

PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

Guatemala signs up to the International Criminal Court (ICC)

Guatemala, 04.04.2012 (EP).- On 3 April, the Guatemalan government formally ratified the Rome Statute of the ICC, after having bequeathed the instrument of ratification to the United Nations in New York. The acceptance of the ICC means, according to article 1, that the court will have jurisdiction over people accused of crimes such as genocide, crimes against humanity (murder, torture and rape), and crimes of war and aggression. This does not function retroactively, which means it will not be able to hear crimes committed during the internal armed conflict.

Forensic Anthropology Foundation of Guatemala (FAFG) finds skeletons at military installations in Cobán

Guatemala, 20.04.2012 (PL).- FAFG has found 99 skeletons and nine partial skeletons in 15 graves found at the Regional Training Command of Peace Operations, where Military Zone 21 was located, in Cobán, Alta Verapaz. The FAFG team excavated an area of 80 x 30 metres, according to Édgar Alberto Telón del Cid, one of the five anthropologists and 20 excavators working at the site. The majority of skeletons were adult men, some of them found with tied up by their hands and necks, however skeletons of women and minors were also found.

Inter-American Court of Human Rights (IACtHR) hears testimonies

Guatemala, 26.04.2012 (SV). - During its 45th extraordinary period of sessions in Ecuador on 23-27 April, the IACtHR held a hearing in the context of the international lawsuit filed by relatives of victims of human rights violations in Guatemala, legally accompanied by the Myrna Mack Foundation. The analyst Kate Doyle, of the National Security Archive, Washington, was one of the witnesses. Based on documents from the Military Diary and the Historical Archive of the National Police (AHPN), she said, “The army planned the strategy and the police acted as the operational instrument”. She said it was crucial to point out that the Guatemalan state had “hidden information about the internal armed conflict”, and that the information had been discovered by chance with the discovery of the AHPN.

Another witness was Manual Vásquez, of the Public Prosecutor’s Office. He said that the army had not made information available relating to cases of forced disappearance, and that, according to the Ministry of Defence, “this information was burnt”.

Ex-ambassador of Spain in Guatemala testifies on the 1980 burning of the Spanish embassy

Guatemala, 25 & 26.04.2012 (PL).- On 25 April, 32 years after the burning of the Spanish embassy in Guatemala, the then ambassador, Máximo Cajal y López, testified before the Guatemalan courts via video link from the Spanish National Audience in Madrid. His wife, Beatriz de la Iglesia, and a high-ranking official of the Spanish diplomatic corps, Pedro Bermejo, also gave statements in the hearing, which lasted three hours.

Máximo Cajal, 77, explained that 30 campesinos had occupied the embassy as a protest against the repression they were suffering in Quiché. He tried to negotiate with the authorities to avoid a tragedy but without receiving a reply. The police arrived armed with hatchets, revolvers and sub-machine guns. In his opinion, the fire could not have been caused by Molotov cocktails carried by the campesinos, because the victims were burnt from the waist up, and there were shots fired. He said the government at the time – under the presidency of Romeo Lucas García (now deceased) – did not try to save the lives of the 37 people who were burnt to death when the embassy was burnt on 31 January 1980. “When the police took me to a van and detained me for some 20 minutes, I could hear the screams of the victims as they were burning and nobody helped them, they did not even let the fire fighters enter,” said Cajal.

LAND

Campesino and indigenous peoples call for fulfilment of promises made by Government and Congress

Guatemala, 16.04.2012 (AC). - Leaders of campesino organisations and delegates from the indigenous communities that participated in the Indigenous, Campesino and Popular march, which took place in March, said that the promises the government administration and Congress made them have been only partially fulfilled. They said the Rural Development Law had not been put on the agenda, while a military brigade had been created in San Juan Sacatepéquez.

The campesino leaders plan to meet with representatives of the government, and have announced that if the state institutions again fail to comply with agreements made between the authorities and campesino population after the march, the necessary conditions for the continuation of the dialogue process began then will not be present.

On 20 March, hundreds of campesinos began a 216 kilometre march demanding, basically, a state response to the land conflicts in Polochic Valley, where dozens of families were evicted in 2011; the fulfilment of the protection measures for the families ordered by the Inter-American Commission of Human Rights (IACHR); a legislative bill to declare a moratorium on all mining and hydroelectric projects; attention to and solution of conflicts in the department of Quiché and the Verapaces; as well as the removal of the army in areas of conflict around land and natural resources.

The National Coordination of Campesino Organisations (CNOOC) proposes recognition and legislation of communal property of indigenous peoples

Guatemala, 18.04.2012 (PL). - The National Coordination of Campesino Organisations (CNOOC), during a hearing at the Constitutional Court (CC), gave its arguments for the legislation and recognition of the right of indigenous peoples to communal property. The full session of the CC heard the partial pleas for unconstitutionality submitted by CNOOC in relation to the relevant article of the Civil Code. For this case, the CC asked for technical assistance from the Office of the High Commissioner for Human Rights (OHCHR), represented by Andrés Sánchez. The OHCHR said there were two international regulations to which Guatemala is signatory, and which establish the right demanded by CNOOC: Convention 169 of the International Labour Organisation (ILO), and the jurisprudence of the Inter-American Court of Human Rights (IACtHR). The first establishes collective property, and the second gives elements that support land use by indigenous peoples.

NEGATIVE EFFECTS OF GLOBALISATION

People of San Pedro Ayampuc and San José del Golfo oppose gold extraction activities by mining companies

Guatemala, 11.04.2012 (EP). - Residents of San Pedro Ayampuc and San José del Golfo (department of Guatemala) have been sleeping in front of the entry to the El Tambor mining project (Progreso 7 Derivada), on the border between the two municipalities. Their aim is to prevent the start of gold extraction works by the company Exploraciones Mineras de Guatemala (EXIMGUA), to which the Energy and Mines Ministry (MEM) granted an exploitation licence in 23 November 2011 (the last licence granted by the government of Álvaro Colom). One of the residents' main concerns is the lack of water, for human use and livestock, which will result from the project's planned boring of eight wells. The people also complain that the company built an underground tunnel – as the company's webpage reports – before it had been granted the licence. EXIMGUA is a subsidiary of the Canadian company Radius Gold Group, in association with the US Kappes Cassiday and Associates (KCA), and according to the environmental impact study it can extract up to 456,000 tonnes of gold.

In the context of this conflict, in the early morning of 10 April, a group of around 200 people detained two of the company's private security agents as they prepared to handover the post, and kept them for eight hours. The action, according to one of those present, was meant as a measure to pressurize for a community consultation. Selvin Morales, who acted as director general of MEM until the end of 2010 and who is now president of mining service for EXIMGUA, said the company would begin legal actions before the public prosecutor's office.

Marlin Mine underestimated cost of closing operations – citizens will have to pay shortfall

Guatemala, 19.04.2012 (AC). - The Canadian mining company Goldcorp, which runs the Marlin Mine in San Miguel Ixtahuacán and Sipakapa, San Marcos, has underestimated the real cost of closing its operations in Guatemala by at least \$20 million. According to independent studies, the population will have to assume the remaining costs of environmental and social repairs when the project finishes in 2018. On 26 April, Goldcorp will hold its Annual General Assembly in Ontario, Canada, at which shareholders will be able to vote on a resolution calling for an adequate and fully financed closure plan, according to the Network in Solidarity with the People of Guatemala (NISGUA). NISGUA called on the international community and the citizens of Guatemala to sign an Amnesty International petition, which will be submitted to Goldcorp's shareholders to encourage them to vote in favour of an adequate closure process during the AGM. The petition reports that 99.5% of the people who have participated in community consultation were opposed to the installation of the mine and the percentage of royalties that the mine leaves to the country is 1%.

OTHERS

UN Committee for Civil and Political Rights objects to security strategies Guatemalan government

Guatemala, 21.04.2012 (EP). - In its last report on Guatemala, the UN Human Rights Committee for Civil and Political Rights objected to some of the measures that the Guatemalan government has assumed in order to guarantee citizen security, among them the use of military elements in civil operations and the creation of task forces. "The Committee is concerned about the increase of military presence and joint patrols between the National Civil Police (PNC) and the army," stated the report. Fabian Salvioli, vice president of the UN Human Rights Committee, said the task forces, created by the current government, could not guarantee security "from a human rights perspective, because they respond to a military logic". The Committee said that Guatemala should ensure that

any interventions by the army in PNC actions are carried out according to clear protocols and “with duration and objectives strictly limited”, and also invest more resources in criminal investigation and crime prevention.

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

2. PBI-GUATEMALA ACTIVITIES: IN GUATEMALA

Team: Kathrin Rüegg (Switzerland), María Cayena Abello (Colombia), Francisco Bernal (Colombia), Ilaria Tosello (Italy), Phil Murwill (United Kingdom), Christa Hijkoop (Holland), Lucía Gorosito (Argentina/Spain), Claudia Molina (Argentina).

2.1. MEETINGS WITH DIPLOMATIC CORPS AND GUATEMALAN AUTHORITIES

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

International Authorities and other international entities in Guatemala:

- Manuel Lejarreta, ambassador of Spain, Guatemala City.
- Alberto Brunori, representative of the Office of the United Nations High Commissioner on Human Rights (UNHCHR), Christina Papadopoulou and Viktoria Aberg, UNHCHR human rights officers, Guatemala City.
- Patrick Egloff, adjunct chief of mission, Swedish Embassy, Guatemala City.
- Stella Zervoudaki, ambassador of the European Union (EU) in Guatemala, and Jennifer Echeverría, officer for EU cooperation and human rights programme, Guatemala City.
- Miguel Ángel Encinas, coordinator of the Cooperation Technical Office (OTC) in Guatemala, Spanish Agency for International Cooperation for Development (AECID), Guatemala City.
- David McNaught and Eduardo Smith, chief of mission and political officer, British Embassy, Guatemala City.
- Thomas Schäfer, German ambassador, Guatemala City.
- Steve Seger, adjunct advisor on political and economic affairs, United States Embassy.

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:

- Javier Gurriarán, independent consultant, Guatemala City.
- Fernando Solís, coordinator of El Observador Association. Guatemala City.

International Organisations and Agencies:

- Forum of International Non-governmental Organisations (FONGI).

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA.

During April, we have maintained regular contact with the members of CONAVIGUA, through visits to their offices in the capital, frequent phone calls and meetings.

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 Las Granadillas Mountain, APMG.

In December we observed an APMG community assembly in La Trementina, Zacapa, during which events which happened in the preceding days were discussed: Public authorities had removed some buffers that the community residents had placed to prevent the passage of trucks laden with wood from Las Granadillas Mountain. In the meeting, the residents decided to replace the buffers and recorded the facts in the meetings minutes, highlighting that they would continue to peacefully defend the rights of the mountain communities.

We also observed a press conference in which these events were publicised, with special emphasis put on the willingness and availability of the residents to participate in dialogue with the authorities and the mountain's landowners in order to seek a better coexistence. In this context, we also accompanied APMG to the human rights office of the Public Prosecutor's Office in Guatemala City, where the Association submitted a formal complaint to the Attacks against Human Rights Defenders unit. Three members of the Association have also been accused of public order offences.

A week later, we observed a demonstration outside Zacapa to protest about the situation.

Background: APMG was created in 2003 in Zacapa to protect the ecosystem of Las Granadillas Mountain (the principal source of water and natural diversity in the region) due to diverse threats identified by the local population: illegal logging, monoculture, deforestation, large-scale cattle farming and the diversion of water sources. The organisation is supported by the Lutheran Church in Guatemala (ILUGUA), led in the region by Reverend José Pilar Álvarez Cabrera, and the Madre Selva Collective. One of APMG's goals is to have the mountain designated a protected area. However, existing economic interests in the land have made APMG's work dangerous, and its members have faced diverse types of persecution and threats since they denounced the illegal logging trade and started, with the population of the La Trementina community, a permanent social monitoring process of licences granted and logging carried out on the mountain's private estates. We have accompanied APMG since August 2008 and, since then, have observed the spaces for dialogues in which the Association has participated with public authorities and private actors. At the beginning of 2009 and the end of 2010, the permanent conflicts between the owners of private estates on the mountain and the population of La Trementina and the APMG led to criminal accusations against members of the Association and the community, based on complaints lodged by, among others, Mr Juan José Olaverueth, owner of the Tachoró Estate. In both cases, the accusations were linked to APMG's work promoting the protection of the mountain. Also, in both cases, the cases were thrown out in the first court hearing before the judge. In total nine people have been affected by unfounded criminal accusations (three in 2009 and eight in 2010). José Pilar 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 April Lorena Cabnal, a member of AMISMAXAJ, visited Bolivia to participate in an indigenous peoples' forum focussing on the contribution of community feminism. In collaboration with the Community Feminist Assemblies of Bolivia, the Association organised a talk in Guatemala City about community feminism. At the end of the month we travelled to Jalapa and were present during a women's gathering.

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.

April 2012 saw the opening of hearings relating to the lawsuit against the Guatemalan state, which is accused of violating the right to food. The accusation was made in 2011 by The Campaign for a Guatemala Without Hunger, and the complainants are a number of families from Camotán (Chiquimula). They allege chronic malnutrition in children, and seek to achieve by legal means appropriate measures to guarantee the integral protection of minors.

There is continuing concern about threats reported by community members who have expressed opposition to projects of companies working in the region.

In April we also observed a meeting in the village Las Flores, in which a large number of residents participated.

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.

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

As a result of the activation of PBI Guatemala's support network, due to stigmatisation of the organisation, its members and the communities of San Juan Sacatepéquez, in April we continued meeting with representatives of the diplomatic body and diverse organisations and institutions.

This month a military brigade was installed in San Juan Sacatepéquez, instilling fear in the communities, given that there are still bad memories of the state of prevention in 2008. We were present as international observers in the demonstration by more than 1000 representatives of the municipality's communities, and the subsequent march to the town hall by indigenous authorities of the 12 San Juan communities, supported by the Committee for Campesino Unity (CUC) and the High Plains Campesino Committee (CCD). Their aim was to submit to the mayor a manifesto rejecting the installation of the military brigade. The document was handed to officials, due to the absence of the mayor.

The following day, we accompanied a commission to the town hall, where it met with the mayor, seeking answers to the demands contained in the manifesto.

Background: Q'a molo Q'i San Juan-People of San Juan Unite is an organisation that brings together neighbours from diverse communities in the municipality of San Juan Sacatepéquez, that participate in the struggle to defend territory and natural resources in the region. Since 2006, the Guatemalan company Cementos Progreso S.A. has been working on "project San Juan", which includes the construction of a factory and a quarry in the San Gabriel Buena Vista estate and the villages of San Jose Ocaña and San Antonio Las Trojes I and II. Cementos Progreso has an 80% share in the project, while the remaining 20% belongs to the Swiss multinational company Holcim. On 13 May 2007, without the support of the municipality, the communities of San Juan Sacatepéquez carried out a community consultation on the factory's installation. 8,950 people participated, of which 8,946 voted against and four in favour of the factory. Although the mayor and the municipal council agreed to take into account the results of the consultation prior to the authorisation of any licence for construction, the construction work continued. During more than three years, the residents of San Juan Sacatepéquez have made numerous complaints about human rights abuses and a criminalisation campaign against them. The dialogue process in which various Guatemalan public authorities and institutions have participated has ended without reaching a resolution or transformation of the conflict.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 Cunén Communities.

This month we remained in contact with members of the Council.

Background: The Council was established at the first communities' assembly in San Siguán. It consists of 22 directly elected members from eight micro-regions of Cunén. One of the main focuses of the Council's work is the defence of their land and natural resources. In October 2009 they organised a community consultation on mining exploitation and on the construction of hydroelectric plants, among other mega-projects, planned for the Municipality. PBI 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 April we accompanied UDEFEGUA to several court hearings in the Villa Nueva courthouse, in the context of the Unit's work monitoring and recording the situation of human rights defenders.

In the middle of the month, we travelled to Quetzaltenango to attend the first annual meeting of the women's network, coordinated by UDEFEGUA, to discuss issues such as security mechanisms for human rights defenders in the Central American region.

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

¹ Further background information in the PBI Special Report published in 2010:
http://www.pbiguatemala.org/fileadmin/user_files/projects/guatemala/files/english/Mujeres_Completo_ING.pdf

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.

As every month, we accompanied the organisation to the round table talks in Cobán (Alta Verapaz), which are held to discuss issues related to land conflicts in the region. In Cobán a delegation of the march presented its requests (the same requested presented at the national march in March 2012) to the governor, the Public Prosecutor's Officer, and the regional office of the Human Rights Ombudsman. We have also maintained presence in the region, and visited UVOC's offices in Alta Verapaz. The organisation's members have expressed their concern about possible evictions and the situation of heightened conflict.

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 April we continued to visit Edgar Pérez periodically at his office, and have held meetings with him and other members of his firm. We also observed hearings related to the genocide case in which several high-ranking army officers have been implicated (López Fuentes, Ríos Montt and Rodríguez Sánchez). This month, Danilo Rodríguez, the lawyer for Efraín Ríos Montt, presented an action against the Attorney General for having investigated the accusations against the former head of state, for not having stuck by the letter of the law, for having initiated an illegal prosecution, and for not acting with objectivity, impartiality and respect for human rights.

We also accompanied Edgar Pérez to a hearing calling for a case to be opened against Pedro Rodríguez Zambrano, former sub-director of transport of San Juan Cotzal (Quiché). Judge Carol Patricia Flores, of the First Court Of High Risk, concluded that there existed sufficient evidence to prosecute him for the crimes of extrajudicial execution and incitement to commit crimes. Zambrano was detained on 4 February this year, accused of having participated in the lynching of an agent of the National Civil Police, Pedro Rodríguez Toma, on 1 November 2009.

It should be pointed out that Edgar Pérez has been awarded the prize of International Human Rights Lawyer, given by the American Bar Association for his work on emblematic cases in the fight against impunity for human rights violations in Guatemala. He received the prize in the United States at the end of the month.

We continue to be concerned about his security situation, in the context of his role in the cases of crimes against humanity committed during the internal armed conflict, which are being heard in Guatemala courts at this time.

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

National Police Historical Archive, AHPN.

During the month of December 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 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 20 April 2012, according to the AHPN, more than 14 million documents have been digitalised, including more than 19,000 books. They have received 4,503 requests for information, to which they have responded with the provision of 45,020 documents (26,749 to victims' relatives and 29,335 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:

Camoteca Campesino Association.

In April we remained in regular contact with the Association's members through meetings and telephone calls.

Background: The Camoteca Campesino 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 Campesino Central Coordinator, especially with regards to community information about the land, agriculture and protecting the environment. When the association heard of the plans to build hydroelectric plants El Puente, El Orégano and Caparía (see background to the accompaniment of 'New Day' Chortí) and the Technological Corridor project which affected several towns in the department, they started work informing the communities about the effects of these megaprojects on the environment and the economic situation.

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.

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

In April 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. Jorge López has been selected to participate in a forum of the European Initiative for Democracy and Human Rights (EIDHR) in Brussels.

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 those public events in which 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.

In the capacity of international observers, two members of the PBI Guatemala team attended a meeting in Las Flores, Jocotán, Chiquimula, in which members of several communities (Las Flores, Guareruche, Pelillo Negro, Sukchiquer) participated to discuss the establishment of a hydroelectric project in the area (see accompaniment of "New Day" Chortí Campesino Central Coordinator).



We also attended, as observers, the first annual gathering of the women human rights defenders network in Quetzaltenango, coordinated by UDEFEGUA. Its objective is to generate collective response mechanisms to threats against women human rights defenders (WHRDs), based on collective resources and capacities. These meetings aim to create protection and security mechanisms from the experiences of each member organisation, to implement responses to the risks WHRDs experience as they carry out their work. The Central American Women Human Rights Defenders Initiative will monitor aggressions against WHRDs in the whole region. They have a support network of international and regional organisations that carry out urgent actions and alerts.

3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA

The Regional Representatives, the Project Office Coordinator and other members of the Committee and the Project Office as well as PBI Country Groups, 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 10 April, taking advantage of the presence of the project's coordination committee and office members in Guatemala, the coordinator and European representative, together with a volunteer from the field team, participated in a meeting with the ambassador of the European Union, Stella Zevoudakis, and the officer responsible for human rights, Jennyfer Echeverría. On the same day, they met with the representative of the UN Office of the High Commissioner for Human Rights in Guatemala, Alberto Brunori, and two members of his staff. The coordinator also participated, together with volunteers from the team, in meetings with the Spanish ambassador, Manuel Lejarreta and the coordinator of the Spanish Agency for International Cooperation for Development (AECID), Miguel Ángel Encinas.

On 16 April the European representative met in Brussels with Ms Claudia Brinkmann, officer responsible for human rights of the permanent delegation of Germany at the European Union. Also in Brussels, on 24 April, the European representative met with Gerard Schuling, officer responsible for Guatemala for 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.

LAS AUTORIDADES INDIGENAS DE LAS 12 COMUNIDADES DE SAN JUAN SACATEPEQUEZ, ANTE LA OPINION PÚBLICA NACIONAL E INTERNACIONAL, MANIFESTAMOS

San Juan Sacatepéquez, 16 de abril de 2012

Las autoridades tradicionales indígenas de las 12 comunidades de occidente de San Juan Sacatepéquez, hemos resguardado la sobrevivencia de nuestras comunidades en medio de las adversidades históricas, que el mismo Estado ha provocado y que aún siguen lesionando nuestros derechos y nuestra dignidad, como seres humanos, como pueblos y como autoridades legítimas.

Con mucha preocupación y decepción, las autoridades indígenas de nuestras comunidades ven la resolución del Gobierno de Guatemala, al decretar y publicar en el Diario de Centro América la instalación de una brigada militar en San Juan Sacatepéquez, puesto que días antes una comisión de estas comunidades estuvo participando en las negociaciones de las peticiones de la marcha indígena, campesina y popular, donde el Organismo Ejecutivo, Legislativo y Judicial dialogando junto a representantes de otros pueblos varios puntos dentro de estos el número siete, donde el Presidente Otto Pérez Molina, acordó retirar al Ejército de los lugares donde existe conflictividad social.

Este incumplimiento por parte del Presidente, así como el retiro de la agenda de la Ley de Desarrollo Rural realizado por el Congreso de la República, viene a perjudicar y empeorar la conflictividad social en nuestro territorio, dejando al descubierto el poco interés del actual Gobierno y legislatura del Congreso de abordar los conflictos social no solo en San Juan Sacatepéquez, sino a nivel nacional.

Las 12 comunidades de occidente de San Juan Sacatepéquez, concluimos que esta medida es otra estrategia más para continuar con la criminalización y represión en nuestra contra, para que cese la lucha que hemos emprendido desde hace más de 7 años por el respeto de la consulta comunitaria realizada en el 2007 en nuestras comunidades, donde rechazamos toda actividad de extracción minera en nuestro territorio.

Es de resaltar que hubo ya un antecedente de instalación de una base militar que se instaló en nuestro territorio en junio de 2008 a noviembre de 2009, para proteger a la empresa Cementos Progreso, lo cual significó que incrementaran las denuncias penales en nuestra contra, la vigilancia nocturna, la coacción y represión constante, para lo cual debimos caminar 42 kilómetros desde nuestras comunidades hasta el Palacio Nacional denunciando estos hechos, y después de mucho esfuerzo logramos el retiro de dicho destacamento, y luego dos años después vuelven a colocar otro sin ningún tipo de consulta y justificación.

Hoy venimos las autoridades comunitarias a manifestar ante señor Alcalde Fernando Bracamonte, que rechazamos rotundamente la Brigada Militar en nuestros territorios, puesto que como autoridades propias de nuestras comunidades hemos y seguimos teniendo capacidad de mantener el orden, equilibrio y la paz comunitaria desde hace más de 300 años, y actualmente estamos más fortalecidas, contamos con el respaldo de las asambleas comunitarias, nuestro ejercicio está basado en ley siendo innecesaria una brigada militar, de quien solo hemos conocido represión, coacción y criminalización, por consiguiente, pedimos al señor Alcalde Municipal un pronunciamiento de rechazo a esta Brigada Militar, pues como Alcalde conoce la situación de seguridad en el Pueblo, en donde no hay índices de criminalidad, tráfico de drogas, delincuencia organizada, de lo contrario esta iniciativa impulsada por el Gobierno del Presidente Otto Pérez, solo aumentará la conflictividad social que existe actualmente ante la instalación de una empresa cementera, y no contribuye a generar confianza para el abordaje de dicha problemática. Además, solicitamos urgentemente al Alcalde Municipal la realización de una consulta comunitaria a la población indígena para que la misma se pronuncie en relación a esta disposición.

MONSEÑOR GERARDI: MARTIR DE LA VERDAD Y LA JUSTICIA SU LEGADO VUELVE A DESPERTAR A LOS VICTIMARIOS DEL PUEBLO

Nuevamente el legado de Monseñor Gerardi vuelve a despertar a los victimarios del pueblo guatemalteco. Su trabajo pastoral expresado en el Informe de Recuperación de la Memoria Histórica, REMHI se ha constituido en la voz de las mujeres y hombres que padecieron la tortura y el genocidio de un Estado represor al servicio de los poderosos y que en la actualidad los victimarios a su servicio vuelven a intimidar, difamar y tratar de ocultar lo que está en la memoria colectiva de Guatemala.

En el 14º Aniversario de su martirio no podemos dejar pasar la oportunidad para reconocer el Informe del REMHI como uno de los grandes aportes de reconstrucción de la historia y la memoria colectiva del pueblo guatemalteco; constituye la verdad de lo ocurrido durante 36 años de conflicto armado interno y es el testimonio vivo de quienes, en esos años, decidieron romper el silencio.

La justicia como pilar fundamental de una sociedad democrática ha sido negada a las miles de víctimas del conflicto. Los avances en los casos relacionados al pasado son producto del esfuerzo de sobrevivientes que no temen decir la verdad y que luchan día a día por conseguir la anhelada justicia. Sin embargo, el sistema necesita avanzar en aquellos casos donde los acusados son los altos mandos militares que ordenaron la barbarie, para garantizar que NUNCA MÁS se vuelvan a cometer las graves violaciones a los derechos humanos.

Los pocos avances hacen que esas estructuras de poder se activen y vuelvan a atacar la verdad, esa verdad que es la base fundamental de todo proceso de reconciliación. Por ello manifestamos nuestra solidaridad a la Oficina de Derechos Humanos del Arzobispado que está siendo atacada públicamente, como una muestra de que el REMHI sigue vigente.

En este día tan emblemático en la memoria histórica del país, exhortamos al pueblo de Guatemala a continuar el legado de Monseñor Gerardi, a seguir sus pasos de Pastor de la Verdad, la Memoria y la Justicia. A romper el silencio como un acto liberador, no solo individual sino colectivo.

Guatemala, 26 de abril de 2012

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.

- PROYECTO PBI GUATEMALA -

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