



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

Cardenal Quezada Toruño criticizes changes in direction of the PNC

Guatemala, 09.06.2009 (PL, EP, SV, CA) y 15.06.2009 (PL, EP).- On Monday, 8 June, retired commissioner Porfirio Pérez Paniagua was named director of the National Civil Police (PNC), replacing Marlene Blanco Lapola who left to take the post of vice-minister of Community Support. Cardenal Rodolfo Quezada Toruño told media on 14 June that he disagreed with the changes in the leadership of the PNC. At the same time, he said that he saw no immediate solutions in terms of security, and that he would evaluate his continued involvement with the guarantor group of the National Accord for Advancement of Security and Justice formed in April by the three State powers (Executive, Legislative, and Judicial) and the Public Prosecutor. The guarantor group is made up of representatives of the Catholic Church, the evangelical alliance, the Human Rights Ombudsman (PDH) and the University of San Carlos of Guatemala (USAC), and is responsible for verifying compliance with the accord, which consists of 101 points articulated in 10 work areas. Quezada Toruño added that the constant change of public authorities made it difficult to come to agreements that can translate into advances.

Gladys Monterroso, victim of illegal detention and aggression, accepts CICIG as plaintiff in her case

Guatemala, 13.06.2009 (EP) y 18.06.2009 (PL, EP, SV).- In May, attorney Gladys Monterroso, lawyer and member of the Gathering for Guatemala party, was victim of illegal detention and later physical, sexual, and psychological aggression. The Human Rights Ombudsman, Sergio Morales, Monterroso's husband, requested intervention of the International Commission Against Impunity in Guatemala (CICIG) in the investigation to find those responsible. After having requested the removal of the CICIG from the case due to offense taken when investigators from the international entity examined her personal life, Monterroso finally accepted that CICIG would act as plaintiff. During a press conference, she said Commission had been collecting information for more than one month and that she accepted its accompaniment in the investigation. "For me the fact that the CICIG is plaintiff is valuable because it removes me from the situation in which my case has been handled because it has been characterized as a crime of passion and that is not the case," she said. She also said that she had not participated in the investigation carried out by the Human Rights Ombudsman (PDH) which had resulted in the detention of Óscar Gutiérrez Valle, for whom CICIG is now seeking liberty from illegal detention.

PDH accused of censoring work of the Historic Recuperation of the National Police Archive Project

Guatemala, 25.6.2009 (EP) – "Saw it coming," wrote Antonio González Quintana and Fina Solá, members of the International Consultative Council of the National Police Archive Historic Recuperation Project, in one of the letters circulated since Monday in diplomatic offices and international agencies that finance the Human Rights Ombudsman (PDH). In the document, they refer to a

crisis facing the Archive, an agency of the Ombudsman office responsible for the care and examination of some 18 million documents of the extinct National Police. In a letter written by Gustavo Meoño, director of the Archive, allusions are made to cases of nepotism, non-existent posts, and most seriously, obstruction of human rights violations cases, within the PDH. One of the investigated cases in the Archive is that of Fernando García, student leader, unionist, and husband of Nineth Montenegro (congresswoman) who disappeared on 18 February 1984. At least 200 documents were found with potential of becoming evidence in eventual charges against those responsible for his disappearance, in which a chain of command was implicated. "Nonetheless," said Meoño, "in the moment of specifying the complaint before the courts, the Human Rights Ombudsman decided to identify and accuse only the four agents responsible for the capture of Fernando García, leaving aside all of the members of the chain of command. Up until now, nothing with regard to this has been explained."

LAND

The IDB approves US\$22 million loan to Guatemala to finance land registry programme

Guatemala, 17.06.2009 (LH).- The Inter-American Development Bank (IDB) approved a loan of 22 million dollars to Guatemala to finance a land registry program which, according to its announcement on 17 June, seeks to improve the protection of sensitive areas. The funds will be directed to the creation of a database of property in protected areas that, according to the IDB, will eliminate the uncertainty about land ownership that has caused disputes and environmental degradation in those zones. The loan will serve also to delineate regions of protection. One of the most affected zones has been El Petén in the north where there is active forestry. Some 31% of Guatemalan territory is considered to be within the Protected Areas System to preserve biodiversity and natural resources.

Eviction of community in Sierra del Lacandón National Park, El Petén

La Libertad, 17.06.2009 (PL) – Approximately 150 peasant families occupying the Centro Uno community in the Sierra del Lacandón National Park were evicted on 16 June by the Police, the Army, and the National Council of Protected Areas (CONAP). The eviction began at 10 in the morning by order of a judge from La Libertad municipal court. The inhabitants reported the disappearance of children, Brandi Cano Galindo, 10 years old, Adalí Funes Cano, and another three unidentified minors. Máximo Cano, president of the Centro Uno community, said there had been no advance notice and that the displaced families had lived in the location for more than two decades. Cano added that the CONAP authorities violated their rights and did not respect the roundtable dialogue that had been established. On 9 June, community representatives met in the capital with Claudia Santizo and Gerardo Paiz, secretary and sub-secretary of CONAP, who informed them that negotiations would continue on 24 June. Lawyers Jaime Castillo and Wálter Barrios, advisors to the community, presented an habeas corpus writ in favour of the inhabitants, to try to avoid the eviction, and a protection order against the judge in La Libertad for having authorised it.

NEGATIVE EFFECTS OF GLOBALISATION

Mayors of San Marcos opposed to mining, linked to destruction of natural heritage and social irresponsibility

Guatemala, 16.06.2009 (AC) and 20.06.2009 (PL) – Jantzi Research, a Canadian agency that evaluates the corporate social responsibility of transnational companies, indicated that the company Montana Exploradora de Guatemala, a subsidiary of Glamys Gold Ltd. which extracts from the Marlín Mine located in San Miguel Ixtahuacán, San Marcos, has caused the destruction of important natural heritage, has affected community organisation, and has acted in a socially irresponsible manner. At the beginning of its operations, the company displaced approximately 600 families from their homes, undervalued their lands, and fomented division from within the community organisation. Presently, the report continues, legal representatives of the transnational company threaten and coerce people, principally women, to turn over their lands to the company.

Eleven mayors of San Marcos have declared that they do not support the company's mining activities, that they reject the licences granted to the company to operate in other municipalities of the region, and demand respect for the community consultations. Delfino Temaj, mayor of Sipacapa and representing 10 other council chiefs from San Marcos, said: "We oppose whatever work or study that Montana may carry out in our municipalities, as the only thing it has created is confrontation among brothers and deception, and it has taken over the lands of the humble people of San Miguel Ixtahuacán." He said the municipality was a model of community rejection of metal mining. "Montana can give us 50% of royalties, but we reject it; it is good to listen to proposals, but here in our municipalities we are not interested in this mining company," said Temaj.

Protests in San Marcos against excessive charges by DEOCSA

Guatemala, 15.06.2009 (PL).- Some 500 people from several communities of San Marcos demanded an end to the excessive charges for electric energy use by the company Energy Distributor of the West, SA (DEOCSA), which is owned by the Unión FENOSA. Roberto Madrid, for the National Front for Struggle said that "the people are tired of so much robbery," referring to the high cost of energy, and demanded the nationalisation of the sector to guarantee a more efficient service at lower cost.

OTHER ISSUES

49% of Guatemalan territory threatened with desertification

Guatemala, 17.06.2009 (PL) – 49 percent of the country is threatened with desertification due to poor soil use, deforestation, increased population, and climate change, according to environmental authorities. Luis Ríos, coordinator of the Unit for Struggle against Desertification and Drought, commented that this percentage of national territory was distributed through 19 departments in which soil and other resources like water are being degraded. José Miguel Leiva, coordinator of the Global Mechanism to Combat Desertification, affirmed that each year Guatemala was losing 60 million tons of fertile soil, representing an annual loss of 100 million dollars. He also explained that the shortage of water would prompt migration to urban centres, contributing to an increase in already existing social problems. Of the 19 departments susceptible to drought, Zacapa heads the list with 76 percent of its territory at risk; following is Petén, 72 percent, Retalhuleu, 71 percent, and Baja Verapaz, 66 percent. The experts say it is urgent to recover the forests, control population growth, protect ecosystems, and educate the public about the problem.

Sources: Cerigua Agency (AC), Central America Daily (CA), La Hora (LH), Prensa Libre (PL), El Periodico (EP), Siglo Veintiuno (SV).

2. PBI-GUATEMALA ACTIVITIES – IN GUATEMALA

Team: Silvia Weber (Germany), Jean-Jacques Ambresin (Switzerland), Valerie Elsig (Switzerland), Marina Comandulli (Italy/Brazil), Christopher Moye (UK), Jessica Fujan (USA), Simone Gessler (Switzerland), Juliane Walter (Germany)

2.1. DIALOGUE WITH GUATEMALAN AUTHORITIES AND DIPLOMATIC CORPS

Meetings with national and international authorities are an important tool for PBI's efforts to make known our objectives and nature of work. Through these meetings, in cases where it is necessary and with a reserved manner, we express our concerns about critical situations that we have come to know first hand from the work we carry out in the country.

Diplomatic Corps:

- Américo Incalcaterra, Commissioner of the Office of the United Nations High Commission for Guatemala (OACNUDH), Guatemala City.
- Jorge Mario Saavedra, Ambassador of Chile, Guatemala City
- Jean-Pierre Villard, Swiss Ambassador, Guatemala City.

Guatemalan Authorities:

- Rudy Castillo, Human Rights Ombudsman (PDH) Auxiliary, San Marcos
- Hector Champet, National Land Fund (FONTIERRA), Cobán, Alta Verapaz
- Álvaro Mérida, Inspector from the Nature Protection Division (DIPRONA) of the National Civil Police (PNC), Zacapa
- Hugo Pop, Legal Advisor of the Interior Ministry, Alta Verapaz
- César Dávila, President of the National Compensation Commission, Guatemala City, Guatemala
- Alida de León, Centre for Mediation of Agrarian Conflict of the Judicial Body in Cobán, Alta Verapaz
- Catalina Martínez Velásquez, Mayor of San Bartolomé Milpas Altas, Sacatepéquez.

2.2. MEETINGS WITH CIVIL SOCIETY ORGANISATIONS

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

Organisations and individuals from Guatemalan Civil Society:

- Miguel Qiej, Leader of the National Community Council for Integral Development of Guatemala (CONCODIG), Guatemala City, Guatemala

- Javier Guirrarán, independent consultant in El Quiche, Guatemala City, Guatemala
- Marco Tulio Pérez, Chief of Unidentified Persons Investigation Department of the Forensic Anthropology Foundation (FAFG), Guatemala City, Guatemala
- Lorena Cabnal, Association of Indigenous Women of Santa Maria Xalapán Mountain (AMISMAXAJ), Jalapa
- Manuel Aguilar, Youth Collective Xinca Xalapán, Guatemala City, Guatemala
- Roberto Marani and Teresa Fuentes, Coordinator and attorney for the Pastoral Peace and Ecology Commission (COPAE), San Marcos
- Luis Lacan, Member of the Guatemalan Settlers Movement (MGP), Guatemala City, Guatemala
- Jorge Santos, Member of the International Centre for Human Rights Research (CIIDH), Guatemala City, Guatemala.

International Organisations and Agencies:

- Forum of International Non-Governmental Organisations in Guatemala (FONGI), Guatemala City
- International Accompaniment Coordination in Guatemala (CAIG), Guatemala City
- Christina Papadopoulou, Office of the United Nations High Commission for Human Rights in Guatemala, Guatemala City

2.3 ACCOMPANIMENT

Union of Campesino Organisations for the Verapaces (UVOC).

In May we had visited, with a leader of UVOC, Carlos Morales, and the head of the Secretary for Agrarian Affairs (SAA), an area of land proposed for the families evicted from La Mocca estate at the beginning of 2006. In June, we received word that they had accepted the land and so the process of settlement can begin. In June we also continued observing the developments in the roundtable dialogue about agrarian conflicts that takes place in Cobán at the beginning of each month, and in which members of Alta Verapaz communities, the UVOC, the Secretary for Agrarian Affairs, the Human Rights Ombudsman (PDH), and the Land Fund (Fontierra) participate. We continue in contact with various members of the organisation through office visits in the capital and in Santa Cruz (Alta Verapaz).

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

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

National Coordinator of Guatemalan Widows, CONAVIGUA.

We have increased our presence in the CONAVIGUA office and surrounding area due to the concerns of the organisation about surveillance by unknown persons. We also met on various occasions during the month with members of the Maya Youth Movement (MOJOMAYAS), part of CONAVIGUA, whose members recently received threats and were victims of aggression.

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

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

During June we continued accompanying OASIS and closely monitoring the development of the judicial process against its director Jorge López, who continues to await a date for the next court hearing. The maximum period the Public Prosecutor can continue investigating the case is six months, counted from the initial hearing with the judge. This was held on 23 January, thus the period should finish at the end of July. In June, we also observed the Gay Pride March promoted by OASIS. The parade went from the Municipality to the Central Park in the capital. Jorge López, director of OASIS, appeared very happy with the participation and the support offered by other organisations. The crowd attending the event was large and the atmosphere very lively. The presence of the National Civil Police was limited, and we did not observe incidents or disturbances.

*Background: OASIS is an organisation that works with HIV/AIDS education and prevention, as well as promoting and protecting the rights of gay, lesbian, bisexual and transgender people. On 17 December 2005, a transgender worker, Paulina, was killed, the seventh murder of a transgender worker that year. **Zulma Robles**, who witnessed the crime, was seriously injured during the incident. OASIS reported the case to the Public Prosecutor's Office (MP) and Zulma, as a witness to the murder, identified alleged agents of the National Civil Police (PNC) as the perpetrators of the crime.*

*Members of the organisation continued to suffer harassment and threats. Executive Director **Jorge López** reported being pursued by a police car during the night of 22 January 2006. On 3 February 2006 the Inter-American Commission of Human Rights (CIDH) granted protection measures for Zulma Robles, Jorge López, and another eleven members of OASIS, requesting that the Government of Guatemala adopt the necessary measures to guarantee their lives and physical integrity.*

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

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

Association for the Protection of Montaña de las Granadillas, APMG.

Following the tour of the United States and different countries in Europe by several members of the board of directors of the Association, we continue our presence in Zacapa and in La Trementina. We continue in contact with the Association through the project's administrators in Casa Campesina, in La Trementina, and the APMG office in Zacapa.

*Background: The association was created six years ago in Zacapa, when a group of residents realised that the ecosystem of the Las Granadillas mountain (Zacapa) was in danger due to logging, monoculture, and large-scale cattle farming. They were concerned above all that the water reserves would disappear, given that all of the region's water comes from the mountain's forests. The organisation sought the support of the Lutheran Church, specifically from Reverend **José Pilar Álvarez Cabrera**, and the Madre Selva Collective. These organisations carried out an analysis of the deterioration of the area, and found that the lower part of the mountain had lost 70% of forest cover due to illegal logging and inadequate regional application of the Forestry Law. Now the principal objective is to protect 20-30% of the remaining forest and to promote reforestation. The association's members want to convert the mountain into a protected area but this proposal has proven difficult and dangerous because of the economic interests involved. Threats against members of the association began when the association tried to denounce the illegal timber trade. We have accompanied the APMG since August 2008. At the beginning of 2009, Reverend José Pilar Álvarez and two members of the APMG faced legal accusations connected to their work of protecting the mountain; The charges were dismissed in the first hearing before a judge.*

Human Rights Defenders Protection Unit (UDEFEQUA)

From April 30 and during the first few days of May, three members of UDEFEQUA received death threats via text messages on their mobile phones. These events occurred within a wider context of threats, on the same dates and by the same medium, to six members of the association Security in Democracy (SEDEM). The messages make reference to both organisations' work in promoting human rights and the search for justice. In this scenario, UDEFEQUA's role in the verification of aggressions against human rights defenders is considered a key element in the possible motivations behind these threats. In addition to the protective measures granted by the International Human Rights Commission (CIDH) and following a request from UDEFEQUA, we resumed

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

international accompaniment of this organisation, through weekly office visits, monitoring the security situation during investigation of these events, and offering support to its members. UDEFEGUA continues to participate in the judicial process to identify the source of the threats.

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

2.4 FOLLOW-UP

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

We are following up on the situations of the following social organisations:

The Guatemalan Association of Indigenous Mayors and Authorities (AGAAI).

In June, we presented our organisation to Saturnino Figueroa Pérez, president of AGAAI, the mayor of San Bartolomé Milpas Altas, Catalina Martínez Velásquez, who is also the vice-president of AGAAI, and to the Municipal Council of Sacatepéquez. AGAAI's mission is to facilitate policies and strategies to strengthen indigenous municipal governments and authorities politically, technically, legally and in their administration, aiming to contribute to the construction of a State that reflects the pluricultural, multi-linguistic and multiethnic nature of the country. In this context, AGAAI works through local indigenous mayors and authorities to raise public awareness of issues such as community consultations on mining activities. It also advocates strongly about the municipal legislative agenda so that indigenous authorities can become part of the official system.

Carlos Guárquez, the executive coordinator of the association, has suffered from various forms of threats, accusations, and intimidation because of his work rejecting the Free Trade Agreement (DR-CAFTA) and mining exploitation. On 20th March 2007, AGAAI's office was broken into and raided by unidentified intruders. As a result of this first threat, PBI activated its Support Network (SN) inside Guatemala, and we continued to accompany the organisation in the following years. Currently, although physical accompaniment of Carlos Guárquez has stopped, we continue to follow the situation closely, due to the organization's relevant role in key current processes in Guatemala's, especially those relating to community consultations in various departments of the country. On 22 May we observed a presentation, organised by AGAAI and NUM-AJPU, of the eighth edition of a book by Carlos Guzmán-Boeckler and Jean-Loup Herbert. All of the speakers highlighted the historical importance of this publication, written in 1970, as one of the first studies of the discrimination towards the indigenous community.

Centre for Human Rights Legal Action (CALDH).

In June we accompanied José Roberto Morales during a day of visits to observe hydroelectric dams, water contamination, and deterioration of forests in Jocotán, Camotán, and San Juan Ermita. The activity was organised by the Human Rights Observatory of Chiquimula department and the Maya Chorti Advocacy Office.

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

We have accompanied CALDH workers on various occasions between 2004 and 2006. In February 2007, members of the legal team received direct threats. That same month, Jose Roberto Morales Sic, Coordinator of CALDH's Rights for Indigenous Peoples Programme, was the victim of a kidnapping by two armed men who threatened to kill him. At that point we began to accompany him

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

on a regular basis. In February 2009, we began to observe some of the organisation's other activities. This came following an increase in threats and security risks because of its active role in the truth process, the recuperation of historical memory and the release of classified military archives relating to its actions during the internal armed conflict. In April 2009, we attended a press conference in the offices of CALDH, where several social organisations expressed their concern about the assassination of the journalist Rolando Santiz and the situation of insecurity in the country.

Association of Friends of Lake Izabal, ASALI.

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

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

The Association of Mayan Lawyers and Notaries supports and advises indigenous leaders and mayors who are in a vulnerable situation due to their work in defence of human rights and indigenous rights, above all relating to the defence of natural resources.

As members and representatives of the association, Amilcar Pop, Carmela Curup and Mario Saper began to suffer threats and intimidation after giving legal advice to the communities of San Juan Sacatepéquez municipality regarding a social consultation about the cement factory project of the company Cementos Progreso in the area. The threats culminated on 2 August, with the attempted attack on the life of Amilcar Pop. Since August 2008, we have accompanied members of the organisation to San Juan Sacatepéquez and in several judicial hearings. We have also kept in regular contact through visits to the office and phone calls. During recent months the threats have diminished and, as of April 2009, we have entered the follow up phase of accompanying the security situation of AANMG. The Association continues to develop its work of advising the communities.

Lesbiradas

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

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

The National Coordinator for Inhabitants of Marginalised Areas, CONAPAMG

CONAPAMG works on issues of housing access, social infrastructure, and the legalisation of occupied land.

We have accompanied the organisation since July 2004 when its office suffered a break-in. Two members of the organisation were assassinated in 2005 and 2006. In particular we accompany the general coordinator **Roly Escobar**, for whom we activated our Support Network (SN) following death threats he received on 10 September 2006. In May, in light of a reduction of threats and a significant improvement in the security situation, the accompaniment and follow up phase of this organisation were concluded.

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

The CRP, founded in 2006 in the Municipality of San Rafael Pie de la Cuesta (San Marcos), focuses on the investigation and reporting about a particular hydroelectric project, whose proposed construction in early 2008 was announced by the mayor in September 2007. The project was based on another earlier one that had not been realised, and about which the municipality's population had not been informed.

We began accompanying members of the CRP in December 2007, after some of them were attacked and interrogated by police officers during a meeting held by the organisation and following the incident several members later received threats. As a result of a positive evaluation of their security, the accompaniment has been in the follow up phase since November 2008. We continue this

accompaniment as part of our objective to accompany the social processes of defence and promotion of human rights relating to the use and exploitation of natural resources, in particular water and mineral resources.

The Movement of Campesino Workers (MTC)

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

The Women's Sector

The Women's Sector is a coordinating body of associations that work for women's economic development and campaigns for the end of violence against women, denouncing impunity and *feminicide*.

In less than 10 days, between the end of May and the beginning of June 2006, the headquarters of the Women's Sector were broken into twice. We began to accompany the organisation in June 2006. Several months later, their security situation improved noticeably, making it possible to move to the follow up phase.

We are currently making weekly visits to the Women's Sector office in the capital and regularly observing its public activities, following an increase in risk to the security of a number of the organisation's members. In May we also observed a press conference held at Women's Sector headquarters the Collective of Social Organisations (COS), on the serious political crisis Guatemala is experiencing.

2.5 OBSERVATION

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



With the beginning of the rainy season, we want to call attention to the precarious situation of settlement residents in the capital.

On June 24, we visited a settlement in Zone 18 in the company of Luis Lacán, member of the National Settlements Agency of Guatemala (UNASGUA) which forms part of the Guatemalan Settlers Movement (MGP). The settlement was formed by three neighbouring "communities", Guadalupano, Las Puentes Jardines, and la Libertad 12 years ago by residents who could not keep up on rent for their houses. With great effort, the inhabitants succeeded in building their houses and installing minimal infrastructure. However, the settlement does not have a drainage system for residual and rain water and for many years the inhabitants have struggled for legalisation of the land (with support of MGP). Annually during the rainy season, the situation worsens to the point of becoming precarious, considerably increasing the risk of mudslides, which puts in danger the life and health of the residents along with the deterioration of the houses built along the ravine. To prevent the situation repeating itself each year, the MGP is trying to push for the approval of the proposed Housing Law presented to Congress last year, which includes the creation of a budget for disaster prevention and for aid to settlement populations in case of disaster.

At the beginning of the month we attended as observers the press conference against mining promoted by the Association of Indigenous Women of the Santa María Xalapán Mountain in Jalapa. During the event, the municipal mayor and

legal representative of the Environment Department of Jalapa were given a copy of a document with 20,000 signatures rejecting the installation and development of mining activities in the region.

On 30 June, we observed the march organised by HIJOS in commemoration of the persons forcibly disappeared during the civil war in Guatemala. Social organisations such as CALDH, SEDEM, CUC, Women's Sector, and Lesberidas also participated. The march began in the Morazán Park and ended in the Central Park. The speakers recalled, among other things, the violent death of

Monsignor Gerardi in the 90's and the assassination of student Oliverio Castañeda in the 70's, and firmly criticized the existing impunity in the country.

3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA

Regional Representatives, the project's Coordination Office, other committee members and the project office, as well as PBI national groups, carried out public relations campaigns with numerous NGO's, agencies, national governments, parliamentarians, etc. These meetings translate into development and strengthening of a "Support Network" for the project, an essential tool for the functioning of PBI's international presence in Guatemala.

On 9 June, a member of the project committee participated in an activity organised by the Movement for Non-Violent Alternatives (MAN) of Lyon and PBI France, focused on non-violent international accompaniment. During the activity, a video from PBI Colombia was shown and presentations were made of PBI Mexico and PBI Guatemala.

In the middle of the month, the project's European representative travelled to Geneva to hold a series of meetings as part of the plan for advocacy and maintenance of project alliances, relations, and contacts outside of Guatemala. She met with staff of the United Nations High Commission on Human Rights Office (OACDH), the office of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, and the International Labour Organisation (OIT). She also met with members of the World Organisation Against Torture, the International Jurist Commission (CIJ), and the World Council of Churches; and she was interviewed with a member of the permanent German mission before the United Nations Organisation in Geneva. In these meetings, she shared information about the situation of human rights and of their defenders in Guatemala, and she spoke about the mechanisms and experiences of protection that contribute to the improvement of their security situation and to the maintenance of the spaces in which they work.

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 asociación Consejo Nacional de las Comunidades para el Desarrollo Integral de Guatemala (CONCODIG), en relación al caso 226/2008/3123 de la exhumación en el cantón Pocohil, Chichicastenango. El denunciante es Jerónimo Guarcas Macario, y demás familiares que conexas sus casos con el caso numero 226/2008/3123. Esta denuncia se presentó al Ministerio Público de Santa Cruz del El Quiché el día 15 de diciembre de 2008.

En relación del permiso de terreno en donde están enterradas las 17 osamentas, se gestionó con los dueños en la cual las personas dieron el permiso sin ningún problema. Los dueños son Tomas Senté Calgua y José Tomas Senté Conoz Martín.

Después de la presentación de la denuncia en el MP y el permiso con los dueños del terreno tuvimos varias reuniones con las víctimas para planificar la exhumaciones que se iban a realizar. El día 25-05-09 se realizó una reunión con autoridades locales en la cual se levantó un acta donde se acordó realizar la exhumación pacíficamente, previo a la reunión se acordó que había necesidad de reunir a toda la comunidad para el día martes, la cual se les planteo sobre la exhumación que se iban a realizar el día miércoles y que todos estuvieron de acuerdo.

El día miércoles se inició la exhumación donde tuvo participación CONCODIG, la Fundación de Antropología Forense (FAFG) y el Fiscal de Ministerio Público, el día jueves se continuó con la exhumación. Este mismo día Jerónimo Guarcas Macario informó al equipo que había recibido amenazas a través de un mensaje telefónico.

... El día jueves se le dio seguimiento al caso en donde encontraron algunos restos; según los antropólogos la fosa se encontraba adulterada.

El día viernes en horas de la mañana ... nos trasladamos al lugar de la exhumación, empezando a escarbar la fosa en que solo se encontraron restos humanos incompletos. Se conversó con los antropólogos y familiares que también la fosa estaba adulterada y se preguntó quién nos podría dar una pista sobre dónde están los restos humanos. El señor Jerónimo nos dijo que en lo años 80 el señor Diego Martin Chitic, era Alcalde Auxiliar y ex Jefe de las PAC... Nos dimos cuenta que en la terraza de una casa que se

encontraba cerca de la escuela se encontraba un muchacho en donde gritaba, 'ladrones, guerrilleros, quémenlos con gasolina'; luego de eso, al llegar enfrente de la escuela, estaban Tomás Martín Morales, Mario Martín Martín, Pascual Martín, y Sebastián Martín Martín que ...empezaron a agredir físicamente a Don Jerónimo Guarcas Macario, y Manuel Sicaj...

...Al llegar la patrulla de la policía, según información de los agentes, les habían rociado gasolina para quemarlos, ellos inmediatamente regresaron y rescataron a Angélica Macario y Dania Ramírez en la comunidad. Y también se informó al fiscal del Ministerio Público quienes iban en camino para la comunidad.

Previo a ello Angélica y Dania dieron información a quienes se encontraban en la comunidad que dos antropólogos y Miguel Quijé de CONCODIG se encontraban rodeados por la comunidad de Pocohil...

Al llegar en la comunidad habían aproximadamente 500 personas reunidas esperándolos. Lo primero que hicieron es arrinconar a las auto patrullas de la PNC enfrente de la escuela, amenazándolas de quemar las auto patrullas en el Idioma Quiché, luego llamaron a los familiares de las víctimas a que subiéramos en unas bancas en medio de la turba en donde les vocearon que eran guerrilleros, ladrones y secuestradores y nos obligaron a apagar los celulares y en repetidas ocasiones nos dijeron que nos quemaran y que echaran gasolina y que apliquen la ley maya ... luego se presentó el señor Diego Martín Chitic, diciendo a Miguel de quien le había dado el número de teléfono y que clase de medicina estaba vendiendo ... y Miguel informo que no era vendedor de medicina ...

La PDH y la PNC, solo jugaron un papel de observadores y no de intermediarios en los hechos acontecidos.

A las nueve de la noche... la comunidad de Pocohil reunieron a otras comunidades... en eso llegaron al acuerdo en que si se debe aplicar el castigo a Don Jerónimo Guarcas Macario, por coordinar la exhumación en su comunidad recibió 30 azotazos, don Manuel Sicaj, Ángel y los trabajadores que fueron azotados con 25 cada uno, eso ... concluyeron a las 3 de la mañana del día sábado 30 de mayo de 2009, donde fueron advertidos que si denunciaran cualquiera de los hechos ocurridos iban a ser linchados.

Los familiares de las víctimas están muy temerosos ante esta situación que los ex PAC los podrían asesinar en cualquier momento.

Miguel Quijé
Coordinador
CONCODIG

LAS FILIALES Y SECCIONALES DE LOS MUNICIPIOS DE COLOMBA, OLINTEPEQUE, EL NUEVO PALMAR, LA ESPERANZA, CANTEL Y QUETZALTENANGO, DEL SINDICATO NACIONAL DE TRABAJADORES DE LA CONSTRUCCION Y SERVICIOS DE GUATEMALA, SINCS-G, MIEMBRO AFILIADO A LA INTERNACIONAL DE LA CONSTRUCCION Y LA MADERA (ICM), A LA OPINION PUBLICA NACIONAL E INTERNACIONAL, MANIFIESTAMOS:

Que nos preocupa la noticia, del interés de nuestras autoridades locales en estar solicitándole al Ministro de la Defensa Abraham Valenzuela, la instalación de destacamentos militares en nuestros municipios, justificando que serviría para colaborar con la seguridad ciudadana.

POR LO QUE EXIGIMOS

- Al presidente de la República como comandante general del ejército y al vicepresidente de la República, cumplir con los compromisos adquiridos con la sociedad civil del departamento de Quetzaltenango, en el marco del programa 'Gobernando con la Gente', específicamente en la mesa temática de seguridad ciudadana, fortalecer las instancias creadas para velar por la seguridad del pueblo.
- Recordarle al Ministro de la Defensa que de acuerdo al artículo 244 de la Constitución Política de la República, el ejército de Guatemala tiene su mandato, el cual es una institución destinada a mantener la independencia, la soberanía y el honor de Guatemala y es a la Policía Nacional Civil que le corresponde guardar por la seguridad ciudadana nacional.
- A la sociedad en general, a las organizaciones sociales del país y a la comunidad internacional su involucramiento en sugerir se respete el Acuerdo sobre el Fortalecimiento del Poder Civil y Función del ejército en una sociedad democrática, y ya no permitir el militarismo en nuestro país...

GUATEMALA, JUNIO DE 2009

ANTE LA AMENAZA DE QUE LOS ARCHIVOS HISTÓRICOS DE LA POLICÍA NACIONAL QUEDEN CAUTIVOS DE LA VOLUNTAD DE FUNCIONARIOS PÚBLICOS QUE SE OPONEN A LA RECONSTRUCCIÓN DE LA MEMORIA HISTÓRICA Y DEL ESCLARECIMIENTO JUDICIAL DE LAS GRAVES VIOLACIONES A LOS DERECHOS HUMANOS,

LAS PERSONAS, ORGANIZACIONES SOCIALES Y DE DERECHOS HUMANOS FIRMANTES, EXPRESAMOS:

1. La urgencia de preservar y proteger la totalidad de los documentos de los archivos de la desaparecida Policía Nacional...
2. La existencia misma de los Archivos Históricos de la Policía Nacional (AHPN) corre riesgo debido a que intereses cómplices de la impunidad se oponen a la reconstrucción de la memoria histórica, a investigaciones sociales...
3. Por esa importancia, histórica, judicial y reparadora, es que el Estado, en especial el Organismo Ejecutivo, debe garantizar la preservación y protección de los AHPN. El Presidente de la República, Alvaro Colom, tiene en sus manos el ineludible mandato de que los archivos tengan un depositario comprometido con la verdad y la justicia de Guatemala.
4. Las personas y organizaciones sociales y de Derechos Humanos, planteamos el acceso libre a los AHPN de los familiares de las víctimas, víctimas sobrevivientes, de todos los sectores de la sociedad así como el pueblo de Guatemala...
5. Las personas y organizaciones sociales y de Derechos Humanos exigimos al gobierno la inmediata protección del conjunto de los derechos laborales ... de las y los 150 trabajadores de los AHPN...
6. Por todo ello, las personas y organizaciones sociales y de Derechos Humanos exigimos:
 - ✓ Que el Presidente de la República, con base en el marco jurídico vigente, garantice que la tutela de los AHPN quede bajo responsabilidad del Archivo General de Centroamérica.
 - ✓ La publicación inmediata del informe original, sin censura, que le fue entregado al Procurador de los Derechos Humanos.
 - ✓ La garantía de libre acceso a los AHPN a toda la sociedad, instituciones publicas y privadas, organizaciones, centros de investigaciones, universidades y pueblo, interesados en conocer qué fue lo que pasó y por qué pasó.
 - ✓ La garantía de la protección laboral de las y los 150 guatemaltecos y guatemaltecas trabajadoras del AHPN.
 - ✓ La constitución de una Comisión Nacional de la Memoria Histórica, que sea garante, con autonomía, presupuesto y mandato para la preservación, acceso y uso de los AHPN., así como de todos y cada uno de los registros y acervos de información de las fuerzas de seguridad, vinculados al rol del Estado durante el conflicto armado interno.

Por el derecho a la memoria, la verdad y la justicia
Guatemala 25 de junio de 2009

Centro para la Acción Legal en Derechos Humanos -CALDH-; Centro Internacional de Investigaciones en Derechos Humanos -CIIDH-; Fundación Sobrevivientes; Instituto de Estudios Comparados en Ciencias Penales de Guatemala -ICCPG-; Oficina de Derechos Humanos del Arzobispado de Guatemala -ODHAG-; Seguridad en Democracia -SEDEM-; Unidad de protección a Defensoras y Defensores de DDHH en Guatemala -UDEFEGUA-; Fundación de Antropología Forense de Guatemala -FAFG-; Grupo de Apoyo Mutuo -GAM-; Fundación Rigoberta Menchú Tum -FRMT-; Centro de Análisis Forense y Ciencias Aplicadas -CAFCA-; Coordinación de Acompañamiento Internacional en Guatemala -ACOGUATE-; Julio Solórzano Foppa; Consejo Ecueménico; Comisión de Derechos Humanos de Guatemala -CDHG-; Movimiento Monseñor Gerardi; Asociación para el Avance de las Ciencias Sociales en Guatemala -AVANCSO-; Asociación Familiares de Detenidos y Desaparecidos de Guatemala -FAMDEGUA-; Instituto Internacional de Aprendizaje para la Reconciliación Social -IIARS-.

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