

PEACE BRIGADES INTERNATIONAL - GUATEMALAN PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

40-year prison sentence confirmed for the ex-policemen who took part in forced disappearance of Fernando Garcia.

Guatemala, 17.05.11 (CA).- The court of appeals has confirmed 40-year prison sentences handed down in October 2010 by the Eighth Sentencing Tribunal to former members of the National Police (PN), Héctor Roderico Ramírez and Abraham Lancerio Gómez, for their part in the forced disappearance of trade unionist Fernando García, 27 years ago. Magistrate Fausto Corado said that after examining the sentence and the arguments for the defence of the former policemen "it was decided that there had been no violation of the defendants' human rights or of due process." The case was upheld mainly based on documents found in the historical archives of the now defunct National Police (PN). They documented the operation of the 18 February 1984, in the area around El Guarda market, Zone 11, Guatemala City, which led to the disappearance of García. In April 2011, public security forces detained Jorge Humberto Gómez, ex-commander of the Fourth Corps of the National Police (NP) accused of being the intellectual author of the illegal detention.

Another kaibil linked to the trial for the massacre at Los Dos Erres

Guatemala, 25.05.2011 (CA).- According to the Public Prosecutor (MP), Daniel Martínez Méndez, former kaibil specialist in the army, and 40 more soldiers arrived at community of Los Dos Erres, Libertad, Petén, with the help of a guide in December 1982. The men were rounded up, the women and girls imprisoned and raped, and all the members of the community who were there slaughtered, and finally the corpses were thrown down a well. The Public Prosecutor heard charges against Martínez from survivors of the massacre, from the anthropological reports of Argentinean experts on the exhumations of the well (12.6 metres deep) where the victims' corpses were found. The military expertise showed "evidence of an operation plan that was used in these types of massacres" said public prosecutor, Manuel Vásquez.

Judge Patricia Flores said that the tribunal should assess the pieces of evidence presented before the public prosecutor to charge Martínez with crimes against humanity and murder. Aura Elena Farfán of the Families of the Detained and Disappeared of Guatemala (FAMDEGUA) requested that the connection be made between this and the current proceedings against three accused awaiting trial on the 15th of June.

LAND

OHCHR regrets the lack of action to prevent violence in Polochic Valley and demands an enquiry by the public prosecutor.

Guatemala. 23.05.11 (PL, CEG) The Office of the United Nations High Commissioner for Human Rights (OHCHR) in Guatemala made a public demand for clarification of the events of the weekend of the 21st and 22nd of May at the agricultural cooperative, Samilja, in Panzós (Alta Verapaz) where campesinos Oscar Reyes was murdered and Miguel Chub Cucul, Marcelino Ical Chub and Arlando Caal Rax were injured. Men with covered faces using firearms, allegedly private security agents from the Chabil Utzaj sugar refiner have been implicated. OHCHR also regrets that nothing was done to prevent another death in the Polochic Valley (Alta Verapaz) where in March a campesino died during the violent eviction of several communities in which members of the National Civil Police (PNC) and the army took part. OHCHR expressed grave concern about the eviction of these people and its incompatibility

with the norms of international human rights, and reminded the State of its duty to take all reasonable measures to answer the demand for homes and land necessary to guarantee the livelihood of the 700 families evicted in this region. Now the OHCHR has demanded an enquiry as the first step to clarify what happened, the legality of the action, and to decide who was responsible. Also it calls for effective control over companies likely to be involved so that they comply with international human rights standards. "This type of act proves that the problems of the Guatemalan countryside cannot be solved through unilateral actions based on criminal law, and far less by private security forces." states the OHCHR. It also draws attention to the historical problems like the concentration of landownership, the lack of alternatives for the livelihoods of campesino communities and the insecurity of food supply, particularly for indigenous communities. These issues should be tackled with an integrated agricultural policy, participative and based on serious dialogue and in good faith.

NEGATIVE EFFECTS OF GLOBALISATION

Indigenous communities of Sacapulas reject mining and hydroelectric projects in community consultation.

Guatemala, 23.05.2011 (PL).- In a good faith community consultation, 360 people from 105 communities rejected mining and hydroelectric projects for this area. With the slogan "Water and land for the people, not for the companies", a large part of the population of Sacapulas took part in the community consultation on the 20th of May. According to local government figures there are 47,801 inhabitants of Sacapulas. The mayor of Sacapulas, Pedro Pu Tojín said "We Sacapulans are intelligent and have decided in favour of what future we want to leave for our children. I applaud them!" The consultation was promoted by the Community Council for Development (COCODES), auxiliary mayors and the Sacapulas Community Co-ordinator in Resistance and Defence of Natural Resources. Domingo Tum, resident of Sacapulas, said that according to the Ministry of Energy and Mining (MEMS), in that area seven licences to mine marble, plaster and volcanic ash have been granted in addition to a licence for the Serchil hydroelectric project between the towns of San Pedro Jocopilas, Sacapulas (EL Quiché) and Aguatán (Huehuetenango).

OTHER

State of Siege declared in Petén for 30 days

Guatemala, 17.05.2011 (EP,PL,SV,CA).- President Álvaro Colom declared a State of Siege in the department of Petén on 16 May for 30 days, following an evaluation of the site of the massacre of 27 labourers, allegedly at the hands of members of the Los Zetas cartel. The measure was announced on a television broadcast when Colom said that it had been adopted in a cabinet meeting after his visit to Petén. The objective is to speed up police operations in order to capture the members of Los Zetas who carried out the killings on Los Cocos Farm, La Libertad. According to article 14 of the Public Order Law, the State of Siege is an exceptional state to be resorted to when there is danger to constitutional order or state security, and when there are indications that criminal acts could be committed. While the measure is in place, constitutional rights are limited and, among other authorities, public institutions could intervene or break up organisations, entities or associations, and detain any suspicious person, without a judicial order.

The president announced the arrest of a person linked to the criminal organisation and the death of 2 people, allegedly criminals, during an armed confrontation. He also offered support to the families of the victims and called for citizens to collaborate with the security forces "to detain the criminals." In December 2010 the government resorted to use of the State of Siege in Alta Verapaz to combat drug-trafficking activities.

Sources: El Periódico (EP), Prensa Libre (PL), La Hora (LH), Diario de Centro América (CA), Centro de Estudios de Guatemala (CEG), Siglo Veintiuno(SV)

2. ACTIVITIES OF PBI GUATEMALA: WITHIN GUATEMALA

Team: Janieke Drent (Netherlands), Ricard Hernández Martín (Spain), Pascal Bodemeijer (Netherlands), Anabella Estol (Argentina), Engel Montuenga Peña (Spain/Colombia), Samuel Jones (United Kingdom), Guillaume Riboulleau (France), Maike Holderer (Germany), Kathrin Ruegg (Switzerland), Kathi Dunkel (Germany) and Álvaro Zaldivar (Spain).

2.1 MEETINGS WITH DIPLOMATIC CORPS, INTERNATIONAL AGENCIES 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 in a reserved manner, we express our concerns about critical situations that we have come to know first-hand from the work we carry out through the country.

Diplomatic corps and other international agencies in Guatemala:

- Thomas Kolly, Ambassador, Swiss Embassy. Guatemala City, Guatemala.
- Birgit Staenzel, co-ordinator of the German International Co-operation Organisation (GIZ). Guatemala City, Guatemala.
- Javier Puig, second in command, Spanish Embassy. Guatemala City, Guatemala.

- Marc Soler, responsible for the Spanish Co-operation for Development Agency's (AECID) economic development project. Guatemala City, Guatemala.
- Jennifer Echeverría, human rights programmes and co-operation officer, European Union Delegation in Guatemala. Guatemala City, Guatemala.

Guatemalan authorities:

- José González Hermógenes and Marcial Castañeda, assistants to the Deputy Minister for Sustainable Development, Ministry of Energy and Mines. Guatemala City, Guatemala.
- Carlos Guillermo, departmental assistant, Human Rights Ombudsman (PDH). Cobán, Alta Vera Paz.
- Ricardo Raúl Rodríguez, departmental assistant, PDH. Santa Cruz del Quiché, El Quiché.
- Onofre Carrillo, regional assistant, Presidential Human Rights Commission (COPREDEH). Santa Cruz del Quiché, El Quiché.
- Jorge Mario Castillo, assistant, Due Process and Inmate Rights, PDH. Guatemala City, Guatemala.

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.

Organisations and Guatemalan civil society representatives

- Miguel Moerth, political analyst and member of the Centre for Forensic Analysis and Applied Sciences. Guatemala City, Guatemala.
- Marielos Monzón, independent journalist. Guatemala City, Guatemala.
- Anantonia Reyes Prado, member of the support committee of the United Nations Human Rights Council. Guatemala City, Guatemala.
- Cristina Rivera, member of the La Libertad (Petén) parish. Guatemala City, Guatemala.
- Mario Minera, executive director, Centre for Legal Action on Human Rights (CALDH). Guatemala City, Guatemala.
- Javier Gurriarán, consultant and member of the Initiative to Recover the Historical Memory, in the North of El Quiché. Guatemala City, Guatemala.

Social organisations and international agencies:

- Kelsey Alford-Jones and Roberto Mercante, deputy director and director (respectively) of the programme of human rights defenders, Guatemalan Human Rights Commission (GHRC). Guatemala City, Guatemala.
- Leonardo Crippa, lawyer, Indian Law Resource Centre and National Lawyer's Committee for Human Rights. Guatemala City, Guatemala.
- Anabella Sibrián, representative of the Dutch Platform against Impunity in Guatemala. Guatemala City, Guatemala.
- Co-ordination of International Accompaniment in Guatemala (Acoguate). Guatemala City, Guatemala.

2.3 ACCOMPANIMENT

The National Coordination of Guatemalan Widows, CONAVIGUA

In May we continued our accompaniment of CONAVIGUA with visits and regular meeting with its members in their office in the capital. CONAVIGUA currently is providing follow up to the community consultation which took place in Uspantán (El Quiché) at the end of 2010, which we also accompanied. We also were present at the communities' assembly on 28 May where the Council of People of Uspantán in Resistance and Defence of their Territory was formed.

*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.

The Association for the Protection of the Las Granadillas Mountain, APMG

In May, we continued follow-up to the process launched by the APMG to have the Las Granadillas mountain be declared a protected area (mountain-spring reserve). Within this framework we accompanied José Pilar Álvarez to a meeting with National Protected Areas Council (CONAP). We keep in regular contact with other members of the association.

*(Background: APMG was created in 2003 in Zacapa to protect the ecosystem of Las Granadillas mountain the principal source of water and natural diversity in the region) due to diverse threats identified by the local population: illegal logging, monoculture, deforestation, large-scale cattle farming and the diversion of water sources. The organisation is supported by the Lutheran Church in Guatemala (ILUGUA), led in the region by Reverend **José Pilar Álvarez Cabrera**, and the Madre Selva Collective. One of APMG's goals is to have the mountain designated a protected area. However, existing economic interests in the land have made APMG's work dangerous, and its members have faced diverse types of persecution and threats since they denounced the illegal logging trade and started, with the population of the **La Trementina community**, a permanent social monitoring process of licences granted and logging carried out on the mountain's private estates. We have accompanied APMG since August 2008 and, since then, have observed the spaces for dialogues in which the Association has participated with public authorities and private actors. At the beginning of 2009 and the end of 2010, the permanent conflicts between the owners of private estates on the mountain and the population of La Trementina and the APMG led to criminal accusations against members of the Association and the community, based on complaints lodged by, among others, Mr. Juan José Olaverrueth, owner of the Tachoró Estate. In both cases, the accusations were linked to APMG's work promoting the protection of the mountain. Also, in both cases, the cases were thrown out in the first court hearing before the judge. In total nine people have been affected by unfounded criminal accusations (three in 2009 and eight in 2010). They were accused of illegal detentions, threats and psychological violence against women.¹*

José Pilar Álvarez Cabrera has been the target of death threats and defamation in the local media during these conflicts. Based on this situation, we activated PBI Guatemala's international support network between October 2010 and April 2011.

The Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ

We accompanied members of AMISMAXAJ at meetings in Jalapa and at the Santa María Xalapán mountain, and also at their meetings in the Guatemala City.

*Background: AMISMAXAJ was founded in February 2004 as an association of women workers and became part of the Women's Sector in June of the same year. AMISMAXAJ is made up of 75 women leaders representing 15 Xinka communities from the Santa María Xalapán Mountain (Jalapa). They work at the local, departmental and national levels in opposition to all forms of patriarchal, neo-liberal, racist, homophobic and lesbophobic oppression, and have established strategic territorial and national alliances to promote their political actions. The association works actively in the region of Jalapa, promoting women's rights, the revitalisation of the Xinka ethnicity and the defence of land and territory. In particular, it is actively working to defend natural resources and to monitor and raise awareness about plans for mining and oil extraction in the region. 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 months. For this reason, we included AMISMAXAJ in the international activation of PBI Guatemala's Support Network in October 2010.*

The 'New Day' Chortí Campesino Central Coordinator

We met members of the association regularly in May. We visited the Matasanos community (Jocotán), where one of the members lives. We accompanied the organisation to rural communities, on its information-sharing activities about, among other things, the El Orégano hydroelectric project whose installation was authorised by the Ministry of Energy and Mines in April this year.

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

¹ On 29 November 2010, eight people, members of the APMG and the Lutheran Church in Guatemala (ILUGUA), received a judicial summons to give statements relating to a criminal process initiated against them, in which they were accused of the crimes of illegal detention and threats. After the hearing was twice cancelled (on 26 January and 7 March 2011), community representatives of Zacapa and Chiquimula expressed their concerns in a letter submitted to the Supreme Court of Justice (CSJ), highlighting how the organisations' work was being limited by the ongoing judicial process. On 31 March, the wives of José Juan Olaverrueth and Gregory Miller, the original complainants, presented themselves as joint plaintiffs, as victims of illegal detention, threats and psychological violence against women. The hearing was finally held on 13 April, more than four and a half months after the first summons.

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 Chortí 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.² 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 carried out between October 2010 and April 2011.

The Camoteca Campesina Association

We still accompany this association in Chiquimula, and we met with several members in May. The criminal accusations against two of them are cause for deep concern. Even though charges were dropped (see background), the two were limited in their participation in collaborative work during and following the judicial proceedings.

*Background: The Camoteca Campesina Association was founded in 1988, made up of the then health promoters and midwives of Camotan (Chiquimula). Now the association is an active member of the Coordinator of Popular Indigenous Unions and Eastern Campesinos (COPISCO) Its primary objective is defending life and natural resources and its ultimate aim is well-being of the people and the land they live on. It is now made up of 718 associates who watch out that laws are complied with and follow up violations of human rights in the eastern part of the country. They have a long-term relationship of cooperation and alliance with the 'New Day' Chortí Campesina Central Coordinator, especially with regards to community information about the land, agriculture and protecting the environment. When the association heard of the plans to build hydroelectric plants El Puente, La Orégano and Caparjá (see background to the accompaniment of 'New Day' Chortí) and the Technological Corridor project which affected several towns in the department, they started work informing the communities about the effects of these megaprojects on the environment and the economic situation. On 15 November 2010 **Carlos Hernández** and **Santos Vásquez** were arrested and accused of crimes against national security and participating in illegal meetings and demonstrations, after participating in a public gathering, which included more than 70 people opposed to the electrification plans and projects in the region, held more than six months earlier on 30 March 2010. It is of concern that the arrest warrant was issued on 13 October, one day after the events in Jocotán and that the media has linked their detention with that confrontation. On 16 November, they had their first appearance before the judge, who upheld charges against them, set bail of 3,000 quetzals, and ordered house arrest without supervision as an alternative measure to incarceration. Unsupervised house arrest require that both present themselves to the court every 15 days and limit their right to full participation in collaborative work. The Public Prosecutor's Office will investigate the charges during the next three months. The next court hearing was set for March 2, 2011.*

Q'amoló kí Aj Sanjuani – People of San Juan Unite

In May we visited the communities of San Juan Sacatepéquez and went to the weekly meeting in Santa Fe Ocaña. We provided physical accompaniment for two days in San Antonio de las Trojes I for 2 days after a violent attack on 19 May against local people who oppose installation of a cement plant. Seven people were wounded in the attack by men of the same community who worked in the in the cement plant. We also went to a hearing in Mixco for two people who were injured in similar circumstances in February, but it was suspended. We also followed-up the situation of three detained people, holding meetings with their families.

*Background: Q'amoló 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 José 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*

² 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 chortí", 13.10.2010. Guatemalan and local press of 13.10.2010

a resolution or transformation of the conflict.³ PBI has accompanied Q'áamoló 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.

The Council of Cunén Communities

We kept in regular contact with members of the Council of Cunén Communities in May. While we were in El Quiché we visited a community in Cunén. Several delegates from the Council of Cunén Communities attended the community consultation in Sacapulas.

*Background: The Council was established at the first communities' assembly in San Siguán. It consists of 22 directly elected members from **eight micro-regions of Cunén**. One of the main focuses of the Council's work is the defence of their land and natural resources. In October 2009 they organised a community consultation on mining exploitation and on the construction of 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.*

The Guatemalan Human Rights Defenders Protection Unit (UDEFEUGA)

In May we visited the UDEFEGUA office in the capital periodically. The organisation continues to follow the land conflict in the Valley of Polochic, Alta Verapaz that resulted from the eviction of several communities in March and investigation and verification of the attacks which the community suffered. This month, new violations of human rights have been reported in the region (See notes on the current situation). UDEFEGUA reported that several people who were evicted in March were attacked this month by Chabil Utzaj's private security guards leaving one person dead and 3 injured.

*Background: The Human Rights Defenders Protection Unit (UDEFEUGA) 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. UDEFEGUA also lobbies for the protection of human rights defenders by government institutions and the international community. For many years PBI has maintained a close collaborative relationship with UDEFEGUA and in 2007 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.⁴ 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 UDEFEGUA'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.*

The Verapaz Union of Campesino Organisations

In May we met UVOC members in their offices in Verapaz and in the capital. We accompanied the organisation to the dialogue table in Cobán (Alta Verapaz) which takes place every month and focuses on problems related to the agricultural conflict in the region. UVOC's concerns are as much for communities considered at risk of eviction as for the communities declared to be in resistance to the Italian electricity company, ENEL, in San Cristobal (Alta Verapaz). We also accompanied the lawyer Jorge Luis Morales to a community in Alta Verapaz where he was providing support and legal attention in the land conflict.

*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

We visited Edgar Pérez Archila's office periodically and met him and other members of his legal practice. On 11 May Pérez Archila filed an appeal to the judicial process over the forced disappearance in 1982 of Leonel Paredes Chequén in the department of Chiquimula. On 24 May we accompanied the legal team to a judicial hearing on the massacre at Los Dos Erres, La Libertad (Petén). The next day we accompanied the lawyer to a hearing on the case of the forced disappearance of Luz Letitia Hernández Agustín in

³ You can find further information in the PBI Special Report published in 2010 at the following link:

http://www.pbiguatemala.org/fileadmin/user_files/projects/guatemala/files/english/Mujeres_Completo_ING.pdf

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.

1982. The hearing was suspended when the lawyer for the defence failed to arrive because of faulty communication to the Public Criminal Defence.

*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.*

The National Police Historical Archive, AHPN

In May we visited the AHPN offices. We maintained contact with Alberto Fuentes, member of the management team, to coordinate our accompaniment and international observation work during the activities which the AHPN plans for the next few months.

Background: The AHPN was discovered by chance in 2005, by staff of the Human Rights Ombudsman's Office (PDH), when they carried out preventative procedures relating to the storage of explosives in Guatemalan public security force buildings. In a building in Zone 6 of the capital (built during the internal armed conflict to house the National Police (PN) hospital, although never used as such), 80 million documents were discovered, abandoned, piled up and poorly conserved. This is the historical-administrative documentation of the PN, from its creation in 1881 to its closure in 1997. The institution's participation in the commission of human rights violations during the internal armed conflict was documented by the Historical Clarification Commission (CEH). In its report "Guatemala: Memory of Silence", CEH affirms that the PN was an operative body for army intelligence, serving as the facade of the G-2, and acted on its orders in the majority of cases. During the CEH investigation, various state bodies, including the Interior Ministry and the PN itself, repeatedly denied the existence of archives or documentary materials that would assist an investigation into human rights violations. Following the first phase of work headed by the PDH to recover the documentation and then create the conditions necessary to allow public access to it, work since 2010 has centred on the institutionalisation of the Archive, the search for political, legal and administrative certainty, the technical stabilisation of the resource and the initiation of procedures to ensure permanent, public access to its contents. Today the AHPN forms part of the General Archive of Central America, its title and control is the responsibility of the Guatemalan Ministry of Culture, and it functions exclusively on the basis of donations and funds from international cooperation. The Archive is also a member of the International Coalition of Sites of Conscience, as the building which houses it was used as a clandestine detention centre by the PN during the armed conflict. Well-known Guatemalan human rights activists participate in the direction, coordination and documentation recovery work, and also promote public access to the information it holds. 150 people work on the tasks of conservation, organisation and archival description. As of 31 March 2011 more than 12 million documents have been digitalised, including more than 19,000 books. To date they have received 4,503 requests for information, to which they have responded with the provision of 45,020 documents (1,001 to victims' relatives and 1,298 to the Public Prosecutor's Office (98% of these to its Human Rights Office)). Given that we consider the AHPN a key resource in the fight against impunity, the recovery of historical memory and the application of justice, and given its role contributing documentary and expert evidence in the investigation and clarification of concrete cases of human rights violations committed during the internal armed conflict, and considering its potential to determine the criminal responsibility of its perpetrators, we consider it important to contribute with our accompaniment, to protect the Archive, and to dissuade any kind of threat or attack against it.

2.4 FOLLOW UP

Organisation to Support an Integrated Sexuality to Confront AIDS, OASIS

In May, following a positive evaluation of OASIS' security situation, our accompaniment became follow-up as there have been fewer threats to the organisation and its members. Due to the lengthy judicial process against the director, Jorge López in 2009 (see background), OASIS feels that its work of promoting and defending the human rights of sexually diverse communities in Guatemala has been severely affected. The organisation feels that because Jorge López has had to put all his energy into defending himself against the criminal charges, not to mention the public prosecutor's accusations which has damaged López' public image and credibility, the organisation's finances have suffered. Undoubtedly, all this has weakened the effectiveness of OASIS and ultimately has paralyzed the work of its staff. OASIS feels that the charges against López have in fact constituted an attack on the whole organisation.

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.

2.5 OBSERVATION

On 6 May we went to observe the hearing of allegations in the context the right of habeas corpus initiated by the lawyer for the mayor of San Juan Cotzal, El Quiché, José Pérez Chen. The mayor is under investigation by the public prosecutor for his alleged part in the extra-judicial execution of Pedro Rodríguez Toma on 1 November 2009. The hearing did not take place since the lawyer for the defence did not arrive at the hearing that he himself had requested. Time for the allegations having now run out, the case will go on to the Appeals Chamber which by law must answer the appeal within 3 days. The order to capture Pérez Chen is still active as the plea for the right of provisional habeas corpus has not been requested.

On 20 May we observed the community consultation in Sacapulas, Quiché, where 28,209 people from 105 communities voted against the mining and hydroelectric projects proposed for the area. (see notes on the current situation).

On 27 May we observed a demonstration supporting the campaign of Fight for Life and Justice in Guatemala City.

3. PBI GUATEMALA'S ACTIVITIES OUTSIDE GUATEMALA

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

On 6 May the project's European representative took part in a meeting with personnel from the European Extreme Action Service (EEAS) of the European Union (UE) in Brussels. The Deputy Director of the Human Rights Division also was there. Contact was maintained with the office of a member of the European Parliament who is part of the network of support for the PBI Guatemala project.

The European representative also visited the PBI office in France and took part in activities organised in Paris. On 17 May she met the Central American Human Rights Desk for Latin America and with the French UN Foreign Affairs Ministry. She also met the French international accompaniment organisation Collectif, and they shared information about working in Guatemala.

We maintained contact and met in Brussels with members of the NGO, Justice and Peace and of CIDSE. We also continue participating in the Copenhagen Initiative for Central America and Mexico (CIFCA) and Human Rights and Democracy Network (HRDN) in Brussels.

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.

REPUDIAMOS EL PACTO DE IMPUNIDAD Y LA VIOLACIÓN AL DERECHO A LA VIDA COMO MODUS VIVENDI

La Convergencia por los Derechos Humanos se pronunció el 7 de mayo mostrando su extrema preocupación por los hechos de terror que ocurrían en el marco de la primera semana de lo que debía ser una fiesta electoral. Vemos con suma preocupación como los hechos se desenvuelven en una preocupante espiral de violencia y de impunidad.

Al inicio de la semana fuimos testigos de decisiones judiciales que profundizaron el pacto de impunidad al decretar la libertad al ex Presidente Portillo y a las personas con quienes era procesado por el delito de peculado y al decretarse el cierre del proceso contra Alejandro Giammattei por asociación ilícita junto a cuatro personas más a quienes se les sindicaba por los delitos de asociación ilícita y ejecución extrajudicial durante la toma de Pavón en el 2006. Ambas decisiones tienen repercusiones profundas en la lucha contra la impunidad ya que lo avanzado en las investigaciones en torno al funcionamiento de estructuras de impunidad es retrocedido en decisiones judiciales que son cuestionables y que esperamos sean revertidas en segunda instancia.

El 13 de mayo, un asalto en bus extraurbano que venía de Totonicapán hacia la capital deriva en una balacera con la lamentable cauda de cinco muertos y nueve heridos. Este hecho demuestra lo poco que se ha avanzado en torno a la investigación, persecución penal y prevención de los asaltos en buses extraurbanos y urbanos. Asimismo, muestra la absoluta necesidad de despistolización ya que una acción de 'defensa armada' ante un asalto trajo consecuencias gravísimas a la integridad de la vida de los usuarios.

El 15 de mayo, los ciudadanos nos vemos conmocionados por la masacre de 27 jornaleros en un finca de La Libertad, El Petén. La masacre, caracterizada por hechos de extrema violencia, fue realizada por un grupo de personas fuertemente armados, quienes ya habían cometido un asesinato doble con extrema saña a familiares del dueño de la finca. Las víctimas de esta masacre, así como las del asesinato del viernes han sido utilizadas como medio para dar un mensaje. Lo grave de estos hechos es que están ocurriendo en un territorio en donde el Ejército de Guatemala anunció con bombos y platillos la creación de varios batallones para garantizar la seguridad del área protegida.

Desde ayer a tempranas horas, una campaña de terror se ha instalado en El Petén. Granadas fueron lanzadas en el mercado de Santa Elena, amenazas de bombas fueron proferidas en contra de edificios de gobierno y rumores de todo tipo fueron circulados en contra de la población. El terror de los habitantes de El Petén es justificado, ellos/as han visto como operativos de grupos armados entran y salen del territorio sin acción estatal de persecución penal y/o de prevención real. Ante estos hechos la Convergencia por los Derechos Humanos manifiesta:

1. Su solidaridad hacia con los familiares de víctimas de la impunidad y el terror que producen estos hechos de violencia, así como su enérgico repudio a la actuación de cualquier acción criminal, particularmente la del crimen organizado que actúa en el país creyendo que puede violar el derecho a la vida sin ninguna repercusión. En Guatemala, debemos aspirar a que nadie está por encima de la ley y que todo ciudadano y ciudadana pueda sentirse seguro.
2. Su exigencia al Presidente de la República, como coordinador del Gabinete de Seguridad, a que realice medidas integrales para el combate de la criminalidad organizada que afecta a la población. En el caso de El Petén, que el combate al Crimen Organizado tome en cuenta que se está ante una población que ha sido abandonada en sus necesidades de desarrollo y que requiere atención a su problemática integral.
3. Su demanda al Ministerio de Gobernación a que establezca a la brevedad posible acciones claras y contundentes orientadas a la prevención de los asaltos en buses extraurbanos y urbanos.
4. Su apoyo a las acciones realizadas por el Ministerio Público, en coordinación con la Policía Nacional Civil y, en algunos casos con la CICIG, para desarticular estructuras clandestinas y, particularmente del crimen organizado nacional y transnacional. Particularmente, la forma en que han mejorado la efectividad de las investigaciones para lograr las capturas.
5. Su llamado a la Corte Suprema de Justicia y al Organismo Judicial para que desarrolle, en consonancia, su capacidad de interpretar los casos que se le presentan para garantizar que los esfuerzos desarrollados logren detener el pacto de impunidad. Por otra parte, que de detectarse dolo en la actuación de jueces y/o magistrados se agilicen los procesos de depuración, declarando la Cero Tolerancia a actos de corrupción.
6. Su llamado a los medios de comunicación y a los emisores de opinión a evitar la estigmatización de las víctimas de hechos de extrema violencia. La condena a los asesinatos de cualquier ser humano debe ser inequívoca para detener esta espiral de violencia. Cuando en un hecho existe sospecha de participación de narcotraficantes esto no hace a las víctimas, ni responsables de su muerte ni el hecho justificado.
7. Su llamado a la población guatemalteca para que no se deje intimidar ni aterrorizar por aquellos grupos que utilizan estas situaciones para generar más zozobra y continúe demandando que la vida, la seguridad y las libertades fundamentales sean garantizadas desde el Estado y evite caer en la trampa de resolver los problemas de forma violenta y/o con respuestas individuales.

Guatemala, 17 mayo del 2011

CONVERGENCIA POR LOS DERECHOS HUMANOS

Centro para la Acción Legal en Derechos Humanos - CALDH

Centro Internacional para Investigaciones en Derechos Humanos - CIIDH

Fundación Sobrevivientes

Oficina de Derechos Humanos del Arzobispado de Guatemala - ODHAG

Seguridad en Democracia - SEDEM

Unidad de protección a Defensoras y Defensores de Derechos Humanos Guatemala - UDEFEGUA

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