



## PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

### MIP - MONTHLY INFORMATION PACKAGE – GUATEMALA

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### 1. NOTES ON THE CURRENT SITUATION

#### IMPUNITY

##### **CERIGUA Agency and UDEFEGUA warn of return of detentions with characteristics of the internal armed conflict**

Guatemala, 17.11.2010 (AC).- Two human rights defenders were detained in Chiquimula accused of carrying out activities contrary to national security, illegal meetings and violation of the freedom of movement. Only days before, the District Prosecutor of Chiquimula had denied the existence of arrest warrants against them. According to a communique of the Human Rights Defenders Protection Unit (UDEFEGUA), Carlos Hernandez, part of the National Syndicate of Health Workers, and Santos Vasquez, member of the Camoteca Campesino Association, were detained in Chiquimula on the morning of 16 November. Both had participated in mobilising community protest to protect natural resources and defend human rights.

During the arraignment hearing the Public Prosecutor (MP) presented a statement by the departmental governor and the record of negotiations compiled by the Human Rights Ombudsman (PDH). The judge decided to continue the prosecution of Carlos Hernandez and Santos Vasquez, placing them under house arrest. According to the CERIGUA news agency, rumours continue to circulate regarding further arrest warrants against other local leaders.

In its communiqué, UDEFEGUA questioned the role of the Chiquimula Prosecutor's Office, denouncing the troubling development of a prosecution policy that uses criminal offences created during the internal armed conflict, which it said were against human rights and in favour of private interests. The communiqué said that this policy of criminalisation was being put into in conjunction with a refusal to investigate alleged crimes against human rights defenders as well as serious violations of fundamental rights in the jurisdiction.

##### **UNDP highlights principal causes of backlog in the administration of justice**

Guatemala, 22.11.2010 (CA).- The report "Guatemala: Towards a State for Human Development", presented in mid-November by the United Nations Development Programme (UNDP), highlighted factors such as investigative deficiencies, a lack of economic resources and personnel and an increase in the crime rate as the principle reasons why 50% of the prison population are being held in the country's prisons without being sentenced.

The Guatemalan Penitentiary System (SP) issued its own figures. According to its spokesperson, Rudy Esquivel, to date there are 10,337 men held in Guatemalan prisons, of which 4,661 are serving sentences, and the others (5,676) are held on remand in custody. There are 759 female prisoners, of which 264 are serving sentences handed down by a competent judge and the others (495) are in prison while their legal situation is clarified.

Luis Archila, President of the Supreme Court of Justice (CSJ), referred to the need for more tribunals and personnel, and a lack of budgetary resources as leading to the present inability to meet the needs of the system. He says the problem is not solely caused by the judicial system, and suggests the other factors should be taken into account, such as the lack of adequate and effective investigations by the Public Prosecutor (MP).

#### LAND

##### **Campesino population asks for support after violent eviction in Purulhá (Baja Verapaz)**

Guatemala, 09.11.2010 (AC).- Around 15 families publicly denounced their violent eviction on 29 September in the community

Cuchilla Jalante, in the municipality of Purulhá (Baja Verapaz). They have asked for support from the National Indigenous and Campesino Coordinator (CONIC) in Cobán (Alta Verapaz). Sofía Tot, a representative of the families affected, said they were expelled from their homes by armed men with covered faces, who were carrying out orders of estate owner Alfredo Chub Iqui. She explained that the affected families were staying in the community Panal Vargas, without clothes or food, as all their possessions were burned by the unknown group, who set their houses ablaze after evicting them.

According to Mrs Tot, the group still patrols the community and bars its men access to harvest the coffee and cardamom that belong to them. Chub Iqui said the land, which amounts to seven *caballerías* of land (around 315 hectares), belongs to him, but according to the displaced families he has no documents confirming his legal right to the land.

The affected families said that they had sought refuge in Cobán because they spoke Q'eqchi' and in Baja Verapaz Achi' is spoken, so they could not communicate with the institutions there. In Alta Verapaz there are also civil society organisations lending them support in their language, such as the Association of Community Health Services (ASECSA) and the *campesino* organisation CONIC.

## **NEGATIVE EFFECTS OF GLOBALISATION**

### **New study into the conflict generated by mining and hydroelectric projects**

Guatemala, 08.11.2010 (PL).- Patricia Orantes, an investigator who has coordinated a recent study analysing the conflict around mining and hydroelectric projects, has told Prensa Libre of the study's findings and of the inherent contradictions in the exploitation of natural resources. According to the newspaper, the results reveal the failure of dialogue and negotiation between the actors involved. Orantes identified certain common denominators which form the context for the conflict resulting from mining and hydroelectric projects: on the one hand, a lack of a national strategic policy and the consequent importance of the role of the Ministry of Energy and Mines (MEM) in administering licences and granting authorisations for profitable private sector projects by approving environmental impact assessments; and on the other hand, a confluence of factors such as the high levels of poverty and environmental vulnerability in the affected areas.

Orantes evaluated the differences found in conflicts around mining and hydroelectric projects, concluding that the principal distinction was that investment in renewable energy and hydroelectrics was necessary for the country, whereas this was not the case with mining. Her conclusion was that mining could result in a net deficit for the country, stating that it was impossible to claim that mining had resulted in more benefits than costs for a number of reasons: firstly, there is a shortage of objective information as the state has not carried out an independent study and those that have been done have been carried out by companies or by NGOs; secondly, the studies of the Ministry of the Environment and Natural Resources (MARN) are not trusted by the population; and, finally, the weakness of public institutions has led to a poor quality of public policy.

Orantes emphasised that the General Electricity Law (1996) and the Mining Law (1997) were conceived by political parties and investors without any input from municipal local authorities and community organisations. Her opinion was that both laws rendered invisible the people that use natural resources. According to her experience, true participation avoided conflicts, she said.

## **OTHER**

### **President Colom vetoes decree reinstating the death penalty**

Guatemala, 05.11.2010 (EP, PL).- President Álvaro Colom vetoed, for the second time in two years, the "Regulatory Law for Commutation of the Death Penalty", which was promulgated on 5 October and whose object was to reinstate the death penalty in the country. "This government considers that the death penalty does not help to improve security and we do not support it. Under the guise of establishing a mechanism for the grant of reprieve, what is being done is the restoration of the death penalty, in breach of the right to life", declared Colom. "This would be a setback in the movement towards abolition; it would mean a violation of the Inter-American Convention of Human Rights, the Pact of San José, which determined that once abolished, the death penalty could not be re-established", stated the president.

### **UNDP report highlights Guatemalan retrogression in human development**

Guatemala, 05.11.2010 (AC).- The 2010 Human Development Report of the United Nations Development Programme (UNDP) in Guatemala placed the country 116th in the Human Development Index (IDH), the worst record in the Central American region.

At the presentation of the report, Xavier Michón, director of the UNDP in Guatemala, said the country had experienced sustained economic growth in the last 30 years, but the indicators of human development such as health and education, aggravated by inequality, had not seen the same advances.

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**Sources:** Prensa Libre (PL), El Periódico (EP), El Diario de Centro-América (CA) and Agencia Cerigua (AC).

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

**Team:** Julia Paola García Zamora (Colombia), Kathrin Bull (Germany), Frauke Decoodt (Belgium), Lena Niehaus (Germany), Janieke Drent (Holland), Ricard Hernández Martín (Spain), Pascal Bodemeijer (Holland), Anabella Estol (Argentina) and Jorge Palomeque (Argentina).

### **2.1. MEETINGS WITH DIPLOMATIC CORPS AND GUATEMALAN AUTHORITIES**

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

International authorities and other international entities in Guatemala:

- Javier Puig Saura, second head of the Embassy of Spain, Guatemala City.
- David McNaught, alternate chief of mission of the British Embassy and Sarjeevan Sathecsan, of the UK Foreign and Commonwealth Office in London, Guatemala City.
- Catalina Lleras and Omar Gómez, human rights officials, Office of the UN High Commissioner for Human Rights in Guatemala (OACNUDH), Guatemala City.
- Pontus Rosenberg, second secretary of the Embassy of Sweden; Manuela Sessa, human rights programme official, Delegation of the European Commission in Guatemala; Christina Papadopoulou, human rights official of the Office of the UN High Commissioner for Human Rights in Guatemala (OACNUDH); and Rein Koelstra, governance and gender advisor of the Embassy of the Netherlands, Guatemala City.

Guatemalan authorities:

- Carlos Seijas and Ana Julia Flores, advisors of the Human Rights Ombudsman, Human Rights Ombudsman's Office (PDH), Guatemala City.
- Antonio Montúfar, executive sub-director, Presidential Commission for Human Rights (COPREDEH), Guatemala City.
- Adriana Domingo, security measures monitor, COPREDEH, Guatemala City.
- Baudilio Grave Lol, first official, Station 71 of the National Civil Police (PNC), Uspantán, El Quiché.
- Mario Orlando Lemus Martínez, Governor of Chiquimula. Chiquimula.

## 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:

- Marco Antonio Canteo, director of the Institute of Comparative Studies for the Penal Sciences in Guatemala (ICCPG). Guatemala City.

International organisations and agencies:

- Mayra Santizo, local representative of the Cooperation Technical Office, Spanish Agency for International Development Cooperation (AECID), Camotán, Chiquimula.
- Coordinator of International Accompaniment in Guatemala (CAIG - Acoguate), Guatemala City.
- Anabella Sibrián, representative of the Dutch Platform in Guatemala, Guatemala City.

## 2.3 ACCOMPANIMENT

### National Coordinator of Guatemalan Widows, CONAVIGUA

In November we continued our accompaniment of CONAVIGUA, through regular visits to the office in the capital. This month we also accompanied a number of its members in their journeys to the department of Quiché. At the end of the month we observed the submission in the capital of the results of the community consultation of 29 October, held in the municipality San Miguel Uspantán, Quiché. During the preparation and organisation of this consultation the national coordinator of CONAVIGUA, Magdalena Sara, received several threats, including death threats.

*Background: CONAVIGUA carries out exhumations and inhumations in different departments throughout Guatemala, above all in Quiché, Chimaltenango, and the Verapaces, as part of its work towards the recuperation of the collective memory of Guatemala's recent troubled history. These processes provoke very tense situations in rural communities where victims and perpetrators live side by side, occasionally culminating in threats aimed at stopping the work of the women of CONAVIGUA. Due to increasing requests from the communities in which CONAVIGUA works, the organisation has expanded its work offering legal and organisational advice to communities in the process of organising themselves. San Juan Sacatepéquez is one of the areas where CONAVIGUA is accompanying this process, as is Uspantán, where CONAVIGUA supported the preparation of a 'good faith' community consultation on extractive industry projects. We have periodically accompanied the association since August 2003 with visits to its office and during its members'*

journeys around the country. Since September 2010 we have intensified the accompaniment following grave death threats against its members, **Magdalena Sarat** and **Jorge Morales Toj**, in relation to their work assisting in the preparation of the community consultations for natural resource extraction projects in the municipalities of Uspantán (El Quiché) and Lanquín (Alta Verapaz). We also activated PBI Guatemala's Support Network internationally in October 2010 as a result of these threats.

### **Organisation to Support an Integrated Sexuality to Confront AIDS, OASIS**

In November we visited the office of OASIS and held periodic meetings with its members. Recently OASIS has begun to work with minors in programmes focusing on the protection of their human rights and in promoting education.

*Background: OASIS is an organisation that works with HIV/AIDS education and prevention and promotes and protects the rights of gay, lesbian, bisexual and transgender people. On 17 December 2005, a transgender worker, Paulina, was killed, the seventh murder of a transgender worker that year. **Zulma Robles**, who witnessed the crime, was seriously injured during the incident. OASIS reported the case to the Public Prosecutor's Office (MP). Zulma, as a witness to the murder, identified alleged agents of the National Civil Police (PNC) as the perpetrators of the crime. Members of OASIS then continued to suffer harassment and threats for which, in February 2006 the Inter-American Commission of Human Rights (CIDH) ordered protection measures for thirteen members of the organisation, which were put into effect by the Guatemalan state three years later.*

*PBI started to accompany OASIS at the beginning of 2006. In January 2009 we intensified the accompaniment of its director, **Jorge López**, after he was accused of the attempted murder of sex worker Laila (Axel Leonel Donis González) and a criminal prosecution opened against him. Jorge López viewed the prosecution as a further manifestation of the constant persecution and intimidation he had suffered for years, which were aimed at impeding the organisation's work and discouraging respect for the human rights of sexual minority communities. On 29 September 2009, Jorge's case was dismissed by the Ninth Criminal Court of the First Instance, and Jorge López was absolved of all charges, after two court hearings at which the members of various European embassies participated as observers.*

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

During November we periodically visited members of APMG in the department of Zacapa. We are paying special attention to their security situation due to the incidents recorded during the last two months. At the end of the month we observed the meeting in the delegation of the National Guatemalan Revolutionary Unit (URNG) between members of Congress, representatives of APMG and personnel from the National Council of Protected Areas (CONAP).

*Background: APMG was created in 2003 in Zacapa to protect the ecosystem of Las Granadillas Mountain (the principal source of water and natural diversity in the region) due to diverse threats identified by the local population: illegal logging, monoculture, deforestation, large-scale cattle farming and the diversion of water sources. The organisation is supported by the Lutheran Church in Guatemala (ILUGUA), led in the region by Reverend **José Pilar Álvarez Cabrera**, and the Madre Selva Collective. One of APMG's goals is to have the mountain designated a protected area. However, existing economic interests in the land have made APMG's work dangerous, and its members have faced diverse types of persecution and threats since they denounced the illegal logging trade and started, with the population of the La Trementina community, a permanent social monitoring process of licences granted and logging carried out on the mountain's private estates.*

*We have accompanied APMG since August 2008. At the beginning of 2009, José Pilar Álvarez and two members of APMG faced legal accusations connected to their work protecting the mountain. The charges were dismissed in the first hearing before a judge. In May 2010, an internal report prepared by the National Civil Police (PNC) accused APMG members of planning illegal actions, such as blocking highways to impede the passage of vehicles transporting lumber from the Tachoró Estate, and mobilising the community of La Trementina to carry out a blockade. The APMG learned of the report and called a meeting with the governor, the PNC and the Environmental Protection Division (DIPRONA), to demonstrate the lack of evidence or truth in the accusations and request their retraction. Two days later, during a meeting with the same authorities, the PNC and DIPRONA agreed to carry out an investigation and to prepare a new report – which they subsequently did and in which the accusations were retracted.*

*In September 2010 a new conflict emerged between the population of La Trementina and the owner of the Tachoró Estate after a fence erected by the community to control the flow of heavy goods vehicles was destroyed. During this conflict José Pilar Álvarez was the target of death threats and defamatory statements in the local media, for which in October PBI Guatemala's International Support Network was activated.*

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

In November the PBI Guatemala Project organised a tour of Europe for a representative of AMISMAXAJ in coordination with PBI's country groups in Germany, the UK, Belgium and Spain. The aim was to raise awareness about the association's work and its experiences, as well as the obstacles and threats its members face.

In Jalapa we accompanied other members of the association during a meeting in Santa María Xalapán Mountain, commemorating the International Day against Violence against Women.

*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 Xinca 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.

On 12 October during a demonstration commemorating the Day of Indigenous Peoples' Resistance in Jalapa, a man issued a death threat to AMISMAXAJ member **Lorena Cabnal**. Other members of the Association were also intimidated, adding to the growing number of security incidents that they have suffered over the last two months. For this reason, we included AMISMAXAJ in the international activation of PBI Guatemala's Support Network in October 2010.

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

During November, as part of the intensification of our accompaniment to New Day, we visited the organisation several times in the department of Chiquimula.

In the capital we accompanied Omar Jerónimo to a meeting with representatives of the diplomatic corps and other international entities present in Guatemala. In Chiquimula we accompanied Edgar Hernández, also a member of the association, to a meeting with personnel of the Office of the High Commissioner of the UN for Human Rights (UNHCHR) in Guatemala, during a visit of this institution to Chiquimula.

*Background: 'New Day' Chortí Campesino Central Coordinator is part of the Agrarian Platform, working in the municipalities of Camotán, Jocotán, Olopa and San Juan Hermita in the department of Chiquimula. It trains and informs rural communities on issues relating to the rural economy, the environment, rights and land, in coordination with other local organisations. In 2006 New Day became aware of construction projects for three hydroelectric plants in two of the department's municipalities: the projects El Puente and El Orégano in Jocotán and the project Caparjá, in Camotán. They form part of the largest project of the Electrical Interconnection System for Central American Countries (SIEPAC). As part of its work, the organisation has shared this information with the communities in the area, creating spaces for the evaluation and analysis of the environmental effects and impact on local economies that this, and other development projects planned for the region, may have. Members of New Day say the lack of information and consultation of Chiquimula's communities by public institutions is a source of conflict. Several members of the association have been threatened and attacked due to their work with the communities. In September 2009, one of its members was the victim of a gun attack close to his community.*

*On 12 October 2010, a violent confrontation between demonstrators and police took place when Mayan Ch'orti' communities gathered in front of Jocotán town hall to demand talks with the mayor regarding the Technological Corridor Project. Following these events, a number of national and local media outlets (television, radio and print) carried statements from local authorities accusing **Omar Jerónimo**, member of New Day, and **Carlos Hernández**, member of the Camoteca Campesino Association, as well as representatives of the Catholic Church, of being involved in the incident.<sup>1</sup> Following this, Omar Jerónimo and Edgar Hernández received death threats and were intimidated by unidentified armed men. As well as intensifying our accompaniment to New Day, we also included the organisation in our international activation of PBI Guatemala's Support Network in October 2010.*

### **Camoteca Campesino Association**

This month we maintained our intensive accompaniment of the Camoteca Campesino Association following security incidents and grave threats directed at some of its members during October and November. On 15 November two of the association's members, Carlos Hernández and Santos Vásquez, were detained and accused of the offences of carrying out activities contrary to national security and holding illegal meetings and demonstrations, relating to their participation in a demonstration on 30 March 2010, in which more than 70 protestors demonstrated their opposition to electrical interconnection plans and projects in the region.

We are concerned about the fact that these arrest warrants were issued on 13 October, one day after the demonstration in Jocotán (see Background in the accompaniment section regarding the 'New Day' Chortí Campesino Central Coordinator), and following the media statements linking their arrests with this confrontation.

On 16 November, Carlos Hernández and Santos Vásquez gave their first statement before a judge, who decided to maintain the prosecution, fixed bail at 3,000 quetzals and imposed their house arrest as a substitute for pre-trial detention. This entails an obligation to present themselves to the judge every 15 days and limits their right to participate fully in their community work. During the next three months the Public Prosecutor (MP) will pursue its investigations and the next court hearing is listed for 16 February 2011.

On 19 November we accompanied Carlos Hernández and Santos Vásquez to the Office for Crimes against Human Rights Activists of the Public Prosecutor's Office, where they filed complaints about being victims of surveillance, persecution and death threats. At the end of the month we visited them in the municipality of Camotán and accompanied them to the offices of the Justice of the Peace in compliance with the judge's orders. However, the documents not available to sign as they had not been received from the Justice of the Peace in Chiquimula.

<sup>1</sup> Agrarian Platform press release, 12.10.2010. COPISCO press release, 12 and 13 October 2010. National Resistance Front (FNL), "Tres campesinos muertos en Jocotán", 13.10.2010. Latin American Mining Conflict Observatory (OCMAL), "Agresiones y represión en contra del pueblo maya ch'orti'", 13.10.2010. Guatemalan and local press of 13.10.2010.

*Background: The Camoteca Campesino Association was founded in 1988 by health promoters and midwives of the municipality of Camotán, department of Chiquimula. At that time, the association was called the Committee for the 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 to defend life and natural resources, to ultimately achieve wellbeing for human and natural life in the area in which they live. Today, it is made up of 718 associates who monitor compliance with laws and monitor human rights violations in the eastern region. They cooperate closely with the New Day' Chortí Campesino Central Coordinator, particularly in informing communities about land, agriculture, and environmental issues. When the association learned of construction plans for the three hydroelectric projects "El Orégano", "Caparja", and "El Puente" (see above in the Background of New Day' Chortí Campesino Central Coordinator) and for the Technological Corridor, all of which would affect several municipalities in the department, they began work of informing the communities about the effects of mega-projects on the environment and their economic situation.*

*After the violent events in Jocotán during a demonstration on 12 October 2010, several national state and local media outlets published statements by local authorities that linked Camoteca Campesino Association member Carlos Hernández to what had happened (see above, re. 'New Day' Chortí Campesino Central Coordinator). Mr Hernández also received death threats and was the target of intimidation by groups of armed men. In response, PBI Guatemala intensified our accompaniment of the association. We also included the organisation in the international activation of PBI Guatemala's Support Network in October 2010.*

### **Qamoló kí Aj Sanjuani - People of San Juan Unite**

In November we continued accompanying the communities of San Juan Sacatepéquez. We have also accompanied a member of Qamoló kí Aj Sanjuani to a meeting in the capital with representatives of the Spanish Embassy, to follow up on the results of his visit to Spain during October 2010.

At the end of the month, we attended the seminar "Right to Land, Territory and Consultation" organised by Qamoló kí Aj Sanjuani and the Association of Mayan Lawyers and Notaries of Guatemala (AANMG), during which diverse experiences were shared regarding the struggle of Guatemalan civil society to defend natural resources and territory.

*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, that participate in the struggle to defend territory and natural resources in the region. Since 2006, the Guatemalan company Cementos Progreso S.A. has been working on 'project San Juan', which includes the construction of a factory and a quarry in the San Gabriel Buena Vista estate and the villages of San Jose Ocaña and San Antonio Las Trojes I and II. Cementos Progreso has an 80% share in the project, while the remaining 20% belongs to the Swiss multinational company Holcim.*

*On 13 May 2007, without the support of the municipality, the communities of San Juan Sacatepéquez carried out a community consultation on the factory's installation. 8,950 people participated, of which 8,946 voted against and four in favour of the factory. Although the mayor and the municipal council agreed to take into account the results of the consultation prior to the authorisation of any licence for construction, the construction work continued. During more than three years, the residents of San Juan Sacatepéquez have made numerous complaints about human rights abuses and a criminalisation campaign against them. The dialogue process in which various Guatemalan public authorities and institutions have participated has ended without reaching a resolution or transformation of the conflict.<sup>2</sup> PBI has accompanied Q'amoló Kí Aj Sanjuani since December 2009, following a request from the organisation due to threats and persecution against several of its members and the communities it represents.*

### **Cunén Communities Council**

In November we maintained regular contact with the Cunén Communities Council. Our presence in Quiché allows us to be responsive to what happens in the region and to keep ourselves informed about the processes working to defend territory and natural resources. We can also share information about the situation for human rights defenders in the region, and to carry out meetings with diverse local actors.

*Background: The Council was established at the first communities' assembly in San Sigüán. It is made up of 22 directly elected members from eight micro-regions of Cunén. One of the main focuses of the Council's work is the defence of their land and natural resources. In October 2009 they organised a community consultation on mining exploitation and on the construction of hydroelectric plants, among other mega-projects, planned for the Municipality. PBI observed part of the preparation process as well as the consultation itself, in which approximately 19,000 people from 71 communities voted against the aforementioned projects. We began our accompaniment of the Council in February 2010.*

### **Human Rights Defenders Protection Unit, UDEFEGUA**

During November, PBI regularly visited UDEFEGUA's office in the capital and met with different members of the organisation.

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<sup>2</sup> You can find further information in the PBI Special Report published in 2010, at the following link:  
[http://www.pbi-guatemala.org/fileadmin/user\\_files/projects/guatemala/files/english/Mujeres\\_Completo\\_ING.pdf](http://www.pbi-guatemala.org/fileadmin/user_files/projects/guatemala/files/english/Mujeres_Completo_ING.pdf)

*Background: The Human Rights Defenders Protection Unit (UDEFEFUGA) was founded in 2004 to promote the security of human rights defenders in Guatemala and help protect the political space in which they work. The Unit's programmes support threatened human rights defenders and their organisations and advise them about preventing and responding to threats and attacks, through information, training, monitoring and psychological support. UDEFEFUGA also lobbies for the protection of human rights defenders by government institutions and the international community.*

*For many years PBI has maintained a close collaborative relationship with UDEFEFUGA and in 2007 provided the Unit with international accompaniment during a period of threats. We recommenced our accompaniment following further threats received during May 2009, which the Unit denounced to the Public Prosecutor's Office. Several international organisations have expressed their concerns about what they describe as a "serious pattern of persecution" of the organisation.<sup>3</sup> We intensified the accompaniment again in March 2010 following break-ins to the home and vehicle respectively of **Erenia Vanegas** and **Claudia Samayoa**, increasing our visits to UDEFEFUGA's office, carrying out periodic meetings with its staff and accompanying them during their movements to the interior of the country during their investigation and verification of reports of attacks against human rights defenders.*

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

In November we maintained our accompaniment to UVOC through visits to its offices in the capital and Santa Cruz, Alta Verapaz. We also accompanied Carlos Morales, representative of UVOC, to Cobán, Alta Verapaz. We observed the roundtable talks on access to land in the region and in which UVOC has maintained a key role from its inception.

*Background: UVOC is a campesino organisation based in the departments of Alta and Baja Verapaz and that works principally to defend and promote access to land for the campesino population, as well as advising communities about the legalisation of their lands. UVOC also offers training and support to member communities in the management of development projects. We have accompanied **Carlos Morales**, leader of the UVOC, since May 2005 because he has been the victim of death threats, intimidation, and persecution by unidentified individuals. We also continue to observe the delicate situation of communities that are part of the organisation, that are struggling for access to land.*

### **Human Rights lawyer Edgar Pérez Archila**

PBI regularly visited Edgar Pérez's office during November. On 14 November, as part of our accompaniment, we observed a hearing of the genocide case against the military high command of the late-1970s and early 1980s, which includes accusations against the former de-facto president Efraín Ríos Montt (1982-83). The case has been pending before the Guatemalan courts since the year 2000.

On 30 November we also observed a hearing in the Supreme Court of Justice, in the case of the massacre of the community of Río Negro in Rabinal (Baja Verapaz). On this occasion six ex-paramilitaries were sentenced to 720 years for the murder of 143 villagers.

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

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

We are currently providing our follow-up accompaniment to these social organisations:

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

We have continued to monitor the tense situation in the department of San Marcos due to the conflict between the Spanish electricity company Unión FENOSA (DEOCSA in Guatemala) and communities from several municipalities, through communications maintained with a member of CRP.

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<sup>3</sup> 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.

*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**

At the request of Guatemalan social organisations, PBI Guatemala provides international observation of public events in order to demonstrate international attention and interest, and to be able to disseminate information outside of the country about what we observe.

On 14 November we observed a court hearing on the genocide case against the military high command of the late-1970s and early 1980s, which includes accusations against the former de-facto President Efraín Ríos Montt (1982-83), and which has been pending in the Guatemalan courts since the year 2000.

On 29 November in Guatemala City we observed the submission of the results of three community consultations: the 22 October consultation in Santa Cruz, Quiché; the 29 October consultation in the municipality of San Miguel Uspantán, Quiché; and the 20 November consultation in the municipality of Huitán, Quetzaltenango.

On 30 November we also observed a hearing in the Supreme Court of Justice, on the case of the massacre of the community of Río Negro in Rabinal (Baja Verapaz). On this occasion six ex-paramilitaries were sentenced to 720 years for the murder of 143 villagers.

## **3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA**

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

From 5 to 30 November, the PBI Guatemala Project, together with PBI groups in various European countries, facilitated a tour by Lorena Cabnal, member of the Association of Indigenous Women of Santa María Xalapán (AMISMAXAJ). She visited Germany, Belgium, England and Spain, where she met with Foreign Ministry officials, parliamentarians interested in the region and in human rights, as well as with organisations working on human rights, the environment, women's rights and development, as well as giving media interviews.

The tour's aim was to raise awareness of the history and the current situation of the Xinka people in Guatemala and in particular the work of the Xinka women who have organised to form AMISMAXAJ. Members of the Association had been victims of intimidations and death threats in the weeks before the tour, and Lorena was able use the meetings in to talk about these threats and ask for the attention and support of the international community to contribute to the security of the Association's members.

In Brussels, along with the project's European representative, Lorena Cabnal met with the Portuguese Euro-Parliamentarian (MEP), Ilda Figueiredo, vice-president of the European Parliament's Delegation for Central America; with the Spanish MEP, Inés Ayala Sender, who is also a member of the Delegation for Central America; with Eeve Heikkilä, assistant to Heidi Hautala, president of the European Parliament's Human Rights Sub commission, as well as with Sean Carroll and Ricardo Diez-Hochleitner, Guatemalan officer and Foreign Relations officer (horizontal engagement) of the European Commission.

On 25 November in Madrid, a member of the project's Training Team participated in the International Seminar "Human Rights Defenders under Threat in Latin America: UN Resolution 1325 and other protection tools for women in conflict zones."

On 26 November in Valencia (Spain), the project's coordinator participated in a roundtable discussion together with Lorena Cabnal, presenting the PBI Guatemala report "Guatemala's Indigenous Women in Resistance: on the frontline of the community's struggle to defend Mother Earth and her natural assets", which was published in mid-2010.

## **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.



## **DECLARACION POLITICA DEL SECTOR DE MUJERES**

### **En el marco del Día Internacional de la No Violencia contra las Mujeres, 25 de noviembre**

Desde El Sector de Mujeres concebimos que la Violencia contra las mujeres como “la expresión de dominio y opresión que las sociedades patriarcales, capitalistas, racistas y lesbofóbica ejercen sobre las mujeres, limitando sus posibilidades de desarrollo, el ejercicio de sus derechos, y de su ciudadanía”.

La violencia contra las mujeres Mayas, Xinkas, Garífunas y Mestizas es un problema social, político y cultural, que nos afecta de manera primordial, que se determina por la existencia de relaciones de poder entre hombres y mujeres y que tienen como consecuencia la inmovilidad y obstaculización del ejercicio de nuestra ciudadanía y el control de nuestros cuerpos.

La Violencia contra las Mujeres se fortalece cuando existe impunidad, la que definimos como esa incapacidad del Estado para imponer las penas correspondientes hacia los delitos cometidos en contra de las Mujeres y la falta de concreción de programas que posibiliten el desarrollo, el ejercicio de sus derechos, y de su ciudadanía.

El sistema impone a las mujeres, penalizaciones sociales y morales de la “buena mujer, frente a la mala mujer” ante la trasgresión de códigos simbólicos que responden al patriarcado y cualquier acción que atente contra lo establecido.

Por otro lado, la mayor tensión por problemáticas económicas y sociales, la situación de inseguridad y violencia generalizada como mecanismo de resolución de problemáticas, crea una situación de mayor vulnerabilidad para la vida de las mujeres.

Ante esta situación las organizaciones integrantes del Sector de Mujeres ratificamos nuestro compromiso y estrategias, para continuar fortaleciéndonos como alianza, organizaciones y mujeres con ideas, propuesta, acción propia que vaya generando alianzas con otras organizaciones y movimientos para la construcción de una sociedad y país para todas y todos.

### **NUESTRAS EXIGENCIAS**

Mantenemos nuestra exigencia para que El ESTADO y sus instituciones cumplan con la obligación de generar bienestar para las mujeres. Y por ello EXIGIMOS que se hagan acciones que las mujeres deciden sobre sus propios cuerpos.

Mantenemos nuestra exigencia para que EL ESTADO retome su papel constitucional de protección de la vida e integridad de las mujeres guatemaltecas, especialmente en lo que se refiere a la prevención y erradicación de la Violencia contra las Mujeres, generando campañas de formación, educación y apoyando a las organizaciones de mujeres, que están actuando en ese marco.

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## **LA CONVERGENCIA POR LOS DERECHOS HUMANOS Y ORGANIZACIONES SOCIALES, POPULARES, INDÍGENAS, CAMPESINAS, DE MUJERES Y ECUMÉNICAS, A LA OPINIÓN PÚBLICA NACIONAL E INTERNACIONAL**

### **Expresamos:**

Nuestra profunda preocupación por los ataques en contra de la Comisión Internacional contra la Impunidad en Guatemala, CICIG, los cuales buscan minar su credibilidad y revertir los avances en la lucha contra la impunidad en Guatemala.

Su indignación ante los recientes fallos emitidos en el proceso penal en contra del ex Director General del Sistema Penitenciario, por parte de la Juez Patricia Flores, al eliminarle el delito de ejecución extrajudicial y dejarle únicamente el de asociación ilícita, a pesar de las pruebas contundentes presentadas en el proceso penal, que demuestran la presencia de Alejandro Gianmattei y de Carlos Vielmann, ex Ministro de Gobernación, antes, durante y después de las ejecuciones extrajudiciales realizadas en la toma de la Granja Penal de Pavón, el 25 de septiembre de 2006.

Su indignación ante el amparo provisional emitido el 19 de noviembre, por la Corte de Constitucionalidad el cual provisionalmente deja sin efecto la extradición del señor Carlos Vielman, de España a Guatemala, por las ejecuciones extrajudiciales dentro del mismo proceso que se le sigue al ex director general del Sistema Penitenciario.

Nuestro enérgico rechazo a las dos decisiones judiciales indicadas, porque constituyen resoluciones abiertamente ilegales y favorecen intereses de los grupos y estructuras paralelas que operaron y ejecutaron extrajudicialmente a más de dos mil personas, bajo el gobierno de Oscar Berger.

Tales fallos son ejemplos contundentes y demuestran la influencia del poder económico y de sus cuerpos de seguridad ilegales, en el aparato de administración de justicia para buscar garantizarse y garantizar impunidad por las graves violaciones a los derechos humanos e instrumentalizar a las instituciones de justicia haciéndolas inoperantes y con poca capacidad para garantizar el acceso a la justicia de todas y todos los guatemaltecos.

### **Con base en lo anterior, exigimos:**

- A la Corte Suprema de Justicia, la inmediata investigación administrativa en contra de la juez Patricia Flores, ya que la resolución que emitió en favor del señor Alejandro Gianmattei, para eliminarle el delito de ejecución extrajudicial, es un acto ilegal, arbitrario y que genera impunidad por las graves violaciones a derechos humanos ocurridas en la toma de Pavón el 25 de septiembre de 2006.
- Al Ministerio Público, iniciar las acciones de antejuicio en contra de la juez Patricia Flores, ya que las pruebas contundentes presentadas en el juicio que se sigue al ex Director General del Sistema Penitenciario, demuestran la presencia del ex funcionario indicado y del señor Carlos Vielman, ex Ministro de Gobernación, en el lugar de los hechos, antes, durante y después de la toma de la granja penal de Pavón. A pesar de ello la jueza decidió arbitrariamente y sin razonamiento alguno, eliminarle el delito de ejecución extrajudicial al ex director general del sistema penitenciario, lo cual constituye flagrantemente delito de prevaricato, el cual es castigado por el Código Penal con penas de 2 a 6 años de prisión.

- A la Corte de Constitucionalidad, que corrija la resolución que amparó provisionalmente al señor Carlos Vielman para no ser extraditado a Guatemala, ya que de quedar firme dicho fallo, se generaría impunidad en las graves violaciones a los derechos humanos que ocurrieron con las ejecuciones extrajudiciales en la toma de la granja penal de Pavón, ocurridas en septiembre de 2006; demostrando que dicha Corte es parte de la estructura de impunidad en Guatemala.
- Al Presidente de la República a solicitar y garantizar la ampliación del mandato a la CICIG, en tanto instrumento básico de lucha contra la impunidad en Guatemala y en el desmantelamiento e investigación judicial de los cuerpos ilegales y aparatos clandestinos de seguridad.
- Reiteramos nuestro apoyo a la CICIG y llamamos a la sociedad guatemalteca, sus expresiones organizadas, en particular a las víctimas de la violencia, a pronunciarse en contra de resoluciones judiciales arbitrarias y al margen de la ley, que vulneran el frágil estado de derecho, atentan contra la garantía de justicia pronta y cumplida y favorecen a los perpetradores de crímenes violentos.

Guatemala, 23 de noviembre de 2010.

NINGÚN CRIMEN DEBE QUEDAR SIN CASTIGO  
NINGÚN CRIMINAL DEBE GOZAR DE IMPUNIDAD

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