



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

Election of new members of the Supreme Court of Justice

Guatemala, 26.10.2009 (CEG) – Two of the judges elected to the Supreme Court of Justice (CSJ) by the Congress of the Republic in October had been vetoed by, at least, eight Guatemalan human rights organisations. The Institute for Comparative Studies in Penal Science (ICCPG) Security in Democracy (SEDEM), the Guatemalan Human Rights Defenders Protection Unit (UDEFEQUA), the International Centre for Human Rights Investigation (CIIDH), the [ODHAG], the Centre for Human Rights Legal Action (CALDH), the Survivors Foundation and the Centre of Studies of Guatemala (CEG) presented to Congress a submission of more than eighty pages to support their objection of the election of the lawyers Elda Nidia Nájera Sagustame and Lesbia Jackeline España Samayoa. The documentation presented includes sentences given by appeal courts that contain the decisions of both judges being contrary to the decision of the majority judiciary, in which they support the defence of military officials involved in human rights violations and crimes against humanity. The human rights organisations also expressed their support for the actions of the head of the International Commission Against Impunity in Guatemala (CICIG), Carlos Castresana, in his support of Guatemalan society demanding a transparent and open process that advances justice reform in Guatemala. In total, the Congress received at least 56 denouncements against several of the judges chosen to join the CSJ, among them individuals whom the CICIG considered unsuitable for the role.

Murder of Fausto Otzin, leading indigenous rights defender

Guatemala, 23.10.2009 (AC). – The murder of Mayan lawyer Fausto Otzín Poyón, a leading defender of indigenous peoples' rights, has shocked Guatemalan human rights organisations. He was murdered on 17 October in the municipality of San Juan Comalapa, Chimaltenango, 80 kilometres from the capital. In a press conference, the director of the Centre for Legal Action in Human Rights (CALDH), Mario Minera, said that the killing of Otzín, who was 32 years of age and director of the Association of Mayan Lawyers and Notaries, carried the characteristics of an extra-judicial killing. Minera said that the body of the Mayan intellectual had been found with signs of torture close to a military base in the area, and the intention was to send a message of terror to the population. According to Minera, Otzín had been involved in several cases defending the right to land of the Mayan people against transnational and mining corporations, and had currently been involved in the process to strengthen the Guatemalan judicial system. Minera, representing the human rights movement, made an urgent call to the International Commission against Impunity in Guatemala (CICIG) to investigate the murder and the crimes committed against indigenous peoples: "Just as CICIG has clarified other cases, we want it to investigate these illegal groups which, if they continue to act with impunity, could attack the human rights movement," he said.

Daniel Pascual, leader of the Committee of Campesino Unity (CUC), said that the death of the lawyer followed other crimes committed against community leaders and the Mayan population, ruling out the possibility of coincidence. In September and October there have been four murders of social leaders, among them the teacher Adolfo Ich, murdered in El Estor, Izabal, in the context of a conflict between the *campesino* population and the Guatemalan Nickel Company (CGN), and Gilmer Boror, a youth from San Juan Sacatapéquez, murdered when he was participating in the march of 12 October, Day of Resistance of the Indigenous Peoples. The organisations' spokespersons stressed that it was now incumbent upon the state to effectively investigate and clear up the crimes.

Campesinos call on the Interior Ministry and Prosecutor's Office to investigate the persecution of social leaders

Guatemala, 22.10.2009 (CA).- Leaders of *campesino* organisations met with the Interior Office Minister, Raúl Velásquez, and the chief of the Public Prosecutor's Office (MP), Amílcar Velásquez Zárate, to demand the investigation of the murder and persecution of people who oppose the installation of transnational corporations in their communities. The chief of the Public Prosecutor's Office had promised to deliver, within two weeks, the results of the investigations into the murders, as well as the formation of illegal armed groups, said Daniel Pascual, representative of the Committee of Campesino Unity (CUC). Pascual said that the most recent attack to be denounced was the murder of Gilmer Boror, of 19 years of age, who on 12 October 2009 was fatally shot by an unidentified assailant as he participated in a march on the El Caminero in the municipality of Mixco. "There is criminalisation and persecution on the part of groups contracted by mining companies, cement companies and Nickel companies, and elements of the National Civil Police (PNC). We want the persecution to cease", said Pascual. Another of the demands centred on the withdrawal of the police and army from the properties of private companies, which has been related to cases denounced in El Estor, Izabal, and in San Juan Sacatepequez. The Interior Office minister said he was willing to respond to these demands to keep the dialogue open, and promised to keep them informed of the progress made at the next meeting on 8 November 2009. The *campesino* population is also demanding investigation of extra-judicial executions and persecution of people opposed to the activities of transnational corporations in their communities; the closure of mining companies and the cancellation of operating licences; the closure of the cement plant in San Juan Sacatepequez, the investigation of illegal armed groups in areas where transnational companies are present; integral agrarian reform, the liberation of political prisoners including Ramiro Choc; and an end to forced evictions, which they consider to be illegal.

LAND

Organic agriculture as an alternative for prevention and reparation of the land

Jalapa, 26.10.2009 (AC).- Professionals, community leaders and *campesinos* of El Progreso and Jalapa came together at a regional forum to discuss themes of malnutrition and food security, and where organic agriculture was proposed as the best way to repair the damage caused to the land. According to Hugo Alvizures, of the San Agustín Acasaguastlán Association for Integral Development (ADIPSA), the best way to contribute to the family economy and not to continue causing damage to the land is to return to the ancient practices of agriculture, in which chemicals are not employed. In his opinion, agriculture continues to be an option in the 'dry corridor' of the country, but it is necessary to reorder the agricultural system so that bad practices, such as burning of scrubland, single-crop farming, the use of herbicides, intensive farming and deforestation, lower the quality of the land. In decades past, Alvizures reminded those present, food reserves were bigger and better because, among the cornfields would be found squash, chipilín and amaranth, as well as other wild plants that are also sources of food but which have disappeared since the advent of insecticides. Finally, leaders of San Agustín Acasaguastlán and Santa María Xalapan, Jalapa, shared their experience in this subject, and explained the health and national economic benefits that organic agriculture represent.

NEGATIVE EFFECTS OF GLOBALISATION

Inhabitants of El Estor, Izabal, denounce threats by the Guatemalan Nickel Company

Guatemala, 26.10.2009 (AC).- Inhabitants of the municipality of El Estor, Izabal, have denounced threats and aggressions by personnel of the Guatemalan Nickel Company (CGN), subsidiary of the Canadian company HudBay Minerals. The residents also denounced the lack of intervention on the part of the department's authorities, said José Chub'pano, of the National Front for Struggle (FNL). Chub'pano said that they had turned to the departmental authorities following various acts of violence committed by CGN against the population, but this had only prolonged the discussions without bringing a definitive solution to the problem. He said CGN acted with violence against people who refuse to leave land that for many years they had inhabited and cultivated. Chub'pano also denounced the company's intention to divide the population, by 'buying off' some community members with building materials, hens and food goods.

Congress Commission asks CICIG to investigate conflicts in mining zones

Guatemala, 26.10.2009 (CEG). – The Congress Transparency Commission concluded a review of the mining exploitation licences relating to gold and cement in the country and issued some technical recommendations. Congress member Rosa María de Frade, president of this committee, stressed that in the case of the establishment of the cement factory in San Juan Sacatepequez, they recommended that the International Commission Against Impunity in Guatemala (CICIG) intervene and investigate, given that the confrontations that have taken place there are linked with parallel armed groups. The legislator also stated that it was necessary to determine whether or not the use of cyanide was contaminating the environment of San Miguel Ixtahuacán, Sipacapa and San Marcos, given that the Minister of the Environment and Natural Resources (MARN) had not carried out the necessary assessment.

Community Consultation in the municipality of Cunén, El Quiché: 72 communities express an absolute rejection of mining

El Quiché, 28.10.2009 (AC).- Inhabitants of the municipality of Cunén, in the department of El Quiché, participated in a community consultation in each of their 72 communities, to express their views regarding the use of their land and natural resources. The result was a robust rejection of any national or multinational company involved mining or hydro-electric exploitation. The referendum was arranged by the municipal mayor, Domingo Camaja Santay, and the Council of the Communities of Cunén, under the auspices of the Municipal Code, the Law of Councils of Development and Convention 169 of the International Labour Organisation. Francisco Osmundo Oxlaj Ordóñez, member of council of the communities of Cunén, said the activity was a complete success for the

municipality, as all of the communities voted against mining exploration and exploitation, demonstrating that the people were willing to defend their resources with any and all means available to them to protect their forests and water. "We can't give ourselves the luxury of handing over resources to people and businesses that only want to exploit us. We need to think of the future of our children and grandchildren, otherwise they will have nothing. This is our fear," said Oxlaj.

Sources: Prensa Libre (PL), Siglo Veintiuno (SV), La Hora (LH), El Periódico (EP), Tele Noticiario: Tele Diario (TD), Nuestro Diario (ND), Agencia Cerigua (AC), Diario de Centro América (CA), Centro de Reportes Informativos sobre Guatemala (CERIGUA), Noti Siete (N7), Al Día (AD), Centre for Guatemala Studies (CEG).

2. PBI-GUATEMALA ACTIVITIES – IN GUATEMALA

Team: Marina Comandulli (Italy/Brazil), Christopher Moye (UK), Jessica Fujan (USA), Simone Gessler (Switzerland), Juliane Walter (Germany), Samuel Jones (United Kingdom), Jorge Palomeque (Argentina), Atilio Altieri (Italy)

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 known our objectives and nature of work. Through these meetings, in cases where it is necessary and with a reserved manner, we express our concerns about critical situations that we have come to know first hand from the work we carry out in the country.

Diplomatic Corps:

- Steve Steger, labour and human rights secretary, US Embassy, Guatemala City
- Mainardo Benardelli, ambassador, Italian Embassy, Guatemala City

Guatemalan Authorities:

- Sergio Oswaldo Velásquez Moreno and Byron Arzurdia, engineers, National Commission of Electrical Energy (CNEE), Guatemala City
- Sergio Morales Monzón, Guatemalan Housing Fund (FOGUAVI), Guatemala City
- Iván Díaz López, Popular Housing Development Unit (UDEVIPO), Guatemala City
- Ervin Rolando Ordóñez Vineda, substation chief, National Civil Police (PNC), Jocotán, Chiquimula
- Hugo Leonel Agustín, substation chief, National Civil Police (PNC), San Juan Hermita, Chiquimula
- Medardo Enrique Villafuerte Lemus, vice-mayor, Municipality of Olopa, Chiquimula
- Víctor Manuel López, mayoral adviser, Municipality of Camotán, Chiquimula
- Julio César Estrada Ruano, Jalapa president, Presidential Commission of Human Rights (COPREDEH), Jalapa
- Elmer Guerra, governor of Department of Jalapa
- Hesler Róchale Godínez Velásquez, station subcommissioner, National Civil Police (PNC), Coban, Alta Verapaz
- Enrique Maquin Caal, first councillor, Municipality of Cahabón, Alta Verapaz
- David Pereira Dubón, administrative control officer, Human Rights Ombudsman's Office (PDH), Coban, Alta Verapaz
- Crisanto Asig Pop, fourth councillor, Municipality of Lanquin, Alta Verapaz
- Diego Oxlaj, fifth councillor, Municipality of Cunén, El Quiché
- Ramón Díaz Gutiérrez, mayor of Jocotán, Chiquimula

2.2. MEETINGS WITH CIVIL SOCIETY ORGANISATIONS

The team in the field meets periodically with civil society organisations to follow up on the situation of human rights defenders, to inform one another about the work being done, and to gather information that contributes to internal processes of contextual analysis.

Organisations and individuals from Guatemalan Civil Society:

- Ronaldo Cárdenas, member of the Madre Selva Collective, Guatemala City
- José Cruz, director, Madre Selva Collective, Guatemala City
- Mariano Caal Choc, director of the Northern Indigenous Campesino Unit (UNICAN), Cahabón, Alta Verapaz
- Jerónimo Cucul Manquín, Campesino University (UNICAM), Cahabón, Alta Verapaz
- Francisco Tec Caal, Pinares community leader, Cahabón, Alta Verapaz
- José Gutiérrez, Highland Campesino Committee (CCDA), Guatemala City
- Immediate Alert Network (RAI), Guatemala City
- Romero Nery, Mayan Youth Movement (MOJOMAYAS), Cahabón, Alta Verapaz.
- Carlos Poyón, MOJOMAYAS, Cahabón, Alta Verapaz
- Gerado Tux Ixim, MOJOMAYAS, Cahabón, Alta Verapaz
- Valeriano Manquín, MOJOMAYAS, Cahabón, Alta Verapaz
- Baltasar de la Cruz, MOJOMAYAS, San Juan Cotzal, El Quiché

- Pedro Salvador, coordinator of the Campesino Solidarity Association of Integral Development (ACSDI), Suchitepéquez
- Antonio Tizol Pérez y César Osorio Chávez, president and treasurer of the Campesino Civil Association of Integral Development (ACICADI), Suchitepéquez.
- Bárbara Días, member of Qamolo Q'i, San Juan Sacatepéquez.

International Organisations and Agencies:

- Forum of International Non-Governmental Organisations in Guatemala (FONGI), Guatemala City, Guatemala
- Coordination of International Accompaniment in Guatemala (CAIG), Guatemala City, Guatemala
- Christina Papadopoulou, Office of the United Nations High Commissioner for Human Rights (OACNUDH) in Guatemala, Guatemala City, Guatemala
- Pascual Paradis, director of the Canadian office of Lawyers without Borders

2.3 ACCOMPANIMENTS

Union of Campesino Organisations of the Verapaces (UVOC).

In October, members of UVOC and CNOC carried out a sit-in outside the Governor's Palace in Coban, Alta Verapaz, to demand the approval of the Integral Rural Development Law currently being read in Congress. We accompanied Carlos Morales in Santa Cruz, Alta Verapaz, and, given the alarming increase in violence in the region, we met with several members of the National Civil Police (PNC). We have continued to pay close attention to the situation of families on the La Mocca Ranch: there are no advances regarding the relocation of the community which still finds itself awaiting the allocation of land to which it may relocate. We also maintained contact with several members of UVOC through office visits in the capital and in Santa Cruz (Alta Verapaz).

Background: A campesino organisation based in the departments of Alta and Baja Verapaz, UVOC works principally to defend and promote access to land for the campesino population and advises communities about the land legalisation process. UVOC also offers training and support to member communities in the management of development projects.

*We have accompanied **Carlos Morales**, leader of the UVOC, since May 2005 because he has been the victim of death threats, intimidation, and persecution by unidentified individuals. At the same time, we continue to pay attention to the delicate situation of some of the communities that are part of the organisation. In February 2006, peasant families assisted by UVOC who were living in the La Mocca estate were evicted violently and several were wounded by gunshot. The families of La Mocca continue to live on the side of the highway.*

National Coordinator of Guatemalan Widows, CONAVIGUA.

In October we continued our accompaniment with regular visits to the office and meetings with the Justice and Dignity Programme of CONAVIGUA. We also are monitoring the preparatory work for exhumations in the department of El Quiché. We have broadened our accompaniment to other programmes within the organisation, and in this role we observed several information workshops regarding the construction of a hydro-electric project in Cahabón, Alta Verapaz. We also accompanied members of the Advocacy, Relations and Communication Programme of CONAVIGUA in meetings with the Attorney General and the Minister of the Interior, in which they demanded compliance with agreements signed in January and July of this year.

Background: CONAVIGUA carries out exhumations and inhumations in different departments throughout Guatemala, above all in Quiché, Chimaltenango, and the Verapaces, as part of its work towards the recuperation of the collective memory of Guatemala's recent troubled history. These processes provoke very tense situations in small rural communities where both victims and perpetrators live, occasionally culminating in threats that seek to stop the work of the CONAVIGUA women. We periodically have accompanied the association since August 2003 with visits to their office and accompaniment during exhumation and inhumation activities in clandestine cemeteries in rural areas.

Organisation to Support an Integrated Sexuality to Confront AIDS, OASIS.

Since the prosecution brought against Jorge López was dismissed at the start of September, we have continued to accompany OASIS with regular visits to the office and meetings with López, the organisation's director. We have also followed up on the report made to the Presidential Commission on Human Rights (COPREDEH) by Zulma Robles regarding disturbing telephone calls she received from unknown persons.

*Background: OASIS is an organisation that works with HIV/AIDS education and prevention, as well as promoting and protecting the rights of gay, lesbian, bisexual and transgender people. On 17 December 2005, a transgender worker, Paulina, was killed, the seventh murder of a transgender worker that year. **Zulma Robles**, who witnessed the crime, was seriously injured during the incident. OASIS reported the case to the Public Prosecutor's Office (MP) and Zulma, as a witness to the murder, identified alleged agents of the National Civil Police (PNC) as the perpetrators of the crime. Members of the organisation continued to suffer harassment and threats. Executive Director **Jorge López** reported being pursued by a police car during the night of 22 January 2006. On 3 February 2006 the Inter-American Commission of Human Rights (CIDH) granted protection measures for Zulma Robles, Jorge López, and another eleven members of OASIS, requesting that the Government of Guatemala adopt the necessary measures to guarantee their lives and physical integrity.*

We have been accompanying OASIS since the beginning of 2006. In January 2009, we intensified the accompaniment of Jorge López after he was accused of the attempted murder of sex worker Laila (Axel Leonel Donis González) and a legal process opened against him. The Ninth Court of the First Criminal Instance found that there were no elements linking Jorge López to the charge of attempted murder; but decided to keep him within the process for the possible offence of 'Accessory to the Crime'¹, subjecting him to a substitutive measure of house arrest without surveillance for 6 months, and required to register with a judge every 30 days. Jorge López interprets this process as a new manifestation of the constant persecution and intimidation he has suffered in recent years, which aims to impede the progress of the organisation's work and the respect for the human rights of sexual minority communities.

Fearing for his physical safety, we activated the Guatemala Project's Support Network and stepped up dialogue with Guatemalan authorities, international agencies and embassies present in the country. Between August 2008 and March 2009, with PBI's Mexico and Colombia projects and in coordination with PBI groups in Europe and North America, we organised speaking tours in Europe, Canada, and the United States, for human rights defenders accompanied by our Latin-American projects. Jorge López and Zulma Robles had the opportunity to present to various audiences the situation faced by OASIS and by sexually diverse communities in Guatemala. In February 2009, protective measures granted to OASIS in 2006 by the Inter-American Human Rights Commission (CIDH) went into effect providing Jorge López with 24-hour accompaniment by an agent of the National Civil Police (PNC). The next hearing has yet to be called.

Association for the Protection of Las Granadillas Mountain, APMG

In October we participated as international observers in roundtable talks that included discussion of a licence granted by the National Forestry Institute (INAB) for logging by one of the private landowners on Las Granadillas Mountain. We also accompanied Reverend José Pilar during his visit to the community "El Morrito" in Chiquimula, where he explained the principal problems that APMG has faced in carrying out its work in defence of the forest and water sources on the mountain.

*Background: The association was created six years ago in Zacapa, when a group of residents realised that the ecosystem of the Las Granadillas mountain (Zacapa) was in danger due to logging, monoculture, and large-scale cattle farming. They were concerned above all, that the water reserves would disappear, given that all of the region's water comes from the mountain's forests. The organisation sought the support of the Lutheran Church, specifically from Reverend **José Pilar Álvarez Cabrera**, 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 to 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. Threats against members of the association began when the association tried to denounce the illegal timber trade. We have accompanied the APMG since August 2008. At the beginning of 2009, Reverend José Pilar Álvarez and two members of the APMG faced legal accusations connected to their work of protecting the mountain. The charges were dismissed in the first hearing before a judge.*

Human Rights Defenders Protection Unit (UDEFEQUA)

After three members of UDEFEGUA received intimidating messages on their cell phones in April and May, we have continued our accompaniment with weekly visits to the office, monitoring the security situation during the investigation of these events, and providing support to the organisation's members. UDEFEGUA continues to push for a judicial process to identify the origin of the threats. In addition, we participated in a meeting of the Immediate Support Network (RAI) created by UDEFEGUA with other social organisations. The meeting sought to define the foundation of the network and to find ways of improving member organisations' responses to emergencies and threats.

Background: The Human Rights Defenders Protection Unit (UDEFEQUA) was founded in 2004 with the objective of promoting the security of human rights defenders in Guatemala and contributing to the protection of the political space in which they work. The Unit's programmes support threatened human rights defenders and their organisations and advise them about prevention and response to threats and attacks, through the provision of information, training, monitoring and psychological support. In addition, UDEFEGUA promotes the protection of these people by government institutions and the international community. For many years PBI has maintained a close collaborative relationship with UDEFEGUA and in 2007 provided the Unit with international accompaniment during another period of threats. Following the threats received during the month of May 2009, those affected have denounced the incidents to the Public Prosecutor's Office. Several international organisations have expressed their concerns about what they describe as a "serious pattern of persecution".²

¹ According to the Criminal Code, Article 474 (Accessory to the Crime) : "One is responsible for accessory who without agreement, collusion, or prior arrangements with the perpetrators or accomplices to the crime but with knowledge of the crime, intervenes with anticipation doing any of the following: 1. Hide a fugitive or facilitate his flight. 2. Deny the authority, without justification, access to a suspect, fugitive or criminal that is found in his residence or dwelling of the sought-after person."

² Human Rights First (HRF), Washington Office on Latin America (WOLA), Network in Solidarity with the people of Guatemala (NISGUA), Grassroots International, American Jewish World Service, Latin America Working Group (LAWG), Institute for Peace and Justice – University of San Diego, *Carta al Presidente Álvaro Colom*, 8 May 2009.

Association of Indigenous Women of Santa María Xalapán (AMISMAXAJ)

In October we observed a march organised by the Association of Indigenous Women of Santa María Xalapán, the Xinka Government and the Association of Xinka Communities in Jalapa. The objective of this activity was to follow-up the demands made during the march in September, in which the organisations expressed their opposition to the granting of mining licences in the mountain Santa María Xalapán. The march also opposed the unjust distribution of food packets given out to the population to combat the hunger exacerbated by the drought in the east of the country.

Background: AMISMAXAJ was founded in February 2004 as an association of women workers and became part of the Women's Sector in June of the same year. AMISMAXAJ is made up of 75 women leaders representing 15 Xinka communities from the Santa María Xalapán Mountain (Jalapa). They work at the local, departmental and national levels, from a political position opposed to all forms of patriarchal, neo-liberal, racist, homophobic and lesbophobic oppression, and have established strategic territorial and national alliances to promote their political actions. The association works actively in the region of Jalapa, promoting women's rights, the revitalisation of their Xinka ethnicity and the defence of land and territory. In particular, it is actively working to defend natural resources and oppose plans for mining and petroleum activity in the region.

'New Day' Chortí Campesino Central Coordinator

We visited members of New Day in two communities, Guaraquiche and El Morrito, in order to broaden our international accompaniment to members of the communities carrying out work in defence of their land and natural resources, faced with three hydroelectric projects in this department (see background below). We also observed a workshop organised by New Day and other regional social organisations to inform the communities about the environmental effects of hydro-electric projects and their collective rights as indigenous people. We have presented PBI and its work to various local authorities, and we have continued accompanying members of New Day. We continue to monitor the increase in violence in the area. We are saddened by the killings of several community leaders in Camotán and Jocotán in October.

*Background: 'New Day' Chortí Campesino Central Coordinator is part of the Agrarian Platform, working in the Municipalities of Camotán, Jocotán, Olopa and San Juan Hermita in the department of Chiquimula. It trains rural communities on issues relating to the rural economy, the environment, rights and land, in coordination with other local organisations. It has 7,400 members and a political council made up of 16 people (eight senior members and eight vice-members). Omar Jerónimo is the coordinator of the organisation. In 2006 New Day became aware of construction projects for three hydroelectric plants in two of the department's municipalities: "El Orégano" which would be built on the Rio Grande in the municipality of Jocotán and which would have the capacity to generate 120 megawatts; and "Caparjá", in the municipality of Camotán with a potential of 57 megawatts. They are both projects of the Company **Desarrollo de Generación Eléctrica y Manejo de Recursos Naturales Las Tres Niñas SA** (Development of Electricity Production and Management of Natural Resources Las Tres Niñas Inc). The third project, "El Puente", in Jocotán, is a project of the company **Generación Limpia de Guatemala, S.A.** (Clean Generation of Guatemala Inc) and would have a potential of 27 megawatts. Since learning of the projects, New Day began to inform communities about them and their effects. Members of New Day have received threats and attacks that they relate to this work.*

2.4 FOLLOW-UP

We regularly receive requests for accompaniment from social organisations and human rights defenders who are or who feel threatened. Through international accompaniment, we seek to reduce the threats and open a more secure space in which they can carry out their work. Once the level of risk, the threats, and security incidents suffered by the accompanied organisations and individuals have diminished, we continue the accompaniment in the "follow up" phase. This means that we reduce the physical accompaniment and continue to maintain contact with them through visits and/or phone calls to their workplaces and offices. At the same time, we remain available to respond should they have specific requests for international presence.

We are providing follow-up with these social organisations:

Centre for Human Rights Legal Action (CALDH)

CALDH has had its headquarters in the capital since 1994. It receives reports of human rights violations, directing investigations into the cases and pushing for access to justice. One of its main areas of work is seeking justice in genocide cases and other crimes committed during the internal armed conflict.

We have accompanied CALDH workers on several occasions between 2004 and 2006. In February 2007, members of the legal team received direct threats. That same month, José Roberto Morales Sic, Coordinator of CALDH's Rights for Indigenous Peoples Programme, was the victim of kidnapping by two armed men who threatened to kill him. At that point we began to accompany him on a regular basis. In February 2009, we began to observe some of the organisation's other activities. This came following an increase in threats and security risks because of its active role in the truth process, the recuperation of historical memory and the release of classified military archives relating to its actions during the internal armed conflict.

Association of Friends of Lake Izabal (ASALI)

ASALI, an association in El Estor, Department of Izabal, works to protect Lake Izabal as a source of life and work for the communities in the area. Its concerns centre on the negative effects of mining in the region and the use of intensive agriculture, such as fruit cultivation and the production of biofuels (sugarcane and African palm). Between 2004 and 2007, the president of the organisation, Eloyda Mejía, received several threats related to her work as an activist. These included legal proceedings against her for usurpation of lands, an action that was seen by her and by ASALI as an act of persecution and intimidation on the part of the Guatemalan Nickel Company (CGN) to make ASALI abandon its work. The activities of the CGN project in El Estor have been suspended for the moment. We accompanied ASALI and Eloyda Mejía from 2004, and in 2007 we intensified the accompaniment due to deterioration in the security situation in the region. Recently the organisation elected a new Board of Directors and Eloyda Mejía continues actively involved in campaigns on mining related issues at a national and international level. An analysis of the organisation's security situation revealed a significant reduction in the threats, allowing us to pass the accompaniment to the follow up phase.

The Association of Mayan Lawyers and Notaries of Guatemala (AANMG)

The Association of Mayan Lawyers and Notaries supports and advises indigenous leaders and mayors who are in a vulnerable situation due to their work in defence of human rights and indigenous rights, above all relating to the defence of natural resources. As members and representatives of the association, Amilcar Pop, Carmela Curup and Mario Saper began to suffer threats and intimidation after giving legal advice to the communities of San Juan Sacatepéquez municipality regarding a social consultation about the cement factory project of Cementos Progreso in the area. The threats culminated on 2 August with an attempt on the life of Amilcar Pop. Since August 2008, we have accompanied members of the organisation to San Juan Sacatepéquez and in several judicial hearings. We also have kept in regular contact through visits to the office and phone calls. During recent months the threats have diminished and, as of April 2009, we entered the follow up phase of accompanying the security situation of AANMG. The Association continues to develop its work of advising the communities.

Lesbiradas

The Lesbiradas Collective works to defend and promote the rights of Guatemalan lesbian women, promoting, among other things, women's right of self-determination of their bodies and sexuality. Lesbiradas opposes discrimination, the exclusive patriarchal system and the systematic violence that lesbian women face.

The two accompanied members participate in various social movements, and on three occasions during July 2008 one of them was threatened with death directly by officers of the army and of the National Civil Police (PNC), having a gun pointed at her on 21 July 2008. The events were reported to the Public Prosecutor (MP) and the Human Rights Ombudsman (PDH), as well as to the Human Rights Defenders' Protection Unit (UDEFEQUA). We began to accompany the organisation in the same month. Seeing a reduction in the risk to the security of the accompanied members, as of May 2009 we continue the accompaniment in the follow up phase

The Commission of Peaceful Resistance of San Rafael Pie de la Cuesta (CRP)

The CRP, founded in 2007 in the Municipality of San Rafael Pie de la Cuesta (San Marcos), focuses on the investigation and reporting about a particular hydroelectric project, whose proposed construction in early 2008 was announced by the mayor in September 2007. The project was based on another earlier one that had not been realised, and about which the municipality's population had not been informed.

We began accompanying members of the CRP in December 2007, when some of them were attacked and interrogated by police officers during a meeting after which several members received threats. As a result of a positive evaluation of their security, the accompaniment has been in the follow up phase since November 2008. We continue this accompaniment as part of our objective to accompany the social processes of defence and promotion of human rights relating to the use and exploitation of natural resources, in particular water and mineral resources.

The Movement of Campesino Workers (MTC)

The MTC is made up of campesino community associations that work in defence of their labour rights. Since reporting various threats and intimidation against him towards the end of 2005, we have accompanied MTC coordinator, **Julio Archila** in his work of advising communities and throughout a legal process against him. Since the case was dismissed in August 2008, and the security incidents suffered by the organisation also diminished significantly, we continued our accompaniment in the follow up phase. In 2009 we maintained contact with the MTC, especially with Julio Archila, who now participates in the technical commission set up to address the land issue with representation from the Ministry of Agriculture and Livestock, the Secretary for Agrarian Issues, and the Land Fund (FONTIERRA). This follow up falls under our objective to accompany processes around the struggle for access to land.

In October we concluded our accompaniment of AGAAI, ASALI, AANM and Lesbiradas, following several months of follow-up/monitoring, and following an analysis of the significant reduction in threats, intimidation and security incidents that the organisations face. These organisations, in agreement with this analysis, say they now experience a more secure space for action in which to develop their work. We remain in close contact with them and their members since an application to re-open an accompaniment is possible at any time following a change in circumstances affecting the space in which they carry out their work in the defence and promotion of human rights.

2.5 OBSERVATION

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

In Morazán Park opposite the National Palace in the capital, we observed the 12 October march for the Day of Indigenous Peoples' Resistance. Various social organisations participated including the Mayan Coordinator and Convergence Waqib Kej, the Committee of Campesino Unity (CUC), the National Coordinator of Widows of Guatemala (CONAVIGUA), the Association of Indigenous Women of Santa Maria Xalapan (AMISMAXAJ) and the National Coordinator of Campesino Organisations (CNOC). Outside the capital, on the El Caminero bridge located at the end of the San Juan road in Zone 6 of Mixco, an armed man opened fire on demonstrators. It left Gilmer Orlando Boror, 19, dead and two others injured: Celso Castellanos, 52, and Santos Obdulio Raxón, 14.

On 27 October we observed the community consultation in the municipality of Cunén, El Quiché, on the installation of hydro-electric and mining projects in their communities. The consultation was coordinated by the Council of Communities of Cunén, the Community Development Councils (COCODES), auxiliary mayors, community leaders, religious leaders, teachers from the different villages of the municipality, the Mayor Domingo Camaja Santay, and the Municipal Council. In total, 11,090 adults in 72 communities participated in the consultation and rejected unanimously the installation of these projects. In addition, around 8,000 children invited to participate in the consultation in accordance with indigenous norms indicated their opposition. The activity was supported by observers from the communities of Cunén and social movements from other municipalities and departments, as well as by international observers.

3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA

The regional representatives, the project's coordination office, 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 the development and strengthening of a "Support Network" for the project, an essential tool for the functioning of PBI's international presence in Guatemala.

On 14 October, a future volunteer of the PBI Guatemala along with a former PBI Colombia volunteer met with staff of the Belgian Ministry of Foreign Affairs in support of the PBI Belgium country group. The PBI group met with Kathleen Joppen, whose responsibilities include Colombia, and Noella Putte, liaison for Guatemala

The European representative of the project had a meeting in Brussels with Maria Gotsi, the new Guatemalan liaison for the Foreign Affairs Directorate General of 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.

ASESINATO DE ABOGADO CON EL DISFRAZ DE LA VIOLENCIA COMÚN

Coordinación y Convergencia Nacional Maya Waqib' Kej A la Opinión Pública Nacional e Internacional Denuncia

El cobarde y vil asesinato del abogado Fausto Otzín Poyon de 32 años de edad, la noche del sábado 17 de octubre en el municipio de San Juan Comalapa Chimaltenango, crimen cometido con total saña por sujetos desconocidos.

Otzín Poyon desapareció cuando realizaba visita de carácter familiar en la localidad, siendo hasta el domingo 18 que se localizó su cadáver en el fondo de un barranco, con graves señales de tortura y de heridas de machete en partes vitales del cuerpo.

El profesional del Derecho en su carrera ha sido parte y Director Ejecutivo de la Asociación de Abogados Mayas y promotor de la reivindicación de los Derechos de los Pueblos Indígenas en el ámbito Nacional e Internacional. Últimamente se dedicaba a actividades del Programa de Apoyo a la Reforma de la Justicia auspiciado por la Unión Europea.

Los últimos hechos y aumento de la violencia contra la sociedad, activistas sociales en especial contra la defensa de los Derechos Colectivos e Individuales de los Pueblos Indígenas, tienen en común la saña con la cual los agresores actúan, como los cometidos durante las masacres y genocidio durante el conflicto armado interno, además de tratar de esconder toda evidencia para desviar el hecho hacia la delincuencia común, ante alevoso crimen al Estado de Guatemala;

Exigimos

La inmediata investigación del hecho para detener y procesar a los responsables materiales e intelectuales.

A la Comunidad Internacional

El acompañamiento y presión a las instituciones del Estado de Guatemala, encargadas de investigar y aplicar justicia, para agilizar y responder a las exigencias de la población para una pronta aplicación de la justicia ante lamentables hechos de violencia en contra de profesionales líderes y lideresas mayas que defienden la Madre Tierra y el Territorio.

A la CICIG tomar e investigar este caso ante la presencia grupos paramilitares que operan en el municipio de San Juan Comalapa.

A las Organizaciones Sociales e Indígenas

A levantar y unir todas las voces en contra de la agresión, persecución, criminalización y penalización del que son víctimas líderes y lideresas de organizaciones y comunidades indígenas por exigir respeto en reivindicación de los Derechos Humanos y Colectivos de los Pueblos.

Iximulew Waqib' Kan
Guatemala 23 de octubre 2009

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- PBI GUATEMALA PROJECT-

Oficina del Equipo en Guatemala

3ª Avenida "A", 3-51, Zona 1, Ciudad de Guatemala
Teléfono/fax: (+502) 2220 1032
Correo-e: equipo@pbi-guatemala.org
Página Web: www.pbi-guatemala.org

Oficina de Coordinación del Proyecto

Plaza Manuel Granero 9, Puerta 18;
46006 Valencia (España)
Teléfono: (+34) 963 816 835
Correo-e: coordinación@pbi-guatemala.org