

PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

MIP - MONTHLY INFORMATION PACKAGE – GUATEMALA

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1. CURRENT NEWS

IMPUNITY

Agenda full until 2014 for the First High Risk Tribunal B, new tribunal in charge of genocide cases

Guatemala, 06.06.2013 (EP) – Comprised of judges Irma Jeannette Valdez Rodas (President), María Eugenia Castellanos Cruz and Sara Griselda Yoc Yoc (Members), the First High Risk Tribunal B has been in charge of cases of genocide and crimes against humanity since June 4. Accused of these crimes are José Efraín Ríos Montt and José Mauricio Rodríguez Sánchez, respectively, former Head of State and Chief of Military Intelligence between 1982 and 1983.

The Tribunal announced that 21 lawsuits are being processed thereby filling the agenda until March 2014.

Legal proceedings for the 1982 Las Dos Erres massacre resume

Guatemala, 06.06.2013 (SV) – The Constitutional Court (CC) ruled that the appeal by the defence team seeking to disassociate the retired general Efraín Ríos Montt from legal proceedings relating to the Las Dos Erres massacre in 1982 in the municipality of La Libertad, Petén was unfounded. This decision reopened the case after a 13-month adjournment. Once news reached the parties involved, the Public Prosecutor's Office (MP) lodged the case against Ríos Montt immediately (in the early hours of June 4) charging him as the intellectual author of the massacre of 201 people in the village of Las Dos Erres.

FAFG's work in Cobán: 6,000 skeletons of disappeared persons recovered, of which 60% are identified

Guatemala, 30.06.2013 (LH) – The Guatemalan Foundation of Forensic Anthropology (FAFG), an organisation which carries out research to assist in the identification of disappeared persons from the internal armed conflict, has carried out 1400 exhumations and recovered approximately 6,000 skeletons, according to its records. The Vice-Director of the organisation, José Suasnavar, highlighted the fact they managed to identify 60% of these remains. To identify individuals based on the discoveries made in exhumations, forensic anthropology and genetics experts analyse the skeletons in FAFG's laboratory, process DNA samples and compare these with a genetic database.

In February 2012, FAFG began exhumation work at facilities used during the internal armed conflict by the army at the military detachment base in Cobán. Suasnavar said that 83 graves have been found there, in which the remains of 535 indigenous persons have been discovered. To date, six of these have been identified. Suasnavar also said there were approximately 25 more requests for the FAFG to investigate areas where other military detachments had operated.

LAND

Families in the Polochic valley denounce violent acts and hold the Chabil Utzaj sugar mill responsible

Guatemala, 07.06.2013 (LH) – Representatives of numerous families ejected from the Polochic river valley condemned the Chabil Utzaj sugar mill's practice of contracting armed individuals and employing their own security staff to carry out violent evictions. The families affected explained to the media that the situation worsened on May 25, when 90 families were evicted and five people consequently were injured. They told how the company's staff used *cuadrilleros* (local gang members) and private security agents to shoot at them, leaving as evidence more than 35 rifle and 109 twelve-gauge shotgun shells.

They also reported that on May 31, a group of hit men contracted by Chabil Utzaj carried out another extrajudicial eviction and attacking families on the Sepur Estate. It was reported as follows: "On May 31 at 4am, the community was surrounded by neither

cuadrilleros nor private police but hit men contracted to kill. They used high caliber weaponry: shotguns and pistols. It was here where our companion, Carlos Cucul Tot, was killed and dragged along the ground.” The same day the charred remains of two men appeared. Although it is presumed that they were private security agents for Chabil Utzaj, sources from the Interior Ministry (MINGOB) explained that they have not been able to identify the bodies and that the Public Prosecutor’s Office (MP) is investigating the matter.

According to the families evicted, the company contracted individuals from neighbouring communities to carry out the attacks for which it is believed the firm pays each person between Q100 and Q200¹.

NEGATIVE EFFECTS OF GLOBALISATION

Communities opposing gold extraction in San Pedro Ayampuc and San José del Golfo meet with the President

Guatemala, 13.06.2013 (LH) – On June 12, a meeting took place between the President, Otto Pérez Molina, and residents of the San Pedro Ayampuc and San José del Golfo municipalities (both in the department of Guatemala), in which they tackled the subject of the conflict generated by mining activity in the area. Yolana Oqueli, a member of the collective opposing the plans to extract gold in both municipalities, explained that a delegation from the communities had been invited by Pérez Molina, and that they were hoping to hear proposals from the President. She made the position of the communities clear: they plan to continue their resistance and opposition to a mining project which is considered an attack on their rights. Oqueli stated: “We are resisting the plans because we believe they are an absolute violation of our rights. We do not oppose progress, but we demand to be heard and we demand the communities’ petitions be respected and valued accordingly. We are chiefly concerned about the water.” She emphasised that this was “the defence of life and natural resources... ..we are not negotiating and our position is unchanged.”

March in Ixchiguán, San Marcos shows indigenous communities’ rejection of mining and militarisation in the area

Guatemala, 14.06.2013 (LH) – The indigenous population and community authorities of the San Marcos *altiplano* (Maya Mam, Quiché and Sipakapense) marched through the municipality of Ixchiguán, San Marcos to demonstrate their rejection of mining activity and the opening of military detachments. The activity was part of the celebrations of the 16th anniversary of the Buena Fe Community Consultation, according to the Pastoral Peace and Ecology Commission of San Marcos Diocese (COPAE), which is part of the San Marcos diocesan Social Ministry.

CALAS holds the government responsible for the persecution and criminalisation of individuals promoting life above mining projects

Guatemala 18.06.2013 (LH) – In four reports over the last five years, the Guatemalan Centre for Legal Environmental and Social Action (CALAS) has gathered information on 50 assassinations of environmental activists between 1989 and 2012. Rafael Maldonado, a lawyer within the organisation, criticised government support for mining projects in the country and held it responsible for the persecution and criminalisation of those defending the environment. In particular, he referred to the conflict generated by the San Rafael Las Flores mine, in the department of Santa Rosa. In his capacity as environmentalist lawyer, he has defended 75 people who have been arrested for protesting against mining in the region in this year alone. Maldonado warned, “I calculate that in 2012-2013 alone, we are approaching 150 illegal detentions of individuals who have protested against, and defended life above, these mining projects.”

PDH and UDEFEGUA report an increase in attacks on human rights defenders

Guatemala, 26.06.2013 (LH) – Jorge de León Duque, Human Rights Ombudsman, reported a significant increase in the number of threats and attacks on human rights defenders. In the year to date, the Human Rights Ombudsman’s Office (PDH) reported four killings and 490 attacks. The figures presented by Claudia Samayoa, coordinator of the Human Rights Defenders Protection Unit (UDEFEGUA), show a similar increase to that reported by the PDH. According to Jorge de León, the majority of incidents take place in the interior of the Republic and involve a multitude of offences from threats and harassments to criminalisation and murder. With regard to the conflict generated by mining projects in community settings, the PDH believes that community consultations should be directed so as to benefit local residents. Alberto Brunori, representative of the UN Office of the High Commissioner for Human Rights (OHCHR), said that the number of violent acts has increased and that, moreover, the nature of the violations has changed citing as examples increased cases of stigmatisation and threats linked to new phenomena such as disputes over mega-projects and access to land, a key issue for Guatemala.

Sources: El Periódico (EP), Siglo Veintiuno (SV) and La Hora (LH).

2. PBI-GUATEMALA ACTIVITIES: IN GUATEMALA

Team: Kristel Best Urday (Peru), Valdivia Moutawali (Netherlands), Raquel Rojo Diez (Spain), Johannes Stiebitz (Germany), Stephen Bradford (United States), Daniel Butler (United Kingdom), Melanie Rücker (Germany), Valentina Caprotti (Italy), Karen Jeffares (Ireland) and Jacqueline Bartsch (Germany).

¹ The US dollar (USD) equivalent on June 30 : USD 9.57 (Q100) and USD 19.15 (Q200).

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.

Diplomatic corps and other international entities in Guatemala:

1. Jennifer Echeverría, Cooperation and Human Rights Officer, EU Embassy, Guatemala City, Guatemala.
2. Christina Papadopoulos and Rocío Mezquita, Human Rights Officers, UN Office of the High Commissioner for Human Rights (OHCHR), Guatemala City, Guatemala.
3. European Union diplomatic personnel, Filter Group for human rights defenders, Guatemala City, Guatemala.

Guatemalan Authorities:

- Mario Minera, Director of the Mediation Unit, Conflict Resolution and Public Policy Intervention Unit, Human Rights Ombudsman's Office (PDH), Guatemala City, Guatemala.
- Ricardo Raúl Rodríguez, Auxiliary, PDH, Santa Cruz del Quiché, Quiché.
- Daniel Portillo, Auxiliary, PDH, Chiquimula, Chiquimula.
- José Velásquez Morales, Assistant, PDH, Nebaj, Quiché.
- Francisco Reyes López, Mayor, Santa Cruz del Quiché municipality, Quiché.
- Manuel Quejem, Mayor, Santa Cruz Verapaz municipality, Alta Verapaz.
- Roel de Jesús Pérez Argueta, Departmental Governor, Chiquimula, Chiquimula.
- Rigoberto Pascal Espino, Inspector, National Civilian Police (PNC), Santa Cruz Verapaz, Alta Verapaz.
- Vielman Escobar, Substation Chief, PNC, San Juan Sacatepéquez, Guatemala.
- Personnel from Precinct 71 in Santa Cruz del Quiché, PNC, Santa Cruz del Quiché, Quiché.
- Personnel from Precinct 51 in Cobán, PNC, Cobán, Alta Verapaz.

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:

- Rafael Maldonado, Legal-Environmental Policy Coordinator, Centre for Legal Environmental and Social Action (CALAS), Guatemala City, Guatemala.
- Conchita Reyes, Social Ministry of Cobán, Alta Verapaz.
- Juan Maria Boxus, Priest, Parish of Jocotán, Chiquimula.
- Lolita Chavez and Rubén Samayoa, Members of the K'iché Town Council (CPK), Santa Cruz del Quiché, Quiché.

International Organisations and Agencies:

- Coordination of International Accompaniment in Guatemala (ACOGUATE), Guatemala City.
- Assembly of the Forum of International Non-Governmental Organizations (FONGI), Guatemala City.

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA

In June, we maintained contact with members of CONAVIGUA in meetings, by telephone and through visits to the organisation's office in the capital. On 18 June we traveled with members of the organisation and accompanied them to an exhumation in the village of Xepalama, San José Poaquil, Chimaltenango.

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 Las Granadillas Mountain, APMG

This month we maintained regular contact with members of the Association for the Protection of Las Granadillas Mountain (APMG) through telephone calls.

We also maintained contact through telephone, regular meetings, and observation of activities with Rev. José Pilar Álvarez Cabrera. On 28 June we were at the assembly of the Coordinating Body of Popular, Indigenous, Church, Union and Campesino Organisations of East Guatemala (COPIISCO) held at La Finca Buenos Aires, Santa Rosa which the pastor attended along with representatives from the Ecumenical Council, the Lutheran Church, the Madre Selva collective and the 'New Day' Chortí Campesino Central Coordinator. At the assembly, facilitated by José Pilar Álvarez, issues were raised concerning mining and hydroelectric projects in the region as well as concerns about the increase in the number of criminalisation cases and other attacks on human rights defenders. *(See also the Accompaniment to CCCCND.)*

From 9-24 June Rev. José Pilar Álvarez was in Berlin, Germany, for the Ecumenical Water Network's (EWN) Strategic Consultation. The EWN is an agency of the World Council of Churches (WCC) which deals with water access and sanitation. On his return, pastor told us that he held several meetings with civil servants responsible for the German government's policy in Latin America and in German Parliament. He also met with human rights organisations, churches and communities to whom he reported both the situation for human rights defenders in Guatemala and the increase in social conflict in different regions of the country where mega-projects for extracting natural resources are imposed even when rejected by local communities.

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 and prosecution and was taken into police custody in relation to the ongoing conflict with Juan José Olavarrueth, owner of the mountain's Tachoró 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.

In May 2013, the association was restructured, maintaining representation of the region's communities. Although José Pilar Álvarez has been relieved of the position of president, he continues working in the process of protection and defence of this territory. PBI continues accompanying APMG and the Reverend.

'New Day' Chortí Campesino Central Coordinator, CCCCND

This month we maintained regular contact with the organisation through telephone calls, visits, meetings, accompaniment of its members, and observation of its activities in areas where it conducts its work. On 6 and 7 June, we were in the department of Chiquimula where we met members of the organisation in its headquarters in Camotán, and we visited the Matazanos community in the Jocotán municipality.

On 19 June, four members of the organisation and the Indigenous Council of the Las Flores community (Jocotán) were arrested, and two were held in preventive detention at the end of the month. The organization released a statement expressing its concern for the increased criminalisation of its community leaders and demanding, among other things, the support and advocacy of the international community with Guatemalan public institutions in order to guarantee respect for due process and the rights of the individual *(see the communiqué at the end of this document)*. At the request of the organisation, we were present in the region on these dates. On 21 June we observed a security workshop organised by UDEFEGUA in Jocotán in which CCCCND members participated. In addition, several of its members were present at the COPIISCO assembly we observed in Finca Buenos Aires, Santa Rosa on 28 June. *(See the Accompaniment section for the Association for the Protection of Las Granadillas Mountain.)*

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. Currently, only the first of these projects, the construction of a hydroelectric power station on Rio Grande by the Guatemalan firm

Las Tres Niñas, S.A., continues in Jocotán. As part of its work, the organisation shared information with communities in the area, promoting the evaluation and analysis of the effects on environment and local economies that these projects, driven by private investment and development projects planned for the region, 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), which is intended to link the Atlantic and Pacific coasts of Guatemala. Private investment and development plans for the region are analysed by the association and other social actors, considering that larger, regional projects already are planned or in progress, such as the Mesoamerican Project (successor to the Puebla-Panama Plan) and a system connecting Caribbean countries to the Central American electricity grid.

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

Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ

We maintained permanent contact with members of the association in June through telephone calls, periodic meetings and through observing activities they organised or participated in. On 14 and 15 June, we accompanied them during their activities at their headquarters in Jalapa and at a meeting with members of the Xinka government.

On 21 and 22 June we accompanied association members to Nebaj, Quiché, where they took part in activities to support the local towns and Guatemalan indigenous communities. We observed a large march in support of the Ixil people, linked to the genocide trial. Many people and organisations from the capital and throughout the country participated. During the event, staff from the Centre for Human Rights Legal Action (CALDH) handed the indigenous mayors of Nebaj, Cotzal and Chajul a copy of the sentence given to Ríos Montt in May, finding him guilty for genocidal acts committed against the Ixil people (see MIP No. 116, May).

One of the organisation's key concerns at present is the continued military presence in the Santa María Xalapán mountain, despite a lifting of the State of Prevention previously decreed in the municipality.

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 DESCAs, should continue to be monitored.

The 12 Communities of San Juan Sacatepéquez

This month we maintained permanent contact with members of the 12 Communities of San Juan Sacatepéquez. We accompanied them on three occasions, during their weekly assemblies in Santa Fe Ocaña, and we continued regular meetings with their delegates. Concerns continue about the Regional Ring Road construction project which will connect over land the municipalities of Santo Domingo Xenacoj, San Juan Sacatepéquez and Pachalum (in El Quiché). The organisation continued to express its disapproval of the road's construction and to demand that the communities' right to being informed and consulted on the matter be respected. It also demands that its consent be sought before construction begins. The rights of indigenous towns are recognised in Agreement 169 of the International Labour Organization (ILO) which was ratified by Guatemala. On 22 June, the communities presented an appeal to the Constitutional Court (CC) seeking guarantee of their rights to protest the construction of the Regional Ring Road. According to the communities, in the days following this legal action, several paid advertisements were placed in various Guatemalan media promoting construction of the road. In a press release on 28 June, they made their concerns known and demanded that public authorities respect and comply with rights of the indigenous towns. They also demanded that the licences which were not previously checked by the communities be annulled, and that the acts of intimidation suffered by the communities of San Juan Sacatepéquez and its members stop (see the communiqué at the end of this document).

Background: In 12 Maya Kaqchikel communities in the municipality of San Juan Sacatepéquez, organised residents participate in processes related to the defence of 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 where the villages of Cruz Blanca, Santa Fe Ocaña, El Pilar I and II, Los Pajoques, and San Antonio Las Trojes I and II are located. Until December 2012 Cementos Progreso had an 80% share in the project which included the construction of this factory, and the remaining 20% belonged to the Swiss multinational company, Holcim.

However, the Swiss multinational company sold its share in December 2012, and from then on Cementos Progreso holds 100% of the investment on this project.

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. For more than six years, the 12 communities² 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.

Council of Communities of Cunén, CCC

In June we maintained telephone contact with members of the Council of Communities of Cunén. At the beginning of the month, we were in Quiché and observed a security workshop in Cunén on 5 and 6 June which was organised by UDEFEGUA. Delegates from 31 communities within the municipality participated in the workshop and, among other things, expressed their concerns about the new electricity grid project which, according to the information presented, will cross the land of at least 14 communities. Concern was raised for the increased number of security incidents experienced by those who peacefully resist the hydroelectric power stations in the area.

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, UDEFEGUA

This month we continued regular visits to the UDEFEGUA office, maintained telephone contact and held frequent meetings with its members. To increase the protection for UDEFEGUA staff by showing the international community's interest in its work and security, we accompanied organisation members to Cobán on 10 and 25 June where they accompanied plaintiffs in ongoing legal proceedings for events that took place in Paraíso, Sierra de las Minas, Alta Verapaz. We also observed several security workshops organised by UDEFEGUA, which have been referenced earlier in this section (5 and 6 June in Cunén, Quiché and on 21 June in Jocotán, Chiquimula).

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 telephone contact with UVOC members in June and accompanied its members in Alta Verapaz. On 14 June we accompanied lawyer, Jorge Luis Morales, to a hearing at Cobán Court, in which *campesinos* from Finca La Primavera, San Cristóbal (Alta Verapaz), face charges brought by a company. The hearing was suspended because the plaintiffs were absent. Consequently, the accused will have to continue attending the San Cristóbal Peace Court every 15 days to sign a registry until at least February 2014 (in compliance with precautionary measures) when the new hearing will commence. We met with Morales and community delegates from La Primavera who expressed their concern about these events which they ultimately consider criminalisation for defending the right to land and claiming labour rights. We were also in Santa Cruz on 12 and 19 June, where we held meetings with several UVOC members.

² 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*.

During June we noted a worrisome increase in the number of attacks on human rights defenders in the region in particular the criminalisation of individuals, organisations and communities that claim the right to land and resist infringements on other rights where private economic interests are involved, e.g. the cases of Finca La Primavera and the Polochic valley.

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).

Human rights lawyer Édgar Pérez Archila

We continued permanent accompaniment of the lawyer Édgar Pérez Archila during his movements and working day and observed court hearings relating to the various legal trials he is working on (the genocide, Las Dos Erres massacre and Cotzal cases).

We met with Santiago Choc Cú, a lawyer who works in the Human Rights Office, who we began accompanying last month after he was subjected to intimidation during the genocide trial.

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

This month we maintained frequent contact with AHPN members through telephone calls, meetings and visits to its facilities. The AHPN continues its work contributing to justice for Guatemala and to historical clarification by publishing and archiving documents relating to the serious human rights violations that took place during the internal armed conflict. Continued requests from the Public Prosecutor's Office (MP), legal representatives, and survivors of the human rights violations and their families are an indicator of the Archive's importance and relevance today. In the first semester of 2013 in response to requests, AHPN provided the Public Prosecutor's Office with 523 documents, and survivors and family members of victims of human rights violations with 221 documents.

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.

You can get more information by visiting this website: <https://ahpn.lib.utexas.edu>

The Communities in Peaceful Resistance: La Puya, San José del Golfo and San Pedro Ayampuc

In June, we maintained frequent contact with La Puya's Communities in Peaceful Resistance with regular calls and visits. On 12 June we observed the demonstration in front of the Presidential House during the meeting between a 10-man community delegation from La Puya and various government authorities (including the President of the Republic, the Interior Minister, the Minister for Energy and Mining and the Minister for the Environment and Natural Resources). Yolanda Oquelí reported that the President publicly recognised the legitimacy of La Puya's peaceful protest.

On 20 June, we accompanied four members to a court hearing which was suspended for the fifth time. Consequently, the communities reiterated their concern about the criminalisation campaign targeted at human rights defenders.

We visited La Puya four times this month and observed the permanent demonstration site at the mine's entrance which has been in effect for 15 months. La Puya's process of peaceful resistance is currently tackling the following issues: supporting the movement against contamination of the water supply with arsenic from gold mining, securing the government's commitment to neither evict nor repress La Puya's peaceful demonstration, and revising the environmental impact study to analyse and identify potential anomalies that could be added to the communities' pre-existing concerns about mining in the region.

Background: From 2010 residents of San José del Golfo and San Pedro Ayampuc, two municipalities that are located round about 30 kilometres from Guatemala City are leading a pacific resistance to make their disagreement with mining projects in the area evident. The US mining company Kappes, Cassiday & Associates together with their local subsidiaries Exploraciones Mineras de Guatemala S.A. and Servicios Mineros de Centro de America S.A. is promoting these projects. The company has received the authorization to develop the project El Tambor that consists of various licenses, among them that of Progreso VII Derivada. In March 2012 residents decided to block the entrance to the mine and install a protest camp in La Puya where the members of different communities take shifts of 24 hours to prevent the entry of machinery. On 8th May at 1am the company attempted to enter 25 trucks with machinery, guarded by 40 patrol cars of the National Civil Police (PNC). As residents were alerted approximately 2,000 people of the surrounding communities united stop the entrance of the machinery pacifically. Kappes, Cassiday & Associates (KCA) has publicly accused the people opposing the project of holding up development. On 23rd of June in San José del Golfo an attack on the life of Yolanda Oqueli, an activist participating in the resistance of La Puya took place. She was shot from a motorcycle and up to present it has not been possible to extract the bullet. After 4 months away from her community, Yolanda returned to San José del Golfo and has rejoined the activities of the resistance movement. During this time flyers with offensive and defamatory messages have been circulated, directed especially at the women that form part of the resistance. The harassment and aggressions intensified around 24th November 2012, marking one year since the concession of the mining license. According to the mining law, if in the course of a year the exploitation at the site has not begun, the license has to be cancelled. In September 2012 the Guatemalan Human Rights Commission declared the communities of San Pedro Ayampuc and San José del Golfo winners of the Alice Zachmann Human Rights Defenders Award.

Follow-up to the Alert published by PBI in May 2013:

Last month, we published an **Alert to call for the attention of the international community** both inside and outside Guatemala and to share our concern about the heightened number and increasingly serious nature of attacks on human rights workers in the country. Furthermore, to express concern for defamation of the social movement and its activities, as well as for legal charges brought against those who promote and lead said activities, be they individuals, organisations, or *campesino* and indigenous communities.

With reference to an article published in Prensa Libre on 1 June 2013³, we reiterate that the intention of the Alert, which is still in effect, is to call for the attention of the international community and to request that it provides the requisite protection for individuals, organisations and communities which have reported serious attacks and threats. These include death threats and attacks on an individual's physical well-being such as those documented in this and other PBI publications.

2.4 OBSERVATIONS

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.

In June, after a request from **Aura Lolita Chávez Ixcaquic**, spokesperson and member of the Maya K'iché Town Council (CPK), we observed several **meetings with a number of Guatemalan authorities and international bodies** in Guatemala City and Santa Cruz del Quiché (PDH, COPREDEH, SAAD, PNC, OACNUDH). These events took place in response to modification, without consent of interested parties, to the protection agreement previously arranged with Guatemalan public institutions charged with implementing the precautionary measures awarded by the Inter-American Commission on Human Rights (CIDH). On 24 June, re-establishment of the original arrangement for protective measures was confirmed.

On 26 June, at the request of **Jorge López Sologastoa**, Director of the Organization to Support an Integrated Sexuality to Confront AIDS (OASIS), we observed the **presentation of a report in the Human Rights Ombudsman's Office (PDH)** in Guatemala City. The report followed public statements made by President Otto Pérez Molina during the General Assembly of the Organization of American States (OAS) which took place in Antigua Guatemala. OASIS declares in its report that statements from the head of government on same-sex marriage threaten the rights of sexually diverse communities.

³Preti, H. "Guatemala defends itself", *Prensa Libre*, Guatemala, 01.06.2013

On 29 June we observed the **Sexual Diversity and Gender Identity Parade** in Guatemala City which began in the Municipality and finished at Central Park where various activities such as informal discussions on political matters, singing, and dancing took place. According to participants, a broad cross-section of society was involved including many individuals, collectives and organisations which champion and defend sexual diversity and community rights.

On 30 June we observed the **Marcha de la Memoria** (Memorial March) in the capital which began in Morazán Park and finished in Central Park. It exists to repudiate not only the commemoration of National Army Day by military figures but also the suspension of the sentence for the retired general and former *de facto* Head of State, Efraín Ríos Montt. Montt originally was sentenced to 80 years in prison for acts of genocide committed against the Ixil people between 1982 and 1983.



On the same day, we observed the **“For the Love of Life” festival** in the central square of Santa Cruz del Quiché, El Quiché. 30 June is **Martyrs’ Day** for social organisations working in defence of human rights, and it is a day to commemorate the victims of war and genocide. This festival of art and culture was organised by the CPK to condemn militarisation and the impunity that has surfaced since Ríos Montt’s genocide sentence from May was suspended. The key message of the event was that society can be built through the promotion of culture and art and by respecting the rights of the people. Artists from different parts of the country including Huehuetenango, Xela, Guatemala City and Quiché performed their work.

“For the Love of Life” festival, 20.06.2013, Santa Cruz del Quiché, El Quiché. Photo: PBI 2013

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 of the PBI Guatemala Project and Michael Hansmann from Bread for the World Germany met with the EU’s European External Action Service on 18 June in Brussels. Specifically, they met with Julita Bas who is responsible for Latin America in the Human Rights Department, Petr Prybila, responsible for Human Rights Dialogues, and Gerald Schulting, responsible for Guatemala.

On 24 June, the European representative attended a meeting in Geneva with Finn Pleickenpol from the office of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya. The next day a meeting was held with Kai Baldow, human rights adviser, and Natalia Jurisic, Second Secretary for human rights from the German permanent representation in Geneva.

On 27 and 28 June, our European representative held further meetings in the same city with Natan Elkin, coordinator for Employment Policy, Tripartite Consultations and Indigenous Towns, in the Department of International Labour Norms, International Labour Organization (ILO); with Pedro Vera-Pineda, responsible for Guatemala in the Office of the High Commissioner for Human Rights (OHCHR); with Amanda Flores, from the office of Gabriela Knaul, the Special Rapporteur on the Independence of Judges and Lawyers.

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.

LA CENTRAL CAMPESINA CH’ORTI’ NUEVO DIA HACE SABER:

La comunidad indígena Las Flores de Jocotán, Chiquimula, miembro de nuestra organización, ha enfrentado durante muchos años la constante amenaza sobre sus tierras y territorio. La lucha y la resistencia han sido justas y pacíficas. En el año 2010, la Municipalidad de Jocotán sin previa consulta a las comunidades indígenas y sin respetar los derechos de

copropiedad de los vecinos de Jocotán, otorgó en usufructo por 50 años una extensión de 2.5 millones de metros cuadrados a la entidad Generación Eléctrica y Manejo de Recursos Naturales "Las Tres Niñas" S.A., la cual pretende construir un proyecto hidroeléctrico de importantes dimensiones, el cual afectaría de manera negativa y directa al río que abastece de agua a 6 comunidades indígenas de Jocotán. Dicha entidad tiene implementada toda una estrategia para doblegar a las comunidades indígenas que se oponen a sus objetivos. Para el efecto han generado una serie de acciones que van desde compra de voluntades, engaños, intimidación, criminalización del liderazgo indígena, amenazas de muerte, sobornos, manipulación de instituciones públicas como el RIC, Ministerio Público, Policía Nacional Civil entre otras.

Como consecuencia de toda su estrategia, hoy en día en las comunidades indígenas de la región se vive un clima de violencia, inseguridad y miedo ya que la confrontación entre comunitarios esta siendo financiada por la Empresa mencionada y ha tenido consecuencias fatales.

A raíz de todo esto el pasado día miércoles 19 de Junio, frente a las instalaciones del Ministerio Público de Chiquimula, utilizando como trampa una citación a audiencia conciliatoria, fueron detenidos 4 integrantes del Consejo Indígena de Las Flores. Alrededor de 15 Policías vestidos de particular, sin identificación alguna y sin presentar orden de juez competente, capturaron a los dirigentes: Claudio Ramírez, Luis Ramírez de Rosa, Agustín Díaz Ramírez y Timoteo Suchite, quedando estos dos últimos ligados a proceso por el delito de asesinato y fueron enviados a prisión preventiva a la cabecera municipal de Zacapa.

En la audiencia de primera declaración de los compañeros detenidos se evidencio por parte del Ministerio Público y Juez de Instancia Penal una clara predisposición a privar de su libertad a los dirigentes y de ser posible sentenciarlos por un delito que no cometieron. Aún y cuando los medios probatorios y argumentaciones presentadas por el Ministerio Público eran débiles, parcializadas e inconsistentes, la decisión del juzgador fue ligarlos a proceso, señalándose 3 meses de plazo para el periodo de investigación.

Lamentamos profundamente que se siga dando en Guatemala este tipo de acciones en contra de los Defensores de Derechos Humanos y principalmente en contra de Autoridades Indígenas que velan únicamente por el bienestar de la comunidad y las siguientes generaciones.

POR LO ANTERIOR PEDIMOS:

A las autoridades responsables de la investigación, así como de impartir justicia: imparcialidad, objetividad y transparencia en sus funciones.

A las organizaciones indígenas y campesinas su solidaridad y apoyo para nuestra organización y principalmente hacia la comunidad indígena de Las Flores, Jocotán.

Al Gobierno de Guatemala respetar y reconocer los derechos colectivos de los pueblos indígenas, mismos que se encuentran establecidos tanto en la Constitución Política de la República, como en tratados y convenios internacionales.

A la población en general solidaridad y respaldo ante estas acciones de criminalización de la lucha indígena y campesina por la defensa de su territorio

A la comunidad internacional su respaldo político y exigencia hacia el Gobierno de Guatemala para que se respete el debido proceso y los derechos de nuestros compañeros privados de libertad.

CENTRAL CAMPESINA CH'ORTÍ NUEVO DÍA , TERRITORIO MAYA CH'ORTI` - JUNIO 2013

COMUNICADO DE PRENSA. LAS DOCE COMUNIDADES KAQCHIKELES DE SAN JUAN SACATEPEQUEZ DEL DEPARTAMENTO DE GUATEMALA, A LA OPINION PÚBLICA, MANIFESTAMOS

1. Que en nuestra lucha incansable por defender nuestra tierra y nuestro territorio frente a la instalación de un proyecto minero y cementero el cual hemos rechazado en ejercicio al derecho a la consulta comunitaria, seguimos siendo víctimas de violaciones a nuestros derechos humanos, discriminación y un profundo racismo estatal.

2. A un año de haberse instalado Segunda Base Militar Alejandro Gramajo por parte del Gobierno de Otto Perez Molina, como parte de su estrategia de control social, las tropas militares siguen ingresando de día y en altas horas de la noche a nuestro territorio intimidándonos y tratando de coaccionarnos, circunstancias que hemos denunciado mediante exhibiciones personales sin resultado alguno.

3. Aclaremos que en nuestras Comunidades no tenemos problemas de narcotráfico ni crimen organizado, por lo que no existe ninguna justificación para tener una base militar en nuestro territorio, sin embargo comprendemos que la única razón de su presencia es atender las necesidades y proteger los intereses de la empresa minera.

4. Últimamente hemos recibido una serie de presiones, amenazas y criminalización por la empresa minera y el gobierno ante la imposición de una carretera privada mal llamada "Anillo Regional", que solo beneficiará los intereses de la Empresa Cementos Progreso, hemos denunciado una serie de allanamientos por parte de personal de la empresa cementera a la propiedad comunitaria, quienes realizan trazos, colocan señalizaciones, intimidan y están forzando a los vecinos a vender sus terrenos proponiéndoles precios fuera el mercado, dando lugar a la división de las familias y de la vida comunitaria, destrozando así el modo cultural y espiritual de relación con la tierra que tienen las comunidades mayas Kaqchikeles.

5. Frente a todos estos atropellos, han sido múltiples las peticiones de consulta que hemos solicitado a fin de poder exponer nuestra visión de lo que es el Buen Vivir de nuestro Pueblo, sin embargo, nunca hemos sido atendidos. Entre las peticiones realizadas están:

- a) Al Procurador de Derechos Humanos el 22 de noviembre de 2010;
- b) Al Ministro de Comunicaciones, Infraestructura y Vivienda de la República de Guatemala, el 20 de enero de 2011,

- c) Al Instituto Nacional de Bosques el 24 de febrero de 2011,
- d) A la Municipalidad de San Juan Sacatepéquez, el 16 de abril y 19 de junio ambos de 2012, previo a la instalación de la carretera del Anillo Regional.

6. Ante estas constantes negativas, acudimos ante la Corte Suprema de Justicia, a plantear un amparo en contra del Ministro de Comunicaciones, Infraestructura y Vivienda para que se suspenda la imposición de una carretera privada que inauguró el citado Ministro sin consulta libre, previa e informada, el pasado 22 de mayo de este año, pues estamos cansados a la violación sistemática y consecutiva de nuestros derechos establecidos en el Convenio 169 de OIT, la Declaración de Naciones Unidas sobre Los Derechos de Los Pueblos Indígenas, así como a las diversas sentencias emitidas por la Corte de Constitucionalidad, pues no podemos permitir que nos quiten el sustento de nuestra cultura y nuestra vida, que es la Madre Tierra.

Por todo lo expuesto:

EXIGIMOS

Al Estado de Guatemala, a través del Ministerio de Comunicaciones, Instituto Nacional de Bosques, Municipalidades que respeten el derecho a la consulta, libre previa e informada de las comunidades Kaqchikeles de San Juan Sacatepéquez.

Que se suspendan las licencias autorizadas sin consulta y se realicen las mismas previamente a realizar cualquier proyecto que atente contra nuestras comunidades.

Que se terminen todos los actos intimidatorios de parte de Cementos Progreso y del Ejército y del Ministro de Comunicaciones en contra de los comunitarios de San Juan Sacatepéquez.

San Juan Sacatepéquez, 28 de junio de 2013

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- 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