



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

Press freedom under threat in Guatemala, warns UNHCHR

Guatemala, 03.05.2010 (PL).- The freedom of the press in Guatemala is threatened by phenomena such as organised crime and institutional corruption, as demonstrated by the 41 aggressions against journalists registered in the last year, says the Office of the UN High Commissioner on Human Rights (UNHCHR). On International Press Freedom day, Juan Carlos Monge, the body's interim representative in Guatemala, said he was aware of another 10 complaints by journalists to the Special Prosecutor's Office for Crimes against Journalists and Trades Unionists, of the Public Prosecutor's Office (MP). "We are probably going to close the year with similar figures," said Monge. "Last year there were three murders: two journalists and a communicator."

As well as threats, there have also been attacks, like that suffered by the director of the Emisoras Unidas broadcasting company, Luis Felipe Valenzuela, who was shot and injured in Zone 14 of Guatemala City on 9 April. The case is still in the investigation phase. "Apart from being a regrettable incident, it is of particular concern, and we ask the Public Prosecutor's Office to investigate quickly and exhaustively," said Monge. "The obligation of the state is to protect journalists so they can carry out their work in the best possible conditions."

The press freedom index managed by the US organisation Freedom House puts Guatemala in position 132 of 196 countries, with 60 points, classified as one of the places where press freedom exists only "partially". In the 2010 ranking it appears level with Colombia and Mexico, and in position 32 of 35 in the Latin American list.

LAND

Quiché communities reject mining

Guatemala, 06.05.2010 (PL).- On 5 May, delegates of five municipalities of the department of El Quiché demanded that the government cancel mining, petroleum and hydroelectric exploration and exploitation licences in the area. Community leader Francisco Oxlaj said that the municipalities of Cunén, Cajul, Sacapulas, Nebaj and Cotzal were threatened with the appropriation of their natural resources without the prior consultation of the communities, and with no benefit being received in return. He said they had learned about the existence of licence applications for mining in Scapulas, and hydroelectric projects in Cotzal.

The community representatives submitted a report to the parliament members Héctor Nuila and Walter Felix, who called a meeting in the town hall with the Vice-Minister on Energy and Mines, Alfredo Pokus, and the Vice-Minister on the Environment and Natural Resources, Luis Zurita. Nuila pointed out that the demands of the communities were just, given that the trans-national companies benefit, while the communities remain in poverty. In terms of hydro-electrics, Pokus said that he understood the feelings of the people, because to date such projects had not profited the local communities. However, he highlighted the importance of this type of clean energy generation to avoid dependency on hydrocarbons. New hydro-electric projects would try to benefit nearby communities with cheap energy, he said. The Environment Ministry sought to defend the environment, said Zurita.

The El Quiché community leaders also called for a new mining law, drawn up in consultation with the communities, and an end to the criminalization of people demanding respect for environmental rights and human life.

EFFECTS OF GLOBALISATION

Ramsar Convention verification confirms negative impact of oil extraction in Laguna del Tigre

Guatemala, 15.05.2010 (PL).- Petroleum extraction activity has had a negative impact on the Laguna del Tigre National park in Petén, especially as a habitat for aquatic birds, confirmed María Rivera Gutiérrez, Americas adviser of the Convention on Wetlands of International Importance (also known as the Ramsar Convention), at the end of her verification mission in the region.

Despite this, 75% of the protected area was in good condition, she said. Although it was summer and water was low in the wetlands, it was possible to observe that three quarters of the park had retained its biological and water resources, although the rest showed some level of deterioration. She said that the park's situation was complex due to diverse problems – including squatted communities, roads, forest fires, and illegal activities – but the biggest challenge was to regain the governability of the area.

During her visit in Guatemala, María Rivera and Claudia González, Ramsar hydrocarbons consultant, met with authorities from the mayor's office, Congress and various ministries, as well as with social and environmental leaders. From an aircraft they observed conditions in the park. Rivera said the final report would be sent to the Guatemalan Government within two weeks, and that it would contain blunt observations and recommendations. In 1998, the Ramsar Convention carried out a similar verification, recommending that the government not extend the oil contract 2-85, and that it carry out a programme to protect the park.

Jorge Cabrera, of the environmental organisation Kukulcán, said that he hoped the recommendations in the report would halt oil exploitation in Laguna del Tigre. Claudia Santizo, of the National Protected Areas Council (CONAP), said Rivera's observations showed that the conservation of the park was the responsibility of the whole of society and not just one institution.

Inter-American Commission orders suspension of Marlin Mine activities

Guatemala, 22.05.2010 (PL).- The Inter-American Human Rights Commission (IACHR) gave the Guatemalan state a period of 20 days to suspend the activities of the Marlin Mine, which extracts gold and silver in San Miguel Ixtahuacán and Sipakapa, in the department of San Marcos. With the aim of guaranteeing the life and integrity of the inhabitants of these municipalities, most of them of Mam and Sipakapense ethnicity, the IACHR issued cautionary measures, among them the suspension of the mine's activities and the implementation of actions to prevent environmental contamination, until a final decision is taken.

The Commission ask the state to adopt measures to decontaminate the water sources of 18 communities affected by the mine, and to ensure access to water for human consumption. It required that health problems be attended to, to identify people who could have been affected by the contamination and provide the necessary medical attention. Issuing these measures, "the Commission is saying to the state that there is a situation of immediate and irreversible risk", explained María Isabel Rivero, director of communication for IACHR. She said the measures were binding and as such, the Guatemalan state was obliged to comply, although there are no sanctions in the case that it does not do so.

In the IACHR's notification to the state, it requested a report in 20 days' time of the measures taken, and a periodic evaluation of them. It also added that it would decide on any extension after having heard from all parties and evaluated the situation. It also requested a report from the state, to be submitted within 20 days, on "the supposed actions of persecution and harrassment of those opposed to the mine on the part of the authorities and at the request of the company", including information on damages to houses through the use of explosives, and the issuing of arrest warrants against community leaders opposed to the mine.

The magazine Physicians for Human Rights presented a study on the contamination of water and individuals, caused by the Marlin Mine. José Cruz, of the Madre Selva Collective, said the decision of IACHR showed that "the only option left to the communities in the face the the Guatemalan state's violations of its own laws" was to turn to international institutions.

Sources: Agencia Cerigua (AC), Prensa Libre (PL), El Periódico (EP), Diario de Centroamérica (DC), Siglo Veintiuno (SV).

2. PBI-GUATEMALA ACTIVITIES – IN GUATEMALA

Team: Samuel Jones (United Kingdom), Jorge Palomeque (Argentina), Attilio Altieri (Italy), Julia Paola García Zamora (Colombia), Kathrin Bull (Germany), Frauke Decoodt (Belgium), Lena Niehaus (Germany), Aldolfo Pérez-Gascón (Spain), Janieke Janine Nelleke (Holland) and Ricard Martín Hernández (Spain)

2.1. MEETINGS WITH DIPLOMATIC CORPS AND GUATEMALAN AUTHORITIES

Meetings with national and international authorities are an important tool for PBI's efforts to make 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.

International Authorities:

- Manuelka Sessa, programmes officer for human rights, European Union Delegation in Guatemala, Guatemala City
- Julie Chappell, United Kingdom Ambassador, Guatemala City
- Stephen Seeger, in charge of labour issues and human rights, USA Embassy, Guatemala City

- Alexandra Vaulkenburg, Second Head of Mission, Netherlands Embassy, Guatemala City

Guatemalan Authorities:

- Victor Godoy, director of School Coexistence and Violence Prevention Programme, Human Rights Ombudsman's Office, Guatemala City
- Victor Ramos, First Councillor, Municipality of Lanquín, Alta Verapaz
- Rolando Yoc, director of mediation and conflict and incident resolution in public politics, Human Rights Ombudsman's Office, Guatemala City

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.

Guatemalan Civil Society:

- David Montesino, responsible for the Governability Programme, Spanish Agency for International Cooperation for Development (AECID) – Technical Cooperation Office in Guatemala, Guatemala City
- Ana Belén Revelles, adjunct general coordinator, AECID – Technical Cooperation Office in Guatemala, Guatemala City
- Evelyn Blank, journalist, Centro Civitas, Guatemala City
- María Toj, founder of the Campesino Unity Committee (CUC), Guatemala City
- Gabriel Gámez, communicator, ProPetén Foundation, Flores, El Petén
- Héctor Cab, coordinator, Oxlaju Association, La Libertad, El Petén
- Javier García and Encarnación García, members of the Social and Pastoral Care Office (Pastoral Social) of the Apostolic Vicariate, San Benito, El Petén
- José Alberto Flores, representative of the Guatemalan Human Rights Commission, Guatemala City

International Organisations and Agencies:

- International Accompaniment Coordinator in Guatemala (CAIG), Guatemala City
- Susane Kersten, country coordinator, Forum Syd, Guatemala City
- Natalia Armstrong, coordinator of the United Nations Volunteers Programme in Guatemala, Guatemala City

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA

In May we continued our regular visits to the CONAVIGUA office in the capital. Our concern about threats made to several of its members continue, and in particular the case of the lawyer Jorge Morales Toj and Patricia Yoj Pol, who have reported being watched in their home and receiving threatening phone calls. On 22 May we observed a workshop facilitated in Nebaj (El Quiché) by CONAVIGUA on the effects on the environment of hydroelectric projects.

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, during its members' journeys to different departments of the country, and in exhumation and inhumation activities in clandestine cemeteries in rural areas. Due to increasing requests on the part of communities in which CONAVIGUA works, the organisation expanded its work in the areas of legal and organisational advisory services to communities that are in the process of self-management. San Juan Sacatepéquez is one of the areas where CONAVIGUA is accompanying this process.

Organisation to Support an Integrated Sexuality to Confront AIDS, OASIS

We continue our accompaniment of OASIS with regular office visits and meetings. We also have had regular meetings with Zulma Robles, following up on the complaint she filed after receiving suspicious anonymous phone calls.

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. Director of OASIS, **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. Jorge López interpreted 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. On 29 September 2009 Jorge's case was dismissed by the Ninth Court of the First Criminal Instance.

Association for the Protection of Las Granadillas Mountain, APMG

We accompanied APMG to a meeting in the Governor's Office of Zacapa, in which participated the governor, Héctor Arnoldo Aguirre Cantoral, representatives of the Environment Protection Division (DIPRONA) and the National Civil Police (PNC). The APMG, the Madre Selva Collective and the 'New Day' Chortí Campesino Central Coordinator, expressed their concerns about the state of Las Granadillas Mountain, and requested that it be declared a protected area.

On 18 May, we observed a new meeting between the same public institutions (governor, DIPRONA and PNC) and the APMG, accompanied by various NGOs, representatives of different churches, and other social actors. During this meeting, the APMG asked for the rectification of a report drawn up by the PNC and DIPRONA, in which members of APMG were accused of threatening illegal actions such as blockading the highway to stop the passage of trucks transporting timber from the Tashoro estate, or mobilising the La Trementina community to bring about a blockade. The APMG said there was no basis to the accusations and requested their retraction. Two days later, during a meeting with the same actors, the PNC and DIPRONA agreed to carry out an investigation and draw up a new report. They later did this, rectifying the accusations in the new report.

*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.*

Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ

We held several meetings with AMISMAXAJ members in May.

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 Xinca 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 Xinca 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

On 17 May, we observed a meeting between representatives of different churches and communities of the north-east of Guatemala, in which participated various social organisations: New Day, the Camoteca Campesino Organisation, the Association for the Protection of Las Granadillas Mountain and the Madre Selva Collection, among others. Those present shared their concern about the approval of plans for the construction of the El Orégano hydro-electric project, about the Public-Private Alliances law, and the criminalization of community leaders in Chiquimula and Zacapa.

At the beginning of May, a member of New Day, Omar Jerónimo, was assaulted close to the Agrarian Platform office in Guatemala City. We are concerned about the increased insecurity and vulnerability of several of New Day's members, especially following the release from prison of an individual who previously threatened one of them for reasons relating to his work with the organisation. We

also continue actively monitoring the situation of the communities who may be affected by the Technological Corridor project, the official launch of which took place in Camotán at the end of October 2009.¹

*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 megavolts; and "Caparjá", in the municipality of Camotán with a potential of 57 megavolts. 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 megavolts. Since learning of the projects, New Day began to inform communities about the projects and their effects. Members of New Day have received threats and attacks that they relate to the work they carryout. In September one of their members was victim to a gun attack close to the community.*

Camoteca Campesino Organisation

In May we travelled to Camotán on several occasions to meet with different members of the Association. On 17 May, we observed the elections of the Community Development Council (COCODES) in the village of El Achanco, in Camotán municipality, Chiquimula, where several members of the Association live and work. The Chortí Community Association of Jocotán was also present.

The security situation of Association members continues to be critical, due to threats against some of its members. We are particularly concerned by the death threats received by Carlos Hernández and Santos Vázquez.

We continue monitoring the communities that may be affected by the Technological Corridor project, the launch of which took place in Camotán at the end of October 2009.

Background: The Camoteca Campesino Organisation was founded in 1988, made up then of health promoters and midwives of the municipality of Comatán, department of Chiquimula. At that time, the association was called Committee for Oversight and Defence of the Resources of the Municipality of Camotán. In 2002, it was renamed the Campesino Association of Camoteca Farmers. Currently, the Camoteca Campesino Organisation is an active member of the Coordinator of Popular, Indigenous, Union, and Campesino Organisations of the East (COPISCO).

Its primary objective is the defence of life and of natural resources, and its ultimate goal is the search for well being for human beings and the natural world in which they live. Today, it is made up of 718 associates who monitor compliance with the laws and who follow up violations of human rights in the eastern region. They maintain a close relationship of cooperation with the New Day' Chortí Campesino Central Coordinator, in particular with regards to land, agriculture, and defence of the environment.

When the association learned of construction plans for three hydroelectric plants, "El Orégano", "Caparja", and "El Puente" (see above in the background of New Day' Chortí Campesino Central Coordinator) and for the Technological Corridor, they began work on awareness building and information in the communities about the effects of the mega-projects on the environment and on their economic situation.

Qamoló kí Aj Sanjuani - People of San Juan Unite

In April we maintained contact with the members of the organisation.

We continue following the court cases of several of the organisation's members. One of the current concerns centres on the defence lawyer's resignation and the failure to appoint a replacement. We are also concerned about the conflictivity and violent incidents in the communities and about the distribution in the communities of flyers containing defamatory statements about the organisation's members, something that has been happening again after first occurring some months ago.

Background: Qamoló kí Aj Sanjuani-People of San Juan Unite is an organisation that brings together neighbours from diverse communities in the municipality of San Juan Sacatepéquez, participating in the movement for the defence of territory and natural resources in the region. Since 2006, the Guatemalan company Cementos Progreso S.A. has been working on 'project San Juan', which includes the construction of a factory and a quarry in the San Gabriel Buena Vista estate and the villages of San Jose Ocaña and San Antonio las Trojes I and II. Cementos Progreso has an 80% share in the project, while the remaining 20% belongs to the Swiss multinational company Holcim, the worlds largest cement producer.

¹ At a cost of US\$12bn, the infrastructure project known as the Technological Corridor seeks to link, by 2015, Guatemala's Atlantic and Pacific coasts. It will comprise the construction of a four lane motorway linking Pedro de Alvarado, Moyuta (Department of Jutiapa), with the port of Santo Tomás de Castilla (Department of Izabal), crossing the departments of Chiquimula, Zacapa, Izabal and Jutiapa. It will also include the construction of a train line and a gas pipeline.

In January 2007, several San Juan Sacatepéquez communities submitted an application to the municipality for a community consultation about the installation of the factory. The consultation, however, was deferred until finally it was revoked. As a consequence, by means of their Community Development Councils but without backing from the municipalities, the communities decided to reactivate the process. They held a consultation on 13 May 2007 with the participation of 8,950 people. 8,946 voted against and 4 in favour of the installation of the factory. The Municipal Council, along with the mayor, agreed to take into account the results of the consultation prior to the authorisation of any licence for construction. Since then, the residents of San Juan Sacatepéquez have made numerous complaints about human rights abuses and a fierce campaign of criminalisation against them.

The recent verdict by the Constitutional Court (CC) in November 2009 suspended the April 2007 decision of the San Juan Sacatepéquez Municipal Council, which had left without effect the application by the neighbourhood to hold its community consultation. The decision by the CC found in favour of the appeal made by the Community Councils for Development of El Pilar I and II, Sector 1 of San Antonio Las Trojes, the village Lo de Ramos and the hamlet Cruz Ayapán, urging the Municipality of San Juan Sacatepéquez to organise a new community consultation so that the population could have a say about the mining exploitation. Although the resolution recognises the rights of the indigenous population to be consulted and should be taken into account by the Executive Body, the results would not have a binding effect. The Kaqchiquel communities of San Juan Sacatepéquez, through their legitimate authorities, have continued make known their availability for dialogue with legal and democratic mechanisms to seek agreements of benefit to the community.

Cunén Communities Council

On 5 May we accompanied the Cunén Communities Council to the Congress of the Republic, where we observed the submission of the record of the declarations of 134 communities in five municipalities of the north of El Quiché, who declared their position on the exploration and exploitation of natural resources in their territories. As well as 130 community representatives, also attending were representatives of the Ministry for Environment and Natural Resources (MARN, the Ministry for Energy and Mines (MEM), the Human Rights Ombudsman's Office (PDH), and members of Congress. The Vice-Minister for Environment and Natural Resources offered to meet with the Communities of Cunén in the near future.

During this month we have continued following up on the meetings that the Council held with the municipal body, and we accompanied its members to a meeting on 12 May, in which they discussed problems identified by the communities with the National Civil Registry (RENAP) and the high cost of street lighting in Cunén.

Our presence in the area has allowed us to remain attentive to events in the area, acquiring information about the situation and the context of work being done to protect land and natural resources, sharing information about the situation of human rights defenders and meeting with different local actors.

Background: The Council was established at the first communities' assembly in San Siguán. It is made up of 22 members from eight micro-regions of Cunén. The 22 members were named by their communities. One of the principal focuses of the Council's work is the defence of land and natural resources. In October last year they organised a community consultation on mining and hydro-electrical exploitation activities, and mega-projects in general; around 19,000 people from 71 communities voted against. PBI observed part of the preparation process and the realisation of the consultation.

Human Rights Defenders Protection Unit, UDEFEGUA

This month we accompanied members of UDEFEGUA during investigation and verification trips to the department of El Petén, where members of social organisations have received threats because of their work linked to the defence of natural resources, in particular their opposition to oil extraction activity. We were in Flores, San Benito and La Libertad. We continue paying special attention to the security situation of UDEFEGUA members and hold frequent meetings in their office in the capital.

Background: The Human Rights Defenders Protection Unit (UDEFEGUA) 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

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

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.

individuals have diminished, we continue the accompaniment in the “follow up” phase. This means that we reduce the physical accompaniment but 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:

Vera Paz Union of Campesino Organisations, UVOC

On 22 May we accompanied UVOC during its visit to Senahú, where the community that was evicted from the La Mocca estate has now been relocated. Although after a long process of many years, and with the support of UVOC, the community has achieved access to land, they now face a lack of water on the new terrain.

On 23 May, we accompanied members of UVOC to a hearing of a criminal and employment case involving residents of the El Crepúsculo community, located in the village of Pasmolón, in the municipality of Tac Tic (Alta Verapaz). The families that had lived there for more than 20 years, during which they worked for the owners, were evicted in July 2009 by the National Civil Police (PNC) and the army. We remain concerned about the threats received by some members of UVOC and continue to monitor and show our presence in the area and among the communities where the organisation works.

Background: UVOC is a campesino organisation based in the departments of Alta and Baja Verapaz that works principally to defend and promote access to land for the peasant population, and it advises communities about legalisation of their lands. 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.*

Centre for Human Rights Legal Action, CALDH

In May we have held regular meetings in the organisation's office.

Background: 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.

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

In May we monitored the tense situation in the San Marcos department which is due to a conflict between the Spanish electricity provider Unión FENOSA (DEOCSA in Guatemala) and communities from several municipalities. The government currently maintains the state of prevention³ in the area that was decreed on 22 December 2009, and has been extended for the twelfth time. Given the tensions in this context, and especially the deaths of several people actively involved in condemning the abuses of electrical energy provision over recent months, we have maintained our presence in the region and met with several local actors, among them Julio Archila, a member of the Peasant Workers Movement (MTC), whom in the past PBI accompanied for several years.

Background: 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.

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.

³ The first and lowest level of official public alert.



On 5 May we observed the submission to the Congress, the government (Ministry for Environment and Natural Resources, MARN, and the Ministry for Energy and Mines, MEM) and to the Human Rights Ombudsman's Office (PDH) of the record of the declarations of 134 communities in five municipalities of the north of El Quiché (Nebaj, Chajul Cotzal, Sacapulas y Cunén), which declared their position on the exploration and exploitation of natural resources in their territories.⁴ During the meeting with the public authorities, 130 community representatives expressed their essential demands:

1. The immediate cancellation of the licences already granted in their lands and territories for reconnaissance, exploration and exploitation for minerals, oil or hydroelectric projects.
2. No further granting of licences for the exploitation of the natural resources of the present communities. That is, the cancellation of all applications that have been presented to the MEM.
3. The annulment of the present Mining Law, and formulation of new legislation jointly with the communities, to guarantee that it will be favourable to their life, development and environment.
4. To the Judiciary and the Supreme Court of Justice: guarantee the life of the individuals, families and communities, and do not allow the persecution and criminalization of people or communities that defend their own rights, their lands and natural resources.
5. Respect the word, the opinion, the decision and the self-determination of the communities, on their own lives, their own projects and their own lands. Comply with national and international rules that guarantee the self-determination of the present and future of the original peoples of the country.

In short, they summarised their demands as respect towards the indigenous peoples – in this occasion, of the north of El Quiché - and the necessity to guarantee “the water and the earth for the people, not the companies”.

The representative of the PDH present at the event said the declarations “record that the indigenous peoples use dialogue and peaceful methods to demand that the state protect and conserve natural resources, and particularly water, forests and rivers, that are fundamental elements in guaranteeing a dignified life”. He urged MARN and MEM to recognise and protect the historic and social rights of the indigenous peoples, and noted that in 2009 President Colom had committed himself to not extending licences for the exploration and exploitation of natural resources during his administration.⁵

On 36 May, we accompanied the lawyer Edgar Pérez to a court hearing in Retalhuleu. He is the legal representative of Jennifer Harbury, widow of Efraín Bámaca Velásquez and co-plaintiff in the case. The well-known “Bámaca case” is trying to legally clarify the disappearance of a guerrilla combatant captured by the army on 12 March 1992, and later forcibly disappeared. Recently, the Inter-American Court of Human Rights ordered the Guatemalan state to revise the case. In December 2009, the Guatemalan Supreme Court of Justice ordered it to be reopened in the national courts.

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 and parliamentarians, etc. These meetings translate into the development and strengthening of the project's “Support Network”, an essential tool for the functioning of PBI's international presence in Guatemala.

The project's European representative, Kerstin Reemtsma, met in Brussels on 5 May with the European Parliament Member (MEP) Peter Liese, member of the Central American Delegation the Euro-Latin-American Assembly of the European Parliament. On 11 May she met with the MEP Inés Ayala Sender, also a member of the Central American Delegation.

⁴ The declarations record (*memorial de memoriales*) is available via this link (in Spanish):

<http://resistenciadlp.webcindario.com/pdf/manifiestosixiles.pdf>

⁵ A video of the activity is available here: <http://resistenciadlp.webcindario.com/index.php?v=B2YzW0oWM-g>

On 5 May, Kerstin met with María Gotsi, responsible for Central America in the External Relations of the European Commission in Brussels.

The project's coordinator, Cristina Barbeito, participated in the activities of the fourth Linking Alternatives (EA) forum, between the 14th and 16th of the month in Madrid. The EA has developed as an alternative space for social participation, parallel to the Summit of Chiefs of State of the European Union-Latin America and the Caribbean in Madrid. More than 100 Spanish organisations organised the event, and the programme included a meeting of the Peoples' Permanent Tribunal (PPT), workshops organised by social and international organisations, cultural activities and protests. Among others, PBI Guatemala participated in:

- Opening ceremony of the peoples' summit
- PPT sessions, in particular:
 - Case against Gold Corp (countries of origin Canada, Ireland, Norway, Sweden), for its impact on Guatemala in the mining sector. The organisations that presented the case before the Tribunal were the Miguelense Defence Front (FREDMI), Collecif Guatemala (France), Norwegian Church Aid, Solidarity Sweden-Latin America, and the Council of Western Peoples. The PPT condemned Gold Corp
 - Case against Union FENOSA (and other companies: Preneal, Acciona, Gamesa, Endesa, Iberdrola), for their actions in Guatemala, Mexico, Nicaragua and Colombia) (the companies' countries of origin Spain and England). Several organisations presented the case, including CEIBA, the National Front for Struggle (FNL), Associació de Amistat amb el Poble de Guatemala
 - Case against the Italian company ENEL for its actions in Chile, in the electrical energy sector (dams)
- Meeting of Guatemala committees
- Workshop: Impacts of the activities of trans-national companies on indigenous rights
- Workshop: Genocide and struggles against impunity: Argentina, Guatemala, and the Spanish State

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 EL GRUPO GUATEMALTECO DE MUJERES (GGM) DENUNCIA QUE LOS CAIMUS SUFREN DE HOSTIGAMIENTO Y AMENAZAS DE SEGURIDAD

Los Centros de Apoyo Integral para Mujeres Sobrevivientes de Violencia (CAIMUS), son lugares cuya finalidad es resguardar la vida, seguridad e integridad de las mujeres que sufren violencia, de sus hijas e hijos. Hace más de 18 años, Grupo Guatemalteco de Mujeres (GGM) asumió el reto y el compromiso de acompañar a las mujeres sobrevivientes de violencia en el primer Centro de Apoyo Integral que existió en Guatemala (Marie Langer: 1991). En aquellos días, la violencia no era un problema reconocido socialmente, no se identificaba como una violación a los derechos humanos, y tampoco constituía un delito. Durante estos 18 años, GGM ha trabajado no solamente para fortalecer e institucionalizar a los CAIMUS como respuestas efectivas, eficaces y con calidez humana para responder a las demandas de las mujeres, sino también, ha contribuido a la transformación de la percepción de la problemática, promoviendo desde el movimiento de mujeres y feministas, la aprobación de leyes, políticas públicas y mecanismos para el avance de las mujeres, dirigidos a prevenir, atender, sancionar y erradicar la violencia.

Los CAIMUS son producto de años de investigación, asesoría, acompañamiento, historias de vida de mujeres, niñas y adolescentes, y de los aportes significativos de mujeres profesionales de las distintas disciplinas que han colaborado en la creación y recreación del Modelo de Atención Integral con el que funcionan los CAIMUS (abogadas, psicólogas, trabajadoras sociales, sociólogas, médicas, comunicadoras).

Pese al compromiso humanitario, a la lucha por el respeto de la dignidad de las mujeres y de sus derechos y viniendo a sumarse a la ya difícil situación de inseguridad que vive nuestro país, actualmente los CAIMUS enfrentan una AMENAZA de inseguridad, por parte de personas malintencionadas que pretenden destruirlos, no obstante haber probado ser una respuesta eficaz para atender integral y profesionalmente a las sobrevivientes de violencia, y estar en el marco de la ley (Decreto 22-2008) y de las políticas públicas (Plan de Equidad de Oportunidades y PLANNOVI 2004-2014).

Una vez más, la convicción de GGM de contribuir a erradicar la violencia contra las mujeres en Guatemala, se mantiene firme, aún y cuando este compromiso constituya un riesgo para las mujeres involucradas en esta lucha, la cual se impulsa desde un marco ético y de respeto a la vida y dignidad de quienes depositan en nosotras la confianza de darles el acompañamiento necesario en los momentos que lo han necesitado; esta acción de boicotear el trabajo realizado en los CAIMUS viene a sumarse a las grandes dificultades que día a día nos vemos en la necesidad de enfrentar, lamentando que al final, con estas acciones a quienes se perjudica es a las mujeres que acuden y necesitan de los servicios que se brindan. A pesar de todo esto, el trabajo continuará, ya que velar por la seguridad de las mujeres es una responsabilidad del Estado, al cual GGM contribuye con su experiencia y conocimientos desde hace 22 años, y que ha servido para abrir la brecha de las posibilidades de respuesta integral para las mujeres sobrevivientes de violencia a nivel nacional.

Por lo anterior, GGM **DENUNCIA** que personas acechan los CAIMUS de día y de noche y han pretendido vulnerar la seguridad y estabilidad emocional de las mujeres, del equipo multidisciplinario de atención, y de las integrantes de GGM. Lamentablemente, reconocemos que esta es una estrategia para destruir a los CAIMUS, los cuales se crearon a partir de la historia de dolor y sufrimiento de mujeres que han enfrentado la problemática de violencia en el país. Asimismo, denunciaremos que funcionarias y funcionarios y personas particulares, se han dado a la tarea de difamar –sin fundamento- la atención que se brinda en los CAIMUS, y la utilización de los fondos públicos que GGM recibe desde hace dos años, para el funcionamiento de los CAIMUS, desconociendo la ejecución presupuestaria transparente y sin tacha que hemos realizado.

Ante esta situación, GGM públicamente **SOLICITA**:

1. A funcionarios y funcionarias: no dejarse sorprender por información inexacta y malintencionada sobre las organizaciones que impulsamos los CAIMUS. Seguiremos proporcionando la información necesaria que se nos requiriera para evitar la desinformación.
2. A los medios de comunicación: que la veracidad, imparcialidad, ética y periodismo investigativo continúen siendo guías en su trabajo.
3. A los mecanismos de la Mujer: su apoyo y solidaridad ante esta amenaza que está repercutiendo en la seguridad de las mujeres y colaboradoras de los CAIMUS.
4. A las organizaciones de mujeres y feministas: Su solidaridad y acompañamiento en este proceso de denuncia y de investigación que hemos iniciado.
5. A la Comisión Interamericana de Derechos Humanos (CIDH) y a la Relatora Especial de Naciones Unidas contra la violencia hacia las mujeres, sus causas y consecuencias: A que den seguimiento a nuestra denuncia y sigan atentas y vigilantes a lo que suceda en este hecho.

A las mujeres sobrevivientes de violencia les reafirmamos nuestro compromiso firme de continuar apoyándoles y acompañándoles.

LA VIOLENCIA CONTRA LAS MUJERES ES UN DELITO Y EL FEMICIDIO TAMBIEN!!

Guatemala, 6 de mayo del 2010.

UDEFEGUA: ALERTA URGENTE 3 – 2010

La Unidad de Protección a Defensoras y Defensores de Derechos Humanos – Guatemala-, a todas las organizaciones de derechos humanos y sociales y defensoras y defensores informa lo siguiente:

Después de muchos años en los que no se presentaban **allanamientos y robos a oficinas de organizaciones defensoras de derechos humanos**, hemos observado que en las últimas semanas del presente año, ha habido cierta incidencia en este tipo de ataques a las instalaciones de nuestras organizaciones, por lo cual **recomendamos tomar las siguientes medidas**:

- 3 **Actualización semanal (back up) de archivos informáticos**
- 4 **Al actualizarlos, es importante depositar una copia de la información en un lugar seguro, fuera de la oficina**
- 5 **Al retirarse de las oficinas recordar cerrar archivos y escritorios con llave y asegurarse de que todas las puertas se encuentren cerradas correctamente.**
- 6 **Mantener control sobre las llaves de las instalaciones**
- 7 **Observar cualquier situación anómala en los alrededores del lugar donde se ubica la oficina**
- 8 **Registrar los incidentes por insignificantes que parezcan, para hacer análisis de seguridad posteriormente y de manera periódica**
- 9 **No permitir el ingreso de personas extrañas al interior de las instalaciones (servicio de basura, agua y otros servicios)**
- 10 **Extremar las medidas de seguridad personales, en la casa, calle u oficina.**

Guatemala, 21 de mayo de 2010.

IGLESIA LUTERANA DE GUATEMALA - ILUGUA

Les comunico que Carlos Enrique Zanabria Ruis, Nelson Neftaly Sanchez y Carlos Hernández, dirigentes sindicales del sindicato Nacional de Trabajadores de Salud de Guatemala en el departamento de Chiquimula, están siendo amenazados, acosados e intimidados por denuncias y exigir información de Q. 13.000,000.00 de un préstamo hecho para mejoras del hospital de Chiquimula, la construcción de una cancha de fútbol dentro del perímetro urbano del hospital y su posible trámite de privatización de dicha cancha que hoy autoridades tratan de cubrir y defender cada vez más sospechosa forma de administrar los fondos públicos. Les suplicamos solidaridad y publicidad ante la sociedad pues en este centro asistencial se han muerto seres humanos por mala atención.

Además les informo: En reunión celebrada el día miércoles en el Congreso entre representantes de la empresa Tres Niñas S.A, Alcalde y unos 7 representantes de COCODES del municipio de Jocotán, Chiquimula, con la presencia del Diputado Baudilio Hichos

y el Viceministro de Ambiente y Recursos Naturales toman la decisión de aprobar la construcción de la hidroeléctrica EL ORÉGANO, sin la anuencia de las comunidades, acosando a los líderes de las comunidades, que si no aceptan dichos proyectos incluso se les quitará la ayuda de Mi Familia Progresista, por lo que a la sociedad les pedimos solidaridad para el pueblo Chortí y repudiar esta forma prepotente y descarada de saquear, desplazar y asesinar a nuestro pueblo.

Iglesia Luterana en solidaridad con el pueblo indígena Chorti

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- PBI GUATEMALA PROJECT-

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