



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

Historic conviction of ex military commissioner for the forced disappearance of six indigenous people

Guatemala, 31.08.2009 (PL).- Ex military commissioner Felipe Cusanero Coj, accused of the crime of causing the forced disappearance of six people in Chimaltenango between 1982 and 1984, was condemned on 31 August to 150 years in prison. The Sentencing Court of the department sentenced him to 25 years in prison for each of the victims. Cusanero is the first Guatemalan to stand trial in Guatemala for a case of forced disappearance. The accusation against him was presented on 9 June 2003 by the families of the six disappeared indigenous people with the backing of the organisation Families of the Detained and Disappeared of Guatemala (FAMDEGUA). The judicial process resumed on 26 August in the Sentencing Court of Chimaltenango, after having been suspended for a year and a half as a result of legal actions filed by the lawyer of the accused. During the hearing on 26 and 31 August members of the diplomatic corp were present, observing the resolution of a judgement that sets a historic precedent in Guatemala in favour of human rights.

The Spanish High Court requests copies of military plans from the 80s

Guatemala, 18.08.09, 24.02.09 (CA, LH).- Santiago Pedraz, fifth examining judge of the Spanish High Court, has requested from the eleventh judge of the First Instance Criminal Court of Guatemala certified copies of three military plans carried out by Guatemala's Army in the 80's (Sofía, Victoria 82 y Firmeza 83). Pedraz argues that the plans show the planning of the events denounced by Rigoberta Menchú and her Foundation in Madrid at the end of 1999. Jorge Santos, member of Convergence for Human Rights in Guatemala, said in February 2009 that the importance of opening the military archives Sofía, Victoria 82 y Firmeza 83 and Ixil centred on the possibility that judicial proceedings could begin against the ex chiefs of state and officials of the army high command who were responsible for the selective violence and genocide among the indigenous population during the armed internal conflict. The documents requested by Pedraz will be included in the proceedings he is instructing in Madrid against Guatemalan Army officials for the crime of genocide perpetrated during the internal armed conflict. The judge José Eduardo Cojulún confirmed receipt of the request for these counterinsurgency operational plans, and sent on the request for certified copies of these documents..

Ex director of the National Civil Police detained and remanded in custody

Guatemala, 29.08.09 (AC).- The ex director of the National Civil Police (PNC), Porfirio Pérez Paniagua, was detained and remanded in custody for his presumed participation in the robbery of US\$300,000, allegedly derived from drug trafficking, during a raid carried out while in that post. Paniagua was charged with the crimes of conspiracy and procuring impunity. Ex commissioners Benigno López Fuentes and Mario Roberto Castillo were also detained. The background of the case goes back to last 10 June when PNC officials stopped a vehicle with a double undercarriage on the inter-American highway, in Chimaltenango, and Lopez Fuentes ordered the agents to let the driver go free according to instructions from Pérez Paniagua.

LAND

Violent evictions in indigenous and *campesino* communities continue in Alta Verapaz

Guatemala, 18.08.2009 (AC).- The Campesino Unity Committee (CUC) has demanded that the justice authorities clear up the abuses and illegal evictions occurring against indigenous and *campesino* communities, whose subsistence depends greatly on the land from which they are evicted. According to a press release by the organisation, 27 families were violently evicted by a contingent of 400 police, 40 soldiers and 50 farm workers and the alleged proprietors of the Dolores farm estate located in Coban, Alta Verapaz. The security forces destroyed everything they found in their path, cut down large extensions of maize and bean crops with machetes, and demolished homes with power saws. The CUC demanded the intervention of the Secretary of Agrarian Affairs (SAA) for the resolution of these conflicts, as well as the reinstatement of the evicted families and compensation for the damages caused. In addition, they demanded that the Government give precise orders for the suspension of the evictions, persecutions, and arrest warrants against the indigenous and *campesino* population in the Alta Verapaz region. Finally the CUC called for an inclusive dialogue which would be responsible for finding viable solutions to the agrarian problem.

Demands for integrated attention to the food crisis

Guatemala, 27.08.2009 (AC).- Members of Agrarian Platform (PA) demanded that Álvaro Colom's Government declare, as a matter of national emergency, urgent attention to rural areas, in the context of the food crisis that the area known as the Dry Corridor is experiencing and that has spread to other regions of the country. Abisaías Gómez, a member of PA, stated that it was necessary to direct resources immediately to the most vulnerable families and to prepare a policy of land access in order to diminish the impact of the dry season, "because there are many idle lands in the country". The lack of rain has affected the Dry Corridor, more than five thousand kilometres in the areas of Jutiapa, El Progreso, Santa Rosa, Chiquimula and Zacapa, but also the south coast and highland areas, said Gómez. Until now they have counted losses in harvests (between 40 and 50 percent); and, according to the Secretariat for Agrarian Affairs more than 4,000 communities are at risk throughout the country. The PA recently presented to the Government an analysis of the crisis in the countryside, covering the effects of natural causes such as lack of rain and the El Niño phenomenon, as well other causes, such as the fall in remittances and damages caused by mega projects.

NEGATIVE EFFECTS OF GLOBALISATION

Colom commits to reparation for victims of the construction of Chixoy hydroelectric plant

Guatemala, 05.08.2009 (CA, PL).- "We were never in agreement, we believed that they would take us into account. But time passed, the intimidations, the evictions and the massacres demonstrated that the only important thing was the project that they were hailing as the biggest in Central America. 30 years later, we are starting to believe we will have the answer we hope for." These were the words of Juan de Dios García, representative of the communities affected by the construction of the Chixoy hydroelectric plant, after hearing the president, Álvaro Colom, who committed himself to seeking the mechanisms to remedy those who had suffered damage in more than 33 municipalities. Luis Velásquez, presidential secretary for Specific Issues, said that they would implement productive projects, as part of a program of reparations consisting of three phases: the first of social, economic and productive development and reparation, in which 180 million quetzals will be invested over 10 years. The second phase will be realised with an investment of 48 million quetzals and will consist of 25 productive projects promised by previous governments, such as the construction of roads, bridges and schools. The final stage will be the evaluation. According to Juan de Dios García, the population hopes that as part of the reparations material and economic compensation, psychosocial rehabilitation and respect for the dignity of the victims will be addressed. In September 2006 a political agreement was signed, with which the identification and reparation of the damages caused was meant to be realised. However, this process was restructured by means of a new agreement signed at the end of 2008.

New hydroelectric plans from the company Generación Limpia de Guatemala, S.A.

Guatemala, 17.08.2009 (EP).- The national Commission of Electrical Energy (CNEE) has approved plans for the San Luis hydroelectric project in the Chajul Municipality, Quiché, presented by the company Generación Limpia de Guatemala, S.A. [*"Guatemala Clean Generation Ltd"*] It will have the potential to generate 140 megawatts from 2012 onwards. The company belongs to the Spanish group Unión Fenosa, which operates the electricity distributors DEOCSA and DEORSA, and which has become one of the principal investors in the national energy sector. In addition to the San Luis project, it has received approval from the CNEE to develop the following hydroelectric projects: El Puente, located in Jocotán, Chiquimula, with a potential of 27 megawatts; Cuatro Chorros, located in Chicamán, Quiché, with a potential of 41 megawatts; El Volcán, located in Senahú, Alta Verapaz, with a potential of 26 megawatts; and Cahabón, located in the Municipality of Panzoz, Alta Verapaz, with a total potential of 56 megawatts. In addition to Unión Fenosa, the Italian company Enel and the Spanish company Inveravante are also participating.

Mayors demand information about the Northern Transversal Strip

Guatemala, 20.08.2009 (PL).- The mayors of the municipalities through which the Northern Transversal Highway (FTN) will pass have demanded information about the mega project from the Government. According to the chief councillors, no representative from the executive body has yet explained which areas the new highway will pass through. "We are concerned because nobody has

presented plans, and there is uncertainty in our communities about which places will be affected by the construction of the route,” said Óscar Corleto, mayor of Raxruhá, Alta Verapaz. Rudy Flores, chief councillor of Chahal, Alta Verapaz, criticized the fact that when they had discussed reforms to the FTN project they had been told that these would be submitted to Congress for approval. “Now nobody has told us anything,” he said.

“It is deplorable that until now nobody can tell us when construction is going to begin or how many metres long or wide it will be,” said Gregorio Nolasco, mayor of Santa Cruz Barillas, Huehuetenango. According to Guillermo Castillo, Minister of Communications, the original plans are scheduled to be used for the construction of the highway. “The design of the works will be the same as that of 2005, and it can be found in the General Directorate for Roads,” he said. However, the minister said, the final design was pending approval and the contract with the company Solel Boneh was not yet ratified. “We have not yet approved the contract and the final design with all the new overheads,” he explained. The approval of the financing, and the award of the contract for the construction of the highway was carried out in previous legislation. However the new government requested a reform of the Northern Transversal Strip Law. The mega project will be financed with a loan from the Central American Bank of Economic Integration, for a sum of 203 million quetzals. The project is likely to cross 17 municipalities in Izabal, Alta Verapaz, Quiché and Huehuetenango.

Sources: Cerigua Agency (AC), Central America Daily (CA), El Periodico (EP), La Hora (LH), Prensa Libre (PL), Siglo Veintiuno (SV).

2. PBI-GUATEMALA ACTIVITIES – IN GUATEMALA

Team: Valerie Elsig (Switzerland), Marina Comandulli (Italy/Brazil), Christopher Moye (UK), Jessica Fujan (USA), Simone Gessler (Switzerland), Juliane Walter (Germany), Samuel Jones (United Kingdom), Jorge Palomeque (Argentina)

2.1. DIALOGUE WITH GUATEMALAN AUTHORITIES AND DIPLOMATIC CORPS

Meetings with national and international authorities are an important tool for PBI's efforts to make known our objectives and nature of work. 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 in the country.

Diplomatic Corps:

- Sonia Isabel Álvarez Cibanal, Advisory Minister of the Spanish Embassy, Guatemala City.

Guatemalan Authorities:

- Luis Ferraté, Minister of the Environment and Natural Resources and President of the National Council of Protected Areas (CONAP), Guatemala City
- Marcia Alejandra Sobenes García, Vice-Minister of Natural Resources, Guatemala City
- Ana Gladis Olla, Office for Women's Rights, Human Rights Ombudsman's Office, Guatemala City
- Jorge Porsó, Official of the National Civil Police Substation, Santa Cruz, Alta Verapaz
- Mynor Paz Castañeda, Regional Director of the Eastern Headquarters of CONAP, Zacapa
- José Amílcar Martínez, Departmental Representative of the Ministry of the Environment and Natural Resources (MARN), Jalapa
- Otoniel Cruz, Departmental Representative of the Ministry of Agriculture, Livestock and Food (MAGA), Jalapa
- Alfonso López Vázquez, Mayor of Jalapa, Jalapa
- Luis Estuardo Lemos Castrillo, Human Rights Ombudsman Office (PDH) Jalapa,
- Jaime Rolando Salvatierra Aquino, Commissioner of the Departmental Commission of the National Civil Police (PNC), Jalapa

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 internal processes of contextual analysis.

Organisations and individuals from Guatemalan Civil Society:

- Regina Dora and Jutilio Chris, members of the National Front for the Defence of Public Services and Natural Resources (FNL), Guatemala City
- Hector Nuila, Representative of URNG-Maiz
- Nery Rodenas, director of the Archbishop's Human Rights Office (ODHAG), Guatemala City
- Miguel Qiej, Leader of the National Community Council for Integral Development of Guatemala (CONCODIG), Guatemala City, Guatemala
- Abisaías Gómez and Omar Jeronimo, members of the Agrarian Platform, Guatemala City, Guatemala
- Ronaldo Cárdenas, member of Madre Selva, Guatemala City
- Claudia Paz, Executive Director of the Guatemalan Institute of Comparative Studies in Criminal Science (ICCPG), Guatemala City
- Evelyn Blanck and Miguel González Moraga, members of Civitas Centre, Guatemala City
- Roberto Alvarado and Vilma Luna, members of the Association of Development and Peace (ADP), Cobán, Alta Verapaz
- Marvin Chinchilla, member of the Coordination of Non-Governmental Organisations of Alta Verapaz (CONGAV), Cobán, Alta Verapaz
- Bioni Cholon and Marta Quib, members of the Association of Indigenous Community Development (ADICI), Cobán, Alta Verapaz
- Cecilio Mungía, Byron Francisco Jiménez, Adolfo Munoz Jiménez and Higinio Román, representatives of the Xinca Government (President, Vice-president, Secretary and Treasurer respectively), Jalapa
- Mynor Carrera, Director of the South East University Centre, San Carlos University of Guatemala (CUNSURORI – USAC), Jalapa.

International Organisations and Agencies:

- Rubén Domínguez, Member of Rights in Action, Guatemala City
- Manilo Buonafina Zea, member of Movimondo, Chiquimula
- Forum of International Non-Governmental Organisations in Guatemala (FONGI), Guatemala City
- International Accompaniment Coordination in Guatemala (CAIG), Guatemala City
- Christina Papadopoulou, Office of the United Nations High Commission for Human Rights in Guatemala, Guatemala City

2.3 ACCOMPANIMENTS

Union of Campesino Organisations for the Verapaces (UVOC).

In August we continued to pay close attention to the different evictions that were occurring in the Alta Verapaz region. 27 families of the Dolores estate in Cobán, and 78 families of the El Crepúsculo community located in Pasmolon village, Tactic, were evicted in recent months. The *campesino* organisations CUC and UVOC denounced the violent manner in which these evictions were carried out by security forces including members of the police and the army. In addition, we observed the development of the dialogue over agrarian conflicts meeting in Cobán at the beginning of each month in which members of Alta Verapaz communities, the UVOC, the Secretary for Agrarian Affairs, the Human Rights Ombudsman (PDH), and the Land Fund (Fontierra) participate. We maintain contact with various members of this organisation through office visits in the capital and in Santa Cruz (Alta Verapaz).

Background: A campesino organisation based in the departments of Alta and Baja Verapaz, UVOC works principally to defend and promote access to land for the peasant population and advises communities about the land legalisation process. 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. At the same time we continue to pay attention to the delicate situation of some of the communities that are part of the organisation. In February 2006 peasant families assisted by UVOC, who were living in the La Mocca estate, were evicted violently and several were wounded by gunshot. The families of La Mocca continue to live on the side of the highway.*

National Coordinator of Guatemalan Widows, CONAVIGUA.

In August we continued accompanying the women of CONAVIGUA with regular visits to their office and meetings.

Background: CONAVIGUA carries out processes of 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 small rural communities where both victims and perpetrators live, occasionally culminating in threats that seek to stop the work of the

CONAVIGUA women. We have periodically accompanied the association since August 2003, with visits to their office and accompaniment during exhumation and inhumation activities in clandestine cemeteries in rural areas.

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

We have continued accompanying OASIS in August and paying close attention to the evolution of the judicial process against its Director, Jorge Lopez. The second hearing, during which the Public Prosecutor's Office would present the results of its investigations, and the judge would decide whether Jorge López remains linked to the judicial proceedings or not, was planned for 1 September 2009, but has been postponed and a new date has not been decided. The Supreme Court of Justice and the Presidential Commission for Human Rights (COPREDH) have requested from the judge written reports about the case. PBI's accompaniment of Jorge López and OASIS continues intensely during this period prior to the second hearing before the judge.

*Background: OASIS is an organisation that works with HIV/AIDS education and prevention, as well as promoting and protecting 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) and Zulma, as a witness to the murder, identified alleged agents of the National Civil Police (PNC) as the perpetrators of the crime.*

*Members of the organisation continued to suffer harassment and threats. Executive Director **Jorge López** reported being pursued by a police car during the night of 22 January 2006. On 3 February 2006 the Inter-American Commission of Human Rights (CIDH) granted protection measures for Zulma Robles, Jorge López, and another eleven members of OASIS, requesting that the Government of Guatemala adopt the necessary measures to guarantee their lives and physical integrity.*

We have been accompanying OASIS since the beginning of 2006. In January 2009, we intensified the accompaniment of Jorge López after he was accused of the attempted murder of sex worker Laila (Axel Leonel Donis González) and a legal process opened against him. The Ninth Court of the First Criminal Instance found that there were no elements linking Jorge López to the charge of attempted murder; but decided to keep him within the process for the possible offence of 'Accessory to the Crime'¹, subjecting him to a substitutive measure of house arrest without surveillance for 6 months, and required to register with a judge every 30 days. Jorge López interprets this process as a new manifestation of the constant persecution and intimidation he has suffered in recent years, which aims to impede the progress of the organisation's work and the respect for the human rights of sexual minority communities.

Fearing for his physical safety, we activated the Guatemala Project's Support Network and stepped up dialogue with Guatemalan authorities, international agencies and embassies present in the country. Between August 2008 and March 2009, with PBI's Mexico and Colombia projects and in coordination with PBI groups in Europe and North America, we organised speaking tours in Europe, Canada, and the United States, for human rights defenders accompanied by our Latin-American projects. Jorge López and Zulma Robles had the opportunity to present to various audiences the situation faced by OASIS and by sexually diverse communities in Guatemala. In February 2009, protective measures granted to OASIS in 2006 by the Inter-American Human Rights Commission (CIDH) went into effect providing Jorge López with 24-hour accompaniment by an agent of the National Civil Police (PNC). The next hearing has yet to be called.

Association for the Protection of Montaña de las Granadillas, APMG.

In August we continued to maintain a presence in Zacapa and La Trementina, and we accompanied the APMG during its activities in the negotiation for the resolution of conflicts in the Las Granadillas Mountain area. We observed the installation of a new round of roundtable negotiation, initiated by the Ministry of the Environment and Natural Resources (MARN), and whose principle participants are the APMG, the communities, the municipality of Zacapa and the private sector. The object of the roundtable is to analyze and resolve the environmental problems of Las Granadillas mountain in their entirety, including attention to protecting the mountain's water sources, on which the majority of the population of Zacapa relies. The deforestation which the mountain is suffering due to unregulated logging was also denounced before the Latin American Court on Water during its visit to the country to investigate conflicts related to the management, possession and use of water sources in the communities.

*Background: The association was created six years ago in Zacapa, when a group of residents realised that the ecosystem of the Las Granadillas mountain (Zacapa) was in danger due to logging, monoculture, and large-scale cattle farming. They were concerned above all that the water reserves would disappear, given that all of the region's water comes from the mountain's forests. The organisation sought the support of the Lutheran Church, specifically from Reverend **José Pilar***

¹ According to the Criminal Code, Article 474 (Accessory to the Crime) : "One is responsible for accessory who without agreement, collusion, or prior arrangements with the perpetrators or accomplices to the crime but with knowledge of the crime, intervenes with anticipation doing any of the following: 1. Hide a fugitive or facilitate his flight. 2. Deny the authority, without justification, access to a suspect, fugitive or criminal that is found in his residence or dwelling of the sought-after person."

Álvarez Cabrera, and the Madre Selva Collective. These organisations carried out an analysis of the deterioration of the area, and found that the lower part of the mountain had lost 70% of forest cover due to illegal logging and inadequate regional application of the Forestry Law. Now the principal objective is to protect 20-30% of the remaining forest and to promote reforestation. The association's members want to convert the mountain into a protected area but this proposal has proven difficult and dangerous because of the economic interests involved. Threats against members of the association began when the association tried to denounce the illegal timber trade. We have accompanied the APMG since August 2008. At the beginning of 2009, Reverend José Pilar Álvarez and two members of the APMG faced legal accusations connected to their work of protecting the mountain; The charges were dismissed in the first hearing before a judge.

Human Rights Defenders Protection Unit (UDEFEQUA)

After three members of UDEFEQUA received intimidating messages on their cell phones in April and May, we have maintained our accompaniment with weekly visits to the office, monitoring the security situation during the investigation of these events, and providing support to the organisation's members. UDEFEQUA continues to promote the judicial process to identify the origin of the threats.

Background: The Human Rights Defenders Protection Unit (UDEFEQUA) was founded in 2004 with the objective of promoting the security of human rights defenders in Guatemala and to contribute to the protection of the political space in which they work. The Unit's programmes support threatened human rights defenders and their organisations, and advise them about prevention and response to threats and attacks, through the provision of information, training, monitoring and psychological support. In addition, UDEFEQUA promotes the protection of these people on the part of government institutions and the international community. For many years PBI has maintained a close collaborative relationship with UDEFEQUA, and in 2007 provided the Unit with international accompaniment during another period of threats. Following the threats received during the month of May 2009, those affected have denounced the incidents to the Public Prosecutor's Office. Several international organisations have expressed their concerns about what they describe as a "serious pattern of persecution".²

Association of Indigenous Women of Santa María Xalapán (AMISMAXAJ)

In July we began accompaniment of the Association of Indigenous Women of Santa María Xalapán, based on threats that one of its members had received from a community member. In August we met with different authorities and organisations of Jalapa, including the Xinka Government, representative of the Xinka people from the Xalapán Mountain, made up of more than 86,000 people from 46 communities. They are still waiting for a response to the open letter signed by 20,000 people from the Xinka Indigenous community of Santa María Xalapán and handed to the President and Congress in July. The demands contained in the letter are based on the absence of consultation in the framework of current international norms and include the rejection of the granting and operation of 15 licences for mining exploration and/or exploitation and of actors involved in the petroleum industry in the department of Jalapa.

Background: AMISMAXAJ was founded in February 2004 as an association of women workers, and became part of the Women's Sector in June of the same year. AMISMAXAJ is made up of 75 women leaders representing 15 Xinka communities from the Santa María Xalapán Mountain (Jalapa). They work at the local, departmental and national levels, from a political position opposed 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 their Xinka ethnicity and the defence of land and territory. In particular, it is actively working to defend natural resources and oppose plans for mining and petroleum activity in the region.

2.4 FOLLOW-UP

We regularly receive requests for accompaniment from social organisations and human rights defenders who are or who feel threatened. Through international accompaniment, we seek to reduce the threats and open a more secure space in 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 and 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 are following up on the situations of the following social organisations:

² Human Rights First (HRF), Washington Office on Latin America (WOLA), Network in Solidarity with the people of Guatemala (NISGUA), Grassroots International, American Jewish World Service, Latin America Working Group (LAWG), Institute for Peace and Justice – University of San Diego, *Carta al Presidente Álvaro Colom*, 8 May 2009.

The Guatemalan Association of Indigenous Mayors and Authorities (AGAAI).

Carlos Guárquez, the executive coordinator of the association, has suffered from various forms of threats, accusations, and intimidation because of his work rejecting the Free Trade Agreement (DR-CAFTA) and mining exploitation. On 20th March 2007, AGAAI's office was broken into and raided by unidentified intruders. As a result of this first threat, PBI activated its Support Network (SN) inside Guatemala, and we continued to accompany the organisation in the following years. Currently, although physical accompaniment of Carlos Guárquez has stopped, we continue to follow the situation closely, due to the organization's relevant role in key current processes in Guatemala's, especially those relating to community consultations in various departments of the country. On 26 August we observed in Guatemala City the presentation to Congress of the results of the community consultation held in San Rafael la Independencia, Huehuetenango.

Centre for Human Rights Legal Action (CALDH).

CALDH has had its headquarters in the capital since 1994. It receives reports of Human Rights violations, directing investigations into the cases and pushing for access to justice. One of its main areas of work is in seeking justice in genocide cases, and other crimes committed during the internal armed conflict.

We have accompanied CALDH workers on various occasions between 2004 and 2006. In February 2007, members of the legal team received direct threats. That same month, Jose Roberto Morales Sic, Coordinator of CALDH's Rights for Indigenous Peoples Programme, was the victim of a kidnapping by two armed men who threatened to kill him. At that point we began to accompany him on a regular basis. In February 2009, we began to observe some of the organisation's other activities. This came following an increase in threats and security risks because of its active role in the truth process, the recuperation of historical memory and the release of classified military archives relating to its actions during the internal armed conflict.

Association of Friends of Lake Izabal, ASALI.

ASALI, an association in El Estor, Department of Izabal, works to protect Lake Izabal as a source of life and work for the communities in the area. Its concerns centre on the negative effects of mining in the region and the use of extensive agriculture, such as fruit cultivation and the production of biofuels (sugarcane and African palm). Between 2004 and 2007, the president of the organisation, Eloyda Mejía, received various kinds of threats related to her work as an activist. These included legal proceedings against her for usurpation of lands, an action that was seen by her and by ASALI as an act of persecution and intimidation on the part of the Guatemalan Nickel Company (CGN), to make ASALI abandon its work. The activities of the CGN project in El Estor have been suspended and continue paralysed for the moment. We accompanied ASALI and Eloyda Mejía from 2004 and in 2007 we intensified the accompaniment due to a deterioration in the security situation in the region. Recently the organisation has elected a new Board of Directors and Eloyda Mejía continues actively involved in campaigns on mining related issues at a national and international level. Following an analysis of the organisation's security situation a significant reduction in the threats has been observed, allowing us to pass the accompaniment to the follow up phase.

The Association of Mayan Lawyers and Notaries of Guatemala (AANMG).

The Association of Mayan Lawyers and Notaries supports and advises indigenous leaders and mayors who are in a vulnerable situation due to their work in defence of human rights and indigenous rights, above all relating to the defence of natural resources.

As members and representatives of the association, Amilcar Pop, Carmela Curup and Mario Saper began to suffer threats and intimidation after giving legal advice to the communities of San Juan Sacatepéquez municipality regarding a social consultation about the cement factory project of the company Cementos Progreso in the area. The threats culminated on 2 August, with the attempted attack on the life of Amilcar Pop. Since August 2008, we have accompanied members of the organisation to San Juan Sacatepéquez and in several judicial hearings. We have also kept in regular contact through visits to the office and phone calls. During recent months the threats have diminished and, as of April 2009, we have entered the follow up phase of accompanying the security situation of AANMG. The Association continues to develop its work of advising the communities.

Lesbiradas

The Lesbiradas Collective works to defend and promote the rights of Guatemalan lesbian women, promoting, among other things, women's right of self-determination of their bodies and sexuality. Lesbiradas oppose discrimination, the exclusive patriarchal system and the systematic violence that lesbian women face.

The two accompanied members participate in various social movements, and on three occasions during July 2008 one of them was threatened with death directly by officers of the army and of the National Civil Police (PNC), having a gun pointed at her on 21 July 2008. The events were denounced at the offices of the Public Prosecutor (MP) and the Human Rights Ombudsman (PDH), as well as before the Human Rights Defenders' Protection Unit (UDEFEQUA). We began to accompany the organisation in the same month. Seeing a reduction in the risk to the security of the accompanied members, as of May 2009 we continue the accompaniment in the follow up phase

The Commission of Peaceful Resistance of San Rafael Pie de la Cuesta (CRP)

The CRP, founded in 2007 in the Municipality of San Rafael Pie de la Cuesta (San Marcos), focuses on the investigation and reporting about a particular hydroelectric project, whose proposed construction in early 2008 was announced by the mayor in September 2007. The project was based on another earlier one that had not been realised, and about which the municipality's population had not been informed.

We began accompanying members of the CRP in December 2007, after some of them were attacked and interrogated by police officers during a meeting held by the organisation and following the incident several members later received threats. As a result of a positive evaluation of their security, the accompaniment has been in the follow up phase since November 2008. We continue this accompaniment as part of our objective to accompany the social processes of defence and promotion of human rights relating to the use and exploitation of natural resources, in particular water and mineral resources.

The Movement of Campesino Workers (MTC)

The MTC is made up of peasant community associations that work in defence of their labour rights. Since reporting various forms of threats and intimidation against him towards the end of 2005, we have accompanied MTC coordinator, **Julio Archila** in his work of advising communities, and throughout a legal process that was mounted against him. Since the case was dismissed in August 2008, and the security incidents suffered by the organisation also diminished significantly, we continued our accompaniment in the follow up phase. In 2009 we maintained contact with the MTC, especially with Julio Archila, who now participates in the technical commission, set up to address the land issue, with representation from the Ministry of Agriculture and Livestock, the Secretary for Agrarian Issues, and the Land Fund (FONTIERRA). This follow up falls under our objective to accompany processes around the struggle for access to land.

The Women's Sector

The Women's Sector is a coordinating body of associations that work for women's economic development and campaigns for the end of violence against women, denouncing impunity and *feminicide*.

In less than 10 days, between the end of May and the beginning of June 2006, the headquarters of the Women's Sector were broken into twice. We began to accompany the organisation in June 2006. Several months later, their security situation improved noticeably, making it possible to move to the follow up phase.

We are currently making weekly visits to the Women's Sector office in the capital and regularly observing its public activities, following an increase in risk to the security of a number of the organisation's members. In May we also observed a press conference held at Women's Sector headquarters the Collective of Social Organisations (COS), on the serious political crisis Guatemala is experiencing.

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 outside the country what we observe.

August was marked by the judicial hearing of the first case of forced disappearance accepted by a judge in Guatemala. We observed the hearing in Chimaltenango during which ex military commissioner Felipe Cuscanero Coj was sentenced to 150 years in prison for the forced disappearance of six people in Chimaltenango between 1982 and 1984.

LANDMARK CASE FOR FORCED DISAPPEARANCE IN GUATEMALA

Background: 4 men and 2 women were victims of forced disappearance in the village of Choatalum, Municipality of San Martín Jilotepeque (Chimaltenango), between September 1982 and October 1984. The illegal detention of these people was carried out by ex military commissioner Felipe Cuscanero Coj, supported in some of these cases by members of the army or Civil Defence Patrol (PAC).

Faced with the repeated refusal to provide the victim's families with information about their relatives whereabouts, the Choatalum community decided to denounce Felipe Cuscanero before the courts in June 2003. Families of the Detained and Disappeared of Guatemala (FAMDEGUA) became involved in the proceedings in February 2004 as a joint plaintiff.

The opening hearing took place in May 2006, more than a year after the first declaration of the accused before the judge in April 2005. Four years later, in August 2009, the judicial proceedings were resumed and concluded, despite numerous appeals filed by the defence. Although these appeals prolonged the process they have served to generate relevant constitutional jurisprudence around the crime of forced disappearance. The Constitutional Court (CC) has recognised that this crime continues until the whereabouts of the victims are known. It has established that in forced disappearances the characteristic of "continuing crime" begins from the kidnapping or detention of the victims until the moment they are released or that their death indisputably proven. In other words if someone's detention or kidnapping is proven but their liberty, reappearance or death has not been reliably proven then the crime continues to be committed day after day. Citing the jurisprudence from the Inter-American Court of Human Rights, the CC has

established that forced disappearance constitutes “without the existence of proof against it, a crime of permanent and continuing character that, as this indicates and ... even today it is being committed”.³

Also in August we observed the first hearing of another disappearance case: specifically, the case of a student who was disappeared in 1982 in Chiquimula. The hearing has been suspended while a response to an appeal, presented by the defence, is decided by the Constitutional Court.

We continue observing the exhumation that commenced at the end of June in the area occupied by a former army base in Chejul, near Uspantán (Department of El Quiché). The first remains were found by the Guatemalan Forensic Anthropology Foundation in August. It is estimated that hundreds of people assassinated during the armed conflict could be buried in different graves.

We were also present, as international observers, in the Good Faith Community Consultation organised in the Chuarrancho Municipality, Department of Guatemala, about the hydroelectric project “El Sisimite”, that the company Generadora Nacional Sociedad Anónima (GENASA) plans to construct on the river Motagua. Of the 3,319 people that participated in the consultation, 2,748 voted against the project. The results were submitted to the Municipal Council and to the Ministries of Energy and Mines and Environment and Natural Resources.

On 14 August we observed a protest in front of the presidential palace by the union SITRAPETEN, which demanded that the Government establish a round of negotiations to resolve the problems facing the employees of the Petén Distribution Company, sacked from their jobs for having formed a union. On 6 February 2009, a judge ordered the reinstatement of the members of SITRAPETEN. To date, they have not been reinstated.

3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA

The regional representatives, the project’s coordination office, other committee members and the project office, as well as PBI national groups, carried out public relations campaigns with numerous NGO’s, agencies, national governments, parliamentarians, etc. These meetings translate into the development and strengthening of a “Support Network” for the project, an essential tool for the functioning of PBI’s international presence in Guatemala.

During August, personnel from the project’s coordination office took annual leave at different times, leaving three members of the committee in charge of the most urgent coordination activities. At the end of the month the committee updated the project’s Support Network outside of Guatemala on the case of Jorge López Sologaitoa, director of OASIS, an organisation we have accompanied since 2006, and requested that they remain attentive to the judicial proceeding against him. Among those that have been informed outside of the country are personnel from the European Commission, members of the European Parliament (MEPs), and staff of the United Nations High Commission for Human Rights and the Office of the Special Representative for Defenders. PBI’s country groups have also contributed to the diffusion of information about the case in the phase prior to Jorge López’s second hearing before the judge.

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.

CONCEJO ECUMENICO CRISTIANO DE GUATEMALA
**La explotación insensata de los recursos naturales es una
irresponsabilidad ética que agudizará la crisis alimentaria y
la pobreza en el país**

Frente a la dimensión dramática de la pobreza hecha visible recientemente por la hambruna y la crisis alimentaria en varias regiones de nuestro país, las Iglesias del CONCEJO ECUMENICO CRISTIANO DE GUATEMALA, vemos con profunda angustia cómo la realidad de la explotación ilimitada de la naturaleza se suma a los signos de muerte que, junto a la violencia en todas sus

³ For complete information see : <http://www.adital.com.br/Primer%20caso%20de%20Desaparici%F3n%20Forzada%20en%20Guatemala.pdf>

manifestaciones, amenaza la vida de miles de familias guatemaltecas. La más grave de las implicaciones éticas y morales inherentes a la cuestión ecológica es la falta de respeto a la vida, la cual se manifiesta cuando en medio de una crisis de alimentos, entidades gubernamentales siguen favoreciendo actividades industriales como la minería de metales a cielo abierto, la deforestación y la construcción de hidroeléctricas, sin importar qué se destruya (atmósfera, suelos, ríos, bosques o selvas), poniendo en riesgo la seguridad alimentaria y los derechos de las poblaciones locales, y reprimiendo y criminalizando la lucha de las comunidades indígenas y campesinas que buscan ser oídas y respetadas. Denunciamos hoy, comportamientos y discursos que justifican los daños ecológicos y violaciones a los derechos humanos, con la explotación forestal, minera y del recurso hídrico, en 3 departamentos del llamado “corredor seco” en el oriente del país, que además, concentran miles de familias en riesgo de padecer hambruna, los cuales han sido denunciados y están siendo vigilados por comunidades locales:

1. La construcción de 3 hidroeléctricas: El Orégano, El Puente y Caparjá, perjudicando directamente a 30 comunidades de Camotán y 9 de Jocotán en Chiquimula y a municipios de Zacapa, puesto que afectan sus fuentes de agua (Río Grande o Jupilingo). Las repercusiones culturales en esta área toman dimensiones graves, puesto que es aquí donde se concentra el 80% de la población chortí del país.

- a. El proyecto es promovido por la empresa Desarrollo de Generación Eléctrica y Manejo de Recursos Naturales Las Tres Niñas, Sociedad Anónima, que según denuncias de las comunidades, ha obviado el proceso de información y consulta según lo establece el Convenio 169 y ha presentado un Estudio de Impacto Ambiental con serias ambigüedades y deficiencias que no registra el impacto real en términos ambientales, económicos, sociales y culturales.
- b. Los comunitarios han denunciado que la construcción de estas tres hidroeléctricas les dejaría sin la oportunidad de utilizar el río para la producción agrícola, artesanal, pesca y uso doméstico, actividades que favorecen a la economía de la mayoría de los habitantes de estas comunidades, obligaría a la migración en búsqueda de fuentes de trabajo, además de poner en peligro la cultura chortí.
- c. Los riesgos de posibles inundaciones de laderas y regadíos, así como la reducción considerable de agua en otras comunidades, por la manipulación del trayecto y caudal del río: el aumento de sedimentaciones que afecten la vida de las especies acuáticas y terrestres de la región, por la construcción de represas y embalses, constituyen un grave peligro para la seguridad alimentaria de estas comunidades, pues se afecta directamente su fuente de vida: el Río Grande, que además de proveerles el vital líquido para el consumo diario, les brinda oportunidades de trabajo (aproximadamente 40mil jornales por año).

2. La explotación forestal de la Montaña de Las Granadillas, ubicada entre Zacapa y Chiquimula, fuente de recarga hídrica para estas comunidades.

- a. Líderes comunitarios han denunciado la tala ilegal de 3 manzanas de bosque donde nacen los ríos Tasijá, Jumuzná y Punilá y la permisibilidad de antes del estado, pues pese al trabajo de protección y denuncia de los comunitarios, el INAB Región III en Zacapa lejos de investigar y detener la deforestación, ha autorizado licencia de aprovechamiento forestal a la finca Tashoró la cual se ubica en zonas de recarga hídrica contraviniendo el artículo 47 de la Ley Forestal.
- b. La falta de agua incrementa seriamente la vulnerabilidad de estas comunidades del “corredor seco” y seguir permitiendo la deforestación y la tala de árboles que resguardan las fuentes de recarga hídrica ubicadas en la Montaña de las Granadillas, sería atentar contra la vida, por lo que es primordial detener cualquier licencia o autorización, investigar las talas denunciadas y realizar un estudio exhaustivo que privilegie la defensa y protección del agua y el derecho al vital líquido.

3. La explotación minera en las montañas de Cerro Blanco, Asunción Mita, Jutiapa

- a. La minera canadiense Goldcorp, tras los buenos réditos obtenidos en la mina Marlin en San Marcos¹, ha agilizado los trámites para obtener la licencia de explotación del proyecto Cerro Blanco, en Asunción Mita Jutiapa, en donde pretende extraer 1.2 millones de onzas de oro, afectando de nuevo las fuentes de agua de las comunidades, así como el impacto ambiental que la contaminación acarrea a la población campesina compuesta por alrededor de 18 comunidades que habitan en los alrededores de los ríos que desembocan en el lago de Güija y que se dedican al cultivo de hortalizas, granos y a la ganadería.
- b. Es necesario y urgente informar debidamente a las comunidades de las implicaciones y efectos de la actividad minera, realizar consultas populares y respetar la decisión de las comunidades, sin embargo, organizaciones sociales han denunciado las amenazas y acciones contra la vida de líderes que han puesto en evidencia los efectos nocivos de la actividad minera². La inminente contaminación del fronterizo lago de Güija plantea una posible resistencia conjunta, entre Mita y el municipio de Metapán en El Salvador, contra el proyecto Cerro Blanco.

4. La expansión de la frontera agrícola, a través del cultivo de palma africana en El Petén, que posee una reserva importante de recursos naturales y la mayor concentración de vestigios arqueológicos en Mesoamérica, por lo que hacemos un llamado a las autoridades, para prevenir la desertificación de esta importante área geográfica del país y su población. El Concejo Ecueménico Cristiano de Guatemala, ante estos hechos, recuerda las palabras de Juan Pablo II, cuando expresaba que “la contaminación o la destrucción del ambiente son frutos de una visión reductiva y antinatural, que configura a veces un verdadero y grave desprecio del

hombre”, por lo que no podemos quedarnos de brazos cruzados en una actitud conformista e indiferente, sobre todo cuando esta Creación está siendo sometida por intereses de un sistema egoísta, que poco le importa la vida.

Acompañamos y nos solidarizamos con todas aquellas iniciativas y personas que velan y defienden la protección de los recursos naturales y su explotación racional y moderada, que favorezcan el respeto al medio ambiente, el impulso de proyectos sostenibles y el desarrollo de las propias comunidades.

Guatemala, 25 de agosto de 2009.

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