



## PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

### MIP - MONTHLY INFORMATION PACKAGE – GUATEMALA

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### 1. CURRENT NEWS

#### IMPUNITY

##### **Court grants conditional release of Mario Orantes, accomplice in the 1998 murder of Bishop Gerardi**

Guatemala, 26.11.2012 (EP) – The First Criminal Court accepted the conditional release request of priest Mario Orantes, who was given a 20-year sentence for his complicity in the murder of Bishop Juan José Gerardi Conedera 14 years ago. The court said that during his 12 years in prison, Orantes had demonstrated good conduct. According to the Prison Regulation Law, there are three conditions under which a prisoner might gain an early release: work, good conduct, and studying while in prison. On November 27, the three-day period ended in which the Public Prosecutor's Office might make a statement about the early release that had been granted to the priest.

Nery Rodenas, director of the Archbishop's Human Rights Office of Guatemala (ODHAG), said granting the early release was inappropriate, recalling that Orantes had "committed one of the most serious crimes: he participated in the killing of a person."

Gerardi was attacked inside his parish home in San Sebastián on the night of April 26, 1998. As well as Orantes, Colonel Byron Lima Estrada and his son, Captain Byron Lima Oliva, were tried and convicted for their complicity in the extrajudicial execution. On June 13, Lima Estrada was granted early release based on good conduct in prison. Captain Lima Oliva also hopes to be granted conditional release; however he faces another case in the Tenth Court of the Criminal Circuit, in which he is accused of falsifying documents.

#### LAND

##### **Campesino organisations demand approval of Integral Rural Development Law**

Guatemala, 21.11.2012 (PL) – The National Coordinator of Campesino Organisations (CNOOC), the Committee for Campesino Unity (CUC), and the Campesino Development Committee (CODECA) joined forces on 20 November to demand that the Congress and Executive approve the Integral Rural Development Law (LDRI), nationalise electric energy, and reject the constitutional reforms planned by the Government. These were the central issues outlined by Aparicio Pérez, member of CNOOC, as the objectives for the demonstration in front of the Congress and Presidential House following a four-hour march from various points of the capital. Daniel Pascual, member of the CUC, said: "It's not just that they know about the initiative; we want them to approve it as a matter of national urgency, because they have not complied with what was promised, and the LDRI was taken off the agenda to pass other laws which, in our opinion, were less important," he said.

Participants in the demonstration met with the president of the Congress, Gudy Rivera, and with sitting members of several political parties – WINAQ, National Unity of Hope (UNE), the TODOS bloc, and the National Guatemalan Revolutionary Unity (URNG). Amílcar Pop, the WINAQ member, and Daniel Pascual both recalled Rivera's promise that "in no more than one week" the proposal of law would be introduced to the house, although the president of the Congress said later that this would depend on the leaders of the blocs. The CNOOC leadership also carried the protesters' demands to the Presidential House where they were received by Miguel Ángel Balcárcel, head of the National System of Permanent Dialogue (SNDP). Rafael Chanchavac, a member of CNOOC, said President Otto Pérez Molina had promised to meet with them along with the vice president the following Tuesday to discuss their demands.

## **NEGATIVE EFFECTS OF GLOBALISATION**

### **Seventy community consultations since 2007**

Guatemala, 20.11.2012 (LH) – On 19 November, Rafael Landívar University (URL) scholars presented a report examining local power, political involvement, and governability on issues of environmental justice, defence of territory, and rights of indigenous peoples. The report reviews the issues facing indigenous peoples defending their territory and their impact on governability and local and national public power.

Renzo Rosal, director of public engagement, said the research focused on communication strategies and public advocacy carried out by organisations promoting community consultations around the country. Since 2007, more than 70 have been held. Rosal said they had been shown to be the only instrument available that could reduce the asymmetries of power. He said that there was no region in the country where community consultations had not been intensely carried out. Having started strongly in the west, in San Marcos and Huehuetenango, the phenomenon was expanding to the departments and municipalities of the east – which traditionally has had a slightly different mode of participation – and including municipalities close to the capital, like San Pedro Ayampuc or Chinautla. According to Rosal, it is no longer simply a local and community phenomenon, but is now being expressed at the national level. The themes of the consultations are principally the construction of hydroelectric projects and the mining of metal and non-metal materials.

The study indicates that the government institutions such as the Ministry of Energy and Mines (MEM) and the Ministry of Natural Resources (MARN) have given very partial treatment to the results of the consultations, and have not played a role in framing and promoting the democratic dialogue necessary to reduce the levels of conflict.

## **OTHER**

### **Women's organisations demand an end to gender violence**

Guatemala, 26.11.2012 (PL, EP, SV) – Several women's organisations participated in a march to demand justice and the end to gender violence, in commemoration of International Day to End Violence Against Women on 25 November. "As a feminist women's movement, we seek to raise awareness and to say to other women that they must report violence. We go out into the streets to demand that public institutions strengthen themselves, given that we have progressed in terms of legislation, but prevention is still weak," said Sandra Morán, artist and member of the Women's Artisan Collective.

The 25 November Coordination, which comprises 50 Guatemalan women's rights groups and organises the march, denounced the fact that 97% of cases of violence against women remain in impunity; according to official statistics there were 535 women murdered in Guatemala so far in 2012 for the sole reason of being women. Though the official records show a 10% decrease from 2011 in terms of number of murders, women's organisations say that crimes have been committed with more cruelty, and include torture, sexual assault, and decapitations. According to the 25 November Coordination, 20,389 reports of physical, sexual, psychological and economic violence and femicide were registered in 2011, but only 592 ended in prison sentencing (2.9% of the total reported). A United Nations study states that Guatemala has an annual rate of 92.94 murders of women for every million inhabitants, which puts the country second in the world with the highest number of femicides, only surpassed by El Salvador. During the 25 November march, protesters demanded justice for the murders, rapes, and slavery suffered by one group of indigenous women in the 80s, at the hands of army officers, who kept them captive in army installations.

### **Annual meeting of human rights defenders: criminalisation as central conclusion**

Guatemala, 14.11.2012 (SV) – "Human rights defenders are being criminalised as a tactic to discredit and defame the work that they do": this was the conclusion drawn by the 40 people who participated in the annual meeting of human rights defenders in Guatemala. Maripaz Gallardo, staff member with the Human Rights Defenders Protection Unit (UDEFEGUA), said that the aim of this tactic was to stop the defenders doing their work: "There are repercussions for the community when they are left without leaders, and families without means of support, when the leaders are captured," she said. Human Rights Ombudsman, Jorge de León, said the criminalisation came from different sectors, identifying among them "columnists who write against defenders or the families of military men who disparage the activists." He added that the Human Rights Ombudsman (PDH) was aware of the existence of "parallel structures, which the government allows to function" to threaten human rights defenders. The participants in the meeting agreed that social conflict and demands continue due to the scant attention that the authorities give to the problems. De León expressed concern over the current situation in the country, which he described as "high conflictivity", and invited all involved to make dialogue a priority.

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**Sources:** El Periódico (EP), Prensa Libre (PL), Siglo Veintiuno (SV) and La Hora (LH).

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

**Team:** Phil Murwill (United Kingdom), Christa Hijkoop (Netherlands), Lucía Gorosito Guajardo (Argentina/Spain), Claudia Molina (Argentina), Aline Herrera (Switzerland/Mexico), Kristel Best Urday (Peru), Valdivia Moutawali (Netherlands), Raquel Rojo Diez (Spain),

and Johannes Stiebitz (Germany).

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

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

### **Guatemalan Authorities:**

- Sergio Peña, assistant to the Human Rights Ombudsman (PDH). Guatemala City
- Luis Alfonso Palma, governor of the department of Guatemala. Guatemala City
- Claudia López, adjunct ombudsman, PDH. Guatemala City
- Álvaro García García, regional coordinator, Land Fund (FONTIERRAS). Cobán, Alta Verapaz
- Rutilia Reyes Requena, assistant, Presidential Human Rights Commission (COPREDEH). Cobán, Alta Verapaz
- Carolina Orellana, Byron Lacs, and Jamie Guerra, governor of Zacapa, advisor, and staff of the Ministry of Public Health, respectively. Zacapa
- Elmer Guerra, mayor of Jalapa. Jalapa
- Maximiliano López, COPREDEH advisor. Jutiapa
- Romeo Euler, political advisor, Secretary for Agricultural Affairs (SAA) for Alta Verapaz, Baja Verapaz, Ixcán, and Quiché. Cobán, Alta Verapaz
- Belsy Alvarado, official analyst, PDH Auxiliary Office. Cobán, Alta Verapaz
- Carlos Borromeo Sanik Cutzal, deputy commissioner, Station 51. Cobán, Alta Verapaz
- Cruz Ramírez, deputy inspector, Station 51. Cobán, 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:**

- Mónica Coy and Conchita Reyes, Social and Pastoral Care. Cobán, Alta Verapaz

### **International Organisations and Agencies:**

- Coordination of International Accompaniment in Guatemala (ACOGUATE), Guatemala City
- Wilson de los Reyes, coordinator, Impunity Watch, Guatemala City
- Assembly of the International NGO Forum (FONGI), Guatemala City
- Brittany Benowitz and Kathryn Lund, respectively of American Bar Association and Georgetown University, during visit in the country.

## **2.3 ACCOMPANIMENT**

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

This month we were in permanent contact with CONAVIGUA's members, by way of meetings, office visits and telephone communication. Together with members of the organisation's board of directors, we have taken time to reflect about the process of accompaniment that PBI Guatemala has provided since 2003.

The organisation has participated in analyses of the events that took place on 4 October in the municipality of Totonicapán.

In the department of Chimaltenango, they have been carrying out a series of political training workshops for women. One of the central concerns at this moment is the situation of women in Guatemala, in particular indigenous women, who are targets of certain types of violence and, as part of the politically active population, victims of criminalisation due to their demands for respect of their fundamental

rights.

*Background: In its pursuit of justice, dignity and the recovery of Guatemala's historical memory, CONAVIGUA carries out exhumations and inhumations of the remains of victims of the internal armed conflict in different departments throughout Guatemala, above all in Quiché, Chimaltenango and the Verapaces. These processes provoke very tense situations in rural communities where victims and perpetrators live side by side, occasionally resulting in threats aimed at stopping the work of the organisation and its members. CONAVIGUA was founded by women who were widowed by the war, although today men also participate in the organisation. We have accompanied the association since August 2003, visiting its office and joining its members on journeys to regions where the association is currently developing its 'Justice and Dignity' programme. In recent years CONAVIGUA has experienced several critical security issues, including death threats received by members in 2010. Analysis of the risks and security incidents faced by the association today suggests its work fighting impunity, and the security of its members, should continue to be monitored.*

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

This month we maintained regular telephone contact with APMG and its members. APMG continues to focus part of its work campaigning for Las Granadillas Mountain to be declared a protected area.

In the capital, we observed the press conference convened by APMG along with the Centre for Legal Action on Human Rights (CALDH), the Chortí New Day Central Campesino Coordinator (CCCCND) and the Madre Selva Ecology Collective, in which they denounced a "defamation campaign" against them and their members on the part of the Guatemalan company, Las Tres Niñas, SA, which directs the El Orégano hydroelectric project in Jocotán (Chiquimula).

We accompanied APMG and CCCCND to the Assembly of the Coordinator of Popular, Indigenous, Labour, and Campesino Organisations of the East (COPISCO), held in the village of La Trementina in Zacapa. Among other issues, water and land, and the role of hydroelectric projects and mining in the communities in Jocotán were the central concerns of this gathering.

*Background: APMG was created in 2003 in Zacapa to protect the ecosystem of Las Granadillas Mountain (the principal source of water and natural diversity in the region) due to diverse threats identified by the local population, including illegal logging, monoculture, deforestation, large-scale cattle farming and the diversion of water sources. Since its foundation, the organisation has been supported by the Lutheran Church in Guatemala (ILUGUA), led in the region by Reverend José Pilar Álvarez Cabrera, and the Madre Selva Collective. It works in alliance with various organisations and collectives in the region. One of APMG's goals is to have the mountain designated a protected area. In March 2012, the National Council for Protected Areas (CONAP) presented a proposal declaring the area protected. However, existing economic interests in the land have made APMG's work dangerous, and its members have faced diverse types of persecution and threats, including legal proceedings, which were later dismissed. These events began after they denounced the illegal logging trade and started, with the population of the La Trementina community, a process of permanently monitoring the licences granted and logging carried out on the mountain's private estates. We have accompanied APMG since August 2008 and, since then, have observed the spaces for dialogues the Association has participated in with public authorities and private actors, in order to promote the defence of economic, social and cultural rights in Zacapa and the region. One of the most serious security issues of recent years took place in 2010, when José Pilar Álvarez experienced death threats, defamations, prosecution and was taken into police custody in relation to the ongoing conflict with Juan José Olavarrueth, owner of the mountain's Tachoro estate.<sup>1</sup> The Association and several members of the La Trementina community have been portrayed negatively by Zacapa's public authorities. Indeed, since April 2012, legal charges have been brought by the Governor of the department, Carolina Orellana, against three members of APMG for acts of protest against deforestation. The Technology Corridor megaproject, soil and food production issues, and the exploitation of natural resources (communities are neither informed of nor consulted on the latter) are key concerns for APMG and feature prominently in the collaborative work they conduct with other collectives and communities in the region today.*

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

In November we maintained regular contact with members of AMISMAXAJ through telephone calls and physical presence in Jalapa. On 15-16 November, we accompanied them during Feminist School activities there.

On 25 November – along with other local organisations and the Parish Council – they held an inter-community mobilisation on the mountain. AMISMAXAJ has highlighted the situation of latent tension in the population of Santa María Xalapán Mountain, especially in the community La Paz, caused by problems related to mining. In one communiqué, they expressed concern about the conduct of San Rafael mine, which they identify as the cause of social destabilisation in both rural and suburban communities in the eastern part of the country; they also pointed to the responsibility of the government and of the Ministry of Energy and Mines (MEM) for putting the interests

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<sup>1</sup> PBI Guatemala, "Legal Action Against Human Rights Defenders: Overview of the Current Context and its Consequences", Bulletin No. 23, Guatemala, 2011. [http://www.pbi-guatemala.org/fileadmin/user\\_files/projects/guatemala/files/english/PBI\\_Bulletin\\_No.\\_23.pdf](http://www.pbi-guatemala.org/fileadmin/user_files/projects/guatemala/files/english/PBI_Bulletin_No._23.pdf)

of the mining companies before social and community interests.

*Background: AMISMAXAJ was founded in February 2004 as an association of women workers and became part of the Women's Sector in June of the same year. AMISMAXAJ is made up of 75 women leaders representing 15 Xinka communities from the Santa María Xalapán Mountain (Jalapa). They work at the local, departmental and national levels in opposition to all forms of patriarchal, neo-liberal, racist, homophobic and lesbophobic oppression, and have established strategic territorial and national alliances to promote their political actions. The Association works actively in the region of Jalapa, promoting women's rights, the revitalisation of the Xinka ethnicity and the defence of land and territory. In particular, it is actively working to defend natural resources and to monitor and raise awareness about plans for mining and oil extraction in the region. Since our accompaniment of AMISMAXAJ began in July 2009, the organisation has strived to improve political and feminist education in the region. Indeed they now have their own school in which to do so. Various members of the organisation were subjected to grave death threats in 2009 and 2010, due to the work that they carry out. Based on security incidents in the past, risks faced today and the security situation of its members, the Association's work combating the infringement of women's rights, and those of indigenous people and DESCA, should continue to be monitored.*

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

We were present in the eastern region of the country, holding meetings with different social actors and public authorities. Members of the CCCND expressed concern over the arrival of army patrols to the Pelillo Negro community; they fear that this military presence indicates the possible opening of a military base in the mining zone known as Cerro Banderas.

We accompanied a Special Assembly convened by the Las Flores community, Jocotán, in which the Lutheran Church of Guatemala (ILUGUA), CALDH, and the Madre Selva Collective participated: the central theme addressed was the letter that the Las Tres Niñas company circulated in October, containing negative accusations against the community, its members and organisations. We also accompanied members of CCCND when they filed a complaint with the Public Prosecutor's Office (MP) about the contents of the letter.<sup>2</sup> Between 27 and 28 November, we observed social protests that took place in front of the Congress to demand approval of the proposed Integral Rural Development Law (LDRI), No. 4084. A delegation of communities belonging to CCCND was present in this activity (see section 1: Current News).

*Background: 'New Day' Chortí Campesino Central Coordinator is part of the Agrarian Platform, working in several municipalities in East Guatemala (including Jocotán, Chiquimula, Camotán, Olopa and San Juan Hermita), in the department of Chiquimula. It trains and informs rural communities on issues relating to the rural economy, the environment, rights and land, in coordination with other organisations in the region. In 2006, New Day became aware of the planned construction of three hydroelectric plants in two of the department's municipalities: the projects El Puente and El Orégano in Jocotán and the project Caparjá, in Camotán. They form part of the largest project of the Electrical Interconnection System for Central American Countries (SIEPAC). As part of its work, the organisation has shared this information with communities in the area, enabling the evaluation and analysis of the environmental effects and impact on local economies that these, and other development projects planned for the region, may have. They carried out this work in relation to the project initially known as 'Dry Canal', then the 'Technological Corridor', and most recently as the 'Interoceanic Corridor of Guatemala' (ICG)<sup>3</sup> which is intended to link the Atlantic and Pacific coasts of Guatemala. This in turn forms one part of the most ambitious regional plans produced under the Mesoamerican Project (successor of the Plan Puebla-Panama, PPP). Members of New Day say the lack of information provision to, and consultation of, Chiquimula's communities by public institutions is a constant source of conflict. Community authorities have therefore been present at meetings and discussions with the Guatemalan firm, Las Tres Niñas S.A., which seeks to implement the El Orégano hydroelectric plant project. They have highlighted the need to consult local inhabitants before implementing megaprojects in the area. In 2012, in addition to the court summons issued to community members of Las Flores, Jocotán, the firm has sent several letters to various organisations and international community actors in Guatemala, portraying community actors and the social organisations that work in the area in a negative light. PBI has accompanied New Day since 2009. Several members of the association have received threats and attacks, including death threats and intimidatory acts, as a result of their work with the communities.*

### **12 Communities of San Juan Sacatepéquez**

In November we remained in contact with the communities and their members with visits, weekly meetings and telephone communication. During this month several problematic situations were reported, relating to the arrival of army patrols to Santa Fe Ocaña. We were at the Hotel Panamericano, in the capital, during a presentation of the proposal to declare Santa Fe Ocaña cemetery a sacred site. The proposal has now been presented before the Legislature for consideration and approval.

A delegation from the 12 communities participated in the demonstrations in front of the Congress to demand approval of the Integral Rural Development Law (LDRI), which we observed at the end of the month.

<sup>2</sup> See MIP 109, October. Section 2.3 Accompaniments, APMG.

<sup>3</sup> <http://www.c-interoceanico.com/index.html>

Another community delegation from San Juan Sacatepéquez went to La Puya, in the municipality of San José de Golfo, to demonstrate solidarity with the broad collective of residents of San José de Golfo and San Pedro Ayampuc, who have maintained a sit-in for more than nine months as an expression of their dissent with a mining project in their area.

*Background: In 12 Maya Kaqchikel communities in the municipality of San Juan Sacatepéquez, organised residents participate in processes related to the defence of territory and natural resources in the region. Since 2006, the Guatemalan company Cementos Progreso S.A. has been pushing on with the San Juan project, which includes the construction of a factory and a quarry in the San Gabriel Buena Vista estate where the villages of Cruz Blanca, Santa Fe Ocaña, El Pilar I and II, Los Pajoques, and San Antonio Las Trojes I and II are located. 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. The dialogue process, which involved various Guatemalan authorities and public institutions, concluded without offering any means of resolving the conflict. For more than six years, the 12 communities<sup>4</sup> resisting the San Juan Sacatepéquez project have made numerous complaints about human rights abuses, threats and, in particular, a criminalisation campaign against them, which has maintained its intensity in 2012. Their key demands continue to be the permanent withdrawal of the army from the communities; and compliance with their rights under national and international law. PBI has accompanied Q'a molo Q'i San Juan since December 2009,<sup>5</sup> following a request from the organisation due to threats and persecution experienced by several of its members and the communities it represents.*

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

In November, we had weekly telephone contact with members of the Council of Cunén Communities. The Council has held meetings with several institutions to discuss issues related to security, justice and rights of indigenous peoples.

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

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

We made several visits to the UDEFEQUA office, and we met frequently with its staff this month. In November the director of the Unit, Claudia Samayoa, lodged complaints with the Public Prosecutor's Office (MP) and the Inter-American Human Rights Commission (IACHR) after being subjected to threats and coercion in a communication signed by "the Foundation Against Terrorism", which contained a variety of false accusations against her and other human rights defenders.<sup>6</sup> In the formal complaint, these are attributed to Ricardo Méndez Ruíz, director of the foundation mentioned.<sup>7</sup>

During the week of 12 November 2012, Claudia Samayoa and a member of the Archbishop's Human Rights Office (ODHAG) received

<sup>4</sup> The expression '12 communities in resistance' refers to communities and individuals directly affected by, and in direct opposition to, the San Juan Project. The term is used when these actors sign communiqués and public statements, and it acknowledges the fact that the majority of the communities' members oppose the Project. It reflects the sentiment expressed in the consultation process and that which has been documented in public activities. There are of course nuances, with some having stronger opinions than others. There are also advocates of the San Juan Project and divisions within the communities regarding the matter. However, we believe the expression "12 communities in resistance" best describes reality in the region, as observed by PBI *in situ*.

<sup>5</sup> More background details and the situation of the 12 communities, among others, can be found in two PBI special publications: Business Investment and Human Rights: Lessons Learned from a Conflict. The Case of the Maya Kaqchikel of San Juan Sacatepéquez (2012):

[http://www.pbi-guatemala.org/fileadmin/user\\_files/projects/guatemala/files/spanish/PBI\\_Informe\\_caso\\_SJS.pdf](http://www.pbi-guatemala.org/fileadmin/user_files/projects/guatemala/files/spanish/PBI_Informe_caso_SJS.pdf)

Guatemala's Indigenous Women in Resistance: On the Frontline of the Community's Struggle to Defend Mother Earth and her Natural Assets (2010):

[http://www.pbi-guatemala.org/fileadmin/user\\_files/projects/guatemala/files/english/Mujeres\\_Completo\\_ING.pdf](http://www.pbi-guatemala.org/fileadmin/user_files/projects/guatemala/files/english/Mujeres_Completo_ING.pdf)

<sup>6</sup> The Observatory for the Protection of Human Rights Defenders, a joint project of the World Organisation Against Torture (OMCT) and the International Human Rights Federation (FIDH), published an alert about this case on 22 November: <http://www.fidh.org/Guatemala-Amenazas-contra-la-Sra-12480>

<sup>7</sup> For an interview with Méndez Ruíz published in July, in which he describes the goals and work of the foundation, visit: <http://revistac4.com/?p=2134>. In another, more recent interview published in November, Idivina Hernández, the director of the Security in Democracy Association (SEDEM), gives her opinion on the current role of Méndez Ruíz in the context of the fight against impunity for serious human rights violations committed by the army during the internal armed conflict: <http://www.plazapublica.com.gt/content/los-motivos-del-lobo>



warning of a possible attack against them.

*Background: The Human Rights Defenders Protection Unit (UDEFEGUA) was founded in 2004 to promote the security of human rights defenders in Guatemala and helps protect the political space in which they work. The Unit's programmes support threatened human rights defenders and their organisations and advise them about preventing and responding to threats and attacks, through information, training, monitoring and psychological support. UDEFEGUA also lobbies for the protection of human rights defenders by government institutions and the international community. For many years PBI has maintained a close collaborative relationship with UDEFEGUA and in 2007 had already offered to provide the Unit with international accompaniment following a period of threats. After the Unit reported threats to the Public Prosecutor's Office (MP) in May 2009, PBI reactivated its accompaniment. Since then, UDEFEGUA has reported some critical security situations, highlighting an illegal raid on one of its member's homes and tampering with the vehicle of one of its members in March 2010. We continue our regular visits to UDEFEGUA's office, carry out periodic meetings with its staff, and accompany them on visits to various Departments in the country. The visits allow the Unit to develop its work and strengthen its analyses by investigating and verifying reports of attacks on human rights defenders.*

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

In November we had regular contact with members of UVOC through telephone calls and meetings. As international observers, we attended a roundtable dialogue held on 8 November, in which participated representatives of the Land Registry (RIC), the Human Rights Ombudsman (PDH), the Land Fund (FONTIERRAS) and members of diverse communities.

We were also in communication with UVOC during an eviction of the community "20 October" at the Secanquim Estate (Cahabón, Alta Verapaz), carried out on Thursday, 15 November. We accompanied members of the organisation after the eviction, interviewed residents of the evicted community, and held meetings with municipal, regional, and national authorities. UVOC has reported that at least 260 families from the community were displaced, leaving them in a precarious and vulnerable situation. Both representatives of the 20 October community and UVOC expressed concern about the lack of adequate notification prior to the eviction, the use of tear gas by the National Civil Police (PNC), the burning and destruction of several houses, belongings of the community and maize crops, the appropriation of livestock, the lack of resettlement plan allowing for alternative housing to avoid the dispersion of families and the community, and the failure to guarantee access to food and other essential rights immediately following the eviction. At the same time, they regret that all of this cut short and overwhelmed a process of dialogue, which had produced concrete results toward reaching a solution without resort to a judicial eviction order. The eviction of the 20 October community is not an isolated case: in March 2011, 14 communities evicted from the Valle del río Polochic, showing that there is a precedent of this type of action in the region.<sup>8</sup>

In this context, members of UVOC and of the communities it accompanies in Alta Verapaz have continued to be targets of threats, dispersions, and in some cases, legal accusations. During the eviction of the 20 October community, Mr José Julio Bernardo was detained.

Between 23 and 24 November two members of La Primavera community were detained, Mario Hernández Vargas and Arturo Xolím Caal, in the context of another conflict related to land in this community (see the link for background information on this community in footnote number 9).

We accompanied UVOC's legal representative in his travels and institutional visits to carry out work related to these cases.

*Background: UVOC is an indigenous and campesino organisation which focuses on defending and enabling access to land for campesino people in the departments of Alta and Baja Verapaz. Amongst other activities, UVOC offers advice to numerous rural communities on land ownership, accompanies communities on activities involving the protection of their land, and participates in formal discussions on related matters. The organisation ensures these discussions are tailored carefully, to squarely confront the well-documented land disputes and agrarian conflict in the region. PBI has accompanied UVOC since 2005, after its members experienced serious threats and intimidatory acts. Carlos Morales, UVOC coordinator, and members of communities which form part of the Union have been subjected to death threats, and various forms of intimidation and persecution, on several occasions. In addition to the Rural Development Law, UVOC publically demands an end to evictions and violence in the region, led by State and non-governmental actors. The Union monitors agrarian issues, and has warned of a deteriorating situation in many localities since the beginning of 2012. In February 2012, PBI drew the international community's attention to concerns about the atmosphere UVOC has to conduct its work in. Threats are made to its members and several communities the organisation accompanies and supports in the region, in particular the community of La Primavera (in the municipality of San Cristóbal, Alta Verapaz) and San Miguel Cotojaj (on the municipal and departmental border of Panzós, Alta Verapaz, and El Estor, Izabal).<sup>9</sup>*

<sup>8</sup> PBI Guatemala, "Evictions in Polochic: Brief Year-end Update", Bulletin No. 25. Guatemala, 2011: [http://www.pbi-guatemala.org/fileadmin/user\\_files/projects/guatemala/files/english/PBI\\_25\\_ingles\\_.pdf](http://www.pbi-guatemala.org/fileadmin/user_files/projects/guatemala/files/english/PBI_25_ingles_.pdf)

<sup>9</sup> PBI Guatemala, "Emergency Alert: Threats against UVOC and communities", Guatemala, 06.02.2012, [http://www.pbi-guatemala.org/los-proyectos/pbi-guatemala/noticias/spanish-news-holder/?no\\_cache=1&L=1&tx\\_ttnews%5Btt\\_news%5D=3302&cHash=0df06cb73a25a4353bb73ac0d8948d74](http://www.pbi-guatemala.org/los-proyectos/pbi-guatemala/noticias/spanish-news-holder/?no_cache=1&L=1&tx_ttnews%5Btt_news%5D=3302&cHash=0df06cb73a25a4353bb73ac0d8948d74)

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

This month, we visited the office of Edgar Pérez and accompanied him to court hearings. His human rights law firm remains concerned with the genocide case; the defendants, military officers of the High Command of the *de facto* government of Ríos Montt – including Ríos Montt himself – have presented a appeal for protection before the Constitutionality Court requesting amnesty based on the National Reconciliation Law No. 145-1996.

Edgar Pérez and the firm's lawyers also continue to monitor the Guatemalan government's compliance with the sentence issued on 4 September 2012 by the Inter-American Court of Human Rights (IACtHR) relating to the Río Negro massacre, in particular with the reparations the IACtHR ordered the government to provide. These include the following obligations: to immediately and seriously investigate the events that gave rise to the human rights violations mentioned in the Court's rulings, with the aim of prosecuting and eventually punishing those responsible; and to undertake an effective search for the remains of those forcibly disappeared.<sup>10</sup>

*Background: In August 2010 we began the accompaniment of lawyer and human rights defender Edgar Pérez Archila in his work defending justice and battling impunity. Pérez and his legal team work on proceedings related to massacres committed during the internal armed conflict and other cases of past and current human rights violations. We accompany him because of the trials' importance in the fight against impunity and the fact Pérez has experienced various security incidents in recent years. Pérez and his legal practice are involved in legal proceedings related to: the forced disappearance, torture and extrajudicial execution of the guerrilla commander Efraín Bámaca Velásquez in 1992; the massacre of the Las Dos Erres community in 1982; the massacre of the community of Río Negro, Alta Verapaz, in 1982; and the prosecution for genocide that has been pending before a number of Guatemalan tribunals since 2000.*

### **National Police Historical Archive, AHPN.**

We maintained frequent contact with members of the AHPN this month, through telephone calls, periodic visits to their offices, and meetings. Along with other civil society organisations and individuals, the AHPN is actively promoting the construction of the Concordia Memorial, the purpose of which is to create a space for dialogue in Guatemala. To date, the AHPN has digitised more than 15 million documents.

*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).*

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

In November 2012, we began the accompaniment of the Peaceful and Legal Resistance of La Puya, which is made up of a broad group of residents of the municipalities of San José de Golfo and San Pedro Ayampuc, who are affected by the Progreso VII Derivada mining

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<sup>10</sup> For a summary of the sentence, visit: [http://www.corteidh.or.cr/docs/casos/articulos/resumen\\_250\\_esp.pdf](http://www.corteidh.or.cr/docs/casos/articulos/resumen_250_esp.pdf) (Spanish)  
The full sentence can be found at: [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_250\\_esp.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_250_esp.pdf) (Spanish)



project. For two weeks starting on 13 November, about 145 employees of the company Mining Explorations of Guatemala, SA (EXMINGUA), led by ex-military officers working for the company, gathered in La Puya in a manner that was provocative and hostile.<sup>11</sup> PBI was present to provide the observation and international accompaniment that was requested by local social actors and human rights defenders. We also observed the presence of representatives of the Human Rights Ombudsman's Office (PDH), the Presidential Human Rights Commission (COPREDEH), and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The Peaceful and Legal Resistance of La Puya demands a popular consultation, which expresses the opinion or position of the local population on the Progreso VII Derivada mining project.

*Background: Since 2010, residents of San José del Golfo and San Pedro Ayampuc, municipalities located some 30 kilometres from Guatemala City, have carried out peaceful resistance to demonstrate their disagreement with mining projects in the zone, specifically the El Tambor mining project, property of the United States company, Kappes, Cassiday, and Associates, with local subsidiaries Mining Explorations of Guatemala SA and Mining Services of Central America, SA. As part of the El Tambor project, the Progreso VII Derivada project was granted a licence by the public institutions in charge.*

*In March 2012, the residents decided to block the entrance to the mine and start a sit-in at La Puya where inhabitants from different communities take 24-hours shifts to prevent machinery from entering. In the early morning of 8 May, the company attempted to bring in 25 trucks and machinery, accompanied by 40 officers of the National Civil Police (PNC). The population organised and around 2,000 persons from the surrounding communities gathered to block peacefully the entry of the machinery. Kappes, Cassiday and Associates (KCA) publically accused those who oppose the project of blocking development.*

*On 13 June, in San José del Golfo, Yolanda Oqueli, activist with the La Puya resistance, was the target of an attempt against her life. They shot at her from a motorcycle; the bullet has yet to be removed. After four months outside of her community, Yolanda returned to San José del Golfo and has reincorporated into the collective resistance activities.*

*During this time, offensive and defamatory flyers were circulated, directed especially at the women who are part of the resistance. The harassment and aggression intensified around 24 November 2012, the one anniversary of the mining project's licence concession. According to the mining law, if in the course of a year, operation of the project is not begun, the licence should be cancelled.*

*In September 2012, the Guatemalan Human Rights Commission (GHRC) awarded the communities of San Pedro Ayampuc and San José del Golfo the Alice Zachman Prize for Human Rights Defenders.*

## 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. Until November, we provided follow up with the following social organisation:

### **Camoteca Campesina Association, ACC**

In November we concluded accompaniment with the association. After a period of follow up and a process of analysis and taking into account the report of security incidents related to its work in the past year, we agreed with ACC to finalise accompaniment.

*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 monitor whether 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, El Orégano and Caparí (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. PBI has accompanied the association since 2009. One of the most serious security issues faced by the organisation in recent years took place in November 2010, when two of its members were arrested and accused of serious crimes.*

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<sup>11</sup> Videos produced by Noticiero Guatevisión, <https://www.youtube.com/watch?v=SAOrj5-0Ts>, and Madre Selva, [https://www.youtube.com/watch?feature=player\\_embedded&v=YkOiff5F00](https://www.youtube.com/watch?feature=player_embedded&v=YkOiff5F00), about these events. (Spanish).

*In the result, the charges were settled with a fine and the pair were banned from promoting or participating in any protest activities from April 2011 to April 2012.*

## 2.5 OBSERVATION

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

On 6 November we observed a press conference in the offices of the Centre for Legal Action on Human Rights (CALDH) in Guatemala City, in which members of Madre Selva, community residents and community development advisers (COCODEs) from Las Flores, Jocotán, the Chortí New Day Central Campesino Coordinator and the APMG denounced the actions of the company Las Tres Niñas, SA. They say the company is carrying out a "defamation campaign" against them and their members. They read out a press release, which pointed out that the Environment Ministry had "declared the El Orégano hydroelectric project unviable" in 2009. They also said they would present an official complaint to the Public Prosecutor's Office against the company's legal representative, Mr. Kenneth Jongezoon.

On 11 November we observed a Residents' Consultation in Aguacatillo, El Carrizal, Morales, and Cantón Barrios in Mataquesuintla, department of Jalapa.



Between 13 and 16 November, we went daily to observe the security situation of those involved with the Peaceful and Legal Resistance of La Puya, where residents of San Pedro Ayampuc and San José del Golfo were holding a sit-in to express their opposition to the El Tambor project, which the company Kappes, Cassidy and Associates has planned. After 13 November, the presence and provocation by those claiming to be mine workers against the human rights defenders intensified, and despite the presence of the PDH, COPREDEH, and the PNC, they maintained an aggressive attitude. In the course of those days, the Exmingua group directed offensive comments toward the women of the Resistance and the social and human rights organisations that were expressing solidarity, as well as towards the international organisations present, including PBI. The escalation of violence culminated in a series of physical aggressions against several persons participating in the Resistance.

On 28 November we observed a press conference convened by members of the Peaceful and Legal Resistance of La Puya from the San José del Golfo and San Pedro Ayampuc communities, in which they denounced the aggressions suffered the previous days.

**Photo:** On 13 November 2012 workers from the company Exmingua went to La Puya demanding entry to the mine. The inhabitants of San José del Golfo and San Pedro Ayampuc peacefully opposed, insisting on their right to a consultation. Photo: PBI, 2012.

On 25 November, a demonstration was held in the streets of Guatemala City for the Day to End Violence Against Women, in which social, human rights, and women's organisations participated. Peace Brigades International observers were present.

Between 27 and 29 November we observed the demonstration in front of the Congress by several campesino organisations demanding approval of the LDRI.

## 3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA

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

On 7 November, the European representative of the project, Kerstin Reemtsma, met in Brussels with a representative of Bread for the

World-Germany, and with Christian Behrmann, head of economic, social, and cultural rights for the Human Rights Unit of the European External Action Service (EEAS).

Also in Brussels on 28 November, as part of the speaking tour of human rights defender José Pilar Álvarez organised by Bread for the World, she participated in a meeting with several representatives of the European Parliament, among them: Gaby Kueppers (Green Party), Sergio Esteban Servellón (independent), assistants to several MEPs of the Liberal Party – Catherine Greeze, Peter Liese, and Barbara Lochbihler; as well as Zuzana Hruskova, of the secretariat of the European Parliament's Human Rights Sub Commission, and Jozsef Blaszaauer of the Latin America Unit of the European Parliament's General Office for Foreign Policy.

On the same day, the European representative had a meeting, as part of the same tour, with Julita Bas, responsible for Latin America in the Human Rights Unit of the EEAS, Gerard Schulting, responsible for Guatemala in the EEAS, Marie Huberland of the electoral observation department of the Human Rights Unit of EEAS, César Roa Llamazares, of the European Commission's DG Enterprise, Raya Lazarova, of the European Commission's DG Environment, as well as a representative of the DG Trade.

On 29 November the coordinator of the project, Cristina Barbeito, as well as the European representative, held a meeting in Brussels with José María Laviña, the Councillor for Latin American Affairs of the Permanent Spanish Representation to the European Union.

#### **4. NON-GOVERNMENTAL ORGANISATIONS**

In this section we publish several communiqués (some abbreviated) from human rights organisations in which they express their concerns regarding recent events.

##### **La Unión Verapacense de Organizaciones Campesina -UVOC- A la comunidad Nacional e internacional ¡URGENTE! ¡URGENTE!**

El día sábado 24 de Noviembre 2012 siendo las 11.15 horas, el Compañero Mario Hernández Vargas dirigente de la comunidad la Primavera del Municipio de San Cristóbal Alta Verapaz, fue sacado de su trabajo en el municipio de Santa Cruz Verapaz, por personas vestidas de civil que indicaron ser Policías Nacionales, estos se movilizaban en un picop doble cabina sin insignias policiales y manifestaron dar cumplimiento a orden captura, emitida por Juez. El día viernes a alrededor de las 18.00 horas, había sido detenido en las mismas circunstancias el compañero Arturo Xollim Cal.

Este último fue localizado en la Cárcel de Cobán Alta Verapaz, el mismo día viernes por la noche por miembros de comunidad Primavera a la cual pertenece. Del hecho se notifico a entidades protectores de derechos humanos adentro y fuera del país, así como a las autoridades gubernamentales.

Es esta la continuación de la criminalización de la lucha campesina. Demuestran estos hechos que continúa la persecución en contra de líderes comunitarios, a lo cual se agregan amenazas de muerte e incluso asesinatos. Sobre las órdenes de captura, hacemos una llamado al Organismo Judicial, para que en casos de litigios agrarios se utilice la vía de la resolución no judicial de conflictos. Ya que existe celeridad para capturar y procesar a dirigentes campesinos que buscan recuperar tierras ancestrales y sin embargo, no se ha demostrado ningún avance en los casos presentados por los asesinatos de Miguel Quib dirigente de la finca de la Moca, o en el caso de él asesinato de Luis Tzi dirigente de la comunidad del Zapotal del municipio de Cobán o el asesinato de los acianos Sebastián Xoná y Petrona Moran, ocurridos en la misma finca Primavera del municipio de San Cristóbal AV.

Señores Magistrados de la Corte Suprema de Justicia, Señora Fiscal General, ustedes deben intervenir para evitar esta justicia doble rasero, dura para el campesinado y de guante blanco con los asesinos materiales y autores intelectuales de muerte de campesinos indígenas. Así mismo demandamos al señor Francisco Dall'Anese, jefe de la Comisión Contra la Impunidad en Guatemala (CICIG) intervenir para investigar a estos poderes paralelos

Señor Presidente de la república y señora Vice presidenta le manifestamos Deben ustedes intervenir para evitar que la Policía Nacional Civil continúe persiguiendo campesinos pobres, que defienden su tierra frente a intereses de empresas nacionales e internacionales, que buscan hacerse con nuestra tierra y recursos.

##### **DEMANDAMOS**

A las autoridades gubernamentales, Ministerio Público y Procuraduría de Derechos Humanos a investigar y resolver los problemas que están ocasionando empresas madereras, mineras, de monocultivos, en la zona de Alta y Baja Verapaz. La liberación inmediata de los dirigentes comunitarios Arturo Eladio Xollim Cal, Mario Hernández Vargas.

La suspensión pronta de más de un centenar de órdenes de captura de hermanos indígenas que su único delito es de luchar por el derecho a la alimentación. .

Exigimos la intervención de los Derechos Humanos de forma activa para investigar la detención ilegal de los líderes comunitarios.

Al Ministerio Público y autoridades competentes, que investiguen el acto ilegal a la detención de los líderes comunitarios y den respuesta de los asesinatos de las personas antes mencionadas.

El cese de la criminalización de los líderes comunitarios que busca el bienestar de sus comunidades

**La Unión Verapacense de Organizaciones Campesinas -UVOC**  
**La Coordinadora Nacional de Organizaciones Campesinas –CNOC**  
Santa Cruz Alta Verapaz, 24 de Noviembre de 2012

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