

PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

Judge issues prison sentence for ex-military José Mauricio Rodríguez Sánchez accused of genocide

Guatemala, 14.10.2011 (PL) – The principal judge of the High Risk Tribunal, Carol Patricia Flores, closed proceedings and sent José Mauricio Rodríguez Sánchez to Matamoros prison. Rodríguez Sánchez, currently retired, is the former director of Army Intelligence (G-2) and has been implicated in genocide and other crimes against humanity.

According to the Public Prosecutor (MP), Rodríguez Sánchez designed, executed and supervised the Victoria 82, Sofia, Firmeza 83 and Ixil military plans to combat guerrilla forces and their collaborators between 1982 and 1983. Sources from the MP confirmed that the former soldier knew of the massacres carried out in the Ixil area, location of Chajul, Coltzal, and Nebaj municipalities en El Quiché. In that period, 1,771 persons died – men, women, and children – of whom only 307 have been identified. To date, remains of 113 victims have been exhumed, all thought to be of minors under the age of 18 according to information shared by the MP. Rodríguez Sánchez abstained from making a declaration before the judge. The judge believed that, given the position the accused held in the Army, it is possible that Rodríguez Sánchez “knew of the detrimental actions against the Quiché inhabitants who died at the hands of the military.”

UN agencies in Guatemala join with Survivor’s Foundation

Guatemala, 14.10.2011 (AC) – Several United Nations agencies in Guatemala expressed harsh condemnation of intimidation suffered by the staff of the Survivor’s Foundation dedicated to the struggle against violence against women and judicial accompaniment of victims. According to a press release, the agency denounced several threats against those who work with the Foundation. The most recent was on 4 October, outside the Criminal Court of Zacapa, where a public debate was held in the case of femicide of Kenia Beatriz Córdón Villeda. It is because the Survivor’s Foundation is co-plaintiff in the judicial process that it is receiving threats, which have not been investigated.

United Nations agencies in Guatemala stated that these acts threaten the legitimate work done by human rights defenders to break the impunity in crimes against women which continues to increase along with levels of cruelty never before seen. UN-Women, the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Population Fund (UNPFA), and the United Nations Children’s Fund (UNICEF) call the State institutions to take all necessary measures to guarantee the security of Foundation staff and to strengthen protective mechanisms for human rights defenders in the country. Finally, the agencies expressed their solidarity with Foundation staff and encouraged them to continue the work for Guatemalan women, girls, and adolescents and for their access to prompt and effective justice.

LAND

Oxfam report points to monopoly of land in Guatemala

Guatemala, 04.10.2011 (PL) – According to a report published by Oxfam International, the potential for bio-fuel production on Guatemalan land has given rise to a new wave of dispossession of lands from *campesino* communities. The document entitled, “Land and Power. The growing scandal related to new wave of investments in land”, indicates that the area of land under sugar cane cultivation in the country has increased from 3.4% of the total land under agricultural production in 1980 to 14% in 2008. The area

designated for palm oil production expanded from 35,000 hectares to nearly 100,000 hectares estimated in 2010. Ethanol is produced using sugar cane and biodiesel from palm oil.

The Oxfam analysis reveals that many of the land purchase agreements focus on production for international food and biofuel markets and could be considered "land monopolies". Aída Pesquera, director of Oxfam Guatemala, explained that similar cases exist in Uganda, Indonesia, Guatemala, Honduras, and Sudan: "In these five cases, the land acquisition is happening in places with past histories of conflict, with ambiguity about legalities, and resulting in violent expulsion of occupants or in communities feeling pressured to sell their lands."

Ronnie Palacios, coordinator of the National Food Sovereignty Network, said that the land monopoly poses a threat to food production and aggravates problems of poverty and malnutrition in the country.

Polochic communities demand protective measures recommended by CIDH and the Guatemalan State

Guatemala 26.10.2011 (PL) – It is five months since the InterAmerican Human Rights Commission (CIDH) gave recommendations to grant protective measures to 17 communities of Valle del Polochic, Alta Verapaz which were displaced in March, but the government has still not complied. Sergio Belletón, legal counsel for the Campesina Unity Committee (CUC), said that the government should give food to the 700 families affected and provide housing and protection while awaiting resolution to the land conflict with the Chawil Utz'aj company. Belletón said that recently there had been confrontations which left the community of Paraná isolated and controlled by a group of armed individuals who work for the company.

NEGATIVE EFFECTS OF GLOBALISATION

Authorities and inhabitants of San Marcos dissatisfied with MARN report on impact of Marlin mine

Guatemala 26.10.2011 (PL) – Authorities and inhabitants of Sipakapa and San Miguel Ixtahuacán, San Marcos said that they disagreed with the hydrology report presented by the Ministry of Environment and Natural Resources (MARN) on October 25, which states that the Marlin mine does not contaminate water or affect community springs and wells in the department. The report states that the mine's wells are deep and well away from the community artisan wells and springs, concluding that there is no influence on contamination or loss of water sources for the population. The study was presented during a meeting of authorities, residents, and company representatives (Montana Exploradora, SA, Goldcorp) in the National Culture Palace as part of roundtable talks about the issue.

Some of the residents who attended were surprised when Carlos Moïno, vice-minister of the Environment, indicated that the research was financed by Goldcorp, owner of the Marlin mine, and expressed doubts about the study's impartiality. According to Joel Domingo, mayor of San Miguel Ixtahuacán, there was no involvement of the population or local authorities during the investigation of water resources in the area: "They did not notify us of the analysis", he said. Delfina Tema, mayor of Sipakapa, expressed doubts because the report was too technical and incomprehensible in practical terms. Mario Marroquín, executive director of Goldcorp, said that the company invested \$82,000 to carry out the investigation which was done under the norms and protocols set by MARN. He added that the report demonstrates that a responsible extraction process could be carried out.

Sources: Agencia Cerigua (AC), Prensa Libre (PL).

2. PBI-GUATEMALA ACTIVITIES: IN GUATEMALA

Team: Engel Montuenga Peña (Spain/Colombia), Guillaume Riboulleau (France), Maike Holderer (Germany), Kathrin Rüegg (Switzerland), Kathi Dunkel (Germany), Álvaro Zaldívar (Spain), María Cayena Abello (Colombia), Francisco Bernal (Colombia), Ilaria Tosello (Italy), Simón Yeste Santamaría (Spain), Phil Murwill (United Kingdom).

2.1. MEETINGS WITH DIPLOMATIC CORPS AND GUATEMALAN AUTHORITIES

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

International Authorities and other international entities in Guatemala:

- Jocke Nyberg, First Secretary, Swedish Embassy. Guatemala City
- David McNaught, Adjunct Mission Chief, British Embassy. Guatemala City.
- Manuela Sessa, Head of International Technical Support for the United Nations Development Programme Guatemala (PNUD). Guatemala City.
- Jennifer Echeverría, Cooperation and Human Rights Programme Official, Delegation of the European Union to Guatemala, Guatemala City.
- David Montesinos, program chief, Office for Technical Cooperation in Guatemala, Spanish Agency for International Cooperation for Development (AECID). Guatemala City.
- Alberto Brunori and Christina Papadopoulou, representative and human rights officer, respectively, Office of the United Nations High Commissioner for Human Rights (OHCHR). Guatemala City.

Guatemalan Authorities:

- Tito Calvo, secretary, Municipal Mayor's Office. Santa Cruz, Alta Verapaz.
- Pedro Tojil Pérez, substation agent, National Civil Police (PNC). Santa Cruz, Alta Verapaz.

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:

- Domingo Tum, Member of the Coordinator of Communities of Sacapulas in Resistance for the Defence of Natural Resources and the Environment. Sacapulas, El Quiché.
- Mario Minera, executive director of the Centre for Human Rights Legal Action (CALDH). Guatemala City
- Sully Zapeta, Women's Sector representative. Guatemala City.
- Rafael González, Melindo López, Domingo López, members of the Campesino Unity Committee (CUC). Guatemala City.
- Juan Carlos Peláez, Juan Guillermo Tzub and other representatives of the Estoreña Association for Integral Development (AEPDI). El Estor, Izabal.
- Miguel Ángel Aparicio Pérez and Hermelino, Campesino Unity Committee (CUC). El Quiché.
- Javier Gurriarán, independent consultant. Guatemala City.

International Organisations and Agencies:

- Coordination of International Accompaniment in Guatemala (ACOGUATE), Guatemala City.
- Leonardo Crippa, Lawyer, Indian Law Resource Centre. Guatemala City.
- Wilson de los Reyes Aragón, coordinator, Impunity Watch, Guatemala City.

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA

In October, we continued accompanying CONAVIGUA, with meetings and regular visits to members of the organisation. Also this month, we accompanied several members of CONAVIGUA in Alta Verapaz and El Quiché; and in the capital we were present at activities held for Day of People's Dignity and Resistance on October 12. Currently, there are security concerns during judicial proceedings in cases of crimes against humanity committed during the internal armed conflict presently before the courts.

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. In 2010, CONAVIGUA accompanied this process in San Juan Sacatepéquez and in 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. Various members of the organisation were subjected to grave death threats in 2010, due to the work that they were carrying out.

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

This month representatives of APMG along with the Mutual Support Group (GAM) and Madre Selva Collective filed petitions before the InterAmerican Human Rights Protection System during the biannual hearing of the InterAmerican Human Rights Commission (CIDH) in Washington as part of the 143rd Regular Session. They requested recognition of defense of Las Granadillas mountain, and the CIDH ordered the State of Guatemala to declare it a Protected Spring Water Reserve, to guarantee the security of the communities, and to prohibit the practice of clear-cutting for grazing throughout the country.

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). José Pilari Álvarez Cabrera has been the target of death threats and defamation in the local media during these conflicts.

Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ.

This month, we learned of the situation on the Santa María Xalapán mountain, in particular the move of the organisation's headquarters to the urban center of Jalapa. Lorena Cabnal, a member of AMISMAXAJ, reported that international contacts were consolidated through two tours in Bolivia and Spain which will support greatly the analysis of the situation in Guatemala. We continued meetings and permanent contact with several of the association members who carried on with their activities in Guatemala City including, among others, participation in the Day of People's Dignity and Resistance on October 12.

Background: AMISMAXAJ wWs 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. We have accompanied AMISMAXAJ since July 2009. Various members of the organisation were subjected to grave death threats in 2009 and 2010, due to the work that they carry out.

'New Day' Chortí Campesino Central Coordinator.

We accompanied the organisation in several activities in the Chortí region of the country during October: We maintained our presence in the Chiquimula department during meetings in the communities of Las Flores (Jocotán) and Matasanos (San Juan Hermita); also during a workshop facilitated by members of the Madre Selva Collective for community delegates from the area. On the 17th, we visited Matasanos and met with members of the community.

At the end of the month, six people from Las Flores – some of them members of COCODE – received a summons from the Public Prosecutor (MP) notifying them that they were to appear before the District Court of Chiquimula to provide testimony as accused. The summons did not include any indication or concrete information about the motives. On October 28, we accompanied them to the hearing with the public prosecutor. They received information about a charge presented by the legal representative for Las Tres Niñas Electric Generation Development and Management of Natural Resources company which promotes the construction of the El Orégano (Jocotán) and Caparjá (Camotán) hydro-electric projects in the area. The complaint states an intention not to bring legal action against the Las Flores residents and proposes a conciliatory agreement. According to the records gathered in the session with the Prosecutor, both parties appeared, and agreed to postpone the conciliation hearing until November 4 and that each would retain a lawyer. They also agreed to the presence of a Maya Chortí – Spanish language translator. PBI continues to follow the development of this matter.

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 communities in the area, enabling 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. They carried out this work in relation to the project known as the "Technological Corridor", that is intended to link the Atlantic coast with the Pacific Coast in Guatemala, which in turn forms part of the biggest plan produced under the Mesoamerican Project (successor of the Plan Puebla-Panama, PPP). Members of New Day say the lack of information and consultation of Chiquimula's communities by public institutions is a constant source of conflict. PBI has accompanied New Day since 2009. Several members of the association have been threatened and attacked due to their work with the communities. In 2010, members of the organisation denounced death threats and intimidation by unknown armed persons. Also, a number of national and local media outlets carried statements from local authorities accusing members of New Day and the Camoteca Campesino Association as being linked to social protests demanding improved information regarding the construction of the Technological Corridor, due to affect the region.

Camoteca Campesina Association.

In October, we maintained permanent contact with association members. Our concerns persist over the threats and legal proceedings against community activists involved in the surveying and social information work they do, and their peaceful protests demanding protection of rights and to defend violations of those rights. The situation generates a tense climate and serious limitations to participation in the work. Social participation is an essential social right; to limit or decrease it when it is exercised peacefully and is focused on defense of rights (or protest in the face of rights violation), harms the democratic system. In practice, to drain the space for social participation also implies a reduction of opportunity to confront and resolve conflicts through peaceful and lawful dialogue.

In addition, communities in the region and many members of the association suffer the consequences of a bad winter experienced in the country in the last month.

Background: The Camoteca Campesina Association was founded in 1988, made up of the then health promoters and midwives of Camotán (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' Chorti 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, El Orégano and Caparúa (see background to the accompaniment of 'New Day' Chorti) 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.

PBI has accompanied the association since 2009. Two of its members were detained in November 2010, accused of crimes against internal security and illegal meetings and demonstrations, for participating in a public gathering carried out more than 6 months previously (30 March 2010), in which more than 70 persons demonstrated their opposition to the plans and projects for interconnecting electricity provision in the region. On 2 March we observed the second judicial hearing in Chiquimula in which the two accused persons were examined. The judge refused to impose a penal sanction and instead imposed a fine of 1,000 Quetzales respectively and prohibited the promotion or participation in illicit demonstration activities.

Q'a molo Q'i San Juan– People of San Juan Unite.

During October, we maintained our presence in several of the 12 organised communities of San Juan Sacatepéquez and at weekly meetings. We also accompanied two of the organisation's members who were attacked in February in their community (Pilar I) to court hearings related to the aggressions against them. Two persons from the community were sentenced to 10 years in prison and ordered to pay Q60,000 in legal fees.¹

We participated in commemorative activities on October 12 including presentation of a memorial to the constitutional court. We were also in contact with three detained community members and their family members, and in October, we visited one of them in the Preventative Center 18 in the capital. We are concerned about the preventative detention which has now lasted for more than three years, demonstrating lack of respect for due process.

A community delegation from San Juan Sacatepéquez met with staff from the National Forest Institute (INAB) and the Human Rights Ombudsman (PDH) in the capital this month, and presented a written accusation of indiscriminate clear-cutting in the municipality, to the Public Prosecutor.

Background: Q'a molo Q'i San Juan-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.² PBI has accompanied Q'a molo Q'i San Juan since December 2009, following a request from the organisation due to threats and persecution against several of its members and the communities it represents.

Council of Cunén Communities.

This month, we maintained contact with Council members. They have resumed their meetings following municipal and departmental elections and hope to return to normal organising work following second electoral round on November 6.

¹ More information in the PBI Alert published in March 2011. [http://www.pbi-guatemala.org/los-proyectos/pbi-guatemala/noticias/spanish-news-holder/?L=1&tx_ttnews\[tt_news\]=2687&cHash=88aa776a5bf05e6c09b3cda64b83c0eb](http://www.pbi-guatemala.org/los-proyectos/pbi-guatemala/noticias/spanish-news-holder/?L=1&tx_ttnews[tt_news]=2687&cHash=88aa776a5bf05e6c09b3cda64b83c0eb)

² Further background information in the PBI Special Report published in 2010: http://www.pbi-guatemala.org/fileadmin/user_files/projects/quatemala/files/english/Mujeres_Completo_ING.pdf

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, due to the security risks faced by persons actively promoting the right to land, territory and natural resources in the region.

Guatemalan Human Rights Defenders Protection Unit (UDEFEFUGA).

In October, we continued periodic visits to the UDEFEFUGA office in the capital. The organisation continues to follow up on the agrarian conflict in Valle del Polochic, Alta Verapaz, that resulted in the eviction of several communities in March. They continue investigation and verification of attacks and aggression that human rights defenders, communities, or their members have denounced. Currently, UDEFEFUGA is following up the charge made by the Womens Sector and Artisan House collectives, of harassment, telephone persecution, and surveillance of their offices in the capital as well as a raid on a private home belonging to one of their members.

At the end of October, the UDEFEFUGA coordinator, Claudia Samayoa, participated in a conference held in Berlin (Germany) organised by PBI Germany in celebration of 30 years of PBI work. The activity focused on the theme, "Threats and protection of Human Rights defenders in new contexts".

Background: The Human Rights Defenders Protection Unit (UDEFEFUGA) was founded in 2004 to promote the security of human rights defenders in Guatemala and helps protect the political space in which they work. The Unit's programmes support threatened human rights defenders and their organisations and advise them about preventing and responding to threats and attacks, through information, training, monitoring and psychological support. UDEFEFUGA also lobbies for the protection of human rights defenders by government institutions and the international community. For many years PBI has maintained a close collaborative relationship with UDEFEFUGA and in 2007 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". 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.

During October, we accompanied the organisation to the monthly round table talk in Cobán (Alta Verapaz) aimed at solving problems relating to agricultural conflict in the region. We also accompanied them to a meeting with the Secretary for Agrarian Affairs. We are also accompanying lawyer Jorge Luis Morales in land conflict legal activities so that solutions can be found through institutional and legal means. We regularly visited the organisation's offices in Alta Verapaz and the capital. This month, UVOC registered security incidences in facilities in Santa Cruz (Alta Verapaz).

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.

In October, we continued periodic visits to Pérez' office. We held meetings with him and other members of his firm. We also observed a judicial hearing in the case of San Juan Cotzal in which the former mayor, José Pérez Chen, is accused of torture and extrajudicial execution.

Our concern for Edgar Pérez' security persists, given some progress in several high profile judicial proceedings in which army members are accused of serious human rights violations during the internal armed conflict. It is troubling in this context that the Guatemalan Association of Military Veterans (AVEMILGUA) considers these steps against impunity a "new threat" and issued "an alert for unity" as stated in a new paid press campaign published October 31.

We continued accompanying Pérez in several hearings. Among them, we observed judicial hearings in the process-making judgement on genocide; the hearing in which one of the defendants, José Mauricio Rodríguez Sánchez, former director of the Military Intelligence (G2), made his statement.

In October, Edgar Pérez participated in Washington in a thematic hearing before the InterAmerican Human Rights Commission (CIDH) during its 143rd Regular Session, presenting along with other Guatemalan organisations the situation of victims of forced displacement in Guatemala.

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.

National Police Historical Archive, AHPN.

We continued visits to its offices and observed the Third Mural Festival organised by AHPN on October 8 which included participation of youth from the Human Rights Office of the Archdiocese of Guatemala (ODHAG).

On October 24, the Myrna Mack Foundation, the Association for Progress in Social Sciences (AVANSCO), and the Mutual Support Group (GAM), with the support of 14 other Guatemalan civil society organisations, presented to the thematic hearing of the CIDH in Washington the importance and value of the Archive for memory, truth, and justice in Guatemala, and requested that the CIDH issue recommendations to the Guatemalan state to guarantee protection and free access to the offices and documentation in the Archive.

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

Today the AHPN forms part of the General Archive of Central America, its title and control is the responsibility of the Guatemalan Ministry of Culture, and it functions exclusively on the basis of donations and funds from international cooperation. The Archive is also a member of the International Coalition of Sites of Conscience, as the building which houses it was used as a clandestine detention centre by the PN during the armed conflict. Well-known Guatemalan human rights activists participate in the direction, coordination and documentation recovery work, and also promote public access to the information it holds. 150 people work on the tasks of conservation, organisation and archival description. As of 31 March 2011 more than 12 million documents have been digitalised, including more than 19,000 books. To that date they had received 4,503 requests for information, to which they have responded with the provision of 45,020 documents (1,001 to victims' relatives and 1,298 to the Public Prosecutor's Office (98% of these to its Human Rights Office)).

2.4 FOLLOW-UP

We regularly receive requests for accompaniment from social organisations and human rights defenders who are being, 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 currently are providing follow-up accompaniment to the following social organisation:

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

In October, we continued regular contact with OASIS members. Regrettably the organisation had to close its office halfway through September due to its critical financial situation, though it continues its operations.

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. During almost all of 2009 Jorge Lopez, director of the organisation, was accused in the courts of the attempted murder of sex worker Laila (Axel Leonel Donis González) and subsequently of concealment of the crime. 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

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

In October, we provided presence and international observation at hearings in several judicial proceedings (see 2.4 Accompaniment above): among these, the case of genocide; that related to San Juan Cotzal; and in the case of forced disappearance of Edgar Fernando García in 1984.

On October 1, we observed the Assembly of Communités of Santa Cruz del Quiché where concerns and problems related to mining were addressed and informative maps of existing plans for extraction and its impact in Quiché were shown.

On October 12, we observed the march for the Day of Indigenous Peoples' Dignity and Resistance in the capital. Communities and organisations from San Cristóbal and Cahabón (Alta Verapaz) were present, among others, as well as Xinkas Collectives, AMISMAXAJ, a group of women from AGIMS, Q'a molo Q'I San Juan, Women's Sector, Mojomayas and other youth movements. The march moved from the Obelisk to the Central Park, passing by the constitutional court where a memorial was presented for a person who was assassinated in San Juan Sacatépequez and an announcement was made regarding regulation of community consultations, proposed to Congress by the government at the beginning of the year.

We observed a press conference convened by several campesino organisations (UVOC, CONGCOOP, CCDA, CNOC) in Santa Cruz (Alta Verapaz). The campesino organisations demanded a State policy that prioritizes improvement of the situation for the campesino population considering that it represents a large part of the population, one that makes their continued vulnerability urgent and primary.

3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA

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

In October, the European representative to the project held a meeting in Brussels with the new officer for Guatemala for the European External Action Service of the European Union.

In Washington, staff from the PBI Guatemala coordinating office participated in several meetings with authorities, diplomatic corps, and social organisations October 12 – 14.

In Geneva, staff from the coordinating committee held a series of meetings the last week of October including gathering of members of the project's Support Network, to present the situation of human rights defenders in Guatemala and Honduras and PBI concerns related to the situations. They also participated in a conference October 19 organised by PBI Switzerland about "The protection of human rights defenders" which included a number of agencies and human rights defense representatives as well as public authorities and United Nations staff.

Finally, October 17 – 24, five committee members and the coordinating office represented the Guatemala project at the PBI General Assembly held every 3 years. On this occasion, Vaumarcus (Switzerland) was the site for strategic decision-making for the organisation that will guide our path for the next few years.

4. NON-GOVERNMENTAL ORGANISATIONS

En esta sección reproducimos algunos comunicados (algunos abreviados) de las organizaciones defensoras de DDHH, donde expresan sus preocupaciones frente a algunos hechos recientes.

COMUNICADO DE PRENSA
DECLARACION POLÍTICA DE LAS MUJERES XINKAS FEMINISTAS COMUNITARIAS
¡¡¡NO HAY DESCOLONIZACION SIN DESPATRIARCALIZACION!!!

Guatemala 12 de octubre de 2011, asociación de mujeres indígenas de Santa María Xalapán

Nosotras, mujeres xinkas feministas comunitarias, montañeras, luchadoras, viviendo y conviviendo en la montaña de Xalapán, hoy doce de octubre nos pronunciamos, en la conmemoración del Día de la Resistencia y Dignificación de los Pueblos Indígenas, para denunciar a los pueblos originarios y occidentales del mundo:

- Que las mujeres indígenas desde nuestro territorio cuerpo, seguimos sufriendo los efectos del patriarcado ancestral y occidental los cuales se refuncionalizan y se manifiesta en diferentes formas de opresión contra nosotras en nuestros hogares y comunidades.
- Que la expropiación histórica de nuestros cuerpos sigue presente cuando no podemos decidir por nuestros cuerpos y por nuestra sexualidad en libertad y autonomía.
- Cuando a las mujeres indígenas se nos designa ser cuidadoras y reproductoras de la cultura con todos sus fundamentalismos étnicos.
- Cuando se nos delega dentro de las organizaciones indígenas u organizaciones territoriales, cargos que refuncionalizan el rol doméstico.
- Cuando nuestros pensamientos, sentires y actuares no son valorados, porque cuestionan el sistema patriarcal originario y occidental.
- Que debido a nuestros planteamientos políticos como feministas comunitarias, hemos sufrido y seguimos sufriendo represión en la montaña por parte de algunos compañeros del movimiento indígena y por parte del actual Gobierno Indígena.

Por lo cual nos declaramos:

- En resistencia y lucha permanente contra todas las formas de opresión patriarcal originaria y occidental, que se quiera manifestar en contra de nuestro primer territorio cuerpo.
- En resistencia y lucha permanente contra todas las formas de opresión capitalista patriarcal, que continúan con la amenaza del saqueo de minería de metales en la montaña y nuestros territorios, y contra todas las formas de neo saqueo transnacional.
- Contra todas las formas de colonialismo que arremeten contra las mujeres en lo íntimo, privado y público, por lo cual asumimos acciones que desde lo individual y colectivo, fortalezcan la descolonización de cuerpos y territorios.
- En acción permanente para afianzar la despatriarcalización de nuestro territorio cuerpo y territorio tierra, sin lo cual, es incoherente la descolonización de los pueblos.

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

- PROYECTO PBI GUATEMALA -

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