



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

Civil society expresses concerns about suitability of Attorney General candidates

Guatemala, 20.04.2010 (EP, SV, PL).– Several social organisations described the list of the six candidates for the Attorney General post, published by the Commission for Applications, as “regrettable” and “worrying”. Five of the names are deemed unsuitable by a broad range of social organisations, with some having also been highlighted by the International Commission against Impunity in Guatemala (CICIG). “This gives impunity room to breathe, and it will be a crisis for the justice sector if the list is accepted. We will have to see the position President Álvaro Colom takes on this; if he conducts a proper analysis, then he will simply have to return the list,” said Ramón Cadenas, representative in Guatemala for the International Commission of Jurists (CIJ). Marco Antonio Canteo, executive director of the Guatemalan National Institute for Comparative Studies in Criminal Science (IECCPG), said he had already rejected the circulation of a previously agreed list of names of those standing. “We are completely disillusioned with the process; Guatemala and the fight against impunity are the losers here. In our opinion this list does not satisfy requirements; the only candidate that offers a professional profile of interest who has not been vetoed is María Eugenia Morales.”

Carmen Aída Ibarra, part of the Pro-Justice Movement, said: “Byron Renato Durán and Leopoldo Liu had abysmal records when serving as lawyers in the Public Prosecutor’s Office. And questions have been raised against Julio Rivera Clavería for his alleged links with security structures.”

Violence and aggression against trade union members

Guatemala, 26.04.2010 (EP).- During the past five years trade unions have experienced constant persecution and acts of violence. More than forty union workers were killed between 2005 and 2010 in Guatemala. According to statistics from the Interior Ministry, the National Civilian Police and the Guatemalan Indigenous and Campesino Trade Union Movement (MSICG), 2009 was the worst year with 16 union members killed. During the same period (2005-2010), 132 union members suffered threats and attacks, with the majority (76 cases) also taking place in 2009. According to the Committee for Trade Union Freedom, 93% of the workers killed were “in conflict due to complaints they had made relating to labour rights or access to natural resources”. The same source indicates that nine of every 10 workers killed were members of MSICG. As a result of the violence experienced in recent years, nearly 200 union members are currently in exile.

The International Labour Organisation’s (ILO) high-level mission, which visited Guatemala in February 2009, concluded that the state had contributed to a situation where it was “tolerated and inevitable that certain groups threatened and physically eliminated union leaders and raided their headquarters and homes, with total impunity”. The mission noted a worrying situation characterised by impunity and excessive delays in industrial tribunals. Edgar Rodríguez, Employment Minister, said: “We have received reports about the abuse of labour laws. We have monitored the majority of these, although this has been made difficult by the number of unions that exist and the fact that we must not interfere in the work of the Public Prosecutor’s Office.”

LAND

A development model for natural resources

Guatemala, 22.04.2010 (EP).- The Environmental Profile compiled by the Institute of Agriculture, Natural Resources and the Environment (IARNA) notes the accelerating deterioration of natural resources in Guatemala. According to the document, almost a quarter of cultivable land was overused in 2003. "The deterioration of the earth results in the ground being eroded; it is the start of a chain of events. The impoverishment of the earth, the contamination of water sources, the clogging of riverbeds, and ultimately a decrease in water levels infiltrating the phreatic mantle." This report, which is IARNA's most recent publication, notes the over-exploitation of the forests and draws attention to a sustained rate of deforestation that "exceeds growth levels." Deforestation reduces the amount of water available for human use. The Environmental Profile notes an annual reduction of 2.4% in these water levels between 2000 and 2005.

The Human Development Report of 2007-2008 shows concern for the welfare of millions of poor inhabitants who suffer the consequences of pollution generated by the United States of America and other industrial nations. Higher carbon dioxide (CO₂) levels pollute the atmosphere, in turn heating up the Earth's surface and disrupting the climate. According to the Centre for Environmental Studies at the University of the Valley of Guatemala, the country's extreme climatic events (droughts, snowfalls on volcanoes and hailstorms in the Dry Corridor) are a result of this and may worsen.

Legalisation of the expropriation of lands for Economic Infrastructure Development

Guatemala, 19.04.2010 (EP).- The recently approved Alliance Law for Economic Infrastructure Development (APD) establishes the process through which the state may expropriate properties that are required to develop infrastructure projects. The law, which is yet to be officially published, allows for the creation of a National Alliance Agency for the Development of Economic Infrastructure (ANADIE), which will function as a decentralised body and include a Public Project Registry. The APD Law also creates a National Council for ANADIE, which will be responsible for approving the declaration of collective utility, social benefit and public interest, which is required to realise expropriations. Mariano Rayo, head of the Congress Finance Commission, said the procedure allowed both parties to agree compensation (financial or otherwise) convenient to the owner. According to the consultant Mario Marroquín, one benefit of the law is that the state has the opportunity to develop world-class infrastructure and attract capital and private investment both nationally and internationally. Luis Pedro Rocco, President of the Guatemalan Association of Construction Contractors, said initial investments would be: widening the four-lane motorway from Guatemala City to Cocales, Suchitepéquez, extending a motorway from Santo Tomás in the Honduran Golf to Puerto Quetzal on the Pacific Coast, facilitating the Technological Canal project, and the construction of a national ring road to ease traffic in several areas. According to this law, no contract will be permitted to exceed 40 years.

EFFECTS OF GLOBALISATION

Organisations seek an end to mining activity in San Juan Sacatepéquez

Guatemala, 07.04.2010 (CA).- An end to mining activity is the central demand in a statement addressed to President Álvaro Colom and Vice President Rafael Espada from several organisations and social collectives. Representatives of 12 communities from the municipality of San Juan Sacatepéquez argue that the mining activity conducted by two companies in the region is affecting the environment and the health of the population. A study conducted by the Commission of Experts at the International Labour Organisation (ILO) determined the need to consult the population (approximately 64,000 residents) and enter into dialogue with social actors about mining work in the area. The statement was signed by several international organisations that endorse the demands of the municipality's residents. José Cosojay, one of the community representatives, warns that the area is already experiencing water problems and that some residents are suffering from illnesses. From the point of view of the communities, he says, these problems are a result of the work of mining companies, which are seeking to locate 34 minerals in the region.

Distribution of electrical energy in San Marcos: continuing tension in the communities and impunity for the murder of social leaders

Guatemala, 06.04.2010 (EP).- 35 communities in San Marcos refuse to pay their electricity bills, believing that the firm Distribuidora de Electricidad de Occidente, S. A. (DEOCSA), a subsidiary of the Spanish multinational Unión FENOSA, has charged them excessive amounts. The tensions remain despite the state of emergency imposed in December 2009. César de León, community leader in the municipality of San Rafael Pie de la Cuesta, said: "The state of emergency took some of our strength... but we have been able to hold secret meetings in San Pablo."

Tensions exist in the seven municipalities affected by the conflict: San José el Rodeo, Tacaná, San José Ojetenam, San Pablo, Malacatán, La Reforma and Nuevo Progreso. Three activists from the Resistance Front for the Defence of Natural Resources and People's Rights (FRENA) were killed in what are still unclear circumstances. The first victim was Víctor Gálvez, killed on 24 October in Malacatán. On 13 January, Evelina Ramírez, a FRENA representative, was killed in Ocos, and on 17 February in Malacatán, Octavio Roblero, Gálvez's brother-in-law was killed. Luis Ismatul, who is responsible for social communication in the Public Prosecutor's Office, said that the Gálvez case was being investigated in Quetzaltenango, and the Ramírez and Roblero cases in Tecún Umán. "The armed gangs of local criminal organisations, in particular drug-trafficking groups, visit each village, intimidating the population with orders of 'pay or die'," states a communiqué dated 4 April from the National Front for the Defence of Public Services and Natural Resources (FNL), to which FRENA belongs. In the same document the FNL confirms that eight community leaders have been killed so far as a result of the conflict.

OTHERS: WOMEN'S RIGHTS

Workers' health right violated in fabrics and agriculture industries

Guatemala, 20.04.2010 (AC).- Approximately half of female workers in the fabrics and agriculture industries in Guatemala have documentation enabling them to access social security. However half of these women face redundancies and threats from their employers or line managers when requesting leave from work to access healthcare. The NGO Médecins du Monde (Mdm) published an investigation on the health rights of these workers, of whom approximately 85% carried out manual labour. The survey took place in 16 fabric factories and estates in the departments of Chimaltenango and Sacatepéquez. Aurèlie Leroyer, coordinator of Mdm's Guatemala office, highlighted the fact that 30% of pregnant workers missed prenatal check-ups, because permission was not given for them to be absent from work. Leroyer added that there was further cause for concern; 100% of the women who received smear tests showed signs of infection or indications that their situation might worsen.

Sources: Agencia Cerigua (AC), Prensa Libre (PL), El Periódico (EP), Diario de Centroamérica (DC), Siglo Veintiuno (SV).

2. PBI-GUATEMALA ACTIVITIES – IN GUATEMALA

Team: 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:

- Mónica Mazariegos, human rights programme officer, European Union Delegation to Guatemala, Guatemala City, Guatemala.
- Leeann McKechnie, Ambassador to Canada, Guatemala City, Guatemala.
- Martha Cecilia Ramírez, Minister Plenipotentiary, Colombian Embassy, Guatemala City, Guatemala.

We attended the following event:

- First meeting between European Union embassies and human rights defenders.

Guatemalan Authorities:

- Juan Zapeta, Indigenous Mayor, Santa Cruz del Quiché, El Quiché.
- Edgar Rolando Noriega, departmental lawyer, Human Rights Ombudsman's Office (PDH), Chiquimula.
- Víctorio López, second official, chief of personnel for the National Civilian Police (PNC), Police Station 23, Chiquimula.
- Jorge Nolasco, chief of the Chorti Community Association, Jocotán, Chiquimula.
- Marco Tulio García Méndez, National Civil Police official, Camotán substation, Chiquimula.
- Raul Monzón, departmental lawyer, Human Rights Ombudsman's Office (PDH), Guatemala City, Guatemala.
- Gabriela Villatoro y Ligia Castillo, coordination team for the Agency for Analysis of Attacks on Human Rights Defenders, 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:

- Roly Escobar Ochoa, coordinator of the National Coordinating Body for Settlers in Marginalized Areas (CONAPAMG), Guatemala City, Guatemala.
- Amílcar Méndez, human rights activist, Guatemala City, Guatemala.
- Marielos Monzón, journalist, Guatemala City, Guatemala.
- Roberto Madriz, union member of the National Front for the Defence of Public Services and Natural Resources (FNL), Guatemala City, Guatemala
- Agustín Choc, member of the Association for the Development and Protection of Land and Natural Resources (ACORDET), Guatemala City, Guatemala.

- Javier Gurriarán, consultant and member of the Historical Memory Recuperation Initiative Guatemala City, Guatemala.
- Gregorio Chay, representative of the Indigenous K'iché Rights Office, Santa Cruz del Quiché, El Quiché.
- Eloyda Mejía, director of the Friends of Lake Izabal Association (ASALI), Guatemala City, Guatemala.
- Roberto Montes, member of the Resistance Front for the Defence of Natural Resources and People's Rights (FRENA), El Rodeo, San Marcos.
- Patricia Melenas, Member of the Social and Pastoral Care Office of the Catholic Church, San Marcos.
- Julio Archila, member of the Campesino Workers Movement (MTC), El Rodeo, San Marcos.

International Organisations and Agencies:

- International Accompaniment Coordinator in Guatemala (CAIG), Guatemala City, Guatemala
- Rubén Domínguez and Rosario Martínez, representatives of Rights in Action, Guatemala City, Guatemala
- Marta García, lawyer, Rights in Action, Guatemala City, Guatemala
- Christina Papadopolou, Office of the High Commissioner on Human Rights [UNHCHR], Guatemala City, Guatemala

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA

In April we continued our regular visits to the CONAVIGUA office in the capital. Our concern about threats made to several of its members continue, and in particular the case of the lawyer Jorge Morales Toj, who has reported being watched at his home and has received threatening phone calls. On 21 April we observed an inhumation facilitated by CONAVIGUA in Santa Apolonia, Chimaltenango.

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. Due to increasing requests on the part of communities in which CONAVIGUA works, the organisation expanded its work in the areas of legal and organisational advisory services to communities that are in the process of self-management. San Juan Sacatepéquez is one of the areas where CONAVIGUA is accompanying this process.

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

We continued our accompaniment with regular office visits and meetings. We also have had regular meetings with Zulma Robles, following 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 dismissed by the Ninth Court of the First Criminal Instance.

Association for the Protection of Las Granadillas Mountain, APMG

On 15 April we observed a meeting held to follow up on the visit to the Tashoró estate, a process that is in line with Agreement 60 of the government programme "Governing with the People". Through this programme, the government promised to conduct the necessary studies to analyse the social and environmental impacts of the felling of 73.32 hectares of natural forest (with forest permits granted on the mountain) in an area of groundwater recharge. These studies must be carried out in collaboration with the National Council for Protected Areas (CONAP), the National Forestry Institute (INAB) and the APMG. However during the meeting neither CONAP nor INAB presented their reports. They argued that there was an editorial error in Agreement 60 and that Las

Granadillas Mountain did not exist. The APMG has pushed for this case to be heard before a higher authority, arranging for the next meeting to take place in Congress with the participation of the Ministry for the Environment and Natural Resources (MARN), the Ministry of Agriculture and the Executive Secretary of CONAP, among others.

*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)

We held several meetings with AMISMAXAJ members in April.

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 April we attended several meetings with New Day. We accompanied the Coordinator on her activities and trips to meetings with other local actors. Among these was a meeting with the bishop of Zacapa, Rossolini Bianchetti, other members of the Catholic Church and community leaders. New Day gave a presentation on its work, which highlighted its concerns about the implementation of megaprojects and the threats that several of its members continue to receive.

We accompanied New Day and the Camoteca Campesino Organisation to a meeting at the Ministry for the Environment and Natural Resources (MARN), attended by the government minister Luis Ferraté, who was presenting his views on the hydroelectric power station he anticipated would be built among the Las Flores and El Orégano communities. One of New Day's current concerns centres on the study submitted by the company Distribución de Red. This environmental impact study (EIA) relates to the El Orégano hydroelectric power station and was only made public one day before the end of the period in which any objection to the project could be submitted. The study is therefore going through the approval processes without there being any possibility of it being challenged. In April we also accompanied New Day and the Camoteca Campesino Association to the Ministry for the Environment and Natural Resources (MARN) where the organisations handed over a document detailing their opposition to the construction of El Orégano hydroelectric power station and the Technological Corridor project.

We are concerned about the safety and increased vulnerability of one of New Day's members, following the release from prison of an individual who previously threatened his work with the organisation. We also continue actively monitoring the situation of the communities who may be affected by the Technological Corridor project, the official launch of which took place in Camotán at the end of October 2009.¹

*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 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*

¹ 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 (Department of Jutiapa), with the port of Santo Tomás de Castilla (Department of Izabal), crossing the departments of Chiquimula, Zacapa, Izabal and Jutiapa. It will also include the construction of a train line and a gas pipeline.

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.

Camoteca Campesino Organisation

In April we continued our accompaniment of the Camoteca Campesino Organisation in Chiquimula and met with several of its members. We accompanied the Association to a meeting in Congress, where they expressed concerns about the Technological Canal construction, the electrical towers being built in the area, and the adverse effects of these projects, as identified by the area's inhabitants. Over the course of the month we accompanied the Camoteca Campesino Organisation and the 'New Day' Chortí Campesino Central Coordinator to two events that took place at the Ministry for the Environment and Natural Resources (MARN): a meeting with government minister Luis Ferraté and the submission of a document detailing the organisations' views on the construction of the El Orégano hydroelectric power station and the Technological Corridor. (See section on the accompaniment of 'New Day' Chortí Campesino Central Coordinator.)

The security situation of Association members continues to be critical as a result of the threats received by some of its members. We are particularly concerned by the death threats received by Carlos Hernández and Santos Vázquez.

We continue monitoring the communities that may be affected by the Technological Corridor project, the launch of which took place 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 kí Aj Sanjuani - People of San Juan Unite

In April we met with several members of Qamoló kí Aj Sanjuani - People of San Juan Unite, and visited Cruz Blanca, one of the communities where tensions have arisen as a result of the activity of Cementos Progreso in the municipality of San Juan Sacatepéquez. The community expressed concern about the lack of water.

On 22 April we observed the march commemorating Earth Day in the capital, in which residents of San Juan Sacatepéquez and several members of Qamoló kí Aj Sanjuani took part.

We continue monitoring court hearings in which several of the organisation's members have been implicated. One of the current concerns centres on the defence lawyer's resignation and the failure to appoint a replacement. We are also concerned about the conflictivity and violent incidents in the communities, primarily the presence of armed groups intimidating the population. On 25 April between 20 and 25 armed men entered one of the communities, injuring a resident. The security of the organisation's members and the defamations they continue to suffer are also a central concern.

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 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 residents 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 April we accompanied the Cunén Communities Council in El Quiché at a meeting with the mayor of Cunén, Domingo Camajá Santay. We also accompanied the Council at a meeting in the office of the National Civil Registry (RENAP). During April we have been attentive to events in the area, acquiring information about the situation and the context of work being done to protect land and natural resources, sharing information about the situation of human rights defenders and meeting with different local actors.

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 (UDEFEQUA)

On 5 March several unidentified people broke into the house of Erenia Vanegas, a UDEFEQUA 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 UDEFEQUA, 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 office visits, periodic meetings with its members and accompaniment during trips to departments in the interior of the country, which are necessary to further their investigations and monitoring of attacks on human rights defenders. In April we accompanied UDEFEQUA members during their move to San Marcos. We also accompanied Erenia Vanegas on her investigating and monitoring trips to Alta Verapaz and Izabal, where several people have died in circumstances that are still unclear. We continue to monitor the security situation of UDEFEQUA members.

Background: The Human Rights Defenders Protection Unit (UDEFEQUA) was founded in 2004 with the objective of promoting the security of human rights defenders in Guatemala and 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".²

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 April we accompanied members of UVOC in legal proceedings brought about to acquire 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.

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.

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

We are still concerned about the threats received by some members of UVOC. We continue to monitor and show our presence in the area and among the communities where the organisation operates.

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)

In April we held regular meetings in the organisation's office.

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 April we continued to monitor the tense situation in the San Marcos department. The situation is a result of conflict between the Spanish electricity provider Unión FENOSA (DEOCSA in Guatemala) and communities from several municipalities. The government currently maintains the state of prevention³ in the area that was decreed on 22 December 2009, and has been extended seven times. Given these tensions, and especially the deaths of several people actively involved in condemning the abuses of electrical energy provision over recent months, we have marked our presence in the region and met with several local actors, among them Julio Archila, a member of the Peasant Workers Movement (MTC), whom in the past PBI accompanied for several years.

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.



³ The first and lowest level of official public alert.

On 22 April we observed the Earth Day march, in which approximately 5,000 people took part. The march made its way to the embassies of Switzerland, Canada and Spain, where members of the San Juan Sacatepéquez communities handed out documents detailing their position on international investment in projects that exploit the country's natural resources.

We were also invited by the Verapaz Union of Campesino Organisations (UVOC) to be observers at several trials relating to the possession or legal certainty of land. Among these cases was that of the Santa Inés estate, where there is conflict between the campesino population living there and the landowner.

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.

The project's European representative held a meeting in Brussels on 21 April with Astrid Schrama, assistant of Euro MP Emine Bozkurt, president of the Delegation for Central America in the European Parliament.

On 29 April, she attended a meeting of the Human Rights and Democracy Network with Alexandra Knapton, the civil society liaison officer (for the High Representative of the European Union for Foreign Affairs and Security Policy, Mrs Catherine Ashton, and Pelayo Castro (a member of Mrs Ashton's cabinet). The meeting was about the present state of coordination within the European External Action Service (EEAS) with regard to the integration of human rights.

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.

COMUNICACIÓN DE AMENAZAS CONTRA EL DIRECTOR GENERAL Y EL COORDINADOR DEL ÁREA POLÍTICA – LEGAL AMBIENTAL DEL CENTRO PARA LA ACCIÓN LEGAL, AMBIENTAL Y SOCIAL (CALAS)

Estimados amigos, Por este medio quiero ponerles en conocimiento de las amenazas que el pasado día lunes 5 de abril en curso recibimos por escrito, tanto el Lic. Pedro Rafael Maldonado Flores, Coordinador del Área Política-Legal Ambiental de **CALAS**, así como el suscrito Dr. Yuri Giovanni Melini Salguero, Director General de **CALAS**.

Estas amenazas atentan contra nuestra seguridad y ponen en riesgo nuestra integridad física, psicológica y moral; además de crear una incertidumbre, ya que las mismas están directamente relacionadas con nuestro trabajo como activistas ambientales y por lo tanto como defensores del derecho humano a un ambiente sano. Particularmente, relacionadas con el caso de defensa del área protegida Refugio de Vida Silvestre, Punta de Manabique en el departamento de Izabal donde se pretendía construir una terminal de gas licuado de petróleo, nuestro trabajo consistió en:

- a) Lograr la cobertura de los medios de comunicación social;
- b) Intermediación política en el Congreso de la República; y
- c) Lograr que el Ministerio de Ambiente y Recursos Naturales (MARN) y el Consejo Nacional de Áreas Protegidas (CONAP), negaran la autorización para la construcción de dicho proyecto industrial.

Atentamente,

Dr. Yuri Giovanni Melini
Director General
CALAS

"JUSTICIA PARA LA NATURALEZA"

MEMORIAL DE MEMORIALES
DE LAS COMUNIDADES DEL NORTE DEL DEPARTAMENTO DE QUICHÉ

Al:

Presidente de la República Ing. Álvaro Colom Caballeros, Congreso de la República, Comisión Nacional de Energía Eléctrica, Organismo Judicial y Corte Suprema de Justicia, Ministerio de Gobernación, Ministerio de Medio Ambiente y Recursos Naturales, Ministerio de Energía y Minas, Gobernador departamental, Asociación de Alcaldes Municipales, Procuraduría de Derechos Humanos, Convergencia de Derechos Humanos, Consejo de los Pueblos de Santa Cruz del Quiché, Consejo de los Pueblos de San Marcos, Consejo Mam de Quetzaltenango, Asamblea Departamental por la Defensa de los Recursos Naturales de Huehuetenango, Comunidad Nacional e Internacional, Alto Comisionado de las Naciones Unidas para los Derechos Humanos en Guatemala, Cuerpo Diplomático Internacional presente en Guatemala, Comisión de Pueblos Indígenas de la ONU, Tribunal Permanente de los pueblos, Organización Internacional de Trabajo, Organización de Estados Americanos.

Todas y todos nosotros, vecinas y vecinos, pobladores de distintas comunidades de diversos municipios del norte del departamento de Quiché, después de largos meses de estudio, debate análisis y consultas entre nuestras comunidades, manifestamos respetuosamente ante ustedes lo siguiente:

Este memorial de memoriales expresa el contenido del **MEMORIAL Y MANIFIESTO DE VICALAMÁ** (Vicalamá, Vivitz, Vizivan, El Mirador, Batzumal II, Xelacam, Vicampanavitz, Tucanal, Jolom Chiquito, Xeo, San Miguelito), **EL MEMORIAL Y MANIFIESTO DE SALQUIL GRANDE** (Salquil Grande, Quejchip, San Francisco Javier, Parramos Chiquito, Parramos Grande, Vijolom I, Vijolom II, Vijolom III, La Libertad), **EL MEMORIAL Y MANIFIESTO DE TZALBAL** (Tzalbal, Canaquil, Batzuchil, Laguna Tzalbal, Tuchabuc, Xecoxó, Xoloche, Corralcay, Vipecbalam, Cantón La Laguna Nebaj, Tzjilché), **TODAS ELLAS DEL MUNICIPIO DE NEBAJ. EL MEMORIAL DE LAS NUEVE COMUNIDADES DE AMACHEL** (Amacchel, Antigua Amacchel, Nueva Esperanza Amacchel, Nueve Puntos Amacchel, Encuentro Amacchel, Xecol Amacchel, Bella Vista Amacchel, Nuevo Amacchel, Xetzá Amacchel), **EL MEMORIAL DE LAS COMUNIDADES DE XEPUTUL** (Pal, Chaxa, Santa Rosa, Xaxboj, Cimientos Xeputul, Sajbatza) **DEL MUNICIPIO SAN GASPAS CHAJUL. EL MEMORIAL DE SAN FELIPE CHENLA, EL MEMORIAL DE LAS VILLA HORTENSIA** (Villa Hortensia I, Villa Hortensia II, Chisis y Cajixay), **DEL MUNICIPIO DE SAN JUAN COTZAL. EL MEMORIAL DE LAS COMUNIDADES DE PARRAXTUT** (Parraxtut, Cantón La Montaña, Primer Centro Tierra Colorada, Segundo Centro Tierra Colorada, Chuanaranjo, Xecorral, Primer Centro Río Blanco, Segundo Centro Río Blanco, Chuasité, Cuesta del Águila, Chuacruz, Segundo Centro Parraxtut), **DEL MUNICIPIO DE SACAPULAS Y EL ACUERDO MUNICIPAL DE LA MUNICIPALIDAD DE CUNEN**, avalando el resultado de la consulta comunitaria de las 72 comunidades que conforman este municipio, realizada el 27 de octubre del año 2009.

Es por este medio que miles y miles de personas, niños, mujeres, jóvenes, ancianos y hombres, estamos expresando por medio de nuestras consultas comunitarias o municipales y por medio de nuestros memoriales o manifiestos, nuestros pensamientos, planteamientos, preocupaciones y decisiones.

Con fecha del 8 de abril del año 2010 el viceministro del Ministerio de Energía y Minas Alfredo A. Pokus cursó información pública al diputado Héctor Nuila, jefe de la bancada URNG-MAIZ, sobre proyectos mineros, hidroeléctricos y de exploración petrolera en los municipios de Chajul, Cotzal, Nebaj, Cunén y Sacapulas del departamento de Quiché.

Esta información confirma y amplía así la información del Ministerio de Energía y Minas de finales del año 2009, dándonos certeza total a las comunidades de que sin habérsenos consultado ni informado, existen y se están desarrollando ya sobre nuestras tierras, nuestros aguas y nuestras poblaciones, proyectos de exploración y explotación minera e hidroeléctricos que atentan directamente contra la vida y el futuro de nuestras comunidades, el medioambiente, la biodiversidad y la sobrevivencia de nuestros pueblos y territorios.

Al Señor Presidente de la República, a los Señores Ministros, al Congreso de la República, a la Corte Suprema de Justicia todas y todos nosotros queremos decirles, ante la comunidad nacional e internacional, que no estamos de acuerdo con estos proyectos que se están diseñando, planificando ó realizando sobre nuestras tierras, nuestros ríos y nuestras poblaciones.

También queremos decirles a nuestro Gobierno y a la comunidad nacional e internacional que con todos estos proyectos oficiales y de empresas privadas, ya comenzaron ustedes la destrucción total del río Negro o Chixoy, del río Xacbal, del río Cutzalá o San Francisco, de las montañas y cerros de nuestros municipios, del mismo modo que ya han empezado ustedes a desplazar nuevamente a nuestra población de sus lugares de origen, historia y vida en el departamento de Quiché.

Por lo tanto, al mismo tiempo que denunciemos públicamente esta situación nosotros exigimos:

- La cancelación inmediata de las licencias de reconocimiento, exploración y explotaciones mineras, hidroeléctricas y petroleras ya otorgadas, en nuestras tierras y los territorios de los municipios anteriormente mencionados.
- Que no se autorice ninguna otra licencia para la explotación de los recursos naturales que existen en nuestros territorios, es decir, que se anulen todas las solicitudes ingresadas al Ministerio de Energía y Minas con este fin.
- Que se anule la actual Ley de Minería y que se establezcan nuevas leyes conjuntamente con las comunidades para que sean favorables a nuestra propia vida y nuestro propio desarrollo, así como al medio ambiente que no rodea.
- Pedimos al Organismo Judicial y a la Corte Suprema de Justicia que garantice la vida de las personas, de las familias y de las comunidades, no permitiendo a nadie que se persigan o criminalicen a las personas o comunidades que defienden sus propios derechos, tierras y recursos naturales.
- Que se respete la palabra, la opinión, la decisión y la autodeterminación de las comunidades sobre sus propias vidas, sus propios proyectos y sus propias tierras, del mismo modo que pedimos a todas las autoridades que ejerzan sus funciones de acuerdo a lo que se establece en la Constitución Política de la República de Guatemala, el Código Municipal, la Ley de Consejo de Desarrollo Urbano y Rural, así como los Tratados y Convenios Internacionales ratificados por el Congreso de la

República de Guatemala, en dónde se garantiza la autodeterminación, el presente y el futuro de los pueblos originarios del país.

Finalmente todas y todos nosotros pedimos, manifestamos y exigimos:

¡Agua y tierra para los pueblos, no para las empresas!

Este memorial de memoriales de las comunidades del norte del departamento del Quiché está avalado, sellado y firmado por todos los memoriales y manifiestos indicados.

**“La prórroga y ampliación del contrato 2/85 es ilegal, lesiva y ambientalmente insostenible”
Savía, Guatemala 12 de abril de 2010**

La Escuela de Pensamiento Ecologista Savia lanzó públicamente el viernes pasado, la campaña “Un Guatemalteco más por Laguna del Tigre” que busca la participación ciudadana para evitar la prórroga y ampliación del contrato a la compañía petrolera Perenco, que opera en la zona núcleo de Laguna del Tigre, en la Biósfera Maya.

La prórroga del contrato por 15 años más es “ilegal” sostuvo Ramón Cadena, representante para Centroamérica de la Comisión Internacional de Juristas (CIJ) ya que viola la normativa nacional e internacional en materia de protección ambiental. El jurista guatemalteco comunicó advirtió que la ley de Fonpetrol que es el marco legal bajo el cual se pretende dar vida al referido contrato de prórroga y ampliación es inconstitucional porque viola el principio de irretroactividad de la ley, además de contradecir normas de jerarquía superior como la Ley de Áreas Protegidas.

Cadena advirtió que de darse la prórroga del contrato, los funcionarios que la firmen podrían ser sujetos de acciones penales. También señaló que los recursos de amparo y de inconstitucionalidad que ya se han presentado van en la línea correcta y que de aprobarse dicha prórroga, se estarían presentando recursos adicionales debido a la evidente ilegalidad del contrato de ampliación. Cadena recordó que cuando se firmó el contrato con la petrolera, en el año 1985, no existía estado de Derecho y vivíamos en una dictadura; por lo que ahora, en un contexto democrático, las condiciones han cambiado y debe respetarse la Constitución y las normativas nacionales e internacionales de protección al ambiente.

Por su parte, Víctor Ferrigno, jurista y analista político, destacó que la renovación del contrato para la explotación petrolera en la zona núcleo de Laguna del Tigre sería lesiva para el país, tomando en cuenta que los daños que se causarían no podrían ser compensados con las regalías generadas, ya que Laguna del Tigre es la zona de recarga hídrica más importante de Centroamérica y “la última trinchera” que nos queda para enfrentar el cambio climático. Ferrigno recordó que Guatemala es el cuarto país del mundo más vulnerable.

Magalí Rey Rosa, coordinadora de Savia, hizo hincapié en la importancia ecológica que para Guatemala y el mundo tiene el humedal de Laguna del Tigre. “El sistema de humedales que guarda la zona es un recurso invaluable para enfrentar el cambio climático y la escasez de agua que ya estamos viviendo” advirtió. La renovación del contrato aumentaría la vulnerabilidad y provocaría la destrucción total de la zona, que hoy alcanza únicamente el 30%. Rey Rosa señaló que si se dejara de explotar petróleo en la zona, bastarían un par de años para su completa recuperación y advirtió que en este tiempo de cambio climático, lo único que puede salvarnos es la defensa de las áreas protegidas.

¡SELVAS, AGUA Y FUTURO NO SE VENDEN POR EL CRUDO!

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