

MIP - MONTHLY INFORMATION PACK – GUATEMALA

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1. NOTES ON THE CURRENT SITUATION
2. ACTIVITIES OF PBI GUATEMALA: WITHIN GUATEMALA
 - 2.1 MEETINGS WITH GUATEMALAN AUTHORITIES, DIPLOMATIC CORPS AND INTERNATIONAL ENTITIES
 - 2.2 MEETINGS WITH CIVIL SOCIETY ORGANISATIONS
 - 2.3 ACCOMPANIMENT
 - 2.4 FOLLOW-UP
 - 2.5 OBSERVATION
3. ACTIVITIES OF PBI GUATEMALA – OUTSIDE GUATEMALA
4. NON-GOVERNMENTAL ORGANISATIONS

1. NOTES ON THE CURRENT SITUATION

IMPUNITY

Judge suspends the genocide prosecution of Mejía Víctores

Guatemala, 06.01.2012 (PL,SV,EP) - Judge Carol Patricia Flores has provisionally suspended the prosecution of general Óscar Humberto Mejía Víctores, accused of having ordered the extermination of indigenous communities in Quiché in the 1980s. The judge ordered the doctors of the National Institute of Forensic Sciences (INACIF) to evaluate the accused's health every 30 days and inform the public prosecutor's office (MP). This decision follows an application from the public prosecutor's office indicating that the accused was not in a fit state of health to continue with the trial "at the moment". Manuel Vásquez, public prosecutor, said that it would be better to wait until the accused's mental and physical situation had improved before continuing the case against him.

Edgar Pérez, legal representative of the Justice and Reconciliation Association, disagreed with the ruling, arguing that the examinations of Mejía only "show that he cannot articulate words, which doesn't mean to say that he can't understand what is being said, so it is still possible to continue with the process."

The president requests a two year extension of the mandate of the International Commission Against Impunity in Guatemala (CICIG)

Guatemala, 24.01.2012 (EP, CA, PL) - On 23 January 2012, after an interview with the head of the Commission Against Impunity in Guatemala (CICIG), Francisco Dall'Anese, President Otto Pérez Molina announced that they were expecting to extend the mandate for this Commission for two more years.

Judge commences prosecution of General Efraín Ríos Montt for genocide and crimes against humanity

Guatemala, 27.01.2012 y 31.01.2012 (EP, PL, CA) - Judge Carol Patricia Flores has commenced proceedings against General José Efraín Ríos Montt for genocide and crimes against humanity. He is the first ex-head of state to appear before the justice tribunals. In her verdict the judge ruled that there was no danger that the defendant would abscond and ordered house arrest with a permanent guard from the National Civil Police (PNC).

Manuel Vásquez, human rights public prosecutor, based the accusations against Ríos Montt on extracts from military documents, 84 witness testimonies and experts' reports from forensic anthropologists, which showed evidence that about 1,771 people were massacred during the period from 23 March 1982 to 8 June 1983, when Ríos Montt was acting governor. Edgar Pérez, plaintiff in the proceedings, said that the military chain of command demonstrated that Ríos Montt knew full well what the troops were doing: committing human rights violations of a severity and scale never before been seen in the country's history.

Guatemalan Congress approves the Rome Statute (the treaty of the International Criminal Court)

Guatemala, 27.01.2012 (AC, EP, PL, SV, CA) - On Tuesday 26 January, the Guatemalan congress approved Decree 3-2012, confirming ratification of the Rome Statute (the treaty of the International Criminal Court (CPI/ICC)). The treaty of the ICC created the first permanent global court with the capacity to prosecute and sentence individuals accused of genocide, crimes against humanity and war crimes when national tribunals cannot or will not do so. It is not of retroactive effect. Guatemalan human rights organisations had been seeking the ratification of the Rome Statute since 2002. The foreign relations commission approved the resolution in 2006, with ratification now following six years later.

Human rights activists expressed their satisfaction with the development, which promises justice for all those who violate the fundamental rights common to all human beings where national remedies have been exhausted. The Office of the United Nations High Commission for Human Rights (OACNUDH) welcomed ratification as an advance in protecting victims' rights to truth, justice and reparation without displacing the primary duty of the state to guarantee those rights. It emphasised that adopting these institutional and legal measures was an important but partial step in ensuring that grave violations of human rights are not immune from justice.

Jody Williams, Nobel Peace Prize Winner, calls for governmental action on Anti-Feminicide Law.

Guatemala, 31.01.2012 (PL).- Jody Williams, the 1997 Nobel Peace prize winner, visited Guatemala with a delegation from the Nobel Women's Initiative to study the situation of violence against women in Guatemala. Ms. Williams recommended that the government guarantee the observance of the anti-feminicide law so that crimes against women and girls were investigated. She called for women's rights to be respected and asked that the agenda in the Peace Accords be re-instated and that the institutions which push forward these matters be strengthened so that the state would take on the commitments contained in these instruments.

LAND

Indigenous and Campesino organisations from the south coast demand right to dignified life

Guatemala, 12.01.2012 (AC).- With the slogan that 'hunger and misery cannot wait', indigenous and campesino organisations from the southern coast of Guatemala warned the new government that they wouldn't abandon demands for a more adequate quality of life. They pointed to the severity of problems in agriculture, which called for the Government to devote time and space to finding a solution. Aparicio Pérez, member of the Campesino Unity Committee (CUC) said that hunger and misery were endemic in indigenous and campesino communities due to both governmental ignorance and the impact of natural phenomena which have not met with any response from the government. Thelma Cabrera, member of the Committee for Campesino Development (CODECA) said that organisations had been calling for the passage of the Integrated Rural Development law, amongst other things, but that this had not happened due to a lack of political will.

NEGATIVE EFFECTS OF GLOBALISATION

Government and mining industry reach new royalties agreement

Guatemala, 27.01.2012 (EP, PL, SV, CA).- On 26 January 2012, President Otto Pérez and Andrés Castillo, President of the Guatemalan Chamber of Commerce, representing the Guild of Extractive Industries, signed a voluntary agreement to augment the royalties paid to the Government by mining companies from 1% to 5%. Although the agreement applies to 22 businesses affiliated to the Guild, not all the mines will pay the increased contribution immediately.

Ecologists and some from the religious sector rejected the agreement. According to Yuri Melini, Director of the Legal, Environmental and Social Action Centre (CALAS), the agreement reflects only a previous political pact and masks the fact that congress has not debated a new mining law. He said that anything less than royalties of 20% was derisory.

OTHER

Otto Pérez Molina becomes President of Guatemala

Guatemala, 16.01.2012 (EP, PL, SV, CA) - On Saturday 14 January 2012, Otto Pérez Molina, retired military officer, took up the presidency of Guatemala. In his speech he talked about the challenges of transparency and security, the need for investment and malnutrition. He also spent a few minutes on "Bak'tun", for him a symbol of the main point of his speech: change. The president announced the structure of five work forces agencies, integrated by the National Civil Police (PNC), the Guatemalan army, civil intelligence, military intelligence and asked for the support of the Public Prosecutor's Office and permanent accompaniment of the human rights ombudsman (PDH).

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

2. PBI-GUATEMALA ACTIVITIES: IN GUATEMALA

Team: Guillaume Riboulleau (France), Maike Holderer (Germany), Kathrin Rüegg (Switzerland), Kathi Dunkel (Germany), Álvaro Zaldívar (Spain), María Cayena Abello (Colombia), Francisco Bernal (Colombia), Ilaria Tosello (Italy), Simón Yeste Santamaría (Spain), Phil Murwill (United Kingdom), Christa Hijkoop (Holland).

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

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

International Authorities and other international entities in Guatemala:

- Alberto Brunori, Christina Papadopoulou and Viktoria Aberg, Representative, Human Rights Officer and Security and Justice Unit Coordinator respectively, of the United Nations High Commission of Human Rights (OACNUDH), Guatemala City.
- Stephen Steger and Vayram Nyadroh, Political, Economic and Commercial Consultant and Political Official of the U.S. Embassy, Guatemala City.

Guatemalan Authorities:

- Antonio Mántufar and Dulce Patricia Zúñiga Schaeffer, Executive Sub-Director and Official of Precautionary Measures

at Polochic respectively, of the Presidential Commission for Human Rights (COPREDEH), Guatemala City.

- Carlos Guillermo, Officer of the Human Rights Ombudsman (PDH), Cobán, Alta Verapaz.
- Rudy Barahona Castillo, Vicecommissioner, National Civil Police (PNC), San Cristóbal Verapaz, Alta Verapaz.
- Deputy Inspector Contreras, PNC, Santa Cruz Verapaz, Alta Verapaz.
- Commissioner Antonio Avelino Lajuj López, Head of Operations, PNC, Cobán, Alta Verapaz.

2.2. MEETINGS WITH CIVIL SOCIETY ORGANISATIONS

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

Guatemalan Civil Society:

- Enrique Corral, Director of the Guillermo Toriello Foundation (FGT), Guatemala City.
- Máximo Ba Tiul, Independent Consultant, San Cristóbal Verapaz, Alta Verapaz.
- Iduvina Hernández and Arturo Chub, Director and Executive Subdirector respectively, of Security and Democracy (SEDEM), Guatemala City.
- Mario Minera, Political Analyst, Guatemala City

International Organisations and Agencies:

- Coordinator of International Accompaniment in Guatemala, ACOGUATE.

2.3. ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA.

During December, we continued our accompaniment of CONAVIGUA, maintaining regular visits to its offices in the capital and meeting with its members. Organisation members told us that they are worried by the deteriorating situation in Cahabón, Alta Verapaz regarding the safety of the community and social leaders, due to activities related to the organisation of community consultation on hydro-electric and mining projects.

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. In 2010, CONAVIGUA accompanied this process in San Juan Sacatepéquez and in 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. Various members of the organisation were subjected to grave death threats in 2010, due to the work that they were carrying out.

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

On 22 January, Reverend José Pilar Álvarez Cabrera visited one of the springs in the Las Granadillos mountain with members of ILUGUA and students from SOKA University of America in California, USA. During a mudslide on the mountain they came upon a roadblock of some vehicles at the Tachoró farm. 25 people arrived at this point some of them obviously armed. This group, headed by Gustavo Echeverría the Deputy of Zapaca, elected by the Patriotic Party, recently named governor of the Zapaca department, Carolina Orellana, North American missionary Greg Miller and Sr. Juan José Olavarrueth, owner of Tachoró farm, the one who had laid criminal accusations against the APMG in 2009 (see background), came towards the reverend and proposed a meeting to talk in order to resolve existing conflicts going back years, relating to the natural resources of Las Granadillas.

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 Olaverrueth, 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). José Pilari Álvarez Cabrera has been the target of death threats and defamation in the local media during these conflicts.

Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ.

In January we continued meeting with various members of the association in Guatemala City. The women continue developing the work of promoting women's rights and defending their land, and they have been updating their analysis of the current political and security situation in order to carry on their work. The association view the construction of a gold mine on the Santa María Xalapán mountain to be a threat which will affect not only the Xinka communities of Jalapa, but also the communities of San Rafael Las Flores and Santa Rosa on the other side of the mountain. On 6 January, as international observers, PBI attended the delivery of a letter to the Minister of Energy and Mines (MEM) by a community delegation from San Rafael Las Flores.

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. We have accompanied AMISMAXAJ since July 2009. Various members of the organisation were subjected to grave death threats in 2009 and 2010, due to the work that they carry out.

'New Day' Chortí Campesino Central Coordinator.

In January we observed a meeting in the Las Flores community, Jocotán, attended by representatives of the communities and various Guatemalan social organisations. The meeting was convened due rumours that construction work on the hydro-electric plant El Orégano was starting up. However, this work did not in fact commence as feared.

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 communities in the area, enabling 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. They carried out this work in relation to the project known as the "Technological Corridor", that is intended to link the Atlantic coast with the Pacific Coast in Guatemala, which in turn forms part of the biggest plan produced under the Mesoamerican Project (successor of the Plan Puebla-Panama, PPP). Members of New Day say the lack of information and consultation of Chiquimula's communities by public institutions is a constant source of conflict. PBI has accompanied New Day since 2009. Several members of the association have been threatened and attacked due to their work with the communities. In 2010, members of the organisation denounced death threats and intimidation by unknown armed persons. Also, a number of national and local media outlets carried statements from local authorities accusing members of New Day and the Camoteca Campesino Association as being linked to social protests demanding improved information regarding the construction of the Technological Corridor, due to affect the region.

Camoteca Campesina Association.

In January we remained in permanent contact with members of the Association. The situation in the municipality of Camotán continues to be tense and violent, causing concern among human rights defenders.

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 monitor whether 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 Caparjá (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.

PBI has accompanied the association since 2009. Two of its members were detained in November 2010, accused of crimes against internal security and illegal meetings and demonstrations, for participating in a public gathering carried out more than 6 months previously (30 March 2010), in which more than 70 persons demonstrated their opposition to the plans and projects for interconnecting electricity provision in the region. On 2 March we observed the second judicial hearing in Chiquimula in

which the two accused persons were examined. The judge refused to impose a penal sanction and instead imposed a fine of 1,000 Quetzales respectively and prohibited the promotion or participation in illicit demonstration activities.

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

In January we observed the mobilisation of the 12 communities of San Juan Sacatepequ  (approximately 7,000 people according to the organisers) in a march demanding that the new mayor, of the Patriotic Party, respect the results of the community consultation carried out in 2007.

A community delegation and a lawyer from the communities have started a tour organised by PBI this month. They will go to Switzerland, Germany and Holland, where they will meet officials of the respective governments and relevant members of civil society. Taking advantage of their presence in Europe, various Swiss organisations have planned to take them to the cement company Holcim, to express their demands and the concerns of the communities about the San Juan project. (see background)

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 Sacatepequ , 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 Oca a 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 Sacatepequ  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 Sacatepequ  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.¹ 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.

Council of Cun n Communities.

This month we continued to maintain contact with members of the Council.

Background: The Council was established at the first communities' assembly in San Sigu n. It consists of 22 directly elected members from eight micro-regions of Cun n. One of the main focuses of the Council's work is the defence of their land and natural resources. In October 2009 they organised a community consultation on mining exploitation and on the construction of hydroelectric plants, among other mega-projects, planned for the Municipality. PBI observed part of the preparation process as well as the consultation itself, in which approximately 19,000 people from 71 communities voted against the aforementioned projects. We began our accompaniment of the Council in February 2010, due to the security risks faced by persons actively promoting the right to land, territory and natural resources in the region.

Guatemalan Human Rights Defenders Protection Unit, UDEFEGUA.

In January, in its work of verifying and analysing the reported attacks and threats on human rights defenders, UDEFEGUA has recorded that 2011 was the year that saw the most violence against human rights defenders (see Press Releases of NGOs below – in Spanish). PBI accompanied a member of the unit on a visit to the communities of La Primavera (Alta Verapaz) and San Miguelito (Izabal), during this work of verifying the threats and attacks on community leaders. In the capital we continued with our periodic visits to the UDEFEGUA office.

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

Verapaz Union of Campesino Organisations, UVOC.

¹ Further background information in the PBI Special Report published in 2010:

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

From the end of December and through January we have intensified our accompaniment of the organisation and some of its members, due to the death threats made to the co-ordinator, Carlos Morales, and to members of the accompanied communities in Alta Verapaz and Izabal. At the same time UVOC noticed more surveillance of its office in Santa Cruz (Alta Verapaz). So we maintained a constant presence in Santa Cruz. We accompanied their lawyer Jorge Luis Morales and community representatives when they went to lay respective charges at the relevant judicial departments. We also accompanied members of the organisation to meetings with various local public institutions and when they travelled to the capital and to the communities. As usual we accompanied the organisation to the dialogue table in Cobán (Alta Verapaz), which has the aim of resolving agricultural conflict in the region. At the beginning of February we published an alert to PBI's support network in the international community and national authorities to communicate our concerns regarding security incidents and threats made to UVOC and the elevated risk of the organisation and the communities that we accompany in the region.²

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.

In December we continued to visit Edgar Pérez periodically at his office, and have held meetings with him and other members of his firm. We observed the public hearing against persons accused of being connected to the mob killing of PNC agent Pedro Rodríguez Toma in San Juan Cotzal, El Quiché, in which Nicolás Toma Pérez, Juan Toma Pérez and Antonio Rodríguez are awaiting trial. We also went to the first hearing of the Guarcax case, in which the public prosecutor accuses a number of men of various crimes including illegal association, kidnapping, and murder, and belonging to a criminal gang. This prosecution is now in its final stages.

Furthermore, on an emotional day for numerous communities and survivors of the internal armed conflict, we observed the judicial hearing where ex de-facto president Efraín Ríos Montt was accused of genocide and crimes against humanity. The judge decided to place him under house arrest during the investigation.

Finally, the hearing in which the judge was to establish whether or not the ex head of military intelligence (G2) José Mauricio Rodríguez Sánchez, was to be tried for genocide and crimes against humanity, was cancelled. This was because the legal objections raised by the defence have still not been resolved.

We remain highly concerned for the safety of Mr Pérez, given his involvement in several judicial processes regarding crimes against humanity committed during the armed conflict that are simultaneously underway in the Guatemalan courts.

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. The lawyer, and the office of lawyers of which he is the head, 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.

National Police Historical Archive, AHPN.

In January we continued to visit the facilities of the Archives periodically, and maintained contact with several of its members of staff.

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

² PBI Guatemala, Alert on threats against UVOC and communities, Guatemala, February 2012. [http://www.pbi-guatemala.org/los-proyectos/pbi-guatemala/noticias/spanish-news-holder/?no_cache=1&tx_ttnews\[tt_news\]=3303&cHash=b06038a0eb063a8fd0ca104adfec18d1](http://www.pbi-guatemala.org/los-proyectos/pbi-guatemala/noticias/spanish-news-holder/?no_cache=1&tx_ttnews[tt_news]=3303&cHash=b06038a0eb063a8fd0ca104adfec18d1)

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 had 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).

2.4 FOLLOW-UP

We regularly receive requests for accompaniment from social organisations and human rights defenders who are being, 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 currently are providing follow-up accompaniment to the following social organisation:

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

In January we continued to be in regular contact with the members of OASIS and we met with the organisation's founder Jorge López. Unfortunately, the organisation's work continues to be frozen due to a funding crisis.

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. During almost all of 2009 Jorge Lopez, director of the organisation, was accused in the courts of the attempted murder of sex worker Laila (Axel Leonel Donis González) and subsequently of concealment of the crime. 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. OBSERVATION

PBI in Guatemala provides international observation of public events held by Guatemalan social organisations where circumstances require it, in order to demonstrate international attention and concern for security and to be able to communicate what we observe outside the country.

In January we were present as international observers when a letter was delivered to the Ministry of Energy and Mines (MEM) in Guatemala City by the Diocesan Coordinator for the Environment (CODIDENA) and the "Pro Life Against Mining" Committee of San Rafael Las Flores (Santa Rosa). Representatives of the community were received by the MEM director, who they demanded should respect the community's right to a free, informed consultation, as guaranteed by the International Work Organisation (OIT) Treaty 169 and by national legislation, before a licence is granted to Tahoe Resources Inc. for the exploitation of gold at the San Rafael mine. The MEM director explained that they were delaying the start of the project, but he didn't say that it wasn't going to happen.

This month we also observed a meeting at La Trementina, Zacapa between representatives of the company, Desarrollo de Generación Eléctrica and Manejo de Recursos Naturales Las Tres Niñas S.A., who are the driving force behind the hydro-electric project "El Orégano" and communities of the region which are likely to be affected by its construction. Delegates from various communities of Jocotán, Chiquimula and Zacapa attended, as well as the Guatemalan social organisations APMG, 'New Day' Chortí Campesino Central Coordinator, Camoteca Campesino Association, the Madre Selva Collective and the Centre for Human Rights Legal Action (CALDH). See further above re. accompaniment of 'New Day' Chortí Campesino Central Coordinator and the Camoteca Campesino Association.

On 13 January we attended the forum "Access to the land and evictions. Lessons after Polochic", organised by the Office of the United Nations High Commissioner for Human Rights (OACNUDH), in which agrarian experts and investigators participated. Alberto Brunori, OACNUDH representative in Guatemala, gave analysed recent forced evictions following the eviction of 732 Q'eqchi families in the Polochic Valley during 15 to 18 March 2011. Brunori highlighted the necessity of regulating the circumstances under

which evictions could take place and of meeting international human rights standards; particularly in order to guarantee the right of adequate defence and respect for due process, to avoid the participation of persons unconnected to the state as well as the destruction of homes and crops, and to regulate the legitimate use of force. He underlined the need for the state to meet the fundamental problem of the evicted families' lack access to the land, as well as a full guarantee of their economic, social and cultural rights³.

Finally, on 27 January we observed a press conference convened by the National Coordinator of Campesino Organisations (CNOOC) to ask the new government to promote 21 identified measures relating to agrarian policy. Carlos Morales, the UVOC Coordinator and CNOOC organisation member, also related the recent murder of an elderly couple in the La Primavera estate in San Cristóbal (Alta Verapaz) as an example of the attacks and violence that campesinos are suffering whilst the state ignores them.⁴

3. PBI-GUATEMALA 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 9 January, the European representative of PBI Guatemala met in Brussels with European Parliamentarian Keller, who is a member of the Development Commission of the European Parliament. On 25 January she also participated in a debate organised by the Heinrich Boell Foundation in Brussels regarding measures to strengthen the cooperation between the EU and the Inter-American System of Human Rights.

On 24 January, the coordination office of the PBI Guatemala project received a letter from the company Desarrollo de Generación Eléctrica y Manejo de Recursos Naturales Las Tres Niñas, S. A., presenting general information regarding the hydroelectric project El Oregano seeking PBI's immediate abstention from communicating opinion regarding the project in its Monthly Information Pack (PIM) to funders of the PBI Guatemala project. The committee coordinator outside Guatemala clarified in reply that in its work of international accompaniment to human rights defenders in Guatemala PBI does not communicate any opinion nor take any position regarding economic investment or development projects planned or carried out in the country. The objective of the publications of PBI is to communicate the work that we carry out and the human rights situation, and the situation of those we defend, in the context of our work.

4. NON-GOVERNMENTAL ORGANISATIONS

In this section we publish several communiqués (some abbreviated) from human rights organisations in which they express their concerns regarding recent events.

2011: EL AÑO MÁS VIOLENTO CONTRA DEFENSORES Y DEFENSORAS DE DERECHOS HUMANOS Unidad de Protección a Defensores y Defensoras de Derechos Humanos de Guatemala (UDEFEQUA)

Guatemala, 6 de enero de 2012

La Unidad de Protección a Defensores y Defensoras de Derechos Humanos – Guatemala (UDEFEQUA), informa, que según nuestros registros, el año 2011, fue el año más violento en contra de defensores y defensoras de derechos humanos. Contabilizamos un total de 402 hechos, que representan violaciones de derechos humanos por el **derecho a defender derechos** (...) En relación con el año 2010 se evidencia un aumento en el número de casos registrados de un 33% (...) El agravamiento de la situación de defensores y defensoras de derechos humanos está directamente relacionado a la ausencia de atención a los conflictos de tierra y la política represiva en contra de las comunidades que objetan el uso de sus recursos sin consulta previa. El mal manejo de la conflictividad social llevó al gobierno de Colom a utilizar los Estados de excepción como mecanismo de control social, agravando la situación de los defensores y defensoras de derechos humanos en la región.

Durante el 2011, el gobierno de Álvaro Colom retomó la práctica de la difamación a los defensores y defensoras de derechos humanos y con ello se abrió la puerta a más amenazas y a la criminalización, articulado por actores no Estatales. En este marco, el trabajo de los y las periodistas se ha visto en riesgo durante este período gubernamental.

A pesar de los compromisos adquiridos ante la comunidad internacional y la firma del Acuerdo Nacional para el Avance de la Seguridad y la Justicia, el gobierno de Álvaro Colom no institucionalizó los mecanismos estatales de protección a defensores y defensoras de derechos humanos. No se consensuó, ni aprobó un Programa de Protección para Defensores de Derechos Humanos y Otras Víctimas Vulnerables. Tampoco se institucionalizó la Instancia de Análisis a Ataques a Defensores de Derechos Humanos, la cual dejará de funcionar el 9 de enero de este año, ya que el acuerdo gubernativo sobre la materia, está en espera de opinión en la Secretaría General.

³ OACNUDH, Words in the framework of the forum "Access to the land and evictions: Lessons from the case of Polochic", Sr. Alberto Brunori, Guatemalan Representative United Nations High Commission for Human Rights, Guatemala, 13.01.2012.

http://www.ohchr.org.gt/documentos/ponencias/Discurso_Foro_Acceso_tierra_y_desalojos%2813en12%29.pdf

⁴ UVOC, UVOC condemns the murder of Sra. Petrona Morán Suc and Sr. Sebastián Xona at La Primavera Estate communiqué 27.01.2012.

<http://www.uvocguatemala.org/2012/01/comunicado-27012012-uvoc-condena-el.html>

Por su parte, el Ministerio Público ha avanzado en el esclarecimiento de algunos casos de delitos cometidos en contra de defensores y defensoras de derechos humanos; siendo los más emblemáticos los de Cotzal (2009), Lisandro Guarcax (2010) y Emilia Quan (2010). Sin embargo, la mayor parte de casos se mantienen aún en impunidad, siendo los más descuidados aquellos de sindicalistas y periodistas. Un avance importante es la firma de un convenio de cooperación firmado entre el Ministerio Público, el Ministerio de Gobernación y la COPREDEH para apoyar a la coordinación en materia de persecución penal y protección a defensores y defensoras de derechos humanos. Esperamos que el nuevo gobierno, de el seguimiento oportuno y que esto permita seguir avanzando en esta materia mientras el mismo formula una política sobre la temática.

Resaltamos que durante este último año la CICIG avanzó en la investigación y persecución penal de estructuras que agreden defensores y defensoras de derechos humanos; tal es el caso del asesinato del defensor Víctor Gálvez (2009). Asimismo, reconocemos las investigaciones que realiza en conjunto con el Ministerio Público en varios casos en donde funcionan cuerpos ilegales y aparatos clandestinos de seguridad.

Caso contrario, es el de la Procuraduría de Derechos Humanos de Guatemala –PDH-, la cual durante los últimos años ha venido en deterioro de sus funciones y credibilidad. El vacío dejado por la Procuraduría, genera una situación de vulnerabilidad muy grave para defensores y defensoras de derechos humanos actuando en lo local y para la población en general.

Agradecemos a la comunidad internacional, la cual representa un rol importante en la protección a defensores y defensoras de derechos humanos, no sólo a través de la actividad de la Oficina de la Alta Comisionada de Derechos Humanos de las Naciones Unidas, sino también a través de la actuación de Embajadas, la Comisión Interamericana de Derechos Humanos y el sistema de las Naciones Unidas.

Al iniciarse el año 2012 y la gestión de un nuevo gobierno:

- Llamamos a los defensores y defensoras de derechos humanos a mantenerse alertas y a continuar la denuncia sobre sus agresiones al sistema nacional e internacional.
- Exhortamos a la comunidad internacional a mantener la vigilancia en torno a las agresiones en contra de defensores y defensoras de derechos humanos y a repudiar las acciones de difamación desarrolladas desde el Estado o consentidas por actores no estatales.
- Exigimos al nuevo gobierno el cumplimiento de los compromisos adquiridos en el Acuerdo Global sobre Derechos Humanos, el Acuerdo Nacional para el Avance de la Seguridad y la Justicia y la Declaración Internacional sobre el Derecho y Deber de las Personas, Grupos e Instituciones a Promover y Defender los Derechos Humanos y Libertades Universalmente reconocidas.

POR EL DERECHO A DEFENDER DERECHOS HUMANOS. UDEFEGUA

Memorial de la Comunidad La Primavera, Municipio San Cristóbal, Alta Verapaz

San Cristóbal, Alta Verapaz, 12 de Enero de 2012

A Señores Autoridades; Derechos Humanos; Fondo de Tierras; Secretaria Agraria; Registro Catastral; Gobernación; Autoridades internacionales. Hacemos constar;

Nosotros, las más de 400 familias miembros de la comunidad La Primavera, mozos colonos Pocomchies que llevamos más de 100 años de habitar y trabajar para la familia Azurdía Saravia y Azurdía Poole y que mantenemos la posesión del terreno nacional, de la comunidad La Primavera, por no tener donde vivir.

Este conflicto inicio su proceso de negociación en el año 2000, por la vía de acceso y/o vía de compra a través del Fondo de Tierra y en la mesa de negociaciones que fue creada en el año 2000 en Purulhá, Baja Verapaz. Integrada en ese entonces por MINUGUA, PDH, FONTIERRAS, UTJ, Pastoral Social y la UVOC; con el expediente Exp. 867 Comunidad La Primavera de San Cristóbal Verapaz. Representantes de CONTIERRA informaron que este caso lo trataría la mal llamada Comisión de Alto Impacto, aunque no se tuvo información específica por parte de la Comisión.

Después de muchas luchas se logró expulsar de la finca al señor José Porres quién estaba talando el bosque de pino, aduciendo que era el dueño de la propiedad, lo cual era falso porque la comunidad mantenía comunicación con las verdaderas dueñas. Los integrantes de la mesa manifestaron que el grupo no podríamos ser desalojados, debido a que existían, problemas de registro e intestado y que los dueños tendrían que solventar ciertos requisitos legales, para continuar con la negociación y además deberían solventar lo relacionado a prestaciones y nuestro derecho laboral. Por su parte nuestra comunidad cumplió con la documentación solicitada por e Fondo de Tierras.

Durante el proceso de negociación se promovió una orden de desalojo por parte del señor José Porres, pero con el apoyo del párroco de San Cristóbal Alta Verapaz, Padre Enio, se contrató los servicios de un abogado para presentar un amparo del que fue aceptado y desde entonces se tiene suspendido el desalojo mientras se ventila en los tribunales, la situación legal que impedía a las familias Azurdía y al Fondo de Tierras negociar la finca para los campesinos. También en ese tiempo denunciarnos que existía gente que estaban siendo pagados por el señor José Porres que está desestabilizando a nuestra comunidad.

Se nos manifestó en la mesa de negociación que era urgente que los dueños solventaran sus problemas legales para solucionar la situación de la tierra y que al menos se debía esperar 10 años. **Ahora ya hemos cumplido estos 10 largos años de espera. Por lo anteriormente expuesto, denunciamos:**

Los abusos de personas enviadas supuestamente por parte de la empresa **Maderas Filitz Díaz S.A.**, siendo estos señores Sebastián Ical Xona, Saúl Sosa, juntamente con otras personas andan amenazando con desalojarnos a las 400 familias que nacimos aquí y que por años hemos estado cuidando el bosque de la finca y también reforestamos la parte que el anterior administrador José Porres deforestó. Hemos denunciado en la municipalidad de la Villa de San Cristóbal Verapaz, del Departamento de Alta Verapaz (Acta numero 24-2009) ante el Encargado de la oficina Municipal de Medio Ambiente, las talas ilícitas que personas ajenas a la finca Primavera hacen y como esta acta podríamos enumerar actividades de mantenimiento al bosque que actualmente quiere talar esta empresa sin que se nos haya reconocido nuestro derecho laboral.

También hacemos constar que hemos sido amenazados varias veces de desalojo por la familia Azurdía y por grupos de otros departamentos que han sido contratados por estas personas.

En las últimas semanas hemos recibido **amenazas verbales y físicas de Sebastián Ical Xona, Saul Sosa y miembros de la seguridad privada fuertemente armados** que supuestamente trabajan para la empresa Madera Filitz Díaz. Desde la fecha del **19 de diciembre del año 2011**, varias veces hemos observado gente armada andando en carro enfrente de las casas que se ubican a lado de la carretera. El **30 de diciembre** hubo una confrontación en que la seguridad privada armada de la empresa **Maderas Filitz Díaz, Sociedad Anónima** dirigida por Sebastián Ical Xona nos intimidaron con sus armas, nos insultaron verbalmente y nos acusaron de robar café del terreno de la empresa que en realidad es de nosotros.

Esta amenaza fue denunciada el 04 de enero de este año en el Ministerio Público de Cobán (MP255-2012-72).

Asimismo el **04 de enero** de este año 2012, regresamos a cosechar nuestro café del mismo terreno y un compañero miembro de nuestra comunidad **fue sacado de manera violenta y a punto de pistola** del terreno por la seguridad privada y exigiéndole que no regresara. Esta amenaza fue denunciada en el Juzgado de Paz en San Cristóbal Alta Verapaz el mismo día.

La confrontación mas reciente pasó el **6 de enero** cuando encontramos 15 miembros de la seguridad de la empresa **cortando el café de nuestro terreno**. Logramos detener cuatro de ellos incluyendo Sebastián Ical Xona hasta que la policía llevo y les llevaron a la estación de policía para encarcelarlos, pero lamentablemente hoy continúan libres. Denunciamos esta provocación al día siguiente en el Juzgado de Paz de San Cristóbal y hemos hablado con el comisario de policía de Alta Verapaz conjunto con la representante de la Secretaria de Asuntos Agrarios para que ellos se comprometan hacer presencia en nuestra comunidad y promover nuestra seguridad.

Informamos que este caso se sigue llevando en la mesa de negociación de Alta Verapaz y en la mesa de alto nivel en la capital en donde participan las instituciones del Estado responsables de velar por la solución de la conflictividad agraria. Ahora que ya no hay ningún obstáculo legal viene esta familia a romper la promesa de vender la finca a los campesinos vía Fondo de Tierras.

En esta negociación podemos mencionar como testigos de honor a la pastoral social.

Por lo tanto solicitamos:

- A las autoridades girar a donde corresponda este memorial para darle una pronta solución a nuestro problema y evitar que se nos siga amenazando de manera violenta.

- Que el Ministerio Público y Juzgado de Paz investiguen las denuncias puestas y se nos brinde seguridad.

Llamar al señor Sebastián Ical Xona, Saúl Sosa y el representante legal de la empresa; Gunter Filitz Folgar para que se presenten ante las autoridades para deducir responsabilidades sobre la coacción hacia los comunitarios.

- Respetar la vía pacífica que hemos tomado por diálogo con las autoridades y evitar que ocurra algún hecho violento que pueda lamentarse.

Queremos tener paz.

Señor gobierno ya esperamos con mucha paciencia 10 años entonces le exigimos la pronta solución de nuestro problema.

PBI GUATEMALA NO SE IDENTIFICA NECESARIAMENTE CON LAS OPINIONES Y CONTENIDO DE LOS ARTÍCULOS Y COMUNICADOS REPRODUCIDOS. LAS NOTAS DE COYUNTURA DEL APARTADO 1 NO SON COPIA LITERAL DE LAS FUENTES CONSULTADAS: SE HA SIMPLIFICADO LA REDACCIÓN Y SINTETIZADO EL CONTENIDO DE LOS ARTÍCULOS ORIGINALES.

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