



## PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

### MIP - MONTHLY INFORMATION PACKAGE – GUATEMALA

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### 1. CURRENT NEWS

#### IMPUNITY

##### **Ríos Montt and Rodríguez Sánchez to be tried for genocide**

Guatemala, 29.01.2013 (AC).- José Efraín Ríos Montt and José Mauricio Rodríguez Sánchez are to be tried for genocide and crimes against humanity, according to the ruling of Miguel Ángel Gálvez, Principal Judge (B) in High Risk cases, who found that there is sufficient evidence to implicate the accused in the massacres committed in the Ixil area of Guatemala. The Public Prosecutor (MP) accuses Ríos Montt of giving orders to the army to carry out 15 massacres in which 1,771 indigenous Ixil Maya people died. As a result 29,000 families from the region were displaced to the mountains, where they were forced to live in subhuman conditions.

The judge indicated that the internal armed conflict was recognised at an international level and was monitored by the United Nations and had been the subject of the Human Rights Truth Commission. A number of victim testimonies were also adduced.

Nery Rodenas, representative of the Office of Human Rights of the Archbishop (ODHA), expressed his concerns about the security of the individuals involved in the prosecution and demanded the protection of the witnesses, lawyers for the prosecution and the judge hearing the case.

#### LAND

##### **Demands continue for the urgent approval of the Law for Integrated Rural Development**

Guatemala, 17.01.2013 (SV).- Representatives from the United Campesino Committee (CUC) urged Congress to approve as a matter of national urgency the Law for Integrated Rural Development and called on it to refrain from prolonging actions intended to resolve the agrarian conflict and relations with the mining industry. Leocadio Juracán, member of CUC, stated that for the campesino and indigenous communities the exploitation of natural resources is not a priority and approving the law is most urgent.

Pedro Muadi, President of Congress, stated at the beginning of January that he would not support the proposed initiative as it was presented to Congress; however, he recognised that rural development is fundamental to overcoming poverty. He stated that the bill (numbered 4084) contained illegalities and that amendments needed to be agreed, which could take at least another year.

Juracán stated that the Government had not honoured its commitments from the Indigenous, Campesino and Popular March in April 2012; particularly in relation to the evicted families from the Valle del Polochic communities (in March 2011): "The Government committed itself in November 2012 to finding land for the first 300 families; in 2013 for a further 300 and in 2014 for the last 200 families" stated Juracán.

#### NEGATIVE EFFECTS OF GLOBALISATION

##### **Free poll: Rise in opposition to mining activity in Guatemala**

Guatemala, 16.01.2013 (PL).- According to a Free Poll carried out at the beginning of January, opposition to mining in the country has increased three percent in the last quarter: 66% of the people consulted declared themselves in opposition to mining activities, compared to 63% in the last quarter.

The director of the Centre for Legal, Environmental and Social Action (CALAS), Yuri Melini, said the fact that two out of three people oppose mining in Guatemala is a warning to the Government and requires a review of the policy of promoting extractive industries. The numbers against mining in rural areas were even higher (72%). Melini called for a cost-benefit analysis of the industry. He stated that rural communities "don't see the real benefits from these industries and there is a risk to the environment".

#### **Indigenous authorities of Quiché call for revocation of two hydroelectric plant concessions**

Guatemala, 23.01.2013 (EP).- Indigenous authorities of Nebaj, El Quiché have asked the Constitutional Court (CC) to revoke the ministerial direction 244-2011 that authorised the construction of two hydroelectric plants, without consulting the affected indigenous population. They stated that there are more than 10 communities affected by the construction of the two plants, which are intended to produce a 18.75 megawatt capacity.

#### **Indigenous communities of San Juan Sacatepéquez vote against proposed water project**

Guatemala, 29.01.2013 (AC).- Mayan Kaqchikeles Communities from San Juan Sacatepéquez have denounced the continuing activities of a Community Development Committee (COCODE), established in 2008 without a lawful community election process. They state that the COCODE from San Antonio Las Trojes I was formed illegally during the State of Prevention (2008), and is comprised of a group of people who are supported by the company that runs the cement project in the municipality. The communities blame this group for threatening the local community, amongst others. In addition, they have indicated to the COCODE and the municipality of San Juan Sacatepéquez, who jointly propose a new water project in San Antonio Las Trojes I, that they cannot count on the support of the community or other indigenous communities from the area. In addition, they are demanding a community consultation.

### **OTHER**

#### **Student teachers continue protests; round table talks commence**

Guatemala, 17.01.2013 (AC,PL).- On 16 January a group of students from Belén Institute occupied some of its buildings to demand that they revoke the new baccalaureate with orientation in education. They later agreed to participate in talks with a representative of the Human Rights Ombudsman (PDH), the Departmental Director for Education, Robert Hernández, and the Minister for Education, Cynthis del Águila.

During three months in 2012 education institutes in the capital and various departments in the country (Huehuetenango, San Marcos, Quetzaltenango and Chiquimula) were occupied in protest at proposed reforms to teaching qualifications.

#### **Starting point for policies confronting violence against women must be recognition that femicide is a systemic problem**

Guatemala, 28.01.2013 (SV).- Experts consider that the first step of the state in developing policies that to counteract violence against women is to recognise femicide as a systemic problem in Guatemala. Ana María Rodríguez, president of the Femicide Tribunal of Guatemala, stated that violence against women "is not just a common crime, but a societal problem", which requires special regard in investigations. She revealed that 18 cases had been taken to the tribunal during January (one such case constituting femicide and the remainder, violence against women). The statistics from the National Institute of Forensic Science (INACIF) show that to 23 January there were 56 violent deaths of women. In Rodríguez's opinion "the investigations need to be strengthened. The state needs a coordinated and concerted approach to this problem".

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**Sources:** El Periodico (EP), Prensa Libre (PL), Siglo Veintiuno (SV) y Agencia Cerigua (AC).

## **2. PBI-GUATEMALA ACTIVITIES: IN GUATEMALA**

**Team:** Lucía Gorosito Guajardo (Argentina/Spain), Claudia Molina (Argentina), Aline Herrera (Switzerland/Mexico), Kristel Best Urdy (Peru), Valdiva Mountawali (Basque Country), Raquel Rojo Diez (Spain), Johannes Stiebitz (Germany), Stephen Bradford (United States), Daniel Butler (United Kingdom) and Melanie Rucker (Germany).

### **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:**

- Alexandre Guyot and Isabel Ramírez Kaiserauer, respectively, Advisor and Assistant Chief of Mission and Mission Assistant, Swiss Embassy. Guatemala City.

- Steven Wignall, Official for Guatemala, El Salvador and Belize, Foreign and Commonwealth Office (FCO), United Kingdom. Guatemala City.

#### **Guatemalan Authorities:**

- Oswald Enriquez, Director, Court for Analysis of Attacks against Human Rights Defenders, Home Ministry. Guatemala City.
- Rolando Yoc, Advisor, Mediation and Conflict Resolution Unit, Human Rights Ombudsman (PDH). Guatemala City.
- Marlon García, Member of the Unit for Investigation of Attacks, PDH. Guatemala City.
- Daniel Portillo, Department Auxiliary, PDH. Chiquimula, Chiquimula.
- Denis García, Departmental Coordinator, Census Registry (RIC). Chiquimula, Chiquimula.
- Benjamín Torres, Governor. Chiquimula, Chiquimula.
- Salquil Solval and Vásquez Vásquez, Chief of Station and of Operations, Station 23, National Civil Police (PNC). Chiquimula, Chiquimula.
- Agrónimo Rudy Yanes, Departmental Chief, Ministry of Agriculture, Farming and Food (MAGA). Jalapa, Jalapa.
- Carlis Guillermo, Departmental Auxiliary, PDH. Cobán, Alta Verapaz.
- Leonal Arturo Chacón Barrios, Mayor. Cobán, Alta Verapaz.
- Ágente López Ramirez, Officer, Station 51, PNC. Cobán, Alta Verapaz.
- Ronald Sierra, Governor of Alta Verapaz. Cobán, Alta Verapaz.
- Mario Minera, Director of Mediation. Unit for Conflict Resolution and Incidents in Public Politics, PDH. Guatemala City.

## **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:**

- Rubén Samayoa, Member of Council of K'iche' Peoples (CPK). El Quiché.
- Ernesto Menchú, Member of the Movement for Victims of the Internal Armed Conflict of Uspantán. El Quiché.
- Maximiliano Aquino, Social Pastor of Jalapa. Jalapa.

#### **International social organisations and agencies:**

- Coordination of International Accompaniment in Guatemala (ACOGUATE), Guatemala City

## **2.3 ACCOMPANIMENT**

### **National Coordinator of Guatemalan Widows, CONAVIGUA**

During this month we have been in permanent contact with members of CONAVIGUA by means of meetings, office visits in the capital and telephone contact. Among their current concerns, the death of Vicente Tuyuc should be highlighted. He was the brother of Rosalina Tuyuc and suffered a violent attack in Sololá on 2 January. CONAVIGUA have highlighted the attack in their work as active defenders of human rights and take into account the existence of previous threats against him. CONAVIGUA's principal demands are the investigation and clarification of events by the relevant public authorities.

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

years CONAVIGUA has experienced several critical security issues, including death threats received by members in 2010. Analysis of the risks and security incidents faced by the association today suggests its work fighting impunity, and the security of its members, should continue to be monitored.

#### **Association for the Protection of the Las Granadillas Mountain, APMG**

In January we maintained regular contact with APMG and its members through telephone calls, visits, meetings and accompaniment in the region where they carry out their work, principally the eastern departments of the country. On 29 January we were present in a meeting in the Guarenuche community in the municipality of Jocotán (Chiquimula), where the Reverend José Pilar Álvarez and members of the 'New Day' Chortí Campesino Central Coordinator gave thanks to all the organisations that support and accompany them.

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

#### **Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ**

During the month of January we have remained in contact with members of the association through telephone calls and accompaniment in their activities in Jalapa. On 18 January we accompanied AMISMAXAJ to a security workshop organised by the Unit for Human Rights Defenders (UDEFEQUA) in which the local group Community Action Xinka Xalapán (AXOXX) also participated.

On 31 January AMISMAXAJ participated in a meeting with members of various women's organisations in the capital. This year, the association has planned to look for a new headquarters to carry out their work.

*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.*

#### **'New Day' Chortí Campesino Central Coordinator, CCCCND**

In January we continued telephone contact with the members of the organisation and we accompanied them in various activities in the communities of the Jocotán municipality (Chiquimula). We were present in the middle of the month, at a community assembly in Las Flores, where the participants discussed the theme of recognition and protection of lands sacred to the Chortí people and analysed the threats to people in the community. The next day members of Las Flores visited the Public Ministry (MP) in Chiquimula to formally denounce threats that had been received. On 18 January we visited the Matasano community and attended a meeting with various members of the organisation where they discussed the problems they currently face. At the end of the month, as

outlined previously, a community delegation from the region hosted a meeting in the Guareruche community in which they gave thanks to organisations that supported and accompanied them, in which we were present. We also met with members of New Day and that had visited us in the capital on the 24<sup>th</sup>. They informed us that the previous day a member of the organisation and of the Indigenous Council was wounded by gunshot in the Suchuquer community, Jocotán municipality (Chiquimula). The organisations attributed the attempt to a group of people that had used violence in the community and threatened community leaders five months previously.

*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**

This month we maintained a high level of accompaniment and international observation in San Juan Sacatepéquez, including carrying out visits to various communities in the municipality where we carried out meetings and observations of community assemblies, protests and the denouncement of threats against members of the 12 communities in resistance.

At the beginning of the month, they informed us that they were concerned about a group who intended to detain a member of the community. Although the individuals in the group identified themselves as public authorities, they did not show their identification or an official detention order.

We visited the Cruz Blanca and Chivoc Communities at the beginning of January. During January we also observed various assemblies that the 12 communities hold weekly. They invited us to attend on 22 January to formally present a document published by PBI entitled *Economic Investments and Human Rights: lessons from a conflict. The case of the Maya Kaqchikele communities of San Juan Sacatepéquez*.

On 23 January a group of people arrived with machinery to construct a mechanical well promoted by the Community Development Committee (COCODE) from the community, with the backing of the municipality of San Juan Sacatepéquez. Although the project was purported to be for the wellbeing of the community, delegates from the 12 communities – including Las Trojes I – had earlier expressed concerns about the project to the public authorities. (see section 1. *Notas de Coyuntura, Agencia Cerigua 29.01.2013*). The situation has generated concern amongst the community auxiliary mayors and the local population that the group that brought the machinery to the community for the well construction are the same individuals linked with the cement factory planned for the municipality (see *Background*). They requested the presence of PBI in the community during 23 and 24 January, concerned that there would be a repetition of the situation of provocation and confrontation that on previous occasions has resulted in episodes of threats or aggressions with grave consequences for the communities and their inhabitants. The intention was to dissuade violence through the presence of international observers. On 23 January we observed a very tense situation in Las Trojes I, between the group planning to dig a well and the population from the 12 communities. The day concluded without incidents and with a protest by the 12 communities. The next day, 24 January, we were again present in the municipality as international observers, in meetings between community authorities and local public authorities (municipal mayor, representatives of the Human Rights Ombudsman Office (PDH), and the Presidential Commission for Human Rights (COPREDEH)). Later that day, we visited Las Trojes I to observe the protest by the 12 communities; the situation remained tense, but despite this it was possible to explain to the group guarding the machinery for the installation of the well about our presence as international observers with an interest to carry out human rights and ensuring non-violence in conflicts. The group witnessed a hostile attitude towards Daniel Pascual, CUC member, present in the community. We met him in Las Trojes I and he transported PBI members in his vehicle along with others in the community. We observed from his vehicle a group of people obstruct and halt his passage. They made death threats and damaged the front part of his automobile with a machete.

On 25 January, we accompanied a delegation of people from the 12 communities, including community authorities from Las Trojes I, to a press conference where their concerns about the conflict were aired. After the conference we accompanied them to the Public Ministry (MP) and the PDH to denounce threats and provocations they had suffered in the preceding days.

On 28 January we observed a large protest by the 12 communities, in which two thousand people participated, as estimated by the protestors. They gathered peacefully on the road outside the cement company. We accompanied the auxiliary mayors whilst they handed over a letter to the Mayor of San Juan Sacatepéquez with the communities' demands.

On 30 January we observed a meeting between a group of more than 50 indigenous authorities from the 12 communities and the Governor of Guatemala department, in which they explained their opposition to the well project and demanded that they remove the installation machinery and cancel the project.

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

*On 13 May 2007, without the support of the municipality, the communities of San Juan Sacatepéquez carried out a community consultation on the factory's installation. 8,950 people participated, of which 8,946 voted against and four in favour of the factory. The dialogue process, which involved various Guatemalan authorities and public institutions, concluded without offering any means of resolving the conflict. For more than six years, the 12 communities resisting<sup>1</sup> the San Juan Sacatepéquez project have made numerous complaints about human rights abuses, threats and, in particular, a criminalisation campaign against them, which has maintained its intensity in 2012. Their key demands continue to be the permanent withdrawal of the army from the communities; and compliance with their rights under national and international law.*

### **Council of Cunén Communities, CCC**

In January we continued telephone contact with members of the Council of Cunén Communities and visited El Quiché on various occasions. On 8 January we accompanied members of the council to a meeting in the Santa Maria Chailá community.

*Background: On 14 January 2009, the communities of the Cunén municipality, department of Quiché, held a meeting to initiate a process that would better defend their territory, natural resources and human rights. At this meeting, the CCC was formed. It consists of 22 directly elected members from eight micro-regions of Cunén. One of the main focuses of the Council's work is the defence of their land and natural resources. In October 2009, they organised a community consultation on mining and hydroelectric exploitation and the construction of hydroelectric plants, among other mega-projects, planned for the Municipality. PBI observed part of the preparation process as well as the consultation itself, in which approximately 19,000 people from 71 communities voted against the aforementioned projects. We began our accompaniment of the Council in February 2010, due to the security risks faced by persons actively promoting the right to land, territory and natural resources in the region, and in following up with the community consultation.*

### **Guatemalan Human Rights Defenders Protection Unit (UDEFEQUA)**

During the month, we continued regular visits to the UDEFEGUA offices and maintained telephone contact. We met frequently with the unit's members in the capital. As previously documented, we were present in Jalapa on 18 January during a security workshop organised by UDEFEGUA and attended by social actors from the communities of Montana de Santa María Xalapán (AMISMAXAJ and ACOXX).

*Background: The Human Rights Defenders Protection Unit (UDEFEQUA) 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 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, UDEFEGUA has reported some critical security situations, highlighting an illegal raid on one of*

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<sup>1</sup> The expression '12 communities in resistance' refers to communities and individuals directly affected by, and in direct opposition to, the San Juan Project. The term is used when these actors sign communiqués and public statements, and it acknowledges the fact that the majority of the communities' members oppose the Project. It reflects the sentiment expressed in the consultation process and that which has been documented in public activities. There are of course nuances, with some having stronger opinions than others. There are also advocates of the San Juan Project and divisions within the communities regarding the matter. However, we believe the expression "12 communities in resistance" best describes reality in the region, as observed by PBI in situ.

*its member's homes and tampering with the vehicle of one of its members in March 2010. We continue our regular visits to UDEFEGUA's office, carry out periodic meetings with its staff, and accompany them on visits to various Departments in the country. The visits allow the Unit to develop its work and strengthen its analyses by investigating and verifying reports of attacks on human rights defenders.*

### **Verapaz Union of Campesino Organisations, UVOC**

In January we maintained telephone contact with UVOC members, regular visits to their office in the capital and we accompanied them to various activities in Alta Verapaz. On 22 January we accompanied Carlos Morales, UVOC coordinator, to a meeting with members of PDH at a national level: it concerned evictions of the campesino population in the area and follow-up to various cases of land conflicts in relation to which UVOC supports the affected communities. UVOC continues to support the community "20 October", evicted from the Secamquim estate at the end of 2012, in the search for land and resources for the evicted families.

*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)..*

### **Human rights lawyer Édgar Pérez Archila**

In January, we carried out visits and frequent meetings with Edgar Pérez. We accompanied him to the appeal hearing of José Pérez Chen, the ex-mayor of San Juan Cotzal, El Quiché, who was sentenced to 79 years in prison for abusing his authority, torture, and extrajudicial execution. We also accompanied him to seven hearings in the genocide case, where accused – José Efraín Ríos Montt and José Mauricio Rodríguez Sánchez – raised several grounds of defence and applied for amnesty. In particular, we were present at the hearing on 28 January where both were charged with genocide and crimes against humanity. On 31 January we observed the presentation of evidence in court.

*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 maintained frequent contact with the members of AHPN through phone calls, periodic visits to their offices and meetings.

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

resource and the initiation of procedures to ensure permanent, public access to its contents.

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

You can get more information in this website: [www.ahpn.lib.utexas.edu/](http://www.ahpn.lib.utexas.edu/)

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

In January we maintained frequent contact with the communities in peaceful resistance with regular calls and various visits. Their work continued to be focussed in promoting community consultations. They are also participating in preparatory meetings for a second round of talks.

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 8 th of May at 1am the company attempted to enter 25 trucks with machinery, guarded by 40 patrol cars of the National Civil Police (PNC). As residents were alerted approximately 2.000 people of the surrounding communities united stop the entrance of the machinery pacifically. Kappes, 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 24 November 2012, marking one year since the concession of the mining license. According to the mining law, if in the course of a year the exploitation at the site has not begun, the license has to be cancelled. In September 2012 the Guatemalan Human Rights Commission declared the communities of San Pedro Ayampuc and San José del Golfo winners of the Alice Zachmann Human Rights Defenders Award.

## **2.4 OBSERVATIONS**

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

In El Quiché we observed a community meeting in Santa María Chaylá; hydro-electric projects in the region was one of the concerns raised.

Additional international observation in San Juan Sacatepéquez this month has been described above, in section 2.3 – Accompaniment, 12 Communities of San Juan Sacatepéquez.

## **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 10 January, the European Representative of the PBI Guatemala project met with Tom Dodd, Political Official from the EU General Directorate of Commerce & Industry, together with representatives of Justice & Peace Belgium, Protection International and the International Office of Human Rights Action Colombia (OIDHACO). In a number of ways, she also followed-up on the visit to Europe of the human rights lawyer, Edgar Perez, in December.

## **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.



**La Comisión de Derechos Humanos de Guatemala en Washington, EE.UU. (GHRC)**, manifiesta su preocupación por la situación de tensión que se está viviendo en la comunidad de San Antonio Las Trojes 1, San Juan Sacatepéquez.

La crisis se originó con la llegada de maquinaria el día 23 de enero de 2013, custodiada por trabajadores de Cementos Progreso armados con machetes, para llevar a cabo la perforación de un pozo de agua. Este proyecto fue propuesto por un Consejo Comunitario de Desarrollo sin legitimidad, aprobado por el alcalde Fernando Bracamonte, y promovido por la empresa cementera. Los comunitarios han criticado este proyecto por la falta de consulta con los vecinos y por la división que está provocando dentro de la comunidad.

La situación se tornó aun mas preocupante el día jueves 24 de enero, cuando una comisión de observación encabezada por Daniel Pascual de CUC, acompañantes internacionales y medios alternativos de información fueron agredidos y amenazados por personas armadas, asociadas con la empresa cementera. Por la noche hombres encapuchados cerraron el paso a la comunidad Las Trojes, impidiendo que los líderes locales regresaran a sus casas y con sus familias.

Desde el 28 de enero están reunidos al menos 5.000 personas en una protesta pacífica frente a la cementera para rechazar las acciones violentas de la semana pasada y para pedir que sean respetados sus derechos. Un líder comunitario expresó que, "parece que no hay voluntad del alcalde para darle solución a este conflicto; su actuación responde más a los intereses de la cementera que a los de las comunidades".

Reconocemos que los comunitarios están ejerciendo su derecho a manifestarse por la protección de su territorio, el derecho a un medio ambiente sano, y sobre todo el derecho que tienen a ser consultados en la definición de proyectos en sus comunidades.

Hacemos un llamado a la Comisión Presidencial de Derechos Humanos, COPREDEH, y a la Procuraduría de los Derechos Humanos, PDH, para que cumplan con el importante rol para el cual fueron creadas y garanticen la seguridad y la integridad física de los comunitarios de San Juan Sacatepéquez.

Guatemala, 30 de enero de 2013

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