



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. CURRENT NEWS

IMPUNITY

"The challenges of the Elected Commissions: strengthen justice, end impunity"

Guatemala, 09.03.2013 (EP) - At a forum organized by the United Nations in Guatemala City, the U.S. Agency for International Development (USAID), International Crisis Group¹ and several national and international organizations addressed the challenges facing new commissions to tackle justice and impunity issues in the country, including application processes and the key public authorities for democracy and justice².

Ethelbert Torres- Rivas, a Guatemalan sociologist, reported that commissions are liable to be "tracked, monitored and corrupted by power groups." Meanwhile, Louise Arbour, former UN High Commissioner for Human Rights, stressed the need for candidates from professional backgrounds who were "competent and independent". Alberto Brunori, Guatemala representative of the UN High Commissioner for Human Rights, said that the institution is "preparing to monitor the selection process" and noted the previous work of the International Commission Against Impunity in Guatemala (CICIG) in "strengthening justice and seeking an end to impunity" in the country: "The CICIG has played a key role. I hope to continue to assist in this process", Brunori stated.

Eleven people are killed by an armed group in Kaqchikel community San José Nacahuil

Guatemala, 09.09.2013 (PL) - Gunmen staged an attack on the village of San José Nacahuil, San Pedro Ayampuc (Guatemala) on 7 September 2013 at about 22:50, resulting in the death of 11 people and at least the same number wounded.³

The majority of those killed were in a 'cantina' – a convenience shop selling produce and alcoholic beverages, on the main street in the town. According to witnesses, several persons in a white van shot at those in the business, continuing to fire whilst fleeing through a crowd of people who had gathered, alarmed by the bursts of gunfire. Following the incident, the bodies of eight people lay in the 'cantina', another person died outside the shop, another was found dead in a different shop and a further person died after admission to hospital. Those injured required medical attention and hospitalization.

Investigators suspect that the reason for the attack may have been that the owner of the establishment, one of the people killed, refused to sell liquor to the aggressors. A community member and relative of one of the victims, said that the aggressors have not been identified as gang members, as indicated by the Interior Minister, Mauricio Lopez Bonilla, and instead pointed to the fact that "these things don't just happen, this attack was well organized." Several people have said that minutes before the attack a patrol car of the National Civil Police (PNC) came to the community and the officers intimidated the owner of the establishment and the people present.

Guatemala, Honduras and Mexico: Countries with high levels of attacks on human rights defenders

Guatemala, 16.09.2013 (AC) - A survey by the Mesoamerican Initiative for Human Rights Defenders (IM-Defenders) revealed that Guatemala is the Mesoamerican country reporting the highest rate of assaults and threats against human rights defenders, with 30% of all cases. 29% of all attacks took place in Honduras and Mexico, respectively, while 12% occurred in El Salvador. According to the report

¹<http://www.crisisgroup.org/en/regions/latin-america-caribbean/guatemala.aspx>

²Documentation from the forum by the Human Rights Ombudsman (PDH) of Guatemala, is available at the following link
<http://www.pdh.org.gt/noticias/noticias-destacadas/item/2567-los-desafios-de-las-comisiones-de-postulacion>

³The community reported 10 people dead and 17 injured in an urgent statement:

<http://movimientos.org/es/content/guatemala-masacre-en-comunidad-indigena-san-jose-nacahuil>

by IM-Defenders, in 2012 there were 414 recorded assaults against female human rights defenders in Mexico, Guatemala, Honduras and El Salvador, and 87% of these were attributed to state actors.

LAND

State to provide land to 140 of 700+ families violently evicted from Polochic Valley in 2011

Guatemala, 18.09.2013 (AC) - The Secretariat of Agrarian Affairs (SAA) will deliver land titles that will benefit 140 Q'eqchi families in the Polochic Valley in Alta Verapaz, who were violently evicted in March 2011. The official ceremony to formalize the signing over of land is scheduled for 20 October 2013. Details are also to be announced of the plan for allowing the people to live with dignity on the land. An investigation by the Office of the UN High Commissioner for Human Rights (OHCHR) in Guatemala reported that the number of families affected by the evictions amounts to 732, they have poor living conditions, their livelihoods are limited and the lack of access to land largely determines their future.

NEGATIVE EFFECTS OF GLOBALISATION

Mayan and Xinka Peoples Council sues the Guatemalan State at the IACHR

Guatemala, 09.03.2013 (AC) - The Mayan and Xinka Peoples Council has filed a lawsuit against the State of Guatemala at the Inter-American Commission on Human Rights (IACHR), accusing them of engaging in repeated violations of the civil and political rights of indigenous peoples, in particular the right of political participation and of equality. The suit is based on the judgment of the Constitutional Court (CC) of Guatemala dated 28 February 2013, which failed to determine an action filed nearly a year before (12 March 2012) challenging the Mining Act as unconstitutional.

The Peoples Council considered that the decision of the CC meant the Guatemalan State had a responsibility under international law to annul the Mining Act. They argue that the State's obligation to ensure the effective exercise of civil and political rights relating to political participation, consultation and consent has been violated, including through legislative measures. They have therefore asked the IACHR to find the State of Guatemala in breach of its obligations and to issue a report in support of the complaint, requiring the State to comply with appropriate recommendations.

Aura Lolita Chavez, a People's Council member currently receiving protective measures from the IACHR to ensure her safety, said that the looting and plundering of natural resources in the territories of indigenous peoples have represented historic collective rights violations.

The month begins with President's visit to Barillas and ends with intensification of conflict over hydroelectric project

Guatemala, 04.09 , 20.09 , 29.09 , 30.09.2013 (SV, AC, PL) – Following the visit of President Otto Perez Molina and several public authorities to Santa Cruz Barillas, Huehuetenango earlier this month, the Guatemalan press reported that talks would commence from 19 September seeking a solution to the conflict which has existed since 2007 around the construction of a hydroelectric plant in the town. Yet on 20 September it was reported that the talks had been cancelled by the President at the last minute and postponed to October 10. Community leaders, who arrived to attend the talks in Huehuetenango were reported to feel cheated.

Eight days later, on Saturday September 28, Mynor Manuel Lopez Barrios was arrested, accused of inciting the population to reject the Hydroelectric power project in Santa Cruz through coercion, threats, acts of violence and the carrying of illegal weapons. According to the Minister of the Interior, he had evaded arrest under a warrant issued months previously⁴. Following the arrest, Pablo Castillo, inspector of the National Civil Police (PNC), reported that a group of about 30 people broke the windows of the headquarters of the police station in the town and later attacked the hydroelectric company facilities, but that the situation was brought under control by riot police.

Social protest intensified during the last weekend of the month, the media describing clashes between government security forces and the local population and the PNC reporting the use of tear gas to disperse crowds. On 30 September the newspapers reported that numerous people had been injured or affected by the use of the gas.

On 29 September, a 26 year old soldier, Miguelito Victor Soria Pacheco, died while on duty in Santa Cruz Barillas. He was from the village of San Antonio, municipality of Chicamán (Quiché). Before the results of forensic analysis are known, the media have speculated as to the circumstances of his death: official sources referred to fatal gunshot wounds during the protests. According to the Minister of Defense, Soria carried only riot gear and he was guarding a helicopter carrying supplies. Konob Jolom community radio, meanwhile, suggested that his death may have been related to he had in operating some of the equipment he carried as a member of the security forces.

President Pérez Molina publicly ruled out declaring a state of siege in the town, although later statements of the Ministry of the Interior did not rule out the possibility. The head of the Ministry, Mauricio Lopez Bonilla, announced on 30 September that the authorities had regained control in Santa Cruz Barillas. At a press conference he warned that foreigners who participated in social protests or riots would be deported: "No foreigners have been seen in this conflict, but there have been reports of their participation in other similar events", he said.

Sources: El Periódico (EP), Prensa Libre (PL), Siglo 21 (SV), Agencia del Centro de Reportes Informativos sobre Guatemala, CERIGUA (AC).

⁴Reference is made to events that occurred in May 2013 when López Barrios was detained then freed later by the population.

2. PBI GUATEMALA ACTIVITIES: IN GUATEMALA

Team: Stephen Bradford (USA), Daniel Butler (UK), Melanie Rücker (Germany), Valentina Caprotti (Italy), Karen Jeffares (Ireland), Jacqueline Bartsch (Germany), Rubén Carricondo Sánchez (Spain), Erika Martínez García (Spain), Danilo Guerrero Díaz (Chile) y Sanne de Swart (Holland)

1.1 MEETINGS WITH THE DIPLOMATIC CORPS, INTERNATIONAL ENTITIES AND GUATEMALAN AUTHORITIES

Meetings with national and international authorities are an important tool for PBI's efforts to highlight our objectives and the nature of our work. Through these meetings, 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 Corp and other international entities in Guatemala

- Cristina Papadopoulou, Human rights Official, Office of the UN High Commissioner for Human Rights (HCRC), Guatemala.
- Jennifer Echeverría, Cooperation and human rights officer, European Union (EU) Embassy, Guatemala City, Guatemala.
- Filter Group, Ambassadors of the EU Member States, Guatemala City, Guatemala.
- Isabel Ramírez Kaiserauer, Assistant Head of Mission, Swiss Embassy, Guatemala City, Guatemala.

Guatemalan authorities

- Clara Luz Ixearaguá, Police Chief, National Civil Police (PNC), San José del Golfo, Guatemala.
- Cayetano Chuc Chuc, Deputy Police Chief, 11th Precinct, 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.

Organisation and people from Guatemalan Civil Society

- Duilio Monterroso, Archbishop of Guatemala Human Rights Office (ODHAG), Guatemala City, Guatemala.
- Mario Sapper, Lawyer, Association of Mayan Lawyers and Notaries, San Juan Sacatepéquez, Guatemala.
- Committee for the Defence of Life and Peace of San Rafael Las Flores, Various Members, Guatemala City, Guatemala.
- Council of Communal & Ancestral Authorities of the 32 communities of Momostenango, Various Members, Momostenango.
- Jorge López Sologaitoa, Director, Organisation in Support of Integrated Sexuality confronting AIDS (OASIS), Guatemala.
- Madre Selva Collective, Various Members, Guatemala City, Guatemala.

Social Organisations and International Agencies

- Anabella Sibrián, International Platform against Impunity, Guatemala City, Guatemala.
- Coordination of International Accompaniment in Guatemala (ACOGUATE), Guatemala City, Guatemala.
- Forum of International Non Governmental Organisations (FONGI), Assembly, Guatemala City, Guatemala.

2.3 ACOMPANIMENTS

Process to defend the Granadillas Mountains

In September we maintained telephone contact with Reverend **José Pilar Álvarez Cabrera**. He continues to question the cutting of trees in the mountains of Las Granadillas, currently in the **village of Los Achiotés (Zacapa)**, and reiterated the concerns about logging; which has associated environmental and social consequences.

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 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 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 APMLG and the Reverend.

'New Day' Chortí Campesino Central Coordinator, CCCCND

We maintained contact with several members of the organization through phone calls, meetings and accompanying its members during the month of September. On 17 September we accompanied Omar Jerónimo and other members of the coordinator to the Public Ministry (MP) of Chiquimula. They wished to follow up charges against two members of the community of **Las Flores, municipality of Jocotán (Chiquimula)**, who were accused of being responsible for the death of Juan Carranza on 11 May in the town, after two episodes of threats and assaults with firearms by Carranza to the community and its members. During the session at the MP on 17 September, four witnesses presented their testimonies. The two men remain in custody, pending the opening of the trial, expected in early October. The organization and its members have continued expressing concern about threats against the region's communities and their leaders, in a context where the criminalization of social protest has been a consistent concern in recent years, and carries a continued fear of arrest warrants and detention without legal backup or outside the usual processes required for criminal prosecution, as evidenced by experiences of social activists and community in this and other regions.

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

The Twelve Communities of San Juan Sacatepéquez

This month we have maintained regular contact with its members and accompanied them on three occasions during the meetings held weekly in **Santa Fe Ocaña**. Earlier this month we were present in San Juan Sacatepéquez during the visit of the diplomatic personnel of the Swiss Embassy (Isabel Ramirez Kaiserauer, assistant chief of mission). In the course of arranging a European tour for human rights defenders from Latin America, the Embassy invited Cosojay José Mauro, a member of the Twelve communities of San Juan Sacatepéquez, to participate in this activity with other human rights defenders.

The Lawyer, Mario Sapper, at a meeting held on 17 September, highlighted several updates on judicial and legal processes related to the

Twelve communities or their members. An appeal has been filed, which alleges numerous irregularities in the judicial process resulting in the conviction and imprisonment of several members of the communities tried for murder. However, a response has not yet been received from the Constitutional Court (CC) to the appeal filed on June 22 against the Regional Road Network project, which aims to connect the municipalities of Santo Domingo Xenacoj (department Sacatepéquez), San Juan Sacatepéquez (Guatemala) and Pachalum (El Quiché). According to the Twelve communities, this project facilitates access to the Interamerican Highway by the cement company whose project was opposed in the municipality.

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 communities 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. Numerous members of these communities have been the target of threats and persecution, and as a result of their petition PBI has been accompanying them since 2009.

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

In September, we maintained frequent contact through regular calls, visits and meetings with the communities in peaceful resistance of La Puya. Increased patrols of the National Civil Police (PNC) were reported in the area since 31 August, including some that did not originate in the jurisdiction of San José del Golfo. Following concerns about the increase of police, we accompanied members of the organization to a meeting with the Human Rights Ombudsman (PDH) and the PNC in which it was agreed to maintain two patrols in San José del Golfo, and the PNC committed to notify them of any increased police presence.

On 13 September, after three months, the Government replied to the letter sent by the resistance of La Puya in June after meeting with President Otto Pérez Molina. In that response, the Government committed to review the environmental impact assessment report of the mining project, to take water samples to determine whether arsenic is present and perform a site inspection involving various ministries and community representatives.

However, several members of the resistance of La Puya who had been accused of various crimes in connection with their participation in demonstrations in the city in November 2012 attended a court hearing on 18 September at which the charges against them were finally filed. The hearing had been repeatedly suspended due to the non-appearance of the prosecution. The judge dismissed the kidnapping charge against the defendants. In future hearings the other allegations against them: coercion, threats and illegal detention will be addressed.

In late September, we accompanied the resistance of La Puya during the "Vigil for Life" held in San José del Golfo: about 300 people participated in a march from the outskirts of San José del Golfo to Central Park, which hosted a ceremony at night.

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, Cassidy & 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 of 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, Cassidy & 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 24 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.

Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ.

In September we remained in constant communication with the members of the Association through phone calls and meetings. They claim that the Santa María Xalapán area continues to be militarized, and have expressed concern about the presence of a military detachment in front of a public school in Los López (Jalapa). The popular consultations on mining in the region are scheduled to resume in November after being interrupted by the state of siege declared in May.

On 20 September we accompanied AMISMAXAJ to a meeting with the Integral Association of Sanjuaneras Women (AGIMS) to define an agenda on violence against women from an indigenous perspective, which they plan to present next month. We also accompanied the organization at the Vigil for Life held in San José del Golfo (see *Communities in Peaceful Resistance of La Puya* above).

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.

Council of Communities of Cunén, CCC

This month we have maintained telephone contact and meetings with members of the Community Council of Cunén. Concerns remain about the electrical network project that is anticipated in the northern department of El Quiché.

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.

The K'iche Peoples Council (CPK)

In mid-September we began to accompany the K'iche Peoples Council. We maintained telephone contact with members and accompanied them twice. On 13 September, in the coordination meeting of the Council, we communicated the response of their request for accompaniment. A week later, we were present at the meeting held on 21 September, in which the new spokespersons of the organization were elected, and we also presented our work and explained our accompaniment. Increasing criminalization, and attacks and threats arising from their work, are currently part of CPK's main concerns.

The K'iche Peoples Council (CPK) was formed in 2008 and focuses on "the defense of life, Mother Nature, Land and Territory"⁵. In this context, it defends and promotes the collective rights of indigenous peoples, the right to life, rights to water, land and, in general, the economic, social, cultural and environmental rights (ESCR). It promotes activities and proactive information on community consultations in the villages of Quiché. The organisation is currently conducting popular and good faith consultation processes in the region where hundreds of communities in several municipalities have for many years publicly opposed mega projects (mining, hydroelectric, agribusiness) and electricity network projects⁶. Approximately 80 community mayors and members of Community Development Councils (COCODES), participate in the CPK, conveying the concerns of the approximately 87 communities and 6 urban zones of Santa Cruz. Analysis, debate, dialogue and consensus are tools used by the CPK for decision-making, prioritizing the opinion of the Quiché community assemblies and recognizing them as the most important elements in the right to self-determination of its members. On 22 October 2010 a community consultation of good faith was held in Santa Cruz del Quiché: 27,778 people in the municipality rejected the exploration and exploitation of minerals - in particular open-pit mines, excessive use of water sources by the construction of hydroelectric plants, and monoculture. In recent months, CPK members have received threats and attacks, which prompted several requests for international observation and accompaniment by PBI on specific occasions since the beginning of 2013. Following this we have maintained a presence in Santa Cruz del Quiché, and have held meetings with members of the CPK and in particular with its leader in the country and abroad, Lolita Chavez, who has been targeted and therefore receives

⁵Information about CPK and their mandate: <http://consejodepuebloskiches.es.tl/Home.htm>

⁶Plans to expand the Guatemalan electricity network (2012-2015)

precautionary measures ordered by the IACHR.

Verapaz Union of Campesino Organisations, UVOC.

We had telephone contact with UVOC this month and accompanied some of its members in Guatemala City. On September we accompanied 12 UVOC members to a meeting with the Filter Panel, a mechanism to implement European Union directives on the protection of human rights defenders and the UN Declaration on Human Rights Defenders. It resulted in highlighting the case of Finca La Primavera, San Cristobal (Alta Verapaz) and concerns over criminalization and threats against the community population which claims the right to the land.

Later in the month we accompanied UVOC members to a meeting with the Secretariat of Agrarian Affairs (SAA) in the capital to monitor the situation of La Primavera and San Miguelito communities. Regarding San Miguelito Polochic Valley, the SAA is committed to the purchase and delivery of land, if the process can be delayed until December. Regarding the case of La Primavera, SAA representatives undertook to provide mediation between the company Filitz Diaz Timber SA and people in the community to meet community demands, which include the provision of land, and the cessation of complaints and threats from the company.

Two days after the meeting with the SAA, UVOC members expressed concern about the presence of the PNC and company staff on the farm of La Primavera.

Background: UVOC is an indigenous and campesino organisation that 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 Cristobel, Alta Verapaz) and San Miguel Cotopaxi (on the municipal and departmental border of Panzers, Alta Verapaz, and El Ester, Izabal) and 20 de Octubre (municipality of Cahaba).

Guatemalan Human Rights Defenders Protection Unit (UDEFEFUGA)

We conducted regular office visits to UDEFEFUGA this month and have maintained frequent telephone contact and meetings with its members. Reports published regularly by the organization show a large increase in attacks against human rights defenders this year: in contrast to a total of 309 registered in 2012, until July 2013 there have been 523 cases, being the most violent year against human rights defenders according to UDEFEFUGA records since 2000. As for the type of attacks, they are concentrated on "slander of officials" (164 cases) and "written threats" (153). The report emphasizes increasing criminalization cases, over a period of five years-from 2009 to 2013 there have been 249 cases with a complaint before a court. This year, to July, there have been 50 cases of this type.

Background: The Human Rights Defenders Protection Unit (UDEFEFUGA) 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. UDEFEFUGA 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 UDEFEFUGA 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, UDEFEFUGA 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.

In November 2012, the Unit's coordinator, Claudia Samayoa, denounced to the Public Ministry and the Inter American Commission of Human Rights (CIDH) threats and coercion that targeted her in a press release signed by the 'Foundation Against Terrorism' in which a variety of unfounded accusations were made against her and other human rights defenders. Her complaint named Ricardo Mendez Ruiz, director of the aforementioned foundation. During the week of November 12th Claudia Samayoa and a member of the Archbishop of Guatemala's Human Rights Office (ODHAG) received a warning of a possible attempt on her life. We continue our regular visits to UDEFEFUGA'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.

The human rights lawyer Edgar Pérez Archila

During September we continued accompanying the lawyer Edgar Perez Archila when traveling and during his work. On 5 September we accompanied several lawyers from the Human Rights Law Office at a hearing on the case of the Plan de Sánchez

massacre. Also in the middle of the month we were present at the hearings of the Las Dos Erres massacre case in which the principal defendant, Efraín Ríos Montt failed to appear. Finally, during September there have been hearings following the appeals filed in the Genocide trial for which we have continued accompanying Edgar Pérez and other lawyers of the firm. Most of these hearings have been cancelled. We also continue accompanying the attorney Santiago Choc Cu, member of the Firm, who was the target of intimidation during the genocide trials.

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 Coordinator of Guatemalan Widows, CONAVIGUA

This month we accompanied members of CONAVIGUA while working in various regions of the country, and we have maintained constant communication through regular visits to its headquarters and phone calls. On 12 September, the organization celebrated its **25th anniversary**. We accompanied them during a press conference and in the subsequent celebration, which reviewed the 25-year history of the organization's fight for historical clarification of truth and support for victims of the armed conflict.

On 19 September we accompanied CONAVIGUA to Lanquín, Alta Verapaz, to participate in the continuation of an advocacy training workshop held on 21 August at the same location. The next day we visited the Chicanchiu and Yutbal communities in the region affected by the Palo Viejo hydroelectric dam construction on the River Lanquín (see Monthly Information Package No. 119).

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.

National Police Historical Archive, AHPN.

During the month of September we have maintained frequent contact with members of AHPN through phone calls, meetings and visits to their facilities. From January 2009 until September 30, 2013, the AHPN has received requests for documentation by the MP (3,223); individuals (2,319); the Human Rights Ombudsman (433); and the PNC (385), plus many other people and organizations, having provided a total of 245,094 images and documents to date. On September 27, two new PBI team members visited the Archives.

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.

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 early September in **Momostenango** we observed a **community good faith consultation on mining licenses** to explore and mine gold, silver, nickel and other minerals in the area. The local population are concerned that mining licenses are pending yet the population has not been consulted, and that this constitutes a breach of Convention 169 of the International Labour Organization (ILO). Taking into account both Momostenango and other consultations that were concluded in the region, the total number of voters was 51,667 people, of whom 99.88 % (51,605) rejected mining, while 0.12% (62) of the votes were in favour.

On 3 September, PBI Guatemala organized a **meeting between human rights defenders and members of the international community** on the issue of criminalization, in Santa Cruz, Alta Verapaz. The workshop participants included members of social organizations and the international community, communicating concerns about the increase in cases of criminalization in the context of the work of human rights defenders.

On the 24th, after a request by **Madre Selva**, we observed a community **meeting in Buenaventura** municipality of **Chuarrancho**: communities in the area are being affected by the construction of the **El Sisimite hydroelectric plant**. Four years ago PBI observed in the same community a consultation in which 82% of those voters (2,694 of 3,264 total) expressed their opposition to the construction of the plant. In this month's meeting, attended by representatives of the company, members of the community that have been affected and members of Madre Selva and other social organizations demanded that the company adhere to the outcome of the consultation.



During the night of 7 September armed men in an unidentified car arrived in the community of San José Nacahuil. They fired guns in the main streets of the community, leaving **11 people dead and 17 wounded** (see news section). In a statement, the **Kaqchikel Community of San Jose Nacahuil** showed their repudiation of these events, and highlighted their concern that, according to a communique, 10 minutes before the massacre, a PNC patrol car was seen looking into the convenience stores, asking for the names of the owners and demanding to speak with them, unusual for a community that has not had a police presence for years. Community members expressed their concerns about the heavy militarization of the area after this event. Given the situation and following a request by members of the community, in late September we observed a consultation that questioned the police and military presence in the community. Community members were in favor of the PNC presence, a community safety organization, and a checkpoint at the entrance of the community and they rejected the presence of the army.

Photo: Observation of a community meeting in Buenaventura (Chuarrancho), affected by the construction of the Sisimite hydroelectric plant. 09/24/2013 . 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.

In September, the European representative of the project held meetings in Brussels with Julita Bas and Patricia Bocchi of the Human Rights Unit of the European External Action Service / European External Action Service (EEAS), as well as Mychelle Rieu, Advisor to the Special Rapporteur of the European Union for Human Rights, Stavros Lambrinidis.

She also met with Charles Tannock, British Conservative Party MEP and Ana Gomes, the Portuguese Socialist Party MEP. Both are members of the Committee on Foreign Affairs and Human Rights Subcommittee of the European Parliament.

She held another meeting in Brussels with Aurora Diaz-Rato, Counsellor at the Permanent Representation of Spain to the European Union (EU) and head of Human Rights.

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 Fundación Guillermo Toriello (FGT) ante los atropellos cometidos contra la población de Santa Cruz Barillas, Expone:

1° La obligatoriedad del Gobierno de Guatemala de informar con la verdad sobre los hechos ocurridos en Santa Cruz Barillas (Huehuetenango). Las versiones expresadas el día de ayer nada aclaran, mucho desinforman y más agudizan el conflicto social que se viene desarrollando con motivo de la imposición de la empresa Hidro Santa Cruz, subsidiaria de la empresa gallega Hidralia Energía de cuestionada y oscura trayectoria. El gobierno está obligado a ofrecer un informe serio con los peritajes sobre la muerte del soldado Víctor Miguelito a su familia. La versión montada por el gobierno no corresponde con la de los testigos presenciales.

2° Así mismo son inaceptables y sin fundamento las declaraciones emitidas por parte del Gobierno afirmando el uso de armas de la guerrilla no entregadas cuando se dio la desmovilización hace ya 16 años. Esa improvisada explicación es un irrespeto a la misión de verificación de las Naciones Unidas, a las propias autoridades guatemaltecas que verificaron este proceso y la responsabilidad con la que las organizaciones guerrilleras asumieron el proceso de desmovilización e incorporación. Dicho proceso fue rigurosamente documentado y valorado en su momento como ejemplar.

3° Es necesario afirmar una y otra vez que no es con el despliegue de fuerzas militares, con persecución y criminalización de la protesta social, con operaciones encubiertas y desinformación, como sucedía en el Estado contrainsurgente, que la conflictividad se va a resolver y la paz se va a instalar. No es poniendo todos los recursos del Estado en apoyo a empresas extractivistas cuestionadas por las comunidades que va a llegar el desarrollo a la población guatemalteca. Esto solamente es posible con el respeto irrestricto a los derechos irrenunciables de los pueblos, tomando con mayor seriedad las consultas comunitarias de buena fe; y la necesidad de participar de las comunidades en la planificación de su derecho al desarrollo y al uso de los bienes naturales de sus territorios.

Finalmente la Fundación Guillermo Toriello -FGT- expresa su solidaridad a las comunidades de la zona y su expectativa que encuentren en la participación organizada la ruta hacia un buen vivir.

Guatemala, 1 de octubre 2013

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