



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

FAMDEGUA denounces release of soldier involved in massacre

Guatemala, 02.03.2010 (Cerigua) – The director of the Association of Relatives of the Disappeared (FAMDEGUA), Aura Elena Farfan, said the organisation was dismayed at the release on bail of a soldier accused of participating in the Las Dos Erres massacre in 1982. Colonel Carlos Antonio Carias had been linked to the crime, however the Court of First Instance in San Benito, Peten, freed him upon payment of bail of 10,000 Quetzales. Carias is accused of murder and crimes against humanity. According to the director of FAMDEGUA, Carias was in charge of the military camp in the village of las Cruces and led security operations during the massacre of Las Dos Erres, ordering the killing of anyone who tried to escape from the village. 250 people were killed in the massacre. The judge said the Public Prosecutor (MP) had not presented sufficient proofs of the crimes of murder and crimes against humanity. Farfan said the Public Prosecutor's human rights department was a weak public body, without sufficient personnel and resources to produce the necessary evidence.

Judge opens case against former heads of National Police

Guatemala, 04.03.2010 (PL) - A judge of the Criminal Court of First Instance, Audy Yanelly Arana, remanded in custody the ex-chief of the National Civil Police (PNC), Porfirio Perez and two ex-chiefs of the Counter-Narcotics Analysis and Information Division (DAIA), Nelly Bonilla and Fernando Carrillo. The Special Prosecutor, coordinated by the UN-mandated International Commission Against Impunity in Guatemala (CICIG), charged them with the crimes of conspiracy, criminal association, storage and commercial traffic of drugs, illegal possession and storage of arms and munitions, breaking and entering, illegal detention, abuse of authority, procurement of impunity and evasion and obstruction of justice. After a hearing lasting more than nine hours, the judge agreed that the accused would be prosecuted on the 11 charges.

LAND

Campesino population demands approval of the Rural Development Law

18.03.2010 (LH) – The organisation “Vamos al Grano” and members of campesino communities demonstrated outside the Guatemalan Congress to demand the approval of the Integral Rural Development Law that has already passed its committee reading. Pablo Sigüenza, one of the leaders of the movement, called on the consciences of the 158 members of parliament, asking them not to abandon the country during the food crisis that continues to plague the country, particularly in the so-called ‘dry belt’¹ over the last year. He said more than half of the Guatemalan rural population faces unemployment, food scarcity, and environmental, land access, financial, and production problems, none of which are being addressed.

¹ The “dry belt” crosses the departments in the east of the country: Jalapa, Chiquimula, Zacapa, Jutiapa, El Progreso, Baja Verapaz y Santa Rosa. It is the zone most affected by drought, malnutrition and food insecurity.

Mayors seek logging ban

Guatemala, 27.03.2010 (PL) – Mayors from the 21 municipalities in the Department of Quiché have asked the authorities of the Departmental Development Council (CODEDE) to prohibit the felling of trees for five years, through a ban on commercial forestry, because more than 3 million pines and cypresses are being felled every 12 months without any chance of regeneration. The mayors argued that the forest destruction had affected the eco-system, contributing to the drying of water sources and the disappearance of flora and fauna. They asked CODEDE to approve the commercial ban to enable species to naturally regenerate. In response, CODEDE formed a commission of environment and natural resources comprised of members of government institutions linked to environment issues, who will evaluate the request and make a decision regarding a possible ban.

EFFECTS OF GLOBALISATION

FNL demands Union FENOSA's expulsion from the country

Retalhuleu, 03.03.2010 (AC).- During a recent forum, communities of the western coastal "Boca Costa" region in the departments of San Marcos and Quetzaltenango, assisted by the National Front for Struggle (FNL) demanded the expulsion from the country of the multinational company Union FENOSA, due to its imposition of unduly high electricity charges. During the forum, the residents pointed to the continuing excessive charges and poor service provided by Western Electrical Energy Distribution (DEOCSA), part of the Spanish company Union FENOSA, calling for its expulsion along with other companies dedicated to the indiscriminate exploitation of natural resources. FNL leader Roberto Madriz said the wave of discontent with DEOCSA was growing, with similar demonstrations taking place in Suchitepequez and Sololá, and with the 48 cantons of Totonicapán recently joining the movement. Madriz said the protests would not stop until Union FENOSA had left Guatemala, along with other entities damaging the environment and causing poverty with the complicity of the Government.

Sources: Agencia Cerigua (AC), Prensa Libre (PL), El Periódico (EP), La Hora (LH), Diario de Centroamérica (DC).

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), Frauke Decoodt (Belgium) Lena Niehaus (Germany), Diego Pérez-Gascón (Spain).

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 known our objectives and nature of work. Through these meetings, in cases where it is necessary and with a reserved manner, we express our concerns about critical situations that we have come to know first hand from the work we carry out in the country.

International Authorities:

- Oscar Berger Jr., Belgian Honorary Consul, Guatemala City, Guatemala
- Norbert Eichler, Consul of the German Embassy, Guatemala City, Guatemala

Guatemalan Authorities:

- Eric Urrutia, engineer, Ministry of the Environment and Natural Resources (MARN), Santa Cruz del Quiché, Quiché
- Elmer Guerra, governor of Jalapa, Jalapa
- Carlos Reyes, political aide to the governor, Jalapa
- Alfonso López Vásquez, mayor of Jalapa, Jalapa
- Hugo Martínez, human rights defenders' protection officer, Presidential Human Rights Commission (COPREDEH), Guatemala City, Guatemala
- Carlos Quiej, protection mechanisms coordinator, COPREDEH, Guatemala City, Guatemala
- Jacobo Gramajo, early alert officer, COPREDEH, Guatemala City, Guatemala
- Juan José Baltazar, communications officer, COPREDEH, Guatemala City, Guatemala
- Julio Revolorio, Office of Human Rights Analysis and Mediation of Conflicts, COPREDEH, Guatemala City, Guatemala
- Antonio Montúfar, executive subdirector, COPREDEH, Guatemala City, Guatemala
- Rudy Castillo, auxiliary officer, Human Rights Ombudsman's Office (PDH), San Marcos, San Marcos
- Jorge Guzmán, general coordinator, Environmental Secretariat, 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 internal processes of contextual analysis.

Guatemalan Civil Society:

- Rosa María Chan, Executive Director, Foundation PROPETEN, Guatemala City, Guatemala
- Juan Velasco, Lawyer, Centre for Human Rights Legal Action (CALDH), Nebaj, Quiché
- Claudia Paz, Director, Institute of Comparative Penal Studies (IECCP), Guatemala City, Guatemala
- Luis Zapeta, ex - member of Land Pastorate, Santa Cruz del Quiché, Quiché
- Daniel Pascual member of Committee of Campesino Unity (CUC), Guatemala City, Guatemala
- Roly Escobar Ochoa, Coordinator, National Coordinator of Settlers and Marginal Areas of Guatemala (CONAPAMG), Guatemala City, Guatemala
- Mateo López, member, National Front for Struggle (FNL), Ocós, San Marcos
- Bartolomé de León, member, National Front for Struggle (FNL), Ocós, San Marcos
- Evelio Velásquez, Human Rights Promoter, Diocese of San Marcos, Ocós, San Marcos
- Amílcar Méndez, human rights activist, Guatemala City, Guatemala

International Organisations and Agencies:

- Coordination of International Accompaniment in Guatemala (CAIG), Guatemala City
- Ruben Domínguez, lawyer, Rights in Action, Guatemala City
- Emily Smith, Minister for Chichicastenango, Episcopal Anglican Church, Santa Cruz del Quiché, Quiché

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA.

In March we accompanied CONAVIGUA with visits to their office in the capital. We are concerned by the attack against members of its Mojomayas programme in Alta Verapaz and about threats against the lawyer Jorge Morales Toj, who has been subject to surveillance of his house and has received threatening phone calls. We are also concerned about a communiqué accusing Waqib Kej of being a terrorist group, which was circulated during CONAVIGUA's recent awareness-raising visit to Switzerland. Waqib Kej is the National Maya Coordinator, part of CONAVIGUA, whose objective is to create a space of analysis, discussion and unity between indigenous peoples in order to generate alternative solutions to the problems faced by indigenous peoples in Guatemala.

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, during its members' journeys to different departments of the country, and in exhumation and inhumation activities in clandestine cemeteries in rural areas.

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

During March, we have continued our accompaniment with regular office visits and meetings. We also have had regular meetings with Zulma Robles to follow up on the complaint she filed after receiving worrying anonymous 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. Director of OASIS, **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 March we observed the roundtable discussion on the visit to the Tashoró estate in Zacapa on 14 November 2009, which was being followed up in the context of Agreement no. 60 of the national government programme “Governing with the People”. In this document, the Government agreed to carry out the necessary studies to analyse the granting of forestry licences on the mountain. The studies are to be carried out with the National Protected Areas Council (CONAP), the National Forestry Institute (INAB) and APMG. Through observation of this meeting, we also continue our accompaniment of the dialogue process that seeks to have the Las Granadillas Mountain declared a protected area.

*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 March we held several meetings with members of AMISMAXAJ. We also observed a demonstration of the Association and its Youth Collective on the theme of defence of body, land and territory, which was held on International Women’s Day. The demonstration took place at Izacoba Lagoon, on Mount Santa Maria Xapalan. We also observed another march in which the Association participated in the capital on International Women’s Day,.

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

During March we carried out various meetings with the organisation. We also accompanied its members in a visit to the Las Flores community, carried out jointly with the environmental organisation Madre Selva. The visit was to gather evidence regarding the impact of hydro-electric projects on the environment and to present to the community the ruling of the Ministry of the Environment and Natural Resources (MARN) on the environmental impact study of the El Oregano hydro-electric project. The construction of the El Oregano project is planned for the communities of Las Flores and El Oregano.

We are concerned about the security conditions of two of the members of New Day, particularly in light of the recent release from custody of a person who had threatened them for the work that they are carrying out. We continue to closely follow the situation of the communities, which could be affected by the development of the Technological Corridor, which was launched in Camotán at the end of October 2009².

*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 Oregano**” which would be built on the Rio Grande in the municipality of Jocotán and which would have the capacity to generate 120 megawatts; and “**Caparjá**”, in the municipality of Camotán with a potential of 57 megawatts. 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 megawatts. Since learning of the projects, New Day began to inform communities about the projects and their effects.*

² At a cost of US\$12bn, the infrastructure project known as the “Technological Corridor” seeks to link, by 2015, Guatemala’s Atlantic and Pacific coasts. It will comprise the construction of a four lane motorway linking Pedro de Alvarado, Moyuta (Departament of Jutiapa), with the port of Santo Tomás de Castilla (Departament of Izabal), crossing the departments of Chiquimula, Zacapa, Izabal y Jutiapa. It will also include the construction of a train line and gas pipeline.

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.

Camoteca Campesino Organisation

In March we continued the accompaniment of the Camoteca Campesino Organisation in Chiquimula, and we met with several of its members. We also observed the blockade of a motorway by the Association on the Jupilingo Bridge (Chiquimula), which was intended as a protest and to demand an end to construction of hydro-electric projects in the area. Several members of the Association have received threats and their security situation continues to be critical. The situation of Carlos Hernandez, the leader of the organisation, is also of concern. He has received death threats and has observed the presence at his house of an suspicious vehicle during the night. We continue to closely follow the situation of the communities, which could be affected by the development of the Technology Corridor launched in Camotán at the end of October 2009.

Background: The Camoteca Campesino Organisation was founded in 1988, made up then of health promoters and midwives of the municipality of Comatán, department of Chiquimula. At that time, the association was called Committee for Oversight and Defence of the Resources of the Municipality of Camotán. In 2002, it was renamed the Campesino Association of Camoteca Farmers. Currently, the Camoteca Campesino Organisation is an active member of the Coordinator of Popular, Indigenous, Union, and Campesino Organisations of the East (COPISCO).

Its primary objective is the defence of life and of natural resources, and its ultimate goal is the search for well being for human beings and the natural world in which they live. Today, it is made up of 718 associates who monitor compliance with the laws and who follow up violations of human rights in the eastern region. They maintain a close relationship of cooperation with the New Day' Chortí Campesino Central Coordinator, in particular with regards to land, agriculture, and defence of the environment.

When the association learned of construction plans for three hydroelectric plants, "El Orégano", "Caparja", and "El Puente" (see above in the background of New Day' Chortí Campesino Central Coordinator) and for the Technological Corridor, they began work on awareness building and information in the communities about the effects of the mega-projects on the environment and on their economic situation.

Qamoló k'í Aj Sanjuani- People of San Juan Unite

In March we continued accompaniment of the meetings of the Santa Fe Ocaña community. We have also visited some of the communities most affected by the tensions arising from the activities of the company Cementos Progreso S.A., including Pilar I, Pilar II, Trojes I, Trojes II and Lo de Ramos. We also observed a march in the capital to celebrate International Women's Day, in which the organisation took part.

We also continued to follow the court hearings in the court case in which several members of the organisation are involved. In particular, we observed the appeal hearing of Abelardo Curup, a leader of the organisation, sentenced to 150 years sentence for his alleged participation in a triple homicide. A verdict will be handed down in April. We also observed a press conference regarding the decision of the International Labour Organisation (ILO) regarding the suspension of mining in the country in light of the failure to comply with ILO Convention 169.

We continue to be concerned about the security situation of members of the organisation and about violent incidents in the communities, principally by the presence of armed groups intimidating the population. Also troubling is the circulation of communiqués seeking to criminalise the organisation, one of which, circulated during the organisation's trip to Switzerland, accused the group of being a terrorist organisation.

Background: Qamoló k'í 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 world's 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.

Cunén Communities' Council

In February we began the accompaniment of the Communities' Council of Cunén, El Quiché. During March we carried out meetings with the Council and have monitored events in the area, such as the presence of helicopters hovering over the area, which has caused the community to remain on alert.

Background: The Council was established at the first communities' assembly in San Siguán. It is made up of 22 members from eight micro-regions of Cunén. The 22 members were named by their communities. One of the principal focuses of the Council's work is the defence of land and natural resources. In October last year they organised a community consultation on mining and hydro-electrical exploitation activities, and mega-projects in general; around 19,000 people from 71 communities voted against. PBI observed part of the preparation process and the realisation of the consultation.

Human Rights Defenders Protection Unit (UDEFEFUGA)

On 5 March, several unidentified people broke into the house of Erenia Vanegas, a UDEFEGUA investigator. They did not take anything, but looked through a wardrobe and a box of documents. This incident followed another suffered by Claudia Samayoa, director of UDEFEGUA, on 2 February 2010, in which the brakes of her personal vehicle were tampered with. PBI has accordingly intensified its accompaniment of the organisation through visits to its office and periodic meetings with members of the organisation. We also sent an alert to various embassies and Guatemalan authorities to express our concerns regarding the security of members of the organisation, and accompanied members of the Unit to the communities of Los Limoncitos (Ocos municipality) and San Pablo, in the department of San Marcos, where several people have recently been killed in circumstances that remain unclear.

Background: The Human Rights Defenders Protection Unit (UDEFEFUGA) 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, UDEFEGUA promotes the protection of these people by government institutions and the international community. For many years PBI has maintained a close collaborative relationship with UDEFEGUA 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".³

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 but 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:

Vera Paz Union of Campesino Organisations (UVOC)

In March we accompanied members of UVOC in legal proceedings brought by them to obtain official recognition of land possession. One of these cases is the Santa Inés estate, where there is a dispute between the *campesinos* that live there and the owner of the land.

We continue to monitor the criminal and employment law process⁴ of the community El Crepusculo, in the village of Pasmolon, Municipality of Tactic, department of Alta Verapaz. In July last year the National Civil Police (PNC) and the army evicted the families, who had lived there for more than 20 years, working for the owners.

We have also accompanied UVOC in the land reclamation process of the communities living in the Sierra Xinaja in Alta Verapaz. This territory was declared to be a protected area by the National Protected Areas Council (CONAP).

³ 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.

⁴ This case concerns two parallel processes. One relating to labour, in which the *campesinos* seek recognition of their employment law rights derived from the 20 years they have worked on the farm. At the same time, there are criminal proceedings being brought by the owner of the estate, who accuses the *campesinos* of aggravated usurpation of land.

Background: UVOC is a campesino organisation based in the departments of Alta and Baja Verapaz that works principally to defend and promote access to land for the peasant population, and it advises communities about legalisation of their lands. 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.*

Centre for Human Rights Legal Action (CALDH)

During March we have continued periodic meetings and visits to the office of CALDH. We also observed a workshop on risk analysis that CALDH organised in Jocotan (Chiquimula), which was to analyse the situation in the department and create a security strategy jointly with the organisations that work there.

Background: 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 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)

In March we paid close attention to the tense situation in San Marcos department, caused by the conflicts between the Spanish electric energy distribution company Unión FENOSA (DEOCSA) and the communities of several municipalities. The Government has renewed, for the sixth time, a state of emergency decreed on 22 December 2009. We have maintained a presence in the area due to the tense situation in the department, especially with the deaths of several people during the last month in circumstances that remain unclear.

Background: 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.

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.

This month, we observed a march in the capital to mark International Women's Day. Not only women's organisations, but a diverse range of human rights organisations took part.

We also observed the blockade of a roadway on the Jupilingo bridge, which was carried out by the Camoteca Campesina Association. Its objective was to protest the construction of hydro-electric projects in the department.



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.

In Brussels, the project's European representative, Kerstin Reemtsma, met with Member of the European Parliament (MEP) Hans Gert Poettering, member of the External Relations Commission of the European Parliament and Director of the Konrad Adenauer Foundation. She also met with the MEP Richard Howitt, also a member of the External Relations Commission and the Human Rights Sub-commission, and with the assistant to the President of the Human Rights Sub-commission, Mrs Eewa Keikkla.

In the European Commission, Kerstin had meetings with Davide Zaru, who is responsible for Latin American Affairs and defenders of economic, social and cultural rights within the Relex Human Rights Unit. She also met with Alessio Cappellani, who is in charge of issues relating to human rights defenders within the same unit.

In Madrid, Kerstin participated together with the Project Coordinator, Cristina Barbeito, in the General Assembly and the meeting of the Guatemalan workgroup of CIFCA (Copenhagen Initiative for Central America). She also held a meeting with Sofia Duyos, a lawyer from the Peace and Solidarity Foundation responsible for Guatemala.

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.

ANTE LA DIFAMACION CONSTANTE CONTRA LOS Y LAS DEFENSORES Y DEFENSORAS DEL DERECHO A UN MEDIO AMBIENTE MAS SANO Y AL DERECHO A LA CONSULTA DE LOS PUEBLOS INDIGENAS

Como Unidad de Protección a Defensores y Defensoras de Derechos humanos, nos unimos a los pronunciamientos de rechazo ante las agresiones y difamaciones que por escrito están circulando a nivel nacional e internacional, desde los primeros días del mes de marzo por vía electrónica y otros medios de distribución, en contra de los líderes de las comunidades organizadas de San Juan Sacatepequez, organizaciones y personas que están siendo criminalizadas por oponerse a la operación de una cementera en dicho Municipio.

Esta oposición se respaldada por la decisión firme de las comunidades plasmada a través de las distintas consultas populares (que se amparan en el Convenio 169 de la OIT), realizadas en las 12 comunidades y que son directamente afectadas con la operación de dicha cementera.

El derecho a la petición, a la organización, a la resistencia pacífica, a la manifestación; son derechos constitucionales que están siendo reprimidos por cuerpos ilegales que se han dedicado a accionar de forma violenta, a través, de ejecuciones extrajudiciales, quema de vehículos, violaciones, amenazas, intimidaciones y en las últimas semanas la quema de varias casas y campañas de difamación por escrito, con el fin de desacreditar las organizaciones sociales. Situaciones que han estado aprovechando para inculpar a las y los defensores, en una repetición de tácticas que en el pasado fueron utilizadas para acusar a los y las defensoras en aquel momento de guerrilleros, ahora señalándoles como terroristas.

Hace meses se pidió a la CICIG la intervención para investigar la posible existencia de grupos paralelos involucrados en hechos violentos y que podrían ser parte de quienes están haciendo circular estas difamaciones y agresiones escritas. Este tipo de prácticas reprobables es parte de la estrategia para acabar con la oposición de las comunidades.

Guatemala, 11 de marzo del 2010.

UDEFEGUA

Amigas y amigos
hermanas y hermanos.

El día 2 de marzo un carro vidrios polarizados me persiguió a las 8 de la noche, desde la zona 1 ciudad de Guatemala hasta mi casa en villa nueva (kilometro 18 carretera a la costa sur). y el día de ayer (11 de marzo) a las 8:57 por la noche me enviaron un

mensaje a mi celular del siguiente número 57845262 el cual transcribo literalmente, "Ese cuerpaso q tu tienes tarde o temprano sera mio le duela a quien le duela llore quien llore quieras o no t voy a llevar conmigo att.. el cementerio ja ja"
Hoy mas que nunca les digo, que mi compromiso por la defensa de la madre tierra, por la defensa de los derechos de los pueblos indígenas sigue siendo el mismo, que mi lucha por la vida será la misma y que aunque mi voz sea apagada, miles de hermanos seguirán enarbolando mis ideales...
NADA PODRA CONTRA LA VIDA....

Jorge Morales Toj

EN EL CENTENARIO DE LA CONMEMORACION DEL DIA INTERNACIONAL DE LA MUJER, HONRAMOS LA VIDA Y LUCHA DE TODAS LA MUJERES GUTEMALTECAS

Este 8 de marzo de 2010 las mujeres guatemaltecas y de todo el mundo conmemoramos el centenario de la declaración del Día Internacional de la Mujer, una fecha emblemática que recuerda las históricas luchas sociales que las mujeres hemos impulsado por conquistar nuestros derechos, por construir una sociedad con Justicia y Equidad.

Luchas que históricamente hemos impulsado las mujeres, hoy más que nunca son vigentes, en tanto que en sociedades como la nuestras se mantienen condiciones de desigualdad, discriminación, exclusión y violencia en contra de las mujeres, tal y como lo demuestra el último informe "Situación de la Mujer en el contexto internacional" que presentara la organización Vital Voices (VV), en el cual se evidencia importantes brechas de género regionales y del entorno nacional en 2009.

Este informe señala que Guatemala ocupa el último lugar en cuanto a igualdad para las mujeres en Centroamérica, siendo nuestro país uno de los más relegados alrededor del globo terráqueo. El informe resalta que las áreas en las cuales hay mayor desigualdad son en la económica y en oportunidades laborales, ya que aparecemos en el puesto 115, y en lo referente al empoderamiento (sic) político (posesión de cargos) nos sitúa en la casilla 108.

Esa discriminación, la exclusión y la violencia que caracterizan la vida cotidiana de nosotras las mujeres guatemaltecas, impide que alcancemos los beneficios de un desarrollo con rostro humano que afecta nuestro acceso al trabajo, a la educación, a la salud, a la protección social, a la participación social y política, a nuestro derecho a vivir libres de violencias y en condiciones de igualdad, todo lo cual condiciona negativamente nuestras vidas.

PBI GUATEMALA DOES NOT NECESSARILY IDENTIFY WITH THE OPINIONS AND CONTENT OF THE ARTICLES AND COMMUNIQUE REPRODUCED. THE NOTES ON CURRENT CONTEXT IN SECTION 1 ARE NOT FROM A LITERAL COPY OF THE SOURCES CONSULTED: THEY SIMPLIFIED THE WRITING AND SYNTHESISED THE ORIGINAL ARTICLES.

- PBI GUATEMALA PROJECT-

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