



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

Castresana resigns as Commissioner of CICIG and calls for dismissal of the Attorney General of Guatemala

Guatemala, 08.06.2010 (EP, PL, SV).- The commissioner and chief of the International Commission Against Impunity in Guatemala (CICIG), Carlos Castresana, announced his resignation in a press conference on 7 June. Hours before, the commissioner called for the dismissal of the recently elected Attorney General, Conrado Reyes. During the press conference, Castresana referred to Reyes in the following terms: “He is a person with a record of corruption in his personal history. His nomination is the consequence of a pact between lawyers’ firms with links to organised crime and lawyers’ offices that defend drugs traffickers.”

According to Carlos Castresana, Reyes’ team took control of CICIG’s Special Prosecutions Office and pushed for the rapid shelving of certain cases. He said: “these people took immediate control of telephonic monitoring... in particular that of drugs trafficking groups”.

Apart from demanding a repeat of the process of nomination of candidates for the Attorney General post, Castresana also asked the Constitutional Court to resolve the complaints lodged against four magistrates of the Supreme Court of Justice, insisting that all were involved in crime.

“The figure of the commissioner is, as predicted (...) the object of a smear campaign, and it all began in January, after the actions against the former president of the Republic, Alfonso Portillo Cabrera,” said Castresana. “The first stage was the attempt to corrupt CICIG staff but, when this failed, they moved on to threats and then quickly on to the campaign to discredit the commissioner,” he said.

Constitutional Court annuls election of the Attorney General

Guatemala, 11.06.2010 (PL).- On 10 June, the magistrates of the Constitutional Court (CC), took two and a half hours to resolve to annul the election of the Attorney General Conrado Reyes, and order a repeat of the process starting from the call by Congress for applications to be submitted to the Nominating Commission. The CC ruled that the previous members of the Council of the Public Prosecutor’s Office (MP) should resume their functions in lieu of a decision on the person leading the institution. As the election would be treated as a new process, the CC ordered the 12 members of the Nominating Commission to delegate their positions, as their judgement might be compromised due to their participation in the previous process.

The institutional crisis and the lack of credibility of the attorney Reyes among different sectors were factors in the CC’s decision to annul his election. “Without judging the Attorney General – Reyes – or the members of the Nominating Committee, in our opinion the justice system had to be preserved, therefore the immediate substitution and the initiation of a new process to elect the Attorney General and the three members of the Council were necessary,” a representative, said. Molina, one of the magistrates of the CC, said diverse social sectors and representatives of the international community had visited the CC and expressed a general lack of confidence in the Attorney General elect, which had effected the CC’s decision.

LAND

UN Special Rapporteur hears complaints of abuse of indigenous peoples’ collective rights

Guatemala, 16.06.2010 (AC).- Thousands of residents of the municipality of San Juan Sacatepéquez and indigenous leaders from all over the country hosted a welcome party for the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, James Anaya. As part of his tour of the country, Anaya included a visit to the municipality to verify complaints about violations of the rights of indigenous peoples on the part of a cement company, and to hear community demands relating to abuses by transnational companies on their lands.

Magdalena Sarat, member of the executive board of the National Maya Coordination and Convergence, Maya Waqib' Kej, said the Rapporteur had visited the village of Las Trojes, one of those most affected by the construction and contamination caused by the factory of the company Cementos Progreso. In the village of Santa Fe Ocaña, Anaya met with Mayan leaders from all over the country, and was received by around 20,000 people, with flowers, as is the custom in the communities when a fiesta is celebrated. Sarat also said that the Rapporteur had heard at least 36 cases related to the construction of hydroelectric and mining projects by companies that were not respecting the results of community consultations, and that were involved in the criminalisation of community leaders. Although Guatemala had signed various international instruments on the rights of indigenous peoples, she said, it had also violated their collective rights. According to a press release by Waqib' Kej, the mining-related cases presented to the Rapporteur were those related to the activities of the companies Maya Níquel, in Cahabón (Alta Verapaz), Eximbal and the Guatemalan Nickel Company, in El Estor (Izabal), and the Cerro Blanco mine, in Jutiapa. In terms of hydroelectric projects, Anaya learned about the construction of dams in Palo Viejo, in San Juan Cotzal, Hidroxacabal, in Chajul, in Ixcán (all in El Quiché), El Orégano, in the Chortí territory in the east of the country, and the Chixoy dam in the Achís lands (Baja Verapaz).

World Food Programme warns of famine in Guatemala following tropical storm Agatha

Guatemala, 02.06.2010 (PL).- The agricultural devastation caused by tropical storm Agatha could lead to famine if action is not quickly taken to provide relief where it is necessary, warned the World Food Programme (WFP) in Guatemala.

NEGATIVE EFFECTS OF GLOBALISATION

Guatemalan government announces suspension of mining activities in San Marcos

Guatemala, 24.06.2010 (PL).- The government of Álvaro Colom, in a press conference on 23 June, announced that it would comply with the cautionary measures of the Inter-American Commission of Human Rights (IACHR), which ordered the suspension of the activities of the Marlin mine in San Marcos in order to fulfil international obligations. The IACHR communicated its resolution on 20 May, but despite the government's indication that it will comply, experts indicate that the mine's closure will require time, due to an expected fierce legal dispute. No methodology or timeframe for the suspension has been specified.

OTHERS

In numbers: damage caused by Agatha

Guatemala, 01.06.2010 (AC).- The National Coordination for Disaster Reduction (CONRED), reports that the official number of people in the country affected by tropical storm Agatha has risen to 85,537, that 21,869 people remain at serious risk, and that more than 27,070 have been made homeless.

CONRED also reports that during the storm, rescue teams evacuated more than 140,149 people, and that at least 54 people have been registered as missing, with 21 seriously injured and 92 deaths, although other sources have reported the number of deaths as 123. According to CONRED's figures, 5,459 houses remain at high risk, and more than 11,000 have been damaged; 73 roads are in bad condition, 33 bridges have been damaged and another 18 bridges collapsed.

Congress ratifies state of calamity, World Bank loan redirected to attend to Agatha victims

Guatemala, 02.06.2010 (PL).- The government has 1,523 million quetzals (Q) (equivalent to almost USD 187 million) to deal with the emergency caused by tropical storm Agatha. According to President Álvaro Colom, Q 843 million (USD 103 million) in credit has been redirected, and following the ratification of the state of calamity by Congress, the Administration can access USD 85 million (Q665 million) of the loan granted by the World Bank for responding to emergencies.

Four decapitated bodies found

Guatemala, 11.06.2010 (PL, EP, CA, SV).- The Ministry of the Interior has attributed the discovery of four human heads and two bodies in different parts of the city to reactions to prison restrictions. Intimidatory messages and accusations against the Penitentiary System (Sistema Penitenciario) and the Ministry of the Interior were found with some of the remains: "This is happening because of the bad treatment and injustices in all the prisons of the country, everything that happens from now on we blame on the Interior Ministry and the Penitentiary System", one of the messages said.

State institutional vulnerability continues

Guatemala, 24.06.2010 (AC).- The institutional uncertainty and vulnerability of the Guatemalan state is deepening due to the constant resignations of government officials, which undermines confidence and shows a lack of leadership, say analysts and politicians, following the announcement of the resignation of the ministers of Public Finance, and Energy and Mines. Rubén Darío Narciso, member of the Social Studies and Research Association (ASIES), said the resignations continued to demonstrate a lack of leadership by the President, who has not been able to keep his key institutional staff, resulting in increased uncertainty, lack of confidence and the destabilization of state entities.

Opposition groups also agree that the resignations of the ministers of Public Finance, Juan Alberto Fuentes, and of Energy and Mines, Carlos Meany, are an indication of ingovernability and destabilization, and of the central government's loss of direction.

Sources: Agencia Cerigua (AC), Prensa Libre (PL), El Periódico (EP), Diario de Centroamérica (DC), Siglo Veintiuno (SV).

2. PBI-GUATEMALA ACTIVITIES – IN GUATEMALA

Team: Samuel Jones (United Kingdom), Jorge Palomeque (Argentina), Attilio Altieri (Italy), Julia Paola García Zamora (Colombia), Kathrin Bull (Germany), Frauke Decoodt (Belgium), Lena Niehaus (Germany), Aldolfo Pérez-Gascón (Spain), Janieke Janine Nelleke (Holland) and Ricard Martín Hernández (Spain)

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 nature of 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 in the country.

International Authorities:

- Manuela Sessa, human rights programmes officer, European Union Delegation in Guatemala, Guatemala City
- Christina Papadopoulou, human rights officer of the Office of the High Commissioner for Human Rights of the United Nations in Guatemala (UNHCHR), Guatemala City
- Denise Hauser, UNHCHR, Guatemala City
- Miriam Chavajay, UNHCHR, Guatemala City
- Bodo Schaff, Adjunct Chief of Mission, and Marcus Graetz, Attaché for Aid, German Embassy, Guatemala City
- Nathalie Boesch, Adjunct Chief of the Swiss Embassy, Guatemala City
- European Union Filter Group on human rights defenders: The Filter Group is a mechanism for the implementation of the EU Guidelines on human rights defenders and the Declaration on Human Rights Defenders (United Nations General Assembly, 9 December 1998)¹. We met with representatives of this group in June. Present were: David McNaught, United Kingdom Consulate in Guatemala, and representatives of the embassies of Holland, Sweden and France. Manuela Sessa, human rights programmes officer, European Union Delegation in Guatemala, and Christina Papadopoulou, UNHCHR human rights officer, also attended.

Guatemalan Authorities:

- Mario René Ávila Raxtún, 1st officer, and chief of the Environment Protection Division (DIPRONA) of the National Civil Police (PNC), Guatemala City
- Catalina Soberanis, coordinator of the Presidential Permanent Dialogue System, Congress of the Republic, Guatemala City
- Victor Godoy, director of School Coexistence and Violence Prevention Programme, Human Rights Ombudsman's Office (PDH), Guatemala City
- Gustavo Méndez, regional coordinator of the Presidential Human Rights Commission (COPREDEH), Zacapa.
- Héctor Arnoldo Aguirre Cantoral, Governor of Zacapa, Zacapa.
- Edgar Andrés Sierra Tarot, Zacapa sub-regional director of the National Forestry Institute (INAB), Zacapa.
- Franklin Asturias y Sandy Lohol, advisers to the Vice-Minister of Security, Analysis Office of the Interior Ministry, Guatemala City
- Sergio Peña, PDH auxiliary officer in San Juan Sacatepéquez, Guatemala.
- Onofre Carrillo, COPREDEH regional adviser, Santa Cruz del Quiché, El Quiché.
- Amauri Molina, assistant manager of the National Forestry Institute (INAB), Guatemala City
- González Madrid, officer of Police Station 24 of the PNC, Zacapa
- Salvador Catalán, inspector of the PNC Environment Protection Division (DIPRONA), Zacapa.

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 internal processes of contextual analysis.

¹ The Filter Group consists of one member of each member state of the EU (generally the adjunct chief of mission or the human rights or political affairs officer), of the EU and UNHCHR. Its purpose is to monitor the situation of human rights defenders, and to examine cases of threats and attacks against them, deciding on actions to take or recommending actions to be taken by the EU chiefs of mission.

Guatemalan Civil Society:

- Miguel Us Aguare, coordinator of the Council of Mayan Communities Iq'B'alam (COCOM), Uspantán, El Quiché
- Maria Morsell, Caritas Internationalis, Santa Cruz del Quiché, El Quiché
- Javier Gurriarán, consultant and member of the Initiative for the Recuperation of Historical Memory, Guatemala City

International Organisations and Agencies:

- Anabella Sibrián, Holland Platform Against Impunity in Guatemala, Guatemala.

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA.

In June we continued our regular visits to the CONAVIGUA office in the capital. Our concern about threats made to several of CONAVIGUA's members continue, in particular the case of the lawyer Jorge Morales Toj and Patricia Yoj Pol, who have reported being watched in their home and receiving threatening phone calls. Members of the organisation have expressed serious concern for communities affected by tropical storm Agatha, which affected several regions of the country at the end of May. They are especially worried about isolated communities where it is difficult for assistance to access.

Members of CONAVIGUA also expressed concern about violence in the communities of San Juan Sacatepéquez before the visit of UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples James Anaya, and requested PBI's presence in the area.

Background: CONAVIGUA carries out exhumations and inhumations in different departments throughout Guatemala, above all in Quiche, 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 small rural communities where both victims and perpetrators live, occasionally culminating in threats that seek to stop the work of the CONAVIGUA women. We periodically have accompanied the association since August 2003 with visits to their office, during its members' journeys to different departments of the country, and in exhumation and inhumation activities in clandestine cemeteries in rural areas. Due to increasing requests on the part of communities in which CONAVIGUA works, the organisation expanded its work in the areas of legal and organisational advisory services to communities that are in the process of self-management. San Juan Sacatepéquez is one of the areas where CONAVIGUA is accompanying this process.

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

We continue our accompaniment of OASIS with regular office visits and meetings. We also have had regular meetings with Zulma Robles, following up on the complaint she filed after receiving suspicious anonymous phone calls.

On Saturday 26 June we observed at the invitation of OASIS the March for Sexual Diversity, which took place in the streets of the capital.

Background: OASIS is an organisation that works with HIV/AIDS education and prevention, as well as promoting and protecting the rights of gay, lesbian, bisexual and transgender people.

*On 17 December 2005, a transgender worker, Paulina, was killed, the seventh murder of a transgender worker that year. **Zulma Robles**, who witnessed the crime, was seriously injured during the incident. OASIS reported the case to the Public Prosecutor's Office (MP) and Zulma, as a witness to the murder, identified alleged agents of the National Civil Police (PNC) as the perpetrators of the crime. Members of the organisation continued to suffer harassment and threats. Director of OASIS, **Jorge López**, reported being pursued by a police car during the night of 22 January 2006. On 3 February 2006 the Inter-American Commission of Human Rights (CIDH) granted protection measures for Zulma Robles, Jorge López, and another eleven members of OASIS, requesting that the Government of Guatemala adopt the necessary measures to guarantee their lives and physical integrity.*

We have been accompanying OASIS since the beginning of 2006. In January 2009, we intensified the accompaniment of Jorge López after he was accused of the attempted murder of sex worker Laila (Axel Leonel Donis González) and a legal process opened against him. Jorge López interpreted this process as a new manifestation of the constant persecution and intimidation he has suffered in recent years, which aims to impede the progress of the organisation's work and the respect for the human rights of sexual minority communities. On 29 September 2009 Jorge's case was dismissed by the Ninth Court of the First Criminal Instance.

Association for the Protection of Las Granadillas Mountain, APMG.

In June, we held meetings with several authorities to talk about the work of APMG and the struggle of this organisation to protect the mountain. We met with Commissioner Mario René Ávila Raxtún, 1st officer and chief of the PNC Environment Protection Division (DIPRONA) at the national level; Gustavo Méndez, regional coordinator of the Presidential Human Rights Commission (COPREDEH) in Zacapa; Héctor Arnoldo Aguirre Cantoral, the Governor of Zacapa; Edgar Andrés Sierra Tarot, Zacapa sub-regional director of the National Forestry Institute (INAB) in Zacapa; Amauri Molina, assistant manager of INAB at the national level;

Inspector Salvador Catalán, of DIPRONA in Zacapa; and with Officer Ganzález Madrid, of Police Station 24 in Zacapa. An objective of these meetings was to follow up and inform about a criminalisation process targeting leaders of the organisation. We have also held regular meetings with the organisation's members.

*Background: The association was created six years ago in Zacapa, when a group of residents realised that the ecosystem of the Las Granadillas Mountain (Zacapa) was in danger due to logging, monoculture, and large-scale cattle farming. They were concerned above all, that the water reserves would disappear, given that all of the region's water comes from the mountain's forests. The organisation sought the support of the Lutheran Church, specifically from Reverend **José Pilar Álvarez Cabrera**, and the Madre Selva Collective. These organisations carried out an analysis of the deterioration of the area, and found that the lower part of the mountain had lost 70% of forest cover due to illegal logging and inadequate regional application of the Forestry Law. Now the principal objective is to protect 20-30% of the remaining forest and to promote reforestation. The association's members want to convert the mountain into a protected area but this proposal has proven difficult and dangerous because of the economic interests involved. Threats against members of the association began when the association tried to denounce the illegal timber trade. We have accompanied the APMG since August 2008. At the beginning of 2009, Reverend José Pilar Álvarez and two members of the APMG faced legal accusations connected to their work of protecting the mountain. The charges were dismissed in the first hearing before a judge. In May 2010, an internal report prepared by the PNC accused members of the Association of threatening illegal actions, such as blocking the highway to impede the passage of vehicles transporting lumber from the Tashoro estate, or mobilising the community La Trementina to carry out a blockade. The APMG, in a meeting with the governor, the PNC and DIPRONA, demonstrated the lack of grounds or truth in the accusations and requested its retraction. Two days later, during a meeting with the same authorities, the PNC and DIPRONA agreed to carry out an investigation and prepare a new report – which they subsequently did, and in which the accusations were retracted.*

Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ.

We held several meetings with AMISMAXAJ members in June. We also accompanied them to a meeting of the executive board of the organisation. On the 15th, we were present during the submission of information relating to the violation of the human rights of the Xinca people, to the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples.

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 Xinca communities from the Santa María Xalapán Mountain (Jalapa). They work at the local, departmental and national levels, from a political position opposed 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 their Xinca ethnicity and the defence of land and territory. In particular, it is actively working to defend natural resources and oppose plans for mining and petroleum activity in the region.

'New Day' Chortí Campesino Central Coordinator.

We remain concerned about several arrest warrants issued against leaders of communities; they have reported that they are victims of criminalization. We accompanied the organisation when its representatives met with the UN Special Rapporteur, James Anaya, during his visit to San Juan Sacatepéquez. They submitted a presentation of the case of the El Orégano hydroelectric project.

In June, several of the organisation's members gave statements to the Justice of the Peace in Camotán, to express their concerns about threats they have received.

We continue to be concerned about the increased insecurity and vulnerability of several of New Day's members, especially following the release from prison of an individual who previously threatened one of them for reasons relating to his work with the organisation. We also continue actively monitoring the situation of the communities who may be affected by the Technological Corridor project², the official launch of which took place in Camotán at the end of October 2009.

*Background: 'New Day' Chortí Campesino Central Coordinator is part of the Agrarian Platform, working in the Municipalities of Camotán, Jocotán, Olopa and San Juan Hermita in the department of Chiquimula. It trains rural communities on issues relating to the rural economy, the environment, rights and land, in coordination with other local organisations. It has 7,400 members and a political council made up of 16 people (eight senior members and eight vice-members). Omar Jerónimo is the coordinator of the organisation. In 2006 New Day became aware of construction projects for three hydroelectric plants in two of the department's municipalities: "**El Orégano**" which would be built on the Rio Grande in the municipality of Jocotán and which would have the capacity to generate 120 megavolts; and "**Caparjá**", in the municipality of Camotán with a potential of 57 megavolts. They are both projects of the Company **Desarrollo de Generación Eléctrica y Manejo de Recursos Naturales Las Tres Niñas SA** (Development of Electricity Production and Management of Natural Resources Las Tres Niñas Inc). The third project, "**El Puente**", in Jocotán, is a project of the*

² At a cost of US\$12bn, the infrastructure project known as the Technological Corridor seeks to link, by 2015, Guatemala's Atlantic and Pacific coasts. It will comprise the construction of a four lane motorway linking Pedro de Alvarado, Moyuta (Department of Jutiapa), with the port of Santo Tomás de Castilla (Department of Izabal), crossing the departments of Chiquimula, Zacapa, Izabal and Jutiapa. It will also include the construction of a train line and a gas pipeline.

company **Generación Limpia de Guatemala, S.A.** (Clean Generation of Guatemala Inc) and would have a potential of 27 megavolts. Since learning of the projects, New Day began to inform communities about the projects and their effects. Members of New Day have received threats and attacks that they relate to the work they carry out. In September 2009, one of their members was victim to a gun attack close to the community.

Camoteca Campesino Organisation.

We have continued to have regular meetings with the members of the Association, who also submitted to the UN Special Rapporteur information about threats against their members in the context of their opposition to the construction of the Technological Corridor Project.

The security situation of Association members continues to be critical, due to threats against some of its members. We are particularly concerned by the death threats received by Carlos Hernández and Santos Vázquez.

We continue monitoring the communities that may be affected by the Technological Corridor project, the launch of which took place in Camotán at the end of October 2009.

PBI is deeply saddened by the loss of crops in the region and the situation of severe vulnerability, which also affects members of the Association, due to the intense rains that lashed the region this month.

Background: The Camoteca Campesino Organisation was founded in 1988, made up then of health promoters and midwives of the municipality of Comatán, department of Chiquimula. At that time, the association was called Committee for Oversight and Defence of the Resources of the Municipality of Camotán. In 2002, it was renamed the Campesino Association of Camoteca Farmers. Currently, the Camoteca Campesino Organisation is an active member of the Coordinator of Popular, Indigenous, Union, and Campesino Organisations of the East (COPISCO).

Its primary objective is the defence of life and of natural resources, and its ultimate goal is the search for well being for human beings and the natural world in which they live. Today, it is made up of 718 associates who monitor compliance with the laws and who follow up violations of human rights in the eastern region. They maintain a close relationship of cooperation with the New Day' Chortí Campesino Central Coordinator, in particular with regards to land, agriculture, and defence of the environment.

When the association learned of construction plans for three hydroelectric plants, "El Orégano", "Caparja", and "El Puente" (see above in the background of New Day' Chortí Campesino Central Coordinator) and for the Technological Corridor, they began work on awareness building and information in the communities about the effects of the mega-projects on the environment and on their economic situation.

Qamoló kí Aj Sanjuani - People of San Juan Unite.

During June, we continued regularly visiting the communities of San Juan Sacatepéquez. We are particularly concerned about the distribution in the communities of a second wave of flyers containing defamatory statements about the organisation's members, which first happened some months ago.

On 2 June, there was a confrontation in the community of San Antonio Las Trojes I, between the community population and workers of the company Cementos Progreso, when both prepared to repair a road that had been damaged by tropical storm Agatha. Several people from the communities were threatened, and some also attacked. A firearm was used. The Presidential Human Rights Commission (COPREDEH) arrived in the area to mediate, while the National Civil Police (PNC) did not appear during the conflict. After the violent events, a Habeas Corpus appeal was made before the Justice of the Peace of San Juan Sacatepéquez. The following day, 3 June, the Justice of the Peace visited San Antonio Las Trojes to observe the situation. PBI was present as part of a delegation of civil society organisations that travelled to the area. On 4 June we accompanied, along with the Human Rights Defenders Protection Unit (UDEFEGUA) and the Campesino Unity Committee (CUC), the eight victims as they gave their statements to the Justice of the Peace. The judge also sent a questionnaire to the cement company so that it could defend itself.

On 5 June, there was another night of violence. In San Antonio Las Trojes I, residents participating in a community meeting were attacked by workers from the cement company. Some of the people present in the meeting escaped and took refuge in their houses and others in the church, where they spent the night, because their attackers remained in the area until 5:00 am. At 01:00 am, an ambulance arrived to take away an injured person. The PNC arrived at 16:00 pm. On 6 June, PBI travelled to Santa Fe Ocaña and San Antonio Las Trojes I to gather more information about the events in San Antonio the night before. On this day, we accompanied the residents to police station 16 in San Juan Sacatepéquez, where they made a formal complaint and demanded that the police protect the area's population. The next day, 7 June, PBI was present in Santa Fe Ocaña, where Qamoló kí Aj Sanjuani was preparing for the visit of the UN Special Rapporteur. Later we travelled to San Antonio Las Trojes I to attend a meeting between residents and officers of the PNC.

During the following days, as part of our strategy to increase international attention, we met with the Delegation of the European Union in Guatemala (Manuela Sessa), with representatives of the UN Office of the High Commission for Human Rights in Guatemala Christina Papadopoulou, Denise Hauser and Miriam Chavajay, and with the embassies of Germany (Bodo Schaff and Marcus Graetz) and Switzerland (Nathalie Boesch). We also met with the Analysis Office of the Interior Ministry (Mr Asturias and Ms Sohol), and with the auxiliary officer of the PDH of San Juan Sacatepéquez (Sergio Peña).

Between 12 and 16 June, PBI was permanently present in the communities of San Antonio Las Trojes and Santa Fe Ocaña. We were also in San Juan Sacatepéquez on 15 June, accompanying Guatemalan civil society organisations during the visit of the UN

Special Rapporteur, James Anaya. In June PBI published an 'Alert' about the situation of the communities of San Juan Sacatepéquez.³

Background: Qamoló kí Aj Sanjuani-People of San Juan Unite is an organisation that brings together neighbours from diverse communities in the municipality of San Juan Sacatepéquez, participating in the movement for the defence of 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, the worlds largest cement producer.

In January 2007, several San Juan Sacatepéquez communities submitted an application to the municipality for a community consultation about the installation of the factory. The consultation, however, was deferred until finally it was revoked. As a consequence, by means of their Community Development Councils but without backing from the municipalities, the communities decided to reactivate the process. They held a consultation on 13 May 2007 with the participation of 8,950 people. 8,946 voted against and 4 in favour of the installation of the factory. The Municipal Council, along with the mayor, agreed to take into account the results of the consultation prior to the authorisation of any licence for construction. Since then, the residents of San Juan Sacatepéquez have made numerous complaints about human rights abuses and a fierce campaign of criminalisation against them.

The recent verdict by the Constitutional Court (CC) in November 2009 suspended the April 2007 decision of the San Juan Sacatepéquez Municipal Council, which had left without effect the application by the neighbourhood to hold its community consultation. The decision by the CC found in favour of the appeal made by the Community Councils for Development of El Pilar I and II, Sector 1 of San Antonio Las Trojes, the village Lo de Ramos and the hamlet Cruz Ayapán, urging the Municipality of San Juan Sacatepéquez to organise a new community consultation so that the population could have a say about the mining exploitation. Although the resolution recognises the rights of the indigenous population to be consulted and should be taken into account by the Executive Body, the results would not have a binding effect. The Kaqchiquel communities of San Juan Sacatepéquez, through their legitimate authorities, have continued make known their availability for dialogue with legal and democratic mechanisms to seek agreements of benefit to the community.

Cunén Communities Council.

We were present on 15 June in San Juan Sacatepéquez, when members of the Council submitted to the Special Rapporteur information relating to violations of the collective rights of the indigenous peoples of El Quiché. During the month we held regular meetings with members of the Council. We are especially concerned about defamatory accusations and slander aimed at members of the Council in the local area, in an attempt to hinder their work.

Our presence in the area allows us to remain attentive to events in the area, acquiring information about the situation and the context of work being done to protect land and natural resources, sharing information about the situation of human rights defenders and meeting with different local actors.

Background: The Council was established at the first communities' assembly in San Siguán. It is made up of 22 members from eight micro-regions of Cunén. The 22 members were named by their communities. One of the principal focuses of the Council's work is the defence of land and natural resources. In October last year they organised a community consultation on mining and hydro-electrical exploitation activities, and mega-projects in general; around 19,000 people from 71 communities voted against. PBI observed part of the preparation process and the realisation of the consultation.

Human Rights Defenders Protection Unit, UDEFEGUA.

This month we accompanied members of UDEFEGUA during investigation and verification trips to the communities of San Juan Sacatepéquez, after the violent events in the area at the beginning of the month. We continue paying special attention to the security situation of UDEFEGUA members and hold frequent meetings in their office in the capital.

Background: The Human Rights Defenders Protection Unit (UDEFEGUA) was founded in 2004 with the objective of promoting the security of human rights defenders in Guatemala and contributing to the protection of the political space in which they work. The Unit's programmes support threatened human rights defenders and their organisations and advise them about prevention and response to threats and attacks, through the provision of information, training, monitoring and psychological support. In addition, UDEFEGUA promotes the protection of these people by government institutions and the international community. For many years PBI has maintained a close collaborative relationship with UDEFEGUA and in 2007 provided the Unit with international accompaniment during another period of threats. Following the threats received during the month of May 2009, those affected have denounced the incidents to the Public Prosecutor's Office. Several international organisations have expressed their concerns about what they describe as a "serious pattern of persecution".⁴

³ Alert about the situation of communities of San Juan Sacatepequez San Juan Sacatepéquez: [http://www.pbi-guatemala.org/field-projects/pbi-guatemala/what-we-do/latest-news/news/?L=0&tx_ttnews\[tt_news\]=2247&cHash=48a6aa33d9a94338c947fd691d03d165](http://www.pbi-guatemala.org/field-projects/pbi-guatemala/what-we-do/latest-news/news/?L=0&tx_ttnews[tt_news]=2247&cHash=48a6aa33d9a94338c947fd691d03d165)

⁴ Human Rights First (HRF), Washington Office on Latin America (WOLA), Network in Solidarity with the people of Guatemala (NISGUA), Grassroots International, American Jewish World Service, Latin America Working Group (LAWG), Institute for Peace and Justice – University of San Diego, *Carta al Presidente Álvaro Colom*, 8 May 2009.

We intensified the accompaniment again on 5 March, when several unidentified individuals broke into the house of Erenia Vanegas, investigator for the organisation. Nothing was taken, but a wardrobe and documents kept in a box were both searched. After this incident and another on 2 February, in which the car brakes of the director of the organisation, Claudia Samayoa, were interfered with, PBI increased the accompaniment through visits to the office, regular meetings with the organisation's members, and accompaniment during journeys to departments in the interior of the country necessary in their activities of investigation and verification of reports about attacks against human rights defenders.

2.4 FOLLOW-UP

We regularly receive requests for accompaniment from social organisations and human rights defenders who are or who feel threatened. Through international accompaniment, we seek to reduce the threats and open a more secure space in which they can carry out their work. Once the level of risk, the threats, and security incidents suffered by the accompanied organisations and individuals have diminished, we continue the accompaniment in the "follow up" phase. This means that we reduce the physical accompaniment but continue to maintain contact with them through visits and/or phone calls to their workplaces and offices. At the same time, we remain available to respond should they have specific requests for international presence.

We are providing follow-up with these social organisations:

Vera Paz Union of Campesino Organisations, UVOC.

In June we held regular meetings with members of the organisation. We remain concerned about the threats received by some members of UVOC and continue to monitor and show our presence in the area and among the communities where the organisation works.

Members of the organisation have expressed much concern about the communities affected by tropical storm Agatha. They plan to meet with community leaders to find out the exact number of people affected during the storm and seek solutions to the crisis brought about by the loss of crops and land.

Background: UVOC is a campesino organisation based in the departments of Alta and Baja Verapaz that works principally to defend and promote access to land for the peasant population, and it advises communities about 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. At the same time, we continue to pay attention to the delicate situation of some of the communities that are part of the organisation.*

Centre for Human Rights Legal Action, CALDH.

In June we have held regular meetings in the organisation's office.

Background: CALDH has had its headquarters in the capital since 1994. It receives reports of human rights violations, directing investigations into the cases and pushing for access to justice. One of its main areas of work is seeking justice in genocide cases and other crimes committed during the internal armed conflict. We have accompanied CALDH workers on several occasions between 2004 and 2006. In February 2007, members of the legal team received direct threats. That same month, José Roberto Morales Sic, Coordinator of CALDH's Rights for Indigenous Peoples Programme, was the victim of kidnapping by two armed men who threatened to kill him. At that point we began to accompany him on a regular basis. In February 2009, we began to observe some of the organisation's other activities. This came following an increase in threats and security risks because of its active role in the truth process, the recuperation of historical memory and the release of classified military archives relating to its actions during the internal armed conflict.

The Commission of Peaceful Resistance of San Rafael Pie de la Cuesta, CRP.

In June we monitored the tense situation in the San Marcos department, due to a conflict between the Spanish electricity provider Unión FENOSA (DEOCSA in Guatemala) and communities from several municipalities. The government currently maintains the state of prevention⁵ in the area that was decreed on 22 December 2009, which has now continued for six months.

Background: The CRP, founded in 2007 in the Municipality of San Rafael Pie de la Cuesta (San Marcos), focuses on the investigation and reporting about a particular hydroelectric project, whose proposed construction in early 2008 was announced by the mayor in September 2007. The project was based on another earlier one that had not been realised, and about which the municipality's population had not been informed.

We began accompanying members of the CRP in December 2007, when some of them were attacked and interrogated by police officers during a meeting after which several members received threats. As a result of a positive evaluation of their security, the accompaniment has been in the follow up phase since November 2008.

2.5 OBSERVATION

⁵ The first and lowest level of official public alert.

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

On Monday 7 June we observed a protest in front of the Presidential House, called by the Convergence for Human Rights in relation to the resignation of Carlos Castresana from the International Commission Against Impunity in Guatemala, and to demand the substitution of the Attorney General. Other civil society organisations were present, as well as the Nobel Peace Prize recipient Rigoberta Menchú. In total, there were around 40 demonstrators.

On 15 June, we observed the visit of the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, James Anaya, to Santa Fé Ocaña, in the municipality of San Juan Sacatepéquez. Around 30,000 people participated from all over the country. Around 30 organisations presented to the Rapporteur diverse cases of violations and abuses of collective indigenous rights. Many others submitted written information.



On Saturday 26 June, at the request of OASIS, we observed the March for Sexual Diversity, which marked the Global Day for Sexual Diversity (25 June). Many Guatemalan social organisations participated, as well as the hundreds of people marching.

3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA

The regional representatives, the project's coordination office, other committee members and the project office, as well as PBI national groups, carried out public relations campaigns with numerous NGO's, agencies, national governments and parliamentarians, etc. These meetings translate into the development and strengthening of the project's "Support Network", an essential tool for the functioning of PBI's international presence in Guatemala.

Between 22 June and 4 July, the PBI Guatemala Project, in coordination with the United States country group, PBI USA, carried out an advocacy tour in several US cities.

From 22 to 26 June, Jessica Fujan, a former PBI Guatemala volunteer, and Silvia Weber, who occupies the Civil Peace Service post in the Guatemala Project, participated in the United States Social Forum, in Detroit, Michigan. As with other Social Forums in other parts of the world, the aim was to share knowledge, experience, ideas and strategies, to seek alternatives to the existing economic, social, cultural and political system, taking into account cultural, ethnic, sexual, social and economic differences to build a fairer and more inclusive world. More than 1,200 workshops were held, as well as plenary sessions and popular assemblies to exchange information and form alliances, networks and actions. With the director of PBI USA, Katherine Hughes-Fraitekh, and Kelsey Alford-Jones, of the Guatemalan Human Rights Commission (GHRC) in Washington DC, the project's representatives facilitated the workshop "Continual struggles of indigenous peoples to defend land and resources".

The following week, 28 June to 2 July, they carried out a speaking tour, meeting with several representatives of the offices of senators and parliamentarians of the USA Congress in Washington. They also met with members of the National Lawyers Committee, which offers legal advice in cases of violations of human rights before international institutions like the Inter-American Commission of Human Rights, and with the Guatemala section of the Latin America Working Group (LAWG), in which participate representatives of GHRC, the National Security Archive, the Episcopal Diocese of Maryland and the United Methodist Church.

On 1 July, they met with Brett Hansik and Gregory Maggio of the State Department's Central American section, and with the Consulate Rita Claverie de Sciolly and Edgar Villanueva, civil adjunct of the Guatemalan Embassy in the USA. In New York on 2 July, they met with Meaghan Sunderland, head of human rights and humanitarian aid in the Permanent Mission of Canada to the United Nations.

The purpose of this advocacy tour was to express our concern about the security situation of the organisations we accompany in Guatemala, and especially to call attention to the struggle of indigenous communities to defend their land, territory and natural resources.

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.

**CONIC: CENTRO DE ACOPIO PARA LOS AFECTADOS POR ÁGATHA
LA COORDINADORA NACIONAL INDIGENA Y CAMPESINA –CONIC-
APOYA A LOS DAMNIFICADOS POR LA TORMENTA ÁGATHA.**

LA ORGANIZACIÓN TIENE APERTURADO VARIOS CENTROS DE ACOPIO PARA ATENDER A DAMNIFICADOS, con el fin de apoyar a las víctimas de la Tormenta Ágatha:

NO.	LUGAR	CONTACTO	TELÉFONO
1	OFICINA CENTRAL –CONIC- 6ª. Calle 0-40 zona 1, Guatemala.	CESAR BOL	42037908
2	QUICHE- 1 Av. 3 calle zona 1	MARTA CECILIA VENTURA	53791422
3	SAN JORGE LA LAGUNA, SOLON COMUNAL. Sololá	RODOLFO POCOP	57230316
4	ALDEA PARAJBEY-Santa Apolonia, Chimaltenango (casa Rodrigo Chonay)	RODRIGO CHONAY	51558004
5	PURULHA-Baja Verapaz, Barrio el Centro, Frente del Parque)	EMILIO TZIB PEDRO CU	46549664 40421012
6	LA TINTA-Alta Verapaz, Barrio Crucero zona 3	CANDELARIA BEB	53555838
7	SENAHÚ- atrás de la oficina de la Comisaría	JUAN ICO	53555838

Les invitamos a aportar: víveres, vestuario, medicina u otros, para poder cubrir la emergencia y ayudar a los hermanos y hermanas damnificados que tanto lo necesitan

UDEFEGUA: DENUNCIA 9 – 2010

Por este medio notificamos el allanamiento y amenaza en contra de defensor de derechos humanos.

1. Información sobre la víctima:

Marvin David del Cid Acevedo

Periodista

Coordinador Modulo de investigación de El Periódico

Tel. 5306-5141

Correo: mdelcid@elperiodico.com.gt

Naturaleza del Trabajo:

Como miembro del Equipo de Investigación de El Periódico, el Sr. Del Cid constantemente está realizando investigaciones sobre diversas temáticas, muchas de ellas de denuncia sobre hechos de corrupción o de existencia de grupos que favorecen la impunidad. Previo a su trabajo en El Periódico, el Sr. Del Cid trabajó en Prensa Libre y en Emisoras Unidas. Asimismo, actualmente es catedrático de ciencias de la comunicación.

2. Naturaleza u Origen de la Supuesta Violación:

El día 24 de junio al salir de su casa a las 10:25 horas vio un vehículo a estacionado frente al portón de su casa marca Mitsubishi, color dorado, vidrios polarizados en el que se encontraba un hombre de aproximadamente 25 años acompañado un niño de 12 años a quienes le pidió que movieran el vehículo para salir él. A las 10:45, recibió una llamada telefónica de su vecino preguntándole, si él había dejado a alguien dentro de su apartamento porque acaba de ver salir del mismo a dos mujeres. Nadie tiene llave de su apartamento y el no había dejado a nadie. Al regresar al apartamento encontró la puerta abierta; habían sustraído: dos computadoras, un modem de Internet Yego, un sobre con Q.2.300, en una de las habitaciones toda su ropa del closet estaba desordenada, en la otra habitación todos sus documentos igualmente desordenados y en el baño una leyenda escrita con marcador negro que decía "TE VAS A MORIR". Las computadoras contenían la información de las investigaciones realizadas a lo largo de su carrera así como archivos personales.

3. Posible Razón de la Violación:

Por la forma en que se da el hecho –inmediatamente al salir de su casa y utilizando llaves de la casa- se presume que había una vigilancia previa en contra del periodista que implicó incluso la copia de las llaves (el defensor no ha dado copia de las mismas a nadie). En la casa se dejaron cosas de valor y fueron sustraídas cosas que eran de utilidad al periodista para su trabajo. Al momento se presume que tiene relación con su trabajo y el ingreso a la casa, robo y amenaza tiene como objeto detener una investigación en curso o cumplir amenazas previas recibidas por el defensor.

4. Medidas sugeridas:

Se solicita que se realicen acciones urgentes a favor de Marvin David del Cid Acevedo orientadas hacia la investigación de los hechos. El periodista no solicita medidas de protección de naturaleza policial porque la misma le impediría su trabajo, por lo que ha solicitado que la mejor medida para su protección es que se encuentren a las y los responsables de estos hechos.

Guatemala, 25 de junio del 2010

CONVERGENCIA POR LOS DERECHOS HUMANOS – NOMBRAMIENTO NUEVO TITULAR DE LA CICIG

Las organizaciones integrantes de la Convergencia por los Derechos Humanos, ante el nombramiento del nuevo titular de la Comisión Internacional Contra la Impunidad en Guatemala -CICIG-,

EXPRESAMOS

1. Nuestra complacencia por la designación de un profesional con amplia experiencia en materia de persecución penal y lucha contra la impunidad en casos de alto impacto, como es el Doctor Francisco Dall'Anese Ruiz.

2. Nuestro compromiso irrenunciable a colaborar permanentemente con la CICIG en su mandato de investigar y dismantelar las redes de Cuerpos Ilegales y Aparatos Clandestinos de Seguridad -CIACS, por medio de la persecución penal, la depuración administrativa y la generación de información sobre su funcionamiento; así como el de contribuir al fortalecimiento de las capacidades del Estado de Guatemala para erradicar el flagelo de la impunidad.

3. Nuestra exigencia al Estado de Guatemala para que brinde al Doctor. Dall'Anese todas las condiciones para el logro de su misión por lo que:

- Demandamos a la Presidencia de la República y al Organismo Ejecutivo, cumplir las recomendaciones que la Comisión ha realizado y garantizar las facilidades necesarias en los ámbitos de su competencia para el buen desempeño de la CICIG así como las y los funcionarios públicos que apoyan el funcionamiento de la entidad.
- Exigimos al Congreso de la República, la aprobación inmediata de las leyes relativas a la reforma de seguridad y justicia, necesarias para combatir la impunidad en Guatemala sin violentar las normas legales constitucionales y ordinarias, ni las garantías, libertades y los Derechos Humanos.
- Reclamamos al Organismo Judicial, el cumplimiento de su mandato de ofrecer justicia pronta y cumplida, en casos emblemáticos que apunten al dismantelamiento de las estructuras del crimen organizado y erradicación de la impunidad no permitiendo maniobras dilatorias en los procesos judiciales.
- Requerimos del Ministerio Público, mantener su actuación de respaldo a la CICIG y desarrollar conjuntamente con la Comisión los mecanismos para la efectiva y productiva transición de la experiencia de persecución penal.

4. Invitamos al movimiento social y a la sociedad guatemalteca a continuar con la denuncia de las acciones y redes de impunidad, así como a estar vigilantes ante cualquier intento por revertir los procesos conducidos por la CICIG.

Guatemala, 30 de junio de 2010

PBI GUATEMALA DOES NOT NECESSARILY IDENTIFY WITH THE OPINIONS AND CONTENT OF THE ARTICLES AND COMMUNIQUE REPRODUCED. THE NOTES ON CURRENT CONTEXT IN SECTION 1 ARE NOT FROM A LITERAL COPY OF THE SOURCES CONSULTED: THEY SIMPLIFIED THE WRITING AND SYNTHESISED THE ORIGINAL ARTICLES.

- PBI GUATEMALA PROJECT-

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