



## PEACE BRIGADES INTERNATIONAL – GUATEMALAN PROJECT

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#### 1. NOTES ON THE CURRENT SITUATION

##### IMPUNITY

###### **Army's failure to fulfil its obligation to open military archives is "disobedience" says civil society**

Guatemala, 24.02.09 (LH).- In the midst of the 10th anniversary of the post-peace accords report of the Guatemalan Historical Clarification Commission (CEH), civil society organisations have criticised the Army's "disobedience" for failing to open the military archives relating to operations carried out during the internal armed conflict. On 28 February last year, President Álvaro Colom declared that all the Army's archives would be made public, with the aim of contributing to the clarification of thousands of cases of human rights violations that happened between 1960 and 1996. Jorge Santos, member of Convergence for Human Rights, criticised the attitude of the military leadership for "disobeying" presidential orders. Peace Secretary Orlando Blanco made it clear that the Ministry of Defence's period in which to submit the archives of the military plans for operations Victoria 82, Firmeza 83, Ixil and Sofía would expire on 3 February 2009. The information contained in the archives will be used in legal actions brought by several human rights organisations. Santos said that the opening of the archives was particularly important for legal actions against ex heads of State and officials of the military High Command that during the armed conflict were responsible for the selective violence and genocide of indigenous peoples.

###### **US Department of State alludes to worrying situation of impunity in Guatemala**

Guatemala, 25.02.2009 (EP, PL, SV, PI).- In its annual report on the situation of human rights in the world in 2008, the United States Government's Department of State has underlined that in Guatemala "the problems include the failure of the Government to investigate the murders committed by security forces". It also highlights participation of police agents in kidnappings, the difficult and dangerous security situation for people incarcerated in prisons, illegal detentions, and corruption in the National Civil Police (PNC) and the justice sector. In addition, it affirms that there are "credible reports" of torture, abuse and excessive use of force by the Police, and indicates organised crime and gangs were responsible for hundreds of murders that took place in 2008.

##### LAND

###### **One dead and three injured in violent eviction in San Miguel Tucurú, Alta Verapaz**

Guatemala, 12.02.2009 (AC).- Another violent eviction of 150 Q'eqchí families in the Los Pinos *finca*, San Miguel Tucurú, Alta Verapaz – 225 kilometers from the capital – resulted in one person dead and three injured, according to the National Indigenous and *Campesino* Coordinator (CONIC). According to CONIC's press release, the evicted families had occupied the area since March 2007, demonstrating in this way the community's disagreement after the landowner Roger Ardebol, who was renting them the land, withdrew his offer to sell. During the eviction, Rogelio Cuc Guitz, 33, was killed, and Mateo Cuc, José Mario Cuc Botszoc and Manuel Cuc Botzoc were wounded by gunshot. All were members of the community located in the Los Pinos *finca*. According to CONIC, the police entered the community shooting at the residents, and did not allow ambulance services to intervene. CONIC criticised the eviction order issued against the community on the part of the court administration without prior investigation and without complying with due process. It said that once more the army was devoting itself to repressing indigenous communities claiming their land rights.

### **Faltering progress in dialogue on rural and farming development between Government and indigenous and campesino organisations**

Guatemala, 19.02.2009 (LH).- The Alliance for Integrated Rural Development (ADRI) threatened to abandon the roundtable that it formed 10 months ago with the government, if advances are not made towards the approval of the Rural Development Law and of a Farming Development Policy. At the discretion of Hélder Velásquez, director of the Coordination of NGOs and Cooperatives (CONGCOOP), and member of ADRI, the policy period of the roundtable concluded with two important results: the new Rural Development Law and a Farming Development Policy. He now hoped for political results. At the end of last year, the indigenous and campesino organisations that make up ADRI submitted to the Executive the proposal for the Rural Development Law, which was agreed by consensus in the roundtable of 30 April 2008. Leocadio Juracán, member of the Highland Campesino Committee, said the proposal had been submitted to the Secretary General of the Presidency and expressed his concern that it had still not been presented to the full Congress. The Secretary General of the Presidency, Carlos Larios Ocheata, said the document had been submitted to the President, just as President Álvaro Colom had announced in his speech of 14 January, when he submitted the first report of the Government's administration. Juracán said the Executive's commitment was to submit the proposed to the Congress, and to support its promotion in the house. The chief of the official bench, César del Águila, reiterated that the issue was "a priority for the Government", while making clear that the initiative as such had not yet been reviewed.

### **GLOBALISATION**

#### **Congress passes reading of proposed law to suspend all mining exploration and exploitation licences.**

Guatemala, 18.02.2009 (PL).- The plenary session of Congress submitted to the Energy and Mining Commission the proposed law declaring a six month suspension of licences for the exploration and exploitation of metals. After consideration, the Commission will announce its ruling. Rosa María de Frade, congresswoman and member of the Bancada Guatemala party, reiterated the urgency of a discussion and the approval of an integrated mining law. "It is necessary to approve a new law, but one that seeks equilibrium between human development, environmental impact and resources for the State. We cannot allow the mining companies to be the only ones benefiting from this activity", she stated during the session. The congresswoman considered that the new legislation should demand environmental impact assessments not only for the authorization of exploitation licences but also for those intended for exploration. "During this phase there are also irreversible damages to the environment. Breaches are made, explosives are used and afterwards nobody takes responsibility for this destruction", she stated. She emphasized the need for the consideration of community referendums and for an increase in the royalties obtained by the state from mining activity.

#### **Residents of San Marcos reject proposed law exempting mining companies from tax liability**

Guatemala, 24.02.2009 (LH).- A protest march made up of San Marcos residents and led by Bishop Álvaro Ramazzini, demonstrated outside Congress on 24<sup>th</sup> of February to highlight the negative impact that would be generated by the approval of a new law granting tax exemption for mining exploration companies. The initiative garnished favourable approvals from the Energy and Mining Commission, and also contemplates economic benefits to companies that are under regulation by the Factory Law, similar to those for mining activity. According to the opposition congresswoman Rosa María de Frade, the advancement of this initiative would mean that the State could exempt companies from taxes such as the Rental Tax, in contrast to other countries where legislation requires that companies pay an elevated contribution for exploitation of its resources.

### **OTHERS**

#### **Military to employ 2000 new soldiers and reopen five bases**

Guatemala, 18.02.2009 (LH, PL).- Abraham Valenzuela, Minister of National Defence met this week with members of the Union Party (PU), and explained that 150 million additional quetzals assigned to the armed forces will serve to open new military bases in San Marcos, Izabal and Quiché. The Minister also revealed that 2000 more soldiers will be employed. He explained that they will be attending to the security demands of population in these areas, affected by the increase in violence. Additionally he proclaimed the necessity of acquiring planes and helicopters to attend to emergencies during the winter or those caused by natural disasters.

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Sources: Cerigua Agency (AC), Guatemalan Studies Centre (CEG), La Hora (LH), Prensa Libre (PL), El Periódico (EP), Siglo Veintiuno (SV).

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

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

## 2.1. DIALOGUE WITH GUATEMALAN AUTHORITIES AND DIPLOMATIC CORPS

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

International Institutions and Diplomatic Corps:

- Humberto Henderson y Christina Papadopoulou, Coordinator y Official of the High Commission on Human Rights for Guatemala (OACNUDH), Guatemala City
- Sonia Álvarez Cibanal, Second Secretary of the Spanish Embassy
- Jean Pierre Villard, Swiss Ambassador

Guatemalan Authorities:

- Walter Orellana, Chief of the National Civil Police (PNC), Zacapa Precinct, Department of Zacapa
- Federico Franco Cordón, Vice Minister of the Energy and Mining Ministry (MEM), Guatemala City
- Vicente Tuyuc, Educator of the Human Rights Ombudsman of the Department of Sololá
- Diego Ixmetal Gonzáles, Secretary to Elena Ujpan Yojcom, Governor of the Department of Sololá
- Rafael Gonzáles, Chief of the Sololá Precinct PNC, Department of Sololá
- Santos Guaracax, Municipal Councillor, acting Mayor of the Municipality of Sololá, Department of Sololá
- Teresa Escobar Benítez, Chief of the Human Right Division of the PNC, Guatemala City
- José Amílcar Velásquez, Attorney General of the Public Ministry, Guatemala City
- Mario Franco, Governor of Zacapa
- Néstor Ismael Dieguez García, First Official of the PNC Crime Prevention Unit in Zacapa

## 2.2. MEETINGS WITH CIVIL SOCIETY ORGANISATIONS

The in-country team periodically meets with civil society organisations in order to follow up on the situation of human rights defence workers, to inform one another about the work being done, and to obtain useful elements for the internal contextual analysis.

Organisations and individuals from Guatemalan Civil Society:

- David Morales, General Secretary of the Union Federation of Works in the Food and Service Industries (FESTRAS), Guatemala City
- Jorge Mario Coy, Director of the Land Program of the Pastoral de la Tierra, Cobán, Department of Alta Verapaz
- Mario Minera, Director of the Centre for Legal Human Rights Action (CALDH), Guatemala City
- Jorge Morales Toj, General Coordinator of Mojo Mayas, Guatemala City
- Javier Guirrraran, Independent Consultor on Quiche, Guatemala City
- Mario Polanco, Director of the Mutual Support Group (GAM), Guatemala City
- Johanna Van Strien, Lobby and Information Coordinator of the Pastoral Peace and Ecology Commission,(COPAE), Guatemala City

International Organisations and Agencies:

- Carlos Castresana, Director of the International Commission against Impunity in Guatemala (CICIG), Guatemala City
- Human Rights Commission of the International Organisations Forum, FONGI, Guatemala City
- Coordination of International Accompaniment in Guatemala (CAIG), 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 February we observed three events in Cobán (Alta Verapaz) in which the three following studies were presented: 1) land conflict in Alta Verapaz; 2) labour rights and minimum wage in the region; and 3) two eviction cases, one of which was La Moca Estate. The latter of these events was organized by UVOC, the Coordination of NGOs and Cooperatives (CONGCOOP) and the Catholic Church's Land Pastorate. Those affected by the evictions also took part. Additionally we observed the monthly agrarian conflict negotiations attended by the

UVOC, Alta Verapaz community members, the Secretariat for Agrarian Affairs, the Human Rights Ombudsman, and the Government Land Fund. We keep 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 Moca Estate, where threats of a 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 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, and in February of 2009 we accompanied CONAVIGUA during an exhumation in San José, Chimaltenango.

*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). Judge *Nery Oswaldo Medina Méndez*, of the Ninth Supreme Criminal Court declared that there were no elements that linked the accused to the charge of attempted murder against sex worker Laila (Axel Leonel Donis González); however he decided to keep Jorge linked to the process with the accusation of Accessory to the Crime<sup>1</sup>, subjecting Jorge to substitutory measure of house arrest without surveillance for 6 months and is required to register with a judge every 30 days. 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. During the month of February the precautionary measures that were authorized to OASIS in 2006 have been brought into effect by the Inter-American Human Rights Commission (CIDH, see Background), as a result Jorge Lopez is accompanied by an agent from the National Civil Police (PNC) 24 hours a day. We have continued accompanying him in his office, to meetings and in his obligatory registration with the judge every 30 days. At the end of the month Jorge Lopez and Zulma participated in a speaking tour in Canada around the theme of impunity together with other human rights defenders from Mexico and Colombia, organized by the Latin-American PBI projects in coordination with PBI Canada.

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<sup>1</sup> According to the Penal Code, Article 474 (Accessory to a crime): "One is responsible for Accessory to a crime without knowing, living or previous agreement with the perpetrator or accomplices of the crime but with knowledge of it being perpetrated, later intervening or carrying out any of the following 1. Hiding the delinquent or facilitating their escape. 2. Denying to authorities without justifiable motive, the handing over of a perpetrator, suspect or delinquent that is found in the residence or dwelling of the person summoned."

*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 other national and international organizations.*

**Lesbiradas.** We began accompanying the organisation in July of 2008 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 February 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 (APMG).** 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. In February 2009 the judicial process was archived against the three APMG collaborators who had been accused of various crimes whilst they were carrying out peaceful activities in the social protest related with their work in protecting the mountain. The legal process dissolved peaceful protests which local communities and the APMG had embarked upon following the installation by one of the farm owners of a padlock, impeding their access to communal land and sources of water. This month we participated as observers at the negotiations where the different sides of the conflict agreed upon a monthly meeting which will be used seek a peaceful resolution to the conflict. Following this dialogue at the end of the month we observed another meeting where all sides agreed to form a commission made up of APMG collaborators, community members and the estate owners Víctor Hugo Salguero Portillo, José Juan Barrios, Vicente Franco and Ramón Alberto Salguero Pineda to in order to visit the private estates in the mountain and evaluate the state of the forest, verifying that their management is carried out in a sustainable way. We have maintained our presence in Zacapa so as to ensure a high profile for the case.

*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 (AANMG).** We have accompanied the association since August 2008 following threats and attacks against the lives of a number of its members. In February we have remained in contact with the AANMG. We have been updated regarding the situation in San Juan Sacatepéquez and the judicial process against 43 people who were detained in June 2008 accused of illegal gathering during a State of Prevention enforced in the municipality. The AANMG collaborates in the defense of this case. The most recent violent incidents linked to the conflict around the installation of a cement factory in San Juan Sacatepéquez occurred in the in the middle of the month when seven indigenous women were publicly assaulted by an unidentified armed group. These events have been denounced by the communities and the Association is assisting them in the legal processes. The negotiating tables that had been formed to resolve the problems in this area remain suspended.

*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"<sup>2</sup>.*

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. ASALI is in a transition phase with the election of a new board of directors. In February 2009 we remained in telephone contact with Eloyda who kept us informed of the current situation in Izabal, the mining activities in the area and the internal changes in ASALI.

*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 gratis' 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 February, at the petition from the Association we observed various informative workshops about the process of community referendums. We accompanied Carlos Guarquez, Executive Coordinator of AGAAI in his journeys to various localities in the Department of Huehuetenango. In Santa Barbara he shared with members of the mayor's office the process of submitting the results of a community referendum carried out in the community in which the majority rejected mining exploration and extraction activities.

*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*

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<sup>2</sup> For more information about the background of the San Juan Sacatepéquez situation, see the PBI Guatemala Alert at: [http://www.pbi-guatemala.org/185.html?&tx\\_ttnews\[tt\\_news\]=1005&tx\\_ttnews\[backPid\]=184&cHash=e5a739a400](http://www.pbi-guatemala.org/185.html?&tx_ttnews[tt_news]=1005&tx_ttnews[backPid]=184&cHash=e5a739a400)

*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 February 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 who live in precarious settlements that are 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 February we maintained our contact with Roly Escobar who participated in this month in the World Social Forum in Belén (Brazil) and travelled to Honduras to support the organization of the Mesoamerican Forum for Development in Mexico.

*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. At the end of February we participated as observers in various public activities, coordinated by CALDH, surrounding to the opening of the military archives related to the plans and operations developed by the Military during the internal armed conflict. In this context we accompanied CALDH to a protest in light of an announcement by the Ministry of Defence proclaiming that they would not be releasing two archives that relate to Plan Sofia and Operation Ixil. Mario Minera, Director of CALDH, presented a denouncement to the central office of the Public Ministry against those responsible for the release of the files, while the presence of the military in the protest created a tense atmosphere. Furthermore at the end of February we accompanied two of the CALDH Youth Program coordinators at various workshops for Panajachel (Sololá) primary school pupils about the genocide that occurred in Guatemala during the internal armed conflict.

*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 February, we maintained contact with Commission

members who are currently participating in the technical<sup>3</sup> 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. During 2009, we maintained contact with the movement, in particular with one of its members Julio Archila who is currently participating in the technical commission created to address the issue of land<sup>4</sup>. This commission includes representatives of the Ministry of Agriculture and Livestock (MAGA), the Secretary of Agrarian Issues, and the Land Fund (FONTIERRA). In February Julio Archila travelled to the capital to pursue the situation with the national negotiating tables related to land issues.

*Background: MTC is made up of peasant community associations that work in defence of their labour rights. 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 Archila 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 in Guatemala provides international observation of those public events in which Guatemalan social organizations require it in order to demonstrate international attention and interest and to communicate outside the country what we observe.

On 19<sup>th</sup> February we observed a press conference in Guatemala City where the Copenhagen Initiative for Central America and Mexico (CIFCA) presented a report into the Xalalá hydroelectric project in Ixcán.

Between 24<sup>th</sup> and 27<sup>th</sup> February we observed various events commemorating the 10<sup>th</sup> anniversary of the submission of the report by the Commission for Historical Clarification.

On 13<sup>th</sup> February we observed a protest march made up of families and survivors of the armed conflict and social organizations demanding that the President of Republic adhere to the Constitutional Court's (CC) order requiring the military to release declassified archives. Last year during the National day for the Dignity of Victims, president Álvaro Colom offered to make public the military archives, but to date this order has not been followed by the Ministry of Defence. The military documents ordered to be disclosed include Campaign Plans Victoria 82 and Firmeza 83, Operation Plan Sofia from 15<sup>th</sup> July 1982 and Operation Ixil. The Crime, Drug Activity and Offences against the Environment branch of the First Chamber of the Appeals Court gave the order in January 2007 for the Ministry of Defence to release the files in question but Efraín Ríos Montt's defence appealed on the basis of maintaining military secrets. With the definitive resolution of the CC there is free access to military archives in genocide cases carried out during the then Government of General Ríos Montt. The Justice

<sup>3</sup> 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.

<sup>4</sup> Idem



and Reconciliation Association (AJR), made up of war survivors are involved in bringing these cases to justice. Benjamín Jerónimo, President of the AJR, stated they have requested president Colom to immediately release the archives recording by the army's carrying out of numerous massacres. Nery Rodenas, from the Archbishops Office for Human Rights (ODHAG) expressed the Office's support of the victims demands so that justice can at last be achieved through open judicial genocide prosecutions.

### **3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA**

Regional Representatives, the project's Coordination Office in Madrid, other committee members and the project office, as well as PBI national groups, carried out public relations campaigns with numerous NGO's, agencies, national governments, parliamentarians, etc. These meetings translate into development and strengthening of a "Network of Support" for the project, an essential tool for the operation of international presence of PBI in Guatemala.

Between 22<sup>nd</sup> of February and 3<sup>rd</sup> March, Jorge López and Zulma Robles, members of OASIS and accompanied by PBI Guatemala participated in Canada in a speaking tour centred on impunity. The tour is part of an activity organized by the three Latin American PBI projects (Guatemala, Mexico and Colombia) and PBI Canada in which human rights defenders from the three countries took part. Jorge Lopez and Zulma used the tour to make people aware of the violence and impunity that sexual diverse communities face in Guatemala and it was a good opportunity for them to highlight the threats and judicial cases currently against OASIS and its members. The itinerary took them to Toronto, Ottawa and Montreal where they met with numerous social organizations, authorities and public institutions of Canada, political figures and international organizations.

In February the project's European representative in Brussels participated in coordination activities with the aim of lobbying with a number of other projects and country groups and also maintained an active participation in various groups of CIFCA in which we are PBI is an observer, such as the Working Group on Guatemala. She also met with representatives from the European Commission.

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

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

#### **COMUNICADO DE PRENSA DE LAS COMUNIDADES AFECTADAS POR LA HIDROELÉCTRICA XALALÁ**

#### **POR QUÉ RECHAZAMOS LA HIDROELÉCTRICA**

1. Porque ese proyecto afecta nuestros derechos a la alimentación, a la salud y a una vida digna.

- Las tierras y los ríos son nuestra vida, de ellas depende la vida de las comunidades.
- Nuestras tierras son fértiles, si nos quitan las mejores tierras acabarán con la seguridad alimentaria.
- Privar a las comunidades de sus mejores tierras de cultivo significa condenarlas al hambre y la extrema pobreza<sup>5</sup>.
- Si se construye la represa se estará violando nuestro derecho a la vida. Al privar a nuestras comunidades de sus medios de subsistencia, el Estado incumple su obligación de proteger y garantizar el derecho a la vida, pues no se nos debe impedir el acceso a condiciones mínimas para vivir con dignidad<sup>6</sup>.

2. Porque viola nuestro derecho a la protección de las tierras indígenas.

- Los terrenos que serán inundados forman parte del tierras históricas del Pueblo Q'eqchí.
- Los empleo que se generen durante tres o cuatro años, o el poco dinero que nos puedan pagar por la tierra no compensa el valor que tiene nuestra Madre Tierra. Para nosotros la tierra no es una simple mercancía, porque de ella depender nuestra vida como personas y como comunidades.

<sup>5</sup> Derecho a una vida digna. La Conferencia Mundial de Derechos Humanos (Viena, 1993) consideró que la pobreza extrema constituye un atentado contra la dignidad humana y que los estados tiene el deber de adoptar medidas positivas, concretas y orientadas a la satisfacción del derecho a una vida digna, en especial cuando se trata de grupos de personas en situación de vulnerabilidad y riesgo. (Artículo 2).

<sup>6</sup> El derecho a la vida. Al privar a las comunidades de sus medios de subsistencia, el Estado incumple su obligación de proteger y garantizar el derecho a la vida, concebido no sólo como el derecho de no ser privado arbitrariamente de la vida, sino también el derecho a que no se le impida el acceso a las condiciones que le garanticen una existencia digna, mediante la generación de condiciones de vida mínimas compatibles con la dignidad de la persona humana, y el deber de no producir condiciones que la dificulten o la impidan. (Resolución de la Corte Interamericana en el caso de la comunidad indígena Yakie Axa, de Paraguay).

- El Estado tiene el deber constitucional de proteger las tierras indígenas y respetar la relación especial de los pueblos con sus tierras y territorios en los términos establecidos en el Convenio 169 de la OIT<sup>7</sup>.

### 3. Por el grave impacto ambiental que tendrá la represa.

- La represa afectará el medio ambiente y no se han hecho estudios de impacto ambiental.
- Se modificará el caudal del agua río abajo, afectando la productividad de las tierras, la pesca y la vida de los animales.
- La experiencia a nivel mundial enseña que las represas pueden aumentar el riesgo de inundaciones.
- No se han realizado los estudios geológicos. El estudio realizado en los años 70s señaló la fragilidad del terreno sobre el que se piensa construir la hidroeléctrica.
- Tenemos duda de la imparcialidad de los estudios encomendados por el INDE, pues serán las mismas empresas interesadas y beneficiarias del proyecto las responsables de la realización de los estudio.

### 4. Porque a 30 años de haberse construido la represa Chixoy no se ha indemnizado a las comunidades afectadas.

- La represa de Chixoy se construyó con mentiras y a costa de la vida de más de cuatrocientas personas que fueron masacradas en el año 82.
- Después de treinta años las familias viven en la miseria y no han sido compensadas por los daños que sufrieron.
- Nos preocupa cuando el Presidente Colom anunció a la prensa, después de haber declarado desierta la licitación para la construcción de Xalalá, que el gobierno podría realizar ese proyecto de la misma forma como se construyó la represa Chixoy.

### 5. Porque las leyes y políticas actuales están hechas a favor de las empresas.

- La legislación actual favorece a las empresas trasnacionales, les ha dejado en sus manos la generación y distribución eléctrica. Gracias a esas leyes la Empresa Eléctrica Guatemalteca –EEGSA- es actualmente propiedad de tres trasnacionales<sup>8</sup>. La trasnacional Unión Fenosa controla el mercado de la distribución de la energía y regula los precios en el Sistema de Integración Energética de América Central –SIEPAC-.
- El reglamento de la Ley de Medio Ambiente dejadas en manos de las empresas que se beneficiarán con la obra, la implementación de la consulta a los afectados.
- Recientemente el Congreso aprobó la Ley de Inversión Público Privada, que facilita la construcción y concesión de estos megaproyectos a las grandes empresas.

### 6. Porque la generación y distribución de la electricidad está en manos de grandes empresas y no al servicio de los pobres de Guatemala.

- A partir de la privatización de la generación y distribución eléctrica los precios al consumidor aumentaron. Empresas internacionales controlan actualmente el mercado centroamericano y la distribución de energía varios países de la región.
- Los planes para aumentar la generación eléctrica se basan en las demandas del mercado mundial más que en las necesidades del país y la interconexión con México y Centro América y no como anuncian demagógicamente para electrificar a los cientos de comunidades rurales que carecen de energía.
- Los proyectos hidroeléctricos serán totalmente financiados y administrados por empresas internacionales, cuyo principal interés no es proveer un servicio básico a los guatemaltecos, sino generar ganancias, sin importarles el impacto social y ambiental que causen.

### 7. Porque la construcción de grandes represas no es la única alternativa para generar energía.

Hace unos años el Banco Mundial comisionó un estudio a expertos conocida como “Comisión Mundial de las Represas”. Los expertos encontraron que las hidroeléctricas más eficientes y las que causan menor impacto ambiental son las pequeñas, utilizando tecnología que aprovecha la fuerza de los ríos sin inundar grandes extensiones y recomendaron al Banco Mundial y a los gobiernos no construir grandes represas. Sin embargo los planes del gobierno insisten en mega proyectos como el de Xalalá.

<sup>7</sup> Derecho al territorio. Conforme al artículo 13 del Convenio No. 169 de la OIT, los Estados debe respetar la importancia especial que para las culturas y valores espirituales de los pueblos interesados reviste su relación con las tierras o territorios, o con ambos, según los casos, que ocupan o utilizan de alguna otra manera, y en particular los aspectos colectivos de esa relación.

<sup>8</sup> Teco Energy, una compañía basada en Tampa, Florida, es dueña del 24 por ciento de la EEGSA a través de una inversión con la española Iberdrola de Energía, S.A. y Electricidad de Portugal, S.A.

## **MIEMBRO DEL SINDICATO NACIONAL DE TRABAJADORES DE LA CONSTRUCCION Y SERVICIOS DE GUATEMALA (SINCS-G) GOLPEADO Y AMENAZADO DE MUERTE**

El pasado 7 de febrero de 2009, Clemente Rubén Pérez Huinac, miembro del Sindicato Nacional de Trabajadores de la Construcción y Servicios de Guatemala (SINCS-G), afiliado a la Internacional de Trabajadores de la Construcción y la Madera (ICM) fue detenido, golpeado y cortado con un machete por individuos desconocidos y luego amenazado con muerte si seguía trabajando en la lucha sindical. Los amenazantes también extendieron dicha amenaza de muerte hacia Julio Antonio Díaz, actual Secretario General del SINCS-G. Según Anita Normark, Secretaria General de la Federación Internacional de Trabajadores de Construcción y Madera (ICM) "Esos recién hechos demuestran que los sindicalistas en Guatemala no tienen la libertad de llevar a cabo sus tareas sindicales sin arriesgar su vida, y que el gobierno no cumple con la implementación de los convenios de la OIT que ha ratificado."

La ICM repudia el ataque y exige por parte de las autoridades policiales y civiles una investigación exhaustiva. Además, exigen el castigo a quienes estén utilizando prácticas de hostigamiento y ataques directos a trabajadores y dirigentes sindicales que solamente están ejerciendo su labor legal conforme a las leyes y a los convenios internacionales de la OIT, OEA y Naciones Unidas, ratificados por la República de Guatemala. En su carta a la Comisaría General de la Policía Nacional Civil de la República de Guatemala, la ICM solicitó un seguimiento a la denuncia y a todas las gestiones policiales que realicen los directivos de SINCS-G. Además, solicitó un informe del resultado de las investigaciones sobre el asesinato el pasado diciembre 2008 del jurista Armando Sánchez Betancourt, quien fue asesor legal de SINCS-G. En conjunto con Pérez, el SINCS-G inició una lucha tenaz para que la empresa constructora Páez Méndez pague las prestaciones laborales que adeuda a 307 trabajadores, quienes fueron despedidos precisamente por causa de la formación de su sindicato, en el Municipio de Coatepeque, Departamento de Quetzaltenango. Recientemente la Confederación Sindical Internacional (CSI) ha publicado un informe sobre las normas fundamentales del trabajo en Guatemala. El informe demuestra cómo los sindicalistas guatemaltecos están siendo discriminados, amenazados e incluso asesinados debido a sus actividades sindicales.

Para leer el informe de la CSI por completo, ver:

[http://www.ituc-csi.org/IMG/pdf/Examen\\_OMC\\_feb2009\\_-\\_Guatemala.final\\_ES.pdf](http://www.ituc-csi.org/IMG/pdf/Examen_OMC_feb2009_-_Guatemala.final_ES.pdf)

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