



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

MIP - MONTHLY INFORMATION PACKAGE – GUATEMALA

Number 109, October 2012

1. CURRENT NEWS
2. PBI GUATEMALA ACTIVITIES: WITHIN GUATEMALA
 - 2.1 MEETINGS WITH GUATEMALAN AUTHORITIES, DIPLOMATIC CORPS AND INTERNATIONAL ENTITIES
 - 2.2 MEETINGS WITH CIVIL SOCIETY ORGANISATIONS
 - 2.3 ACCOMPANIMENT
 - 2.4 FOLLOW-UP
 - 2.5 OBSERVATION
3. PBI GUATEMALA ACTIVITIES: OUTSIDE GUATEMALA
4. NON-GOVERNMENTAL ORGANISATIONS

1. CURRENT NEWS

IMPUNITY

Sentence confirmed for former patrol officers who took part in the Plan de Sánchez massacre in 1982

Guatemala, 23.10.2012 (PL). On 23 October the First Court of Appeals confirmed the sentences given on 20 March to a former commissioner and four former officers of the Civil Self-Defence Patrols (PAC) by the First Court A for High Risk Cases. The former commissioner, Lucas Tecú, and officers Santos Rosales García, Eusebio Geleano, Julián Acoj and Mario Acoj (brothers) were sentenced to 7,680 years in prison for murder, and an additional 30 years for crimes against humanity. A custodial sentence of 50 years is the maximum served under Guatemalan law. The individuals had been found guilty of taking part in the massacre of 256 people in the village Plan de Sánchez, Rabinal, Baja Verapaz, in 1982. The Court rejected the appeals, lodged in April, which had sought acquittal on the grounds of irregularities in the legal process. The defence lawyers had pleaded the Law of National Reconciliation as a ground of appeal.

Witnesses to the massacre spoke of the men seizing family members from their homes, torturing them, shooting them with assault rifles, and then burning them in one of the homes in the area. The Court found that the military had attempted to hide evidence in order to prevent prosecution of the perpetrators. Jazmín Barrios, President of the Court, concluded that the massacre was a reprisal for the community's presumed support of the guerrilla movement. He continued: "During the trial it became clear that they tortured and burnt the victims to remove evidence and guarantee impunity."

The court heard testimony from an anthropologist who had discovered a hidden burial site containing some of the victims' remains. Of the 256 skeletons recovered, 88 individuals were identified.

A report of the Public Prosecutor showed that women in the community had been raped and tortured prior to the massacre. Statements were given by 47 survivors, and a further 158 sets of records and specialist reports were used to identify the victims using DNA analysis. The Court also had regard to military reports relating to the commencement of the *Plan Victoria 82* operation. The massacre occurred during the period of the *de facto* government of General José Efraín Ríos Montt (1982-1983). The prosecution had been delayed for many years.

Transfer of trial of military officers accused of killing six *campesinos* in Totonicapán

Guatemala, 26.10.2012 (EP). The prosecution of nine soldiers accused of killing six *campesinos* on 4 October in Cumbre de Alaska, Totonicapán, has been transferred from Sololá to the First Court A for High Risk Cases in Guatemala City. Judge Carol Patricia Flores will preside over the case.

On the afternoon of 4 October, the Committee of the 48 cantons of Totonicapán together with representatives of those communities was forcibly stopped by the army at Km 170 of the Pan-American Highway, Cumbre de Alaska. It is believed that this was a response to the communities' demonstration against constitutional reform, education reforms and the high cost of electrical energy.

As a result of the armed intervention, six people died, around 18 were injured¹ and several were poisoned. At the same time, a meeting was taking place in Guatemala City between representatives of the 48 cantons of Totonicapán and the commissioner for dialogue, Miguel Ángel Balcárcel. It was hoped President Otto Pérez Molina would attend, but in the end he did not.

According to the UN Committee against Torture (CAT), employing military forces and using firearms at evictions, or forcible

¹ Note from PBI: the total number of deaths and injuries reported in the media varies, depending on the press source used. Some sources report a total of eight deaths and a higher number of injuries.

interventions at demonstrations or public meetings, may constitute torture.

LAND

NGO and Guatemalan cooperatives criticise the Government's track record on combating famine

Guatemala, 10.10.2012 (LH).- Helmer Velásquez, Executive Director of the Coordinating Body of NGOs and Cooperatives (CONGCOOP), believes the government has failed in its attempts to provide aid and food to the poor. He highlighted grain production programmes which should have already begun, but have in fact failed to materialise. In the face of this, Velásquez says CONGCOOP has drawn up a proposal for a programme specifically aimed at subsistence *campesino* corn producers, which will incentivise economic development among families.

According to the organisation, there has been no clear progress to date, despite the Government assigning large budgets to food aid programmes and rural development. CONGCOOP also criticises the budget management of several programmes aimed at combating famine in the country, in particular the Programme for Food and Nutritional Security and Plan Zero Hunger. In Velásquez's opinion, the failure to implement these budgets and provide an impetus for agricultural production has shown "incompetence, but, more fundamentally, has exposed this government's indifference to the famine suffered by its population".

CONGCOOP's proposal includes an increased land endowment with a rental subsidy (long-term lease with option to buy) and state intervention which will not only secure *campesino* access to good-quality land, but also determine a maximum price for renting each land measure (one land measure equals 1.75 acres). Furthermore, the proposal shows that State purchase of agricultural produce in countries such as Brazil and Argentina has boosted local *campesino* economies, because local producers are guaranteed both a market and secure prices. The approach also leads to the consumption of, and access to, healthier and less costly food.

According to the UN Food and Agriculture Organisation (FAO), there has been no significant progress in the fight against famine in Guatemala; the situation has in fact worsened.

NEGATIVE EFFECTS OF GLOBALISATION

Communities oppose the construction of the Xalalá hydroelectric plant in Ixcán

Guatemala, 26.10.2012 (EP, PL, LH). Mayan Ixil communities have continued their opposition to both a new tendering process to build the Xalalá hydroelectric plant, and investigations determining which areas of Ixcán, El Quiché, have oil. Statements were given by representatives of the communities after Members of Parliament and authorities from the Ministry for Energy and Mining (MEM) and the Ministry for the Environment and Natural Resources (MARN) met in Congress. The debate became tense when Concepción Gómez, Mayor of San Juan Cotzal, El Quiché, highlighted the National Institute for Electrification's (INDE) role in hiding details about the negative impact of the dam's construction. He concluded by saying, "We oppose the megaproject, which would affect 58 communities."

The communities handed authorities an official letter showing the outcome of local consultations in Ixcán and Uspantán in 2007. The megaprojects were rejected for their exploitation of the natural resources in the areas concerned. The communities asked MEM to cancel ministerial agreements authorising the start of work on the Xacbal hydroelectric plant and oil exploration projects in Ixcán (El Quiché) and Barillas (Huehuetenango).

Rodas Solares, Deputy Minister for Energy at MEM, said the projects were positive and argued that their aim was to harness the potential of renewable energies, which would in turn reduce the cost of electricity. Amílcar Pop, Member of Parliament and President of the Court for Transparency, requested respect be shown to locals' fears that a failure at the plant could lead to floods in neighbouring areas.

OTHER

United Nations assesses Guatemala's human rights record

Guatemala, 24-25.10.2012 (SV, PL). The United Nations Human Rights Council undertook the second Universal Periodic Review² (UPR) of Guatemala on 24 October in Geneva (Switzerland). In 2008, Guatemala was assessed, alongside other countries, for the first time on matters concerning human rights, security and justice. Recommendations made to the government included: the urgent need to combat violence against women, augment protections for children and means for fighting discrimination, the right of consultation of indigenous populations, abolition of the death penalty, and its duty to guarantee the security of human rights defenders and journalists among others. It adopted a total of 43 commitments which were reviewed this year.

Before listening to the Human Rights Council's recommendations, the Guatemalan Government gave a presentation in which it highlighted its acceptance of the Rome Statute (which acknowledges the International Criminal Court's jurisdiction to rule on "serious crimes that concern the international community"), the approval of a law against femicide and the creation of associated specialised courts, as well as new laws and a commitment of resources (a Ministry) to combat the mistreatment of citizens. The presentation also referred to the establishment of a Ministry for Social Development and its related programmes.

² The UPR is a UN mechanism that took effect in April 2008. It examines the human rights practices of each of the world's States once every four years. The following can be found on the UN website: detailed information about the UPR process, Human Rights Council Sessions papers and all documentation which is relevant to the exam (e.g. State reports, compilations and summaries from the Office of the High Commissioner for Human Rights (OHCHR), NGO contributions, records of recommendations made to the States, online recordings of UPR sessions, videos etc. -).

Representatives of indigenous and human rights organisations from Quetzaltenango and Cobán, Alta Verapaz, complained that the report delivered by Guatemala's delegation to the UN did not paint an accurate picture. "The report was technically elaborate but does not reflect reality in Guatemala with regard to human rights matters. There are many facts, legal initiatives and social programmes which have not been adequately implemented," said Udiel Miranda, member of the legal commission for the Council of Mayan Villages of the West, in Quetzaltenango. Isabel Ortiz, from the international organisation Diakonía, said in Cobán, "Little was said about the rights of the indigenous, especially what happened in Totonicapán. This State took part in a massacre, and that was nowhere to be seen in the report."

Of the 193 UN Member States represented in the Human Rights Council, 58 recommended that Guatemala pay due attention to the vulnerable sections of its population.

Sources: Agencia CERIGUA (AC), El Periódico (EP), Prensa Libre (PL), Plaza Pública (PP) Siglo Veintiuno (SV).

2. PBI-GUATEMALA ACTIVITIES: IN GUATEMALA

Team: Ilaria Tosello (Italy), Phil Murwill (United Kingdom), Christa Hijkoop (Netherlands), Lucía Gorosito Guajardo (Argentina/Spain), Claudia Molina (Argentina), Aline Herrera (Switzerland/Mexico), Kristel Best Urday (Peru), Valdivia Moutawali (Netherlands), Raquel Rojo Diez (Spain) and Johannes Stiebitz (Germany).

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 our objectives and the nature of our work known. 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 across the country.

International Authorities and other international entities in Guatemala:

- Jacques Remmerswaal, First Secretary - Governance and Human Rights, Embassy of the Kingdom of the Netherlands, Guatemala City.
- Alexandre Guyot, Assistant Director and Adviser, Swiss Embassy, Guatemala City.
- Sindre Stemshaug Bornstein, Second Secretary, Royal Norwegian Embassy in Guatemala, Guatemala City.
- Alberto Brunori and Christina Papadopoulou, Human Rights Representative and Human Rights Officer, respectively, Office of the High Commissioner for Human Rights (OHCHR), Guatemala City.
- Akira Kusunoki, Adviser, Japanese Embassy, Guatemala City.
- Jennifer Echeverría, Cooperation and Human Rights Officer, Delegation of the European Union to Guatemala, Guatemala City.
- Juan José Perussina, Finance Officer, Delegation of the European Union to Guatemala, Guatemala City.
- Manuel Lejarreta, Spanish Ambassador to Guatemala, Guatemala City.
- Miguel Ángel Encinas and David Montesinos, Coordinator and Head of Programmes, Technical Cooperation Office (OTC) in Guatemala, Spanish Agency for International Development Cooperation (AECID), Guatemala City.
- Kristine Erlandsson Juárez, Second Secretary, Swedish Embassy, Guatemala City.
- Joost Hamelink, Politics and Human Rights Coordinator, Dutch Embassy, San José, Costa Rica.

Guatemalan Authorities:

- Agent Morales, National Civilian Police (PNC), Jocotán, Chiquimula, Guatemala.
- Officer González Madrid, PNC Precinct 11, Guatemala City, Guatemala.
- Cecilia Aguirre, Assistant, Human Rights Ombudsman's Office (PDH), Jalapa, Jalapa.
- Sergio Peña, Assistant, PDH, San Juan Sacatepéquez, Guatemala.
- Luis Alfonso Palma Espinoza, Governor, Guatemalan Regional Government, Guatemala City, Guatemala.

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 the processes of contextual analysis on specific issues in Guatemala.

Guatemalan Civil Society:

- Lolita Chávez, Member of the K'iché Town Council (CPK), Santa Cruz del Quiché, El Quiché.

International Organisations and Agencies:

- Coordination of International Accompaniment in Guatemala (ACOGUATE), Guatemala City.
- Wilson de los Reyes, Coordinator, Impunity Watch, Guatemala City.
- Assembly of the Forum of International Non-Governmental Organizations (FONGI), Guatemala City.

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA.

We maintained regular contact with CONAVIGUA members throughout October with telephone calls and frequent visits to their office in Guatemala City.

Background: In its pursuit of justice, dignity and the recovery of Guatemala's historical memory, CONAVIGUA carries out exhumations and inhumations of the remains of victims of the internal armed conflict in different departments throughout Guatemala, above all in Quiché, Chimaltenango and the Verapaces. These processes provoke very tense situations in rural communities where victims and perpetrators live side by side, occasionally resulting in threats aimed at stopping the work of the organisation and its members. CONAVIGUA was founded by women who were widowed by the war, although today men also participate in the organisation. We have accompanied the association since August 2003, visiting its office and joining its members on journeys to regions where the association is currently developing its 'Justice and Dignity' programme. In recent years CONAVIGUA has experienced several critical security issues, including death threats received by members in 2010. Analysis of the risks and security incidents faced by the association today suggests its work fighting impunity, and the security of its members, should continue to be monitored.

Association for the Protection of the Las Granadillas Mountain, APMG.

This month we maintained regular contact with APMG and its members through telephone calls. APMG continues focusing part of its work on having the Las Granadillas Mountain declared a protected area.

We were also present at a meeting arranged by the Reverend José Pilar Álvarez, who is a member of both the Lutheran Church of Guatemala (ILUGUA) and APMG, and Alberto Brunori, representative of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Guatemala. Representatives from the Centre for Human Rights Legal Action (CALDH), the Madre Selva Collective and members of 'New Day' Chorti Campesino Central Coordinator (of Chiquimula) also participated. The aim of the meeting was to make OHCHR aware of a letter the company Las Tres Niñas S.A. sent to these organisations, in which they are accused of, among other things, influencing community opinion to oppose the work of Las Tres Niñas. The company has planned the construction of the El Orégano hydroelectric plant in Jocotán. Those accused believe the letter undermines, distorts and ignores the benefits of the important role that the communities play, and the work of the organisations and their members carry out as social movements defending the economic, social, cultural and environment rights of the people of the region. The work extends to defending communities affected by megaprojects and plans for future hydroelectric exploitation, but who have not yet been consulted. Land rights (both territorial and freedom to enjoy land), environmental rights, access to food and the consultation of indigenous people on issues that affect them are key issues for the region's communities and priorities for these organisations. Previous experience has shown that negative comments about those who take part in these social processes, and the organisations which support and accompany them, only serve to perpetuate a lack of understanding and to reduce the likelihood of conflict resolution. Further, they expose participants to intimidatory acts and high-risk situations. In light of this, the international community's role in promoting human rights, and the monitoring of negative reactions to social actors involved in securing those rights, is still a critical component of human rights work in the region.

Background: APMG was created in 2003 in Zacapa to protect the ecosystem of Las Granadillas Mountain (the principal source of water and natural diversity in the region) due to diverse threats identified by the local population, including illegal logging, monoculture, deforestation, large-scale cattle farming and the diversion of water sources. Since its foundation, the organisation has been supported by the Lutheran Church in Guatemala (ILUGUA), led in the region by Reverend José Pilar Álvarez Cabrera, and the Madre Selva Collective. It works in alliance with various organisations and collectives in the region. One of APMG's goals is to have the mountain designated a protected area. In March 2012, the National Council for Protected Areas (CONAP) presented a proposal declaring the area protected. However, existing economic interests in the land have made APMG's work dangerous, and its members have faced diverse types of persecution and threats, including legal proceedings, which were later dismissed. These events began after they denounced the illegal logging trade and started, with the population of the La Trementina community, a process of permanently monitoring the licences granted and logging carried out on the mountain's private estates. We have accompanied APMG since August 2008 and, since then, have observed the spaces for dialogues the Association has participated in with public authorities and private actors, in order to promote the defence of economic, social and cultural rights in Zacapa and the region. One of the most serious security issues of recent years took place in 2010, when José Pilar Álvarez experienced death threats, defamations, prosecution and was taken into police custody in relation to the ongoing

conflict with Juan José Olavarrueth, owner of the mountain's Tachoró³ estate. The Association and several members of the La Trementina community have been portrayed negatively by Zacapa's public authorities. Indeed, since April 2012, legal charges have been brought by the Governor of the department, Carolina Orellana, against three members of APMG for acts of protest against deforestation. The Technology Corridor megaproject, soil and food production issues, and the exploitation of natural resources (communities are neither informed of nor consulted on the latter) are key concerns for APMG and feature prominently in the collaborative work they conduct with other collectives and communities in the region today.

Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ.

We continued regular contact with AMISMAXAJ members in October through telephone calls and travelled to the region to develop our accompaniment and international observation work. The Association, along with women from other organisations and different areas of the country, took part in a meeting with defenders of human, economic, social, cultural and environment rights (DESCA) on 4 and 5 October in Jalapa. It afforded participants a secure environment in which to share information, experiences, concerns and the security precautions they take in their work.

AMISMAXAJ also took part in the organisation of 'IV Festival Xinka' and associated activities. The festival was celebrated on Santa María Xalapán Mountain on 16 October. A presentation of Xinka traditions was given and the Association's women informed those present about their stance on mining in the region.

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 in opposition 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 the Xinka ethnicity and the defence of land and territory. In particular, it is actively working to defend natural resources and to monitor and raise awareness about plans for mining and oil extraction in the region. Since our accompaniment of AMISMAXAJ began in July 2009, the organisation has strived to improve political and feminist education in the region. Indeed they now have their own school in which to do so. Various members of the organisation were subjected to grave death threats in 2009 and 2010, due to the work that they carry out. Based on security incidents in the past, risks faced today and the security situation of its members, the Association's work combating the infringement of women's rights, and those of indigenous people and DESCA, should continue to be monitored.

'New Day' Chortí Campesino Central Coordinator, CCCCND.

We maintained regular telephone contact with members of the organisation in October. We were present in the region, holding meetings with various social actors and public authorities. We observed land-measuring activities in the village of Matasano (Jocotán), carried out by the Land Survey Registry (RIC).

We also maintained our presence outside the Peace Court, in order to secure a conciliatory hearing between community actors and two people who had been linked by them to the hydroelectric company that operates in the region.

The communities have expressed their concern about the possibility of the army monitoring properties in the region.

Background: 'New Day' Chortí Campesino Central Coordinator is part of the Agrarian Platform, working in several municipalities in East Guatemala (including Jocotán, Chiquimula, Camotán, Olopa and San Juan Hermita), in the department of Chiquimula. It trains and informs rural communities on issues relating to the rural economy, the environment, rights and land, in coordination with other organisations in the region. In 2006, New Day became aware of the planned construction of three hydroelectric plants in two of the department's municipalities: the projects El Puente and El Orégano in Jocotán and the project Caparjá, in Camotán. They form part of the largest project of the Electrical Interconnection System for Central American Countries (SIEPAC). As part of its work, the organisation has shared this information with communities in the area, enabling the evaluation and analysis of the environmental effects and impact on local economies that these, and other development projects planned for the region, may have. They carried out this work in relation to the project initially known as 'Dry Canal', then the 'Technological Corridor', and most recently as the 'Interoceanic Corridor of Guatemala' (ICG)⁴, which is intended to link the Atlantic and Pacific coasts of Guatemala. This in turn forms one part of the most ambitious regional plans produced under the Mesoamerican Project (successor of the Plan Puebla-Panama, PPP). Members of New Day say the lack of information provision to, and consultation of, Chiquimula's communities by public institutions is a constant source of conflict. Community authorities have therefore been present at meetings and discussions with the Guatemalan firm, Las Tres Niñas S.A., which seeks to implement the El Orégano hydroelectric plant project. They have highlighted the need to consult local inhabitants before implementing megaprojects in the area. In 2012, in addition to the court summons issued to community members of Las Flores, Jocotán, the firm has sent several letters to various organisations and international community actors in Guatemala, portraying community actors and the social organisations that work in the area in a negative light.

PBI has accompanied New Day since 2009. Several members of the association have received threats and attacks, including

3 PBI Guatemala, "Legal Action Against Human Rights Defenders: Overview of the Current Context and its Consequences", Bulletin No. 23, Guatemala, 2011.

4 <http://www.c-interoceanico.com/index.html>

death threats and intimidatory acts, as a result of their work with the communities.

People of San Juan Unite.

This month we continued our accompaniment of the organisation and maintained regular contact with its members. We met with members of the Las Trojes I and Loma Alta communities in the San Juan Sacatepéquez municipality. We also maintained our weekly presence in Santa Fe Ocaña, another of the municipality's communities, during community meetings and on another date met the assistant Mayor there. We received information about the arrival of two patrols (one army and one police) at Santa Fe Ocaña on 20 October. The population of several villages met to request withdrawal of the military. As a result, papers were signed showing a promise made by the army not to return to Santa Fe Ocaña and its neighbouring communities.

We met women from the Association of Sanjuanera Women⁵, which coordinates educational activities at a community level. The women told us the reasons why the withdrawal of the army had been demanded, citing fear and continual harassment from the soldiers.

This month, the community of San Juan Sacatepéquez presented a petition to Congress reclaiming the three summits considered sacred in the area. Ultimately, they wish to be able to enjoy them again holding ceremonies, such as the upcoming Baktun celebration. James Anaya, a special rapporteur for the United Nations on the rights of indigenous people, recommended a letter be sent to the Guatemalan government and the company Cementos Progreso "in order to avoid the potential construction of a cement factory and ensure no extraction of raw materials takes place in San Juan Sacatepéquez."

Background: Q'a molo Q'i San Juan-People of San Juan Unite is an organisation that brings together neighbours from diverse Kaqchikel communities in the municipality of San Juan Sacatepéquez, that participate in processes which defend territory and natural resources in the region. Since 2006, the Guatemalan company Cementos Progreso S.A. has been pushing on with the San Juan project, which includes the construction of a factory and a quarry in the San Gabriel Buena Vista estate, which is located among the villages of Cruz Blanca, Santa Fe Ocaña, El Pilar I and II, Los Pajoques, 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. On 13 May 2007, without the support of the municipality, the communities of San Juan Sacatepéquez carried out a community consultation on the factory's installation. 8,950 people participated, of which 8,946 voted against and four in favour of the factory. The dialogue process, which involved various Guatemalan authorities and public institutions, concluded without offering any means of resolving the conflict.⁶ For more than six years, the 12 communities⁷ resisting the San Juan Sacatepéquez project have made numerous complaints about human rights abuses, threats and, in particular, a criminalisation campaign against them, which has maintained its intensity in 2012. Their key demands continue to be the permanent withdrawal of the army from the communities; and compliance with their rights under national and international law. PBI has accompanied Q'a molo Q'i San Juan since December 2009, following a request from the organisation due to threats and persecution experienced by several of its members and the communities it represents.

Council of Cunén Communities, CCC.

We maintained weekly telephone contact in October with members of the Council of Cunén Communities. The CCC took part in the rally entitled 'National Movement for the People's Life and Dignity' on 23 October in Santa Cruz del Quiché, at which we were also present.

Background: On 14 January 2009, the communities of the Cunén municipality, department of Quiché, held a meeting to initiate a process that would better defend their territory, natural resources and human rights. At this meeting, the CCC was formed. It consists of 22 directly elected members from eight micro-regions of Cunén. One of the main focuses of the Council's work is the defence of their land and natural resources. In October 2009, they organised a community consultation on mining and hydroelectric exploitation and the construction of hydroelectric plants, among other mega-projects, planned for the Municipality. PBI observed part of the preparation process as well as the consultation itself, in which approximately 19,000 people from 71 communities voted against the aforementioned projects. We began our accompaniment of the Council in February 2010, due to the security risks faced by persons actively promoting the right to land, territory and natural resources in the region, and in following up with the community consultation.

Guatemalan Human Rights Defenders Protection Unit (UDEFEQUA).

We made several visits to the UDEFEGUA office in Guatemala City and frequently met with organisation members during October. We also accompanied UDEFEGUA on its visit to Totonicapán, after the events of 4 October, in which *campesinos* taking part in a

5 Asociación Grupo Integral de Mujeres Sanjuaneras (AGIMS).

6 Further background information in the PBI Special Report published in 2010:

http://www.pbi-guatemala.org/fileadmin/user_files/projects/guatemala/files/english/Mujeres_Completo_ING.pdf

7 The expression '12 communities in resistance' refers to communities and individuals directly affected by, and in direct opposition to, the San Juan Project. The term is used when these actors sign communiqués and public statements, and it acknowledges the fact that the majority of the communities' members oppose the Project. It reflects the sentiment expressed in the consultation process and that which has been documented in public activities. There are of course nuances, with some having stronger opinions than others. There are also advocates of the San Juan Project and divisions within the communities regarding the matter. However, we believe the expression "12 communities in resistance" best describes reality in the region, as observed by PBI *in situ*.

demonstration were killed, following an armed intervention by the army (see 1. Current News, above). In our accompaniment of UDEFEGUA we also observed a meeting they organised with the Women's Defence Network⁸ in Quetzaltenango.

Background: The Human Rights Defenders Protection Unit (UDEFEGUA) was founded in 2004 to promote the security of human rights defenders in Guatemala and helps protect the political space in which they work. The Unit's programmes support threatened human rights defenders and their organisations and advise them about preventing and responding to threats and attacks, through information, training, monitoring and psychological support. UDEFEGUA also lobbies for the protection of human rights defenders by government institutions and the international community. For many years PBI has maintained a close collaborative relationship with UDEFEGUA and in 2007 had already offered to provide the Unit with international accompaniment following a period of threats. After the Unit reported threats to the Public Prosecutor's Office (MP) in May 2009, PBI reactivated its accompaniment. Since then, UDEFEGUA has reported some critical security situations, highlighting an illegal raid on one of its member's homes and tampering with the vehicle of one of its members in March 2010. We continue our regular visits to UDEFEGUA's office, carry out periodic meetings with its staff, and accompany them on visits to various Departments in the country. The visits allow the Unit to develop its work and strengthen its analyses by investigating and verifying reports of attacks on human rights defenders.

Verapaz Union of Campesino Organisations, UVOC.

We maintained regular contact with UVOC members in October through telephone calls and meetings. Furthermore, we accompanied members of the organisation on its journey to round-table talks on agrarian conflict in the Land Fund office (FONTIERRA) in Cobán (Alta Verapaz).

Background: UVOC is an indigenous and campesino organisation which focuses on defending and enabling access to land for campesino people in the departments of Alta and Baja Verapaz. Amongst other activities, UVOC offers advice to numerous rural communities on land ownership, accompanies communities on activities involving the protection of their land, and participates in formal discussions on related matters. The organisation ensures these discussions are tailored carefully, to squarely confront the well-documented land disputes and agrarian conflict in the region. PBI has accompanied UVOC since 2005, after its members experienced serious threats and intimidatory acts. Carlos Morales, UVOC coordinator, and members of communities which form part of the Union have been subjected to death threats, and various forms of intimidation and persecution, on several occasions. In addition to the Rural Development Law, UVOC publically demands an end to evictions and violence in the region, led by State and non-governmental actors. The Union monitors agrarian issues, and has warned of a deteriorating situation in many localities since the beginning of 2012. In February 2012, PBI drew the international community's attention to concerns about the atmosphere UVOC has to conduct its work in. Threats are made to its members and several communities the organisation accompanies and supports in the region, in particular the community of La Primavera (in the municipality of San Cristóbal, Alta Verapaz) and San Miguel Cotojox (on the municipal and departmental border of Panzós, Alta Verapaz, and El Estor, Izabal)⁹.

Human rights lawyer Édgar Pérez Archila.

We maintained regular contact with the lawyer Édgar Pérez Archila in October through telephone calls and frequent visits to his legal practice in Guatemala City. The lawyer has publicly stated that the defence strategy of relying upon the Law of National Reconciliation in the prosecutions of men accused of genocide in Guatemala, is incompatible with human rights principles. The crime of genocide is without prescription (meaning, it cannot 'expire' or be annulled). It is therefore one of the exceptional cases when the aforementioned law cannot be called on. Pérez also highlighted the work of the magistrate César Barrientos, President of the Penal Chamber of the Supreme Court of Justice (CSJ), for his support of trials investigating serious human rights abuses. Significant legal advances were also supported by Barrientos, such as the automatic applicability of sentences handed out by the Inter-American Court of Human Rights (CIDH) and the presentation of a legal initiative which would allow victims access to legal aid and comprehensive reparations.

Background: In August 2010 we began the accompaniment of lawyer and human rights defender Edgar Pérez Archila in his work defending justice and battling impunity. Pérez and his legal team work on proceedings related to massacres committed during the internal armed conflict and other cases of past and current human rights violations. We accompany him because of the trials' importance in the fight against impunity and the fact Pérez has experienced various security incidents in recent years. Pérez and his legal practice are involved in legal proceedings related to: the forced disappearance, torture and extrajudicial execution of the guerrilla commander Efraín Bámaca Velásquez in 1992; the massacre of the Las Dos Erres community in 1982; the massacre of the community of Río Negro, Alta Verapaz, in 1982; and the prosecution for genocide that has been pending before a number of Guatemalan tribunals since 2000.

National Police Historical Archive, AHPN.

We maintained frequent contact with AHPN staff this month through telephone calls and periodic visits to its facilities and meetings.

⁸ La Red de Mujeres Defensoras.

⁹ PBI Guatemala Alert, 06.02.2012, [http://www.pbi-guatemala.org/los-proyectos/pbi-guatemala/noticias/spanish-news-holder/?no_cache=1&L=1&tx_ttnews\[tt_news\]=3302&cHash=0df06cb73a25a4353bb73ac0d8948d74](http://www.pbi-guatemala.org/los-proyectos/pbi-guatemala/noticias/spanish-news-holder/?no_cache=1&L=1&tx_ttnews[tt_news]=3302&cHash=0df06cb73a25a4353bb73ac0d8948d74)

In October, the Archive received requests for information from, among others, the Public Prosecutor's Office (MP) and survivors of human rights offences. The Access Unit's response rate to user information requests was estimated at 80%. The Archive expressed thanks to various embassies and international entities (Switzerland, Holland, Sweden, Spanish, Germany, Canada and the EU) for their support of its work in a public letter this month.

The AHPN continues its project (Memorial de la Concordia) of a building in memory of the peace accords, as a constructive response to the legacy of the armed conflict. This will therefore involve the participation of social organisations and actors, with the ultimate aim is to secure a space for dialogue in the country.

Background: The AHPN was discovered by chance in 2005, by staff of the Human Rights Ombudsman's Office (PDH), when they carried out preventative procedures relating to the storage of explosives in Guatemalan public security force buildings. In a building in Zone 6 of the capital (built during the internal armed conflict to house the National Police (PN) hospital, although never used as such), 80 million documents were discovered, abandoned, piled up and poorly conserved. This is the historical-administrative documentation of the PN, from its creation in 1881 to its closure in 1997. The institution's participation in the commission of human rights violations during the internal armed conflict was documented by the Historical Clarification Commission (CEH). In its report "Guatemala: Memory of Silence", CEH affirms that the PN was an operative body for army intelligence, serving as the facade of the G-2, and acted on its orders in the majority of cases. During the CEH investigation, various state bodies, including the Interior Ministry and the PN itself, repeatedly denied the existence of archives or documentary materials that would assist an investigation into human rights violations. Following the first phase of work headed by the PDH to recover the documentation and then create the conditions necessary to allow public access to it, work since 2010 has centred on the institutionalisation of the Archive, the search for political, legal and administrative certainty, the technical stabilisation of the resource and the initiation of procedures to ensure permanent, public access to its contents.

Today the AHPN forms part of the General Archive of Central America, its title and control is the responsibility of the Guatemalan Ministry of Culture, and it functions exclusively on the basis of donations and funds from international cooperation. The Archive is also a member of the International Coalition of Sites of Conscience, as the building which houses it was used as a clandestine detention centre by the PN during the armed conflict. Well-known Guatemalan human rights activists participate in the direction, coordination and documentation recovery work, and also promote public access to the information it holds. 150 people work on the tasks of conservation, organisation and archival description. As of 31 March 2011 more than 12 million documents have been digitalised, including more than 19,000 books. To that date they had received 4,503 requests for information, to which they have responded with the provision of 45,020 documents (1,001 to victims' relatives and 1,298 to the Public Prosecutor's Office (98% of these to its Human Rights Office).

2.4 FOLLOW-UP

We regularly receive requests for accompaniment from social organisations and human rights defenders who are being, or who feel threatened. Through international accompaniment, we seek to reduce the threats they receive and to open up a more secure space within 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 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 currently are providing follow-up accompaniment to the following social organisation:

Camoteca Campesina Association, ACC

We held meetings and maintained regular telephone contact with members of ACC in October. Among the organisation's concerns this month were the presence and planning of megaprojects in the region, the privatisation of schools and the public authorities' failure to recognise *campesino* and indigenous organisations.

Background: The Camoteca Campesina Association was founded in 1988, made up of the then health promoters and midwives of Camotán (Chiquimula). Now the association is an active member of the Coordinator of Popular Indigenous Unions and Eastern Campesinos (COPISCO) Its primary objective is defending life and natural resources and its ultimate aim is well being of the people and the land they live on. It is now made up of 718 associates who monitor whether laws are complied with and follow up violations of human rights in the eastern part of the country. They have a long-term relationship of cooperation and alliance with the 'New Day' Chortí Campesina Central Coordinator, especially with regards to community information about the land, agriculture and protecting the environment. When the association heard of the plans to build hydroelectric plants El Puente, El Orégano and Caparí (see background to the accompaniment of 'New Day' Chortí) and the Technological Corridor project which affected several towns in the department, they started work informing the communities about the effects of these megaprojects on the environment and the economic situation. PBI has accompanied the association since 2009. One of the most serious security issues faced by the organisation in recent years took place in November 2010, when two of its members were arrested and accused of serious crimes. In the result, the charges were settled with a fine and the pair were banned from promoting or participating in any protest activities from April 2011 to April 2012.

2.5 OBSERVATION

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

On 5 October, we observed the meeting convened by the 48 cantons of Totonicapán, which condemned the tragic events that took place at Cumbre de Alaska on 4 October. The army intervened with an armed operation on civilians who had met to oppose the high cost of electrical energy and government plans for constitutional and educational reform (see 'Current News' above). Thousands attended the funeral, which commemorated five people killed that day. It took place at the municipal capital of Totonicapán's central park.



Demonstration in front of the Presidential House showing solidarity with the population of Totonicapán, Guatemala City, 04.10.2012. Photos: PBI 2012



Ceremony in Santa Cruz del Quiché, El Quiché, showing solidarity with the population of Totonicapán, 23.10.2012.

On the same afternoon we observed a demonstration in the capital in front of the Presidential House, coordinated by various social collectives and human rights organisations to demonstrate solidarity with the people of Totonicapán.

On 12 October, we observed the first hearing in the trial of the soldiers accused of extra-judicial killings in Totonicapán. We also observed the peaceful march that took place in the capital on the same day. It commemorated the indigenous people's Day of Resistance and, on this occasion, was dedicated to the memory of those killed in Totonicapán on 4 October.

The mayors of the 48 cantons mobilised people throughout the country on 23 October, under the banner 'National Movement for the Life and Dignity of the People'. It was supported by the Council of the People of the West (CPO). We also observed the march that covered three kilometres, from the outskirts of Santa Cruz del Quiché, El Quiché, to the department's government building in the town centre. Protesters demanded approval of the Rural Development Law, an end to militarisation in the area and the annulment of the licenses granted to transnational companies permitting the exploration and exploitation of natural resources in the region.

On 17 October, we observed a press conference arranged by various social organisations (Centre for Independent Media, Waqib' Kej and the Assembly of the People of Huehuetenango, among others) at the Madre Selva Collective's headquarters in the capital. They reported an attack on a police vehicle transporting eight residents of Barillas (Huehuetenango). The individuals concerned had been held in custody since 2 May, accused of a range of serious crimes committed in the municipality, which was under martial law on 4 May. The eight prisoners were being transferred by the National Civilian Police (PNC) from the capital to Santa Eulalia court in Huehuetenango, in order to give legal statements about the allegations they face. The vehicle they were travelling in was shot at en route. From the outset, the defence team has maintained that the trial is illegal, because of irregularities in the way the eight *campesinos* have been detained. They highlight the importance of a swift resolution in cases such as these, where due process rights have been violated¹⁰. This position has been supported by various social organisations.

On 29 October, we observed the second anniversary of the Uspantán Community Consultation, in the Monte Cristo community in the municipality of Uspantán (El Quiché).

¹⁰ Information related to this case can be found on the Waqib' Kej website: "Caso de la defensa de los presos políticos de Santa Cruz Barillas", 20 September 2012, <http://convergencia-waqibkej.wordpress.com/2012/09/>

3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA

Regional Representatives, the Project Office Coordinator and other members of the committee and the Project Office and national groups of PBI, conduct public relations campaigns with many NGOs, agencies and national governments, parliamentarians and others. These meetings result in the development and strengthening of the project's "Support Network", an essential tool in the international presence provided by PBI in Guatemala.

The European Representative met Gerard Schulting, who is responsible for Guatemala at the European External Action Service, in Brussels on 16 September.

The PBI project committee visited Guatemala for the first two weeks of the month. Its members met with various embassies and other actors from the international community in Guatemala.

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.

RESISTENCIA DE LOS PUEBLOS "Una misma situación una misma resistencia"

Nosotros y nosotras somos hombres, mujeres de comunidades y pueblos del Norte de Quiché: Nebaj, Chajul, Sacapulas, Cunén, Ixcán. CPR¹¹ de la Costa Sur: Tesorito de Suchitepequez, El Triunfo de Retalhuleu, Unión Victoria de Chimaltenango. Y comunidades del Petén.

Nos dirigimos al pueblo de Totonicapán, expresando nuestra solidaridad, sentimiento de adhesión a las familias y comunidades ante los hechos de represión sufridos el 4 de octubre recién pasado. De igual manera nos solidarizamos con los pueblos de: San Rafael Las Flores, San José del Golfo, Santa Cruz Barillas, Valle del Polochic y comunidades del Petén que han sido criminalizados y reprimidos por los gobiernos en los últimos tiempos.

Todos nosotros nos enfrentamos a los mismos problemas y agresiones, entre ellos megaproyectos, transporte, distribución y alza en precio de la energía, hidroeléctricas, licencias de exploración y explotación minera, petrolera, la imposición a la reforma educativa, el fortalecimiento del ejército a través de las reformas constitucionales, sin haber sido informados y mucho menos consultados, ni como comunidades y ni como pueblos.

Unimos nuestro sentimiento a los sentimientos de ustedes, y del mismo modo hacemos nuestra la petición que han hecho referente al retiro del ejército y del cese de las operaciones de las fuerzas públicas en los territorios de los pueblos indígenas, así como el esclarecimiento de los hechos ocurridos.

Hacemos un llamado hacia todos los pueblos y comunidades a solidarizarnos y movilizarnos por la recuperación de nuestros derechos, de nuestros territorios, por una vida digna y el funcionamiento de una democracia real, en la cual los gobiernos deben estar al servicio de los pueblos y no al de las empresas.

AGUA Y TIERRA PARA LOS PUEBLOS, NO PARA LAS EMPRESAS
Octubre, 2012

PBI GUATEMALA DOES NOT NECESSARILY IDENTIFY WITH THE OPINIONS AND CONTENT OF THE ARTICLES AND COMMUNIQUÉS HERE REPRODUCED. THE NOTES ON THE CURRENT SITUATION IN SECTION 1 ARE NOT FROM A LITERAL COPY OF THE SOURCES CONSULTED: THEY ARE SIMPLIFIED AND SYNTHESISED VERSIONS OF THE ORIGINAL ARTICLES.

- PBI GUATEMALA PROJECT-

Team Office in Guatemala

3ª Avenida "A", 3-51, Zona 1, Ciudad de Guatemala
Telephone/fax: (+502) 2220 1032
E Mail: equipo@pbi-guatemala.org
Web site: www.pbi-guatemala.org

Project Coordination Office

Rúa Mercado, 6, 4ªA
15001 A Coruña, Galiza (Estado español)
Telephone: (+34) 881 874 772
E Mail: coordinacion@pbi-guatemala.org

11 Comunidades de Población en Resistencia (CPR).