



National Remedy and Reparation Program Expectations, achievements and new trends



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Religios celebration following an inhumation. CONAVIGUA. PBI 2008

The program starts to take off

At the beginning of the 1990's a number of civil society organizations called upon the State of Guatemala to carry out with its responsibility of initiating a remedy and reparation or 'resarcimiento'¹ process for the victims of the 36 year internal armed conflict. Due to the signing of the Peace Accords in Guatemala in 1996, the initiatives generated and negotiations underway with State institutions were halted because the Accords obligated that the State itself had to implement a reparation process². Meanwhile, the National Reconciliation Law was established which gave the Peace Secretariat (SEPAZ abbreviation in Spanish) the official responsibility to implement a public reparation policy, which began with four integrated reparation pilot programs in a number of communities in Quiché, those who were most affected by the violence during the war.

In 1999, the Guatemalan Truth Commission (CEH in Spanish) submitted its Final Report with recommendations to repair the human rights violations that occurred during the war, beginning with the creation of a National Reparation Program as “a matter of urgency”³. In 2002 a specifically formed “Multi-Institutional Entity” presented a Reparation Law bill which subsequently failed to be approved in Congress. Finally the National Remedy and Reparation Program (PNR in Spanish) was established with the Government Agreement AG 258-2003, followed by, on 16 July, 2003 the first National Reparation Commission (CNR in Spanish). Discussions between different representatives over concepts and policies of reparation within the CNR y PNR paralyzed the implementation of the program and depleted all of the institution’s funds⁴. Various organizations left the negotiating table reporting racism and discrimination⁵.

President Berger intervened and restructured the program, without participation from social and civil organizations, who then found themselves in a Consultation Council, with a voice but no voting rights and leaving the CNR comprised only of government representatives. Only after the reformation of the Accord did the implementation of the PNR actually commence. At the end of 2005, the Program began handing out the first “individual cheques” to some of the communities most affected and specialist organizations

were contracted to carryout exhumations of clandestine cemeteries and dignification work with victims.

The National Remedy and Reparation Program was conceived as a process that incorporates policies, projects and actions with an aim to repair, compensate, restore, indemnify, assist, rehabilitate and dignify the victims of the armed conflict.

National Remedy and Reparation Program, number 51

Program design and its implementation

The program’s mission is to contribute to national reconciliation and the repairing the social fabric. As a result a set of reparation measures was designed for the victims: material land restitution, attainment of legal certainty, housing and productive investment, economic and cultural reparations⁶, dignification measures through the conservation of historical memory and exhumation and inhumation processes and finally psychosocial attention and reparation at an individual and collective level.

An integrated approach demands the implementation of various reparation measures at the same time, in the same place, being culturally sensitive and respecting the lifestyles of the victims and survivors of the armed conflict⁷. Despite the victims and survivors expressing their needs for dignification measures, psychosocial accompaniment and collective, not individual, measures as priorities of integrated reparation the Program began with only economic compensatory measures. In this way it substituted its integral vision for that of a need to give out concrete products partly due to the existence of widespread poverty in the majority of the communities affected⁸. In the beginning, the practice of administering cheques created deep tensions and conflicts within communities and families provoking feeling of guilt⁹. Strong criticisms were made, including from the same benefiting communities who complained that the program was turning into a commoditization of the pain¹⁰. In the end the PNR recognized the need to offer psychosocial support with every cheque

administered in order to prevent and resolve these types of conflicts.

¹ ‘Resarcimiento’ the term used in Spanish, for which in English there is no equivalent term, translated as Remedy and Reparation, is an umbrella term that includes all the individual reparation measures: restoration, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Refer to Resolution 60/147, passed by the United Nation’s General Assembly on 16 December 2005. <http://www2.ohchr.org/spanish/law/reparaciones.htm>

² Amongst other references the *Acuerdo sobre el cronograma para la implementación de los Acuerdos de Paz* demands that the remedy and reparation program be put into effect, in particular Chapter III “Resarcimiento”, p. 71.

³ See: CEH *Guatemala: Memoria del Silencio* Chapter 5 (Recommendations), number 7 y 8.

⁴ See: PNR *La Vida no Tiene Precio: Acciones y Omisiones del resarcimiento en Guatemala*, Guatemala, 2007, p. 60.

⁵ Interviews with the Mutual Support Group (GAM abbreviations in Spanish), Guatemala City, 22 July 2008.

⁶ These measures were included by pressure in part by a number of community organizations such as CONAVIGUA. It consists of measures directed at the recuperation of different components of the culture and social fabric of the communities affected, taken from: *Op cit La Vida no Tiene Precio*, p. 114.

⁷ The beginning of *Maya Kem*, *ibid*, pp. 107-121.

⁸ *German Technical Cooperation (GTZ) and United Nations Development Program (PNUD): Informe de la evaluación conjunta del Programa Nacional del Resarcimiento y de los Programas de Apoyo al PNR Guatemala*, December 2007, pp. 11, 61.

⁹ *Ibid* pp. 155-164 (with concrete examples).

¹⁰ Human Rights Office of the Archbishop of Guatemala (ODHG) *Movilizando la memoria: a 10 años del REMHI Guatemala*, April 2008, p. 73.

Despite this progress, the psychosocial support work, according to various human rights organizations, has failed, with the exception of some partial advances in a few parts of the country¹¹. So far, the PNR has only concentrated on relieving emotional pain and in working with the victims¹² without promoting the creation of social networks within the communities themselves. To remedy and repair, the program would have to focus on integrated reconciliation and not continue ignoring the separation between victims and those responsible¹³. A conclusion, also recognized by the PNR itself, is that the program has not responded to the expectations of the population affected by the armed conflict, who had hoped for a response to their needs and not a “quick fix” from a State institution that was hailed as an “emerging actor”. This is also reflected in the PNR’s image: more than 60% of the population does not have a clear idea of the concept of remedy and reparation and the rest perceive it in economic terms¹⁴.



A member of FAFG works during an inhumation in San Martín Jilotepeque, Chimaltenango. PBI 2008

costs in the completion of documentation, despite the program guaranteeing that it is free¹⁸. Considering that the State was responsible for the human rights abuses during the armed conflict and that it has caused problems with citizenship documentation, it should then correspond that the State facilitates the process and the resources to enable access to remedy and reparation for all the victims¹⁹.

Limitations and obstacles

The program’s biggest obstacle is its institutional weakness. It was created by a Government Accord that can be modified or abolished at any moment. Furthermore, it was established as a program without the capacity to manage its own funds, which has impeded the implementation of exhumation and inhumation processes and related psychosocial support work¹⁵. To date, the program lacks a monitoring and evaluation system, a project plan, a data base system and a National Register of Victims¹⁶. A further limitation is the existence of an over bureaucratic administrative process and legal requirements¹⁷ that generates travelling costs in accessing its offices and legal

New trends

At the beginning of 2008, the PNR distanced itself from International Cooperation in order to manage the program and its funds independently. Despite the announced changes, the PNR continued exclusively with the administration of cheques, of housing and began operating only halfway through the year. Although not complete, a restructuring process has begun and suggestions have been made on how to improve the program’s deficiencies²⁰. Civil society organizations however, fear that the process will again deplete funds and time without producing concrete results²¹. On the other hand, initiatives exist for the program’s prolongation in order for it then to address the goal of reconciliation and integrated social reparation²². A further initiative, currently in Congress awaiting approval, is a Reparation Law²³, which would end the PNR’s judicial fragility and administrative problems and would legally recognize the integrated and social aspects of the reparation process. Its approval would demonstrate a real commitment by all State entities to put in to practice an integrated policy for the remedy and reparation or ‘resarcimiento’ for the people of Guatemala²⁴.

¹¹ *Ibid*, p. 72; *Op cit*. Interview with CONAVIGUA.

¹² *Op cit*. *La Vida no tiene precio*, pp. 96-100; *Movilizando la memoria*, p.74.

¹³ *Op cit*. *Informe de la evaluación conjunta*, pp. 34, 79, 83.

¹⁴ PNR *Entre la herencia del conflicto y los anhelos del futuro: estudio de opinión pública sobre reconciliación y resarcimiento en el área metropolitana de Guatemala* Guatemala, December 2007, p. 27.

¹⁵ *Op cit* *Informe de la evaluación conjunta*, pp. 34, 135; interview with CONAVIGUA.

¹⁶ *Ibid*, pp. 48-54.

¹⁷ Due to this instability a special temporary Persons Documentation Law (Decree 09-2006) was passed. Subsequently abolished, it left many victims pending documentation.

¹⁸ *Op cit*. *Informe de la evaluación conjunta*, pp. 158-160.

¹⁹ *Op cit*. *La vida no tiene precio*, p. 183.

²⁰ *Ibid*, pp. 8-16.

²¹ The program was approved for 13 years, from that, five years was needed only for the implementation process.

²² A 30 year validity was proposed (equivalent to the length of the war), interview with CONAVIGUA.

²³ National Remedy and Reparation Law initiative, Reg. 3551, 9 November 2006.

²⁴ Rosalina Tuyuc Velásquez, in: *Op cit* *La vida no tiene precio*, pp. 23-25.

Megaprojects and economic, social and cultural rights: a pending challenge

Guatemala has a long history of foreign intervention and investment in the form of various types of megaprojects, mainly consisting of petroleum, mining and hydroelectric projects.¹ Some examples of these megaprojects include the Guatemalan company Montana Explorada S.A., which operates in the department of San Marcos and is a subsidiary of the Canadian company Gold Corp. (Glamis Gold) Ltd, and the Guatemalan Nickel Company (Compañía Guatemalteca de Níquel, CGN), known as Maya Nickel, which operates in the Izabal area and is a subsidiary of the Canadian company Skye Resources. In the last few years, biodiesel production companies have also been developed, such as the African palm projects underway in Sayaxché, Department of Petén, Ixcán, Quiché and the north-eastern municipality of Cobán, Alta Verapaz. These projects are being developed by the Texas-based company Green Earth Fuels via its subsidiary Palmas del Ixcán, S.A. (Palmas Ixcán S.R.L).² In his study of the history of petroleum and mining projects in Guatemala, Luis Solano describes the relationships that were woven since the beginning of the 20th century between governments and the business and political elite. Due to its potential for extensive petroleum reserves, Guatemala became a focal point of interest for American transnational companies.³

Beginning in 1970, with military governments in power, negotiations benefiting mining companies became more evident. In 1996, the electricity sector was restructured by way of the General Electricity Law, which regulated, among other matters, the privatization of electricity distribution and a large portion of the electrical generation in the country.⁴

Investments in the petroleum and mining sectors surged in 1996. During the administration of President Álvaro Arzú (1996-2000), one of the most significant campaigns to attract mining and petroleum industry investors to the country took place. The most important factors in solidifying those investments were the end of the armed conflict in the country, the signing of Peace Accords, privatization of the electricity sector and mining law reforms.⁵

Community reactions

The International Labour Organization's (ILO) Convention 169 on Indigenous and Tribal Peoples, to which Guatemala is a signatory, states in Article 6 that governments "shall consult the peoples concerned, through appropriate procedures and in particular through their representative



A community referendum, Sibinal. PBI 2008

¹ For more information see: PBI *Metal mining and human rights in Guatemala* 2006, pp. 4-6 y Luis Solano *Guatemala petróleo y minería en las entrañas del poder* capítulos I y II.

² *Infopress Centroamérica*, No 1760, 11 June 2008.

³ *Op cit.* Solano, p. 10.

⁴ *Op cit.* PBI.

⁵ *Op cit.* Solano, p. 87.

Marlin mine case

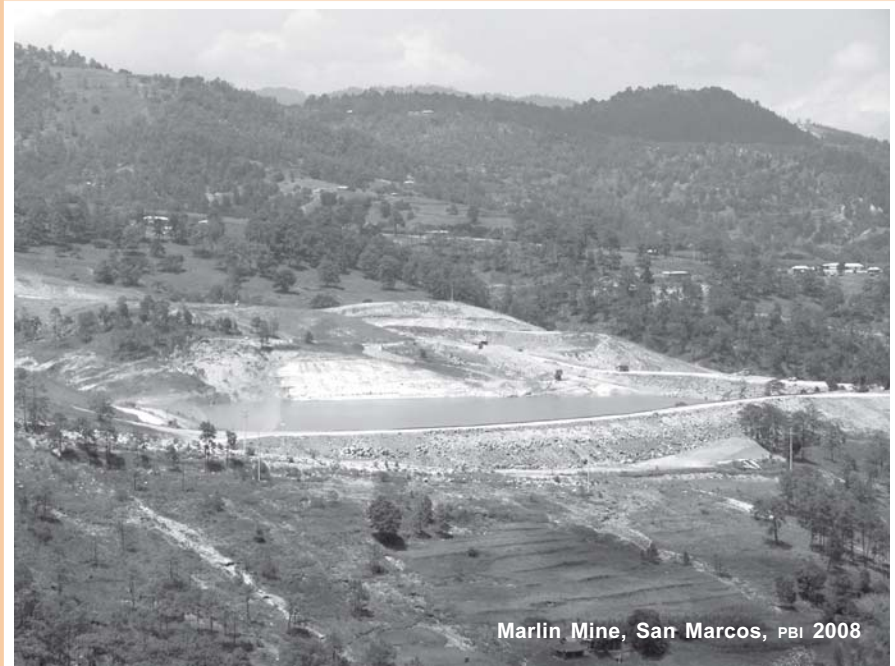
The Marlin project consists of an open pit metal mine in the department of San Marcos. The license for the mine has been in place since 2003 and the Guatemalan company Montana Exploradora S.A., a subsidiary of the Canadian company Gold Corp (Glamis Gold) Ltd., has been operating the mine since May 2004.¹

To date, seven public consultations have been carried out in municipalities in San Marcos and the majority of the population has expressed its opposition to the project. According to *Inforpress Centroamericana*, a situation similar to that which took place recently in the municipality of San Juan Sacatepéquez, department of Guatemala, could be developing. In San Juan Sacatepéquez a Preventive State was declared in July as a result of protests and violent actions that were

taking place against a cement operation belonging to the Guatemalan company Cementos Progreso, in which the Swiss transnational Holcim is involved.²

The San Marcos People's Council has said that "the imposition of transnational megaprojects, such as the chemical mining of metals in open pit or subterranean mines or hydroelectric plants (...) only brings us

destruction, repression and death. We see how development policies only benefit the business owners who speculate without shame, and who are



Marlin Mine, San Marcos, PBI 2008

not made to pay taxes proportional to the wealth extracted by foreign capital, all of which happens with the approval of the government that is in power. We call on the government to refrain from criminalizing the indigenous people's fight in the areas of agriculture, mining and hydroelectric generation facilities."¹³

¹³ *Op cit.* PBI, p. 7.

¹⁴ IC, No 1763, 1 August 2008 y *PBI Alert July 2008 About events in San Juan Sacatepequez.*

¹⁵ Communiqué San Marcos Council.

institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly." Likewise, it establishes that "the consultations carried out in application of this Convention shall be undertaken in good faith (...) with the objective of achieving agreement or consent to the proposed measures." In accordance with the ILO convention and other national legislation, such as the Municipal Code⁶ and the Development Counsel's Law⁷, 27 municipal

consultation processes relating to industrial projects were carried out between 2005 and the middle of 2008. The projects have included cement, petroleum, hydroelectric and mining operations. In the consultations the number of votes against the projects has far outnumbered those in favour.⁸ The results of the consultations, however, were not considered, by Guatemala's Constitutional Court to be binding, which could create a precedent for future consultations.⁹

⁶ Artículos 63, 65 y 66.

⁷ Artículo 26.

⁸ *Inforpress Centroamérica* (IC), No 1755, 6 July 2008 and Communiqué Consejo de los Pueblos de San Marcos, 8 August 2008.

⁹ Constitutional Court Resolution of 8 May 2007 about Community Good Faith Referendums on mineral exploration and exploitation in the municipality of Sipacapa, San Marcos, conducted 18 June 2005 and organized by Sipacapa's Municipal Council.

The Government's response:

Criminalize public protests

The Unit for the Protection of Human Rights Defenders in Guatemala (Unidad de Protección de Defensores y Defensoras de Derechos Humanos, UDEFEGUA), has suggested that there is an increasing tendency to criminalize social movements and indigenous populations that are exercising their right to defend their natural resources. In the last few months, social conflicts associated with these issues have been increasing. Several groups have carried out peaceful protests to make known the serious economic and social rights situation. In its first six months in power, Álvaro Colom's government responded by reinforcing criminalization policies. According to UDEFEGUA, the implementation of a Preventive State in San Juan Sacatepéquez on 22 June 2008,

which resulted in a series of human rights violations against the region's inhabitants, is an example of this move towards criminalization. In 2007, a protest against mining activities, in which the demonstrators took over the highway in San Miguel Ixtahuacán, resulted in public accusations and arrest warrants.¹⁰

Recently, arrest warrants were issued against eight women and a man from communities in San Miguel Ixtahuacán



A community referendum, Sibinal. PBI 2008

¹⁰ UDEFEGUA. *Criminalización del Movimiento Social, tendencia creciente* July 2008.

Xalalá hydroelectric plant case

On 20 April 2007 community members in the municipality of Ixcán organized a public consultation process in which 18,982 people out of a total of 21,155 voted against the construction of a hydroelectric plant in Xalalá.¹ If the plant were to be constructed, it would represent the second largest hydroelectric facility in the country, after Chixoy.² A majority of the Ixcán's community members said during the consultations that, "We are not opposed to development, but we want development that takes into account the needs of our communities. We know that what our country needs is an autonomous energy policy

that will strengthen our sovereignty and national development and not laws and policies that permit our natural resources and wealth to be exploited."³ Nevertheless, the government of Álvaro Colóm has confirmed plans for the construction of the plant, which will affect more than 30 communities in the municipalities of Cobán, Ixcán and the Uspantán, Zona Reina area, in the departments of Alta and Baja Verapaz and Quiché. The electricity generated by the Xalalá project will be combined with that generated at Chixoy and will be distributed to Guatemala City and El Salvador.

¹ Report from the Organizing Commission with the results of the Good Faith Community Referendum, Municipality of Ixcán, 20 April 2007, p. 1.

² Prensa Libre *Nueva prórroga para hidroeléctrica Xalalá* 29 June 2008.

³ *Op cit.* Report from the Organizing Commission, p. 23.

after they expressed their opposition to the Marlin mine project putting lights for mining operations on their land.¹¹ Luis Solano has noted that it will be necessary to take into account the social conflicts that these investments create in order to see that, in the short and medium term, the stability of the country will be weakened and in

the local struggles, there will be a different scenario which will call for the negotiation of communal and national rights under more just conditions.¹² Until now, the government of Álvaro Colom has not fulfilled its electoral promise to establish a social democracy with a “Mayan face”.¹³

¹¹ Unit for the Protection of Human Rights Defenders (UDEFEFUGA) *Informe Preliminar de Situación de Defensores y Defensoras de Derechos Humanos January – June 2008*.

¹² *Op cit.* Solano, p.138.

¹³ Communiqué San Marcos Council.

Biodiesel case, high social and environmental costs

According to Inforpress Centroamericana, biodiesel must not be seen as the final solution for the substitution of diesel because large areas for cultivation are required and competition for land could result in problems with the production of food crops. Another major criticism of cultivating crops for biodiesel is the use of agricultural chemicals that contribute to erosion, contamination, poisoning of potable water sources and climate change, in addition to damaging the health of workers. According to the National Land Program of the Episcopal Conference of Guatemalan, strong pressures are being brought to bear by business owners who want to develop African palm plantations and hydroelectric plants. All of this has led nearly 2,000 families from the northern part of the country to sell and abandon their lands.¹



An African Palm plantation. PBI 2008

¹ IC, No 1761, 18 July 2008.

Evictions and impunity: the Nueva Linda case

On September 5, 2003 Hector Rene Reyes Perez, a worker on the Nueva Linda finca, was disappeared. As a result of the lack of justice in his disappearance and the possible complicity on the part of the owner of the finca, Carlos Vidal Fernandez and his bodyguard, Victor Chinchilla, members of the 22 nearby communities occupied the Nueva Linda finca in October, 2003. The campesinos planned the occupation of the finca as a means to demand justice for the disappearance of Mr. Reyes. Nearly one year later, on August 31, 2004, there was a violent eviction, resulting in the death of nine campesinos and three policemen¹.

Forced evictions, grave human rights abuses

Forced evictions are recognized by the United Nations as grave human rights abuses, and should not be an answer to land conflicts in Guatemala². Amnesty International asserts that the National Civil Police (PNC abbreviated in Spanish) should apply the internationally established criteria in the Basic Principles for the Use of Force and Firearms when carrying out an eviction. In Guatemala, the police should carry out an eviction with the presence of the Human Rights Ombudsman's Office (PDH abbreviated in Spanish) and solutions to land conflicts should be sought through peaceful means of mediation and dialogue³. The Nueva Linda case is emblematic not only in land conflict terms, but also as a clear example of impunity. To date, Hector Reyes remains disappeared and there has been no justice in the case⁴.

Nueva Linda pro justice campesino movement

Since November 21, 2004, the Nueva Linda Pro-Justice *Campesino* Movement has maintained a presence at the edge of the road in front of the main entrance to Finca Nueva Linda, in Champerico, Retalhuleu. The movement was founded as "an expression of struggle and resistance against state repression and landowner impunity."⁵

Daily life for the Nueva Linda Movement on the edge of the road continues to be exposed to dangers and harassment on the part of the *finca* owners and their security guards. Still, there is a great deal of solidarity: men and women have the same chores, each of five groups alternate each

week for one week to stay at the settlement. Nevertheless, life is difficult⁶: for example, there is no place to cook; for a stove they use old car tyres, which in February of this year, resulted in an accidental fire. The accident caused serious burns to one member of the group and the destruction of the camps, including clothing, beds, and supplies⁷. Mariano Calel recounted, "Fortunately, thanks to the help in part of neighbouring communities and foreigners, we were able to work together and rebuild the camps."

Currently, despite the investigations and identification of the presumed suspects, the *campesinos* continue to be intimidated and harassed on behalf of the *finca* landowner's armed guards and private security⁸. Nevertheless, the intention of these families is not to occupy the *finca* again. Mariano Calel, member of the board of directors, and legal representative of the Nueva Linda Movement, comments: "We are familiar with the constitution and we understand that it protects private property and that no one can violate that."

From the beginning, the Nueva Linda case was very unique, not because the community occupied the *finca* to appropriate it, but to use it as a means of pressure [to clarify the disappearance of Hecor Reyes] and because his family continues to be threatened (...). The Public Ministry (MP), the PDH and the Police know that. Three months after the disappearance, the MP showed no will in resolving the case; they submitted a report concluding that the landowner was responsible for the kidnapping of Hector Reyes, but they did not want to issue an arrest.⁹ The Guatemala Human Rights Commission (CDHG- the abbreviation in Spanish) declared that if the MP had acted in compliance with the request of the National Police with respect to Mr. Reyes' case, the occupation would have been averted, or would have ended by way of negotiation.

¹ For more information about this, see http://www.pdh.org.gt/files/inf_especialies/nuevalinda.pdf

² Amnesty International *Guatemala: Land of Injustice?* March 29, 2006 (AMR34/003/2006)

³ www.pdh.org.gt/files/inf_especialies/nuevalinda.pdf

⁴ Observational Report by Coordination of International Accompaniment in Guatemala (CAIG) *Between the Sword and the Wall: Human Rights Defenders in the Rural Community, the Finca Nueva Linda and Finca Nueva Florencia Cases*. December 2006

⁵ <http://www.justicianuevalinda.org/>

⁶ Interview with Carmen Reyes Rojas, July 7, 2008

⁷ Comunicqué from the Association of *Campesino* Development Committees (CODECA) *Ayuda para Nueva Linda*. February 6, 2008.

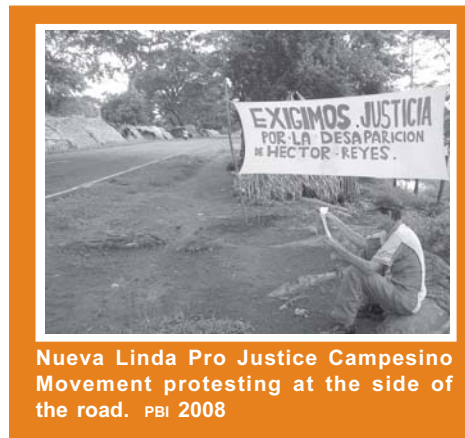
⁸ Op cit Observational Report CAIG

⁹ Interview with Mariano Calel, July 7, 2008

Criminalization of the campesino movement

Since February, the families have occupied both sides of the road. Mariano Calel is worried because "Colom declared that all the peasants that occupy *fincas* are terrorists; the criminalization is very evident and, instead of lessening the conflict, the situation is going to be more difficult (...). They say that there is no land for peasants, I say there is land, but there is no government will. In 1996 we signed the Peace Accords; why are they not respected? The *campesinos* have to protest and fight back because the government has to comply with this law."¹⁰

The critical situation of hunger, desperation, and abandonment of development policies has left the *campesinos* to look for alternative forms to resolve their very subsistence¹¹. As such, in January of this year, the *finca* Ixtán, in the municipality of Champerico, Retlahuleu, was peacefully occupied. On June 12, these families were evicted by an extensive military deployment, in direct denial of the commitment signed in front of the Mayor to peacefully evict the *campesinos* from the *finca*¹². According to some media outlets, the military burned the huts on the outskirts of the *finca* and seven *campesinos* were beaten and accused of illegal acts¹³. Mariano pointed out: "the landowners accused this group of being the same as those from Nueva Linda. They were looking to criminalize the leaders which they would achieve in conjunction with evicting the families from *finca* Ixtán, like how they may evict us from the streets. People were very scared that with the eviction the same thing was going to happen which occurred on August 31, 2004, which is why 28 people left the struggle. But we went to get the association legalized to demonstrate that we are legitimate and we are not occupying any *finca*, we are not occupying any private property, and that they could never take us away from here, at least not until they resolve the Nueva Linda case, and until then we cannot leave."¹⁴



Nueva Linda Pro Justice Campesino Movement protesting at the side of the road. PBI 2008

Land conflicts & impunity

On June 2, in view of the serious global food crisis, President Colom announced the decision to reactivate the Law to Encourage the Production of Basic Grains, a law that has been in effect since 1974 but that has never been implemented¹⁵. This law requires that landowners and tenants with more than 100 manzanas (1 manzana is equivalent to 1.43115 hectares) sow basic grains for 10% of their total crop. At the same time, the government would guarantee a minimum purchase price and prohibit exports and imports of grain to guarantee food for the people on the internal market¹⁶. One week after the proposal¹⁷, as a result of pressures from the economic sector and the directors of the Coordinating Committee for the Agricultural, Commercial, Industrial and Financial Associations (CACIF), Colom reversed his decision¹⁸. According to CODECA, evictions are used as a way to resolve conflicts, socially legitimizing the use of violence instead of searching for dialogue and peacefully negotiated solutions¹⁹. Jean Ziegler, Special

Rappateur for the Right to Food, expressed particular concern about forced evictions, constant land expropriations from indigenous peoples, labor rights abuses, repression and criminalization of peaceful protests, and the climate of impunity in which these abuses are perpetrated²⁰.

In spite of all of this, Mariano Calel concludes, "let us not forget that nine *campesinos* died at Nueva Linda, and for that reason we have to stay on the side of the road because there is no other way; there is no political will on the part of the government, nor the MP, nor anyone in the judicial system to clarify what happened, but, at least, we have opened an international space²¹ where we can make known the kind of impunity in which we live in Guatemala."²²

¹⁰ Congressional Human Rights Commission *Final Report on the Incidents that Occurred on August 31, 2004 at the Finca Nueva Linda, Champerico, Retlahuleu, Guatemala*. October 28, 2004

¹¹ Communiqué from the National Front in Struggle in Defense of Public Services and Natural Resources (FNL) *Evictions Siguen*. June 22, 2008

¹² *Prensa Libre* June 13, 2008

¹³ *Siglo XXI* and Cesar Montes, see www.albedrio.org, June 20, 2008

¹⁴ Op cit Interview with Mariano Calel

¹⁵ Fernando Suazo, June, 2008

¹⁶ *Siglo XXI*, July 11, 2008

¹⁷ The Chamber of Agriculture immediately raised their voice. Carlos Zuñiga threatened the government that he would go to the Constitutional Court from *eIPeriodico*, July 11, 2008

¹⁸ Jorge Mario Huertas de la Torre *La Cara del poder fáctico* in www.albedrio.org, June 12, 2008

¹⁹ Communiqué from CODECA *¿Que camino nos deja la impunidad?* January 20, 2006

²⁰ United Nations, Economic and Social Council, *Special Rappateur's Report on the Right to Food*, Jean Ziegler on her Mission to Guatemala, E/CN. 4/2006/44/Add.1, January 18, 2006

²¹ The group, Pro-Justice Nueva Linda traveled abroad to raise international awareness about the case. From May 2 – June 10, 2008, they went on a European Speaking Tour (Spain, France, Switzerland, Belgium, Austria) organized by the Collectif Guatemala, France

²² Op cit interview with Mariano Calel



July 30th March demanding 'No more Military Parades'. PBI 2008

Our work

Together with meetings with various national authorities and the diplomatic corps in order to maintain and strengthen our support network, we organize meetings on a regular basis with people from the Guatemalan civil society; this helps us to enhance our analysis of the country's political situation, which is very important in order to carry out our accompaniments.

During the last couple of months we participated in a workshop about the analysis of security incidents and in a workshop about political incidence. In June we held our biannual Coordinating Committee meeting, where we evaluated and planned all aspects of our work. The members of the Committee used their stay in the country to meet with some of the human rights defenders accompanied by PBI, other human rights activists and governmental and diplomatic authorities.

PBI accompaniments

The **accompaniments** that PBI undertakes, based on petitions from Guatemalan organizations, fall within three areas: Struggle against Impunity, Land Rights and the Effects of Economic Globalization on Human Rights. In recent months, we have accompanied:

- **Coordinating Body of Guatemalan Widows, CONAVIGUA.** We regularly visit their office, as well as accompanying the organization in exhumations of clandestine cemeteries and later inhumations of the recovered remains.
- **Verapaz Union of Campesino Organizations, uvoc.** We accompany various members of the uvoc. In particular, we have accompanied Carlos Morales since May of 2005 as he carries out his work in the Verapaces and other parts of the country.
- **Association of Friends of Lake Izabal, ASALI.** We continue to accompany Eloyda Mejia, Legal Representative of the Association, in her activities in the municipality of El Estor, Izabal.
- **Campesino Workers Movement, MTC.** We first accompanied the MTC in November 2005. We visit their office in San Marcos and we accompany specific members of the organizations that have suffered threats for the work they undertake.
- **Organization for the Support of Integral Sexuality in the Face of AIDS, OASIS.** Since March 2006, we have been regularly visiting their office and we accompany Zulma, who was witness to the murder of a transgendered person by presumed members of National Civil Police (PNC).
- **National Coordinating Body for Peoples in Marginalized Areas of Guatemala, CONAPAMG.** We intensified our accompaniment of the Coordinator Roly Escobar, after he received threats on September 10th, 2007, and for the constant threats and intimidations that he has suffered and that have been noted at the office of the organization.
- **Centre for the Legal Action on Human Rights, CALDH.** We have accompanied José Roberto Morales since he received death threats in February of 2007.

- **Commission in Pacific Resistance (CRP).** We have accompanied Jose Manuel Morales and other founding members of the commission after they were harassed and attacked by police during a meeting on September 15th, 2007.

- **Lesbiradas.** We have been accompanying this organization since July 2008, after the daughter of a member of the organization, a human rights activist herself, suffered strong intimidations against her life.
- **The Association for the Protection of the Granadillas Mountain.** The organization is actively involved in trying to convert the mountain into a protected area. The forest is in danger of disappearing due to illegal harvesting of wood, excessive livestock ranching, and monoculture farming. Several members of the organization have received death threats for their work.

We also closely follow up the situation of the following organizations by regularly calling them and periodically visiting their offices:

- **Madre Selva Collective.** We regularly visit their office and occasionally we accompany them in visits to areas of the country where more risks are perceived.
- **Guatemalan Association of Indigenous Authorities and Mayors, AGAAI.** We regularly visit their office and we occasionally accompany Carlos Guarquez, one of their representatives when he travels to community consultations.
- **Women's Sector.** We first accompanied the organization in June 2006, after the office suffered a series of break-ins. Since that time, we visit the office regularly and we accompany them in some of their activities outside of the office.
- **Project Counseling Service, (PCS).** We keep in regular contact with the organization after a staff member suffered an attack and robbery on May 7th, 2007 and a threatening phone call 10 days later.

News from our accompaniments

Much attention has been paid to the country's situation due to the increase of violence against human rights defenders in the months following the arrival of President Colom and his new government. We have maintained close contact with the organizations we accompany through regular check in calls and visits: the Association of Friends of Lake Izabal (ASALI) in El Estor, the Verapaz Union of Peasant Organizations (uvoc) in Alta Verapaz and the Centre of Legal Action for Human Rights (CALDH) in the capital. We were also present with the Coordinating Body of Guatemalan Widows (CONAVIGUA) at two inhumations in the departments of Quiché and Chimaltenango in April and August. With the beginning of the rainy season, we have increased our presence with the National Coordinating Body for Peoples in Marginalized Areas (CONAPAMG). We were witnesses to a sit-in in front of the Palacio de la Cultura (Palace of Culture), where more than 50 settlers from the zones 7, 12, 18, and 21 in the capital came to report their situation and demand an effective response. They stayed for one week until they were

received by the government. One of the results was the creation of a negotiating table with the Minister of Housing with the aim of drawing attention to specific problems in marginal areas of the capital, especially during the winter. We have been accompanying members of the organization to these negotiations.

We also paid attention to the favourable developments in the judicial case of Julio Archila from the Campesino Workers Movement (MTC) in San Marcos. After having cancelled the trial at the last moment, on three occasions, and for other undefined reasons, the trial was finally resolved on August 5

with a suspension of the lawsuit. This is great news for Julio and his son (who was also accused) and MTC.

In the case of the Commission in Pacific Resistance (CRP), in addition to the visits to their base in San Rafael Pie de la Cuesta, we accompanied them to San Marcos in June in order to file a complaint for intimidation at the Public Ministry's Office. At the same time, we have closely followed the news regarding the construction of a hydroelectric power station in this municipality.

We are also continuing to accompany activities realized by the Collective MadreSelva, such as workshops concerning protected areas in Zacapa; and in the activities of Sector de Mujeres (Women's Sector), for example we accompanied them during

a march on Guatemala's National Day of Heroes and Martyrs on June 30, in which various human rights organizations participated to honour the dignity of the armed conflict's victims.

In addition, a tour across North America and Europe dealing with the issues of women and marginalized groups fighting against impunity is being organized by PBI's national groups and in cooperation with the Colombia and Mexico projects. From Guatemala,

two members of the Organization for the Support of Integral Sexuality in the Face of AIDS (OASIS) are going to participate: Jorge López and Zulma. In the last few months we have also accompanied them during different activities in the capital, such as during a forum dealing with the social vulnerability of the "transsexual" population and a march on Gay Pride Day.

Furthermore, we have started accompanying the organization Lesbiradas in the capital, and the Association for the Protection of the Granadilla Mountains in the municipality of Zacapa; due to both collectives having received various death threats.



Johanna Ramírez, President of the Transgender Collective Queens of the Night, Jorge Lopez, Director, OASIS and Officer María Figueroa, during the forum El Trabajo.

Peace Brigades International

PBI is an international non-governmental organization (NGO) which protects human rights and promotes nonviolent transformation of conflicts.

At the request of threatened social organizations, it provides international accompaniment and observation. The presence of international volunteers backed by a support network helps to deter violence. In this way, PBI creates space for local activists to work for social justice and human rights.

PBI in Guatemala

PBI maintained a team of volunteers in Guatemala from 1983 to 1999. During those years, it carried out accompaniment work with human rights organizations, unions, indigenous and campesino organizations, refugees and churches. In 1999, after an evaluation process, it was decided to close the project since the country had greatly advanced in the opening of space for the work of human rights organizations. Nevertheless, PBI continued attentive to the happenings in Guatemala through a follow-up committee.

From the middle of 2000, PBI began receiving a number of requests for international accompaniment. Due to these requests, PBI carried out an investigation in the field that made evident a turn in the direction and a losing of space for human rights defenders. In April of 2002, PBI decided to reopen the Guatemala Project in order to carry out international accompaniment and observation in coordination with other international accompaniment NGOs. In April 2003, the new PBI office was opened in Guatemala.

Mission

To improve the human rights situation in Guatemala and contribute to the democratizing process of the country through an international presence that works to maintain open political space for human rights defenders, lawyers, union members, campesino and indigenous organizations, and civil society groups that are suffering repression due to their work supporting human rights.

Objectives

1. To provide an international presence that contributes to the opening and protection of the political space of Guatemalan organizations that are working for an end to impunity, national

reconciliation and compensation to the victims of human rights violations and the fulfillment of the commitments achieved through the Peace Accords.

2. To sensitize the international community of the human rights situation in Guatemala through the regular communication of information as well as frequent contact with international authorities and the diplomatic community both within and outside the country.

3. To sensitize the International Community of the need for creating and applying policies, tools, and mechanisms for the protection of human rights defenders.

4. To share experiences and tools with Guatemalan Organizations that help in achieving the general objectives of PBI in Guatemala.

PBI Guatemala Team

3ª Avenida "A", 3-51, Zona 1
Ciudad de Guatemala
Tel/Fax: (00502) 2220-1032
Tel: (00502) 2232-2930
Correo-e: pbiguatemala@intelnett.com

Project Coordination Office

C/ Romero, 9. 28720 Bustarviejo;
Madrid, Spain
Tel/Fax: (0034) 918 482 496
E-mail: pbiguatemala@intelnett.com
www.peacebrigades.org



Team September 2008

Valentina Gori (Italy)
Wiebke Schramm (Germany)
Jacqueline Benfield (United Kingdom)
Giovanna Tejjido Vázquez (Spain)
Caroline Tessier (Canada)
Silvia Weber (Germany)
Jean-Jacques Ambresin (Switzerland)