



PEACE BRIGADES INTERNATIONAL – GUATEMALAN PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

Salvador Gándara: New Interior Minister

Guatemala, 06.01.2009 (PL) – In January 2009 Salvador Gándara, Secretary of Executive Coordination of the Presidency (SCEP), assumed the position of Interior Minister, one of the most difficult portfolios given that insecurity is one of the principal problems in the country. This change, along with the substitution of the Ministry of Agriculture leadership, is among the first to be registered in Álvaro Colom's cabinet in 2009. Gándara acted as Vice Minister of the Interior under Álvaro Arzú between 1996 and 2000.

Civil society questions the naming of Salvador Gándara as Interior Minister

Guatemala, 08.01.2009, (SV, TD) – Social organisations and pro-justice groups fear that the naming of Salvador Gándara as Interior Minister will mean a backward step in terms of domestic policy, or oppressive and non-democratic practises in order to achieve short-term results. Carmen Aída Ibarra, analyst with the Myrna Mack Foundation, recalled the importance of not applying zero-tolerance approaches and of guaranteeing advances in the area of democratic security.

Indigenous authorities reject lynching and public punishment as part of the Maya Path

Guatemala, 09.01.2009 (CA, PL) - Around 200 elders, principals, spiritual guides, and indigenous mayors from different linguistic communities of the country who participated in the National Gathering of Indigenous Authorities expressed their rejection of the notion of “the taking of justice into one's own hands” as a practice of the Maya Path. They explained that the indigenous path is based in the world view of the native peoples and allows for the construction of unity and harmony among people and in relation to nature. The leaders were concerned by the increase in lynching and acts of public punishment in indigenous communities, and by the fact that these acts are attributed to the Maya Path.

Constitutionality Court grants provisional protection to four individuals sentenced to the death penalty

Guatemala, 23.01.2009 (PL) – The Constitutionality Court (CC) has granted provisional protection to four individuals sentenced to the death penalty who, by means of this protection, aim to have the sentences of execution by lethal injection replaced by prison terms. They had previously appealed unsuccessfully for the cancellation of the sentence at the Supreme Court of Justice. Other individuals with death sentences have decided to pursue appeals before the country's judicial authorities after the Inter-American Court of Human Rights quashed a judicial ruling and ordered that a new process be undertaken in favour of two defendants who had been sentenced to the death penalty.

Social activists express their rejection of recent judicial rulings in cases of crimes against humanity

Guatemala, 23.01.2009 (EP) – With placards and photographs alluding to acts that occurred during the internal armed conflict, representatives of human rights organisations demonstrated in front of the Supreme Court of Justice (CSJ) on January 13th. During the demonstration they expressed their rejection of magistrates' recent resolutions in the Criminal Chamber and Appeals Court, like that of the “Jute case”, which favour the suspects in crimes against humanity cases.

LAND

Campesinos block highways and demand that the Government solve agrarian conflicts

Guatemala, 14.01.2009 (CA, LH, ND) – On Tuesday, January 13th, thousands of campesinos blocked approximately eight highway sections as a way of pressuring the Government to return its attention to agrarian issues. The issues of food security, access to land, and agricultural subsidies are considered by the campesinos to be of urgent importance, as is the speeding up of the approval process for the rural development law that has been in congress since October 2008. As a result of these actions, the creation of three technical commissions to discuss the problems afflicting campesino populations and headed by high functionaries was agreed upon.

Population opposed to governmental management demonstrates in front of the Congress of the Republic

Guatemala, 15.01.2009 (CA, LH) – Thousands of campesinos and indigenous people travelled to the capital from many different Departments of the country on January the 14th to demonstrate their opposition to the first year of the Government of President Álvaro Colom during the presentation of his management report before the Congress of the Republic. Inhabitants of San Juan Sacatepéquez led the march and demonstrated against the installation of a cement company in their town, demanding the end to the capture of various campesino and indigenous leaders. The solution to this and other conflicts, an end to mining exploitation and exploration and the regulation of hydro-electric dam construction were just some of the demands made during the demonstration. Leaders from Livingston (Izabal) and Coatepeque (Quetzaltenango) also participated in the mobilization, demanding respect for the work of organisations and an end to the persecution of their leaders.

The state will review licences granted to Progreso Cement and mining companies

Guatemala, 17.01.2009 (PL) – The meeting held on Friday January 16th between residents of the municipalities of San Juan Sacatepéquez (Guatemala) and San Miguel Ixtahuacán (San Marcos) and the presidents of the three State branches – Judicial, Legislative and Executive – ended with the agreement to review the situation of the Progreso Cement company projects and those of various mining companies in the communities of the aforementioned municipalities within 15 days. According to the residents and social organisations, dialogue has so far not obtained results and has been considered an ineffective mechanism for the resolution of existing conflicts since the leaders have invested a great deal of energy while the companies continue with the development of their projects.

NEGATIVE EFFECTS OF GLOBALISATION

Israeli company will construct a hydroelectric plant in San Juan Cotzal

Guatemala, 09.01.2009 (PL) – The Israeli company, Housing and Construction Holding Co., announced on January 8th that one of its subsidiaries (Solel Boneh) had signed a contract for 200 million dollars to construct a hydroelectric plant in Guatemala. The project, named Palo Verde I y II and contracted by the Italian energy company, Enel, has the permission of the Ministry of Energy and Mines (MEM) that approved the definitive authorization in the first quarter of 2007. According to MEM, the plant will generate close to 84 megawatts.

The Guatemala Electric Company (EEGSA) begins process to obtain international arbitration against Guatemala

Guatemala, 22.01.2009 (PL, EP) – Teco Energy, Inc, one of the three shareholders in the Guatemala Electric Company (EEGSA), has initiated a process to obtain international arbitration against the State of Guatemala for the change in the Aggregate Distribution Value (VAD) established in 2008. On January 13 the company announced to the Guatemalan Government its intention to initiate the process, under the Free Trade Agreement between Central America and the United States.

The United States will not sanction Guatemala for labour rights violations

Guatemala, 21.01.2009 (EP) – The United States Department of Labour (DOL) has announced, despite the fact that five denunciations filed by Guatemalan unions cite serious violations of the Guatemalan Labour Code, that it will not resort to sanctions for noncompliance with the labour article of the United States, Central America, Dominican Republic Free Trade Agreement (DR-CAFTA, for its English abbreviation). The collective denunciation presented on April 23, 2008 by six Guatemalan unions, includes violations of the right to free association and to collective bargaining, threats and attacks against unionists with the objective of limiting the exercise of their labour rights, unjustified firing of union leaders and noncompliance with contributions to the Guatemalan Social Security Institute. Among the recommendations made by the DOL to the Guatemalan Government are the clarification of the attacks perpetrated against unionists, the strengthening of the Public Prosecutor's Office for Crimes Against Unionists and Journalists of the Public Ministry, and the imposition of sanctions against companies that do not accept judicial orders.

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

2. ACTIVITIES OF PBI GUATEMALA: IN GUATEMALA

Team: Maria Giovanna Tejido Vasquez (Spain), Caroline Tessier (Canada), Silvia Weber (Germany), Jean-Jacques Ambresin (Switzerland), Valérie Elsig (Switzerland), Marina Comandulli (Italy/Brazil), Christopher Moyer (UK).

2.1 MEETINGS WITH THE DIPLOMATIC CORPS AND GUATEMALAN AUTHORITIES

Meetings with authorities and members of the diplomatic corps in Guatemala are essential components of PBI's work, enabling us to make known our objectives and our way of working. Through these meetings, when necessary, we can also confidentially express our concerns about critical situations of which we have first hand knowledge through our work in the field.

Diplomatic Corps:

- Christina Papadopoulou of the United Nations High Commission for Human Rights (OACNUDH), Guatemala
- Susana Dagg, Task Manager for the European Union Delegation in Guatemala

Guatemalan Authorities:

- Alvaro Arzú, Mayor of the City of Guatemala, Department of Guatemala
- Ruth del Valle, President of the Presidential Human Rights Commission (COPREDEH)
- Josué David Espino, Third Officer of the National Civil Police sub-station in the municipality of Santa Cruz, Department of Alta Vera Paz
- Edgar Orellana, Mayor of Zacapa, Department of Zacapa
- Mario Franco, Governor of the Department of Zacapa
- Wagner Orellana, Third Officer of the PNC deputy office in the municipality of Zacapa, Department of Zacapa
- Valdemar Barrera, Assistant of the Human Rights Ombudsman of Zacapa, Department of Zacapa
- Ana Gloria Morales, Coordinator of the National Compensation Program (PNR) in the Department of San Marcos
- Rudy Castillo, Assistant of the PDH in the Department of San Marcos
- Rolando Mérida, Chief of the PNC sub-station in the municipality of San Rafael, Department of San Marcos
- Orlando Blanco, Chief of the Peace Secretariat (SEPAZ)
- Néstor Ismael Dieguez, First Officer of the PNC in Guatemala City, Department of Guatemala

2.2 MEETINGS WITH CIVIL SOCIETY ORGANISATIONS

The in-country team meets periodically with civil society organisations, aiming to follow up on the situation of human rights defenders, to exchange information on the work being carried out, and to gather information which helps us to develop our analysis of the internal political situation.

Civil Society Organisations and Individuals:

- Claudia Samayoa Human Rights Defenders Unit, Guatemala (UDEFEGUA), Guatemala City
- Fransoir Guindon, Rights in Action, Guatemala City
- Abisaías Gómez, member of the Agrarian Platform and campesino leader in the Las Luces del Tumbador community, Department of San Marcos
- Luis Bartolón, Christian Council of Development Agencies (CONCAD), Department of San Marcos
- Priest in the San Pablo parish, Department of San Marcos
- Edgar Pérez, Association for Integral Development of the Victims of the Verapaces Maya Achí (ADIVIMA)

International Organisations and Agencies:

- Coordination of International Accompaniment in Guatemala (CAIG), Guatemala City
- Forum of International Organisations in Guatemala (FONGI), Guatemala City

2.3 ACCOMPANIMENT

Since May 13th, 2005 we have accompanied **Carlos Morales**, leader of the **Union of Campesino Organisations for the Verapaces (UVOC)**, as well as other members of the organisation. In January we kept in contact with different members of the organization through office visits in the capital and in Santa Cruz, Alta Verapaz. As a result of the increased military presence in the region we have received various requests for accompaniment that have expanded our presence in Santa

Cruz, Alta Verapaz, as well as in the rest of the Department and in Baja Verapaz. We remain attentive to the situation at La Mocca Estate where threats of possible eviction persist.

Background: UVOC is a campesino organisation in the Verapaces (the departments of Alta and Baja Verapaz) and works principally on access to land for campesinos and providing support in the process of legalisation of the communities' titles to land. UVOC also offers training for communities affiliated with UVOC and supports development projects within those communities. For the next two years, UVOC will act as coordinating organisation of the National Coordinating body of Campesino Associations (CNOC). On 11 November 2008, CNOC submitted the National Rural Development System Bill to Álvaro Colom's government.

Carlos Morales, leader of UVOC, has been a victim of death threats, acts of intimidation and persecution by unknown individuals. Due to an increase of personal death threats at the end of April 2005, which led to a genuine fear for his life, Carlos Morales was forced into hiding in Guatemala City for a month, which was made possible with the support of the Human Rights Ombudsman (PDH). Following this, he requested 24 hour accompaniment from Peace Brigades International. In January 2006, Carlos Morales experienced surveillance on the block where he lives with his family. The situation in some communities affiliated with UVOC continues to be delicate: in February and April 2006, the campesino families that live in the La Moca Estate were violently evicted, leaving several people with gunshot wounds. In July 2006 there was a confrontation between two groups of campesinos leaving one dead and 39 injured of the evicted campesinos. The La Moca campesinos continue to live on the edge of the highway while negotiations at the national roundtable for agrarian conflict resolution continue with the owners of the estate and the authorities, in order to find a place for them to live. The case has been prioritised as urgent due to the situation of extreme poverty in which the families are living.

The **National Coordinator of Guatemalan Widows (CONAVIGUA)**. Since August 2003 we have periodically accompanied the association with visits to its offices and to exhumations and burials in rural clandestine cemeteries. After seeing an increase in surveillance we increased the number of regular visits to the organisation's headquarters in the capital, continuing with this in January.

Background: CONAVIGUA facilitates the process of exhumations and inhumations in various departments throughout Guatemala, mostly in Quiché, Chimaltenango, and the Verapaces, as part of their efforts for the recuperation of the collective memory of Guatemala's recent troubled history. This process provokes tense situations in these small rural communities between victims and perpetrators, and the women of CONAVIGUA receive threats and intimidation to stop them from continuing this work.

The **Organisation to Support an Integrated Sexuality to Confront AIDS (OASIS)** is an organisation which works with HIV/AIDS education and prevention, as well as promoting and protecting the rights of gays, lesbians, bisexuals and transgender people. In particular, we accompany **Zulma**, a member of OASIS and witness to the assassination of a sex worker. In January, we stepped up the accompaniment to Jorge López Sologaitoa, Executive Director of OASIS, during the legal process initiated against him over the accusation of the attempted murder of sex worker Laila (Axel Leonel Donis González). Jorge López sees this process as a new manifestation of the constant persecution and intimidation he has suffered in recent years with the intention of impeding the progress of the organisation's work and of the respect for the human rights of sexual minority communities. Fearing for his personal safety, we activated the Guatemala Project's Support Network and stepped up dialogue with Guatemalan authorities, international agencies and embassies present in the country.

Background: On 17th December 2005, Paulina, a transgender worker was killed, the seventh murder of a transgender worker that year. Zulma was present when the crime was committed, and was seriously injured during the incident. She is a witness to the murder of Paulina, accusing members of the National Civil Police (PNC) of the killing. OASIS reported the case to the Public Prosecutor's Office (MP) in order to obtain justice for the killing, and has been awarded precautionary security measures for Zulma and the organisation by the Inter-American Human Rights Commission (CIDH). However, members of the organisation continue to be subjected to harassment and threats, and Jorge López, Executive Director of OASIS, reported that he was pursued by a police car during the night of 22nd January 2006. Given the few advances made in the case in the Guatemalan courts, OASIS wishes to bring it to the attention of the CIDH with the support of the Centre for Justice and International Law (CEJIL). In August, the MP reopened the case.

Lesbiradas. We began accompanying the organisation in July of this year after the daughter of one of its members, also a human rights activist, was the victim of serious direct acts of intimidation with threats against her life by different State security agents. Throughout January we continued accompanying them in the capital and holding frequent meetings in which they informed us of the progress made by the Public Ministry in the investigation of their case.

Background: The Lesbiradas collective is involved in the defence and promotion of human rights of Guatemalan lesbian women, promoting among other things, the self-determination of one's body and sexuality, for lesbians in their struggle against an exclusive, patriarchal system and particularly the discrimination and systematic violence

that they face. The two women that we have been accompanying participate in various social movements, for which on three occasions in July, one of the activists was directly threatened with death at gunpoint by agents of the PNC on July 21, 2008. The events were denounced to the Public Prosecutor's Office (MP) and to the Human Rights Ombudsman (PDH) as well as to the Human Rights Defence Workers Protection Agency (UDEFEQUA). In principle, these threats relate to the women's activism and for Lesbiradas, it is proof that a strategy of social cleansing exists in the country.

Association for the Protection of Montaña de las Granadillas. Since August 2008, we have accompanied this Association from the department of Zacapa after several of its members received death threats for their work to promote the designation of the area of Montaña de las Granadillas as a protected area. During January 2009 we continued to accompany the association at public meetings in Zacapa and in the countryside. Various members of the association were in January accused of crimes relating to their work in defence of the mountain, for which reason we have increased our presence in Zacapa and intensified our work maintaining dialogue with the authorities.

ARREST WARRANTS AGAINST REVEREND JOSE PILAR AND TWO MEMBERS OF THE ASSOCIATION FOR THE PROTECTION OF MONTAÑA LAS GRANADILLAS (AMPG)

In January, the PBI team accompanied Reverend José Pilar Álvarez Cabrera, who was detained by agents of the DINC (Criminal Investigation División) on January 25th, and two members of the association, Rubén de Jesús Aldana Guzmán and Néstor Eduardo Álvarez Cabrera, during the judicial process to which they have been linked. We also accompanied and observed the negotiation facilitated and coordinated by the Human Rights Ombudsman office of Zacapa (PDH) between the different parties involved in the conflict.

On February 6 Judge Emilio Antonio Hernández García of the Court of 1st Instance Criminal, Narco-activity, and Environmental Crimes in Zacapa determined that there was nothing to link the accused to the crimes of coercion, instigation to commit an offence, and property disturbance, and ordered the case closed. This decision closes the judicial process initiated by the estate owners (Víctor Hugo Salguero Portillo, Ramón Alberto Salguero Pineda and Byron Aroldo Cervantes Juárez) based on the demonstration and highway blockade organised in early January by community members objecting to the lock placed on one of the gates giving access to the estate and the water resources supplied to the communities. Despite the month of discussions at the end of last year, no agreement was reached. During negotiations on January 28th, the parties agreed to remove the lock and put an end to the highway blockade.

Background: The association was created six years ago, when a group of residents realised that the ecosystem of the mountain was in danger due to logging, monoculture, and the extreme increase in cattle-farming. It was not only the mountain that was disappearing: they were alarmed above all by the disappearance of the water reserves, given that all of the region's water comes from the mountain's forests. The organisation sought the support of the Lutheran Church and the Madre Selva Collective. These organisations carried out an analysis of the deterioration of the area, and found that the lower part of the mountain had lost 70% of forest cover due to illegal logging and inadequate regional application of the Forestry Law. Now the principal objective is to protect 20-30% of the remaining forest and promote reforestation. The association's members want to convert the mountain into a protected area but this proposal has proven difficult and dangerous because of the economic interests involved. The threats began when the association tried to denounce the illegal timber trade.

The Association of Mayan Lawyers and Notaries of Guatemala. We have accompanied the association since August 2008 following threats and attacks against the lives of a number of its members. This January we accompanied the Association on various occasions to the Criminal Court of 1st Instance of Mixco, where 43 members of the community of San Juan Sacatepéquez, detained in June 2008, had their first hearing. The judge in charge declared a lack of evidence and dismissed the case.

Background: The Association of Mayan Lawyers and Notaries of Guatemala supports and advises vulnerable indigenous leaders and mayors in their work in defence of human rights and indigenous rights, above all in the area of the defence of natural resources. The 80 members of the Association provide legal and political support in various departments of the country. As members and representatives of the organisation, Amílcar Pop, Carmela Curup and Mario Saper began to receive threats and intimidations while providing legal advice to the communities in the municipality of San Juan Sacatepéquez, regarding the establishment of a popular consultation regarding the cement works proposed by the Progress Cement company in the area. The threats culminated on 2 August with the attempted attack on the life of Amílcar Pop as he left a meeting regarding the staying of proceedings brought by the company against a community leader of San Juan Sacatepéquez. According to the Unit of Protection of Human Rights Defenders (report no. 10-2008, UDEFEGUA): "It is presumed that this attack occurred in the context of acts of intimidation that seek to limit the right of the communities to resist the installation of a cement factory in their community".

We have been accompanying the **Association of Friends of Lake Izabal (ASALI)** and **Eloyda Mejía**, the organisation's Legal Representative, since 21st February 2004, when threats against her worsened. We accompany Eloyda and other members of the association in the Department of Izabal during their activities and meetings with communities concerned about mining activities in the area.

Background: ASALI is concerned about the negative effects of mining activity in the region of El Estor, Izabal and also by the extensive agricultural use of the cultivation of fruit and the production of biofuels such as sugar and African palm. The companies active in the region are the Guatemalan Nickel Company (CGN), which is a subsidiary of the Canadian company Skye Resources Inc. recently acquired by HudBay Minerals Inc., MayaNiquel and Nicromet, with majority shareholders BHP Billington of the United Kingdom.

Eloyda Mejía has suffered a number of threats as a result of her work. On 21st February 2004, during a conference on the future of the lake in El Estor, Izabal, she received yet more serious threats, which she reported to the Public Prosecutor's Office (MP) and the Human Rights Ombudsman's Office (PDH). In February 2006 Eloyda Mejía's restaurant wall was graffitied with the words "Yes to CGN" (Guatemalan Nickel Company). Since late 2006 Eloyda Mejía has had to deal with a legal process accusing her of usurping lands. This legal action is seen by her as a form of persecution and intimidation intended to force her to abandon her work against the mining company CGN in El Estor. In the months of January and February 2007 we accompanied Eloyda and ASALI during a worsening of the situation in El Estor, after a tense situation arose between groups of campesinos that had occupied lands, CGN and state actors who wished to remove them. In October 2007, Eloyda Mejía received a threatening letter that mentioned her and other active members of civil society organisations in Izabal as 'personas non gratas' in the town of El Estor and as enemies of the town and the State. The letter mentioned that the law of "an eye for an eye and a tooth for a tooth" would be applied.

2.4 FOLLOW-UP

The **Guatemalan Association of Indigenous Mayors and Authorities (AGAAI)**. After a break-in of the office of AGAAI on March 20th we provided accompaniment through regular visits to the office and phone calls. In January we maintained contact with its members by means of telephone calls and meetings.

Background: Carlos Guarquez has suffered from various forms of threats, accusations, and intimidations because of his work rejecting the Free Trade Agreement (DR-CAFTA) and mining activities. On 25th March 2005, in the village of El Tablón, Sololá, his vehicle was doused in petrol and set on fire by unknown individuals. Death threats specifically naming Carlos Guarquez, Dominga Vásquez, the then Indigenous Mayoress of Sololá, and her husband, Alfonso Guarquez, were found scattered around the vehicle. Part of the threat stated: "For your stupid meddling in society... tomorrow will be the day you disappear from this world.." As a result of this threat PBI activated its Support Network inside Guatemala. On 20th March 2007, AGAAI's office was broken into by unknown individuals who took only documentation and the petty cash box. The association denounced this incident as a clear act of intimidation against workers and members of AGAAI for their work in supporting and accompanying the mayors and indigenous authorities struggling for the protection of the land, and reported the act to the office of the Human Rights Ombudsman (PDH).

The **Women's Sector**. We began accompaniment in June 2006 following various break-ins at the organisation's office. After several months, its security situation had improved sufficiently so that we could transfer the status of the accompaniment to that of follow-up. In January we maintained contact with the Women's Sector by means of visits and phone calls to their office.

Background: The Women's Sector is an umbrella organisation for women's associations that works for women's economic development, in the struggle against violence against women, and denounces impunity and the murder of women (feminicide). In less than 10 days, between the end of May and the beginning of June 2006, the headquarters of the Women's Sector were broken into twice. The first time the intruders stole telephones and money and smeared blood on the walls; the second time they destroyed furniture, searched through files and left a bloody piece of glass on one of the desks. The Sector reported these acts as clear intimidation and was later provided with police protection.

The **National Coordinator for Inhabitants of Marginalised Areas, CONAPAMG**. In particular, we accompany Roly Escobar, CONAPAMG's General Coordinator, after he received a death threat on September 10th, 2006, for which we activated our Support Network. Though we continue to be concerned for the families that live in precarious settlements subject to the risk of floods and landslides, the security situation for the CONAPAMG members improved this year prompting the decision to reduce the level of physical accompaniment toward the end of October. In January we remained attentive to possible evictions of the communities in Zone 21, and maintained contact with the members of the Coordinator.

Background: CONAPAMG works on the issues of housing access, social infrastructure, and the legalisation of

occupied land. We have accompanied CONAPAMG since July 2004 when its office was broken into and lists, invoices, floppy discs and money stolen. Many of the communities affiliated with CONAPAMG have either been evicted or are awaiting eviction. The security situation of CONAPAMG continues to be vulnerable. Miguel Zapeta González, resident of the community Esquipulas in Zone 21 of the capital and member of the organisation, was murdered in March 2005. On 18th August 2006, Carmen Sagastume, another member of the organisation, was brutally murdered in the Carmen del Monte Community. Following this, on the morning of September 10, General Coordinator Roly Escobar Ochoa was informed that armed individuals in the community Carmen del Monte were threatening to kill him, supposedly because of his denunciation of the murder of Carmen Sagastume. During the following weeks he and his family suffered threatening surveillance. Roly Escobar has also been the subject of defamations against him in the media.

Centre for Human Rights Legal Action (CALDH). Since February 2007, we have accompanied **José Roberto Morales Sic**, Indigenous Peoples' Rights Program Coordinator of CALDH. In January, José Roberto Morales travelled to Brussels to participate in a roundtable evaluating the negotiations of the European Union – Central America Association Agreement, as part of the sixth round of negotiations. Negotiators for both sides participated as well as representatives of civil society. We have remained in contact by means of visits and calls to the office.

Background: Since 1994 CALDH has had its headquarters in the capital, where it receives reports of Human Rights violations and directs investigations into the cases. The institution provides counselling, accompaniment and training to organisations, groups and communities. One of its main areas of work is promoting justice in genocide cases, and other crimes committed during the internal armed conflict. We have accompanied CALDH on various occasions between 2004 and 2006. In February 2007, members of the legal team received direct threats. José Roberto Morales Sic was the victim of a kidnapping on 2nd February. Two armed men kidnapped him in his car and threatened to kill him. He was later released and the CALDH vehicle recovered with all his belongings present (including personal documents, cheques and a laptop which belonged to the organisation).

We accompany the **Commission of Peaceful Resistance of San Rafael Pie de la Cuesta (CRP)**. We received a request from José Manuel Morales, vice-president of the organisation after the commission's founding members were harassed and attacked by police during a meeting on September 15th, 2007 for expressing their doubts about the construction of a hydroelectric dam planned by the municipal mayor of San Rafael Pie de la Cuesta. Since December 2007, we have accompanied CRP members in their activities. In November 2008, following a positive assessment of their security situation, we decided to transfer the accompaniment to follow-up status. In January, we maintained contact with Commission members who are currently participating in the technical¹ commission (including representatives of the Ministry of Energy and Mines (MEM) and of the Environment and Natural Resources (MARN)) in which the issue of regulation of hydroelectric and mining concessions will be considered.

Background: 15 days before the general elections of 9 September 2007 the Mayor of San Rafael Pie de la Cuesta declared his intention to seek the construction of a hydro-electric project during the first months of 2008, during a public audience with mayoral candidates. This hydro electric project would be based on a previous project that never reached the construction stage and before the public meeting was not known by the local inhabitants. On 15 September the Campesino Association for Integral Development of San Rafael (ADICSR) organised a meeting with the local population in order to inform them regarding the construction plans for the hydro-electric project. The same meeting also realised the formation of the CRP in order to investigate and inform regarding the proposed project. Police officials entered the meeting and removed a man without explanation, in order to question him regarding the meeting and accusing those in attendance of planning illegal actions. Since this date, the members of CRP have regularly suffered threats and intimidations of various kinds. In August, the CRP, as part of the Council of Western Villages, met with representatives of the Ministry of the Environment and Natural Resources as well as with the Ministry of Energy and Mining.

The **Movement of Campesino Workers (MTC)** of the Department of San Marcos. In particular, we have accompanied **Julio Archila**, co-founder of the MTC, in his consulting work with communities and during the judicial process against him. Following the dismissal of the case against Julio and his son in August 2008 and a significant reduction in security incidents suffered by the organisation, the case was passed to 'follow-up' status in November. In January, we maintained contact with the movement, in particular with one of its members who is currently participating in the technical commission created to address the issue of land². This commission includes representatives of the Ministry of Agriculture and Livestock (MAGA), the Secretary of Agrarian Issues, and the Land Fund (FONTIERRA).

Background: MTC is made up of peasant community associations that work in defence of their labour rights.

¹ Due to demonstrations on January 13, 2009, the Government decided to return attention to agrarian issues and agreed to create three technical commissions, headed by high functionaries, to discuss the rural problems afflicting the campesino population.

² Ibid

Since the beginning of November 2005, Julio Archila, founding member of the MTC, has suffered various forms of intimidation and threats directed against him and his family. According to the MTC, his security problems are related to consultation he offers to peasants engaged in protest on the Las Delicias estate, San Marcos. On November 4, 2005, PNC officials arrested Julio, accusing him of stealing coffee. He was brought before a judge and freed since no proof of the accusation was found. Nevertheless, the accusation of the owners of the estate continued in force until finally, on 15th November 2007, the Las Delicias peasants came to an agreement with the estate's owners, who agreed to pay them 500,000 quetzals. The owners also agreed to drop the charges against Julio Archilla and his son. After further negotiations and setbacks, the peasants were able to buy a new estate in January 2008. The case against Julio Archila and his son was finally suspended in August 2008 after three cancellations of the hearing by the judge at the last moment, unnecessarily prolonging the case.

2.5 OBSERVATION

PBI Guatemala provides international observation at public events where Guatemalan social organisations require international attention and interest or when it is necessary to be able to communicate what we witness to the international community.

On January 13th 2009, we observed the first hearing in the case of the 43 people accused of the crimes of demonstration and illegal meetings, disturbances and resistance to the authorities during the State of Prevention declared in San Juan Sacatepéquez on June 21st, 2008. Though the case was dismissed at this first hearing, the Public Ministry has overturned this decision, pending its review in the appeal court.

On January 23rd, 2009, we observed the first declaration of Jorge Luis López Sologaitoa, Director of the Organisation to Support an Integrated Sexuality to Confront AIDS (OASIS) after he was accused of the attempted murder of a sex worker. At the hearing, the judge of the 1st Criminal Instance of Guatemala City determined that was nothing to link the accused to the crime of attempted murder. He nevertheless decided that he would remain linked to the process of investigation into the possible crime of self-concealment, holding Jorge López subject to a substitute measure of unsupervised house arrest for 6 months and registering before the judge every 30 days. During this time, the Public Ministry must continue the investigation, focusing especially on the declarations in the hearing. It will decide whether to apply to bring about a case or whether to request that the judge dismiss the case, closing it permanently.

As already mentioned, from January 26th to February 6th, we observed the hearings containing the first declaration of Reverend José Pilar Álvarez Cabrera and two members of Las Granadillas Mountain Protection Association (AMPG) who are accused of crimes of coercion, inciting offences, and property disturbance. As it turned out, the courts determined that evidence linking the accused to these crimes did not exist, and so ordered the case closed.

3. ACTIVITIES OF PBI GUATEMALA: OUTSIDE GUATEMALA

The Regional Representatives, the Coordination Office of the Project in Madrid and other members of the Project Committee, as well as PBI national groups all carry out public relations campaigns with numerous NGOs, national governments and agencies, parliamentarians, etc. These meetings work to develop and strengthen the project's "Support Network", and are indispensable for the functioning of PBI's international presence in Guatemala.

Due to the concern for the personal safety of Jorge López, Director of OASIS, in the face of the threat of detention and imprisonment as a result of the judicial process brought against him, in January we activated the project's Support Network, at national and international level. As part of this activation, we recommended that the national PBI groups approach their respective Ministries of Foreign Affairs (MAE) and selected individuals of the Support Network asking them to express to Guatemalan authorities their concern for due process, and to remain attentive to the situation. In the case of the MAE, it was also asked that they discuss with their missions the possibility of observing the hearing in which Jorge López made his first declaration before the judge. Along with this, there were telephone conversations and meetings with some national PBI groups as well as with different members of our Support Network.

On January 9th, Kerstin Reemtsma, committee member and European representative of the project, met with the German national PBI group to share information and, in particular, to support the planning of and provide input for the national group's advocacy meetings in the next months. Our specific concerns about the current situation for human rights defenders in Guatemala were explained in this meeting.

4. PUBLICATIONS BY NON-GOVERNMENTAL ORGANISATIONS

In this section we publish communiqués written by human rights organisations in which they express their concerns regarding the current state of affairs in Guatemala. PBI Guatemala does not necessarily identify with the opinions and content of the articles and communiqués reproduced.

La Coordinadora Nacional de Viudas de Guatemala -CONAVIGUA- y el Movimiento de Jóvenes Mayas -MOJOMAYAS- a la Opinión Pública Nacional e Internacional,

DENUNCIA:

El vil asesinato en la madrugada del día de hoy 23 de Enero del presente año, del compañero Santiago Pérez Domingo y de María de las Mercedes Ordóñez Méndez, ambos del cantón Chucup del municipio de San Idelfonso Ixtaguacán, Huehuetenango, miembros activos de nuestra organización.

Los compañeros han sido promotores de la lucha por los Derechos Colectivos de los Pueblos Indígenas y especialmente por la defensa de la madre tierra, por los derechos de la niñez y la juventud, ambas personas en las últimas semanas se encontraban coordinando la presentación del informe "Violación del derecho al territorio de los pueblos indígenas: Situación de la explotación minera en el municipio de San Idelfonso Ixtahuacán, Huehuetenango".

El asesinato de nuestro hermano Santiago y nuestra hermana Mercedes se enmarcan en toda una serie de acciones sistemáticas de intimidación y ataques contra defensores de los derechos de los pueblos indígenas y derechos humanos en general, lo que evidencia que los grupos paralelos siguen impunes.

Ante lo denunciado, DEMANDAMOS:

1. Al gobierno Álvaro Colom asegurar el respeto a la vida y la integridad física de los líderes y lideresas que luchan por defender a la madre tierra
2. Al Estado de Guatemala, emplazamos a que asegure la integridad física ante las constantes amenazas, intimidación, persecución y asesinatos que reciben a nivel nacional, los líderes y lideresas que luchan por aplicar el Convenio 169 y la Declaración de los derechos de los pueblos indígenas.
3. Al Ministerio Público, desarrollar una investigación profunda y ágil para esclarecer y capturar a los responsables y que se les aplique la ley.

Solicitamos a la Procuraduría de los Derechos Humanos desarrolle una investigación que coadyuve al esclarecimiento de los hechos denunciados.

Alertamos a la comunidad nacional e internacional que la escalada de violencia en contra de las comunidades, organizaciones, líderes y lideresas indígenas continúa.

**Por la defensa de los Derechos de los Pueblos Indígenas
Guatemala 23 de Enero de 2009**

PBI GUATEMALA DOES NOT NECESSARILY IDENTIFY WITH THE OPINIONS AND CONTENT OF THE ARTICLES AND COMMUNIQUEES REPRODUCED.

- PBI GUATEMALA PROJECT -

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