



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

MIP - MONTHLY INFORMATION PACKAGE - GUATEMALA

Number 72, September 2009

1. NOTES ON THE CURRENT SITUATION
2. ACTIVITIES OF PBI GUATEMALA: WITHIN GUATEMALA
 - 2.1 DIALOGUE WITH GUATEMALAN AUTHORITIES AND THE DIPLOMATIC CORPS
 - 2.2 MEETINGS WITH CIVIL SOCIETY ORGANISATIONS
 - 2.3 ACCOMPANIMENT
 - 2.4 FOLLOW-UP
 - 2.5 OBSERVATION
3. ACTIVITIES OF PBI GUATEMALA – OUTSIDE GUATEMALA
4. NON-GOVERNMENTAL ORGANISATIONS

1. NOTES ON THE CURRENT SITUATION

IMPUNITY

Spanish Judge Santiago Pedraz insists on obtaining copies of key military archives for the Guatemalan genocide case being brought before the Spanish National Court

Guatemala, 03.09.2009 (LH).- Santiago Pedraz, judge for the Spanish National Court, requested for the second time a certified copy of the military counterinsurgency plans carried out in Guatemala during the 80s, with the aim of incorporating the military archives into the case of genocide being investigated in Madrid. There are currently various orders of arrest against retired Guatemalan military personnel with the aim of getting them extradited. Pedraz's petition was resubmitted in August to the Guatemalan judge Eduardo Cojulum, president of the Eleventh Criminal Court of the First Instance of Guatemala, who is in charge of the judicial proceedings regarding the transfer of documents to Pedraz. Cojulum said that his court had requested the archives from the Ministry of Defence as well as the Second Criminal Court of First Instance, which has two of the four archives in its custody. Pedraz seeks to incorporate into the genocide case the military plans of Sofia, Victoria 82, Plan Campaña and Firmeza 83, arguing that these documents detail the planning of the events denounced by Nobel Peace Prize winner, Rigoberta Menchú and hoping to find in them the names of those who ordered the massacres during the civil war. According to Benito Morales, lawyer for the Rigoberta Menchú Foundation, these military plans of operation "reveal conclusive evidence of the existence of a plan for genocide, that was implemented during the armed conflict".

Large part of adoptions during the civil conflict were illegal, estimates SIPAZ

Guatemala, 10.09.2009 (LH).- According to a study by the Secretary of the Peace (SEPAZ) about adoptions during the civil armed conflict, at least half of the 672 records that have been located show signs of unorthodox processes. Marco Tulio Álvarez, director for the Peace Archive for SEPAZ, said that during the period covered by the investigation (1977-1989), the adoption processes were intensified due to the increased number of minors placed in a position of vulnerability due to the war. According to Alvarez, in 333 records the same pattern of conduct was detected in the actions of notaries and other involved actors, such as the Presidential Secretary for Social Wellbeing (SBSP), private refuge homes, judges and churches, who had not carried out investigations into the origins of the children. With the information in these documents they are now looking for clues as to the whereabouts of the minors who disappeared and of children orphaned as a result of the war, keeping in mind that many of them were handed over to children's homes or the state security forces and were subsequently under the custody of the SBSP. Álvarez mentioned that the preliminary study would be submitted to the Public Prosecutor's office for Human Rights.

Congress approves the integration of six lawyers vetoed by civil society into the Supreme Court of Justice.

Guatemala, 01.10.2009 (PL, EP, SV, CA).- Against the advice and recommendations of social movements and organisations as well as the International Commission against Impunity in Guatemala (CICIG), the Congress of the Republic decided, with a majority vote, on the composition of the new Supreme Court of Justice. Included among the 26 newly elected magistrates will be six lawyers vetoed for various reasons by civil society and the CICIG. During the voting 123 members of Congress were present who approved the integration of the first Supreme Court of Justice elected under the Nomination Commissions Law. The new Supreme Court of Justice should come into effect on 13th October. Nineth Montenegro, deputy for the party Encuentro por Guatemala, and speaker for the Nomination Commissions law, said party interests had been prioritised and the recommendations of civil society put aside, but in

spite of this the new law had come into effect. "Now the six candidates accused by the CICIG will be integrated into the Court. They could end up steamrolling the activities the Supreme Court," she warned in her final speech before the plenary session.

LAND

Social organisations denounce increase in killings of leaders of *campesino* and indigenous communities.

Guatemala, 04.09.2009 (LH, PL).- Indigenous and *campesino* organisations that are members of the National Coordinator of *Campesino* Organisations (CNOC) denounced the increase in killings of their leaders (nine in less than three months), linking them with ongoing land-related conflict that the state has been unable to resolve. Among those killed are a woman and eight men, members of the Unified *Campesino* Committee (CUC), the Committee for *Campesino* Development (CODECA) and the Union of *Campesino* Organisations of Verapaz (UVOC), in the departments of Jutiapa, Izabal, Alta and Baja Verapaz and Retalhuleu. Rafael González of CNOC said violence generated by the evictions was also increasing food insecurity, given that when *campesinos* are violently expelled by the National Civil Police (PNC) and members of the army, their crops are also destroyed. "We are suffering because of the famine situation, as well as the criminalisation and repression of our leaders," said Carlos Morales, CNOC's coordinator. The organisations consider the killings to be extrajudicial executions and demand that the Public Prosecutor's Office (MP) investigate them, as well as other abuses against these communities. CNOC's leaders say that in every case the killed person had a history of defending the access to land of indigenous communities who have historic rights over land usurped during the armed conflict and had subsequently passed into the hands of private enterprises and ranchers. In Aparicio Pérez's opinion (a member of the CUC), the Land Registry (RIC) is to blame for not facilitating the measuring of land, as is the Secretary for Agricultural Affairs (SAA) for having acted indulgently towards landholders, and especially the state, for not resolving the conflicts and for criminalising and reprimanding the *campesino* and indigenous movement for fighting for their lawful rights.

Olivier De Schutter, UN Special Rapporteur, recommends combating structural problems to end famine

Guatemala, 05.09.2009 (AC, SV, PL, EP).- The United Nations Special Rapporteur on the Right to Food, Olivier De Schutter, showed his concern about the Guatemalan food situation during his visit to the country, which ended on 5 September. He said the crisis was an extreme example of what was happening in the region and emphasised the state's lack of capacity to fight it, in particular due to lack of economic resources and the persistence of a great inequality in income levels. The poorest section of the population is concentrated in rural areas (72%) and the most affected are the indigenous population. De Schutter lamented the fact that Guatemala was a "poor and weak state that barely raises 9.9% of its GDP, well below the 12.5% established by the Peace Accords", as signed in 1996. On the other hand, the Rapporteur said it was a paradox that Guatemala had, more than many other countries in the region, excellent legislation promoting food and nutritional security (SINASAN), that was adopted in 2005 but which has not yet been applied. He said he valued the initiatives of the Government to attend to the most vulnerable in rural areas, but considered that programs like "My Family Makes Progress" were not enough to attack the structural problems behind famine. Among his recommendations he emphasised the need for legislation that identifies a beneficiary population, so that it can claim its right before a tribunal if necessary, and that is applied from a human rights rather than a welfare perspective.

NEGATIVE EFFECTS OF GLOBALISATION

Communities of Alta Verapaz reject construction of a hydroelectric plant in Lanquín municipality

Guatemala, 03.09.2009 (AC).- Around two thousand people from the communities of Lanquín and Cahabón, in the department of Alta Verapaz, protested against government plans to construct a hydroelectric plant in the small village of Chicanus (municipality of Lanquín), believing it would affect the environment and generate further poverty. The authorities invited by the protesters did not appear, although they had been expected, informed Gerardo Tec Caal, who was representing the Community Development Councils (COCODES). He said the idea of constructing the dam using the waters of the Cahabón River was not new.

Congressional Committee holds public hearings about problem of San Juan Sacatepéquez cement plant

Guatemala, 10.09.2009 (EP).- The Congress Transparency Committee received on the 9th of September representatives from the Ministries of Energy and Mines (MEM) and Environment and National Resources (MARN) to hear their explanations of how the company Cementos Progreso was given its licence to construct a cement plant in San Juan Sacatepéquez. "Its environmental impact study was one of the best to have been received", assured Luis Zurita, vice-head of MARN. Meanwhile Selvin Morales, director of the mine, said the company's project would make use of technological advances to reduce the likelihood of pollution as much as possible. The meeting forms part of a commitment made by the Congress with *campesino* organisations, after various communities in the municipality expressed their opposition in view of the risk of contamination or scarcity of water as a result of the plant's activities. The chair of the discussion, Rosa María de Frade, said there appeared not to be a risk, given that the plant would be downriver from the communities, but that this information should be the object of public investigation. In the communities of San Juan Sacatepéquez opposition to the construction of the factory continues. Herbert Pirir, a resident of the municipality, said that as well as the worry over water, they had already experienced problems of noise pollution in the communities closest to the installation of the plant. According to Yuri Melini, Director of the Centre for Environmental and Social Legal Action (CALAS) the licence could be legal, but there still remain many ethical doubts, which the government has not yet responded to. It is not known, for example, if the company was given the right to use the water, or if the population was told in its own language that the company had been authorised to begin operations, said Melini.

Sources: Agencia Cerigua (AC), Diario de Centro América (CA), El Periódico (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:

- David McNaught, deputy head of mission, Embassy of the United Kingdom, Guatemala City, Guatemala
- Enrique Luis Vaca Narvaja, head of business, Embassy of Argentina, Guatemala City, Guatemala

Guatemalan Authorities:

- Oscar Cerdón, coordinator of Development Unit, National Forestry Institute (INAB), Guatemala City, Guatemala
- Gladis Verónica Crespo González, assistant of the Office for the Protection of the Environment, Human Rights Ombudsman Office (PDH) Guatemala City, Guatemala
- José Guzmán Shaúl, technical legal advisor for the Ministry of the Environment and Natural Resources (MARN), Guatemala City, Guatemala.
- Rolando Rodríguez, executive vice-director of MARN, Huehuetenango, Huehuetenango
- Miguel González, head of environmental control for MARN, Huehuetenango, Huehuetenango
- Víctor Manuel López, advisor to the Mayor of Camotán Municipality, Chiquimula.
- Marco Tulio Pelón Cruz, secretary to the Mayor of Jocotán Municipality, Chiquimula
- Freddie López, administrator for the community association of Chiquimula
- Óscar Rolando Martínez, Mayor of San Juan Ermita Municipality, Chiquimula
- María Guadalupe (officer) y Daniel Portillo (educator), PDH, Chiquimula
- Gianni Suchini, Mayor of Chiquimula Municipality
- Carlos Moscoso, Governor of Chiquimula

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:

- Miguel Qiej, director of the National Council of Communities for the Integral Development of Guatemala (CONCODIG), Guatemala City, Guatemala
- Abisaías Gómez and Omar Jerónimo, members of the Agrarian Platform, Guatemala City, Guatemala
- Norma Cruz, director of the Survivors Foundation, Guatemala City, Guatemala
- Javier Gurriarán, independent consultant, Guatemala City, Guatemala
- Magalí Rey Rosa, member of the school of Ecological Thought, SAVIA, Guatemala City, Guatemala
- Domingo López and Aureliano Mejía, political coordinators on the themes of land and labour, Committee for *Campesino* Unity (CUC), Guatemala City, Guatemala
- Melissa Vega, journalist for the Centre for Informative Reporting on Guatemala (CERIGUA), Guatemala City, Guatemala
- Juan Carlos Contreras, member of the Association for Community Promotion and Development (CEIBA), Huehuetenango, Huehuetenango
- Roderico Mérida, coordinator of the Central Region for the Departmental Assembly for the Defence of Natural Resources, Huehuetenango, Huehuetenango
- Francisco Rocaél, coordinator of the Huista Region for the Departmental Assembly for the Defence of Natural Resources, Huehuetenango, Huehuetenango
- Rodolfo Gutiérrez, parish priest for the Catholic Church of San Pedro Soloma, Huehuetenango
- Juana Leticia, member of the Organization Patq'om, San Pedro Soloma, Huehuetenango
- Juan María Boxus, parish priest for the Catholic Church of Jocotán, Chiquimula
- Pedro Sambrano, member of the Organisation MojoMayas, Cotzal, El Quiché
- Diego Chávez, member of the Association of Popular Educators Résteles in Quiché (AEPREQ), Nebaj, El Quiché

- Marcelino Cano Salcedo, member of the Parish of Nejab, El Quiché
- Baltasar Raimundo Rivera, member of the Association of Chajulense, Chajúl, El Quiché
- Mateo Batz, member of the Organisation for the Defence of Mayan Rights, Chajul, El Quiché
- Pedro Chicaj, member of the Council for the Communities of Cunén, Cunén, El Quiché
- Ernesto Menchú, member of the Victims' Committee of Uspantán, El Quiché
- Byron Rogelio Caal, project coordinator, Coordinating Council of the Consensus of the Q'eqchi Poqomchi Mayan People of Alta Verapaz, Cobán, Alta Verapaz
- Falia Fomucani Pop and Natalia Caal, members of FUNDAMAYA, Cobán, Alta Verapaz
- José Anibal Cuadra, member of the coordination of the Council for the towns of El Quiché, Nebaj, El Quiché

International Organisations and Agencies:

- Forum of International Non-Governmental Organisations in Guatemala (FONGI), Guatemala City, Guatemala
- Coordination of International Accompaniment in Guatemala (CAIG), Guatemala City, Guatemala
- Christina Papadopoulou, Office of the United Nations High Commissioner for Human Rights (OACHUDH) in Guatemala, Guatemala City, Guatemala
- Jonathan Guzmán, director of the Heifer Project, Guatemala City, Guatemala

2.3 ACCOMPANIMENTS

Union of Campesino Organisations of the Verapaces (UVOC).

In September we continued to pay close attention to the situation of families on the La Mocca Ranch in the municipality of Santa Catalina La Tinta. The community, which continues to be located at the roadside, has been holding out for the past few months for land where it can re-establish itself. In the meantime, the people lack land to farm and as a consequence are vulnerable to hunger. In addition, we observed the development of Round Table meetings over agrarian conflicts 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 these 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 September we continued our accompaniment with regular visits to the office and meetings with the women of CONAVIGUA. We have monitored and accompanied the preparatory processes in carrying out exhumations in the department of El Quiché.

Background: CONAVIGUA carries out processes of exhumations and inhumations in different departments throughout Guatemala, above all in Quiche, 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.

On the 28th of September we assisted, in our capacity as observers, the court hearing for Jorge Luis López, director of OASIS, for his presumed participation in the cover up of the attempted murder of the sex worker Laila (Axel Leonel Donis González). The following day the judge Nery Oswaldo Medina Méndez, of the Ninth Court of the First Instance Criminal Court suspended the criminal proceedings brought against Jorge López and declared inadmissible the accusations made against him by the Public Prosecutor's Office. After several months in this process, Jorge López will now be able to continue his work in relative tranquillity, free from the provisional coercive measures he has been subject to since 23rd January 2009. Worth emphasising is the support that Jorge López has received during the months he was tied to the judicial process, from Guatemalan social organisations and authorities as well as international institutions and the diplomatic corps present in Guatemala.

During September we have also been following closely the case of Zulma Robles, who since the beginning of the month has been receiving disturbing calls from unidentified persons. In this context we accompanied Zulma to the Presidential Commission for Human Rights (COPREDEH), to report these phone calls. COPREDEH acknowledged her report and agreed to follow up on the case.

*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 Las Granadillas Mountain, APMG

In September we accompanied APMG to a round table meeting attended by the Ministry of the Environment and National Resources (MARN), the APMG, local communities, the Municipality of Zacapa and the private sector, with the aim of resolving the present conflict in Las Granadillas Mountain. We also participated as observers at the environmental forum "The water and forests of the Las Granadillas Mountain" at Rafael Landívar University, where the concession of tree felling licences in water basin areas on private property on the Mountain was denounced by the National Forestry Institute (INAB). APMG is following up on this issue as it believes that the logging of trees in this area negatively affects the community's water reserves. We are concerned about the security situation of members of the Association, especially after the attempted attack on the Casa Campesina in Trementina in the department of Zacapa on 3 September, which apart from being local headquarter to ILUGUA, is also that of the APMG.

*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 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 push for the judicial process to identify the origin of the threats.

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."

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, following threats that one of its members had received from a community member. In September we observed a march organised in the municipality of Jalapa for the Women's Association, Xinka Government and Association of Xinka Communities, to express their disagreement both with the granting of mining licences in the region and the lack of consistent policies against the serious hunger problem in the Municipality 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.

'New Day' Chortí Campesino Central Coordinating Body

We began to accompany the 'New Day' Chortí Campesino Central Coordinating Body in September, accompanying in particular members who have been subject to threats and intimidation due to the work they perform in defence of natural resources in the Chortí area. Since beginning the accompaniment we have met with authorities at national and local levels to express our concern for the security of the New Day members, especially that of one of its directors, who was victim of a firearm attack near his community in the middle of the month. As a result of this last occurrence we have intensified our political and physical accompaniment of the organisation.

*Background: 'New Day' Chortí Campesino Central Coordinating Body is part of the Agrarian Platform, working in the Municipalities of Camotán, Jocotán, Olopa and San Juan Hermita in the department of Chiquimula. It trains rural communities on issues relating to the rural economy, the environment, rights and land, in coordination with other local organisations. It has 7,400 members and a political council made up of 16 people (eight senior members and eight vice-members). Omar Jerónimo is the coordinator of the organisation. In 2006 New Day became aware of the existence of construction projects for three hydroelectric plants in two of the department's municipalities. "El Orégano", which would be built on the Río Grande in the municipality of Jocotán and which would have the capacity to generate 120 megavolts; and "Caparjá", in the municipality of Camotán with a potential of 57 megavolts. They are both projects of the Company **Desarrollo de Generación Eléctrica y Manejo de Recursos Naturales Las Tres Niñas SA** (Development of Electricity Production and Management of Natural Resources Las Tres Niñas Inc). The third project, "El Puente", in Jocotán, is a project of the company **Generación Limpia de Guatemala, S.A.** (Clean Generation of Guatemala Inc) and would have a potential of 27 megavolts. Since discovering their existence, New Day has begun to inform communities about the projects and their effects. Members of New Day have received threats and attacks that they relate to this work.*

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.

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.

In September we participated in a meeting at CALDH headquarters, where fears were shared over the delay in Appeal Court 4's settling of the case of **The Massacre of Dos Erres** in which 17 military officers are implicated. Based on the Law of National Reconciliation these officers are trying to claim amnesty. The Court has deferred its decision on the process, and subsequently the relatives of the massacre's victims and survivors remain without answers on the grave human rights abuses committed against them 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.

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.

We continue to observe the exhumation that was started at the end of July on the site of a former military detachment in Chejul, near the municipality of Uspantan (Department of El Quiché). The first human remains were found by the Forensic Anthropology Foundation of Guatemala (FAFG) in August. It is estimated that hundreds of people killed during the armed conflict could have been buried in different graves. So far the remains of 26 have been found.

On 8 September we observed a sit-in organised in front of the Congress of the Republic by the Women's Sector, the Women's Association for the Development of Sacatepéquez (AFEDES), Mama Taquin, the National Union of Guatemalan Women (UNAMG), the Lesbian Collective, and the 25 November Coordinator. The organisations presented a document to the Congress members, expressing their concerns about the constitutional reforms proposed by Pro Reforma that, if they go ahead, will diminish the rights of indigenous communities and women.

We were also present as international observers at the 'good faith' community consultation that took place in the Municipality of San Sebastian Coatan, department of Huehuetenango on 24 September. On this occasion more than 14,000 people belonging to the 53 communities of the municipality had the opportunity to show their agreement or disagreement with the concessions of mining licences in their area.



'Good faith' community consultation in San Sebastian Coatan, department of Huehuetenango

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.

In Early September, the European representative of the project took part in a collective meeting called by the organisation Frontline, with Juan Duarte and Beatriz Lorenzo, respectively director and official in charge of human rights defenders' issues, of the Human Rights Office of Spain's Ministry of Foreign Affairs. This meeting took place in the context of the preparations of the Human Rights Office for the next Spanish European Presidency in 2010, and was a space for a debate with civil society organisations about the practical implementation of the European Union guidelines on the protection of human rights activists.

Also in September we worked intensively from Brussels on the organisation and preparation of meetings with members of the European Parliament (EP). At the end of the month the PBI Guatemala project participated, together with the PBI Mexico and Colombia projects, in meetings with six Euro-MPs of different nationalities, members of various commissions and delegates of the European Parliament:

- Assistant to Mr Norbert Glante (German), vice-president of the Euro-Latin American parliamentary assembly and member of the Mexican-European Union mixed parliamentary delegation
- Assistant to Mr Wolfgang Kreissl-Doerfler (German), member of the foreign affairs commission and the delegation for Central America (substitute)
- Mrs Barbara Lochbihler (German) member of the human rights sub-commission and the foreign affairs commission
- Mr Miguel Angel Martinez Martinez (Spanish), vice-president of the European Parliament.
- Mr Louis Michel (Belgian)
- Mrs Cecilia Wikstrom (Swedish)

Finally, in September we also maintained in communication with various contacts in the project's Support Network in several European countries in Europe and North America, to keep them informed of the results of the judicial hearing involving Jorge Lopez, director of the accompanied organisation OASIS. The penal process against him, which started about 10 months ago, has been suspended.

4. NON-GOVERNMENTAL ORGANISATIONS

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

COMUNICADO DE PRENSA

La Unión Verapacense de Organizaciones Campesinas –UVOC- miembros de Coordinadora Nacional de Organizaciones Campesinas CNOC y de Coalición Internacional a la opinión pública nacional e internacional, hace saber:

Día de ayer domingo 27 de Septiembre 2009 a las 3 pm., la seguridad de la empresa CGN, con un grupo de sicarios pagados por esta empresa minera. arremetieron, con lujo de violencia, contra las comunidades El Chupón, La Unión, Las Nubes etc., del municipio del Estor, Izabal dejando Como saldo, la muerte de un compañero dirigente campesino, Adolfo Ichich; el secuestro de 4 compañeros de quienes se desconoce su paradero), además según el listado que proporciono la Cruz Roja los heridos que fueron trasladados al Hospital de Puerto Barrios son: Samuel Coc de 32 años, Ricardo Tec 28 años, Alfredo Xi, Aroldo Cucul 30 años, Alejandro Acte, Luciano Choc, Héctor Choc de 23 años, Guzmán Chub 20 años.

Y el día de hoy lunes 28 de septiembre de 2009 a las 4.30 horas de la mañana ametrallaron un microbus que traía a compañeros dirigentes campesinos del Estor Izabal a una capacitación sobre Prevención y Mitigación de Desastres a Cobán cabecera departamental de Alta Verapaz. Resultado de este atentado 6 heridos entre ellos una compañera que se encuentran graves en el hospital general de la tinta Alta Verapaz y 2 que fueron trasladados al hospital general de Cobán, Alta Verapaz. Lo que inevitablemente hace recordar los dolorosos años de la política de tierra arrasada.

Es repudiable que el Estado retome esas prácticas, que deberían quedar en el pasado, nada justifica que, desde el Gobierno y conjuntamente con las empresas nacionales e internacionales, se acuda de nuevo a métodos represivos caracterizados por la brutalidad y el salvajismo. Salvajismo que da muestras de que no les tiembla el pulso para llenarse sus manos de sangre indígena y campesina con tal de imponer su voluntad como Gobierno.

El surgimiento de estas acciones buscan callar e intimidar criminalizar la lucha por la defensa de los derechos humanos, y en especial la de los campesinos que demandan la solución pronta de los problemas de tierras, especialmente en lo que respecta al pago de prestaciones laborales al haber trabajado por muchos años como mozos colonos devengando salarios de hambre y sin el pago de prestaciones laborales en fincas de Alta y Baja Verapaz e Izabal.

Para resolver estos conflictos Nunca se ha abierto un espacio real a un diálogo maduro y responsable, al punto de que el Gobierno no ha querido honrar los compromisos que ha asumido ante las comunidades. Nunca se ha buscado una verdadera solución negociada ni madura, sino que se ha pretendido de la fuerza bruta por encima del de la razón y, con esas pautas, de manera absolutamente irresponsable crean condiciones para el incremento de la violencia.

Preocupa la amenaza latente de cientos de órdenes de desalojo, para la construcción de represas, implementación de los monocultivos, para la minería la persecución selectiva de dirigentes campesinos la matanza de dirigentes campesinos,

Por lo anterior demandamos al Gobierno central, a la comisión Internacional Contra la Impunidad en Guatemala CICIG, Corte Suprema de Justicia, Procurador de los Derechos Humanos, Ministerio Publico, realizar las investigaciones contra los responsables de estos actos criminales y persecuciones que están creando un clima de inestabilidad social, que podría encadenar en el surgimiento de un estallido social ante la incapacidad de las instituciones por encontrar soluciones prontas a los problemas de acceso a la tierra y la seguridad alimentaria

PBI GUATEMALA DOES NOT NECESSARILY IDENTIFY WITH THE OPINIONS AND CONTENTS OF THE ARTICLES AND COMMUNIQUE'S REPRINTED HERE. THE NOTES ON THE CURRENT SITUATION IN SECTION 1 ARE NOT LITERAL COPIES OF THE SOURCES CONSULTED: THE CONTENT OF THE ORIGINAL ARTICLES HAS BEEN SUMMARISED AND EDITED FOR CLARIFICATION.

- PBI GUATEMALA PROJECT-

Team Office in Guatemala

3ª Avenida "A", 3-51, Zona 1, Ciudad de Guatemala
Telephone/fax: (+502) 2220 1032
E-mail: equipo@pbi-guatemala.org
Web page: www.pbi-guatemala.org

Project Coordination Office

Plaza Manuel Granero 9, Puerta 18;
46006 Valencia (España)
Telephone: (+34) 963 816 835
E-mail: coordinacion@pbi-guatemala.org