



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

Pedro García Arredondo is sentenced to 70 years in prison in the case of the 1981 enforced disappearance of Edgar Sáenz Calito

Guatemala, 22 and 23 August 2012 (EP, PL, LH).- Pedro García Arredondo, former head of the Sixth Command of the former National Police (PN), has been sentenced to a total of 70 years in prison for the crimes of enforced disappearance and crimes against humanity. He was found guilty by the First Tribunal for High Risk Cases A of the forced disappearance of Edgar Sáenz Calito. Sáenz Calito, an agronomy student at the University of San Carlos, was detained in 1981 on García Arredondo's orders and hasn't been seen since. The Tribunal ruled that given García Arredondo's position at the time, he should be held responsible for the planning and carrying out of the student's disappearance. Moreover, García Arredondo oversaw the subjection of Sáenz Calito to various forms of torture such as cigarette burns, beatings, and being forced to wear a hood. The National Police's archives contain information documenting the treatment Sáenz Calito, who was considered an enemy of the state at the time of the internal conflict, was subjected to. These files were part of the evidence considered by the tribunal, along with testimony from witnesses and various experts.

Mario Polanco, director of the Group for Mutual Support (GAM) and a plaintiff in the case, welcomed the sentencing. At the same time he noted that this is but one step in the process as Saézn Calito's remains have yet to be located: "This is a huge limitation because [the student's] relatives continue to live with this doubt and uncertainty about what really happened to him," he stated. According to Juana Batzibal, of the Center for Legal Action in Human Rights (CALDH), this conviction reminds us that the search for justice for those who have disappeared continues. It is a step towards the eradication of impunity in the country, she added. Nevertheless, Moisés Galindo, García Arredondo's defense lawyer, announced that an appeal would be filed, and a motion arguing that the Tribunal did not have the proper authority to preside over the case.

José Pérez Chen, former mayor of San Juan Cotzal, was sentenced to 82 years in prison for his involvement in six serious crimes

Guatemala, 24 and 25 August 2012 (PL).- The First Tribunal B for High Risk Cases sentenced José Pérez Chen, former mayor of San Juan Cotzal, El Quiché, to 82 years in prison for having provoked the 2009 lynching of Pedro Rodríguez Toma, an officer of the National Civil Police (Policía Nacional Civil, PNC). The court found him guilty of the crimes of kidnapping, torture, extrajudicial execution, illegal detentions, abuse of authority and discrimination¹. Pérez Chen will also have to pay 325,000 quetzales in damages to Rodríguez Toma's family and another individual who was also detained and tortured in the dungeon of the former municipal building.

Along with Pérez Chen, five other people received lighter sentences, for their role in these crimes; the Tribunal decided to release them, as they had already served their sentences during the time in which they were held in preventive detention prior to the trial.

¹As concerns the identity of the persons who were impacted by these crimes, a press release by UDEFEGUA states: "the ruling specifies that José Pérez Chen, former mayor of Cotzal, is guilty of the torture, kidnapping and extrajudicial execution of Pedro Rodríguez Toma; of the torture of Pedro Gómez Pérez; of illegal detention, abuse of authority and discrimination against Alejandro Rodríguez Rodríguez; and of abuse of authority in the case involving Diego Sambrano Rodríguez". UDEFEGUA, 'Justice is served. Historic conviction for torture and extrajudicial execution against the former mayor of San Juan Cotzal, El Quiché', Guatemala, 25.08.2012.

Appeals Court denies Ríos Montt's amnesty claim

Guatemala, 31 August 2012 (PL, SV). The defense team for retired general José Efraín Ríos Montt failed in its motion to the Fourth Court of Appeals. The Court, presided by substitute judges, denied an amnesty claim based on the Law of National Reconciliation (LRN). The defense team is trying to prevent the prosecution of Ríos Montt in connection with a 1982 massacre in the community of Las Dos Erres, La Libertad (Petén). Ríos Montt is charged with authorising the murder of 201 individuals, carried out by a group of kaibiles (special operations force), when he was the head of state. The LRN stipulates certain exceptions related to crimes committed during the internal armed conflict which are subject to being amnestied and as such cannot be brought to court: the expiry of legal responsibility is such that the Law is not applicable in cases of genocide, torture and enforced disappearance (Article 8 of the LRN), nor does it apply in other crimes that are not subject to a period of limitations or in which legal responsibility does not expire, in accordance with the country's laws or international treaties ratified by Guatemala. Lawyer Édgar Pérez, who represents the Association of the Relatives of the Detained and Disappeared, explained that the Inter-American Court of Human Rights has established that in the case of the Dos Erres massacre, the defendants could not be amnestied nor would the legal responsibility expire.

The Fourth Court of Appeals, in its 30 August ruling, found that the defense team's motion was inadmissible, since Ríos Montt is facing charges for genocide and crimes against humanity.

The case will now be transferred back to the First Tribunal A of High Risk Cases, presided by Judge Carol Patricia Flores Polanco. As a preventive measure, the judge had previously ordered the former general to pay a Q 500.000 bond and put him under house arrest, under the supervision of the PNC. César Calderón, Ríos Montt's lawyer, announced on 31 August that he would be filing an appeal with the Constitutional Court (CC), as he does not agree with the Appeals Court's ruling. He explained that the appeal would put a hold on any further proceedings.

LAND

Observers of the International Jurists' Commission condemn the ongoing harassment of communities in the Petén

Guatemala, 16 August 2012 (PL).- During a 15 August press conference, observers from the International Jurists' Commission (CIJ) condemned the lack of government response in the Petén, as well as the ongoing harassment of more than 100 communities in the region. One of the observers stated: "There is a danger of forced displacement to Mexico – if the evictions continue, the communities will have to look for a better life elsewhere". The CIJ has called on the authorities to change its tactics on this issue: if it is deemed that these communities should not be in the areas where they are presently residing, they should then be provided with an alternative of where to settle. The CIJ noted that the local communities live with a constant fear of being evicted, while international treaties regarding eviction are not respected. Such treaties stipulate that the individuals involved should be alerted 15 days before the eviction, whereas in the Petén they are given only 15 minutes before they have to leave. CIJ also stated that while some of its personnel was on a trip to Laguna del Tigre and El Naranjo, Petén, they had to stop at four checkpoints where they were questioned about their reasons for being in the area and were warned that there were drug traffickers in the area. In August 2011, about 90 Guatemalan families took refuge in Tabasco, near the dividing line between Mexico and Guatemala, after they were evicted from a protected area, in Nueva Esperanza, La Libertad, Petén.

NEGATIVE EFFECTS OF GLOBALIZATION

Guilty verdict by the Peoples International Health Tribunal for Goldcorp mining company

Guatemala, 02.08.2012 (SV).- Representatives of the San Miguel Ixtahuacán, San Marcos community presented the final verdict by the Peoples International Health Tribunal (TPIS), which was arrived at after three studies in the community, on July 14th and 15th². The verdict concerns the local impact of the Marlin mining company: along with health problems (skin infections and difficulties in breathing), local resident Aniceto López noted that conflict in the community has been the biggest consequence of the mining activities that the Goldcorp company has been carrying out in the area for the last eight years. According to López, "some of the locals have been fighting for their rights, while others are benefitting from the mining activity. This has resulted in confrontation. We haven't found a way to resolve it." The TPIS is made up of individuals from communities in Honduras, Mexico, Guatemala and Canada.

Detention order for 33 people in Santa Cruz Barillas (Huehuetenango)

Guatemala, 06.08.2012 (EP) - The First Instance Criminal Court in Santa Eulalia, Huehuetenango, has issued an arrest warrant for 33 people from the municipality of Santa Cruz Barillas. According to the Huehuetenango prosecutor's office these are community leaders who were involved in certain incidents that took place on May first at the local military base³. The Prosecutor's Office (MP) sought the arrest of the people involved for the crimes of breaking and entering, coercion, threats, arson, acting against the security of the state, kidnapping, illegal detentions and terrorism.

²When it met on those days, the TPIS condemned the actions of the transnational Canadian mining company Goldcorp for its mining projects located in Valle de Siria (Francisco Morazán, Honduras), San Miguel Ixtahuacán (San Marcos, Guatemala) and Carrizalillo (Guerrero, México). For further information see: Monthly Information Package (MIP) N° 106, July 2012: Notes on the current situation "Peoples Tribunal condemns Goldcorp for its highly harmful mining activities.

³You can find information about the situation in Barillas in the May and June edition of PIM by PBI Guatemala, numbers 104 y 105.

Sergio Beltetón, a lawyer for the Peasants' Committee (Comité de Unidad Campesina, CUC), said these detention orders were "illegal", as they are "based on testimony, that we will not be hearing as we take part in that process." This refers to a statement by Jaime Leocadio Velásquez, one of those accused of the crimes, who identified and testified against some his co-accused. Another lawyer, Carlos Bezares, stated that Velásquez's testimony has already been contested via a filed complaint. He also explained that a motion challenging Judge Luis Fernando Pérez had been filed and that they would also be calling for the removal of prosecutor Hilda Aguilar from the case, arguing that she has acted "irregularly". Mynor Melgar, the MP's private secretary, noted that these complaints will be brought to the attention of the Supervisory Department so that it can launch an investigation to determine if any irregularities have been committed by the MP.

San José del Golfo gathering: the recognition of the rights of indigenous peoples should be reflected in the respectful use of natural resources

Guatemala, 10.08.2012 (LH).- Delegates from the communities of San Marcos, El Progreso, Sololá and Quiché, among other regions in the country, met in the municipality of San José del Golfo, on the International Day of Indigenous Peoples. Mining was one of the topics of discussion. Leopoldo Méndez, a member of the National Mayam Wakib' Kej Coordination and Convergence (Coordinación y Convergencia Nacional Maya Wakib' Kej) noted that the Indigenous Village already receives recognition, after a 40 year long struggle. However, this recognition has not necessarily lead to recognition of these peoples' rights to their highly valued natural resources. Mendez stated, "This is why we are expressing our opposition to mining; the government has duties besides guarding the interests of transnational and national corporations." According to Mendez, indigenous people are looking for "buen vivir", or a "good life", based on the knowledge that has been passed down through the generations for centuries: mining and other mineral extraction operations are not compatible with the ideals behind the "good life" concept, grounded in indigenous traditions and values. Mendez also noted that it is not only the indigenous population that are affected by minerals extraction. For example, for five months, the residents of the municipalities of San José del Golfo and San Pedro Ayampuc have impeded a local mining company's access to their mining operation (a subsidiary of the Canadian company, Radius Gold Inc.). These protesters have been subjected to intimidation through threatening phone calls, and physical assaults: in July, Oquelí Yolanda, an activist in the Northern Front Metropolitan Area, fell victim to an armed attack on account of her protesting. Oquelí survived the attack.

Representatives of the Centre for Human Rights Legal Action reported that violation of indigenous peoples' rights are continuing throughout the country. They estimate that at least 250 of the conflicts between the indigenous population and transnational corporations are in relation to minerals extraction. Further conflicts have been caused by hydroelectric projects and monocropping. José Roberto Morales, head of the Indigenous Peoples Programme, believes that conflict between the indigenous population and corporations derives from the lack of a proper consultation process. The state does not report to the local communities as it is so obliged to do under the International Labour Organisation's Convention 169 (Indigenous and Tribal Peoples Convention, 1989): José pointed out that to not respect the right to consultation, is tantamount to violating the human rights of the indigenous population.

OTHER NEWS

Sectors of society are concerned about the militarisation of public security in Huehuetenango

Guatemala, 08.01.2012 (AC) – Various members of the Huehuetenango community are concerned about what they call the militarisation of public security, and have questioned the army's actions in some municipalities. The government has responded to these concerns by stating that the current approach to security was set out in the current administration's election campaign. Francisco Mateo Morales, a member of the Council of Peoples of the West, expressed his concerns about the growing trends in using the military to ensure public security in the region; his view is that the State is not necessarily using the military in these areas to target violence and organised crime, but rather as a tool for subjugating communities. These communities are distressed because crime and violence is rife despite the presence of the military, harking back to the days of the internal armed conflict where the military were used as a tool for social control, rather than to combat violent and criminal behaviour. Mateo added that the presence of soldiers on the streets represents a setback in the country's democratisation. According to the provincial governor, Juan Solorzano, one of the main areas the Ministry of Defence has been focusing on in recent months is drug trafficking and smuggling through the border with Mexico. He said that communities need not fear the army presence. Rudy Ortiz, Commander of the Fifth Brigade Military Marshal Gregory Solares, said that at the moment in the country there were 157 requests for a military presence, and in Huehuetenango several mayors had made enquiries as to the requirements for the establishment of a military base.

Sources: Agencia CERIGUA (AC), El Periódico (EP), La Hora (LH), Prensa Libre (PL), Siglo Veintiuno (SV).

2. ACTIVITIES OF PBI GUATEMALA: IN GUATEMALA

Team members: Ilaria Tosello (Italy), Phil Murwill (United Kingdom), Christa Hijkoop (Netherlands), Lucía Gorosito (Argentina/Spain), Claudia Molina (Argentina), Aline Herrera (Switzerland/Mexico), Kristel Best (Peru) y Valdivia Moutawali (Netherlands).

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.

Diplomats and other international institutions in Guatemala:

- Enrique Luis Vaca Narvaja, Consul, Argentine Embassy, Guatemala City.
- Rodolfo Castro Valcárcel, Ministry Advisor, Peruvian Embassy, Guatemala City.
- Charles Murphy, Political Affairs Officer, United States Embassy, Guatemala City.
- Jan-Jaap van de Velde and Jacques Remmerswaal, Ambassador and First Secretary – Governances, respectively, Netherlands Embassy, Guatemala City.
- Jocke Nyberg, First Secretary, Swedish Embassy, Guatemala City.

Guatemalan authorities:

- Carlos Guillermo Atol, assistant in the Office of Human Rights (PDH), Cobán, Alta Verapaz.
- Carlos Sanic Cutzal, chief of pólice, 51, National Civil Police (PNC), Cobán, Alta Verapaz.
- Álvaro Rosa García, substation duty inspector, PNC, San Cristóbal, Alta Verapaz.
- Óscar Basces Escalante, substation agent, PNC, Santa Cruz, Alta Verapaz.
- Gerson Lorenzana, Defenders Department analyst, Presidential Human Rights Commission (COPREDEH), Guatemala City.
- Rolando Yoc and Edy García, director of Unity and Conflict Advisor in the Mediation Unit, respectively, PDH, Guatemala City.
- Elmer López Rodríguez, secretary, Ministry of Agricultural Affairs (SAA), Guatemala City.
- Conrado Catalán Franco, advisor to the Vice-Justice Office, Interior Minister, Guatemala City.
- Francisco José Bonilla Sosa, advisor, y Astrid Elizabeth Linares Ortiz, regional developer, COPREDEH Zacapa, Chiquimula y El Progreso, Zacapa.
- Leonardo Sarat, Mayor of Cunén, Santa Cruz del Quiché, El Quiché.
- Elías Heber Cabrera, Departmental Govenor, El Quiché.
- Gabriel Arriaga Carías, chief of operations, precinct 71, PNC, Santa Cruz del Quiché, El Quiché.
- Ricardo Raúl Rodríguez Fernández, auxiliary to the PDH, Santa Cruz del Quiché, El Quiché.
- Eusebio Cristiano Tum Vásquez, secretary to the Indigenous Mayor of Uspantán, El Quiché.
- Enrique Choc, agent, PNC, Uspantán, El 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:

- Jorge López, director, Organisation to Support an Integrated Sexuality to Confront AIDS (OASIS), Guatemala City.
- Members of the Madre Selva Collective, Guatemala City.
- Members of the Women's Sector, Guatemala City.
- Lolita Chávez, member of the K'iché Peoples Council (CPK), Santa Cruz del Quiché, El Quiché.
- Alejandro López Us, member of the Council for Residents and Defenders of the Territory of Uspantán, El Quiché.
- Domingo Tum, member of the Collective of the Sacapulas Communities for Residents and Defenders of Natural Resources and the Environment, Sacapulas, El Quiché.
- Máximo Ba Tiul, independant consultant, Santa Cruz, Alta Verapaz.
- Aron Tello, vicar, San Juan Sacatepéquez, Guatemala.
- Monseñor Rosolino Bianchetti Boffelli, Bishop of the Diocese of Zacapa and Santo Cristo de Esquipulas, Zacapa and Chiquimula.

International Organisations and Agencies:

- Coordination of International Accompaniment in Guatemala (ACOGUATE), Guatemala City.
- Wilson de los Reyes, coordinator, Impunity Watch, Guatemala City.
- Ramón Cadena Rámila, director, International Commission of Jurists, (CIJ) for Central America, Guatemala City.
- Anabella Sibrián, representative of the Dutch Platform Against Impunity in Guatemala, Guatemala City.
- Robert Mercatante, director of Defence of Human RIghts Defenders in Guatemala, Guatemalan Human Rights Commision (GHRC), Guatemala City.
- Fermín Rodrigo, independant consultant, Guatemala City.

2.3 ACOMPANIMENTS

National Coordination of Widows in Guatemala (CONAVIGUA)

This month we have accompanied CONAVIGUA members during their investigation of mass graves in the Xexuxcan community, Nebaj, together with the Forensic anthropology Foundation of Guatemala. We were also present during several meetings in the communities of Vipebalám, Nebaj, and Cajixay, Cotzal. We have maintained telephone contact with CONAVIGUA members and have continued to meet with them at their offices in Guatemala City.

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.

The Association for the Protection of the Las Granadilla Mountain (APMG)

In August we have had regular contact with the APMG and its members through telephone conversations and meetings in the Zacapa region. The association continues to raise awareness of the fact that the Las Granadillas Mountain has been declared a protected area.

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

The Association of the Indigenous Women of Santa María Xalapán, Jalapa (AMISMAXAJ)

Throughout August we have accompanied AMISMAXAJ in their various activities and we have observed meetings between the organisation and other civil society organisations in the region. We were also present at the meeting between AMISMAXAJ and the Xinka Xalapán Community Association (ACOXX) – the territorial coordinator for the defence of land and territory in the Indigenous Community Xalapán Xinka – with the Attorney General, Claudia Paz y Paz, and with the Bishop Julio Cabera. At the meeting they handed over to them a document setting out information, details of complaints and requests for assistance with respect to the violence, impunity and general situation of insecurity (especially for women) in the mountains of Xalapán.

Towards the end of the month we accompanied members of AMISMAXAJ during their move to Jalapa. We were present at their offices when they held the fourth module of their talks on feminism. Amongst other topics, they discussed their right to land and bodily integrity.

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.

The Campesino Central Coordination of Chorti Nuevo (CCCND)

We accompanied members of the CCCND on several occasions in August. They are still concerned about the threats and attacks reported in August. Members of the communities we met with voiced that they were united in their support for the process of collective mediation in respect of land rights.

We were present at two community meetings in August in the town of Jocotán (Chiquimula). In Las Flores we noted that the community supported the inclusion of representatives from their community in the national march of campesinos that took place in March 2012. In the Matasano community, those individuals and group members who had participated in land rights mediations shared their experiences of the process with us.

Background: "New Day" Chorti 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.

San Juan Q'i Q'amolo – Uniting the People of San Juan

During August, we maintained regular contact with members of San Juan Q'i Q'amolo – Uniting the People of San Juan, through telephone conversations and meetings. We continue to accompany them to their weekly meetings in Santa Fe Ocaña. We have increased our presence in the community of Cruz de Ayapán due to concerns expressed to us in relation to possible search and arrest warrants.

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.⁴ PBI has accompanied Q'a molo Q'i San Juan since December 2009, following a request from the organisation due to threats and persecution against several of its members and the communities it represents.

The Council of Cunén Communities

In August we met with several members of the Council in the region, all of whom shared concerns over methods of electricity distribution which they believe is affecting their communities and their land. A further problem is the challenge they face in bringing these issues to the attention of the local authorities.

This month we were also present at a meeting in the village of Panimachaj at which delegates from various communities shared information and discussed planned works on their land

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

⁴Further 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

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.

Human Rights Defender Protection Unit (UDEFEFUGA)

During August we have periodically visited the offices of UDEFEFUGA and met with its members frequently.

Background: The Human Rights Defenders Protection Unit (UDEFEFUGA) was founded in 2004 to promote the security of human rights defenders in Guatemala and helps protect the political space in which they work. The Unit's programmes support threatened human rights defenders and their organisations and advise them about preventing and responding to threats and attacks, through information, training, monitoring and psychological support. UDEFEFUGA also lobbies for the protection of human rights defenders by government institutions and the international community. For many years PBI has maintained a close collaborative relationship with UDEFEFUGA and in 2007 provided the Unit with international accompaniment during a period of threats. We recommenced our accompaniment following further threats received during May 2009, which the Unit denounced to the Public Prosecutor's Office. Several international organisations have expressed their concerns about what they describe as a "serious pattern of persecution". We intensified the accompaniment again in March 2010 following break-ins to the home and vehicle respectively of Erenia Vanegas and Claudia Samayoa, increasing our visits to UDEFEFUGA's office, carrying out periodic meetings with its staff and accompanying them during their movements to the interior of the country during their investigation and verification of reports of attacks against human rights defenders.

Verapaz Union of Campesino Organisations (UVOC)

As we do every month, in August we accompanied UVOC representatives to the roundtable negotiations in Santa Cruz, Alta Verapaz. These meetings are designed to address problems relating to land conflicts in the region. We also accompanied UVOC members on their journeys within the department, for example, to La Tinta, Cahabón, and to their meeting with the Justice of the Peace. Their concerns now include the persistent rumour of eviction of the community (Cahabón) on October 20th and threats and attacks against members of the La Primavera community (details of which have yet to be received).

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, Édgar Pérez Archila

We continue to extend our accompaniment of Mr Édgar Pérez Archilla, and we have attended several court hearings in August, in which Pérez represented victims' families and survivors of both historic and ongoing gross human rights violations. On several occasions, we accompanied him to hearings at which the case against the former mayor of Cotzal (see the update on this case in section 1, Notes on the Current Situation) was being argued; we also attended the preliminary hearings in relation to the genocide cases. At these, Mr Archilla was scheduled to go before the chief judge of the court of High Risk, Miguel Ángel Gálvez to address the 14 petitions made by the defence on behalf of the retired generals accused of genocide: Efraín Ríos Montt, Hector Mario Lopez Fuentes and Jose Mauricio Rodriguez Sanchez. The process was not completed, however, as the defence lawyer filed an application for lack of jurisdiction. At the end of the month, the Fourth Board of Appeals at the Supreme Court of Justice notified Ríos Montt denial of injunctive relief sought in order to benefit from the amnesty law which was brought into effect by the National Reconciliation Act (see updates on this in section 1, Notes on the Current Situation).

National Police Historical Archive (AHPN)

We have maintained frequent contact with the AHPN this month through regular phone calls, visits to their offices and meetings. They have published a report on the progress of their work and impact it has had over the last seven years. In quantitative terms, as of August 31st 2012, the AHPN has digitised almost 15 million documents (14,900,900). Currently there are concerns that the AHPN might not have the requisite funding to continue its work.

2.4 FOLLOW UP

The Camoteca Campesino Association (ACC)

In August we maintained regular contact with members of the ACC through phone calls and meetings in Guatemala City. They shared their concerns about deforestation in the municipal area of Jocotán, Chiquimula, namely, the effect it is having on the ecosystem, the conflicts it is causing between stakeholders, and the problems community leaders are facing upon expressing their disagreement with the

tree felling. The presence and intended presence of mega projects in the region is also a concern for the ACC, as these often result in disagreements and conflict at the community level.

Background: The Camoteca Campesina Association was founded in 1988, made up of the then health promoters and midwives of Camotán (Chiquimula). Now the association is an active member of the Coordinator of Popular Indigenous Unions and Eastern Campesinos (COPISCO) Its primary objective is defending life and natural resources and its ultimate aim is well being of the people and the land they live on. It is now made up of 718 associates who monitor whether laws are complied with and follow up violations of human rights in the eastern part of the country. They have a long-term relationship of cooperation and alliance with the 'New Day' Chortí Campesina Central Coordinator, especially with regards to community information about the land, agriculture and protecting the environment. When the association heard of the plans to build hydroelectric plants El Puente, El Orégano and 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.

2.5 OBSERVATIONS

During August, we observed several activities. We attended the presentation of the documentary, "Arte a la deriva y derivados del petróleo" (Art Adrift and Petroleum) in Guatemala City. After the film was screened, there was a talk in which members of the Petén community participated along with the director of the International Commission of Jurists (CIJ), Ramón Cadena, Domingo Hernández Ixcoy, a member of Uk'ux B'e, and Fernando Solís, a researcher at The Observer.



We observed the March of the Communities for the Defence of Mother Earth and the Territories in San José del Golfo, which coincided with the International Indigenous Peoples' Day. In the metropolitan area of Guatemala City, people from the towns of San José del Golfo and San Pedro Ayampuc have been peacefully protesting for the past five months the installation of a mining operation. This protest has included a presence outside the site of the mine itself. The march was the last of a string of activities that began in the village of La Choleña, and continued on through La Pontezuela and El Caulote, Loma Tendida, and San José del Golfo, ending in a demonstration at the entrance to the mine. There, members of the San José Golfo and other communities and social organisations from various parts of the country, such as San Pedro de Ayampuc, Uspantán-Ixcán, spoke on the issue of land rights, mining, and the hydroelectric plants. When measuring the success of the activities, the participants said they greatly valued the opportunity to have a space in which to exchange ideas and share their concerns about the problems they faced. They also emphasised the importance of defending their culture and right to land.

We were also present as international observers at two hearings at the Mixco Court. These hearings were part of the trial for the murder of Francisco Tepeu Pirir in San Juan Sacatepequez in 2008. The three defendants were Faustino Carney, Ephraim Cotzoyay and Porfirio Cotzoyay. They have been in police custody since 2008 awaiting trial. During the two hearings we attended, various people gave their testimony.

On 31 August, we attended a hearing in the Zacapa Juvenile Court in relation to the judicial process that arose out of the campaign, "Guatemala Without Hunger," which saw those protesting bring a claim against the Guatemalan government for violations of the right to food. During the hearing expert reports were presented and local authorities gave evidence.

3. ACTIVITIES OF PBI GUATEMALA– OUTSIDE OF 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.

4. ORGANIZACIONES NO GUBERNAMENTALES

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

Coordinadora Nacional de Viudas de Guatemala, CONAVIGUA

09 de Agosto día Internacional de los Pueblos Indígenas , al Pueblo de Ixim Ulew y a la comunidad internacional MANIFIESTA

1. El reconocimiento del Día Internacional de los Pueblos Indígenas ha sido fruto de una lucha incansable de los diferentes pueblos y nacionalidades indígenas que habitamos Abya Yala, para el reconocimiento y respeto pleno a nuestra dignidad, frente a la imposición de un sistema colonial, racista y neoliberal que ha implicado el genocidio a nuestros pueblos, la usurpación de nuestra Madre Tierra y territorios, la explotación de los bienes naturales y una serie de políticas encaminadas al exterminio y dominación del gran capital del imperialismo, las oligarquías y militares en nuestros pueblos.

2. La Coordinadora Nacional de Viudas de Guatemala –CONAVIGUA- víctimas de la política de genocidio y mujeres sobrevivientes del Conflicto Armado Interno, motivamos en este día a las mujeres que día a día luchamos por la reivindicación de nuestros derechos como Pueblos Indígenas.

3. Siendo nosotras las mujeres engendradoras y portadoras de Vida, manifestamos nuestra preocupación frente a las políticas de represión y criminalización contra las mujeres que defendemos nuestros derechos, la Madre Tierra y el Territorio y reafirmamos nuestro compromiso por el ejercicio y respeto de las Mujeres Mayas.

4. Manifestamos que bajo ningún argumento el Estado de Guatemala a través del Gobierno de turno, criminalice a líderes y lideresas que luchan por la defensa del Territorio y de la Madre Tierra, así mismo abrir bases militares para crear zozobra, miedo y crear condiciones para las empresas nacionales y transnacionales que destruyen la Madre Tierra y el territorio.

5. Reiteramos nuestra lucha para la defensa, la dignidad de nuestros pueblos y hacemos un llamado a las comunidades y pueblos a seguir manteniendo la lucha y la resistencia legítima para lograr una vida digna para nuestros Pueblos y el rechazo al regreso de las prácticas de genocidio que hemos vivido. Y no dejarse manipular y prestarse a intereses de un Militar Genocida que tiene una deuda histórica con nuestro Pueblo.

Demandamos al Estado de Guatemala:

1. Respeto a la Vida a la dignidad de nuestros Pueblos y Territorios, mediante la suspensión definitiva de proyectos mineros, hidroeléctricos, monocultivos y demás megaproyectos que atenten contra nuestra Vida y la Vida de la Madre Tierra.

2. Garantizar el Derecho a la Vida de líderes y lideresas quienes están siendo perseguidos, criminalizados y penalizados por la legítima defensa de nuestros derechos.

3. Garantizar el derecho a la posesión histórica de nuestras tierras y territorios.

4. Cancelar la política de militarización en nuestras tierras y territorios, el cual solo viene a revivir la política de Genocidio contra nuestros Pueblos.

**Por la Dignidad y Unidad de la Mujer
Por la Vida, el Territorio y la Madre Tierra
Coordinadora Nacional de Viudas de Guatemala –CONAVIGUA-**

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