América, Banco Mundial, Banco Interamericano de Desarrollo.

2. Que el señor Presidente de la República de instrucciones a sus ministros, secretarios y directores de las entidades para que planifiquen acciones concretas en sus planes operativos anuales y multi anuales en cumplimiento de las medidas de Reparación de la Política Pública.

3. Que el presidente de la República instruya al Comisionado Presidencial de la COPREDEH que atienda las demanda de las víctimas sobrevivientes del caso Chixoy representadas por la COCAHICH y que deje sus actos prepotentes de revictimización y que convoque de inmediato a reuniones permanente del Consejo de Verificación y Seguimiento a la implementación de la Política Pública para la aprobación de dicho Reglamento de Administración de los Fondos de Reparación y Resarcimiento Colectivo de la Política Publica de Reparación a las Comunidades Afectadas por la Construcción de la Hidroeléctrica Chixoy.

4. La presentación de un plan de trabajo para la ejecución de los 94 millones de quetzales (Q. 94,000,000.00) que le corresponde al resarcimiento colectivo y los seis millones (Q. 6,000,000.00) para el resarcimiento individual, provisión presupuestaria para el presente año según decreto legislativo No. 25-2018.

5. Asimismo, solicitamos al señor Presidente de la República de Guatemala incluir en la agenda el proceso de transición para la implementación de la Política Pública de Reparación del caso Chixoy.

6. Por otro lado, manifestamos nuestra inconformidad por la Reforma de la Ley General de Reconciliación Nacional, ya que dentro de la Política Pública existe lineamiento operativo relacionado a la verdad, justicia y cambio paradigmático, lo que atenta en el incumplimiento.

Si nuestras demandas no son atendidas el día de hoy, estamos dispuestos de quedarnos en este lugar hasta que nuestros derechos humanos sean respetados.

Nunca más a estas violaciones a nuestros derechos.

Guatemala, abril 2 de 2019.

**PBI team in Guatemala:** Evelina Crespi (Italy), Viviana Annunziata (Italy), Emily Spence (United Kingdom), Daniel Jiménez Hita (Spain), Jordi Quiles Sendra (Spain), Sara Lodi (Italy), Sophie Mailly (Canada), Diana Cabra Delgado (Colombia), Julián Arturo Ordoñez (Colombia), Katharina Wagner (Germany).

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**GUATEMALA PROJECT  
PEACE BRIGADES INTERNATIONAL**

Website: [www.pbi-guatemala.org](http://www.pbi-guatemala.org)

facebook: [pbiguatemala](https://www.facebook.com/pbiguatemala)

**Office of the team in Guatemala**

3ª Avenida "A" 3-51, Zona 1  
Ciudad de Guatemala, Guatemala  
Phone/ Fax: (+502) 2220 1032  
E-mail: [equipo@pbi-guatemala.org](mailto:equipo@pbi-guatemala.org)

**Office of the project Coordination**

Avenida Entrevías 76, 4º B  
28053 Madrid, Estado Español  
Telephone: (+34) 918 543 150  
Email: [coordinacion@pbi-guatemala.org](mailto:coordinacion@pbi-guatemala.org)