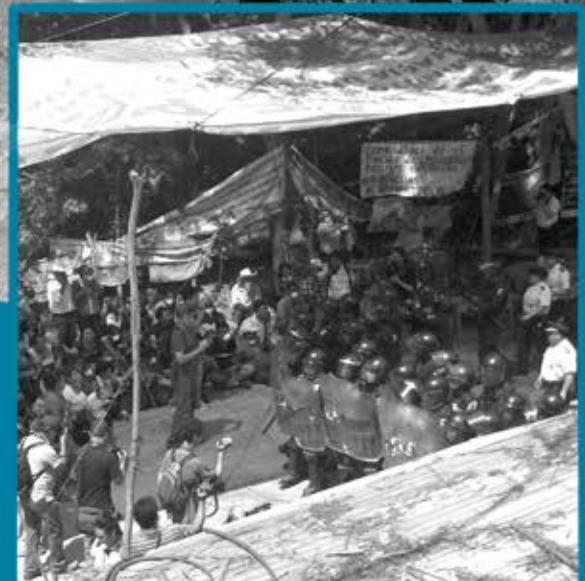


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Closure of the spaces for the protection of Human Rights in Guatemala

Peace Brigades International (PBI) Guatemala project, decided in May 2014 to open an awareness campaign to spread their concerns about the deteriorating security situation of human rights defenders. This deterioration has caused the progressive closure of certain spaces used by defenders to do their job; this situation has resulted in: increasing threats and attacks against human rights defenders, the deepening of social protest prosecution, the devaluation of dialogue as a tool to overcome conflicts in a non-violent way, and an increase of violent evictions as a way of responding to the social protest.

Increase in the number of threats and attacks against Human Rights defender because of the work they do

The deteriorating situation of Human Rights defenders in Guatemala has been reflected in the 799 aggressions that were registered in the first ten months of 2014 by the Human Rights defenders protection Unit of Guatemala (UDEFEQUA); numbers that surpass the 657 that were registered in 2013 and that double the 2012 numbers(305)¹.

We had also observed this trend during our international accompaniment work. In particular we have since an increase in the number of attacks and serious threats towards the Central Campesina Ch'orti' Nuevo Día (CCCND). Between March and November there were 109 security incidents- of which 26 were direct threats,-six times more than in the previous semester. They are becoming more vulnerable, especially if we take into account that about a year and a half ago Carlos Hernandez, a Human Right Defender in the region was killed after receiving similar threats and attacks, and that the perpetrators still are at large.

In the East part of the country, members of the Trementina and Zacapa village, and from the reserve José Pilar Álvarez Cabrera, are facing a legal battle for their efforts to protect the Merendón Massif and for defending the water. There are number of economic interests due to forestry in this area, situation that has impacted the community. Among the threats and attacks that this community have received, the repeated destruction of the pipes at the top of The Granadillas Mountain which supplies water to several



Photo: PBI 2014

Repairing the pipelines in the Macizo del Merendón mountains, Zacapa, 13.04.2014

communities in the area stands. Since April 2014 right until the end of August the pipes have been damaged 16 times; situation that has become problematic because is happening in one of the driest regions in the country.

¹ UDEFEGUA, *El Acompañante*, Guatemala, November 2014

Deepening of social protest prosecution

Among some of the other international bodies that are concerned about this problem, the Inter-American Commission on Human Rights (IACHR) reiterated in a press release on November 8, 2013:

“States should ensure that their authorities and third parties do not manipulate the punitive power of the state and its organs of justice to harass those engaged in legitimate activities such as it is the case of human rights defenders”

However, in recent months the use of legal mechanisms against defenders in Guatemala has continued, and it has led to the paralysis of the right of defenders to defend rights and the penalization of those who exercise such right. In this context, right until September 2014, fourteen people who were involved with Resistencia Pacífica de la Puya have been affected by a number of legal processes against them.

On the other hand the twelve Kaqchikeles communities of San Juan Sacatepéquez who are against a cement project and the construction of the road “Regional Ring” in their municipality, released a statement in a press conference exposing their concerns with respect to the road project and argued that the accusations against their community are unfounded and that the research is being done in a malicious way².

PBI finds very disturbing the accusations against the community, especially because they have been demanding information from the public institutions since 2010. It is particularly concerning to see the negative remarks that have been made by government officials; especially those on which

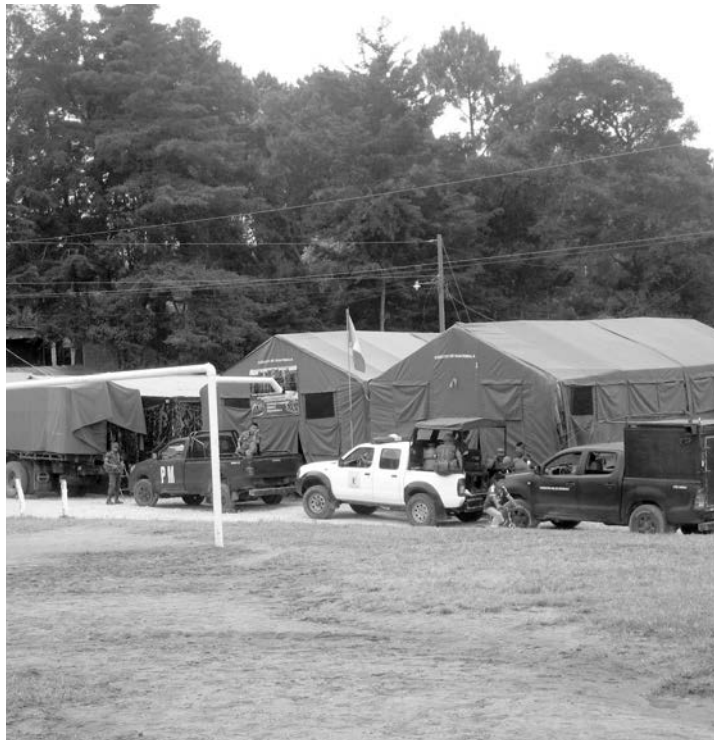
they publicly blame the community for the unlawful and violent acts without any previous investigation or due process. PBI believes that such accusations undermine the possibility of having an opening dialogue between government agencies and the community to address their issues.

On September 22 2014, following the murder of 8 people in the village of Pajoques, the government declared a state of prevention for 15 days in the municipality (Government Decree 6-2014), affecting in particular the villages of Los Pajoques, Pilar I, Pilar II, Santa Fe Ocaña and Cruz Blanca. Since then, about 2,000 members of the National Civil Police (PNC) and the army have been present in communities of San Juan Sacatepéquez. They had already issued 26 arrest warrants on top of the 10 that already existed against members of community.

On September 24, Guatemalan security forces conducted raids on several homes in some of the villages already mentioned. Cutting guarantees and basic rights as it is implicit in the State of Prevention is a matter of concern, particularly if one takes into account the precedent of 2008, when a previous State of Prevention resulted in serious human rights violations as it was documented by the Office of Human Rights (PDH).

On September 23 and October 14 PBI observed the verification of the human rights situation in these communities done by the delegations of Guatemalan human rights and women’s rights organizations. On October 29th Bárbara Díaz Surín de Pirir, a member of the Community

Development Council (COCODE) from the village Cruz Blanca was detained and accused of homicide. Following her arrest a number of organizations reported that an excessive force was used during her arrest and that she was sexually harassed in jail. Several international organizations such



Military presence during the state of emergency in Santa Fe Ocaña, San Juan Sacatepéquez, 14.10.2014. Photo: PBI 2014

2. Twelve communities of San Juan Sacatepéquez, *Sospechosos incidentes pretenden ocultar ilegalidades*. 12.08.2014

as Front Line Defenders saw this event as another case of criminalization against community leaders³. The State of Prevention in the region ended on October 31st, however the army still has a military base in the area and there still is 150 police officers present in the community⁴.

In addition, on July 7 Front Line Defenders, talked about the situation of the Committee for Peasant Development (CODECA) who was affected by the detention of three of its members including its national coordinator and its vice-president. Front Line Defenders called this detention and illegal act because it did not respect or guarantee the right to due process⁵.

Devaluation of the use of dialogue as a tool to overcome conflicts in a non violent way

The concern still exist because the existing dialogue spaces, in particular in places where there are large economic projects, do not seem to be preventing the assaults and the acts of violence against those who defend human rights. With respect to the dialogue with government officials; several of the social actors that PBI accompanies in San Juan Sacatepéquez y en La Puya have denounced attacks and criminal prosecutions against them; situation that has also affected the course of the dialogue process:

- Following the violent eviction of Peaceful Resistance La Puya in May 2014, its members have asked the president to resume the mining project dialogue that was underway, but they have not received any answers yet.

- The accusations by government officials against the twelve Kaqchikeles Communities of San Juan Sacatepéquez, and the declaration of the State of Prevention, could adversely affect the results of the first meeting of the technical committee that took place in late June 2014.

As stated in the United Nations' guidelines, any impartial mediation that ensures from the outset a balance between the parties⁶, is a mechanism that could offer opportunities. First it can strengthen the effectiveness of the dialogue, and second it can help prevent evictions, criminalization or other attacks on social and community actors.

Violent Evictions in light of the social protest

Besides being a mechanism used by the Guatemalan State in areas affected by land disputes, evictions are also used as a tool to combat social protests. In particular, it is very concerning to see the eviction of communities, organizations and individuals who organize themselves collectively and peacefully to protest and to question project initiatives that seek to exploit the land and natural resources, and of those who demand human rights compliance and the respect for the rights and interests of the affected population. The disproportionate use of force and violence by government security forces during evictions violates international human rights standards as well as fundamental rights recognized by the Guatemalan Constitution.

In this newsletter you will find an article that talk about the violent evictions that have occurred in Guatemala this year.

Given the overall deteriorating security situation for human rights defenders in Guatemala, PBI considers important to remind the community of the importance of ensuring and respecting the defender's workplace in accordance to International Law and its Human Rights instruments.

3. Front Line Defenders, *Guatemala: Criminalización de la defensora de derechos humanos Bárbara Díaz Surín*, Guatemala. 11.11.2014

<http://www.frontlinedefenders.org/es/node/27643>

Initiative of the Mesoamerican female human rights defenders,

Comunicado Criminalización a Bárbara Díaz Surín, Guatemala. 04.11.14

<http://es.scribd.com/doc/245518824/Comunicado-Criminalizacion-a-Barbara-Diaz-Surin-Guatemala-041114>

Association of Women's Rights in Development (AWID),

Comunicado: Criminalización A Barbara Díaz Surín, Guatemala. 06.11.2014

<http://www.awid.org/es/Library/Comunicado-Criminalizacion-a-Barbara-Diaz-Surin-Guatemala>

4. Prensa Libre, *Levantar estado de Prevención en San Juan Sacatepéquez* 31.10.2014

http://www.prensalibre.com/noticias/politica/estado_de_prevencion-violencia-muertos-san_juan_sacatepequez_0_1240076127.html

5. Frontline Defenders, *Guatemala – Detención de integrantes de CODECA, prolongada*. 07.07.2014

<http://www.frontlinedefenders.org/es/node/26506>

6. United Nations. *Directrices de las Naciones Unidas para la mediación eficaz*. September 2012.

Interview with Santiago Chóc Cú

The fight against impunity: looking to dignify the victims following the legal process

For the past three years the lawyer Santiago Choc Cú has been working in the Human Rights Lawyer's Office (BDH); an office that Peace Brigades International (PBI) has been accompanying since 2010. The BDH fights against impunity in Guatemala by working in judicial proceedings that seek to clarify past and present human rights violations in the country. Many of the cases that the BDH work with involve the massacres committed during the internal armed conflict. Some of their cases include the genocide committed to the Ixil people, and the 1980 burning of the Spanish Embassy.



The lawyer Santiago Chóc Cú in his office. Photo: PBI 2014

You were born during the years of internal armed conflict in Guatemala. Can you tell us about your childhood?

I was born in 1975, in a village called Santa Maria Dolores, which used to be part of the municipality of Uspantan, and which is now part of Ixcán, department of Quiché. My village was bombed and burned down by the Guatemalan Army during the internal armed conflict. After the attack my parents fled to the jungle to protect themselves. When I was six or seven we moved to Mexico and we only came back when I was eighteen. What this means is that myself, my parents, my brothers and sisters and many other families were in exile for about thirteen years in the State of Campeche in south of Mexico.

To be honest, my childhood was not easy. I never really lived like a child due to the situation we were in. We were in the jungle living in difficult conditions. We were constantly hiding from the army's persecution, and bombing. We were not allowed to cry, to laugh, to play or to scream because doing so could reveal our location and the army could easily

find us. I grew up without knowing what it was to play with other kids, or to freely laugh or cry.

Do you have any memories of the war before moving to Mexico?

I don't remember much, I did not understand why we were being bombed and why the army was coming to my community... Before the bombing, I kind of remember that one day I was with my dad when the army came in, I saw some people crying and I went through the crowd to find that about five or six people had been beheaded.

You told us that you lived in Mexico and that you came back to Guatemala when you were eighteen. Can you tell us how it was when you came back?

It was very hard. In the beginning I had difficulties with the language. The way they talk here in Guatemala is very different than the way they talk in Mexico; the accent is different, and it took me a while to get use to it. Also, our parents constantly painted a very nice picture of the country. They

used to tell us about the rivers and many other nice things, but when I returned I realized that the country was not what I imagined.

The road conditions were not as I expected; I was also not used to seeing potholed streets, mud, the jungle, mosquitoes, and diseases. To be honest I imagined something totally different.

I asked myself “Where are we going? If things don’t get better I will go back to Mexico” I did not understand the situation, I did not understand why our parents were being confronted by the military, why there were so many demonstrations etc... We came back to Guatemala by plane; it was a sudden and dramatic change. We were met by the people that had already returned to Guatemala. I have seen them demonstrating against the army before and I did not understand what they were doing. Now we were back and the army was receiving us with marimbas, music, and food; we wanted to receive the gifts, but our parents told us not to; this was a shocking situation but then I said to myself- I am in my country, and I am allowed to claim my rights- When I was living as a refugee in Mexico my rights were somehow limited.

What was your childhood dream, what did you want to be when you grow up?

As a child I always wanted to study; I thought that education was going to help me with my personal growth, and that somehow it was going to help me to understand the reality of life. I always admired those who studied, and I wanted to be like the people that visited us in the refugee camp. They were students from different parts of Mexico that came every year to teach us and to play with us. I really admired them.

So then, when did you decide to become a human Rights lawyer?

First I went to school to become an elementary teacher. I used to admire teachers when I was growing up in Mexico and I wanted to follow their footsteps; I wanted to teach the

things I knew. When I was studying to become a teacher, I told myself “I want to continue with my education; I don’t want to stop here,” but I was not sure what I wanted to do. I guess I kind of had the idea because I had started to notice some injustices but I was not sure of what I wanted to do.

Then I told myself “I will like to use norms and laws to defend people.” So I decided to study law. I didn’t quite understand the concept of being a lawyer, but I wanted to study the law.

How did you meet the BDH?

I initially heard about the Lawyer’s office in the news. I had just finished school, when I saw the lawyer Edgar Pérez talking about the case of Choatalúm¹. Now I know what the case is about, but back then I only knew the name of the case. He was talking about the case and he was promoting himself as the victim’s lawyer. He was saying that the victims needed someone to represent them in front of the tribunals, and he was explaining his role as a lawyer. I was able to capture his name, and I told myself – I would like, as a victim, to know about his work-.

Your first case with the BDH was the case of Panzós², can you tell us about this experience?

I was assigned as an assistant for this case. I had to systematize, research, and propose ways of investigation. All of this was very good for me because I was able to learn about the process and the case.

Every case teaches you new things regardless if you are a lawyer, researcher or assistant.

I was able to identify with this case; in particular because it was a case about the Q’eqchi’ people; therefore it was much easier for me to understand their culture, language, places, and jobs.

Another reason as to why I was so interested in the case was because this was one of the first massacres committed by the State using the Guatemalan army. The situation surrounding the case made me look deeper into what had

1. On the 23rd of August, 2009, the ex-military attorney Felipe Cusanero Coj was sentenced to 150 years of prison for the forced disappearance of six people, 25 years for each one. The disappearances of those people occurred in the village of Choatalúm, department of Chimaltenango, between the years 1982 and 1984. This is the first verdict that was passed in Guatemala in relation to crimes against humanity. ACOGUATE, *El Caso de Choatalúm: Implicaciones de una sentencia por el delito de desaparición forzada*. 23.10.2009

<http://acoguate.org/2009/10/23/el-caso-de-choatalum-implicaciones-de-una-sentencia-por-el-delito-de-desaparicion-forzada/>

2. The massacre took place on the 29 of may 1978, in Panzós, in the valley of the Polochic River, Alta Verapaz, in front of the town hall building where hundreds of peasants came together to demand an answer from the mayor for the expropriation of their land they had been suffering. “The mining association EXMIBAL, based on the exploitation of nickel, occupied communal land and also land that the peasants were using to sow. Furthermore, the megaproject Franja Transversal del Norte and the Chixoy hydroelectric power station threatened to expropriate the plots of land that would have remained for the peasants”. Calles J., *Masacre de Panzós Cobán, Guatemala: Nos enseñaron el silencio, pero es hora de gritar*. Prensa Comunitaria, 01.06.2014.

<http://guatemalacomunitaria.periodismohumano.com/2014/06/01/nos-ensenaron-el-silencio-pero-es-hora-de-gritar/>

happened and made me question the lack of progress in the case. It also motivated me to visit, on several occasions, the place where the massacre took place.

What are the main frustrations and concerns of your work?

To be honest not everything is successful here. We have had a number of unsuccessful and frustrating cases due to the justice system here in Guatemala. There have been, for example certain cases, such as the Genocide case, in which the power of certain sectors has become evident during the criminal justice process. Before this case I had only read about how much power certain sectors had, and I thought this was only a bad interpretation given by writers and scholars; however, after analyzing the Genocide case, I can now confirm that this is a sad reality in Guatemala.

This is a very disturbing situation because it shows that sadly there is no independence among different state actors in particular there is no independence among the judiciary.

How do you see the current situation in the country? What are the biggest challenges in Guatemala?

With respect to the justice system, I think that the system lacks independence. I don't quite trust the new courts and

the new elected judges. I believe that they are not impartial; therefore they can jeopardize all the transitional cases. I believe that many of the cases that we are currently working on are going to be affected due to the way in which the new courts were formed, and the way in which the judges were elected.

In general, there are a lot of problems. I am not an analyst but you don't need to be one to see that there's a lot of poverty, insecurity, crime and criminalization. The situation is very serious, especially because every time that community leaders have tried to defend their land rights, the right to self-determination, their right to be consulted and other social rights; the state has decided to criminalize them by taking them to court, in a effort to stop them from fighting for their rights.

Sending community leaders to court has become a regular practice used by the State and other members of the private sector. They just want them to stop fighting for their rights and to do so they threaten them with police violence, and even with the media...

Have you received any threats, intimidations or slander for the work that you do?

We received a lot of slander and threats just for representing the victims. They have called us lawyer or judicial



Working with victims and witnesses of the Panzós massacre, 15.02.2014

Photo: PBI 2014

assassins in the hallways and during debates in court, and that one way or the other affects our personal and professional image. They called us these names and they use the media to damage our reputation just because we defend the victims that have suffered from severe human rights violations.

For example, when I am in the university, some of my colleagues sometime joke with me and tell me “you want to send an old man to prison” referring to the Genocide case of the Maya Ixil community.

Not a lot of lawyers will defend or work with cases like this. The people that we defend are often seen as terrorist; therefore we are seen as bad lawyers for defending them. For example, I once worked with the case of a journalist who was being criminalized for covering a protest. The police came and arrested him. His case was then sent to court without any evidence, and we had to convince the prosecutor to drop the charges. It was not easy but the prosecutor finally agreed not to continue with the charges and the case was never heard in court.

It is for cases like this that people say we defend bad people, and why our reputation is so badly damaged; however, cases like this give me the energy I need to continue doing what I like to do best.

It looks like it is very difficult for you to continue under these conditions. So what motivates you? What gives you satisfaction and the strength to continue doing your job?

The representation of victims; I think a lot of the victims we represent do not have the means to pay for a regular lawyer, but we are able to represent them with dignity thanks to generous donations and support from the community. Representing them gives me the strength I need to keep going.

It gives me the strength to sit in a court and to speak on behalf of the victims. It gives me satisfaction knowing that I am always looking for justice for them.

Most important cases of transitional justice that the BDH is working on

The genocide and crimes against humanity case of the Ixil people

On March 19 2013 the court opened the trial of the former de-facto president José Efraín Ríos Montt and its former intelligence chief José Mauricio Rodríguez Sánchez. On May 10, after listening to more than one hundred witnesses, the court sentenced José Efraín Ríos Montt to eighty years in prison. It was the first time that a head of state was sentenced for genocide in Latin America, and a first time that a national court sentenced its own government for genocide. On May 20th 2013 the Constitutional Court of Guatemala, in response to a motion filed by the defense, ordered part of the trial to be repeated, leaving the previous sentence without any legal effect. On January 2015, the case was reopened but it was indefinitely suspended the same day due to a challenge filed by the defense against Judge³.

The case of the massacre in las Dos Erres

On August 2nd 2011 a sentence was imposed against four of the seventeen accused in the case of the massacre in the community of las Dos Erres, department of El Petén, on December 7 1982. The accused were sentenced to 6060 years in prison for their participation in the massacre: 30 years for each of the 201 victims that were killed and 30 years for crimes against humanity⁴.

The burning of the Spanish Embassy Case

The trial of the leader of the Comando Seis of the former National Police (PN), Pedro Garcia Arredondo, opened on October 1st 2014. He is the alleged perpetrator of the assault and subsequent burning of the Embassy of Spain, where 37 people died, on January 31, 1980. The judges Irma Jeanette Valdés, Sara Yoc Yoc and María Eugenia Castellanos determined unanimously that Arredondo executed superior orders that lead to the death of 37 people in the diplomatic office. On the 22 of January, Arredondo was sentenced to a compensation payment of 9,000,000 Quetzales to the families of the 6 victims⁵.

3. Prensa Libre, *Tribunal acepta recusación contra la jueza Irma Valdez* http://www.prensalibre.com/noticias/justicia/recusacion-aceptan-tribunal_0_1279672186.html

4. ACOGUATE, *La Masacre de Las Dos Erres: una sentencia histórica*. September 2011 <http://acoguate.blogspot.com/2011/09/la-masacre-de-las-dos-erres-una.html>

5. Prensa Libre, *Ex jefe policial sentenciado a 90 años de cárcel*. 22.01.2014 http://www.prensalibre.com/noticias/justicia/sentencia-pedro-garcia-arredondo-embajada-espanola-rigoberta-menchu_0_1288071280.html

Social protest and violent evictions: observations and concerns

Public and peaceful protest is considered to be a right under the Constitution of Guatemala (Article 33) and under the Universal Declaration of Human Rights. It is the vehicle used by civil societies to express their rights and needs.

With the increasing closure of the spaces used by defenders of Human Rights in Guatemala during 2014, PBI has also noticed an increase in violent evictions, suffered during social protest activities.

On several occasions during these evictions people were wounded, houses were burned down and several people were killed. PBI recorded the following times when public security forces made a disproportionate use of force:

- **May 23: eviction of the Peaceful Resistance of La Puya**
- **August 14-16: evictions in Alta Verapaz**
- **September 18: eviction during the blockage of the Jupilingo bridge in Chiquimula**
- **November 11-13: demonstrations in the country during the second “national strike”**

Eviction of the Peaceful Resistance of La Puya

A dialogue meeting between the community and public institutions was scheduled for May 19, 2014. According to information provided by the Peaceful Resistance Group of La Puya the meeting was cancelled because the State failed to uphold its commitment and did not accept the participation of an organization as observers at the meeting. Although Miguel Ángel Barcárcel, the Commissioner of the National Dialogue System (SND), said that the dialogue was never broken and that in fact, the dialogues will continue¹.



Police forces prepare to evict the protest camp in La Puya, after two years of peaceful resistance, 23.05.2014

Photo: PBI 2014

On May 23, members of the resistance of La Puya were violently evicted from the place where they were peacefully protesting. The PNC agents were dispatched to allow heavy machinery to enter the premises past the protests, and used tear gas and stones to break it up. In addition, PBI observed how several people were injured and arrested during the eviction. Some 65 mining exploration and 280 mining operational permits have been issued to date in Guatemala². A gold mining permit for El Tambor project; more specifically for the Progreso VII Derivada mine, which is located in the municipality of San Pedro Ayampuc, was issued to Exploraciones Mineras de Guatemala (EXMINGUA) in 2011, a subsidiary of the U.S. company Kappes, Cassidy and Associates³.

1. Carlos, Á., *Llaman a diálogo en conflicto en mina de La Puya*, Prensa Libre. Guatemala, 26.05.2014
http://www.prensalibre.com/noticias/politica/La_Puya-conflictividad-PDH-dialogo-mineria_0_1145285716.html
 2. Aldabi, Olvera J. *Guatemala: Autoconsulta ante megaproyectos*. Proceso.com. México, 21.11.2014
<http://www.proceso.com.mx/?p=388517>
 3. For more information see: <http://exmingua.com/>

In March 2012, residents from 12 villages around the municipalities of San Jose del Golfo and San Pedro Ayampuc decided to block the entrance to the mine and state a peaceful sit-in to protest mining operations in their community. Their main concern is that the mining operation may contaminate water supplies with arsenic coming from rocks that contain arsenopyrite⁴.

Eviction in Alta Verapaz

On August 14, the PNC tried to evict the community of Nueve de Febrero, in the municipality of Cobán, in the department of Alta Verapaz. This community, along with the Monte Olivo community, opposed plans to build the “Santa Rita” hydroelectric plant. The community claimed that the hydroelectric project did not comply with the requirement of having a previous public consultation, as prescribed by the ILO’s agreement 169, which was signed by Guatemala on June 5th 1996.

In 2010, the Ministry of Energy and Mines (MEM) granted a license for the construction of a hydroelectric plant on the Santa Rita estate. In 2012, in response to demonstrations in 20 communities in the area who were demanding the withdrawal of trucks and machinery, the government placed a military detachment in the community of Monte Olivo and a checkpoint at the entrance of the mine⁵. Although the community had achieved the closure of the military detachment, different media and civil society organizations reported an increased climate of violence; violence that resulted in the death of two children from gunshot wounds⁶. As of today, no advances have been made on the investigation to clarify what happened and to establish the role of the authorities in the events.

Also, the towns, communities and organizations who are

members of the village council Tezulutlan “Manuel Tot” denounced in a press conference that the arrival of the hydroelectric project has divided the community and has resulted in the criminalization of community leaders. On July 30, 2014 Hydro Santa Rita signed a cooperation agreement with members of 16 communities.

However, according to the Independent Media Centre (CMI), in the community of Monte Olivo, nobody knows who the representatives that signed such agreement were⁷. In August, when the PNC tried to reach the Nueve de Febrero community to evict them, they found that the community of Monte Olivo had installed barricades on the road; they were afraid that the government’s intention was to allow the entry of machinery on the River Dolores to begin construction of the hydroelectric plant⁸.

Members of the Forum of Non-Governmental Organizations in Guatemala (FONGI), issued a statement in which they expressed their “concern about the climate of violence that derived from the acts committed by around a thousand agents of the public security forces, and civilians on August 14 and 15, in which they allegedly carried out multiple arrest warrants and evictions in the communities of Monte Olivo y Nueve de Febrero. These actions have resulted in the deaths of three people; many have been injured and arrested while hundreds have been forcibly displaced to the mountains, just as happened during the internal armed conflict”⁹.

Eviction during the blockage of the Jupilingo bridge in Chiquimula

A national strike was held in over 30 places around the country on September 17 and 18¹⁰. During these two days there were peaceful activities and demonstrations to protest against the laws that are popularly known as: “Ley Monsan-

4. For more information on the Environmental Impact study and the peaceful resistance La Puya, see PBI Guatemala: *La Puya en Resistencia. Haciendo frente a la explotación de la tierra*. Tercer Boletín 2012, No.28.
http://www.pbi-guatemala.org/fileadmin/user_files/projects/guatemala/files/spanish/PBI_Boletin_28.pdf
5. Illescas, G., *¿Vecinos de Hidro Santa Rita firman acuerdo con la Empresa y el Gobierno?*, Centro de Medios independientes, Guatemala, 04.08.2014.
<http://cmiguate.org/vecinos-de-hidro-santa-rita-firman-acuerdo-con-la-empresa-y-el-gobierno/>
6. Cabanas, A., *Monte Olivo contra el desarrollo violento*. Memorial de Guatemala 20.08.2014
<http://memorialguatemala.blogspot.com/2014/08/monte-olivo-contra-el-desarrollo.html>
- Illescas, G., *Monte Olivo o Monte Olvido: 2 años de represión*. Centro de Medios independientes, Guatemala, 11.05.2014
<http://cmiguate.org/monte-olivo-o-monte-olvido-2-anos-de-represion/>
- Rax, A., *Monte Olivo: otra vez bajo represión y balas*, Comunitariapress, Guatemala, 14.08.2014
<https://comunitariapress.wordpress.com/2014/08/14/monte-olivo-otra-vez-bajo-represion-y-balas/>
- Comité de Unidad Campesina (CUC), *Estado de Guatemala de Nuevo Reprime a Comunidad Monte Olivo*. Cobán, Alta Verapaz, Guatemala, 14.08.2014
7. Illescas, G., *¿Vecinos de Hidro Santa Rita firman acuerdo con la Empresa y el Gobierno?* Centro de Medios independientes, Guatemala, 04.08.2014
<http://cmiguate.org/vecinos-de-hidro-santa-rita-firman-acuerdo-con-la-empresa-y-el-gobierno/>
8. Illescas, G., *Inminente desalojo en Monte Olivo (Actualizado)*. Centro de Medios independientes, Guatemala, 14.08.2014
<http://cmiguate.org/inminente-desalojo-en-monte-olivo/>
9. Foro de Organizaciones No Gubernamentales Internacionales en Guatemala (FONGI), *Violencia en Alta Verapaz evidencia constantes debilidades en la prevención y abordaje de los conflictos*. Guatemala, 20.08.2014. <http://asociacionpopnojb.blogspot.com/2014/08/08/violencia-en-alta-verapaz-evidencia.html>
10. Siglo21, *Enfrentamiento deja cinco PNC heridos y cuatro capturados*. Guatemala, 18.09.2014
<http://m.s21.com.gt/nacionales/2014/09/18/enfrentamiento-deja-cinco-pnc-heridos-cuatro-capturados>



Photo: PBI 2014

Road block in Chiquimula during a national demonstration, 17.09.2014

to” (Protection of New Varieties of Vegetables, Decree 19-2014), “Ley Tigo” (Strengthening the Infrastructure for Data Transmission, Decree 12-2014) y “Ley Trecsa” (Legal Easements for Electric Transmission Initiative 4782).

On the morning of the 18th, about 200 members of the National Civil Police (PNC) with anti-riot equipment intervened to dissolve the road block near the Jupilingo, Camotán Bridge in Chiquimula. To do this, they used guns, tear gas, stones and sticks, as it was observed by PBI members on site. Several people were injured (one with a bullet), while tear gas poisoning affected not only adults but also children.

In addition, several arrests were made of members of the Central Campesina Ch’orti ‘New Day (CCCND), an organization accompanied by PBI. Those arrested were released for lack of evidence after spending four days in jail, and after an initial hearing. The law requires an initial hearing for detainees within 24 hours¹¹.

Other national strike days

During the month of November in Sanarate, El Progreso, a peasant was killed during the breakup of one of the road-blocks. The protests were held for three days (from November 11 to 13), while representatives of indigenous and peasant organizations demanded, to no avail, an audience before Congress. The demonstrators were demanding the adoption of the Integrated Rural Development Bill and the repeal of several laws, one of them being a law to keep roads free of obstacles, popularly known as “Ley de Túmulos”. This law had previously been criticized by Nery Rodenas, representative of the Human Rights Office of the Archdiocese of Guatemala (ODHAG), for criminalizing protests¹². On November 13, the UN Office of the High Commissioner for Human Rights (OHCHR) issued a statement which condemned “the violent acts recorded in the framework of social protests in several parts of the country”.

11. See also PBI: *Alert: Creciente cierre de espacios para la defensa de derechos humanos: Central Campesina Campesina Ch’orti’ Nuevo Día y las Doce Comunidades Kakchikeles de San Juan Sacatepéquez*. Guatemala, 26.10.2014 http://www.pbi-guatemala.org/field-projects/pbi-guatemala/latest-news/news/?no_cache=1&tx_ttnews%5Btt_news%5D=4438&cHash=9572f2d989de670bb24de677811fd041

12. Prensa Libre, *Denuncian que ley de túmulos criminaliza las manifestaciones*. Guatemala, 20.02.2014 http://www.prensalibre.com/noticias/comunitario/ley_que_prohibe_bloqueo_en_carreteras-criminalizacion-manifestantes_0_1088291341.html

On the other hand, the Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF), has used this law to ask the State to break up protests of people blocking roads and ensure the free movement of Guatemalans, claiming that the protests could damage the economy. The same strategy was also used in September 2014 during another “national strike”¹³. In this regard, OHCHR reiterates that “the rights of assembly and demonstration are enshrined in various international instruments and the Constitution. These rights are the means for citizens, especially those who are excluded from any decision-making, to express their ideas, needs and demand and to claim their human rights”¹⁴.

Protocolo de Desalojo del Ministerio de Gobernación

The protocol emphasizes that if agents of the National Civil Police (PNC) are called for assistance, they must leave their weapons under the care of other personnel not participating in the proceedings to avoid intimidation. The protocol also prohibits the use of rubber bullets. The document also states that a court order is required. The protocol emphasizes that once police are dispatched, a commission should be established to set up a dialogue with the population. Once they arrive, they must notify the leader of the protest and give them 30 minutes to notify others in the community. After giving the protesters reasonable time to remove their belongings and an initial warning, if there is opposition, they will be allowed to use a proportionate level of non-lethal force as a deterrent¹⁵.



Photo: PBI 2014

Members of the protest camp la Puya resist peacefully during the eviction by police forces, 23.05.2014.

13. Emisiones Unidas, *CC ampara a Cacif y ordena a gobierno desalojar bloqueos*. Guatemala, 18.09.2014 <http://noticias.emisorasunidas.com/noticias/nacionales/cc-ampara-cacif-ordena-gobierno-desalojar-bloqueos>
- Rodríguez, M., *CC ampara al CACIF y ordena retirar bloqueos*. La Hora, Guatemala, 12.11.2014 <http://lahora.gt/cc-ampara-al-cacif-y-ordena-retirar-bloqueos/>
14. Office of the United Nations High Commissioner for Human Rights (OHCHR) condemns recent violent actions in connection with social demonstrations. Guatemala, 13.11.2014 http://www.ohchr.org.gt/documentos/comunicados/102014_ONUDDHH_condena_hechos_violentos%2813nov14%29.pdf
15. Protocol for demonstrations and evictions. Ministerio de Gobernación, 07.12.2012 http://www.mingob.gob.gt/index.php?option=com_k2&view=item&id=2230:protocolo-de-manifestaciones-y-desalojos&Itemid=551
- Gámez, D., *Gobernación publica protocolo para desalojos*, AGN, 03.11.2012 <http://www.agn.com.gt/index.php/world/fashion/item/624-gobernacion%C3%B3n-publica-protocolo-para-desalojos>

Information about our work

The work of the Guatemalan Peace Brigades International (PBI) project focuses on three main themes: the fight against impunity, the problems of access to land, and the negative effects of globalisation on human rights. Over the last six months of 2014, PBI has held meetings with representatives from:

<i>The international community</i>	<i>Guatemalan national authorities</i>
<ul style="list-style-type: none"> • Embassies • European Union • Office of the United Nations High Commissioner for Human Rights (OHCHR) • International human rights organisations such as Protection International (PI), and the Guatemala Human Rights Commission (GHRC) 	<ul style="list-style-type: none"> • Departmental governors and local mayors • Secretariat of Agrarian Affairs (SAA) • Land Investment Fund (Fontierras) • National Civil Police (PNC) • Office of the Ombudsman for Human Rights (PDH)
<i>Organisations representing the social movements</i>	

The objective of these meetings has been to show our concern for the growing deterioration of the security status of human rights defenders in Guatemala throughout 2014. This has resulted in the progressive closing off of political space for them to work, and the increase of threats and at-

tacks on them, in particular the notable occurrence of legal persecution of social protest as well as the disproportionate use of violence to repress demonstrations and peaceful resistance.



Photo: PBI 2014

Accompanying Jorge Luis Morales, lawyer of the organization UVOC in San Cristóbal, Alta Verapaz, 01.12.2014

Access to land

In this framework of reduced political space and in line with our concern regarding access to land, in the latter months of the year the **Union of Campesino Organisations of Verapaz (UVOC)**, and members of the communities with whom they work, have experienced diverse forms of intimidation and threats. In the communities of the Primavera farmstead, Alta Verapaz, and in San Miguelito, Izabal, the security situation is precarious due to the ongoing threat of eviction which is profoundly affecting the people, as well as the penal persecution of activists in these communities. PBI has accompanied these people on various occasions when

attending judicial hearings. In addition we have observed the meetings which UVOC and residents of La Primavera have held with the Secretariat of Agrarian Affairs (SAA). These meetings seek to resolve through dialogue and negotiation, the conflict over land rights with the companies Eco-tierra and Maderas Filitz Díaz S.A.

We have been present on many occasions in the offices of UVOC in Santa Cruz, Alta Verapaz, and we have accompanied UVOC's lawyer, Jorge Luis Morales, when attending court or other activities relating to his representation of the organisation.

Fight against impunity

In the latter half of the year, in relation to the fight against impunity, we continue our accompaniment of the **National Coordination of Widows of Guatemala (CONAVIGUA)**. In September 2014, in the framework of its 26th Anniversary, we were present at the launch of the book "From Genocide and Survival to Protagonists of our Own History".

Also related is our accompaniment of the **Human Rights Law Firm** when attending hearings relating to human rights violations. In this regard, one of the most seminal cases which we accompanied were the hearings, starting on 1st October, for the trial of the Burning of the Spanish Embassy in January 1980. In this emblematic case, Pedro Garcia Arredondo, ex-chief of the 6th command forces of the now-extinct National Police, was accused of burning alive 22 campesinos, five students, eight diplomats and two visitors who were all inside the diplomatic centre, for crimes against humanity, and for the assassination of two further students (during the funeral procession of the victims of the embassy).

Negative impact of globalisation on human rights

Our work in relation to the negative impact of globalisation on human rights, has involved accompanying:

- The Council of Communities from Cunen (CCC).
- The Central Campesino Chorti New Day (CCCND).
- The Association of Indigenous Women of Santa Maria Xalapan (AMISMAXA). We were present to observe the demonstration held in Jalapa on 25th November, International Day of Action Against Gender-based Violence.
- The Council of K'iches Peoples (CPK). Over recent months, we have been present at their assemblies, we have on occasion accompanied their leader Lolita Chávez, and we were present at the court hearings relating to the assassination of one of its members (due to a land dispute).
- The Peaceful Resistance of Puya. We have been present weekly at the peaceful protest camp at the entrance to the El Tambor mine, in the municipal district of San Pedro Ayampuc. We have accompanied members of the resistance to the trials in which they are accused by the mining company EXMINGUA of illegal detention, threats and coercion. In addition we observed when members of the resistance and other organisations demonstrated in Front of the Congress of the Republic, on the 11th, 12th and 13th November, demanding the repeal of laws that deals with Telecommunications, the Law of Speed Ramps (relating to Road use), the approval of the law relating to community radios, the Law of Sacred Sites, the law of integrated rural development, and an indefinite moratorium on the granting of licences for mining and hydroelectric exploration and exploitation.



Demonstration in Jocotán, department of Chiquimula, 28.07.2014

Photo: PBI 2014

State of Prevention in San Juan Sacatepequez

Between July and December 2014, as part of our work on the negative impact of globalisation on human rights, we continued our accompaniment of the Twelve Kaqchikel Communities of San Juan Sacatepequez in their resistance and defence of the right to be consulted with regard to the construction of a cement plant and the “Regional Ring-road” in their municipal area. Special reference should be made to the enforcement of a State of Prevention in the region on the 22nd September 2014, following the assassination of 8 people in the community of los Pajoques, resulting in restriction of constitutional rights and guarantees.

The State of Prevention was decreed by the President of the Republic initially for a fortnight¹, but this was extended twice for a total of 30 more days, and as a result it was in place for a total of 45 days (22nd September to 4th November). It was within this context that, on 23rd September, we accompanied a human rights delegation to several communities of San Juan Sacatepequez. This delegation was composed of representatives from the Centre for Legal Action on Human Rights (CALDH), the Unit of Protection of Human Rights Defenders in Guatemala (UDEFEQUA) and the International Center for Human Rights Investigations (CIIDH).

On the 7th October we were present for the press conference in which the Twelve Communities declared their position in relation to the State of Prevention. On that occasion they mentioned how this exceptional situation affected the region’s economy, primarily transport and the sale of flowers (the main economic activity in this area), they denounced the actions which had taken place in Los Pajoques and asked that the authorities guarantee respect of human

rights during the State of Prevention. On the 8th October, we observed leaders of the organisation presenting their case to the Filter Group, made up of embassies of EU member countries, whose objective is to watch over the observance of respect for human rights in Guatemala.

On the 14th October, we accompanied another human rights delegation visiting several communities in San Juan Sacatepequez. This delegation was made up of organisations



International Observation of a female delegation of human rights defenders in San Juan Sacatepequez, 14.10.2014. Photo: PBI 2014

of women human rights defenders, such as CONAVIGUA and the Association of the Integral Group of Women of San Juan. (AGIMS). On the 24th October, we observed a demonstration by hundreds of women from the communities of San Juan Sacatepequez. First they went to the offices of the Ombudsman for Human Rights (PDH), and then they went to the National Palace in Guatemala City. In both places, they denounced the abuses and violations of human rights perpetrated by the authorities (military and police), during the State of Prevention. Amongst the denouncements made, it is worth highlighting the attempted rape of two minors by members of the police force.

On the 29th October, Barbara Diaz Surin de Pirir, a member of the Community Development Council (COCODE) from the community of Cruz Blanca, was captured and held, accused of murder. PBI was present for her first hearing on the 31st October, in order to observe that there was due adherence to the correct legal procedures. Several International Human Rights organisations, such as the Meso-American Initiative for Human Right Defenders, have expressed concern that this might be a case of judicial persecution of a women working in defence of human rights².

1. Gubernamental decree 06-2014 – State of emergency in San Juan Sacatepequez, Guatemala.
<http://www.guatemala.gob.gt/index.php/2011-07-25-15-57-21/item/9730-decreto-gubernativo-06-2014-%E2%80%93-estado-de-prevenci%C3%B3n-en-san-juan-sacatep%C3%A9quez-guatemala>
2. Association for the women’s and development rights (AWID) *Comunicado: Criminalización a Barbara Díaz Surín*. Guatemala, 4.12.2014
<http://www.awid.org/es/Library/Comunicado-Criminalizacion-a-Barbara-Diaz-Surin-Guatemala>



PEACE BRIGADES INTERNATIONAL GUATEMALA PROJECT

PBI is an international non-governmental organization (NGO) which protects human rights and promotes non-violent transformation of conflicts. At the request of threatened social organizations, it provides international accompaniment and observation. The presence of international volunteers backed by a support network helps to deter violence. In this way, **PBI** creates space for local activists to work for social justice and human rights.

Mission

Contribute to improve the human rights situation in Guatemala and, therefore, to the democratizing process of the country through an international presence that works to maintain open political space for human rights defenders, lawyers, union members, campesino and indigenous organizations, and civil society groups that are suffering repression due to their work supporting human rights.



Photo: PBI 1987

PBI in Guatemala

PBI maintained a team of volunteers in Guatemala from 1983 to 1999. During those years, it carried out accompaniment work with human rights organizations, unions, indigenous and campesino organizations, refugees and churches. In 1999, after an evaluation process, it was decided to close the project since the country had greatly advanced in the opening of space for the work of human rights organizations. Nevertheless, **PBI** continued attentive to the happenings in Guatemala through a follow-up committee.

From the middle of 2000, **PBI** began receiving a number of requests for international accompaniment. Due to these requests, **PBI** carried out an investigation in the field that made evident a turn in the direction and a losing of space for human rights defenders. In April of 2002, **PBI** decided to reopen the Guatemala Project in order to carry out international accompaniment and observation in coordination with other international accompaniment and observation in coordination with other international accompaniment NGOs. In April 2003, the new **PBI** office was opened in Guatemala.

PBI came to Guatemala in 1983. One year later they met family members of disappeared persons, the majority being mothers, wives and sisters, founders of the organization Grupo de Apoyo Mutuo (GAM), an organization that was being accompanied by PBI afterwards. The photo shows members of GAM demanding an urgent interview with the president Vinicio Cerezo to talk about the investigating committee of disappeared people. 16.07.1987

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