



PEACE BRIGADES INTERNATIONAL - GUATEMALAN PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

Sentencing of former soldiers involved in Dos Erres Massacre

Guatemala, 03.08.2011 (AC).- On 7th of December 1982 an elite unit of the Guatemalan Army entered Dos Erres, a community located in the north of Petén torturing and killing 201 people. Many of the women and girls were raped and their bodies thrown down a well. The instructors of the Kaibil School Manuel Pop, Reyes Collin Gualip and Daniel Martínez Hernández were sentenced to 30 years each for every one of the 201 victims. Furthermore they were found guilty of crimes against humanity, adding a further 30 years to the sentence. The tenant Carlos Carías received the same sentence and an extra six years were added for aggravated robbery, bringing the sentence to 6066 years. The sentence is primarily of symbolic nature since the maximum sentence according to Guatemalan law is 50 years. According to Sebastian Elgueta, an investigator of Amnesty International, the sentence of six thousand years for the four former soldiers of the special unit sends out a clear message and seems to indicate that this nation is at last on the path towards achieving justice for the grave human rights violations committed during the armed internal conflict. Elgueta highlighted the fact that the massacre of Dos Erres in 1982 was a particularly brutal incident, while only representing the tip of the iceberg as many of the crimes against humanity and other violations have not been resolved up until now. The Truth Commission of the UN documented in its report of 1999 that during the armed internal conflict in Guatemala more than 200 thousand people were killed or disappeared and the state security forces committed more than 600 massacres, mainly in rural and indigenous villages.

LAND

Extension of state of siege

Guatemala, 15.07.2011 (PLa).- On Friday 15th of July the government of Guatemala extended the state of siege for the department of Petén for a further 30 days. According to the government statement the causes that led to its declaration on 16th of May continue to persist and the extension was necessary to resolve the situation of unrest in that territory. Originally the state of siege had been declared in Petén due to a massacre of 27 campesinos perpetrated by members of the Mexican criminal gang, Los Zetas. This decision represents the second extension issued by President Colom and his cabinet. As a result basic citizen rights such as freedom of action and movement, the holding of meetings and public demonstrations as well as the carrying of weapons remain suspended. Meetings of political-electoral, religious, sport, student or art nature are exempted from this suspension.

Violent eviction in Retalhuleu leaves one dead and three injured

Guatemala, 29.07.2011 (EP).- One dead campesino and three injured police officers were the result of an eviction carried out by members of the Police Special Forces (FEP) on 28th of July on the estate of Soledad Cafetal, 25 kilometres from the municipality of Santa Cruz Muluá, Retalhuleu. The land had been occupied by 250 families 7 months ago. According to his friends 29 year old Sergio de León was hit in the chest by a tear gas canister causing his death. Cornelio Reina, leader of the group of campesinos, indicated that they had occupied the area since they did not have any other land to cultivate and that previously the campesinos had been employees on the estate for seven years and that the owners still owed them money.

The Human Rights Ombudsman Sergio Morales argued that “the Peace Accords establish the mechanisms for a solution of the agrarian problem. Therefore an eviction with excessive use of force is not legal”. Domingo Hernández Ixcoy of the organisation Waqib’ Kej, confirmed that the evictions had stained the record of the current government. “It is necessary to develop a policy which promotes dialogue to make sure this sort of situation does not occur.” According to the representative of the United Nations Office of Human Rights (OACNUDH) for Guatemala, Alberto Brunori: “The campesinos were unable to continue working and paying for the land.” He confirmed that the campesinos had agreed to leave the land peacefully and had asked to be allowed to harvest in the place they had been living. Nevertheless, this proposal had been rejected by the owners. According to Brunori it is a similar problem to the one occurring in the Polochic Valley, Alta Verapaz, “where the campesinos had been evicted without an alternative plan” and added: “We have warned the authorities that the evictions which do not comply with international standards violate human rights and there is always talk about the right to property but never about the fact that the person has a right to live and to food.”

NEGATIVE EFFECTS OF GLOBALIZATION

Nueva Santa Rosa holds a community consultation

Guatemala, 04.07.2011 (PL).- On 3rd of July people from Nueva Santa Rosa, department of Santa Rosa, organised a community consultation to decide whether to accept mining in San Rafael Las Flores. For this they counted on the support of the municipal authorities and the dioceses of Santa Rosa. The authorities claimed that 5 thousand people cast their vote in the 24 polling stations which were distributed among the 33 communities of the municipality. The results were not published as similar referendums will be held in Santa Rosa de Lima, Casillas and San Rafael Los Flores. The final result will be published in the Diario de Centro America and sent to the National Congress. The Bishop of Santa Rosa de Lima, Monseñor Bernabé Sagastume Lemus, declared that the aim of the consultation was to give people the chance to decide on the mining activities themselves. He expressed the opinion that “mining causes destruction to nature and to the rivers. Therefore it is important to highlight that the activities cause more damage than good even though they may further development and create work for some. But in general for the vast majority of the population they only bring social conflict.”

OTHERS

Spanish Judge Santiago Pedraz will investigate gender-based crimes

Guatemala, 27.07.2011 (PL).- The Spanish judge Santiago Pedraz agreed to investigate gender-based violence which represents acts of violation, torture or genocide and occurred in Guatemala between 1979 and 1986. According to the resolution issued by the judge on 26th of July, an investigation and trials will follow for the crimes of genocide, terrorism, against humanity, torture, murder and illegal detentions. The judicial resolution is the response to a legal query filed by the association Women’s Link Worldwide. The files record that during the period of 1979 to 1986 Mayan women in Guatemala suffered specific persecution and violence especially of a sexual nature including massive use of physical force and sexual slavery by state forces. The report states furthermore: “The gender-based brutality was part of military training, meaning that sexual aggression became a normal practice.” According to Maria Eugenia Solis, representative of the association, it constitutes a follow-up to the demand filed for genocide in 1989 by Nobel Prize winner Rigoberta Menchú Tum: “In this claim she (Rigoberta Menchú) mentioned three important cases, which were the burning of the Spanish Embassy, the persecution and forced disappearance of her family members and that of three Spanish priests. To this the disappearance of Adelaide Foppa, the execution of the psychologists Carlos Figueroa and Edna Ibarra, as well as of Molina Tayson and the capture of one of her sisters can be added.” Among the army members accused of these crimes are the generals Óscar Humberto Mejía Víctores, José Efraín Ríos Montt and Fernando Romeo Lucas García, the latter already deceased, Donaldo Álvarez Ruiz, ex-Minister of the Interior; German Chupina Barahona, ex-Director of the National Police, already deceased and Pedro García Arredondo, captured on Sunday 24th of July as a consequence of a different case filed against him based on accusations of genocide.

Guatemala loses one of its favourite sons, Alfonso Bauer Paiz



Guatemala, 11.07.2011 (EP, PI, SV, PLa).- In the general hospital of the Guatemalan Institute for Social Security (IGSS) Alfonso Bauer Paiz died on the 10th of July 2010 after month in medical care for the treatment of pneumonia. He was one of the great political figures of the Latin American Left. According to Alfredo de León, a close friend of Poncho Bauer, he had been in hospital for three months and although he overcame the pneumonia in the last weeks, heart failure put an end to his life. Bauer Paiz celebrated his 94th birthday in April with his life marking Guatemalan history: from the foundation of labour courts to the struggle to establish a system of social security and public health. It was in fact in one of these public hospitals that he died yesterday. Miguel Ángel Sandoval pointed out that the legendary Bauer Paiz is synonymous with “the expression of dedication and struggle through a whole period. Poncho represents an ethical reference-figure not just for the left but also for political and social labour with conviction.” During two legislation periods he was an MP in Congress and furthermore was Minister of Labour and

Economics during the government of Juan José Arévalo. Already during the administration of Jacobo Arbenz he was the President of the National Agrarian Bank. Since that time he led one of the most polemic, still ongoing battles, regarding the possession of land in the country: the decree 900 or Agrarian Reform. The coup of 1954 forced him into exile in Chile, Mexico, Cuba and Nicaragua. In these countries he assisted government administrations, such as Salvador Allende in Chile or the Cuban Revolution and the Sandinistas in Nicaragua. On his return to Guatemala he acted as a lecturer in the Faculty of Rights at the University of San Carlos of Guatemala (Usac). His last legislation period was between 1996 and 2000. A tireless swimmer Bauer Paiz swam as long as his health permitted in the Olympic swimming pool in zone 4. His friends say that up to his death he was a strong man.

Sources: Agencia Cerigua (AC), Prensa Libre (PL), Prensa Latina (PLa), El Periódico (EP), Siglo Veintiuno (SV).

2. ACTIVITIES OF PBI GUATEMALA WITHIN GUATEMALA

Team: Pascal Bodemeijer (Netherlands), Anabella Estol (Argentina), Engel Montuenga Peña (Spain/Colombia), Samuel Jones (United Kingdom), Guillaume Riboulleau (France), Maike Holderer (Germany), Kathrin Ruegg (Switzerland), Kathi Dunkel (Germany), Álvaro Zaldívar (Spain), Cayena Abello (Colombia) and Francisco Bernal (Colombia).

2.1 MEETINGS WITH DIPLOMATIC CORPS, INTERNATIONAL AGENCIES AND GUATEMALAN AUTHORITIES.

Diplomatic corps and other international agencies in Guatemala:

- Alberto Brunori, United Nations High Commissioner for Human Rights in Guatemala (OACNUDH), Guatemala City.
- Vayram Nayadroh, political officer of the US embassy, Guatemala City.
- Jorge Meza, Lawyer of the Rapporteur on Human rights defenders of the Inter-American Commission on Human Rights (CIDH), Guatemala City.
- José de Jesús Orozco Henríquez, Rapporteur on Human Rights Defenders of the Inter-American Commission on Human Rights (CIDH), Guatemala City.

Guatemalan Authorities:

- Paulina de León, Representative of the Department of Human Rights Defenders of the Presidential Commission for Human Rights (COPREDEH) in the Ixil region, Nebaj.
- Rodolfo Mariano Jo Cermeño, Chief Inspector of Uspantán and Chicamán, Nacional Civic Police (PNC). Uspantán, Quiché.
- Alfredo Franklin Moscoso Caminade, Governor of Chiquimula, Chiquimula.
- Martín Sacalxot, Member of the Office for the Defence of Indigenous Rights at the Human Rights Ombudsman's office, Guatemala City.

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.

Organisations and Guatemalan civil society representatives

- Eusebio Cristino Tum Vásquez, secretary to the indigenous mayor of Uspantán, Quiché.
- Elena Brito Herrera y Máximo Terreza, Fundación Guillermo Toriello (FGT). Nebaj, Quiché.
- Enrique Corral, director of the Fundación Guillermo Toriello, Ciudad de Guatemala.
- Claudia López, coordinator and legal assistant of Lawyers Without Borders, Guatemala City.
- Miguel Itzep, coordinator of the National Movement of Victims (MNV), Guatemala City.
- Helmer Velásquez, executive director, Coordination of NGOs and Cooperatives (CONGCOOP), Guatemala City.
- Ernesto Menchú, Committee of Victims, Uspantán, Quiché.
- Tomas Alguar, Indigenous Mayor, Indigenous municipality of Uspantán. Uspantán, Quiché.
- Sor Sonia Súcitez, Diócesis de San Marcos – Project for the Recuperation of Historic Memory (REHMI), Ciudad de Guatemala.
- Lolita Chávez, representative of the Council of Quiché People (CPK), Santa Cruz Quiché.
- Valeriano Pascual, coordinator of the Office of the National Program of Compensation (PNR). Santa Cruz, Quiché.
- Jose Cruz y Julio González, Madre Selva, Guatemala City.

- Javier Gurriarán, member of the Initiative for the Recuperation of Historic Memory in North Quiché, Guatemala City.

Social Organizations and International Agencies:

- Anabella Sibrián, representative of the Dutch Platform against Impunity in Guatemala, Guatemala City.
- Mario Minera, executive director, Centre for Legal Action in Human Rights (CALDH), Guatemala City.
- Coordination of Internacional Accompaniment in Guatemala (Acoguate), Guatemala City.
- Wilson de los Reyes Aragón, coordinador, y Leslie Figueroa, coordinator for Education and Press, Impunity Watch, Guatemala City.

2.3 ACCOMPANIMENT

The National Coordination of Guatemalan Widows, CONAVIGUA.

During the month of July we continued the accompaniment of CONAVIGUA holding regular meetings with its members in their office in the capital. On 30th of June we observed an assembly held in Uspantán as a follow-up to the community referendum of end of 2010.

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 between October 2010 and April 2011 as a result of these threats.

The Association for the Protection of the Las Granadillas Mountain, APMG.

In July we continued to maintain regular contact with the members of the association. We continued to follow-up on the process undertaken by the APMG to achieve the declaration of the mountains of Las Granadillas as a protected area. The technical report was submitted this month. On the 17th of this month we followed-up on a claim filed by a worker of the Lutheran church who had been threatened with a machete.

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 and, since then, have observed the spaces for dialogues in which the Association has participated with public authorities and private actors. At the beginning of 2009 and the end of 2010, the permanent conflicts between the owners of private estates on the mountain and the population of La Trementina and the APMG led to criminal accusations against members of the Association and the community, based on complaints lodged by, among others, Mr Juan José Olaverueth, owner of the Tachoró Estate. In both cases, the accusations were linked to APMG's work promoting the protection of the mountain. Also, in both cases, the cases were thrown out in the first court hearing before the judge. In total nine people have been affected by unfounded criminal accusations (three in 2009 and eight in 2010). They were accused of illegal detentions, threats and psychological violence against women.¹

¹ On 29 November 2010, eight people, members of the APMG and the Lutheran Church in Guatemala (ILUGUA), received a judicial summons to give statements relating to a criminal process initiated against them, in which they were accused of the crimes of illegal detention and threats. After the hearing was twice cancelled (on 26 January and 7 March 2011), community representatives of Zacapa and Chiquimula expressed

José Pilar Álvarez Cabrera has been the target of death threats and defamation in the local media during these conflicts. Based on this situation, we activated PBI Guatemala's international support network between October 2010 and April 2011.

The Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ.

In July we held meetings with various representatives of the association in Guatemala City, we listened to the concerns of one member due to the kidnapping of his child in the Xalapán mountains. The child was later released.

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.

The 'New Day' Chortí Campesino Central Coordinator.

This month we continued our accompaniment and held a series of meetings with representatives of the association. We visited the community Matasanos (Jocotán), listened to their concerns and discussed news of their work. Furthermore we accompanied a member of the coordination in Chiquimila during his activities and met up with Guatemalan authorities to seek information on the project of the El Oregano hydro-electric plant. Its construction has been authorized by the Ministry for Energy and Mining in April 2011.

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 Chortí 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.² 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 carried out between October 2010 and April 2011.

The Camoteca Campesina Association.

Due to the two cases filed against two members of the association we have been alert to their situation. Even though they concluded in a restraint from penal action (see background) they have meant a severe limitation in terms of their participation

their concerns in a letter submitted to the Supreme Court of Justice (CSJ), highlighting how the organisations' work was being limited by the ongoing judicial process. On 31 March, the wives of José Juan Olavarrueth and Gregory Miller, the original complainants, presented themselves as joint plaintiffs, as victims of illegal detention, threats and psychological violence against women. The hearing was finally held on 13 April, more than four and a half months after the first summons.

² 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 chortí", 13.10.2010. Guatemalan and local press of 13.10.2010.

in the work of the association during and after the judicial process. Furthermore during the night of the 25th of July unknown people fired shots at the work-place of one of the members of the association. We are seeking further information on the incident.

*Background: The Camoteca Campesina Association was founded in 1988, made up of the then health promoters and midwives of Camotán (Chiquimula). Now the association is an active member of the Coordinator of Popular Indigenous Unions and Eastern Campesinos (COPISCO) Its primary objective is defending life and natural resources and its ultimate aim is well being of the people and the land they live on. It is now made up of 718 associates who watch out that laws are complied with and follow up violations of human rights in the eastern part of the country. They have a long-term relationship of cooperation and alliance with the 'New Day' Chortí Campesina Central Coordinator, especially with regards to community information about the land, agriculture and protecting the environment. When the association heard of the plans to build hydroelectric plants El Puente, El Orégano and Caparía (see background to the accompaniment of 'New Day' Chortí) and the Technological Corridor project which affected several towns in the department, they started work informing the communities about the effects of these megaprojects on the environment and the economic situation. On 15 November 2010 **Carlos Hernández** and **Santo Vásquez** were arrested 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 require that both present themselves to the court every 15 days and limit 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.*

Q'a molo Q'i San Juan– People of San Juan Unite.

We have continued our visits to the communities of San Juan Sacatepéquez and have been present in their weekly meetings in Santa Fe Ocaña. We observed a hearing in Mixco regarding an attack on community members that had occurred in February this year but the audience was again suspended. We visited the community of Pilar I where this attack occurred and followed-up on the situation of three community members which are currently in prison and whose family informed us of their concerns.

Background: Q'a molo Q'i San Juan-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 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.³ PBI has accompanied Q'a molo Q'i San Juan since December 2009, following a request from the organisation due to threats and persecution against several of its members and the communities it represents.

The Council of Cunén Communities

We paid various visits to the members of the Community Council of Cunén in Quiche. As part of this accompaniment we have continued to follow-up on the dialogue meetings with the company Union Fenosa-DEOCSA which are being held to discuss the conditions of the Program of Rural Electrification (PER) which is being implemented in the municipality.

Background: The Council was established at the first communities' assembly in San Siguán. It consists of 22 directly elected members from eight micro-regions of Cunén. One of the main focuses of the Council's work is the defence of their land and natural resources. In October 2009 they organised a community consultation on mining exploitation and on the construction of hydroelectric plants, among other mega-projects, planned for the Municipality. PBI

³ You can find further information in the PBI Special Report published in 2010 at the following link:
http://www.pbiguatemala.org/fileadmin/user_files/projects/guatemala/files/english/Mujeres_Completo_ING.pdf

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.

The Guatemalan Human Rights Defenders Protection Unit (UDEFEFUGA)

In July we periodically visited the office of UDEFEFUGA in the capital. UDEFEFUGA continues to follow-up on the land conflict in the Polochic Valley, Alta Verapaz which resulted in the eviction of various communities in March this year. UDEFEFUGA continues with its work of investigating and verifying the attacks and aggressions which the communities and its members have fallen victim to. We observed a press conference organised by UDEFEFUGA and the Team for Communitarian Studies and Psychosocial Action (ECAP) regarding the detention of the mayor of San Juan Cotzal. During this conference they expressed their satisfaction with the investigations undertaken in this case which they consider as an important step against impunity and towards a state of law and justice. At the same time we remained alert to the land conflict involving communities of the municipality of El Estor where UDEFEFUGA was present.

Background: The Human Rights Defenders Protection Unit (UDEFEFUGA) was founded in 2004 to promote the security of human rights defenders in Guatemala and helps protect the political space in which they work. The Unit's programmes support threatened human rights defenders and their organisations and advise them about preventing and responding to threats and attacks, through information, training, monitoring and psychological support. UDEFEFUGA 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 UDEFEFUGA 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.⁴ 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 UDEFEFUGA'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.

The Verapaz Union of Campesino Organisations, UVOC.

During the month of July we met members of the UVOC in its offices in Alta Verapaz and in the capital. We have followed-up on their activities of legal advice and attention to different land conflicts as part of their attempts to look for solutions to these conflicts by institutional and legal means. We accompanied the organisation during the negotiating-dialogue in Cobán (Alta Verapaz) which are being held on a monthly basis to solve the problem of agrarian conflict in the region. We are following up on the work of the lawyer Jorge Luis Morales during its activities of legal advice and attention to land conflicts. Additionally, we are accompanying the activities of the members of UVOC with governmental institutions as it was the case this month with the Secretariat for Agrarian Issues (SAA) and the National Fund for Land (FONTIERRAS).

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.

Human rights lawyer Edgar Pérez Archila.

During the month of July we continued to periodically visit the office of Edgar Pérez Archila and hold meetings with him and members of his legal staff. We accompanied Edgar Pérez to different hearings which are part of his work. On 22nd of July we accompanied the hearing of Pedro Henríz Pimentel Ríos regarding the case of the massacre of Dos Erres. The court issued an indictment against him and the trial is set to go ahead in September when some of the evidence is due to be presented. We continue with meetings and to follow up on the case of genocide and crimes against humanities in the first trial of genocide in the country and on a Latin-American level due to start against General Héctor Mario López Fuentes. Edgar Pérez is the lawyer for the joint plaintiffs in this case. On 25th of July the public hearing in the trial of the massacre of Dos Erres which was perpetrated in December 1982 was initiated. We have been accompanying and observing the hearings since their beginning (see news). **We are concerned about the security of Edgar Pérez Archila** given a public statement in elPeriodico on the 22nd of July where the Association of Military Veterans of Guatemala (AVEMILGUA) by refereeing to the

⁴ 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.

reactivation of the genocide cases state that “we hold high the spirit of patriotism and our honour for all to see and therefore avert that we are ready to take up our fight if the circumstances require us to do so.”

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.

The National Police Historical Archive, AHPN.

In July we held meetings and continued our communication with Alberto Fuentes, member of the directors team of the Archive to coordinate our follow-up on the activities of the AHPN planned for the month of August. Due to this motive we have frequently visited the offices of the AHPN.

Background: The AHPN was discovered by chance in 2005, by staff of the Human Rights Ombudsman’s Office (PDH), when they carried out preventative procedures relating to the storage of explosives in Guatemalan public security force buildings. In a building in Zone 6 of the capital (built during the internal armed conflict to house the National Police (PN) hospital, although never used as such), 80 million documents were discovered, abandoned, piled up and poorly conserved. This is the historical-administrative documentation of the PN, from its creation in 1881 to its closure in 1997. The institution’s participation in the commission of human rights violations during the internal armed conflict was documented by the Historical Clarification Commission (CEH). In its report “Guatemala: Memory of Silence”, CEH affirms that the PN was an operative body for army intelligence, serving as the facade of the G-2, and acted on its orders in the majority of cases. During the CEH investigation, various state bodies, including the Interior Ministry and the PN itself, repeatedly denied the existence of archives or documentary materials that would assist an investigation into human rights violations. Following the first phase of work headed by the PDH to recover the documentation and then create the conditions necessary to allow public access to it, work since 2010 has centred on the institutionalisation of the Archive, the search for political, legal and administrative certainty, the technical stabilisation of the resource and the initiation of procedures to ensure permanent, public access to its contents. Today the AHPN forms part of the General Archive of Central America, its title and control is the responsibility of the Guatemalan Ministry of Culture, and it functions exclusively on the basis of donations and funds from international cooperation. The Archive is also a member of the International Coalition of Sites of Conscience, as the building which houses it was used as a clandestine detention centre by the PN during the armed conflict. Well-known Guatemalan human rights activists participate in the direction, coordination and documentation recovery work, and also promote public access to the information it holds. 150 people work on the tasks of conservation, organisation and archival description. As of 31 March 2011 more than 12 million documents have been digitalised, including more than 19,000 books. To that date they have received 4,503 requests for information, to which they have responded with the provision of 45,020 documents (1,001 to victims’ relatives and 1,298 to the Public Prosecutor’s Office (98% of these to its Human Rights Office)). Given that we consider the AHPN a key resource in the fight against impunity, the recovery of historical memory and the application of justice, and given its role contributing documentary and expert evidence in the investigation and clarification of concrete cases of human rights violations committed during the internal armed conflict, and considering its potential to determine the criminal responsibility of its perpetrators, we consider it important to contribute with our accompaniment, to protect the Archive, and to dissuade any kind of threat or attack against it.

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.

We are currently providing our follow-up accompaniment to these social organisations:

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

In May the accompaniment of OASIS had been passed to a follow-up accompaniment and after a positive evaluation of the security situation as a result of the cessation of threats against the organisation and its members.

We have held meetings with Jorge López to follow-up and obtain his opinion about the XI march on sexual diversity and gender identity in the capital, co-organised by OASIS which was held on 25th of June in the capital together with other organisations and collectives of gay, lesbians, bisexual, transsexual and transgender (LGBT). OASIS participated in the 2nd National Forum on Human Rights in a society respectful of sexual diversity which was held on 7th of July.

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.

2.5 OBSERVATIONS

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 7th of July we attended the submission of the results of the community referendum which the communities of the municipality of Sacapulas, Quiché, had held on 20th of May regarding the installation of a hydro-electric plant. In this referendum the community members had rejected the exploitation of goods and natural resources as well as the construction of hydro-electric plants. Furthermore they put forward demands to cancel all approved licences in the region.

On 10th of July we observed the neighbourhood community consultation on mining activities in the municipality of Santa Rosa de Lima in the department of Santa Rosa where 98,5% rejected mining in their localities.

We also observed the press conference of communities from Quetzaltenango which were holding a meeting in the capital on 12th of July. This was part of the submission of the results of community consultations on the exploitation of mineral resources which had taken place in the communities of seven municipalities of Quetzaltenango.

2.6 CELEBRATION OF 30th ANNIVERSARY OF PBI

To mark the celebration of the 30th anniversary of the foundation of PBI three events were organised:

On 19th of July in the community salon of Santa Fe Ocaña in the municipality of San Juan Sacatepéquez a public presentation was held on the special report "Indigenous Guatemalan Women in Resistance: Protagonists of the communitarian defence of Mother Earth and its natural goods" elaborated by PBI. The event was attended by approximately 160 people.

On 20th of July we organised a meeting for women defending economic, social, cultural and environmental human rights. On the panel Lorena Cabnal (AMISMAXAJ) gave an overview of the variety of different struggles in which women are involved. Luvia Jimenez of the group of young women of AMISMAXAJ explained the work of the organisation to the audience, Maria Margarita Coc Choc of the community of La Unión, El Estor, Izabal, gave a presentation on the struggle of the communities before and after the violent evictions suffered in the Polochic Valley. The work of the Alert Network of Human Rights Defenders and the necessity to take particular security measures for female defenders was presented by Catarina Tzof of UDEFEGUA.

On July the 28th PBI organised a public meeting on the protection of human right defenders with the participation of Lorena Cabnal (AMISMAXAJ) José Mauro Cosojay (Q'a molo Q'i San Juan), Carlos Morales (UVOC), José de Jesús Orozco Henríquez (CIDH), Christina Papadopoulou (OACNUDH) y Pedro Henriques (Delegation of the European Union in

Guatemala). This was followed by a session with different working groups on topics such as the struggle against impunity, struggle for the defence of territory and natural resources as well as the criminalization of social protest and its impact on struggles to defend and promote Human Rights. The event allowed the human rights defenders and representatives of the international community to get to know each other and learn from their experiences. By doing so local social actors with less possibilities of access to meetings and dialogue with the diplomatic corps and international actors featured as protagonists and were able to highlight the security problems of human rights defenders and discuss their requirements and demands for protection.

3. PBI GUATEMALA'S ACTIVITIES OUTSIDE GUATEMALA

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

On the 5th of July the projects European Representative took part in a dialogue on Human Rights Country Strategies with the Network on Human Rights and Democracy (HRDN) and Charles Michel Ceurts, Deputy Head of the Division on Human Rights Policy Instruments and Malgorzata Gorska, responsible for the Human Rights Strategies of the European External Action Service (EEAS).

Additionally, on 12th of July she participated in a dialogue with members of the HRDN and representatives of the member status and the EEAS for meetings of the Council Working Party on Human Rights (COHOM).

4. NON-GUBERNAMENTAL ORGANISATIONS

In this section we reproduce communiqués of human rights organisations in which they express their concern regarding recent events.

**Asociación Civil Caja Lúdica, Guatemala
Carta abierta dirigida a la Fiscal General de Guatemala,
Doctora Claudia Paz y Paz Bailey.**

Guatemala, 4 de agosto 2011

Estimada Fiscal:

El día de hoy, Víctor Leiva hubiera cumplido 25 años. Víctor –conocido como “el mono”– era artista, promotor cultural y miembro fundador del colectivo de arte comunitario Caja Lúdica. Víctor actuaba con zancos, era bailarín y también participaba en obras de arte. Asimismo, fungía como maestro de la organización Trasciende que se dedica a la danza. Un amigo lo describió así:

"Era una gran persona, siempre fue una persona muy amorosa, muy alegre, indignada por la realidad y con una gran pasión por realizar procesos artísticos, lo recordamos como un compañero, alegre, lleno de vida e irreverente".

Sin embargo, hace 6 meses y dos días, el 2 de febrero del 2011, Víctor fue asesinado por arma de fuego cuando salía de su trabajo en el Centro Histórico de la Ciudad Capital, por circunstancias que aún no han sido esclarecidas.

Este lamentable hecho de violencia generó una ola de indignación y rechazo entre la sociedad civil guatemalteca, y fue denunciado por numerosas organizaciones artísticas y de derechos humanos nacionales e internacionales. Esperamos que en el Año Internacional de la Juventud el asesinato del artista Víctor Leiva no quede en la impunidad.

Las organizaciones y personas firmantes de la presente carta nos dirigimos a usted, solicitando que se realicen en la mayor brevedad las investigaciones exhaustivas y eficaces necesarias para que se identifique, juzgue y sancione a los responsables de la muerte violenta de nuestro compañero y amigo Víctor Leiva.

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

- PBI GUATEMALA PROJECT-

Team Office in Guatemala

3ª Avenida "A", 3-51, Zona 1, Ciudad de Guatemala
Telephone/fax: (+502) 2220 1032
E Mail: equipo@pbi-guatemala.org
Web Site: www.pbi-guatemala.org

Project Coordination Office

Calle Mercado, 6, 4ªA;
15001 A Coruña (Spain)
Telephone: (+34) 881 874 772
E Mail: coordinacion@pbi-guatemala-.org