

PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. CURRENT NEWS
2. PBI GUATEMALA ACTIVITIES: 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. PBI GUATEMALA ACTIVITIES: OUTSIDE GUATEMALA
4. NON-GOVERNMENTAL ORGANISATIONS

1. CURRENT NEWS

IMPUNITY

Constitutional Court announces that the case of the extrajudicial execution of Efraín Bámaca should be dismissed

Guatemala, 01.03.2013 (EP).- March 22nd marked two years since Jennifer Harbury brought charges against General Otto Pérez Molina, the now Guatemalan President and Captain César Corzantes Alvara for the extrajudicial killing of her husband, Efraín Ciriaco Bámaca Velásquez –aka comandante Everado, while he was leading one of the guerilla groups in 1992. The Constitutional Court announced that the case should be dismissed.

In January 2012, the First Court A for High Risk Cases, headed by judge Carol Patricia Flores, resolved that there were no valid legal arguments to continue the case; this resolution was challenged by Harbury's legal representatives.

In the year 2000, the Inter-American Court of Human Rights determined that the Guatemalan State should investigate the extrajudicial execution of Bámaca and bring charges against those legally responsible. In 2010, the court required that the State fulfill this pending obligation, among others.

Resolution pending on transfer of one of the convicted killers of Geradi to maximum security prison

Guatemala, 18.03.2013 (EP, PL).- Army Captain Byron Lima Oliva is serving a 20 year prison sentence for the murder of Bishop Juan Geradi (in 1998). In February 2013 the Public Prosecutor's Office made the urgent request for the transfer of the prisoner to a maximum security prison after information came to light concerning the privileges that the prisoner was enjoying at the Pavoncito detention centre. The minister of the Interior, Mauricio López Bonilla, responded that he has instructed that an area for solitary detention be prepared in the maximum security prison Fraijanes I. Nevertheless, as of the month of March various legal appeals have prevented the Second Execution Court to resolve the transfer of the prisoner.

In March, the Court requested that the head of the Penitentiary System Agency (DGSP), Édgar Camargo, supplement the reasons why he recommended that Lima Oliva remain in the Pavoncito prison for rest of his sentence. Camargo had presented a note which recommended the judge no grant permission for the prison transfer "for security reasons." For its part, the National Forensic Science Institute (INACIF) produced a report on the prisoner's health stating that he was suffering from various ailments. Judge Javier Sotomora will analyse both the note and the report to make his decision on the requested transfer to Fraijanes I.

In July 2012, another of the condemned for Bishop Geradi's murder, Colonel Byron Lima Estrada – father of Captain Byron Lima Oliva, benefited from early release.

Fifty witnesses have already been presented in the trial of retired military officers accused of genocide

Guatemala, 03.26.2013 (EP). - The testimonies of relatives of victims who suffered serious human rights violations between 1982 and 1983, were heard on March 25 during the fifth hearing of the trial which is pending against two former military, José Efraín Ríos Montt (ex de facto head of state) and Mauricio Rodríguez Sánchez (former head of Military Intelligence). They are accused of the crime of genocide and crimes against humanity.

The people who testified told how the soldiers came to their villages to annihilate the population. Francisco Pablo said that on April 15, 1982 soldiers surrounded the village of San Joaquín Chel, in the municipality of San Gaspar Chajul (El Quiché), shot all villagers and then burned the houses. Among those killed were his sister and her seven year old son. Elena Cabá Hom, who also lent her

testimony, said that as a 9 year old girl in the same village, she was forced by soldiers to undress and was pushed the Rio Grande. She went on to explain that the adults were killed with machetes before being thrown the river while the children were pushed in while they were still alive.

LAND

Qeqch'ies Communities evicted from the Polochic Valley in 2011 demanding land allocation

Guatemala, 18.03.2013 (AC). - Approximately 300 Qeqch'ies families demanded that the Government follow through on President Otto Perez Molina's promise to award them land legally in the Polochic Valley, Alta Verapaz. The president made this promise in March 2011 after the communities were violently evicted from their communities. A year ago, in the context of the Popular Indigenous and Campesino March, Perez Molina signed a public document, in which he committed to giving land to families displaced from the Polochic.

According to information from the Campaign Vamos al Grano-GROWING, the families staged a protest in the historical centre of Guatemala City. During this protest they publically denounced, among other things, the criminalization of their struggle to recover their land. Meanwhile, the Centre for Ixim Rural Studies revealed that Aguas Calientes, one of the communities evicted in 2011, suffers from rates of chronic malnutrition in children 25 points above the national average. The Centre for Justice and International Law (CEJIL) reported on the inequality and extreme poverty that affects these communities in a hearing before the Inter-American Commission on Human Rights (IACHR) during its 147th Period of Sessions on March 15 in Washington, United States.

NEGATIVE EFFECTS OF GLOBALISATION

Constitutional Court overrules appeal brought against the Mining Act

Guatemala, 01.03.2013 (SV). - The judges of the Constitutional Court (CC) resolved to overrule the constitutional appeal against the Mining Act submitted by the Council of Mayan Peoples of the West in March 2012. The Peoples Council had argued that there was a mistake in the to be approved Mining Law, as there was no consultation with communities done during its drafting, as required by Convention 169 of the International Labour Organization (ILO). Although the resolution of the CC dismissed the appeal, the resolution does made reference to Congress' obligation to pass legislation to regularise community consultations. "We will the State responsible for any resulting social unrest that is generated by this resolution," said Francisco Mateo -member of the Council of Mayan Peoples of the West, in relation to the ruling. He also announced that the Council is bringing this to the attention of the IACHR to "officially denounce the denial of justice."

Canadian court begins trial against HudBay mining company, accused of serious crimes in Guatemala

Guatemala, 05.03.2013 (PL). - A court in Toronto, Canada has begun the trial against the mining company HudBay, to determine its responsibility in a murder and the assault of indigenous Mayans in El Estor, Izabal. The lawsuit was filed by Angelica Choc, widow of Adolfo Ich, killed in 2009. Guards of the Fénix mine, owned by Hudbay, are accused of this crime. Choc's lawyer, Murray Klippenstein, said it is the first time that a Canadian court has accepted a claim against a company in Canada for alleged human rights abuses arising from their activities abroad.

In related news the Centre for Environmental Law and Social Action (CALAS) will present an official complaint both in Canada and the United States against transnational Tahoe Resources, responsible for the mining project El Escobal, which operates in San Rafael Las Flores, Santa Rosa. In 2012 CALAS also made an official complaint against the mining company at the Public Prosecutor's Office for the dumping of waste into the Escobal stream and the Los Esclavos river.

Serious attacks against popular leaders and indigenous authorities in the east of the country raise concerns

Guatemala, 19.03.2013 (AC). - The Eastern Coordinator of Popular, Indigenous, Church, Union and Campesino Organisations (COPIISCO) expressed great concern over the murder and kidnapping of leaders and local authorities in both the Xinka and Chortí territories. The leaders have been demanding respect and compliance with regards to their individual and collective human rights. The COPIISCO issued a statement lamenting the murder of Carlos Hernandez on March 8, in Chiquimula, and the kidnapping of four Xinka local authorities from Santa Maria Xalapán, Jalapa, which resulted in the murder of one of the four, Marcos Exactación Ucelo.

The COPIISCO has demanded the government to cease the stigmatisation of their people, leaders and indigenous authorities through malicious slander whose aim is only to encourage violence against them as a means to protect private interests which have been encroaching upon their territory.

Sources: El Periódico (EP), Prensa Libre (PL), Siglo Veintiuno (SV) and Agencia CERIGUA (AC)

2. PBI-GUATEMALA ACTIVITIES: IN GUATEMALA

Team: Aline Herrera (Switzerland/Mexico), Kristel Best Urday (Peru), Valdivia Moutawali (Netherlands), Raquel Rojo Diez (Spain), Johannes Stiebitz (Germany), Stephen Bradford (United States), Daniel Butler (United Kingdom), Melanie Rücker (Germany) and Valentina Capriotti (Italy)

2.1. MEETINGS WITH DIPLOMATIC CORPS AND GUATEMALAN AUTHORITIES

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

Diplomatic corps and other international entities in Guatemala:

- Thomas Schaefer, German Ambassador, Guatemala City, Guatemala.
- Grupo Filtro, Embassies of Member States of the European Union (EU), Guatemala City, Guatemala
- Emilie Daniel, Responsible for Cooperation and Cultural Action, French Embassy, Guatemala City, Guatemala.

Guatemalan Authorities:

- Benjamin Torres, Governor, Department of Chiquimula.
- Geovani Byron Gonzalez, Mayor of Camotán, Chiquimula.
- Daniel Portillo, Assistant, Human Rights Ombudsman's Office (PDH), Chiquimula.
- Fernando Bracamonte, Mayor of San Juan Sacatepequez.
- Oscar Xiloj Mox, Second Officer of the Directorate General of the National Civil Police, Guatemala City, Guatemala.

Meetings held last month, February 2013 (not included in the previous issue, MIP No. 113):

- Onofre Carrillo, Presidential Human Rights Commission (COPREDEH), Santa Cruz del Quiche, Quiche.
- Francisco Reyes Lopez, Mayor, City of Santa Cruz del Quiche, Quiche.
- Ricardo Raul Rodriguez, Assistant, Human Rights Ombudsman's Office (PDH), Santa Cruz del Quiche, Quiche.
- Pedro Raymundo Cobo, Mayor, City of Nebaj, Quiché.
- Enrique Perez, Assistant, Human Rights Ombudsman's Office (PDH), Nebaj, Quiché.
- Daniel Tucux, Advisor, Government department, Santa Cruz del Quiche, Quiche.
- Leonardo Sarat, Mayor, Municipality of Cunén, Quiché.

2.2 MEETINGS WITH CIVIL SOCIETY ORGANISATIONS

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

Guatemalan Civil Society:

- Marco Antonio Canteo, Director, Institute for Comparative Studies in Criminal Sciences of Guatemala, Guatemala City, Guatemala.
- Jorge Grijalva, Member, Madre Selva, Guatemala City, Guatemala.
- Sandino Asturias, Director, Guatemala Research Centre (CEG), Guatemala City, Guatemala.

International social organisations and agencies:

- Coordination of International Accompaniment in Guatemala (ACOGUATE), Guatemala City, Guatemala.
- Martin Willaume, Coordinator, PBI France (during visit to the country), Guatemala City, Guatemala.
- Several representatives, Spanish Agency for International Cooperation for Development (AECID), Presentation of the Country Partnership Framework, Guatemala City, Guatemala.

2.3 ACCOMPANIMENT

In reaction to the murder of Carlos Hernandez, human rights defender previously accompanied by PBI

On March 8th we received news of the brutal murder at gunpoint of Carlos Hernandez. Carlos was a member of the National Union of Health Workers of Guatemala, the National Front for the Defence of Public Services and Natural Resources (FNL), the Eastern Coordinator of Popular, Indigenous, Church, Union and Campesino Organisations (COPIISCO), the Camoteca Campesina Association (in Chiquimula, Camotán) and was a representative of workers' organisations in the Chiquimula Departmental Council of Urban and Rural Development (CODEDE).

PBI Guatemala accompanied the Camoteca Campesina Association between 2009 and 2012. During this time we met and accompanied Carlos Hernandez on multiple occasions as he, like other members of the association, was suffering all manner of attacks and threats, including legal charges because of his commitment to and defence of life, the environment, health and natural resources.

We hope this terrible event is investigated immediately and that those responsible are brought to justice so that this crime does not go unpunished. We also hope that this violence that so seriously impact the Guatemalan people may one day finally end too. At the same time, we express our great concern for the on-going attacks and threats to social organisations and human rights defenders in this particular region, and others, in Guatemala.

Finally, we call on the international community to take the measures it deems appropriate to ensure the effective protection of human rights defenders in Guatemala, especially those who like Carlos Hernandez, suffered threats for their commitment to economic and social rights.

National Coordinator of Guatemalan Widows, CONAVIGUA.

During this month we have been in constant contact with members of CONAVIGUA through meetings, visits to their office in the capital and also communication by telephone. On March 6th we observed a meeting in Guatemala City in which members of CONAVIGUA discussed and debated proposals on advocacy strategies with state agencies regarding the proposed Indigenous Peoples and Mining legislation. The members emphasised in particular the State's obligation to guarantee the right to consultation of indigenous peoples.

Background: In its pursuit of justice, dignity and the recovery of Guatemala's historical memory, CONAVIGUA carries out exhumations and inhumations of the remains of victims of the internal armed conflict in different departments throughout Guatemala, above all in Quiché, Chimaltenango and the Verapaces. These processes provoke very tense situations in rural communities where victims and perpetrators live side by side, occasionally resulting in threats aimed at stopping the work of the organisation and its members. CONAVIGUA was founded by women who were widowed by the war, although today men also participate in the organisation. We have accompanied the association since August 2003, visiting its office and joining its members on journeys to regions where the association is currently developing its 'Justice and Dignity' programme. In recent years CONAVIGUA has experienced several critical security issues, including death threats received by members in 2010. Analysis of the risks and security incidents faced by the association today suggests its work fighting impunity, and the security of its members, should continue to be monitored.

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

In March we maintained regular contact with the APMG and its members through phone calls, visits, meetings, observation of activities, and physical accompaniment in the eastern part of the country.

On March 1st we were observers of the march for the defence of the right to water and also COPIISCO's fourth General Assembly in the village of La Trementina, Zacapa.

On March 4th, we were also observers at the second meeting held on the improvement of the Granadillas aqueduct in the State Offices in the department of Zacapa. The aqueduct was built in 1979 to increase access to water for families living in several mountain communities. Currently, access to water is limited due to opposition of several finqueros who believe that their property is being affected negatively by granting "right of access" to the water. During the meeting the finqueros' proposal was discussed: they offered to respect the right of access to water under the condition that the villagers of La Trementina remove the poles they placed in the road to prevent the passage of heavy trucks transporting lumber taken from the mountain. The community delegates present explained placing the posts was a measure taken to defend against the deforestation of the mountain and that there would be no objections to removing the posts provided that the large farm owners commit to not to transport any wood from the mountain on any of the roads. The community delegates went on to clarify that La Trementina is not opposed to development projects and social programs and that they are only defending their right to protect the mountain area.

On March 21, we accompanied the Reverend José Pilar Álvarez in his meeting with the Filter Group on Human Rights of the European Union., where the reverend outlined is the environmental and territorial problems being faced by Granadillas Mountain and also presented the proposal to declare the area as part of a protected reserve. He also laid out their need of protection in face of the increasingly constant attacks against human rights defenders in that area. In this regard, PBI highlighted our concerns about the murder of Carlos Hernandez, human rights defender and trade unionist, and suggested proposals for the implementation of the EU guidelines for the protection of human rights defenders.

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, including illegal logging, monoculture, deforestation, large-scale cattle farming and the diversion of water sources. Since its foundation, the organisation has been supported by the Lutheran Church in Guatemala (ILUGUA), led in the region by Reverend José Pilar Álvarez Cabrera, and the Madre Selva Collective. It works in alliance with various organisations and collectives in the region. One of APMG's goals is to have the mountain designated a protected area. In March 2012, the National Council for Protected Areas (CONAP)

presented a proposal declaring the area protected. However, existing economic interests in the land have made APMG's work dangerous, and its members have faced diverse types of persecution and threats, including legal proceedings, which were later dismissed. These events began after they denounced the illegal logging trade and started, with the population of the La Trementina community, a process of permanently monitoring the 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 the Association has participated in with public authorities and private actors, in order to promote the defence of economic, social and cultural rights in Zacapa and the region. One of the most serious security issues of recent years took place in 2010, when José Pilar Álvarez experienced death threats, defamations, prosecution and was taken into police custody in relation to the ongoing conflict with Juan José Olavarrueth, owner of the mountain's Tachoró estate. The Association and several members of the La Trementina community have been portrayed negatively by Zacapa's public authorities. Indeed, since April 2012, legal charges have been brought by the Governor of the department, Carolina Orellana, against three members of APMG for acts of protest against deforestation. The Technology Corridor megaproject, soil and food production issues, and the exploitation of natural resources (communities are neither informed of nor consulted on the latter) are key concerns for APMG and feature prominently in the collaborative work they conduct with other collectives and communities in the region today.

Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ.

During the month of March we have maintained constant communication with members of the association, through phone calls and our presence in Jalapa, where the association's office is located. Their concerns include the high level of insecurity and violence against human rights defenders throughout the region.

On March 8th we observed by the International Women's Day March in Guatemala City, in which members of AMISMAXAJ participated as part of the Women's Sector collective.

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. Since our accompaniment of AMISMAXAJ began in July 2009, the organisation has strived to improve political and feminist education in the region. Indeed they now have their own school in which to do so. Various members of the organisation were subjected to grave death threats in 2009 and 2010, due to the work that they carry out. Based on security incidents in the past, risks faced today and the security situation of its members, the Association's work combating the infringement of women's rights, and those of indigenous people and DESCAs, should continue to be monitored.

'New Day' Chortí Campesino Central Coordinator, CCCCND.

In March we held a constant physical presence in Chiquimula and constant communication with members of the organisation. On March 8th, a community referendum was held in the community of Las Flores in the municipality of Jocotán on the parceling of land, either community-held or individual. During the referendum the CCCCND received news of the murder of Carlos Hernandez (see the beginning of section 2.3. Accompaniment).

PBI was also present in Chiquimula accompanying CCCCND members and the APMG, during which we held meetings with municipal and departmental authorities to express our concern about the vulnerability of human rights defenders in the region.

March 20th and 21 we also provided accompaniment in Jocotán and also held meetings with members of the CCCCND in Guatemala City.

Background: 'New Day' Chortí Campesino Central Coordinator is part of the Agrarian Platform, working in several municipalities in East Guatemala (including Jocotán, Chiquimula, Camotán, 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 organisations in the region. In 2006, New Day became aware of the planned construction of 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 these, and other development projects planned for the region, may have. They carried out this work in relation to the project initially known as 'Dry Canal', then the 'Technological Corridor', and most recently as the 'Interoceanic Corridor of Guatemala' (ICG), which is intended to link the Atlantic and Pacific coasts of Guatemala. This in turn forms one part of the most ambitious regional plans produced under the Mesoamerican Project (successor of the Plan Puebla-Panama, PPP). Members of New Day say the lack of information provision to, and consultation of, Chiquimula's communities by public institutions is a constant source of conflict. Community authorities have therefore been present at meetings and discussions with the Guatemalan firm, Las Tres Niñas S.A., which seeks to implement the El Orégano hydroelectric plant project. They have highlighted the need to consult local inhabitants before implementing

megaprojects in the area. In 2012, in addition to the court summons issued to community members of Las Flores, Jocotán, the firm has sent several letters to various organisations and international community actors in Guatemala, portraying community actors and the social organisations that work in the area in a negative light.

PBI has accompanied New Day since 2009. Several members of the association have received threats and attacks, including death threats and intimidatory acts, as a result of their work with the communities.

12 Communities of San Juan Sacatepéquez

During the month of March kept in constant contact with members of the 12 Communities of San Juan Sacatepéquez.

On March 12, we held a meeting with Fernando Bracamonte Marquez, mayor of San Juan Sacatepéquez, and clarified what PBI's work entails. We also clarified PBI's role in relation to our accompaniment role in communities and in relation to our activities as international observers, in particular our observation on January 24th in San Antonio the Trojes. (See PIM # 112 and 113, in February and March 2013, respectively).

Background: In 12 Maya Kaqchikel communities in the municipality of San Juan Sacatepéquez, organised residents participate in processes related to the defence of territory and natural resources in the region. Since 2006, the Guatemalan company Cementos Progreso S.A. has been pushing on with the San Juan project, which includes the construction of a factory and a quarry in the San Gabriel Buena Vista estate where the villages of Cruz Blanca, Santa Fe Ocaña, El Pilar I and II, Los Pajoques, and San Antonio Las Trojes I and II are located. Until December 2012 Cementos Progreso had an 80% share in the project which included the construction of this factory, and the remaining 20% belonged to the to the Swiss multinational company, Holcim. However, the Swiss multinational company sold its share in December 2012, and from then on Cementos Progreso holds 100% of the investment on this project.

On 13 May 2007, without the support of the municipality, the communities of San Juan Sacatepéquez carried out a community consultation on the factory's installation. 8,950 people participated, of which 8,946 voted against and four in favour of the factory. The dialogue process, which involved various Guatemalan authorities and public institutions, concluded without offering any means of resolving the conflict. For more than six years, the 12 communities resisting the San Juan Sacatepéquez project have made numerous complaints about human rights abuses, threats and, in particular, a criminalisation campaign against them, which has maintained its intensity in 2012. Their key demands continue to be the permanent withdrawal of the army from the communities; and compliance with their rights under national and international law.

Council of Cunén Communities, CCC

In March maintained telephone contact with members of the Community Council of Cunén. Among their current concerns, the Council highlighted the present pressure on communities in the region to allow easy passage of the Rural Electrification Plan (PER).

Background: On 14 January 2009, the communities of the Cunén municipality, department of Quiché, held a meeting to initiate a process that would better defend their territory, natural resources and human rights. At this meeting, the CCC was formed. It consists of 22 directly elected members from eight micro-regions of Cunén. One of the main focuses of the Council's work is the defence of their land and natural resources. In October 2009, they organised a community consultation on mining and hydroelectric exploitation and 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, and in following up with the community consultation.

Guatemalan Human Rights Defenders Protection Unit (UDEFEFUGA)

During this month, we have maintained regular office visits, frequent telephone contact and met with its members in the capital. Faced with the recent threats and attacks against human rights defenders the Convergence for Human Rights, a platform that UDEFEFUGA is part of, has released a statement demanding that the Guatemalan government to create a Human Rights Defenders Program and also called on the strengthening of the Instancia de Análisis de Ataques a Defensores de Derechos Humanos. They also asked that the government address seriously and the right to consultation and also free, prior and informed consent.

Background: The Human Rights Defenders Protection Unit (UDEFEFUGA) was founded in 2004 to promote the security of human rights defenders in Guatemala and helps protect the political space in which they work. The Unit's programmes support threatened human rights defenders and their organisations and advise them about preventing and responding to threats and attacks, through information, training, monitoring and psychological support. UDEFEFUGA also lobbies for the protection of human rights defenders by government institutions and the international community. For many years PBI has maintained a close collaborative relationship with UDEFEFUGA and in 2007 had already offered to provide the Unit with international accompaniment following a period of threats. After the Unit reported threats to the Public Prosecutor's Office (MP) in May 2009, PBI reactivated its accompaniment. Since then, UDEFEFUGA has reported some critical security situations, highlighting an illegal raid on one of its member's homes and tampering with the vehicle of one of its members in March 2010. We continue our regular visits to UDEFEFUGA's office, carry out periodic meetings with its staff, and accompany them on visits to various Departments in the

country. The visits allow the Unit to develop its work and strengthen its analyses by investigating and verifying reports of attacks on human rights defenders.

Verapaz Union of Campesino Organisations, UVOC.

In March maintained contact with UVOC members by telephone and also met regularly for office visits both in the capital and also in Santa Cruz, Alta Verapaz.

On March 14th we accompany Jorge Luis Morales, UVOC attorney, to the First District Criminal Court in Coban, where the court heard the first statements of five people from the community of La Primavera, San Cristobal (Alta Verapaz). The five were accused of having cause minor injuries and illegal detention in a complaint filed by the company Ecotierras. Although they had presented themselves to testify, all five were arrested at the entrance of the court by officers from the Special Criminal Investigation Division (CISD) and taken to the police station No. 51 of Coban. Although Mr. Morales requested information at the police station, he was not provided the whereabouts of those detained, and therefore was not able to ensure constant communication with his clients.

UVOC is also similarly concerned about the tense situation in San Miguel Cotoxjá, El Estor (Izabal), located in the Valley of the Polochic, where the population is under constant pressure and threats to leave the land on which it is living¹.

Background: UVOC is an indigenous and campesino organisation which focuses on defending and enabling access to land for campesino people in the departments of Alta and Baja Verapaz. Amongst other activities, UVOC offers advice to numerous rural communities on land ownership, accompanies communities on activities involving the protection of their land, and participates in formal discussions on related matters. The organisation ensures these discussions are tailored carefully, to squarely confront the well-documented land disputes and agrarian conflict in the region. PBI has accompanied UVOC since 2005, after its members experienced serious threats and intimidatory acts. Carlos Morales, UVOC coordinator, and members of communities which form part of the Union have been subjected to death threats, and various forms of intimidation and persecution, on several occasions. In addition to the Rural Development Law, UVOC publically demands an end to evictions and violence in the region, led by State and non-governmental actors. The Union monitors agrarian issues, and has warned of a deteriorating situation in many localities since the beginning of 2012. In February 2012, PBI drew the international community's attention to concerns about the atmosphere UVOC has to conduct its work in. Threats are made to its members and several communities the organisation accompanies and supports in the region, in particular the community of La Primavera (in the municipality of San Cristóbal, Alta Verapaz) and San Miguel Cotoxaj (on the municipal and departmental border of Panzós, Alta Verapaz, and El Estor, Izabal).

Human rights lawyer Édgar Pérez Archila.

We continue to intensively accompany the lawyer Edgar Perez, during the intense work that he and the Human Rights Law Firm are currently involved with. We held regular meetings with him, in the context of his frequent visits to the firm. As of March 19th, the physical accompaniment has been almost daily and constant. We have been observing all the public court hearings for the genocide trial².

Oral arguments begin in the trial for genocide and crimes against humanity committed against the Ixil people in the 1980s

Edgar Perez and the Centre for Human Rights Legal Action (CALDH) are representing the plaintiffs in the trial for genocide³.

On March 19, in the Higher Risk A Trial Court, chaired by Judge Jasmin Barrios and composed of judges Paul Xitumul and Patricia Bustamante, started hearing oral arguments in the public trial for genocide and crimes against humanity committed against the Ixil people between 1982 and 1983. The defendants are Jose Efrain Rios Montt, the de facto head of state during that period, and Jose Mauricio Rodriguez Sanchez, then head of military intelligence. Public Prosecutor's Office has joined both plaintiff and their legal counsel saying the accused have responsibility for the estimated 1,771 people killed by the army and the more than 29,000 people displaced by the army's operations in Nebaj, Chajul and Cotzal.

Edgar Perez, the firm and all the other persons and entities that are making possible this trial, are involved in a key process of seeking justice, knowledge of truth, reparation and guarantees to prevent the repetition of crimes such as those now in the court. The **careful attention and monitoring** of the development of this process by the international community is vital, because knowing the truth and demanding justice for such crimes is in the interest of all of humanity, and contributes to the protection of persons and organisations that promote these processes in Guatemala.

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. Pérez and his legal team work on proceedings related to massacres committed during the internal armed conflict and other cases of past and current human rights violations. We accompany him because of the trials' importance in the fight against impunity and the fact Pérez has experienced various security incidents in recent years.

1 These events are part of a context and background described in previous publications of PBI (MIP Bulletins 2011 and 2012 and several alerts issued in recent years). The web site is located at: http://www.pbi-guatemala.org/field-projects/pbi-guatemala/publications/?no_cache=1&L=0

2 Find a daily summary of the hearings, and related news, on the website of the Centre for Human Rights Legal Action (CALDH): <http://www.caldh.org/>

3 Find an interview with the president of the Association for Justice and Reconciliation (AJR), prosecutor in the trial for genocide, published by ACOGUATE, at the following link: "It is a right to demand justice and truth clarification", 19.03.2013, <http://acoguate.org/2013/03/19/es-un-derecho-exigir-la-justicia-y-aclarar-la-verdad/>

Pérez and his legal practice are involved in legal proceedings related to: the forced disappearance, torture and extrajudicial execution of the guerrilla commander Efraín Bámaca Velásquez in 1992; the massacre of the Las Dos Erres community in 1982; the massacre of the community of Río Negro, Alta Verapaz, in 1982; and the prosecution for genocide that has been pending before a number of Guatemalan tribunals since 2000.

National Police Historical Archive, AHPN.

This month we have maintained frequent contact with members of AHPN through phone calls and meetings. We also continue to regularly visit their facilities.

The AHPN's current work highlights their contribution in the historical clarification and seeking of justice in Guatemala after the serious human rights violations that took place during the internal armed conflict by making publicly available documentation that can attest to the facts and circumstances during that period. One indicator of the importance of their work are the continuous requests for documentation that the Public Prosecutor's Office (MP) and from survivors of human rights violations or their relatives or legal representatives. They are often looking for information that helps show how such violations took place. In the first quarter of 2013, the AHPN has provided 3,501 documents to the MP and 840 documents to survivors and relatives of victims of human rights violations, in response to requests for information.

Background: The AHPN was discovered by chance in 2005, by staff of the Human Rights Ombudsman's Office (PDH), when they carried out preventative procedures relating to the storage of explosives in Guatemalan public security force buildings. In a building in Zone 6 of the capital (built during the internal armed conflict to house the National Police (PN) hospital, although never used as such), 80 million documents were discovered, abandoned, piled up and poorly conserved. This is the historical-administrative documentation of the PN, from its creation in 1881 to its closure in 1997. The institution's participation in the commission of human rights violations during the internal armed conflict was documented by the Historical Clarification Commission (CEH). In its report "Guatemala: Memory of Silence", CEH affirms that the PN was an operative body for army intelligence, serving as the facade of the G-2, and acted on its orders in the majority of cases. During the CEH investigation, various state bodies, including the Interior Ministry and the PN itself, repeatedly denied the existence of archives or documentary materials that would assist an investigation into human rights violations. Following the first phase of work headed by the PDH to recover the documentation and then create the conditions necessary to allow public access to it, work since 2010 has centred on the institutionalisation of the Archive, the search for political, legal and administrative certainty, the technical stabilisation of the resource and the initiation of procedures to ensure permanent, public access to its contents.

Today the AHPN forms part of the General Archive of Central America, its title and control is the responsibility of the Guatemalan Ministry of Culture, and it functions exclusively on the basis of donations and funds from international cooperation. The Archive is also a member of the International Coalition of Sites of Conscience, as the building which houses it was used as a clandestine detention centre by the PN during the armed conflict. Well-known Guatemalan human rights activists participate in the direction, coordination and documentation recovery work, and also promote public access to the information it holds. 150 people work on the tasks of conservation, organisation and archival description.

You can get more information in this website: www.ahpn.lib.utexas.edu/

The Communities in Peaceful Resistance; La Puya, San José del Golfo and San Pedro Ayampuc

In March we have maintained frequent contact with the communities in Peaceful Resistance of La Puya, with regular calls and several visits.

On March 2nd, the communities from the towns of San Pedro Ayampuc and San José de Golfo organised under the banner of Northern Front of the Metropolitan Area (FRENAM) and celebrated the "First year of peaceful resistance and non-violent struggle against mining projects." PBI was present during the activity, in which they demanded the authorities to respect their right to consultation and an end to the violation of the rights recognised in the Constitution.

On March 21st we observed the roundtable convened and chaired by the National System for Permanent Dialogue (SNDP) in the village of La Choleña, in the municipality of San Pedro Ayampuc, department of Guatemala. Delegates from the different communities, civil servants from the Ministry of Energy and Mines (MEM) and the PDH all attended under the observation of the OHCHR.

Background: From 2010 residents of San José del Golfo and San Pedro Ayampuc, two municipalities that are located round about 30 kilometres from Guatemala City are leading a pacific resistance to make their disagreement with mining projects in the area evident. The US mining company Kappes, Cassidy & Associates together with their local subsidiaries Exploraciones Mineras de Guatemala S.A. and Servicios Mineros de Centro de America S.A. is promoting these projects. The company has received the authorization to develop the project El Tambor that consists of various licenses, among them that of Progreso VII Derivada. In March 2012 residents decided to block the entrance to the mine and install a protest camp in La Puya where the members of different communities take shifts of 24 hours to prevent the entry of machinery. On 8 th of May at 1am the company attempted to enter 25 trucks with machinery, guarded by 40 patrol cars of the National Civil Police (PNC). As residents were alerted approximately 2.000 people of the surrounding communities united stop the entrance of the machinery pacifically. Kappes, Cassidy & Associates (KCA) has publicly accused the people opposing the project of holding up development. On 23rd of June in San José del Golfo an attack on the life of Yolanda Oqueli, an activist participating in the resistance of La Puya

took place. She was shot from a motorcycle and up to present it has not been possible to extract the bullet. After 4 months away from her community, Yolanda returned to San José del Golfo and has rejoined the activities of the resistance movement. During this time flyers with offensive and defamatory messages have been circulated, directed especially at the women that form part of the resistance. The harassment and aggressions intensified around 24 November 2012, marking one year since the concession of the mining license. According to the mining law, if in the course of a year the exploitation at the site has not begun, the license has to be cancelled. In September 2012 the Guatemalan Human Rights Commission declared the communities of San Pedro Ayampuc and San José del Golfo winners of the Alice Zachmann Human Rights Defenders Award.

2.4 OBSERVATIONS

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



On March 3rd we observed the **Municipal Neighbours Consultation in the village of Los Planes, San Rafael Las Flores, Santa Rosa**. The referendum asked the population of the village if you agree or disagree with mining projects in their municipality. Approximately 150 people from Los Planes participated. The results were that 93.45% voted "no" and 6.55% voted "yes."

On March 8th we observed the **International Women's Day march held in the capital**. It was attended by various social organisations that were demanding respect for the rights of women, while denouncing the various forms of violence against women and proposed alternatives to overcome them.

On March 18th we attended the **presentation of the OHCHR's 2012 Annual Report on the activities of their Guatemala office**. The purpose of the OHCHR focuses on contributing to Guatemalan state's fulfilment of its international obligations with regards to human rights. In the activity, the representative of the OHCHR in Guatemala, Alberto Brunori, presented the findings and conclusions of their monitoring activities on the human rights situation in 2012. The report highlights, among other things: high levels of insecurity, impunity, poverty and malnutrition, discrimination and violence against women, the concern about the situation of indigenous peoples especially with regards to their political, economic, cultural and social rights. Along with this, the OHCHR also expressed concern about the social conflicts arising from the development of mega projects and the persistent attacks on community leaders, trade unionists and human rights defenders.

Photo: Municipal Neighbour's Consultation in the village of Los Planes, municipality of San Rafael Las Flores, Department of Santa Rosa. PBI: 2013.

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 March 21st, PBI Guatemala's European representative participated in a conference in Brussels at the European Parliament entitled "Aid to the private sector? Does it promotes responsible investment: Latin America as a testing ground".

March 29th she held a meeting, also in Brussels, with Gerard Schulting, responsible for Guatemala desk of the European External Action Service (EEAS).

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.

GOBIERNO DE OTTO PEREZ MOLINA SUMA UN PRESO POLÍTICO MÁS EN GUATEMALA COORDINACIÓN Consejo de Pueblos de Occidente (CPO), 15 de marzo de 2013

A las 7:30 de la mañana de hoy viernes 15 de marzo ha sido capturado cuando estaba saliendo de su casa, el compañero **Rubén Herrera, defensor de derechos humanos**, miembro de la coordinación de Alianza por la Defensa de los Recursos Naturales de

Huehuetenango -ADH- del Consejo de Pueblos de Occidente -CPO-. Rubén Herrera fue detenido por la orden emitida en el proceso número 65/2012 del Juzgado de Santa Eulalia de abril de 2012, en que acusa a 23 líderes comunitarios de Barillas por la supuesta quema el día 9 de marzo de ese año de una maquinaria propiedad de la empresa Hidro Santa Cruz, subsidiaria de Ecoener-Hidralia Energía.

Esta orden forma parte del proceso de criminalización de la lucha mantenida por las comunidades de Barillas en contra de las actividades de la empresa española Ecoener-Hidralia Energía en Santa Cruz Barillas. El delito cometido por estas 23 personas perseguidas entre las que está Rubén Herrera, es ser miembros activos de la oposición a las actividades de la hidroeléctrica. En esta misma criminalización, el 2 de mayo se detuvo a 11 líderes más, que después de más de ocho meses de prisión injusta, fueron puestos en libertad al no poderse demostrar ninguno de los delitos que se les achacaba.

Igual pasa con Rubén Herrera y los otros 22 líderes y lideresas con órdenes de captura: no se ha podido comprobar en ningún momento la actuación de los acusados en los hechos que se les imputan. De hecho, el día 15 de noviembre de 2012 el juez decidió la clausura provisional de la causa y fueron liberados Pascual de Pascual Pedro y Esteban Bernabé Gaspar. El juez determinó que no se podía determinar qué hizo cada uno de los acusados en las acciones que se les imputaban. Por lo tanto, requirió al Ministerio Público que durante tres meses debería investigar más a fondo y que presentara acusación en contra de los detenidos si encontraba algún elemento que lo requiriera.

Las razones políticas detrás de esta causa judicial quedaron claras cuando el 23 de julio de 2012, el Ministerio Público intentó ampliar las órdenes de captura contra 10 personas más, todas ellas también dirigentes de la oposición a las actividades de Hidro Santa Cruz. El juez denegó ampliación por lo irregular del procedimiento.

Con la detención de Rubén Herrera a pesar de todas las irregularidades que se han visto en las causas judiciales contra los defensores del territorio de Barillas, queda clara la intención de Ecoener-Hidralia Energía de imponer su presencia en este municipio, donde la población se ha opuesto a sus actividades. Así han demostrado en la cantidad de actividades públicas, marchas, manifiestos y memoriales desplegados por el pueblo de Barillas desde que el 14 de diciembre se quería imponer la firma de un convenio con la Municipalidad.

Exigimos al Juzgado de Santa Eulalia la inmediata libertad de nuestro compañero Rubén Herrera, y que se haga justicia terminando de una vez con este proceso para que la paz retorne a los y las barillenses; y al Ministerio Público que deje de actuar sólo para las empresas extranjeras y empiece a defender los intereses de los guatemaltecos, que es su labor.

COORDINACIÓN Consejo de Pueblos de Occidente (CPO)

<http://consejodepueblosdeoccidente.blogspot.com/>

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