

PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. CURRENT NEWS

IMPUNITY

Judge opens trial against those accused of death of 6 protestors in Totonicapán- accusation of failure to comply with their duty and homicide

Guatemala, 15.02.2013 (EP) – The judge of the First Court of High Risk A, Carol Patricia Flores, ruled that not sufficient evidence had been presented by the Public Ministry (MP) to accuse the defendants of extrajudicial execution in the deaths of six campesinos in October 2012.

On October 4, 2012, approximately 6,000 persons from the 48 villages of Totonicapán held a demonstration at KM 170 of the InterAmerican Highway in Totonicapán to reject the Constitutional reforms, the changes in teacher-education and the increase in electricity rates. Soldiers sent to the demonstration site fired weapons into the crowd, killing 6 individuals.

Juan Chiroy Sal, colonel in charge of the military operation, is one of the accused in the case. Judge Flores said that the investigation and the evidence presented in the case did not indicate that Chiroy was responsible for the crime of extrajudicial execution or its attempt. However, she agreed to open a case against the accused for failure to comply with duties since “during the process, there was evidence that the colonel abandoned his subordinates, thus failing to comply with his responsibilities.”

Edín Adolfo Agustín Vásquez and Dimas García Pérez, who fired their weapons in Totonicapán, stand accused of aggravated homicide; according to the judge, “the statements indicate that it was the demonstrators who first provoked the soldiers. Those who fired did so in self-defence”. Another six persons are accused of attempted aggravated homicide.

According to the MP, Colonel Chiroy ignored the instructions of the National Civilian Police (PNC) which indicated that he was taking control of the situation: “He arrived at the demonstration and ordered the troops out of their vehicles. This was seen as a challenge by the campesinos”, said Isabel Jordán, attorney in the case.

Five new complaints against the Guatemalan State for violation of labour and union rights

Guatemala, 20.02.2013 (SV) – The Guatemalan Union, Indigenous, and Campesino Movement (MSICG) again filed complaints, this time before the ‘Solidarity Center – Guatemala’ (of the American Federation of Labour and Congress of Industrial Organizations, AFL-CIO by its English acronym), against the Guatemalan State for violations of union and labour rights in Guatemala within the Free Trade Agreement signed by Central America and Dominican Republic with the United States (DR-CAFTA),

On this occasion, there are five complaints which, according to MSICG, generally address the lack of action by the Guatemalan government to guarantee labour rights and therefore to prevent the violation of those rights and to respect and comply with the conventions of the International Labour Organization (ILO).

Representative of the AFL-CIO, Stephen Wishart, said that the United States government established a period of 30 days for the Guatemalan State to present an action plan in response to the accusations filed against it.

An ILO delegation was scheduled to visit the country at the end of February to review the current situation of the complaints and later to present its report to the ILO Council in Geneva, Switzerland.

Genocide trial to begin in March: Ríos Montt and Rodríguez Sánchez charged with assassination of 1,771 Ixil people

Guatemala, 21-02.2013 (SV, PL) – Jazmín Barrios, president of the First Tribunal of High Risk A, confirmed that the start of the genocide trial against army generals José Efraín Ríos Montt and Mauricio Rodríguez Sánchez has been brought forward to March 19. The trial should make possible the clarification of the assassination of 1,771 indigenous persons – Maya Ixiles – and sexual assaults perpetrated by the military in the Ixil region.

After having legally determined that sufficient evidence existed and that the probability of their participation in the acts could be proved by the attorney, Ríos Montt will be prosecuted as the intellectual author of the massacres; as for his former collaborator, Rodríguez Sánchez, he is charged with executing the military plans including the strategy known as “scorched earth”.

Organizations and families of the disappeared demand approval of Law 35-90 to help in the search

Guatemala, 26.02.2013 (EP, SV) – In the activities to mark the National Day of Dignity for Victims of the Internal Armed Conflict, family members of the disappeared and human rights organizations urged Congress to approve promptly the proposed Law 35-90 in Congress. This would create a commission to support the search of the disappeared – National Commission of Search for Victims of Forced and Other Forms of Disappearance. The initiative is supported by two opinions in favour of work commissions from the Congress (one from Public Finance and Currency and one from Legislation and Constitutional Matters).

Families, members of the Mutual Support Group (GAM), and staff from the International Centre for Investigation of Human Rights (CIIDH), gathered in front of the Legislature with banners and photos of persons who disappeared during the internal armed conflict. Jorge Santos of the CIIDH reminded that the day commemorates the release of the report with conclusions and recommendations of the Commission for Historical Clarification (CEH) and added that due to the fact that forced disappearances continue to occur one of the most important recommendations was that the State committed to the creation of a commission that would provide for a search of the victims of disappearance. Santos said that during the 36 years of the internal armed conflict, there were close to 45,000 victims of forced disappearance of which there are approximately 5,000 documented cases of disappeared children. Seventeen years after the signing of the Peace Accords, the victims of forced disappearance and their families continue to hope for a response by the State and accordingly they are calling on Congress to set the proposed law on the agenda for its immediate approval.

Commissioner against femicide resigns from her post after denouncing intimidation

Guatemala, 27.02.2013 (PL) – Alba Trejo, commissioner against femicide, submitted her resignation to president Otto Pérez Molina after four and a half years in the position. She said that it was a preventive measure given the intimidational acts of which she has been a victim: “...I had security in front of my house and I don’t want to have the same happen to me as has happened to Lea – De León. I have a family, and my daughters only have me,” said Trejo. It is not clear from where these acts of intimidation come from given the fact that the institution has contributed to the success of 1,200 arrests for aggressions and 50 for femicide which leaves the range of possibilities wide open. The ex-commissioner added that the day she realized that her house was being watched, she called the National Civilian Police (PNC) of Mixco which determined that the man she had seen had a camera and drove a late-model motorcycle with no licence plates. “That’s when my fear began to rise although I did not show it”, added Alba Trejo.

She was the first and only presidential commissioner against femicide and achieved the institutionalization of her position through a Governmental Accord. With her resignation, she along with her staff of 3 persons – an assistant, a secretary, and a social worker – will also leave the institution.

Mayra Vélez, executive coordinator for the Sexual Violence and Femicide Observatory, reacted by indicating that “the State must take this as an accusation because, if not, we will face the issue from when Lea –De Leon- died, when the minister of the interior said that she had been offered security but did not want it. Obviously at times one doesn’t want security and does not trust the State, but one has to reflect. It is the obligation of the State to guarantee her safety.”

LAND

Q’eqchi, Poqomchi’ and Achí Communities of Tezulutlán demand justice in the assassination of Tomás Quej

Guatemala, 04.02.2013 (AC) – Q’eqchi, Poqomchí and Achí inhabitants of Tezulután denounced the assassination of one of its well-known members, Tomás Quej, a Maya Poqomchí from the Caliha community, municipality of Purulhá, Baja Verapaz; they demanded an investigation of the crime and called for those responsible to be brought to justice. According to information in a press release, Tomás Quej was the head of a community struggle for the defence and recuperation of land for more than 10 years. It said that the assassination of this leader was a response by landowners from the Ribaco area in the Sierra de las Minas, to an order of the judge from the First Criminal Court of Salamá to return the lands of the Caliha community from which the inhabitants had been unjustly evicted in January of 2011. According to the release, the assassination shows that the landowners are willing to use blood and fire to hold onto privilege they have had over the land for hundreds of years which has resulted in dislocation of Maya peoples and the murder of Quej constitutes further evidence of the systematic aggression that the Maya Q’eqchi, Poqomchí and Achí people are facing in the Tezulutlán territory. The recent eviction experienced by the Q’eqchi inhabitants of the Monte Verde community in Livingston, Izabal, or the destruction of crops carried out by the Chabil Utzaj sugar refinery in the Valle del Polochic are other examples given.

Finally, the communities of the Tezulutlán Territory call on national and international indigenous, campesino, women’s and human rights organizations to join in solidarity with the family of Tomás Quej, the Caliha community and the micro-region of Ribaco and to commit themselves to the struggle in defence of rights to land, life, water and territory.

NEGATIVE EFFECTS OF GLOBALISATION

Authorities approve Environmental Impact Study that is not viable

Guatemala, 13.02.2013 (AC) – The public authorities approved the Environmental Impact State (EIA) for the Progreso VII Derivada mining project known as “El Tambor” which covers parts of territory of 5 municipalities in Guatemala despite the evident risk factors: the lack of information, planning and guarantees for recovering and the presence of arsenic in the water. As members of the Madre Selva Ecologist Collective explained during a press conference in which they reported on the analysis from the EIA of the Mining Explorations of Guatemala S.A. company (EXMINGUA) the consumption of arsenic in water causes acute intoxication which can become chronic over long periods; individuals can suffer multi-organ damage as well as two types of cancer, heart attacks or diabetes.

The preliminary observations were carried out by a hydrology expert, Robert Robinson, who confirmed that the anomalies identified in the EIA of the El Tambor mining project could worsen once extraction begins. Robinson said that the businessmen had not conducted themselves in an honest way although they have experts in hydrology, geology and environment and know how to do an EIA. Yet what was presented to the Ministry of Environment and Natural Resources (MARN) and the Ministry of Energy and Mines (MEM), lacked fundamental elements to determine if the project is viable. In addition, among the preliminary observations, the expert said that images, maps and engineering figures inserted in the EIA were illegible, the monitoring plans are vague and the analysis of alternative methods of mining and processing is limited and does not include a no-action alternative. It is not known if EXMINGUA, subsidiary of the Kappes, Cassiday, and Associates company with headquarters in Reno, Nevada, United States, has allotted a financial guarantee for recovery which is of vital importance for environmental reconstruction once the project concludes.

Julio González, member of Madre Selva, said that MARN opens a window of opportunity for the companies to develop this type of project, by issuing 30 or 40 recommendations to each EIA when it should limit itself to issuing a yes or a no. In this case, despite the study not being viable, the Ministries of Environment and of Energy have given the green light to the mining project. Accordingly they call upon the Congress of the Republic to question the Executive Powers actions and on the population to reject this type of situation. González dismissed the attitude of the authorities who, like Milton Saravia and Selvin Morales, were functionaries of Environment and of Energy and Mines and are now agents with mining companies; he questioned the approval of projects during their time of public service that they now operate.

Council of Western Mayan People demands the Constitutional Court to act on Mining Law

Guatemala 15.02.2013 (PL) – Representatives of the Council of Western Mayan People criticized the delay of the Constitutionality Court (CC) in pronouncing a decision on the constitutional correctness of the Law that regulates mining that been initiated 11 months ago against. In a press conference in Xelajú, leaders of indigenous people said that they would take the case to the InterAmerican Human Rights Court. Lolita Chávez, member of the Council, said: “It is shameful the way the State, represented by the CC, delays deliberately any decision on the unconstitutionality which we as a council presented against the Mining Law. It is a violation of the rights of indigenous peoples.” In terms of the role of the businesses, Chávez said that “the transnationals have their hands in everything, the State has not had the capacity to decide; what happens in the CC is a clear example.”

The indigenous leader said that it had revealed surveys, consultations and had offered resources demonstrating that the indigenous people are not in favour of mining. Another member of the council said that in the whole country, in 64 consultations were carried out, 99% of the population rejected mining. According to Andrés Feliciano, lawyer for the Council, “we must change the current Mining Law to guarantee the rights of Guatemalans. Currently, there are 117 licences approved for mining exploration.”

Sources: El Periódico (EP), Prensa Libre (PL), Siglo Veintiuno (SV) and Agencia CERIGUA (AC).

2. PBI-GUATEMALA ACTIVITIES: IN GUATEMALA

Team: Lucía Gorosito Guajardo (Argentina/Spain), Claudia Molina (Argentina), Aline Herrera (Switzerland/Mexico), Kristel Best Urday (Peru), Valdivia Moutawali (Netherlands), Raquel Rojo Diez (Spain), Johannes Stiebitz (Germany), Stephen Bradford (United States), Daniel Butler (United Kingdom), and Melanie Rücker (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.

Diplomatic corps and other international entities in Guatemala:

- Alberto Brunori and Christina Papadopoulos, representative and human rights official, respectively, Office of United Nations High Commission for Human Rights (OACNUDH), Guatemala City, Guatemala.
- Jennifer Echeverría, officer for cooperation and human rights programs, Embassy of the European Union, Guatemala City, Guatemala.

- Norman Galimba, officer for political affairs, United States Embassy, Guatemala City, Guatemala.
- Michael Fabri, chief of joint mission, Canadian Embassy, Guatemala City, Guatemala.
- Colleen Pigeon, political counsel, Canadian Embassy, Guatemala City, Guatemala.
- Jacques Remmerswaal, first secretary, Governability and Human Rights, Embassy of the Netherlands, Guatemala City, Guatemala.

Guatemalan Authorities:

- Rolando Yoc and Marlon García, staff for the Human Rights Unit, Ministry of the Interior, Guatemala City, Guatemala.
- Luis Alfonso Palma, departmental governor of Guatemala, Guatemala City, Guatemala
- Mr. Ávila Ávila, chief of operations of the National Civilian Police (PNC), Cobán, Alta Verapaz
- Julio Romeo Surám Chun, municipal mayor, San Cristóbal, Alta Verapaz
- Hilda Marina Morales Trujillo, assistant ombudsman, Human Rights Ombudsman (PDH), Guatemala City, Guatemala
- Jacobo Gramajo, auxiliary delegate, Central Region, Presidential Human Rights Commission (COPREDEH), Guatemala City, Guatemala
- Miguel Ángel Balcárcel, director of the Presidential Commission, National System for Permanent Dialogue (SNDP), Guatemala City, Guatemala

Correction: In the last MIP and MB, No. 112 from January, we identified Mr. Rolando Yoc and Mr. Marlon García as members of the Human Rights Ombudsman Office (PDH). Actually, they currently are members of the Human Rights Unit of the Ministry of the Interior. Please excuse the error.

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:

- Mario Coy, Pastoral Social of Cobán, Alta Verapaz

International social organisations and agencies:

- Coordination of International Accompaniment in Guatemala (ACOGUATE), Guatemala City, Guatemala
- Kelsey Alford-Jones, director of Guatemala Human Rights Commission in Washington (GHRC), Guatemala City, Guatemala

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA.

This month, we were in permanent contact with members of CONAVIGUA through meetings, office visits in the capital and telephone calls. Towards the end of the month, we accompanied members of the organization to an exhumation in the municipality of San José Poaquil, Chimaltenango, carried out by the Guatemalan Forensic Anthropologist Foundation (FAFG). It focused on the remains of 3 men who according to witnesses were assassinated in 1982 by members of the army. Members of CONAVIGUA collaborated in the celebration of the day of victims of the internal armed conflict on February 25. Members of the organization stated that 16 years after the signing of the Peace Accords, many victims have not been attended by the State.

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.

In February, we maintained regular contact with APMG and its members through phone calls, visits, meetings and accompaniment in the eastern part of the country where it is working. Members of APMG participated in the formation of the Coordinator of Popular, Indigenous, Church, Labour, Campesino Organizations of the East (COPILSCO), a convergence that was created for the defence of territory in response to mega-projects and the defence of human rights. In the last few months, it has held three assemblies; the last was in Santa Rosa where it presented a proposal for its organizational structure and the common issues affecting the populations of the east.

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 Tachoró estate. 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 February, we had telephone contact with members of the association. Among their main concerns is the high level of insecurity and violence experienced in the region where it works.

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 DESCAs, should continue to be monitored.

'New Day' Chortí Campesino Central Coordinator, CCCCND.

In February, we maintained phone contact with members of this organization. On February 26, we observed an assembly that took place in the village of Las Flores, Municipality of Jocotán, Chiquimula. The assembly addressed the defence of natural resources, management of communal lands, and rights of indigenous peoples. In addition, on 26 and 27 February we observed a workshop on security offered by Unit of Human Rights Defenders of Guatemala (UDEFEQUA) in Jocotán, Chiquimula.

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), 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

Since the beginning of this month we have continued our follow up due to the paid political advertisement published on 1 February by the Municipality of San Juan Sacatepéquez in the daily newspaper, El Periódico, in which several local social actors were negatively portrayed. The statement included accusations which we consider serious and unfounded against the PBI Guatemala project related to the presence of international observers in the San Antonio Las Trojes I community on January 24. On 15 February a response to the paid advertisement and clarification by PBI was published in El Periódico, making clear that PBI does not share the views presented and rejecting the link between the work of PBI, the community organisations we accompany in San Juan Sacatepéquez or social organisations and the support of violence or acts disrespecting the rule of law in San Antonio Las Trojes I.

On Wednesday 13 March we held a meeting with the municipal mayor of San Juan Sacatepéquez in which we clarified in front of the municipal council the general terms of the work PBI is undertaking with regards to the accompaniment in the communities as well as our work as international observers on 24 January of this year.

As we reported in the January bulletin at the time a pair of PBI volunteers was in Las Trojes I responding to a petition by the community population, of Las Trojes I and other communities that were concerned by the repeated acts of provocation and confrontation in the area. In mid February, the different parties involved in the community addressed the tense situation generated over previous months due to the construction of a mechanical well in Las Trojes I, reaching an agreement in terms of the implementation process with mutual respect among the parties and commitment to avoid any provocation, aggression, intimidation in the matter.

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. Until December 2012 Cementos Progreso had an 80% share in the project which included the construction of this factory, and the remaining 20% belonged to the Swiss multinational company, Holcim. However, the Swiss multinational company sold its share in December 2012, and from then on Cementos Progreso holds 100% of the investment on this project.

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 resisting¹ 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.

Council of Cunén Communities, CCC

We maintained telephone contact in February with the members of the Community Council of Cunén and we made a visit of several days to El Quiché during which we met with members of the Council. They are concerned about the anonymous threats received recently through telephone calls. They also informed us that they are awaiting a resolution by the departmental government

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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*.

regarding a disagreement between local authorities and representatives of the Municipal teachers union on the appointment of an education coordinator.

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)

During February, we made regular visits to the UDEFEQUA office and had regular telephone contact; we also met frequently with its members in the capital. On February 21 and 22 we observed the year's first gathering of the Network of Human Rights Defenders organized by UDEFEQUA. At the end of the month we observed a security workshop facilitated by UDEFEQUA in which members of the Chortí New Day Central Campesino Coordinator (CCCCND) participated.

Background: The Human Rights Defenders Protection Unit (UDEFEQUA) 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. UDEFEQUA 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 UDEFEQUA 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, UDEFEQUA 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 UDEFEQUA'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 February, we maintained telephone contact with the members of UVOC with whom we also held meetings during regular visits to the office in the capital and a visit to the Santa Cruz office in Alta Verapaz.

On February 16, we accompanied UVOC to a meeting in Santa Cruz in which they gathered with other delegates from different communities in the region. The UVOC members and the community delegation were deeply concerned about the arrest of a person from the La Primavera estate (San Cristóbal Municipality, Alta Verapaz). With the support and accompaniment of the UVOC the community population from the area is promoting a process to demand access to land and vindication of their rights as new settlers who historically worked the land of the La Primavera estate. In this context, during recent years they have repeatedly denounced threats and aggressions linked to conflicts with the business that owns the estate, Ecotierra. The current concerns of UVOC and the community delegation continue to be focused on the tense situation and threats that the San Miguel Cotoxja community (El Estor, Izabal) receive directed at forcing them to abandon the land that they inhabit.

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 Cotoxja (on the municipal and departmental border of Panzós, Alta Verapaz, and El Estor, Izabal).

Human rights lawyer Édgar Pérez Archila.

We made frequent visits and held meetings with the lawyer, Edgar Pérez. We accompanied him during several hearings related to the genocide case in the Ixil region.

On February 4, we observed a hearing in which a lawyer from the Human Rights Bench participated; at the hearing, the judge accepted all the evidence presented by the Public Ministry (MP) and rejected objections put forward by the defence of the accused. On February 7, we accompanied Edgar Pérez to a public visit to the Constitutional Court regarding an injunction filed by the defence of general José Efraín Ríos Montt. We also accompanied the lawyer to hearings on 18 and 19 February related to a challenge filed by the defence for the accused. The injunction was rejected by the court (see section 1, *Current News*).

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.

This month, we had frequent contact with the members of AHPN through telephone calls, made periodic visits to its offices, and held a number of meetings.

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.

You can get more information in this website: www.ahpn.lib.utexas.edu/

The Communities in Peaceful Resistance; La Puya, San José del Golfo and San Pedro Ayampuc

In February, we had frequent contact with the communities in peaceful resistance in La Puya with regular phone calls and several visits. On February 4 we accompanied several members of the collective to the La Choleña community where they met with public representatives of the National Permanent Dialogue System (SNDP) to plan the opening of the round-table talks set for March 21.

On February 6, we accompanied Yolanda Oquelí, member of the resistance, during as the police agents which are protecting her security based on protective measures granted at the request of the InterAmerican Human Rights Commission (CIDH) following an assassination attempt against her last June, were replaced. Since the authors of this crime against her have not been identified, this change of police agents generates insecurity for Yolanda Oquelí who has asked for reconsideration of this change that had been decided without her participation in the implementation of the protective measures granted to her and her family. As a result, the change (rotation of agents) was annulled.

From 11 to 13 of February we accompanied members of the resistance on three occasions to events focusing on the analysis of the Environmental Impact Study (EIA) of the Progreso VII Derivada mining project. Rob Robinson, United State engineer, reviewed the EIA and presented his results in Congress, to the responsible Ministries, to the media in a press conference and to the community in La Puya. Robinson discovered several mistakes in the EIA and recommended that the licence approval for the Progreso VII Derivada project be rescinded until another study has been conducted that includes the lacking information (See current news).

Background: From 2010 residents of San José del Golfo and San Pedro Ayampuc, two municipalities that are located round about 30 kilometres from Guatemala City are leading a pacific resistance to make their disagreement with mining projects in the

area evident. The US mining company Kappes, Cassidy & Associates together with their local subsidiaries Exploraciones Mineras de Guatemala S.A. and Servicios Mineros de Centro de America S.A. is promoting these projects. The company has received the authorization to develop the project El Tambor that consists of various licenses, among them that of Progreso VII Derivada. In March 2012 residents decided to block the entrance to the mine and install a protest camp in La Puya where the members of different communities take shifts of 24 hours to prevent the entry of machinery. On 8 th of May at 1am the company attempted to enter 25 trucks with machinery, guarded by 40 patrol cars of the National Civil Police (PNC). As residents were alerted approximately 2.000 people of the surrounding communities united stop the entrance of the machinery pacifically. Kappes, Cassidy & Associates (KCA) has publicly accused the people opposing the project of holding up development. On 23rd of June in San José del Golfo an attack on the life of Yolanda Oqueli, an activist participating in the resistance of La Puya took place. She was shot from a motorcycle and up to present it has not been possible to extract the bullet. After 4 months away from her community, Yolanda returned to San José del Golfo and has rejoined the activities of the resistance movement. During this time flyers with offensive and defamatory messages have been circulated, directed especially at the women that form part of the resistance. The harassment and aggressions intensified around 24 November 2012, marking one year since the concession of the mining license. According to the mining law, if in the course of a year the exploitation at the site has not begun, the license has to be cancelled. In September 2012 the Guatemalan Human Rights Commission declared the communities of San Pedro Ayampuc and San José del Golfo winners of the Alice Zachmann Human Rights Defenders Award.

2.4 OBSERVATIONS

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 February 26 and 27 we observed a security workshop facilitated by UDEFEGUA in Jocotán, Chiquimula, in which members of the Chortí New Day Campesino Central Coordinator participated.

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.

A member of the PBI Guatemala project committee met with staff from the Embassy of Australia in Mexico, D.F. to present the work we carry out and the key concerns related to the situation of human rights defenders in Guatemala and Honduras. Rachel Moseley, first secretary and staff for Guatemala and Jeremy Dicker, second secretary and staff for Honduras took part in the meeting.

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.

A LA OPINION PUBLICA NACIONAL E INTERNACIONAL

Por este medio les queremos compartir nuestra preocupación por las notas de prensa y la información difundida por la empresa Hidro Santa Cruz el día de ayer 19 de febrero donde según versión, 50 hombres ocasionaron daños a las instalaciones del proyecto Cambalam, acusando de nuevo y sin fundamento a los líderes y lideresas de la sociedad civil organizada de Barillas.

Sorprende este tipo de información, puesto que tenemos entendido que a partir de la fallida firma del convenio entre la municipalidad de Barillas y la empresa Hidro santa cruz el 14 de diciembre del 2012; los líderes y lideresas comunitarias de la sociedad organizada han mantenido un proceso de diálogo permanente con el Consejo Municipal así como la organización de 4 multitudinarias movilizaciones pacíficas en las fechas 23/12, 07/01, 07/02, 15/02) para exigir justicia y respeto a sus derechos colectivos en el marco de la legalidad y el Estado de Derecho.

Y como seguimiento a este proceso de incidencia pacífica y democrática de los pueblos; recientemente el viernes 15 de febrero la sociedad civil, organizó la última reunión con el alcalde y su consejo llegando a importantes acuerdos y compromisos. Pero declaraciones del representante de la empresa aparecidos en prensa libre el martes 19 de febrero 2013 indicó que "Desde el viernes había presentado una denuncia por posibles ataques". Eso explica entonces la gran movilización de las fuerzas de seguridad por parte del Ministerio de Gobernación hacia Barillas ese día, porque seguramente esperaban conflictos o mejor dicho provocaciones violentas para justificar el uso de la fuerza, pero al parecer las comunidades no se dejaron intimidar, ni provocar, ni mucho menos dejarse infiltrar porque a pesar de la presencia policial, el evento se tornó participativo y pacífico.

Es preocupante el papel que han jugado los funcionarios del gobierno de Guatemala en este caso, porque lejos de contribuir a las soluciones, parcializan su posición a favor de la empresa, primero las declaraciones emitidas en España por parte del presidente Otto Pérez donde asegura que en Barillas todo estaba resuelto y que tenía "control" sobre la oposición. Estas declaraciones además de falsas son irresponsables porque se sigue desconociendo y deslegitimando la resistencia local y comunitaria contra el proyecto Cambalam.

Exigimos a las autoridades correspondientes investigar a profundidad de donde vienen estos tipos de provocaciones, porque podría ser la misma empresa la que este organizando estos actos vandálicos para seguir victimizándose y agudizar la conflictividad y frenar la lucha pacífica de la sociedad organizada de Barillas.

LLamamos a las organizaciones nacionales e internacionales su vigilancia y solidaridad para que en Barillas finalmente vuelva la paz, se respeten los derechos humanos, sobre todo el derecho de las comunidades a decidir sobre su propio "desarrollo".

Huehuetenango, febrero 20 de 2013
**Asamblea de Pueblos de Huehuetenango -ADH-
Miembro del Consejo de Pueblos de Occidente**

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- PBI GUATEMALA PROJECT-

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