



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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

1. NOTES ON THE CURRENT SITUATION

IMPUNITY

Colonel sentenced to 53 years in prison for disappearances in El Jute

Chiquimula, 03.12.2009 (PL). On 3 December, the Sentencing Court of Chiquimula convicted the retired Marco Antonio Sánchez Samayoa and former military commissioners José Domingo Ríos, Gabriel Álvarez Ramos and Salomón Maldonado Ríos to 53 years in prison. They were found guilty of the forced disappearance of eight people detained by a military patrol on 19 October 1981 in the village of El Jute, Chiquimula. The defendants pleaded their innocence. The victims of the forced disappearance were Jacobo Crisóstomo Chegüén, Miguel Angel Chegüén Crisóstomo, Raúl Chegüén, Inocente Gallardo Rivera, Antolín Gallardo Rivera, Santiago Gallado Rivera, Valentín Gallado Rivera and Tránsito Rivera. The judge Víctor Ricardo Villeda Recinos also ordered the opening of a case against the generals Ángel Anibal Guevara, then minister of defence, and Benedicto Lucas García, who was acting commander in chief of the defence at the time of the crime, for their involvement in the forced disappearances. Villeda said that this process should also extend to the officials and the troops that participated in the raid of El Jute. The first conviction for the crime of forced disappearance was given in September against the former military commissioner Felipe Cusanero Coj, who was sentenced to 150 years in prison for the disappearance of six people in Chimaltenango between 1982 and 1984.

PNR lodges complaints for human rights violations during the armed conflict

Guatemala, 10.12.2009 (LH, PL). – 4,165 complaints of violations of fundamental human rights committed during the internal armed conflict were presented to the Public Prosecutors Office (MP) on International Human Rights Day (10 December). César Dávila, president of the National Reparations Program (PNR), lodged the complaints at the MP's Office of Permanent Service. He said the violations, reported by 5,948 victims, included forced disappearances, extrajudicial executions, massacres, tortures and rapes. The biggest number (1,721) came from the area of El Quiché, followed by Suchitepéquez, with 660 and Guatemala, with 489.

AJR submits copy of Plan Sofía 82 to Attorney General

Guatemala, 12.12.2009 (PL).- The Association for Justice and Reconciliation (AJR) presented a legal copy of Plan Sofía 82 to the Public Prosecutors Office (MP) for its inclusion as evidence in the genocide investigation. The document was received by attorney general Amílcar Velásquez Zárate. Plan Sofía is the third document to be incorporated into the genocide case. Last February, Minister of Defence Abraham Valenzuela presented the plans Victoria 82 and Firmeza 83. Plan Sofía is one section of Plan Victoria 82, conceived four months after general Efraín Ríos Montt took power. The document details military manoeuvres for the elimination of the guerrilla and its collaborators, and was written by the then chief of staff for defence, Héctor López Fuentes. In February 2002 López Fuentes testified to the MP that he had received direct orders from Ríos Montt and defence vice minister Humberto Mejía Victores.

Inter American Court of Human Rights condemns Guatemala for massacre in Dos Erres

Guatemala, 22.12.2009 (PL).- The Inter-American Court of Human Rights (CorteIDH) condemned the State of Guatemala for the murders of 251 inhabitants of the Dos Erres community of the Las Cruces area, La Libertad, Petén, in December 1982, during the government of Efraín Ríos Montt. The ruling consisted of 309 arguments and 19 operative paragraphs and was announced on 17 December before the Centre for Justice and International law (CEJIL) and the association of Families of the Disappeared of Guatemala (FAMDEGUA), representatives of the victims and their families at the Inter-American Commission of Human Rights (CIDH). The resolution found that the State of Guatemala had violated rights to judicial guarantees, judicial protection and the

personal integrity of the families and the surviving victims of the massacre carried out in December 1982. It established that the State had failed to comply with the obligations of the amicable settlement agreed in April 2000 with the CIDH. Due to this failure to comply, CEJIL and FAMDEGUA took the case to the CorteIDH in April 2008, the result of which is this sentence, which obliges the State to pay the victims and their families US\$3.1 million. Édgar Pérez, the lawyer representing the victims and their families on behalf of FAMDEGUA, said the ruling was obligatory and not open to appeal. The families of the victims hope the military officials that planned, ordered, carried out and supervised the massacre will be brought to justice.

LAND

Vía Campesina: twelve campesino leaders murdered in 2009

Guatemala, 15.12.2009 (LH).- Representatives of Vía Campesina condemned the 12 murders of campesino leaders and at least 15 violent evictions across the country during 2009. It said these events were proof that business interests of large transnational companies act without control in a context of total impunity, and that investigations do not advance due to the interests of those who pay the administrators of justice.

NEGATIVE EFFECTS OF GLOBALISATION

Activists travel to Canada to denounce the Marlin Mine

Guatemala, 12.12.2009 (PL).- Taking advantage of support from solidarity groups in Canada, the communities of San Miguel Ixtahuacán proposed that religious leader Maudilia López Cardona and community leader Carmen Mejía travel to Canada and denounce the situation before the Canadian government. The delegates' intention was to lodge a complaint about the problems the communities are experiencing from water contamination and damage to houses from the use of explosives by the mine. As well as visiting government departments they met with various congress representatives. López and Mejía presented a formal complaint to the Organisation for Economic Cooperation and Development, which is the political institution that gives guidelines to multinationals relating to health and environment in the communities where they operate. The case was presented to a committee of the Canadian Department of Foreign Affairs and International Trade. "We have come to ask the Government of Canada to ensure that Goldcorp respect the rights of our community," the women said to the authorities. Rafael Maldonado, coordinator of the Centre for Legal, Environmental and Social Action, said this trip showed the level of desperation in the communities about the Marlin Mine operations. He said that the state, through the Ministry of Energy, should ensure payment for damages to houses and environment authorities should be aware that sooner or later the area's water sources will be affected by the Marlin mine.

The Constitutional Court allows communities to carry out community consultation

Guatemala, 23.12.2009 (SV, PL).- The Constitutional Court (CC) gave a green light to several communities in San Juan Sacatepéquez to carry out a community consultation about the licence granted to Cementos Progreso to explore and exploit minerals. The court's ruling suspended an agreement made in April 2007 by the Municipal Council of San Juan Sacatepéquez. Alejandro Maldonado, magistrate of the CC, said: "The resolution recognises the right of indigenous communities to be consulted". He said the result of the consultation would not be binding, but should be taken into consideration by the Executive Body. The parliamentarian Rosa María de Frade said: "Legislation is urgently needed on the way to make effective the right to hold consultations, because if the consultation is going to be repeated at a municipal level it is not going to have any form of implication; the project will continue regardless."

OTHERS

Thirteenth anniversary of the Peace Accords commemorated

Guatemala, 30.12.2009 (EP, PL, SV, CA).- Commemorating 13 years of the Peace Agreements, members of the Ecumenical Forum (FE) said that the peace had been stained with violence, organised crime and environmental destruction and said they were in favour of investing more money in the state. The president of the FE, Vitalino Similox said: "It is necessary to strengthen the state, and for this we need to talk about taxes; there are sectors that have dedicated themselves to throwing out governments in order to avoid paying taxes, and this only delays the development of the country." Orlando Blanco, Secretary of the Peace said these challenges would be accomplished "with the strengthening of the state and the participation of the citizens".

Sources: Prensa Libre (PL), Siglo Veintiuno (SV), La Hora (LH), El Periódico (EP), Diario de Centro América (CA), Radio Sonora (RS).

2. PBI-GUATEMALA ACTIVITIES – IN GUATEMALA

Team: Jessica Fujan (USA), Simone Gessler (Switzerland), Juliane Walter (Germany), Samuel Jones (United Kingdom), Jorge Palomeque (Argentina), Attilio Altieri (Italy), Julia Paola García Zamora (Colombia), Kathrin Bull (Germany)

2.1. 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.

We were present at the following events:

- Presentation of the Monseñor Juan José Gerardi Award for Human Rights to Juana Méndez Rodríguez, and to the lawyer Edgar Fernando Pérez Archila, at the Archbishop's Human Rights Office of Guatemala (ODHAG)

International Organisations and Agencies:

- Forum of International Non-Governmental Organisations (FONGI), Guatemala City
- Coordinating Body for International Accompaniment in Guatemala (CAIG), Guatemala City
- Christina Papadopoulou, Office of the UN High Commissioner for Human Rights (OCHCR), Guatemala City
- Nancy Tapias Torrado and Mariano Machain, International Secretariat of Amnesty International

2.3 ACCOMPANIMENTS

Union of Campesino Organisations of the Verapaces (UVOC).

In December we followed up the situation of the families from La Mocca estate in the municipality of Santa Catalina La Tinta. The Secretary of Agrarian Affairs has acquired land for the families of the community, with funding from the National Fund for Peace (Fonapaz). These families continue to live on the sides of the highway. The organisation feels that the families will soon be able to move to their new land.

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 campesino 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 December we continued the accompaniment with regular visits to the office and meetings with members of the organisation. We followed and accompanied the preparatory processes for exhumations in the department El Quiché. We continued observing talks between the Ministry of the Interior, the Presidential Commission of the National Permanent Dialogue System, the Human Rights Ombudsman (PDH), members of CONAVIGUA's Communication, Relations and Advocacy Program, and representatives from other organisations and communities from San Juan Sacatepéquez, San Miguel Ixtauacán and Izabal. The talks are part of agreements made by the state in July of this year.

Background: CONAVIGUA carries out exhumations and inhumations in different departments throughout Guatemala, above all in Quiché, Chimaltenango, and the Verapaces, as part of its work towards the recuperation of the collective memory of Guatemala's recent troubled history. These processes provoke very tense situations in small rural communities where both victims and perpetrators live, occasionally culminating in threats that seek to stop the work of the CONAVIGUA women. We periodically have 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.

Since the case against Jorge López was thrown out, we have continued our accompaniment with regular office visits and meetings with him. We have also had regular meetings with Zulma Robles to follow up on the complaint she filed at the Presidential Human Rights Commission (COPREDEH), after receiving suspicious and worrying phone calls.

*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. Jorge López interpreted 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. On 29 September 2009 Jorge's case was overturned by the Ninth Court of the First Criminal Instance.

Association for the Protection of Las Granadillas Mountain, APMG

In December we met with different members of the association on a number of occasions in Zacapa. Since August, we have been acting as international observers at talks comprising of the Ministry for the Environment and Natural Resources (MARN), APMG, local communities, the Municipality of Zacapa and the private sector. These talks are a space for dialogue and negotiation that aim to resolve the conflict existing around the Las Granadillas Mountain. We are concerned about the security of several members of the organisation who have received telephone threats from unknown callers.

*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.*

Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ.

In December we continued the accompaniment with regular meetings and frequent telephone communication with members of AMISMAZAJ.

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, 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 Xinca 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 Coordinator

In December, by means of contacts and meetings with members of the organisation, we continued paying close attention to the situation in Chiquimula, in particular to members of the organisation that have been threatened and intimidated as a result of the work they carry out in defence of natural resources in the Chortí area.

*Background: 'New Day' Chortí Campesino Central Coordinator 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 construction projects for three hydroelectric plants in two of the department's municipalities: "**El Orégano**" which would be built on the Rio 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 learning of the projects, New Day began to inform communities about the projects and their effects. Members of New Day have received threats and attacks that they relate to the work they carry out. In September one of their members was victim to a gun attack close to the community.*

Qamoló kí Aj Sanjuani- People of San Juan Unite.

In December we began accompanying the association People of San Juan Unite, from the Municipality of San Juan Sacatepéquez, due to the threats and persecution that several members of the association have received. The association works actively to defend the land and natural resources of the area. We have been observing the national roundtable talks with the Permanent Dialogue

System and the roundtable talks with the Interior Minister. Qamoló kí Aj Sanjuani participate in these talks together with representatives of other communities and Guatemalan organisations.

Background: Qamoló kí Aj Sanjuani-People of San Juan Unite is an organisation that brings together neighbours from diverse communities in the municipality of San Juan Sacatepéquez, participating in the movement for the defence of territory and natural resources in the region. Since 2006, the Guatemalan company Cementos Progreso S.A. has been working on 'project San Juan', which includes the construction of a factory and a quarry in the San Gabriel Buena Vista estate and the villages of San Jose Ocaña and San Antonio las Trojes I and II. Cementos Progreso has an 80% share in the project, while the remaining 20% belongs to the Swiss multinational company Holcim, the worlds largest cement producer.

In January 2007, several San Juan Sacatepéquez communities submitted an application to the municipality for a community consultation about the installation of the factory. The consultation, however, was deferred until finally it was revoked. As a consequence, by means of their Community Development Councils but without backing from the municipalities, the communities decided to reactivate the process. They held a consultation on 13 May 2007 with the participation of 8,950 people. 8,946 voted against and 4 in favour of the installation of the factory. The Municipal Council, along with the mayor, agreed to take into account the results of the consultation prior to the authorisation of any licence for construction. Since then, the inhabitants of San Juan Sacatepéquez have made numerous complaints about human rights abuses and a fierce campaign of criminalisation against them.

The recent verdict by the Constitutional Court (CC) in November 2009 suspended the April 2007 decision of the San Juan Sacatepéquez Municipal Council, which had left without effect the application by the neighbourhood to hold its community consultation. The decision by the CC found in favour of the appeal made by the Community Councils for Development of El Pilar I and II, Sector 1 of San Antonio Las Trojes, the village Lo de Ramos and the hamlet Cruz Ayapán, urging the Municipality of San Juan Sacatepéquez to organise a new community consultation so that the population could have a say about the mining exploitation. Although the resolution recognises the rights of the indigenous population to be consulted and should be taken into account by the Executive Body, the results would not have a binding effect. The Kaqchiquel communities of San Juan Sacatepéquez, through their legitimate authorities, have continued make known their availability for dialogue with legal and democratic mechanisms to seek agreements of benefit to the community.

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 providing follow-up with these social organisations:

Human Rights Defenders Protection Unit (UDEFEQUA)

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 contributing 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 by 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".¹

Due to the reduction of requests for accompaniment by the organisation, and following an analysis of threats received in recent months we continue to follow-up their security situation.

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 seeking justice in genocide cases and other crimes committed during the internal armed conflict.

We have accompanied CALDH workers on several occasions between 2004 and 2006. In February 2007, members of the legal team received direct threats. That same month, José Roberto Morales Sic, Coordinator of CALDH's Rights for Indigenous Peoples

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.

Programme, was the victim of 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.

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, when some of them were attacked and interrogated by police officers during a meeting after which several members 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.

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.

In December we observed a protest by members of the Peten Distribution Company Workers Union (SITRAPETEN) in Guatemala City's Central Park. The protest followed the eviction of members of the union and journalists on 10 December from the park so that a stage could be set up for a concert produced by the Mexican TV station TV AZTECA². Sitrapeten denounced the violent actions of the security forces during the eviction.

Following the eviction an agreement was made with national authorities allowing the ex-workers of the Agua Pura Salvavidas Company to continue with the peaceful protest that they have maintained for more than a year, after being sacked by the company for forming a union.³

Observations carried out by PBI during 2009

January

13 January: First hearing in the case of 43 people charged for the crimes of protesting and meeting illegally, disturbances and resistance to authority during the State of Prevention declared in San Juan Sacatepéquez on 21 June 2008.

23 January: Hearing of the first declaration of Jorge Luis López Sologaitoa, director of the Organisation to Support an Integrated Sexuality to Confront AIDS (OASIS), who was accused of being accessory to the attempted murder of a sex worker.

26 January and 6 February: Hearings for the first declaration of Reverend José Pillar Álvarez Cabrera and two members of the Association for the Protection of the Las Granadillas Mountain (APMG) accused of coercion, criminal incitement and resisting detention.

February

13 February: Protest by families and survivors of the armed conflict and social organisations, asking the President of the Republic to fulfil the order of the Constitutional Court (CC) for the Army to hand over declassified military archives.

19 February: Press conference in Guatemala City, where the Copenhagen Initiative for Central America and Mexico (CIFCA) presented a report about the hydroelectric project, Xalalá in Ixcán.

24 to 27 February: Several events in commemoration of the 10th anniversary of the presentation of the report of the Commission for Historical Clarification (CEH)

March

8 March: March in commemoration of International Women's day.

12 March: Forum of the Community Council for Development of San Pedro La Laguna (Sololá), to discuss the increase in violence in the region.

24 March: Submission of the 'Right to Know' report, based on documents of the archive of the now defunct National Police, in which the Human Rights Ombudsman (PDH) presented results of the investigation carried out since 2005 into unlawful acts that occurred during the armed conflict.

April

² "Aggression and eviction of Sitrapeten workers". Letter from the International Confederation of Unions to Álvaro Colom, President of Guatemala, 14 December 2009.

³ International Confederation of Unions – Human Rights Unions - <http://www.ituc-csi.org/-online,51-.html>



28 April: Community consultation on mining in San Rafael la Independencia, Huehuetenango

May



20 May: Meeting of the Council of Western towns, San Mateo Ixtatán, Huehuetenango

21 May: Community consultation about mining concessions, San Mateo Ixtatán, Huehuetenango.

June

Press Conference against mining, organised by the Indigenous Women of the Santa María Xalapán Mountain in Jalapa.

30 June: March organised by HIJOS in commemoration of the people who were disappeared during the internal armed conflict in Guatemala.

July

July was marked by the development of several protests by the social movement:

A protest organised by several social organisations in demand of the protection and guarantee of free access to the Historical Archive of the National Police (AHPN) and the transference of responsibility from the Human Rights Ombudsman's office (PDH) to the General Archive of Central America.

13 & 14 July: March in San Juan Sacatepéquez, against Cementos Progreso's mining project.

14 July: Presentation to Congress of the results of community consultations carried out in San Mateo Ixtatán.

20 July: March organised by Agrarian Platform, demanding attention from the government and Congress to their petitions and concrete proposals for the reactivation of the indigenous campesino economy.

Exhumation in the old military base in Chejul, close to Uspantán, department of El Quiché.

August

Audience in Chimaltenango during which the ex military commissioner Felipe Cusanero Coj was sentenced to 150 years in prison for the crime of forced disappearance of six people in Chimaltenango, between 1982 and 1984.

FIRST CASE WITH A CONVICTION FOR FORCED DISAPPEARANCE IN GUATEMALA

Four men and two women were victims of forced disappearance in the village of Choatalum, Municipality of San Martín Jilotepeque (Chimaltenango), between September 1982 and October 1984. The illegal detention of these six people was carried out by the ex military commissioner Felipe Cusanero Coj, helped in some of these cases by members of the army or of the Civil Self defence Patrols (PAC). Despite repeated refusals to provide the victims' families with information about their whereabouts, the community of Choatalum decided to bring charges against Felipe Cusanero in June 2003. FAMDEGUA became involved in 2004 as joint plaintiff. The opening hearing took place in May 2006, a little over a year after the first declaration by the accused before the judge in April 2005. Four years later, in August 2009 the judicial process resumed and was concluded after numerous appeals made by the defence counsel of the accused. Although these appeals prolonged the process, they have served to generate constitutional jurisprudence relating to the crime of forced disappearance. The Constitutional Court (CC) has recognised the permanent nature this crime, which continues to be committed as long as the whereabouts of the victims remains unknown. It establishes in the case of forced disappearance the characteristic of 'ongoing offence' begins with the kidnapping or detention of the victims until the moment that they are released or their death is irrefutably proven. If their detention or kidnapping is proven but their reappearance, death or release is not irrefutably proven, the crime remains being continually committed day after day. Citing the jurisprudence of the Inter-American Court of Human Rights, the CC has established that forced disappearance constitutes "without the existence of proof on

the contrary, a crime with a permanent and ongoing character that, as indicated, and if you'll forgive the repetition, even today continues being committed"⁴

First hearing of the case of a case of a student forcibly disappeared in 1982 in Chiquimula.

Exhumation that begun at the end of July in the area occupied by a defunct military base in Chejul, close to Uspantán (Department of El Quiché).

Community good faith consultation organised in the Chuarrancho municipality of Guatemala, regarding the 'El Sisimite' hydroelectric project, that the Generadora Nacional SA (GENASA) Company plans to construct on the River Motagua.

14 August: Protest by the SITRAPETEN union demanding that the government begin talks to resolve problems experienced by employees of Distribuidora del Peten, sacked from their jobs in 2008 for having organised a union.

September

Exhumation begun at the end of July in Chejul, close to the Uspantán municipality, department of El Quiché.

8 September: Protest in front of Congress by the Women's Sector, Women's Association for Development in Sacatepéquez (AFEDES), Mama Taquín, National Union of Guatemalan Women (UNAMG), Lesbian Collective, and Coordinator 25 November, to express their concerns about the constitutional reforms proposed by Pro Reforma that would diminish the rights of indigenous peoples and women.

24 September Good faith community consultation carried out in the municipality of San Sebastián Coatán, Huehuetenango.



October

Protest march on 12 October to commemorate the Day of Resistance by the Indigenous community. Outside of the capital, on the El Caminero Bridge, located at the end of the San Juan road in Zone 6 of Mixco, an armed man opened fire against the protesters, causing the death of Gilmer Orlando Boror, 19 and injuring Celso Castellanos, 52 and Obdulio Raxón, 14, all from communities in the municipality of San Juan Sacatepéquez.

27 October: Community consultation in Cunén, El Quiché, about the construction of mining and hydroelectric projects in their communities.

November

28 & 29 November: Third Regional Conference of Baja Verapaz, organised by the Popular Network and SERJUS.



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 and parliamentarians, etc. These meetings translate into the development and strengthening of the project's "Support Network", an essential tool for the functioning of PBI's international presence in Guatemala.

On 10 December the project's European representative met in Brussels with Mr Raimón Obiols, socialist member of the European Parliament and member of the Commission for Foreign Affairs and of the European Parliament's Human Rights sub-commission.

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.

⁴ Complete information at: <http://www.adital.com.br/Primer%20caso%20de%20Desaparici%F3n%20Forzada%20en%20Guatemala.pdf>

Pronunciamiento político de la UNAMG a 13 años de los Acuerdos de Paz

En el trece aniversario de la firma de los Acuerdos de Paz, la Unión Nacional de Mujeres Guatemaltecas –UNAMG– considera que estos acuerdos mantienen su validez histórica, ya que siguen constituyendo una plataforma básica para impulsar cambios que conduzcan al desarrollo socioeconómico, la democracia plena, la conformación de la nación multiétnica y el ejercicio de los derechos humanos de las mujeres guatemaltecas.

Una característica notable durante estos trece años es el desarrollo de la conciencia de género, así como los mayores niveles de organización y activismo de las mujeres, particularmente en el ámbito comunitario. Resalta especialmente el desarrollo del protagonismo de las mujeres indígenas. Es amplio el espectro de las luchas que hemos impulsado las mujeres a favor de nuestra emancipación, la democracia y la justicia social: por el ejercicio de los derechos sexuales y reproductivos; por una educación no sexista; por el derecho a la vivienda, la propiedad de la tierra y el desarrollo rural; por el respeto a nuestros derechos laborales; por el ejercicio de ciudadanía plena y el acceso en igualdad a los cargos de elección popular; contra la impunidad y por la prevención de la violencia contra las mujeres; por la dignificación y resarcimiento para las mujeres sobrevivientes de violencia sexual en el conflicto armado.

Como resultado de todo ese activismo político hemos logrado la configuración de un marco legal e institucional a favor de nuestros derechos. Ante el bajo nivel de implementación de las leyes y la debilidad institucional, un desafío compartido es lograr la difusión y operativización de la legislación aprobada, así como el fortalecimiento de la institucionalidad creada.

Debido al incumplimiento deliberado de los acuerdos de paz por parte de las fuerzas económicas y políticas dominantes, las condiciones materiales de vida de las mujeres y de la sociedad en su conjunto no han mejorado. Para avanzar en la agenda de la paz es urgente lograr la aprobación de la propuesta de desarrollo rural, presentada por las organizaciones sociales, con inclusión de las necesidades específicas de las mujeres; así como la reforma fiscal globalmente progresiva, tal y como está establecido en los Acuerdos de Paz y en el pacto fiscal.

Asimismo, es indispensable retomar el rumbo de la reforma educativa para que el sistema educativo elimine las pautas discriminatorias hacia las mujeres y los pueblos indígenas. Es urgente que se declare de emergencia nacional la disminución sustancial de la mortalidad materna. Es también prioritario que las instituciones del Estado aseguren la implementación de la Ley de Planificación Familiar y su reglamento. Es indispensable la aprobación por parte del Organismo Legislativo de la propuesta de reformas al Código de Trabajo presentada en 2009 a favor de los derechos de las trabajadoras de casa particular, las trabajadoras de la maquila y las trabajadoras agrícolas.

La violencia contra las mujeres constituye uno de los mayores problemas sociales que existen en Guatemala. Siendo un componente estructural de las relaciones desiguales de género, es evidente que en los últimos años el problema se ha agudizado, particularmente el feminicidio y la violencia sexual. No cabe duda que el sistema patriarcal encuentra en Guatemala las mejores condiciones para ejercer la violencia contra las mujeres, en un contexto social marcado por la persistencia de las agudas desigualdades socioeconómicas, el incremento de la violencia delincriminal, el crecimiento del narcotráfico, la impunidad, la proliferación de armas de fuego y la debilidad de la institucionalidad responsable de la seguridad y la justicia. Ello genera un clima de inseguridad y temor entre las mujeres, a la vez que restringe de manera sustancial el ejercicio de nuestros derechos.

A lo largo de los trece años desde la firma de los acuerdos de paz se ha mantenido la tendencia de marginación política de las mujeres en los cargos de elección popular y altos órganos de toma de decisiones, teniendo actualmente un 12% de mujeres en el Congreso de la República y un 2% de alcaldesas en las corporaciones municipales. Además, en el gobierno actualmente no hay una sola mujer ocupando el cargo de Ministra de Estado. Después de la firma de los Acuerdos de Paz se dieron importantes avances en cuanto a desmilitarización y fortalecimiento de la institucionalidad civil. Sin embargo, algunos años después se inició un proceso de debilitamiento de esta institucionalidad y el reforzamiento de la lógica de la militarización. Esta tendencia se ha consolidado en los últimos dos años, con la reapertura de bases militares y el incremento desmedido al presupuesto del ejército, en clara violación a los acuerdos de paz. La experiencia de otros países ha demostrado que el fortalecimiento del ejército no contribuye a frenar el narcotráfico. Lo que se requiere es el fortalecimiento sostenido de la institucionalidad civil responsable de la seguridad y la justicia.

La violencia sexual contra las mujeres fue por mucho tiempo la dimensión oculta del conflicto armado. La violación y otras formas de violencia sexual fueron utilizadas como arma de guerra en la política contrainsurgente. Estos crímenes permanecen hasta la fecha en la impunidad total. Hoy las mujeres sobrevivientes de violencia sexual demandan justicia, así como políticas específicas del Estado que garanticen el resarcimiento integral y eviten la re estigmatización que han vivido en sus comunidades.

Finalmente, la UNAMG reitera su rechazo a la iniciativa de reformas constitucionales presentada por el grupo Pro Reforma, por ser lesiva a los derechos de las mujeres, los pueblos indígenas, los jóvenes y la sociedad guatemalteca en su conjunto. Además, dicha iniciativa es contraria a los Acuerdos de Paz, que tienen el carácter de acuerdos de Estado, por medio de la Ley Marco de los Acuerdos de Paz.

Guatemala, 29 de diciembre de 2009
Unión Nacional de Mujeres Guatemaltecas
UNAMG

NO A LA REMILITARIZACIÓN

Las organizaciones sociales y comunidades del Ixcán manifestamos nuestra preocupación y rechazo a la instalación de la 6ª Brigada de Infantería, ratificada por el Presidente de la República a pesar del amplio rechazo manifestado por la mayoría de las comunidades de Ixcán.

Las mujeres y hombres de este municipio no hemos olvidado el gran sufrimiento que nos causó la guerra. Sólo en la región de Ixcán ocurrieron 102 masacres, donde murieron más de 2,500 personas. La política de tierra arrasada ocasionó el desplazamiento forzoso del 96% de la población del municipio. Las comunidades que permanecieron en el área fueron sometidas a un estricto control militar y obligadas a participar en las patrullas de autodefensa civil. A casi 13 años de la firma de los Acuerdos de Paz, la mayoría de las comunidades y personas víctimas del conflicto armado aún no han sido resarcidas por los daños humanos, materiales y morales que sufrieron.

EL REGRESO DEL EJÉRCITO ES UNA OFENSA A LA MEMORIA HISTÓRICA Y UNA VIOLACIÓN A LOS DERECHOS HUMANOS DE UNA POBLACIÓN QUE NO HA SANADO LOS TRAUMAS QUE LE FUERON CAUSADOS DURANTE LA GUERRA.

Para ampliar sus instalaciones, el ministerio de la defensa quiere quitar los terrenos que ocupa actualmente el Centro de Salud, única institución que presta atención hospitalaria a unos cien mil habitantes de la región. Las comunidades de Ixcán rechazamos esta medida, pues la salud y la educación son prioritarias para el desarrollo. En una reunión sostenida el 30 de septiembre pasado, el Procurador General de la Nación confirmó que estos terrenos son propiedad del estado.

Es cierto que estamos cansados de la violencia y la inseguridad. Pero una presencia militar más numerosa no traerá mayor seguridad y tranquilidad. Al contrario lo que traerá son mas cantinas, prostíbulos y violencia en la cabecera municipal. En una sociedad democrática el combate a la delincuencia común no es función del ejército, sino de la policía civil fortalecida y especializada en ese trabajo. La militarización NO es la solución. Mientras no se acabe con la impunidad y la corrupción en el sistema de justicia los delincuentes continuarán operando libremente en el territorio nacional, ya que el 98% de los delitos que se cometen en Guatemala quedan en la impunidad.

En realidad la presencia de una brigada militar en el Ixcán será para proteger las inversiones de las grandes empresas transnacionales interesadas en explotar nuestros recursos naturales e intimidar a las comunidades que rechazan los mega proyectos (hidroeléctricas, explotación petrolera, plantaciones de palma africana y minería). La paz, el desarrollo y la seguridad no se logran con la militarización y represión, sino con aceptar el derecho que tenemos las comunidades a existir, a trabajar la tierra, a ser consultadas y definir nuestras propias formas de desarrollo, tal como lo establecen la Constitución de la República y el Convenio 169 de la OIT.

NO A LA REMILITARIZACIÓN

UN PUEBLO CON HAMBRE ES UN PUEBLO SIN PAZ

2 de Diciembre de 2009

Red de Organizaciones de Mujeres de Ixcán ROMI; Comunidad Primavera del Ixcán –CPR DEL IXCÁN; Asociación de Desarraigados de las Microregiones II y VI ADEREMCO; Coordinadora de Víctimas del Municipio de Ixcán; Asociación de Defensa de la Tierra y los Recursos Naturales; Federación de Cooperativas de Comercialización de Ixcán; Asociación de estudiantes de Santa María Tzejá y aldeas circunvecinas; Asociación de Educadores Noroccidentales; Pastoral Social de Ixcán; Puente de Paz; Servicios Jurídicos y Sociales; Asociación Comunitaria de Servicios de Salud; Fundación Guillermo Toriello; Fundación Solidaria Ixcán; Sindicato Nacional de Trabajadores de Salud de Guatemala, filial Ixcán; Organización de Mujeres Guatemaltecas Mamá Maquín; Asociación Justicia y Reconciliación; Centro para la Acción Legal Derechos Humanos; Frente Guatemalteco de Afectados y Amenazados por las Represas y en defensa del Agua; FAMDEGUA; Waq'lb Kej; Asociación Ukux'be; Movimiento Nacional por los Derechos Humanos; HIJOS; Bloque Antiimperialista; Asociación Comunicarte; Servicios Ecuménicos en Centro América; Derechos en Acción; Asociación Civil El Observador; Casa Artesana; Sector Mujer; Colectiva Feminista de Mujeres de Izquierda; Frente Nacional de Lucha; Frente Popular; Tercera Promoción de la Maestría en Psicología Social y Violencia Política USAC; Plataforma Agraria.

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