



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

MIP - MONTHLY INFORMATION PACKAGE – GUATEMALA

Number 111, December 2012

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

Judge confirms crime of extrajudicial execution by detained military

Guatemala, 05.12.2012 (AC).-Judge Carol Patricia Flores Polanco, of the Court of first instance, drug trafficking and crimes against the environment for high-risk cases, confirmed that she upholds the crime of extrajudicial killing against eight soldiers and a colonel in the Guatemalan army; the defense had requested for the charge to be changed to culpable homicide. On 4 October, at "Cumbre de Alaska" on the Interamerican highway, representatives of the Mayan K'iché communities of Totonicapán were demonstrating peacefully when they were violently suppressed by military forces and anti-riot police, leaving eight people dead and more than 30 injured as a result.

Call for amnesty for past crimes rejected

Guatemala, 06.12.2012 (AC) - At a press conference, national and international organisations rejected the Guatemalan State's call to allow amnesty for those who face proceedings for violations of human rights, committed during the internal armed conflict. Marcela Martino (CEJIL) said that Guatemala is the country in the Americas that has received the second highest number of convictions by the Inter-American Court of human rights (IACHR).

There are 11 cases in the IACHR relating to crimes committed during the internal armed conflict. These include the case of the Diario Militar, the massacre of Rio Negro, the disappearance of Fernando Garcia and the murder of the anthropologist Myrna Mack. Martino called on the Guatemalan Government to comply with the political Constitution of the Republic and international code of human rights that it has signed and ratified, saying that impunity causes a chronic recurrence of the crimes. Helen Mack, Myrna Mack Foundation (FMM), said that to concede amnesty for such crimes is a form of obstructing justice. To claim amnesty would be hypocritical of the Government. The activist recalled that the United Nations Organisation Security Council (UN), to which Guatemala belongs, has established that there is no pardon for crimes against humanity, and emphasised that impunity undermines the foundations of progress. Wilson de los Reyes, Impunity Watch, stressed that violence in Guatemala today is a consequence of the impunity that human rights violations committed during the internal armed conflict still enjoy.

LAND

Approval of Rural development law sought in Quiché

Guatemala, 06.12.2012 (PL)-Mayors, departmental governors, social organisations and inhabitants of the province called for the Congress of the Republic to adopt the law on Integral Rural Development, which they believe will generate a better standard of living. Inhabitants of Joyabaj said that if the law is approved, it will boost the growth of the communities in that Department. Heber Cabrera, Governor of Quiché, considers it necessary to decentralise resources that generate employment to the rural community. Gudy Rivera, President of the legislature, in a visit to Chichicastenango asked the representatives of the Libertad Democrática Renovada party to stop the arrests and approve the proposed law.

NEGATIVE EFFECTS OF GLOBALISATION

Indigenous Qeqchis sue Canadian mining company

Guatemala, 05.12.2012 (AC)- Backed by the organisation Rights in Action, four Maya Q 'eqchí women and one man participated in preliminary hearings in Toronto, Canada, from 24 to 29 November against the Canadian company Hudbay Minerals, for serious human rights violations committed by the Guatemalan nickel company (CGN) in the municipality of El Estor, Izabal, that Hudbay owned. It is one of three civil lawsuits filed in Toronto in 2011. The first complaint was filed by eleven Q 'eqchí women who were

victims of gang and multiple rape during violent evictions by agents of private security of CGN, the police and the army of Guatemala, on January 17, 2007; the other two relate to the murder of Professor Adolfo Ich, and the shooting that left the young German Chub paraplegic, during a peaceful protest that was suppressed by the same security forces, on September 27, 2009. These civil cases are intended to set precedents in courts in Canada, to end the impunity enjoyed by mining industry enterprises, for crimes, human rights violations and destruction of natural resources caused by its operations in other countries.

The PDH calls for dialogue to resolve conflicts

Guatemala, 11.12.2012 (SV)-the Procurator for human rights, Jorge De León Duque, called for the various sectors of the country to resolve conflicts through dialogue. He said that "to delegitimise the communities because of their demands is to deny their rights and it could be racist if it concerns indigenous peoples" and that "ingovernability occurs because the conflicts are not resolved in reasonable time. If the interests of profit are always prioritised, we will have a worsening of the conflict". Tensions in one of the mining conflicts rose when the police attempted to illegally evict a group of protesters who were blocking the entrance to the mine El Progreso VII Derivada, located between San José de el Golfo and San Pedro Ayampuc, nine months ago. Miguel Angel Lemus, Presidential Commissioner of the National System of Permanent Dialogue, said that there are still possibilities to talk with the communities. Álvaro Sandoval, leader of the North of the Metropolitan Area Front (Frenam), said that the group of demonstrators has remained positioned near the entrance of the mine in San José del Golfo. A mine official explained that "the company will wait till all efforts have been exhausted", in reference to the dialogue between the population and authorities which seek to hear and resolve problems regarding the mine's operation. The mine managers estimate that the plant could be installed in four months. It is expected to process 150 tons of material daily and each ton could yield four grams of gold. The Interior Minister, Mauricio López, said that foreigners were behind the movement and claimed by pointing to community leaders that protests are their "way of life".

OTHER

CENADOJ statistics reveal that only 24% of rape cases convicted

Guatemala, 18.12.2012 (LH)- The National Centre of Analysis and Documentation of the Judicial Organism (CENADOJ) reported that during 2012, 1,181 prosecutions for crimes of violence and sexual assault were taken to court, of which 506 were resolved. This figure represents a 42% resolution of cases involving this type of crime. However, the data shows that 70% of the cases of rape and sexual assault brought during 2011 have not been resolved, as of 1,690 cases brought to court, only 510 were actually sentenced. On November 23 a femicide court was inaugurated. This operates on a 24 hour basis in the Public Ministry. Within a month of its operation, the head of the Prosecutor's Office announced that there have been 563 hearings, 398 security measures put in place, 112 arrest warrants, 59 indictments and 42 cases of pre-trial detention.

An average of 336 Guatemalans migrate daily

Guatemala, 19.12.2012 (LH)- On the international day of the migrant people, the National Bureau for migration in Guatemala (MENAMIG), said that around 336 people leave Guatemala every day, in search of the "American dream", since 97% are destined for the United States. From 2010 to 2012, 205 Guatemalans were reported missing on the migration route from Guatemala to Mexico and United States. Every year around 123 thousand Guatemalans travel undocumented towards United States, of whom only 60 thousand achieve their goal, since the rest are unable to cross the border for various reasons. MENAMIG carried out a hypothetical journey following the path of the migrant from the Guatemalan Foreign Office to the Mexican Embassy and finally to the Embassy of the United States. They put themselves in the migrants' shoes near the embassies, simulating the steps of the migrant. This activity was carried out to mark the campaign of global action against racism, xenophobia and the rights of migrants, refugees and displaced, which this year bears the motto "Migrate to live, No more deaths, abduction or disappearance of migrants in transit".

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

2. PBI-GUATEMALA ACTIVITIES: IN GUATEMALA

Team: Equipo: Christa Hijkoop (Netherlands), Lucía Gorosito Guajardo (Argentina/Spain), Claudia Molina (Argentina), Aline Herrera (Switzerland/Mexico), Kristel Best Urday (Peru), Valdivia Moutawali (Netherlands), Raquel Rojo Diez (Spain), Johannes Stiebitz (Germany), Stephen Bradford (United States) y Daniel Butler (United Kingdom).

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:

- Mrs. Jennifer Echeverría, Human Rights Officer, European Embassy in Guatemala.

Guatemalan Authorities:

- Mr. Miguel Ángel Balcárcel, Director of the Presidential Commission of the National Permanent Consultation
- Ing. M. Sc. Manuel Benedito Lucas, Executive Subsecretary of the National Council of Protected Areas, CONAP.
- Sr. Francisco Reyes López, Mayor Santa Cruz del Quiché, Quiché.
- Commissioner Manuel Salguero Godoy, Commission N° 71, National Civil Police of Santa Cruz del Quiché, Quiché.
- Mr. Axel López Anzueto, Subsecretary for the Resolution of Conflict of the Secretary for Agrarian Affairs.
- Sr. Alberto Aquino, Mayor of San Pedro Ayampuc, Department of Guatemala.
- Inspector Gómez Mauricio, Sub-Station N° 12 of the National Civil Police, San José del Golfo, Department of Guatemala.
- Mr. Elzer Fidelino Palencia Mayen, Mayor of San José de Golfo, Department of Guatemala.
- Mr. Hugo Martínez, Presidential Commission for Human Rights COPREDEH.
- Mr. Antonio Arenales Forno, Secretary of the Peace, SEPAZ
- Mr. José Manuel Méndez, Coordinator of SAA Petén, Santa Elena, Petén.
- Mr. César Augusto Martínez Ordoñez, Director of FONTIERRAS Petén, San Benito, Petén.
- Mrs. María de los Ángeles Chinchilla, COPREDEH, Flores, Petén.
- Mrs. María Teresita Chinchilla Miranda, Technical Director of CONAP Petén, San Benito, Petén.
- Mr. Édgar Armando Aragón González, Municipal Mayor of Flores and Mr. José Vergés, Municipal Advisor, Petén.
- Mr. Alex Hernández, Planning and Programming Secretary for the President SEGEPLAN, Petén.
- Police station N° 62 of the National Civil Police, PNC, of San Benito, Petén.
- Mr. Estuardo Puga, Auxiliary of the PDH, San Benito, Petén.
- Mr. Ramiro Gaitán Iguardia, Vice Alcalde del Municipio de la Libertad, Petén.
- Mr. Diego Gaspar González, Auxiliary of the PDH, El Naranjo, Petén

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:

- Mrs. Cristina Pinula, Council of the Communities of Usphantán, Quiché.
- Mr. Domingo Tum, Coordination of the Communities of Sacapulas, Quiché.
- Mr. José Manuel Méndez, Coordinator of SAA Petén, Santa Elena, Petén.
- Mr. César Augusto Martínez Ordoñez, Director of FONTIERRAS Petén, San Benito, Petén.
- Mrs. María de los Ángeles Chinchilla, COPREDEH, Flores, Petén.
- Mrs. María Teresita Chinchilla Miranda, Technical Director of CONAP Petén, San Benito, Petén.
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International Organisations and Agencies

- Coordination of International Accompaniment in Guatemala (CAIG / ACOGUATE)
- Forum of International NGOs (FONGI)
- German Aid Cooperation (GIZ)

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA

During the month of May we have been in permanent contact with members of CONAVIGUA. We accompanied them to an exhumation in the community of San Martín Jilotepeque, undertaken by the Anthropological Forensic Foundation of Guatemala (FAFG). This was the site of a young man of 17 years of age who was killed in 1980 during the armed conflict. After 16 years since the Peace Accords, CONAVIGUA feels that the State has not lived up to its promises, and continues to violate the rights of the indigenous peoples, contributing toward violence and insecurity in the country.

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

Association for the Protection of the Las Granadillas Mountain, APMG

During the month of May we have maintained regular contact with the. On the 28th of December we were present during the celebration of the Second Assembly of the Coordinator for Indigenous, Church, Union and Campesino Organizations (COPIISCO), realized in the headquarters of the Indigenous Xinka Community of Jutiapa. In the meeting they identified the problems related to natural resources, and formed a provisional committee to manage the affairs of coordination. The APMG expressed concern that the Council of Protected Areas CONAP still has not published its report on the Granadillas Mountain.

Background: APMG was created in 2003 in Zacapa to protect the ecosystem of Las Granadillas Mountain (the principal source of water and natural diversity in the region) due to diverse threats identified by the local population, including illegal logging, monoculture, deforestation, large-scale cattle farming and the diversion of water sources. Since its foundation, the organisation has been supported by the Lutheran Church in Guatemala (ILUGUA), led in the region by Reverend José Pilar Álvarez Cabrera, and the Madre Selva Collective. It works in alliance with various organisations and collectives in the region. One of APMG's goals is to have the mountain designated a protected area. In March 2012, the National Council for Protected Areas (CONAP) presented a proposal declaring the area protected. However, existing economic interests in the land have made APMG's work dangerous, and its members have faced diverse types of persecution and threats, including legal proceedings, which were later dismissed. These events began after they denounced the illegal logging trade and started, with the population of the La Trementina community, a process of permanently monitoring the licences granted and logging carried out on the mountain's private estates. We have accompanied APMG since August 2008 and, since then, have observed the spaces for dialogues the Association has participated in with public authorities and private actors, in order to promote the defence of economic, social and cultural rights in Zacapa and the region. One of the most serious security issues of recent years took place in 2010, when José Pilar Álvarez experienced death threats, defamations, prosecution and was taken into police custody in relation to the ongoing conflict with Juan José Olavarrueth, owner of the mountain's Tachoró¹ estate. The Association and several members of the La Trementina community have been portrayed negatively by Zacapa's public authorities. Indeed, since April 2012, legal charges have been brought by the Governor of the department, Carolina Orellana, against three members of APMG for acts of protest against deforestation. The Technology Corridor megaproject, soil and food production issues, and the exploitation of natural resources (communities are neither informed of nor consulted on the latter) are key concerns for APMG and feature prominently in the collaborative work they conduct with other collectives and communities in the region today.

Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ.

Throughout December we met and remained in contact with members of Amismaxaj in Jalapa. On the 15th and 16th of December we witnessed an encounter of the feminist school, while on the 20th and 21st of December the Amismaxaj women celebrated the 13th Ba'ktun. The participants expressed their concern at the lack of healthcare available for women and also at the preservation of natural resources on the Mountain of Santa María Xalapán.

Background: AMISMAXAJ was founded in February 2004 as an association of women workers and became part of the Women's Sector in June of the same year. AMISMAXAJ is made up of 75 women leaders representing 15 Xinka communities from the Santa María Xalapán Mountain (Jalapa). They work at the local, departmental and national levels in opposition to all forms of patriarchal, neo-liberal, racist, homophobic and lesbophobic oppression, and have established strategic territorial and national alliances to promote their political actions. The Association works actively in the region of Jalapa, promoting women's rights, the revitalisation of the Xinka ethnicity and the defence of land and territory. In particular, it is actively working to defend natural resources and to monitor and raise awareness about plans for mining and oil extraction in the region. Since our accompaniment of AMISMAXAJ began in July 2009, the organisation has strived to improve political and feminist education in the region. Indeed they now have their own school in which to do so. Various members of the organisation were subjected to grave death threats in 2009 and 2010, due to the work that they carry out. Based on security incidents in the past, risks faced today and the security situation of its members, the Association's work combating the infringement of women's rights, and those of indigenous people and DESCA, should continue to be monitored.

¹ PBI Guatemala, "Legal Action Against Human Rights Defenders: Overview of the Current Context and its Consequences", Bulletin No. 23, Guatemala, 2011.

'New Day' Chortí Campesino Central Coordinator.

Throughout December we met and remained in contact with members of the CCCND. On the 28th of December we accompanied the Second Assembly of the COPIISCO in which members of the CCCND communities of Las Flores, Matazanos, Guareruche participated. The event also saw the participation of communities from Santa Rosa, Jalapa, Jutiapa, Chiquimula and Zacapa. The CCCND is calling for the approval of the Law N° 4084 for Integral Rural Development.

Background: 'New Day' Chortí Campesino Central Coordinator is part of the Agrarian Platform, working in several municipalities in East Guatemala (including Jocotán, Chiquimula, Camotán, Olopa and San Juan Hermita), in the department of Chiquimula. It trains and informs rural communities on issues relating to the rural economy, the environment, rights and land, in coordination with other organisations in the region. In 2006, New Day became aware of the planned construction of three hydroelectric plants in two of the department's municipalities: the projects El Puente and El Orégano in Jocotán and the project Caparjá, in Camotán. They form part of the largest project of the Electrical Interconnection System for Central American Countries (SIEPAC). As part of its work, the organisation has shared this information with communities in the area, enabling the evaluation and analysis of the environmental effects and impact on local economies that these, and other development projects planned for the region, may have. They carried out this work in relation to the project initially known as 'Dry Canal', then the 'Technological Corridor', and most recently as the 'Interoceanic Corridor of Guatemala' (ICG), which is intended to link the Atlantic and Pacific coasts of Guatemala. This in turn forms one part of the most ambitious regional plans produced under the Mesoamerican Project (successor of the Plan Puebla-Panama, PPP). Members of New Day say the lack of information provision to, and consultation of, Chiquimula's communities by public institutions is a constant source of conflict. Community authorities have therefore been present at meetings and discussions with the Guatemalan firm, Las Tres Niñas S.A., which seeks to implement the El Orégano hydroelectric plant project. They have highlighted the need to consult local inhabitants before implementing megaprojects in the area. In 2012, in addition to the court summons issued to community members of Las Flores, Jocotán, the firm has sent several letters to various organisations and international community actors in Guatemala, portraying community actors and the social organisations that work in the area in a negative light. PBI has accompanied New Day since 2009. Several members of the association have received threats and attacks, including death threats and intimidatory acts, as a result of their work with the communities.

12 Communities of San Juan Sacatepéquez

Throughout December we were in regular contact with the community and its members. We accompanied them in their celebration of the 13th Ba'qtun realized in the community of Santa Fe Ocaña and in which they expressed their concern that the Government still has not given back the communities their sacred areas. We also received news that the company Holcim has sold its part in Cementos Progresos.

Members of the community of Las Trojes expressed their concern for the construction of a mechanical well. The community had previously rejected the project, which despite their rejection is still going ahead, for which community members presented a complaint at the Municipality of San Juan Sacatepéquez.

Background: Q'a molo Q'i San Juan-People of San Juan Unite is an organisation that brings together neighbours from diverse Kaqchikel communities in the municipality of San Juan Sacatepéquez, that participate in processes which defend territory and natural resources in the region. Since 2006, the Guatemalan company Cementos Progreso S.A. has been pushing on with the San Juan project, which includes the construction of a factory and a quarry in the San Gabriel Buena Vista estate, which is located among the villages of Cruz Blanca, Santa Fe Ocaña, El Pilar I and II, Los Pajoques, 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. The dialogue process, which involved various Guatemalan authorities and public institutions, concluded without offering any means of resolving the conflict. For more than six years, the 12 communities resisting the San Juan Sacatepéquez project have made numerous complaints about human rights abuses, threats and, in particular, a criminalisation campaign against them, which has maintained its intensity in 2012. Their key demands continue to be the permanent withdrawal of the army from the communities; and compliance with their rights under national and international law. PBI has accompanied Q'a molo Q'i San Juan since December 2009, following a request from the organisation due to threats and persecution experienced by several of its members and the communities it represents.

Council of Cunén Communities.

Throughout December we remained in regular contact with members of the Council of Cunén Communities, including a physical presence in the Quiché region. On the 5th of December we accompanied the CCC to the presentation of the "Analysis of the mechanisms for the participation on citizen security in relation to the cases Cunén and Ixcán in the Department of Quiché", elaborated by the Myrna Mack Foundation (FMM). The case emphasized that Cunén has the lowest crime rate in the Department. The CCC members highlighted that there are 79 communities in Cunén and each one has its Security Council. We also accompanied the CCC in Cunén and had meetings with a range of authorities in Santa Cruz Quiché, Uspantán and Sacapulas.

Background: On 14 January 2009, the communities of the Cunén municipality, department of Quiché, held a meeting to initiate a process that would better defend their territory, natural resources and human rights. At this meeting, the CCC was formed. It consists of 22 directly elected members from eight micro-regions of Cunén. One of the main focuses of the Coun-

cil's work is the defence of their land and natural resources. In October 2009, they organised a community consultation on mining and hydroelectric exploitation and the construction of hydroelectric plants, among other mega-projects, planned for the Municipality. PBI observed part of the preparation process as well as the consultation itself, in which approximately 19,000 people from 71 communities voted against the aforementioned projects. We began our accompaniment of the Council in February 2010, due to the security risks faced by persons actively promoting the right to land, territory and natural resources in the region, and in following up with the community consultation.

Guatemalan Human Rights Defenders Protection Unit (UDEFEFUGA).

During December we visited the offices of UDEFEFUGA and met frequently with their members.

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

Verapaz Union of Campesino Organisations, UVOC.

On the 4th of December we accompanied UVOC to a meeting with Axel López of the Secretary for Agrarian Affairs to discuss the problems surrounding Access toll and in particular the case of the community of La Primavera. UVOC expressed their concern at reports of intimidation to some Primavera community members. We also accompanied UVOC on the 20th and 21st of December to the celebration of the Oxlajuj Baqtun in the community of 12 Águilasien Panzós, Alta Verapaz. On the 26th we met with members of La Primavera, who shared the difficulties they are experiencing with us.

Background: UVOC is an indigenous and campesino organisation which focuses on defending and enabling access to land for campesino people in the departments of Alta and Baja Verapaz. Amongst other activities, UVOC offers advice to numerous rural communities on land ownership, accompanies communities on activities involving the protection of their land, and participates in formal discussions on related matters. The organisation ensures these discussions are tailored carefully, to squarely confront the well-documented land disputes and agrarian conflict in the region. PBI has accompanied UVOC since 2005, after its members experienced serious threats and intimidatory acts. Carlos Morales, UVOC coordinator, and members of communities which form part of the Union have been subjected to death threats, and various forms of intimidation and persecution, on several occasions. In addition to the Rural Development Law, UVOC publically demands an end to evictions and violence in the region, led by State and non-governmental actors. The Union monitors agrarian issues, and has warned of a deteriorating situation in many localities since the beginning of 2012. In February 2012, PBI drew the international community's attention to concerns about the atmosphere UVOC has to conduct its work in. Threats are made to its members and several communities the organisation accompanies and supports in the region, in particular the community of La Primavera (in the municipality of San Cristóbal, Alta Verapaz) and San Miguel Cotojax (on the municipal and departmental border of Panzós, Alta Verapaz, and El Estor, Izabal)².

Human rights lawyer Edgar Pérez Archila.

Edgar expressed to us his concern at the application of Law N° 145-1996 on the cases of genocide, which would contradict international legislation. The approval of the Government Decree 340-2012 of the 28th of December of 2012, limits the competence of the Inter American Court of Human Rights (CIDH), admitting that only crimes committed subsequent to 1987 can be tried, which contradicts the Vienna Convention, signed by Guatemala, which states that national law cannot be created in contradiction with international law. Edgar was also awarded a medal of honor by the Governor General of Canada, for his work in favor of human rights.

Background: In August 2010 we began the accompaniment of lawyer and human rights defender Edgar Pérez Archila in his work defending justice and battling impunity. Pérez and his legal team work on proceedings related to massacres committed during the internal armed conflict and other cases of past and current human rights violations. We accompany him because of the trials' importance in the fight against impunity and the fact Pérez has experienced various security incidents in recent years. Pérez and his legal practice are involved in legal proceedings related to: the forced disappearance, torture and extrajudicial execution of the guerrilla commander Efraín Bámaca Velásquez in 1992; the massacre of the Las Dos Erres community in 1982; the massacre of the community of Río Negro, Alta Verapaz, in 1982; and the prosecution for genocide that has been pending before a number of Guatemalan tribunals since 2000.

National Police Historical Archive, AHPN.

This month we have kept in frequent contact with the members of the AHPN with telephone calls and visits to their premises and meetings. On 6th December we accompanied them during the visit from David Johnston, Canadian governor general. The AHPN is still working for the creation of the Concord Memorial together with other organisations and people who want there to be a space for dialogue in the country. The AHPN are still working hard to expertly investigate the documents in order to aid the judicial process and provide historical clarity. Up to date the AHPN has digitalised more than 15 thousand documents. So far more than 14 thousand people have visited the website from 104 different countries. 43% of the visits are from Guatemala.

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 31 March 2011 more than 12 million documents have been digitalised, including more than 19,000 books. To that date they had received 4,503 requests for information, to which they have responded with the provision of 45,020 documents (1,001 to victims' relatives and 1,298 to the Public Prosecutor's Office (98% of these to its Human Rights Office).

La Resistencia pacífica y legal de La Puya, en San José del Golfo y San Pedro Ayampuc

We have accompanied the Resistencia Pacífica de la Puya constantly throughout the month of December as the conflict had intensified in November and we were present during an eviction on 7th of November. The National Civil Police (PNC) deployed the riot squad and used tear gas. On that day three people suffered from the tear gas and four people were arrested but nobody was charged. The deputy minister of the Interior, the Human Rights Ombudsman (PDH), the Presidential human rights commission (COPREDEH) the United Nations High Commission for Human Rights Office (OACNUDH), Madreselva, UDEFEGUA and other social organisations as well as the media were present at the attempted eviction. After several tense hours, the detained people were released and 15 policemen were left to guard the entrance to the mine, until dialogue between the parties is established.

On 14th and 19th of December, we accompanied Yolanda Oqueli as international observers while implementation of the protective measures called for by COPREDEH were evaluated. Assessors from the ministry of the interior, the PDH petitioner, COPREDEH representatives and members of the PNC came to the meeting. Yolanda spoke about the attempted eviction of 7th of December when she was left unprotected for 7 hours because the head of operations refused entry to the police officer assigned for her protection. On 20th of December we observed the first meeting of the dialogue table organised and presided over by the Permanent National Dialogue System (SNDP) in the municipality of San Jose de Golfo. The SNDP director, Miguel Angel Balcarcel and the Human Rights ombudsman, Jorge de Leon Duque attended the meeting.

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

On 23rd of June in San José del Golfo an attack on the life of Yolanda Oqueli, an activist participating in the resistance of La Puya took place. She was shot from a motorcycle and up to present it has not been possible to extract the bullet. After 4 months away from her community, Yolanda returned to San José del Golfo and has rejoined the activities of the resistance movement. During this time flyers with offensive and defamatory messages have been circulated, directed especially at the women that form part of the resistance. The harassment and aggressions intensified around the days of 24th of November 2012, marking one year

since the concession of the mining license. According to the mining law, if in the course of a year the exploitation at the site has not begun, the license has to be cancelled.

In September 2012 the Guatemalan Human Rights Commission declared the communities of San Pedro Ayampuc and San José del Golfo winners of the Alice Zachmann Human Rights Defenders Award.

2.4 OBSERVATION

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



On 11th of December we attended the Network of Peten Womens' report presentation, as international observers. The report was about the incident in the the Peten Council Development Departments. The network is made up of Ixmucane, Ixcuic, Agua Viva, Dejando Huella, Pastoral Social de la Mujer amongst others. The report showed concern over the low number of women represented in the Development Council in the department of Peten (CODEDE).

From 20th to 21st of December we observed the Oxlajuj Baktun celebration at the sacred site of Gumarcaj in Santa Cruz Quiche. The celebration was organised by the Quiche People's Council to celebrate the restoration of their land, way of life and cultural identity.

Photo: Visit to the settlement of evicted community members of the community Centro 1, periferia de la Libertad, Petén, PBI 2012.

3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA

Regional Representatives, the Project Office Coordinator and other members of the committee and the Project Office and national groups of PBI, conduct public relations campaigns with many NGOs, agencies and national governments, parliamentarians and others. These meetings result in the development and strengthening of the project's "Support Network", an essential tool in the international presence provided by PBI in Guatemala.

On 3rd of December the European project representative met with a representative from PBI Belgium and the coordinator of the PBI Exploratory Project for Honduras in the Belgian Foreign Affairs Ministry for a meeting with Frank Van de Craen, director of the Latin American department, Philippe Roland, director of the Conflict Prevention department of the same ministry; Philippe de Muelenaere of the Human Rights department and with Noella Putte, responsible for Guatemala. On 6th and 7th of December the representative also took part in the EU-NGO forum in Brussels on Human Rights, organised by the European Commission and the Foreign Action Service (EEAAS) of the EU with the Human Rights and Democracy Network and the Dag Hammarskjold Foundation.

On 7th of December the representative had a meeting in Brussels with Edgar Perez, the lawyer accompanied by our project and Maria del Rosario Ruiz Rivera, of the European Commission Development and Co-operation Directory.

On 6th of December a member Guatemala Project co-ordinating committee took part in the discussion forum "Time for Rights" in the Civic Centre of Vicenza, Italy. Some cases were presented to exemplify the campesino and /or indigenous peoples' defence of land and water in Guatemala, Honduras and Bolivia. PBI Guatemala presented the case of the peaceful resistance by the maya kakchiqueles communities in San Juan Saqatepequez, who we have accompanied since mid 2009³. The event was promoted by the North/South Alternative, the XXI Secolo, Loma Santa, Amici del Mondo and Peace Brigades International – Italy.

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.

**Hidro Santa Cruz fuera del territorio de Santa Cruz Barillas
Coordinación y Convergencia Nacional Maya Waqib' Kej**

Las organizaciones que forman parte de la Coordinación y Convergencia Nacional Maya Waqib' Kej respalda la lucha de las comunidades, zona urbana y pueblos de Santa Cruz Barillas quienes rechazan pacíficamente la firma de un convenio de "colaboración" e instalación de la empresa Hidro Santa Cruz en su territorio.

La imposición e intento de firma de un convenio que pretendía realizar el alcalde de Barillas Cándido López, la corporación municipal, el gobierno de Guatemala y la empresa española Ecoener Hidralia Energía – Hidro Santa Cruz son un claro irrespeto de los derechos colectivos e individuales de los pueblos de Santa Cruz Barillas.

Rechazamos el traslado de efectivos militares y fuerza antimotines FEP desde el día jueves 13 de diciembre al municipio de Barillas, la militarización o intervención del ejército en respaldo de las empresas transnacionales es un grave error, pone en riesgo la integridad y la vida de los pueblos de Barillas.

Denunciamos la intrusión de personeros de Hidro Santa Cruz quienes manipularon la actividad que se realizaba en salón municipal para imponer la firma del convenio, también responsabilizamos al señor Juan Roberto Garrido personero de la empresa por las amenazas y señalamientos que realizó en contra de líderes en oposición a la empresa.

Responsabilizamos al gobierno de Guatemala, a la municipalidad de Barillas y a la empresa Ecoener Hidralia Energía – Hidro Santa Cruz por la conflictividad originada en Santa Cruz Barillas con la promoción de la firma de un convenio entre la municipalidad y la empresa hidroeléctrica que desde el mes de mayo se profundizó con la militarización de comunidades, el Estado de Sitio y la captura de líderes comunitarios que continúan detenidos injusta e ilegalmente.

Hacemos un llamado a los pueblos, organizaciones, comunidad internacional, a todos y a todas a sumar los esfuerzos para acuarpar, acompañar y solidarizarse con la lucha de las comunidades y el área urbana de Santa Cruz Barillas que rechazan la instalación y funcionamiento de la empresa Hidroeléctrica en el territorio de Barillas.

¡QUE TODOS SE LEVANTEN, QUE NADIE SE QUEDE ATRÁS!
Guatemala 14 de diciembre 2012.

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- PBI GUATEMALA PROJECT-

Team Office in Guatemala

3ª Avenida "A", 3-51, Zona 1, Ciudad de Guatemala
Telephone/fax: (+502) 2220 1032
E Mail: equipo@pbi-guatemala.org
Web site: www.pbi-guatemala.org

Project Coordination Office

Rúa Mercado, 6, 4ªA
15001 A Coruña, Galiza (Estado español)
Telephone: (+34) 881 874 772
E Mail: coordinacion@pbi-guatemala.org