

## PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

### MIP - MONTHLY INFORMATION PACKAGE – GUATEMALA

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### 1. CURRENT NEWS

#### IMPUNITY

**Sentenced for genocide and crimes against humanity in Guatemala: Ríos Montt found guilty; Rodríguez Sánchez absolved**  
Guatemala, 10.05.2013 (EP, PL).- On 10 May, the First High Risk Tribunal A determined that the former de-facto head of state, José Efraín Ríos Montt was guilty of the crimes of genocide and crimes against humanity, perpetrated in 1982-1983. It also found not guilty another defendant, Mauricio Rodríguez Sánchez, who led Military Intelligence in the same period. The court sentenced Ríos Montt to the maximum permitted periods of incarceration: a total of 80 years in prison (50 years for genocide and 30 years for crimes against humanity). It ordered his immediate transfer to Matamoros Prison. The court also ordered the public prosecutor (MP) to broaden its investigations into other possible perpetrators of crimes committed during the internal armed conflict that remain unpunished.

In sentencing, the court remarked that the military coup through which Ríos Montt gained power in 1982 led to violent deaths, rape, and displacement of large groups, and that survivors were forced to live in so-called “model villages” and to join Civil Self-Defence Patrols (PAC) in the communities of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul, in the North of Quiché province. The court stated: “Knowledge of the truth helps to heal the wounds of the past. Justice is a right of the victims. These events should never again occur. For there to be peace in Guatemala, there must first be justice”.

#### **Constitutional Court annuls the sentence in genocide trial and sentencing court declines jurisdiction**

Guatemala, 28.05.2013 (EP).- One week after the Constitutional Court (CC) annulled the sentence imposed by the First High Risk Tribunal A on Ríos Montt for genocide and crimes against humanity and its not guilty finding in respect of Rodríguez Sánchez, the trial now lies in the hands of the Court for High Risk Crimes and the Seizure of Assets<sup>1</sup>.

Both sides agreed that, following the CC's decision of 20 May, the trial will have to be repeated in part. Héctor Reyes, lawyer of the Centre for Human Rights Legal Action (CALDH), explained that the Court for High Risk Crimes and the Seizure of Assets must now examine the reasons given by the members of the First Tribunal A and if these are accepted, then new members will have to be designated for the trial. He stated that “although the decision of the CC does not so stipulate, if the court finds that there is no logic in the 20 May decision, it will be forced to remit the case to a new Sentencing Tribunal”. He added that CALDH and the other lawyers acting in the case will be analyzing the possible scenarios and the best action to take in the event that oral arguments regarding genocide in the case must be repeated.

#### **The remains of seven bodies exhumed in a former military prison are identified**

Guatemala, 17.05.2013 (PL).- The Guatemalan Foundation of Forensic Anthropology has recovered the remains of 535 persons in 83 graves since beginning exhumations in a former military prison in Cobán, Alta Verapaz, in February 2012. The majority of the bodies display signs of violence. Currently, seven persons have been identified who, according to FAFG's report, were victims of forced disappearance between 1981 and 1982, five of whom during the period of the dictator Ríos Montt.

#### LAND

1 Translated from Spanish, Sala de Mayor Riesgo y Extinción de Dominio.

### **Communities in the Polochic River Valley denounce new aggressions and violent displacements**

Guatemala, 30.05.2013 (LH).- The q'eqchi' communities living in the communities of Panzós, Alta Verapaz in the Polochic River Valley continue to lament the increasing concentration of large tracts of land there in the hands of businessmen and estate owners. They have also denounced acts of intimidation and death threats during violent and extrajudicial forced removals from land. The Committee of Campesino Unity (CUC) stated in a communication that five campesino farmers had been injured by shotgun and large caliber weapons, when 100 private security guards and workers of the sugar cane company Chabil Utzaj attempted to a forced extrajudicial displacement on 25 May in the El Rodeo community. Esteban Hermelindo, community leader, indicated that the displacement was not successful and that the families remain on the farms. He stated that the persons evicting the families claiming ownership were in fact the lease holders. These events resemble those in 2011 when, during struggle for land, violence against the population in this area resulted in the death of people such as Óscar Reyes, 34.

## **NEGATIVE EFFECTS OF GLOBALISATION**

### **Social non-cooperation in San Rafael Las Flores regarding construction of a military camp**

Guatemala, 20.05.2013 (LH).- Protestors from San Rafael Las Flores, Santa Rosa, have demonstrated in opposition to the authorities' intention to construct a military camp in the municipality. They complained that the mayor, Leonel Morales, has commenced recording signatures in support, but is noting only the persons who are in favour of a permanent military presence. According to complaints received by the newspaper La Hora, at one meeting between the mayor and the Municipal Development Council (COMUDE), made up of 26 members of the Community Development Council (COCODE) 24 persons declared themselves to be against the military presence in the area.

### **Social and human rights activist, Rubén Herrera, is freed after three months in prison**

Guatemala, 31.05.2013 (SV).- Miguel Ángel Gálvez, First High Risk Judge B, has declared that Rubén Herrera Herrera, an activist from Huehuetenango, would be freed. He participated in opposition to the operations of the hydroelectric company Hidro Santa Cruz in the nearby Barillas communities. He is a member of the council of the Peoples Assembly Huehuetenango (ADH) and of the Council of Peoples of the West (CPO) and was detained on 19 March, accused of illegal detention, threats, encouraging crime, coercion, arson and activities against the state's interests. He was detained pursuant to two arrest warrants authorized by the First Criminal Court for Drug-Trafficking and Crimes Against the Environment in Santa Eulalia, dated 27 July 2011 and 18 April 2012. The judge, Gálvez, stated that public prosecutor's (MP's) investigations were not supported by sufficient proof that would merit deprivation of liberty. He concluded that one of the warrants be dismissed and the provisional closure of the process in respect of the other. The judge permitted the prosecutor a further 6 months to establish the proofs necessary for the second warrant.

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**Sources:** El Periódico (EP), Prensa Libre (PL), Siglo Veintiuno (SV) and La Hora (LH).

## **2. PBI-GUATEMALA ACTIVITIES: IN GUATEMALA**

**Team:** Kristel Best Urday (Peru), Valdivia Moutawali (Netherlands), Raquel Rojo Diez (Spain), Johannes Stiebitz (Germany), Stephen Bradford (United States), Daniel Butler (United Kingdom), Melanie Rucker (Germany), Valentina Caprotti (Italy), Karen Jeffares (Ireland) and Jacqueline Bartsch (Germany).

### **2.1. MEETINGS WITH DIPLOMATIC CORPS AND GUATEMALAN AUTHORITIES**

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

#### **Diplomatic corps and other international entities in Guatemala:**

- Kristin Svendsen and Marianne Gulli, Advisor and First Secretary, respectively, Embassy of Norway, Guatemala City, Guatemala.
- Fabrizio Pignatelli della Leonessa, Ambassador, Embassy of Italy, City of Guatemala, Guatemala.
- Jennifer Echeverría, Cooperation Official and Human Rights Programme, Embassy of the EU, Guatemala City, Guatemala.
- Norman Galimba and Chris Hartfield, Political Matters Officials, Embassy of the United States, Guatemala City, Guatemala.

#### **Guatemalan Authorities:**

- Oswaldo Enríquez and Rolando Yoc, Personnel of the Human Rights Defenders Attacks Analysis Unit, Ministry of Governance, Guatemala City, Guatemala.
- Miguel Ángel Balcárcel, Director, National System of Permanent Dialogue (SNDP), Guatemala City, Guatemala.

- Claudia López and Mario Minera, Assistant Ombudsman and Director of the Mediation respectively, Conflict Resolution and Public Politics Intervention Unit, Office of the Human Rights Ombudsman (PDH), Guatemala City, Guatemala.
- Carlos Barquín, National Director of Provincial Auxiliaries, Office of the Human Rights Ombudsman (PDH), Guatemala City, Guatemala.
- Jorge de León Duque, Human Rights Ombudsman, Office of the Human Rights Ombudsman (PDH), Guatemala City, Guatemala.

## 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 the processes of contextual analysis on specific issues in Guatemala.

### International Organisations and Agencies:

- Coordination of International Accompaniment in Guatemala (ACOGUATE), Guatemala City.
- Sebastián Elgueta, Investigator, Amnesty International, Guatemala City, Guatemala.

## 2.3 ACCOMPANIMENT

### National Coordinator of Guatemalan Widows, CONAVIGUA

In May we have maintained contact with members of CONAVIGUA through meetings, visits to their office in the capital and telephone calls. They have continued their presence in various hearings in the genocide trial and in activities denouncing the annulment of the sentence on 20 May by the Constitutional Court (CC). At the start of the month CONAVIGUA carried out two exhumations, one in Santa Polonia and the other in San José Poaquil, municipalities of Chimaltenango. On 25 and 26 May we accompanied members of CONAVIGUA to an activity in Joyabaj, El Quiché.

*Background: In its pursuit of justice, dignity and the recovery of Guatemala's historical memory, CONAVIGUA carries out exhumations and inhumations of the remains of victims of the internal armed conflict in different departments throughout Guatemala, above all in Quiché, Chimaltenango and the Verapaces. These processes provoke very tense situations in rural communities where victims and perpetrators live side by side, occasionally resulting in threats aimed at stopping the work of the organisation and its members. CONAVIGUA was founded by women who were widowed by the war, although today men also participate in the organisation. We have accompanied the association since August 2003, visiting its office and joining its members on journeys to regions where the association is currently developing its 'Justice and Dignity' programme. In recent years CONAVIGUA has experienced several critical security issues, including death threats received by members in 2010. Analysis of the risks and security incidents faced by the association today suggests its work fighting impunity, and the security of its members, should continue to be monitored.*

### Association for the Protection of Las Granadillas Mountain, APMG

This month we have maintained regular contact with the members of the Association for the Protection and Defense of Las Granadillas Mountain (APMLG) through telephone calls, visits, meetings, observation of activities and accompaniment in the west of the country. On 4 May we observed an assembly of chortí campesino and indigenous communities from Zacapa and Jocotán, together with organisations and churches from the region such as CÁRITAS Zacapa, ASECSA North-West and the Lutheran Church (ILUGUA). During this meeting various decisions were taken regarding the restructuring of the association and a new leadership was elected, maintaining representation from the communities of the region.

We have also maintained telephone contact and regular meetings with the Reverend **José Pilar Álvarez**, as well as accompanying him in his movements and observing activities in which he is participating. On 9 May, together with members of the Christian Ecumenical Council in Guatemala, he participated in a verification commission regarding the state of emergency in the departments of Jalapa and Santa Rosa. On 11 May, we observed the ecumenical celebration that took place in the community of Las Flores (Jocotán) in defence of the land and resources, in which the reverend took place (see accompaniment to CCCDN).

*Background: APMG was created in 2003 in Zacapa to protect the ecosystem of Las Granadillas Mountain (the principal source of water and natural diversity in the region) due to diverse threats identified by the local population, including illegal logging, monoculture, deforestation, large-scale cattle farming and the diversion of water sources. Since its foundation, the organisation has been supported by the Lutheran Church in Guatemala (ILUGUA), led in the region by Reverend José Pilar Álvarez Cabrera, and the Madre Selva Collective. It works in alliance with various organisations and collectives in the region. One of APMG's goals is to have the mountain designated a protected area. In March 2012, the National Council for Protected Areas (CONAP) presented a proposal declaring the area protected. However, existing economic interests in the land have made APMG's work dangerous, and its members have faced diverse types of persecution and threats, including legal proceedings, which were later*

dismissed. These events began after they denounced the illegal logging trade and started, with the population of the La Trementina community, a process of permanently monitoring the licences granted and logging carried out on the mountain's private estates. We have accompanied APMG since August 2008 and, since then, have observed the spaces for dialogues the Association has participated in with public authorities and private actors, in order to promote the defence of economic, social and cultural rights in Zacapa and the region. One of the most serious security issues of recent years took place in 2010, when José Pilar Álvarez experienced death threats, defamations and prosecution and was taken into police custody in relation to the ongoing conflict with Juan José Olavarrueth, owner of the mountain's Tachoró estate. The Association and several members of the La Trementina community have been portrayed negatively by Zacapa's public authorities. Indeed, since April 2012, legal charges have been brought by the Governor of the department, Carolina Orellana, against three members of APMG for acts of protest against deforestation. The Technology Corridor megaproject, soil and food production issues, and the exploitation of natural resources (communities are neither informed of nor consulted on the latter) are key concerns for APMG and feature prominently in the collaborative work they conduct with other collectives and communities in the region today.

In May 2013, the association was restructured, maintaining representation of the region's communities. Although José Pilar Álvarez has been relieved of the position of president, he continues working in the process of protection and defence of this territory. PBI continues accompanying APMG and the Reverend.

#### **'New Day' Chortí Campesino Central Coordinator, CCCCND**

We have maintained regular contact with the organization during the month through telephone calls, visits, meetings with its members, observation of activities and accompaniment of its members. A number of them were present on 4 May in the assembly of the APMG (see accompaniment of APMG above). On 11 May we observed an ecumenical celebration in defence of the land and resources in the community of Las Flores (Jocotán), organized by the Lutheran, Catholic and Presbyterian churches, which a number of Nuevo Día members attended. Members of the organization have also participated in demonstrations in the capital against the state of emergency declared in the region, at which PBI has been present as international observers.

We continue to note a worrying increase in threats against human rights defenders in the region. As a result, various defenders have made denunciations and requested protective measures from the Human Rights Prosecutor of the Public Prosecutor (MP).

*Background: 'New Day' Chortí Campesino Central Coordinator is part of the Agrarian Platform, working in several municipalities in East Guatemala (including Jocotán, Chiquimula, Camotán, Olopa and San Juan Hermita), in the department of Chiquimula. It trains and informs rural communities on issues relating to the rural economy, the environment, rights and land, in coordination with other organisations in the region. In 2006, New Day became aware of the planned construction of three hydroelectric plants in two of the department's municipalities: the projects El Puente and El Orégano in Jocotán and the project Caparjá, in Camotán. They form part of the largest project of the Electrical Interconnection System for Central American Countries (SIEPAC). As part of its work, the organisation has shared this information with communities in the area, enabling the evaluation and analysis of the environmental effects and impact on local economies that these, and other development projects planned for the region, may have. They carried out this work in relation to the project initially known as 'Dry Canal', then the 'Technological Corridor', and most recently as the 'Interoceanic Corridor of Guatemala' (ICG), which is intended to link the Atlantic and Pacific coasts of Guatemala. This in turn forms one part of the most ambitious regional plans produced under the Mesoamerican Project (successor of the Plan Puebla-Panama, PPP). Members of New Day say the lack of information provision to, and consultation of, Chiquimula's communities by public institutions is a constant source of conflict. Community authorities have therefore been present at meetings and discussions with the Guatemalan firm, Las Tres Niñas S.A., which seeks to implement the El Orégano hydroelectric plant project. They have highlighted the need to consult local inhabitants before implementing megaprojects in the area. In 2012, in addition to the court summons issued to community members of Las Flores, Jocotán, the firm has sent several letters to various organisations and international community actors in Guatemala, portraying community actors and the social organisations that work in the area in a negative light.*

*PBI has accompanied New Day since 2009. Several members of the association have received threats and attacks, including death threats and intimidatory acts, as a result of their work with the communities.*

#### **Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ**

On the night of 2 May a 'state of siege' was declared in the municipalities of Jalapa and Mataquescuintla (Jalapa), and San Rafael Las Flores and Casillas (Santa Rosa). For this reason, we have maintained daily contact with members of the association, through telephone calls, and periodical meetings. On 2 and 9 May we observed the peaceful demonstrations in front of the Ministry of Governance against the 'state of siege', in which AMISMAXAJ members participated.

On 20 and 21 May we accompanied various members of the association on a verification mission comprised of feminist organizations and women's organisations from Montaña de Santa María Xalapán, Mataquescuintla and San Rafael Las Flores. The objective of the mission was to highlight the daily situation faced by women and children during the 'state of siege' that, days later, was substituted for a 'state of prevention (emergency)'. PBI observed the verification mission's work.

On a number of occasions, members of AMISMAXAJ have attended activities related to the genocide trial, at which PBI has been present as international observers.

*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 Xinca communities from the Santa María Xalapán Mountain (Jalapa). They work at the local, departmental and national levels in opposition 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 the Xinca ethnicity and the defence of land and territory. In particular, it is actively working to defend natural resources and to monitor and raise awareness about plans for mining and oil extraction in the region. Since our accompaniment of AMISMAXAJ began in July 2009, the organisation has strived to improve political and feminist education in the region. Indeed they now have their own school in which to do so. Various members of the organisation were subjected to grave death threats in 2009 and 2010, due to the work that they carry out. Based on security incidents in the past, risks faced today and the security situation of its members, the Association's work combating the infringement of women's rights, and those of indigenous people and DESCA, should continue to be monitored.*

### **The 12 Communities of San Juan Sacatepéquez**

This month we have been in permanent contact with members of the 12 communities of San Juan Sacatepéquez. On three occasions, we have accompanied their weekly assemblies in Santa Fe Ocaña.

On 22 May, we observed a demonstration that took place at the 38.5km marker on the inter-american highway, in Santo Domingo Xenacoj, organized to show the community's rejection of the inauguration of the construction of a new road that will connect the municipality of Santo Domingo Xenacoj with San Juan Sacatepéquez and Pachalum, El Quiché. At the act of inauguration the members of the 12 communities spoke to the President of the Republic, Pérez Molina, and the Minister of Communication, Alejandro Sinibaldi, at which they explained their opposition to the construction. They invoked Convention 169 of the OIT (International Trade Organisation) that recognizes the right of communities to information and community consultation regarding decisions that affect the lives of indigenous people.

*Background: In 12 Maya Kaqchikel communities in the municipality of San Juan Sacatepéquez, organised residents participate in processes related to the defence of territory and natural resources in the region. Since 2006, the Guatemalan company Cementos Progreso S.A. has been pushing on with the San Juan project, which includes the construction of a factory and a quarry in the San Gabriel Buena Vista estate where the villages of Cruz Blanca, Santa Fe Ocaña, El Pilar I and II, Los Pajoques, and San Antonio Las Trojes I and II are located. Until December 2012 Cementos Progreso had an 80% share in the project which included the construction of this factory, and the remaining 20% belonged to the Swiss multinational company, Holcim. However, the Swiss multinational company sold its share in December 2012, and from then on Cementos Progreso holds 100% of the investment on this project.*

*On 13 May 2007, without the support of the municipality, the communities of San Juan Sacatepéquez carried out a community consultation on the factory's installation. 8,950 people participated, of which 8,946 voted against and four in favour of the factory. The dialogue process, which involved various Guatemalan authorities and public institutions, concluded without offering any means of resolving the conflict. For more than six years, the 12 communities resisting<sup>2</sup> the San Juan Sacatepéquez project have made numerous complaints about human rights abuses, threats and, in particular, a criminalisation campaign against them, which has maintained its intensity in 2012. Their key demands continue to be the permanent withdrawal of the army from the communities; and compliance with their rights under national and international law.*

### **Council of Communities of Cunén, CCC**

In May we have maintained telephone contact with the members of the Council of Communities of Cunén.

*Background: On 14 January 2009, the communities of the Cunén municipality, department of Quiché, held a meeting to initiate a process that would better defend their territory, natural resources and human rights. At this meeting, the CCC was formed. It consists of 22 directly elected members from eight micro-regions of Cunén. One of the main focuses of the Council's work is the defence of their land and natural resources. In October 2009, they organised a community consultation on mining and hydroelectric exploitation and the construction of hydroelectric plants, among other mega-projects, planned for the Municipality. PBI observed part of the preparation process as well as the consultation itself, in which approximately 19,000 people from 71 communities voted against the aforementioned projects. We began our accompaniment of the Council in February 2010, due to the security risks faced by persons actively promoting the right to land, territory and natural resources in the region, and in following up with the community consultation.*

### **Guatemalan Human Rights Defenders Protection Unit, UDEFEGUA**

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2 The expression '12 communities in resistance' refers to communities and individuals directly affected by, and in direct opposition to, the San Juan Project. The term is used when these actors sign communiqués and public statements, and it acknowledges the fact that the majority of the communities' members oppose the Project. It reflects the sentiment expressed in the consultation process and that which has been documented in public activities. There are of course nuances, with some having stronger opinions than others. There are also advocates of the San Juan Project and divisions within the communities regarding the matter. However, we believe the expression "12 communities in resistance" best describes reality in the region, as observed by PBI *in situ*.

During this month, we have maintained regular visits to the office of UDEFEGUA, telephone contact and frequent meetings. In its work, UDEFEGUA is dealing with a continuing campaign of attacks, threats and defamations with the intention of de-legitimising and impeding the work of the organization.

The security situation of Claudia Samayoa, coordinator of UDEFEGUA, therefore concerns us, as does that of the other members of the organization. This concern extends to the witnesses in the genocide trial and the human rights defenders that have supported this process. Members of UDEFEGUA have been present at a number of hearings, meetings and other activities related to the case. UDEFEGUA personnel have also participated in the verification mission carried out by feminist and women's organisations (see accompaniment of AMISMAXAJ above). On 30 and 31 May, we observed a new meeting of the Network of Human Rights Defenders in Chimaltenango.

*Background: The Human Rights Defenders Protection Unit (UDEFEGUA) was founded in 2004 to promote the security of human rights defenders in Guatemala and helps protect the political space in which they work. The Unit's programmes support threatened human rights defenders and their organisations and advise them about preventing and responding to threats and attacks, through information, training, monitoring and psychological support. UDEFEGUA also lobbies for the protection of human rights defenders by government institutions and the international community. For many years PBI has maintained a close collaborative relationship with UDEFEGUA and in 2007 had already offered to provide the Unit with international accompaniment following a period of threats. After the Unit reported threats to the Public Prosecutor's Office (MP) in May 2009, PBI reactivated its accompaniment. Since then, UDEFEGUA has reported some critical security situations, highlighting an illegal raid on one of its member's homes and tampering with the vehicle of one of its members in March 2010. We continue our regular visits to UDEFEGUA's office, carry out periodic meetings with its staff, and accompany them on visits to various Departments in the country. The visits allow the Unit to develop its work and strengthen its analyses by investigating and verifying reports of attacks on human rights defenders.*

### **Verapaz Union of Campesino Organisations, UVOC**

In May we maintained telephone contact with members of UVOC and accompanied its members in Alta Verapaz. On 8, 28 and 30 May, we accompanied the lawyer Jorge Luis Morales and various members of the community La Primavera, San Cristóbal (Alta Verapaz) and diverse proceedings and hearings of the Justice of the Peace in San Cristóbal and at the Public Prosecutor and the courts in Cobán. We met with Morales and various community leaders in La Primavera, who informed them of new complaints against them and the way in which they face what they consider to be a process of criminalization.

*Background: UVOC is an indigenous and campesino organisation which focuses on defending and enabling access to land for campesino people in the departments of Alta and Baja Verapaz. Amongst other activities, UVOC offers advice to numerous rural communities on land ownership, accompanies communities on activities involving the protection of their land, and participates in formal discussions on related matters. The organisation ensures these discussions are tailored carefully, to squarely confront the well-documented land disputes and agrarian conflict in the region. PBI has accompanied UVOC since 2005, after its members experienced serious threats and intimidatory acts. Carlos Morales, UVOC coordinator, and members of communities which form part of the Union have been subjected to death threats, and various forms of intimidation and persecution, on several occasions. In addition to the Rural Development Law, UVOC publically demands an end to evictions and violence in the region, led by State and non-governmental actors. The Union monitors agrarian issues, and has warned of a deteriorating situation in many localities since the beginning of 2012. In February 2012, PBI drew the international community's attention to concerns about the atmosphere UVOC has to conduct its work in. Threats are made to its members and several communities the organisation accompanies and supports in the region, in particular the community of La Primavera (in the municipality of San Cristóbal, Alta Verapaz) and San Miguel Cotojax (on the municipal and departmental border of Panzós, Alta Verapaz, and El Estor, Izabal).*

### **Human rights lawyer Édgar Pérez Archila**

In May we maintained permanent accompaniment of the lawyer Edgar Pérez Archila, in his movements and during his professional work. In particular, we observed the hearing in the prosecution for genocide and crimes against humanity of Efraín Ríos Montt (de facto head of state between 1982 and 1983) and José Mauricio Rodríguez Sánchez (chief of military intelligence in the same). On 10 May, the First High Risk Tribunal A handed down its verdict that in Guatemala genocide and crimes against humanity had occurred and Ríos Montt was responsible for these crimes, sentencing him to 80 years in prison not subject to parole (see 'current news' above, including regarding the sentence's later annulment).

In May we have also commenced accompaniment of Santiago Choc Cú, another of the lawyers that belongs to the same human rights lawyers' office, following acts of intimidation against him during the case. We have also been present during news conferences, meetings and other activities linked to the trial.

*Background: In August 2010 we began the accompaniment of lawyer and human rights defender Edgar Pérez Archila in his work defending justice and battling impunity. Pérez and his legal team work on proceedings related to massacres committed during the internal armed conflict and other cases of past and current human rights violations. We accompany him because of the trials' importance in the fight against impunity and the fact Pérez has experienced various security incidents in recent years.*

*Pérez and his legal practice are involved in legal proceedings related to: the forced disappearance, torture and extrajudicial execution of the guerrilla commander Efraín Bámaca Velásquez in 1992; the massacre of the Las Dos Erres community in 1982; the massacre of the community of Río Negro, Alta Verapaz, in 1982; and the prosecution for genocide that has been pending before a number of Guatemalan tribunals since 2000.*

### **National Police Historical Archive, AHPN**

This month we have maintained frequent contact with the members of AHPN through telephone calls, meetings and visits to its offices. The AHPN continues its work of uncovering the truth and assisting the search for justice in Guatemala regarding the grave human rights violations that took place during the armed internal conflict, making publicly available the documentation that they have recovered and archived. One of the indicators of its work is the many requests for documentation that it receives from the Public Prosecutor (MP) and survivors of human rights violations and victims' families and representatives. In the first fortnight of May, human rights victims from the war made 31 requests for information, the largest group.

The current director of the AHPN, Gustavo Meoño, has been the object of negative comments – like other human rights defenders – by the Foundation Against Terrorism.

*Background: The AHPN was discovered by chance in 2005, by staff of the Human Rights Ombudsman's Office (PDH), when they carried out preventative procedures relating to the storage of explosives in Guatemalan public security force buildings. In a building in Zone 6 of the capital (built during the internal armed conflict to house the National Police (PN) hospital, although never used as such), 80 million documents were discovered, abandoned, piled up and poorly conserved. This is the historical-administrative documentation of the PN, from its creation in 1881 to its closure in 1997. The institution's participation in the commission of human rights violations during the internal armed conflict was documented by the Historical Clarification Commission (CEH). In its report "Guatemala: Memory of Silence", CEH affirms that the PN was an operative body for army intelligence, serving as the facade of the G-2, and acted on its orders in the majority of cases. During the CEH investigation, various state bodies, including the Interior Ministry and the PN itself, repeatedly denied the existence of archives or documentary materials that would assist an investigation into human rights violations. Following the first phase of work headed by the PDH to recover the documentation and then create the conditions necessary to allow public access to it, work since 2010 has centred on the institutionalisation of the Archive, the search for political, legal and administrative certainty, the technical stabilisation of the resource and the initiation of procedures to ensure permanent, public access to its contents.*

*Today the AHPN forms part of the General Archive of Central America, its title and control is the responsibility of the Guatemalan Ministry of Culture, and it functions exclusively on the basis of donations and funds from international cooperation. The Archive is also a member of the International Coalition of Sites of Conscience, as the building which houses it was used as a clandestine detention centre by the PN during the armed conflict. Well-known Guatemalan human rights activists participate in the direction, coordination and documentation recovery work, and also promote public access to the information it holds. 150 people work on the tasks of conservation, organisation and archival description.*

*You can get more information by visiting this website: <https://ahpn.lib.utexas.edu>*

### **The Communities in Peaceful Resistance; La Puya, San José del Golfo and San Pedro Ayampuc**

In May, we have maintained frequent contact with the communities in peaceful resistance through regular telephone calls and visits. On 7 May we accompanied four of their members to a court hearing that was adjourned. The communities in peaceful resistance expressed their concerns regarding the campaign of criminalization against them and human rights defenders in the area. On 23 May we visited La Puya, where we met with members of the collective and observed the permanent demonstration that they have maintained for over a year opposite the entrance to the mine. They emphasise their concerns regarding the suggestion that the Ministry of Governance may implement "local security patrols" in the communities.

Yolanda Oqueli, member of the collective, travelled to Europe this month, as part of a speaking tour organized by the Institute of Political Studies for Latin America and Africa (IEPALA); she participated in lectures and information activities in Madrid and Valladolid from 20 to 26 May, and in Brussels on 27 and 28 May, raising awareness regarding the situation of human rights defenders in Guatemala and problems faced in La Puya. PBI was present at a number of Yolanda's activities, arranging her invitation to Brussels and various meetings with public authorities and civil society organisations.

*Background: From 2010 residents of San José del Golfo and San Pedro Ayampuc, two municipalities that are located round about 30 kilometres from Guatemala City are leading a pacific resistance to make their disagreement with mining projects in the area evident. The US mining company Kappes, Cassidy & Associates together with their local subsidiaries Exploraciones Mineras de Guatemala S.A. and Servicios Mineros de Centro de America S.A. is promoting these projects. The company has received the authorization to develop the project El Tambor that consists of various licenses, among them that of Progreso VII Derivada. In March 2012 residents decided to block the entrance to the mine and install a protest camp in La Puya where the members of different communities take shifts of 24 hours to prevent the entry of machinery. On 8th of May at 1am the company attempted to enter 25 trucks with machinery, guarded by 40 patrol cars of the National Civil Police (PNC). As residents were alerted approximately 2.000 people of the surrounding communities united stop the entrance of the machinery pacifically. Kappes, Cassidy & Associates (KCA) has publicly accused the people opposing the project of holding up development. On 23rd of June in San José del Golfo an attack on the life of Yolanda Oqueli, an activist participating in the resistance of La Puya*

took place. She was shot from a motorcycle and up to present it has not been possible to extract the bullet. After 4 months away from her community, Yolanda returned to San José del Golfo and has rejoined the activities of the resistance movement. During this time flyers with offensive and defamatory messages have been circulated, directed especially at the women that form part of the resistance. The harassment and aggressions intensified around 24 November 2012, marking one year since the concession of the mining license. According to the mining law, if in the course of a year the exploitation at the site has not begun, the license has to be cancelled. In September 2012 the Guatemalan Human Rights Commission declared the communities of San Pedro Ayampuc and San José del Golfo winners of the Alice Zachmann Human Rights Defenders Award.

## 2.4 OBSERVATIONS

PBI in Guatemala provides international observation of public events where Guatemalan social organisations require it, in order to demonstrate international attention and interest, and to be able to communicate what we observe outside the country.

On 1 May we observed the **march marking International Labour Day** that took place in the capital.

The following day, we observed the **demonstration outside the Ministry of Governance** organised by a number of civil society organisations to express their opposition to the declaration of a 'state of siege' in the municipalities of Jalapa and Mataquescuintla (Department of Jalapa) and in the municipalities of San Rafael las Flores and Casillas (Department of Santa Rosa). On 2 and 8 May we also observed press conferences in Congress organized by social organisations demanding respect for human rights and constitutional guarantees during the states of emergency.

On 9 May, at the request of Jorge López – Director of the Organisation to Support Inclusive Sexuality Against AIDS (OASIS) – human rights defender of the LGTB community, we observed the **visit of the Public Prosecutor (MP)** to his home, following attacks and intimidations at his home.



On 20 and 21 May, we observed the **verification mission for the situation of women and the population during the states of siege and emergency** (see accompaniment of AMISMAXAJ and UDEFEGUA above). This mission, comprised of women's organisations and feminists, maya, mestiza and xinka women, visited la Montaña Santa María Xalapán, the municipality of Mataquescuintla (Jalapa) and the municipality of San Rafael las Flores (Santa Rosa).

On 22 May, we observed the **press conference in the office of the Centre for Human Rights Legal Action (CALDH)** organized to protest the Constitutional Court's annulment of part of the genocide ruling of 20 May (more particularly, the occurrences from 19 April 2013).

The same day we observed in the capital the **presentation of official complaints** on the part of human rights activists regarding defamatory statements about them published by the Foundation Against Terrorism. Complaints were lodged with, amongst others, the Human Rights Ombudsman, Jorge de León Duque.

On 23 May we observed the **press conference in the offices of the Women's Sector**, where they presented the preliminary report of the observation mission (above).

Observation of the verification mission of women's, feminist, maya, mestizo and xinka organisations. Jalapa, 20-21 May 2013. Foto: PBI 2013.

On 24 May, we observed the **march in favour of justice and against impunity**, that started at the Cámara de Industria, passed in front of the Supreme Court of Justice (CSJ) and concluded outside the Constitutional Court (CC) to demand respect for the sentence imposed on Efraín Ríos Montt in the genocide trial.

On 30 May, we observed the **court hearing regarding Rubén Herrera**, human rights activist and land and natural resources rights defender in Huehuetenango. He is accused of various crimes by the company Hidro Santa Cruz in relation to two events occurring in 2011 and 2012 (see 'current news' above). At the hearing, the judge ruled that he should not be taken into custody, the dismissal of one of the matters and the provisional negation of the other, granting six months to the MP to carry out an investigation.



### 3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA

Regional Representatives, the Project Office Coordinator and other members of the committee and the Project Office and national groups of PBI, conduct public relations campaigns with many NGOs, agencies and national governments, parliamentarians and others. These meetings result in the development and strengthening of the project's "Support Network", an essential tool in the international presence provided by PBI in Guatemala.

The European Representative of the project, Kerstin Reemtsma, participated in the General Assembly of the Copenhagen Initiative for Central America (CIFCA) On 15 and 16 May in Brussels. This is a network of 35 European development and human rights organisations, at which PBI Guatemala is an observer member.

On 17 May, Kerstin had a meeting in Brussels with Gerard Schulting, who deals with Guatemala at the European External Action Service (EEAS).

On 24 May she also met with Eva Irene Tuft of the Latin America Section of the Norwegian Foreign Ministry, Special Representative for Haiti and temporarily for Guatemala. She also met with Johan Hindal, representative for Latin America, Angola and Europe for Norwegian Church Aid. She attended both meetings with representatives of PBI Norway.

On 27 May, in Brussels, Kerstin accompanied Yolanda Oqueli, member of the Communities in Peaceful Resistance of La Puya, to meetings with Frank Vande Craen, Director of the Department for Latin America; Noella Put, Guatemala Desk, and Karim Abouhafes, of the Human Rights Department of the Belgian Foreign Ministry. The same day, she met with Jozsef Blaszaer, administrator of the General Directorate for Foreign Relations, Latin American Unit, European Parliament.

On 28 May, the European Representative of PBI Guatemala and Yolanda Oqueli met with Gerard Schulting (see above) together with Miriam Orsagova, assistant of Euro-Latin America delegations at the European Parliament.

### 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.

#### **ORGANIZACIONES DE MUJERES Y FEMINISTAS, MAYAS, MESTIZAS Y XINKAS: MISIÓN DE VERIFICACIÓN DEL ESTADO DE SITIO Y DEL ESTADO DE PREVENCIÓN EN MUNICIPIOS DE JALAPA Y SANTA ROSA**

El Estado de Sitio y Prevención atenta contra los Derechos Humanos individuales y colectivos de las mujeres y los pueblos en Jalapa y Santa Rosa.

La delegación para verificar el respeto a los Derechos Humanos de las mujeres y los pueblos, integrada por organizaciones de mujeres y feministas, mayas, mestizas y xinkas de los cuatro puntos cardinales del país, que estuvo presente el 20 y 21 de mayo pasados en la Comunidad indígena Xinka de Xalapán y Mataquesuintla (Jalapa), y en San Rafael Las Flores (Santa Rosa), concluyó que el cese de garantías constitucionales en esas localidades tiene un fuerte impacto en la vida de las mujeres por el control militar en toda la región.

Las mujeres que habitan el territorio xinka ancestral, están viviendo en su cotidianidad la imposición militar, lo cual contradice el compromiso de Estado asumido en los Acuerdos de Paz, su Ley Marco, de respetar y promover la revitalización de la identidad étnica de los pueblos indígenas y su libre autodeterminación. El presidente Otto Pérez Molina a partir del 2 de mayo impuso ilegalmente el Estado de Sitio y una semana después el Estado de Prevención. La delegación constató los siguientes hechos:

- Allanamientos de viviendas de forma violenta por elementos del Ejército y la Policía Nacional Civil, en horas ilegales y en algunos casos con personal cubierto con pasamontañas y vestidos de civil.
- En Santa María Xalapán se han violado los derechos humanos con el allanamiento ilegal de la iglesia de la Comunidad de Palo Verde, donde fueron intimidadas las mujeres del coro, integrantes del Consejo Parroquial y COCODE.
- Actos de persecución política y estigmatización de mujeres organizadas, sus familias y comunidades que defienden la vida, el territorio: cuerpo-tierra. Se les vincula con narcotráfico, terrorismo y crimen organizado; y se les imputan delitos sin pruebas.
- Acoso sexual por parte de elementos del ejército a mujeres jóvenes y madres solteras.
- Personas respetadas y reconocidas en las comunidades han sido objeto de persecución, dado que su liderazgo es considerado una amenaza por parte de las fuerzas de seguridad.
- Deterioro de la economía familiar debido a que las mujeres no salen de sus casas por miedo a dejar solas a sus hijas e hijos, y

los hombres han visto disminuidas sus actividades agrícolas y comerciales. En el caso de las familias de los detenidos la carga de trabajo de las mujeres se ha incrementado.

- Se observaron graves efectos psicológicos en mujeres, niñas y niños, por la manera violenta en que han operado los allanamientos e interrogatorios.

- En la mayoría de casos no hubo presencia de la Procuraduría de Derechos Humanos incumpliendo con las funciones de garantizar el resguardo de los derechos de las ciudadanas y ciudadanos.

A decir de las entrevistadas, la mayoría de las capturas, particularmente la de Laura Leonor Vásquez Pineda, se ha realizado sin pruebas y se observa que los delitos que se les imputan a personas de las comunidades de Santa María Xalapán, Mataquescuintla y San Rafael Las Flores, están haciéndose de manera cruzada para provocar el distanciamiento entre los pueblos. Los hechos de persecución, hostigamiento y apresamiento responde a una lógica de disociación entre comunidades para desarticular los movimientos sociales que presentan resistencia frente a la operación extractiva de la Minera San Rafael. Asimismo, señalaron que la población no respalda los proyectos de minería, los cuales se han impulsado irrespetando los mecanismos de consulta previa, libre e informada del pueblo xinka y sus autoridades. Ello se ha demostrado a través de consultas comunitarias pero el gobierno las invalida, contradiciendo leyes nacionales y convenios internacionales suscritos por Guatemala tal como el Convenio 169.

En San Rafael las Flores la promoción para la instalación de un destacamento militar representa una amenaza a los principios de una sociedad democrática. La delegación plantea las siguientes exigencias a los funcionarios públicos e instituciones estatales que correspondan:

- a) La desmilitarización inmediata de la zona, el respeto a la decisión y los derechos de las comunidades, así como la autonomía ancestral de las mujeres y los pueblos para que las comunidades puedan vivir en paz, armonía y alegría.
- b) El cumplimiento al mandato constitucional de procurar el bien común y no inclinarse para favorecer a los intereses de las empresas nacionales y transnacionales.
- c) La liberación inmediata de Laura Leonor Vásquez Pineda y de todas las personas detenidas injustamente en el país por la defensa de territorios.
- d) El cese del hostigamiento y persecución a las personas que luchan por la defensa de la vida, y el territorio: tierra-cuerpo.

*Las organizaciones de mujeres y feministas decimos:  
¡FUERA las empresas extractivas! ¡Por el derecho a defender y a ejercer nuestros derechos!  
Iximulew, 23 de Mayo de 2013*

*Alianza De Mujeres Rurales, Asociación Feminista La Cuerda, UNAMG, Movimiento De Mujeres Tz'ununijá, Centro De Medios Independientes, Prodesa, UDEFEGUA, Red de Mujeres Defensoras, Alianza Política Sector De Mujeres y sus Organizaciones, AMISMAXAJ, AFEDES, SEFCA, Voces De Mujeres, AMARC, ADIURI, AMUCV, Consejo De Mujeres Cristianas, Marcha Mundial de Mujeres y Mesoamericanas en Resistencia por una Vida Digna.*

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