



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

The State of Guatemala sends a report about the Bamaca Case to the Interamerican Court of Human Rights (CoIDH)

Guatemala, 29.03.2011 (CA).- On 28th March the Presidential Commission for Human Rights (COPREDEH) sent a report required by the Inter American court of Human Rights (CoIDH) detailing the advancements in the process of investigation into the disappearance of Efraín Bámaca, guerrilla commandant during the war. According to the president of the COPREDEH, Ruth de Valle, the report indicated that the process had been stopped by resolutions from the Constitutional Court (CC) and the Penal Chamber of the Supreme Court of Justice (CSJ) stating that “It is the CC that has impeded the process that the Inter American court ordered, because they have appealed against the procedure”.

This January, in compliance with the sentence issued by the CoIDH, the Penal Chamber of the Supreme Court of Justice ordered the re-opening of investigations of the case, which had been closed since 1999. Nevertheless, in February the Constitutional Court (CC) favoured an appeal brought by a military officer implicated for participation in the disappearance, suspending the process yet again.

The president of the CC, Roberto Molina, explained that they are processing the appeal made by Julio Robertis Alprio who argues that it is impossible to investigate being a dismissed case.

According to Edgar Perez, the lawyer representing Jennifer Harbury (widow of Bamaca), the failure of the State of Guatemala to comply with the CoIDH’s would signify that that we are working with “a state, not of rights, but an arbitrary state, and it will have consequences of a political nature”.

In meetings with Ban Ki-moon, civil society reaffirms its support of the International Commission Against Impunity in Guatemala

Guatemala, 18.03.2011 (SV).- Following a meeting between the Secretary General of the United Nations (UN), Ban Ki-moon, and representatives of the social sector, Sandino Asturias, a member of the Centre for Guatemalan Studies (CEG), said that the head of the UN acknowledges during his visit, “the fiscal problems and necessary funding required to strengthen State institutions”. Furthermore, the representatives unanimously expressed a generalized concern over the increase in impunity and insecurity across the country, and the necessity that the CICIG continue its work.

Members of human rights organizations, academics, transparency campaigners and indigenous people expressed the need to manage the \$10 million donated by the UN to strengthen the National Civil Police (PNC) and the Public Ministry (MP) as part of the Agreement for Strengthening of Security and Justice. In this meeting with civil society, the Secretary General of the UN said that he had sent personnel to run diagnostics in countries interested in replicating the model of the CICIG. In interviews with CNN, he affirmed that these kinds of measures would require the signing of an agreement between the governments of each country and the ratification of their parliaments.

LAND

Two farms evicted in Panzos, Alta Verapaz

Guatemala, 16.03.2011 (PL) - The morning of March 15 an eviction was carried out at Miravalle and Rio Frio farm, located in the Polochic Valley, Panzos, Alta Verapaz. According to witness Aparicio Perex, a member of the United Campesino Committee (CUC), this resulted in the killing of campesino Antonio Bev Ac, who was 29 years old. He reported that a group of one hundred men, armed with guns and machetes, commissioned by the company Chabil Utzaj S.A. accompanied the National Civil Police (PNC) and the Public Ministry (MP) during the eviction. The injured included Frederico Caal, who was shot in the leg, Emilio Xol and Hugo Caal who were tear gassed, and Concepcion Tut, who was severely poisoned. Fifty one families have lost their crops and their homes have been destroyed.

On the morning of March 16th, 20 officers of the PNC and 15 military trucks carrying nearly 2,000 agents including policemen, soldiers and staff of the MP entered the village of Agua Caliente Telemán, Panzos (Alta Verapaz). As the campesinos were retreating, the PNC violently entered throwing tear gas. Two individuals; Justo Tiul Chen and Sebastian Choc were also detained. In their press release, the CUC named Carlos Widmann and Ricardo Diaz as the commanders of the police and the army that directed these evictions in the K'ekchi community.

Campesino organizations invite the Government to a new National Agrarian Dialogue.

Guatemala, 30.03.2011 (AC).- "The Government cannot say that campesino organizations have not made proposals to resolve the agrarian conflict", Pascual Perez, member of the Social Pastoral Care of the Catholic Church, said as it was announced that civil organizations are inviting the authorities to a National Agrarian Dialogue set to occur the 5th and 6th of April. The Agrarian Platform, the National Coordinator of Campesino Organizations (CNOC), the United Campesino Committee (CUC), the Pastoral Social Care of the Catholic Church, and the Coordination of Non-governmental Organizations and Cooperatives (CONGCOOP), among other entities, have organized the National Agrarian Dialogue hoping to bring together 200 leaders from across the country, and involve the managers of the National Land Fund (FONTIERRAS), Secretariat of Agrarian Affairs (SAA), the National Permanent Dialogue, Commissions of Congress, and the president of the legislature. According to Pascual Perez, this framework is expected to address problems facing the rural population, such as evictions and the spread of monoculture in the North, mining and agricultural debt in the West, and the diversion of tributary rivers along the South Coast. He also expressed that if officials refuse to participate in the convened National Dialogue, it will project their disinterest in community development.

NEGATIVE EFFECTS OF GLOBALISATION

Secretary of CAFTA-DR recommends opening an international investigation into the extension of the oil contract in Laguna del Tigre

Guatemala, 29.03.2011 (PL).- The secretariat of Environmental Affairs of the Dominican Republic and Central America Free Trade Agreement with the United States (CAFTA-DR) recommends opening an international investigation, given that the State of Guatemala did not clarify doubts about the legitimacy and legality of the oil contract extension 2-85 in Laguna del Tigre National Park.

Jorge Guzmán, coordinator of said Secretariat, recommends this investigation in response to the actions of Ramon Cadena, representative of the International Jurists Commission (CIJ). In March of 2010 Mr Cadena issued a formal complaint that the Ministry of Energy and Mines (MEM) had signed contract 2-85 with company Perenco Guatemala Limited without the approval of the National Council of Protected Areas (CONAP), prolonging petroleum extraction in the National Park in violation of the Protected Areas Law.

Guzmán explained that he requested the Government of Guatemala make a ruling over the question of the CIJ, however, the executive branch, by way of the Attorney General's Office (PGN), requested that the proceedings be closed considering that unresolved charges remained, in reference to the protection proceedings of the Constitutional Court (CC). Guzman said that this lawsuit is related to allegations of environmental damage rather than the legality of the signing of the contract which raises doubts and calls for an investigation. He added that the Council on Environmental Affairs (CAA), comprised of Environmental Ministers from member countries of CAFTA-DR, will have 21 days to review the notification.

As of April 6th, any of the CAFTA-DR countries may vote in favour of the investigation, called the Factual Record. It will only need one vote to be initiated. Once the completed, results of the research will be presented to the council for review at its next general meeting in January 2012, it could also convene a special meeting. Cadena expressed that it is up to the member countries of CAFTA-DR to vote in favour of the investigation, which he considers positive because it will allow them detailed knowledge of how the contract was brought out and would enable them to prove that the oil industry is damaging the Wetlands of the Laguna del Tigre Park.

Sources: Agencia Cerigua (AC), El Periódico (EP), La Hora (LH), Prensa Libre (PL), Siglo Veintiuno (SV), Diario de Centro América (CA).

2. PBI-GUATEMALA ACTIVITIES – IN GUATEMALA

Team: Lena Niehaus (Germany), Janieke Drent (Netherlands), Ricard Hernández Martín (Spain), Pascal Bodemeijer (Netherlands), Anabella Estol (Argentina), Jorge Palomeque (Argentina) Engel Montuenga Peña (Spain/Colombia), Samuel Jones (United Kingdom), Guillaume Riboulleau (France) y Maike Holderer (Germany)

2.1. MEETINGS WITH DIPLOMATIC CORPS AND GUATEMALAN AUTHORITIES

Meetings with national and international authorities are an important tool for PBI's efforts to make our objectives and the nature of our work known. Through these meetings, in cases where it is necessary, and with a reserved manner, we express our concerns about critical situations that we have come to know first-hand from the work we carry out across the country.

International authorities and other international entities in Guatemala:

- Javier Puig, Second in Command, Spanish Embassy. Guatemala City.
- Pontus Rosenberg, Second Secretary, Swedish Embassy. Guatemala City.
- Christina Papadopoulou, Human Rights Official, Office of the United Nations High Commission on Human Rights (OACNUDH). Guatemala City.
- Thomas Schaefer, Ambassador, German Embassy. Guatemala City.
- Juan Guillermo Ángel Mejía, Ambassador, Colombian Embassy. Guatemala City.

Guatemalan Authorities:

- Alfredo Franklin Moscoso Caminade, Governor of Chiquimula, Chiquimula.
- Jaime Jiménez, Second Official, National Civil Police (PNC). Zacapa.
- Carlos Enrique Sosa Castillo, Sub secretary, Secretariat of Agrarian Affairs (SAA). Guatemala City.
- Pablo Méndez, Head of the 51st Commission, PNC, Cobán, Alta Verapaz.
- Antonio Montúfar, Executive Sub director, Presidential Commission for Human Rights (COPREDEH), Guatemala City.
- Gustavo Méndez, Coordinator of Analysis and Mediation of Conflicts, COPREDEH, Guatemala City.
- Andrea Adriana Domingo, Monitor of Injunctions of the Department of Defenders, COPREDEH, Guatemala City.
- Gerardo Chibalán, Personnel of the Department of Analysis and Mediation of Conflicts, Guatemala City.
- Víctor Figueroa, Mayor of Uspantán. El Quiché.
- Abel Cifuentes y Erwin Pereira, Forestry Technicians of Region I and Regional director of the National Forests Institute (INAB), Metropolitan Office, Guatemala City.
- Waldemar Barrera, assistant, Human Rights Ombudsman (PDH), Zacapa.
- Milvia Corina Guevara, Regional Advisor, COPREDEH, Zacapa, Chiquimula and El Progreso.
- Enrique Pérez, Human Rights Official, PDH, Nebaj, El Quiché.

2.2 MEETINGS WITH CIVIL SOCIETY ORGANISATIONS

The team in the field meets periodically with civil society organisations to follow up on the situation of human rights defenders, to inform one another about the work being done, and to gather information that contributes to the processes of contextual analysis on specific issues in Guatemala.

Guatemalan civil society:

- Norma Cruz Córdova, Director, Survivors Foundation. Chiquimula.
- Marco Antonio Canteo, Director of the Guatemalan Institute for Comparative Penal Studies (ICCPG). Guatemala City.
- Arturo Chub, Executive Sub director, Security in Democracy (SEDEM). Guatemala City.
- Salvador Ajujalip, Pedagogical Advisor, Santiago Development Project (PRODESSA). El Quiché.
- Erwin Perrera, Technical Supervisor of the Bilingual Program, National Literacy Committee. Guatemala City.
- Diego Chávez Guzaro, President of the Represented Popular Educators Association of Quiché (AEPREQ). Nebaj, El Quiché.
- Abelardo Caal, Director, y Alfredo Caal, Board of Directors of the K'aache' Association. El Estor, Izabal.
- José Ernesto Menchú Tojín, Leader of the Movement of Survivors of the Armed Conflict. Cunén, El Quiché.
- Delegates of the displaced community from Polochic Valley. Panzós, Alta Verapaz.
- Javier Gurriarán, member of the collective initiative for the recuperation of historical memory of Northern Quiché. Guatemala City.
- Francisco Ceto, Coordinator, Association of Mayan- Ixile Women - Nebaj. Nebaj, El Quiché. Guatemala.

International Organisations and Agencies:

- Anabella Sibrián, Representative of the Dutch Platform Against Impunity in Guatemala. Guatemala City.
- Coordination of Accompaniment International Guatemala (Acoguate), Guatemala City.
- Claudia López, Coordinator, Lawyers without Borders Canada, Guatemala City.
- Anantonia Reyes Prado, Facilitator, Program to Strengthen Democratization and Rule of Law (PDFED) of the Intereclesiastic Organization for Cooperation and Development. Guatemala City.

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA

In March we continue our accompaniment of CONAVIGUA, maintaining regular visits and meetings in their office in the capital. We accompanied CONAVIGUA in the exhumation and inhumation of the remains of people assassinated during the internal armed conflict. Throughout the month of March we were present during the presentation of official complaints for threats against members of the organization. CONAVIGUA provides follow-up for the popular community referendum in Uspantán celebrated at the end of 2010 and we accompany them in their travels and activities.

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 rural communities where victims and perpetrators live side by side, occasionally culminating in threats aimed at stopping the work of the women of CONAVIGUA. Due to increasing requests from the communities in which CONAVIGUA works, the organisation has expanded its work offering legal and organisational advice to communities in the process of organising themselves. San Juan Sacatepéquez is one of the areas where CONAVIGUA is accompanying this process, as is Uspantán, where CONAVIGUA supported the preparation of a 'good faith' community consultation on extractive industry projects.

We have periodically accompanied the association since August 2003 with visits to its office and during its members' journeys around the country. Since September 2010 we have intensified the accompaniment following grave death threats against its members, **Magdalena Sarat** and **Jorge Morales Toj**, in relation to their work assisting in the preparation of the community consultations for natural resource extraction projects in the municipalities of Uspantán (El Quiché) and Lanquín (Alta Verapaz). We also activated PBI Guatemala's Support Network internationally in October 2010 as a result of these threats.

Organisation to Support an Integrated Sexuality to Confront AIDS, OASIS

We have carried out periodic visits to the OASIS office and maintained meetings with some of its members throughout the month of March.

Background: OASIS is an organisation that works with HIV/AIDS education and prevention and promotes and protects 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). Zulma, as a witness to the murder, identified alleged agents of the National Civil Police (PNC) as the perpetrators of the crime. Members of OASIS then continued to suffer harassment and threats for which, in February 2006 the Inter-American Commission of Human Rights (CIDH) ordered protection measures for thirteen members of the organisation, which were put into effect by the Guatemalan state three years later.

PBI started to accompany OASIS at the beginning of 2006. In January 2009 we intensified the accompaniment of its director, **Jorge López**, after he was accused of the attempted murder of sex worker Laila (Axel Leonel Donis González) and a criminal prosecution opened against him. Jorge López viewed the prosecution as a further manifestation of the constant persecution and intimidation he had suffered for years, which were aimed at impeding the organisation's work and discouraging respect for the human rights of sexual minority communities. On 29 September 2009, Jorge's case was dismissed by the Ninth Criminal Court of the First Instance, and Jorge López was absolved of all charges, after two court hearings at which the members of various European embassies participated as observers.

Association for the Protection of Las Granadillas Mountain, APMG

On March 7th we accompanied reverend José Pilar Álvarez of the Lutheran Church of Guatemala (ILUGUA) and 7 other members of the APMG to the judicial audience called in November of 2010 (see *background*). Due to the absence of the judge, the audience has been postponed, for the second time, until the April 13th. We maintain a presence in the region (Zacapa) and continue holding meetings with the diplomatic corps, highlighting the postponement of the trial and to express our concern respecting the security of the APMG and its members. Together with delegates of the Camoteca Campesino Association and the "New Day" Chorti Campesino Central Coordinator, members of the APMG participated in the first regional conference addressing the agrarian conflict and megaprojects.

Background: APMG was created in 2003 in Zacapa to protect the ecosystem of Las Granadillas Mountain (the principal source of water and natural diversity in the region) due to diverse threats identified by the local population: illegal logging,

monoculture, deforestation, large-scale cattle farming and the diversion of water sources. The organisation is supported by the Lutheran Church in Guatemala (ILUGUA), led in the region by Reverend **José Pilar Álvarez Cabrera**, and the Madre Selva Collective. One of APMG's goals is to have the mountain designated a protected area. However, existing economic interests in the land have made APMG's work dangerous, and its members have faced diverse types of persecution and threats since they denounced the illegal logging trade and started, with the population of the **La Trementina community**, a permanent social monitoring process of licences granted and logging carried out on the mountain's private estates.

We have accompanied APMG since August 2008. At the beginning of 2009, José Pilar Álvarez and two members of APMG faced legal accusations connected to their work protecting the mountain. The charges were dismissed in the first hearing before a judge. In May 2010, an internal report prepared by the National Civil Police (PNC) accused APMG members of planning illegal actions, such as blocking highways to impede the passage of vehicles transporting lumber from the Tachoró Estate, and mobilising the community of La Trementina to carry out a blockade. The APMG learned of the report and called a meeting with the governor, the PNC and the Environmental Protection Division (DIPRONA), to demonstrate the lack of evidence or truth in the accusations and request their retraction. Two days later, during a meeting with the same authorities, the PNC and DIPRONA agreed to carry out an investigation and to prepare a new report – which they subsequently did and in which the accusations were retracted.

In September 2010 a new conflict emerged between the population of La Trementina and the owner of the Tachoró Estate after a fence erected by the community to control the flow of heavy goods vehicles was destroyed. During this conflict José Pilar Álvarez was the target of death threats and defamatory statements in the local media, for which in October PBI Guatemala's International Support Network was activated. Rooted in this conflict Mr. Alvarez and seven other individuals from the association received a summons in November 2010 in which they were given warnings for crimes of illegal detentions and threats.

Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ

In March we were present at the Mountain Santa Marañia Zalapán at the office of AMISMAXAJ on various occasions, observing an assembly and accompanying members in their travels and meetings. We continue our attention to the high level of vulnerability experienced by members of the organization who have expressed concern about their security situation.

Background: AMISMAXAJ was founded in February 2004 as an association of women workers and became part of the Women's Sector in June of the same year. AMISMAXAJ is made up of 75 women leaders representing 15 Xinka communities from the Santa María Xalapán Mountain (Jalapa). They work at the local, departmental and national levels in opposition to all forms of patriarchal, neo-liberal, racist, homophobic and lesbophobic oppression, and have established strategic territorial and national alliances to promote their political actions. The association works actively in the region of Jalapa, promoting women's rights, the revitalisation of the Xinka ethnicity and the defence of land and territory. In particular, it is actively working to defend natural resources and to monitor and raise awareness about plans for mining and oil extraction in the region.

On 12 October during a demonstration commemorating the Day of Indigenous Peoples' Resistance in Jalapa, a man issued a death threat to AMISMAXAJ member **Lorena Cabnal**. Other members of the Association were also intimidated, adding to the growing number of security incidents that they have suffered over the last two months. For this reason, we included AMISMAXAJ in the international activation of PBI Guatemala's Support Network in October 2010.

'New Day' Chortí Campesino Central Coordinator

In March we continued holding regular meetings with the organization, both in the capital and in Chiquimula, where we also sustained dialogue with Guatemalan authorities. In March we visited a community in the Jocotán municipality and accompanied various members of "Nuevo Día" to the Justice of the Peace in Jocotán. Together, members of APMG and the Camoteca Campesino Association participated in the first regional conference addressing agrarian conflict and megaprojects.

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 and informs rural communities on issues relating to the rural economy, the environment, rights and land, in coordination with other local organisations. In 2006 New Day became aware of construction projects for three hydroelectric plants in two of the department's municipalities: the projects El Puente and El Orégano in Jocotán and the project Caparjá, in Camotán. They form part of the largest project of the Electrical Interconnection System for Central American Countries (SIEPAC). As part of its work, the organisation has shared this information with the communities in the area, creating spaces for the evaluation and analysis of the environmental effects and impact on local economies that this, and other development projects planned for the region, may have. Members of New Day say the lack of information and consultation of Chiquimula's communities by public institutions is a source of conflict. Several members of the association have been threatened and attacked due to their work with the communities. In September 2009, one of its members was the victim of a gun attack close to his community.

On 12 October 2010, a violent confrontation between demonstrators and police took place when Mayan Ch'ortí' communities gathered in front of Jocotán town hall to demand talks with the mayor regarding the Technological Corridor Project. Following these events, a number of national and local media outlets (television, radio and print) carried statements from local authorities accusing Omar Jerónimo, member of New Day, and Carlos Hernández, member of the

*Camoteca Campesino Association, as well as representatives of the Catholic Church, of being involved in the incident.¹ Following this, **Omar Jerónimo** and **Edgar Hernández** received death threats and were intimidated by unidentified armed men. As well as intensifying our accompaniment to New Day, we also included the organisation in our international activation of PBI Guatemala's Support Network in October 2010.*

Camoteca Campesino Association

On March 2nd in Chiquimula we observed the judicial hearing in which two members of the association appeared, Carlos Hernandez and Santos Vasquez (See *Background*). The judge resolved to reduce the sentence by offering a plea bargain and he set a fine of 1,000 Quetzales, respectively, and a ban on the promotion of or participation in illegal protest activities. Along with members of APMG and the "New Day" Chorti Campesino Central Coordinator, members participated in the first regional conference addressing agrarian conflicts and megaprojects.

Background: The Camoteca Campesino Association was founded in 1988 by health promoters and midwives of the municipality of Camotán, department of Chiquimula. At that time, the association was called the Committee for the 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 to defend life and natural resources, to ultimately achieve wellbeing for human and natural life in the area in which they live. Today, it is made up of 718 associates who monitor compliance with laws and monitor human rights violations in the eastern region. They cooperate closely with the New Day' Chortí Campesino Central Coordinator, particularly in informing communities about land, agriculture, and environmental issues. When the association learned of construction plans for the three hydroelectric projects "El Orégano", "Caparja", and "El Puente" (see above in the Background of New Day' Chortí Campesino Central Coordinator) and for the Technological Corridor, all of which would affect several municipalities in the department, they began work of informing the communities about the effects of mega-projects on the environment and their economic situation.

After the violent events in Jocotán during a demonstration on 12 October 2010, several national state and local media outlets published statements by local authorities that linked Camoteca Campesino Association member Carlos Hernández to what had happened (see above, re. 'New Day' Chortí Campesino Central Coordinator). Mr Hernández also received death threats and was the target of intimidation by groups of armed men. In response, PBI Guatemala intensified our accompaniment of the association. We also included the organisation in the international activation of PBI Guatemala's Support Network in October 2010.

*On November 15, **Carlos Hernández** and **Santos Vásquez**, were detained and accused of crimes against national security and participating in illegal meetings and demonstrations, after participating in a public gathering, which included more than 70 people opposed to the electrification plans and projects in the region, held more than six months earlier on 30 March 2010. It is of concern that the arrest warrant was issued on 13 October, one day after the events in Jocotán and that the media has linked their detention with that confrontation.*

On 16 November, they had their first appearance before the judge, who upheld charges against them, set bail of 3,000 quetzals, and ordered house arrest without supervision as an alternative measure to incarceration. Unsupervised house arrest requires that both present themselves to the court every 15 days and limits their right to full participation in collaborative work. The Public Prosecutor's Office will investigate the charges during the next three months. The next court hearing was set for March 2, 2011.

Qamoló kí Aj Sanjuani - People of San Juan Unite

In March we issued an Alert to the PBI Guatemala Support Network at home and abroad to report on further violence and threats to the communities of Jan Juan Sacatepequez. In particular, we expressed our concern about attacks on members of the community Pillar I that occurred during the night of February 26th and 27th, injuring two people from the community. We accompanied them to Public Ministry (MP), during which they filed a complaint against the attackers who had identified themselves as employees of the company Cementos Progreso SA. We maintain an international presence in the communities of San Juan Sacatepequez paying attention to the conflict generated by a forest license granted for logging in San Juan Ocana. We have been continuing the dialogue with the diplomatic corps and Guatemalan authorities, expressing our concern for the safety of members of the association and the communities within the boundaries of these conflicts.

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, that participate in the struggle to defend 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.

On 13 May 2007, without the support of the municipality, the communities of San Juan Sacatepéquez carried out a

¹ Agrarian Platform press release, 12.10.2010. COPISCO press release, 12 and 13 October 2010. National Resistance Front (FNL), "Tres campesinos muertos en Jocotán", 13.10.2010. Latin American Mining Conflict Observatory (OCMAL), "Agresiones y represión en contra del pueblo maya ch'orti'", 13.10.2010. Guatemalan and local press of 13.10.2010.

community consultation on the factory's installation. 8,950 people participated, of which 8,946 voted against and four in favour of the factory. Although the mayor and the municipal council agreed to take into account the results of the consultation prior to the authorisation of any licence for construction, the construction work continued. During more than three years, the residents of San Juan Sacatepéquez have made numerous complaints about human rights abuses and a criminalisation campaign against them. The dialogue process in which various Guatemalan public authorities and institutions have participated has ended without reaching a resolution or transformation of the conflict.² PBI has accompanied Q'amoló Ki Aj Sanjuani since December 2009, following a request from the organisation due to threats and persecution against several of its members and the communities it represents.

Cunén Communities Council

In March we maintained a physical presence in El Quiché and close contact with members of the Council of Cunén Communities. We accompanied them to the roundtable discussions with employees of the company Distribuidora de Energía del Occidente S.A. (DEOCSA) and a representative of National Electrification Institute (INDE) in Cunén. We accompanied various members to the capital on 23 March when they participated, along with other civil society groups, in submitting an appeal to the Constitutional Court (CC) rejecting the due process for community referendums.

Background: The Council was established at the first communities' assembly in San Siguán. It is made up of 22 directly elected members from eight micro-regions of Cunén. One of the main focuses of the Council's work is the defence of their land and natural resources. In October 2009 they organised a community consultation on mining exploitation and on the construction of hydroelectric plants, among other mega-projects, planned for the Municipality. PBI observed part of the preparation process as well as the consultation itself, in which approximately 19,000 people from 71 communities voted against the aforementioned projects. We began our accompaniment of the Council in February 2010.

Human Rights Defenders Protection Unit, UDEFEGUA

In March we regularly visited the UDEFEGUA office in the capital, and held meetings with several of its members. We accompanied them to the community Quebrada Seca, Livingston (Izabal), to meet with relatives of several individuals who had been murdered. We also accompanied them from March 15 to the 18 in the Polochic Valley, Coban observing their work during the evictions of several communities that were conducted in the region.

Background: The Human Rights Defenders Protection Unit (UDEFEGUA) was founded in 2004 to promote the security of human rights defenders in Guatemala and help protect the political space in which they work. The Unit's programmes support threatened human rights defenders and their organisations and advise them about preventing and responding to threats and attacks, through information, training, monitoring and psychological support. UDEFEGUA also lobbies for the protection of human rights defenders by government institutions and the international community.

*For many years PBI has maintained a close collaborative relationship with UDEFEGUA and in 2007 provided the Unit with international accompaniment during a period of threats. We recommenced our accompaniment following further threats received during May 2009, which the Unit denounced to the Public Prosecutor's Office. Several international organisations have expressed their concerns about what they describe as a "serious pattern of persecution" of the organisation.³ We intensified the accompaniment again in March 2010 following break-ins to the home and vehicle respectively of **Erenia Vanegas** and **Claudia Samayoa**, increasing our visits to UDEFEGUA's office, carrying out periodic meetings with its staff and accompanying them during their movements to the interior of the country during their investigation and verification of reports of attacks against human rights defenders.*

Verapaz Union of Campesino Organisations, UVOC

In March we met with members of the organization in Alta Verapaz and maintained a presence in the office of their lawyer, Mr. Jorge Luis Morales. We accompanied the Chireaj community in Polochic (Alta Verapaz), and observed the round table talks in Coban, held monthly to discuss issues relating to land conflicts in the region. There is concern about the possible eviction of a community in El Estor (Izabal), where UVOC provides support, which is on a list of future evictions.

Background: UVOC is a campesino organisation based in the departments of Alta and Baja Verapaz and that works principally to defend and promote access to land for the campesino population, as well as advising communities about the 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. We also continue to observe the delicate situation of communities that are part of the organisation that are struggling for access to land.

² You can find further information in the PBI Special Report published in 2010, at the following link:

http://www.pbi-guatemala.org/fileadmin/user_files/projects/guatemala/files/english/Mujeres_Completo_ING.pdf

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.

Human Rights lawyer Edgar Pérez Archila

We regularly visited the office of Archila Pérez in the month of March, and we held meetings with him and other members of his team. On March 24th, we accompanied Edgar Perez to the hearing on the case of forced disappearance of student Edgar Leonel Paredes, in January 1982, allegedly kidnapped by a former military commissioner in Chiquimula. The hearing marked the beginning of the oral proceedings, at which eight witnesses were heard, two from the defense and six from the prosecution represented by the Association of Relatives of Disappeared of Guatemala (FAMDEGUA). The judge set the next hearing date for April 1 to hear new evidence.

Background: In August 2010 we began the accompaniment of lawyer and human rights defender Edgar Pérez Archila in his work defending justice and battling impunity. He works on legal proceedings relating to massacres committed during the internal armed conflict and other cases of past and current human rights violations. We have specifically accompanied him during his work on criminal prosecutions relating to the following: the forced disappearance, torture and extrajudicial execution of the guerrilla commander Efraín Bámaca Velásquez in 1992; the massacre of the community Las Dos Erres in 1982; the massacre of the community of Río Negro in 1982; and the prosecution for genocide that has been pending before a number of Guatemalan tribunals since 2000.

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 they receive and to open up a more secure space within 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.

At present, we provide our follow-up accompaniment to these social organisations:

The Commission of Peaceful Resistance of San Rafael Pie de la Cuesta, CRP.

We have maintained communication with area stakeholders to follow up studies underway in relation to a hydroelectric plant. We continue giving attention to the dispute over the supply and distribution of electricity in several municipalities of San Marcos, through communications with a member of CRP.

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.

On March 2nd, we observed an activity in the capital in support of the International Commission Against Impunity in Guatemala (CICIG), organized by the Convergence of Human Rights.

On March 16th we observed the eviction of the community of the Quinch Polochic Valley (Alta Verapaz). We arrived the day before accompanying UDEFEGUA in its work verifying attacks against human rights defenders. It confirmed the death of Mr. Antonio Bed Ac, and UDEFEGUA verified the situation of several people injured as a result of violence during the eviction. Also present were Guatemalan social organizations and the office of the UN High Commissioner for Human Rights in Guatemala (OHCHR). PBI observed a large deployment of police and army troops, the participation of “crews” of local people participating in the execution of the eviction, the burning of homes in the community, the destruction of their crops, and ultimately, the peaceful withdrawal of the evicted families.

Between March 12th and 17th we observed several community activities in Quiché aimed at monitoring the Consultation of Good Faith in Uspantan Township (held October 20th, 2010) and the regulation of the community referendum, which has been rejected by communities of Cunén. On March 23rd we observed a demonstration in the capital and the delivery of an appeal to this decision to the Constitutional Court alongside participants from various collectives, organizations, and communities from all over the country.

On March 30th the Blood of Christ Health Project organized a walk in San Pedro Ayampuc, North of the Capital, to inform the region

about mining. We observed about 3,000 people participating in the activity.

3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA

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

On March 2nd the European representative in Bonn (Germany) spoke at a conference organized by the Ministry of Cooperation in Germany, on "the protection of defenders of economic, social and cultural rights." On March 31 we held a meeting in Brussels (Belgium) with the Guatemala Official on the European External Action Service, Sean Carroll.

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.

ES DEBER DEL GOBIERNO DE LA REPÚBLICA RESPETAR, PROTEGER Y GARANTIZAR LOS DERECHOS HUMANOS Y EL BIEN COMÚN DE TODOS SUS HABITANTES Y NO EL DE BENEFICIAR AL PEQUEÑO E IMPRODUCTIVO SECTOR EMPRESARIAL

Frente a los lamentables hechos acaecidos desde el 15 de marzo en el Valle del Polochic, la ocupación policial y militar en las áreas Kekchi (Alta Verapaz) e Ixil (El Quiché), así como, el amenazante comunicado del Organismo Ejecutivo de fecha 17 de marzo, la Convergencia por los Derechos Humanos responsabiliza:

Al Gobierno de la República, en particular al Presidente de la República Álvaro Colom, por las violaciones a los derechos humanos que incluyen ejecución extrajudicial del señor Bed Ac, agresiones físicas a por lo menos de siete vecinos comunitarios, quema y destrucción de más d 200 precarias viviendas, destrucción de cultivos de granos básicos y productos agrícolas para la venta e ingresos de por lo menos 500 familias del área.

A jueces y a Fiscales que actúan arbitrariamente ante los conflictos y sin a aplicación de las garantías judiciales respectivas, por ejemplo la reiterada práctica de solicitar desalojo sin la verificación previa de la veracidad del reclamo de propiedad o el desistimiento por inacción de las denuncias de amenazas y agresiones realizadas por defensores de derechos humanos.

A la Procuraduría de Derechos Humanos (PDH) por actuar tardía y deficientemente.

Al sector empresarial que impone sus proyectos sobre el bienestar de la población, sin importarle la vida, la seguridad alimentaria, el respeto a la naturaleza y la dignidad de la persona humana entre otros, por ejemplo el actuar del señor Carlos Widman quien cometiendo una serie de delitos busca garantizar la continuidad de un fracasado proyecto empresarial financiado por un préstamo adquirido por el Estado guatemalteco.

Estos hechos no son más que el resultado del ineficiente y demagógico sistema de diálogo que desde el actual y gobiernos previos han sido incapaces de producir algún resultado.

La Convergencia por los Derechos Humanos demanda:

Al Gobierno de la República que garantice la vida de sus habitantes, que suspenda y de marcha atrás a las acciones violentas de desalojo forzoso y que atienda el llamado que le han realizado diferentes mecanismos del Sistema de las Naciones Unidas.

Al Ministerio Público, a la Corte Suprema de Justicia y al Instituto de la Defensa Pública Penal que revisen la situación de los defensores de derechos humanos, despenalizando aquellos casos que constituyen claramente una persecución al Derecho a Defender Derechos Humanos y en aquellos casos en los cuales existan elementos para la investigación se garantice al Defensor recursos para su defensa.

A la Procuraduría de Derechos Humanos (PDH), cumplir su deber de observar y verificar garantías procesales, sancionar oportunamente violaciones de Derechos Humanos y generar mecanismos de diálogos oportunos y efectivos

Frente a lo expuesto:

La Convergencia por los Derechos Humanos exhorta a la comunidad internacional, en particular a la Oficina de la Alta Comisionada de los Derechos Humanos observe la situación de las y los defensores de derechos humanos a quienes hoy irresponsablemente el Organismo Ejecutivo, difama y criminaliza por el hecho de reivindicar libertades fundamentales consagradas constitucionalmente. Asimismo, coadyuvar a que los Principios en torno a desalojos que desde el Sistema de las Naciones Unidas se han emitido, sean implementados por el Estado guatemalteco.

La Convergencia por los Derechos Humanos solicita a la Comisión Internacional contra la Impunidad de Guatemala la investigación y persecución penal de los cuerpos ilegales y aparatos clandestinos de seguridad que operan bajo las órdenes del empresario

Widman, quien pretende sostener su negocio con fondos públicos.

Por último, exhortamos al Consejo Ecuménico que pueda iniciar el proceso de concreción de un diálogo abierto, franco y que desactive la grave situación por la que hoy está atravesando diferentes poblaciones en el país.

Guatemala, marzo del 2011

CONVERGENCIA POR LOS DERECHOS HUMANOS (Centro para la Acción Legal en Derechos Humanos -CALDH-, Centro Internacional para Investigaciones en Derechos Humanos -CIIDH-, Fundación Sobrevivientes, Instituto de Estudios Comparados en Ciencias Penales de Guatemala -ICCPG-, Oficina de Derechos Humanos del Arzobispado de Guatemala -ODHAG-, Seguridad en Democracia -SEDEM-, Unidad de protección a Defensoras y Defensores de Derechos Humanos Guatemala -UDEFEGUA-)

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- PBI GUATEMALA PROJECT-

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