



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

San Juan Cotzal: The army closes San Juan Cotzal detachment in order to protect the personal safety of its soldiers

Quiché, 05.11.09 (PL).– A few days before the National Civil Police (PNC) decided to close the substation, a group of neighbours lynched 39-year-old agent Pedro Rodríguez Toma. Augusto Tejeda, commanding officer of the fifth Brigade, explained that the unit, together with Army high command, took the decision to leave the substation in the village of Visán, because “the legal and security conditions were not in place to allow military personnel to remain stationed there.” Furthermore, without police presence, the Army’s work would be of little use, as they are unable to capture and consign anybody: “We do not want to act outside of the law, and for this reason we have decided to withdraw to Cotzal.” The mayor, the Human Rights auxiliary officer and the State Prosecutor have all been informed. The army were present in this key town with the aim of strengthening security and supporting the PNC on patrols. The town is one of the most violent in the Quiché region.

CICIG: Insufficient response from the State on violence against women

Guatemala, 18.11.2009 (PL).– Carlos Castresana, head of the International Commission against Impunity in Guatemala (CICIG), stated that the almost non-existent State response on violence against women contributes to the fact these violations continue to occur and indeed rise in numbers. The head of the CICIG relayed that Guatemala has the third highest index of violence against women in Mesoamerica (after El Salvador and Mexico), and that it is likely to rise. He also announced that the failure of Health and Education ministers to consider preventative measures will result in the continued assassinations of women, and nothing will happen to impede these acts.

1,986 cases of homicides against women were reported between 2005 and 2007, and only 93 were reported in courts of justice. Of these, only 43 received a sentence, facts which suggest a 97.9% incidence of impunity. Óscar Perdomo, Executive Secretary against Sexual Violence, Exploitation and Treatment of Individuals, pointed out the need to implement laws that have already been approved, in order to minimize this form of violence. He went on to say that, in many circumstances, these laws are not put into practice because of a lack of resources.

US Ambassador seeks justice in the case of El Jute

Guatemala, 27.11.2009 (PL, CA).– The US ambassador, Stephen McFarland, attended the final hearing of the case known as ‘El Jute’ in Chiquimula on Thursday, in which eight individuals disappeared in 1981. Sentencing was postponed for one week. McFarland said, “I am confident that my presence will do something for the victims’ families. I hope that ultimately justice will prevail.” The diplomat insisted on the need for “a State response denouncing the abuses that took place at that time”. Retired soldiers Luis Miranda Trejo and José Luis Quilo Ayuso, from the Guatemalan Association of Veteran Soldiers (AVEMILGUA), were also present and seen taking pictures of those in attendance.

LAND

LIDER blocks approval of Development Alliance Law

Guatemala, 18.11.2009 (PL).– The debate over the Development Alliance Law was suspended on Tuesday, after the Renewed Democratic Liberty (LIDER) bench employed delaying tactics; their strategy involved calling for a nominal vote on the amendments

of two articles, on which they hoped to gain support. The two articles LIDER wishes to see approved are rejected by the majority (of blocs). For this reason, the strategy was to seek the nominal vote. In a nominal vote, each individual article is read out loud, and each reading lasts between two and three hours. The articles concerned are numbers 10 and 36. In the case of number 10, the heads of the blocs agree that with an amendment, any members of the Development Alliance National Council that are not government employees will be expelled. According to some members of parliament, this would then eliminate the possibility of non-government employees getting too close to people in positions that are similar to those of legislators.

LIDER is also looking to approve a new article that, once passed by law, would see 2% of the total of signed contracts be apportioned to a fund for firemen and other charitable organisations. Included amongst these organisations is an institution for which a member of parliament - a LIDER representative - is a patron.

FONTIERRAS to allocate small loans to campesinos

Guatemala, 06.11.2009 (EP).- The government agreed with Plataforma Agraria, that through the National Fund for Land, ten thousand loans of two thousand quetzals will be awarded, to promote the leasing of land. Campesino organisations originally demanded an award of thirty-five thousand loans. Abisaías Gómez, director of Plataforma Agraria, explained that with this sum of money, a campesino on the south coast or the high plains can lease 10 *cuerdas*¹ of land, or eight *cuerdas* in eastern departments. Supplies (e.g. seeds) could then be purchased to a value of approximately five hundred quetzals. The provisions should ensure families can produce food in a sustainable fashion. The loans are enough to meet the emergency but are not sufficient. Plataforma Agraria is requesting that support be continued in 2010 and 2011. Orlando Blanco, Peace Secretary, declared that campesinos receiving loans will have to return 1,700 quetzals within one year.

NEGATIVE EFFECTS OF GLOBALISATION

Representatives from 27 villages in Huehuetenango object to changes in mining law

Guatemala, 25.11.2009 (PL).- Representatives from 27 villages in the department of Huehuetenango expressed their opposition to mining activities on their land and rejected the Mining Law reforms that were brought up in Congress. Rafael García, representative of Ixtahuacán, highlighted that 27 of Huehuetenango's 32 villages have carried out community-based consultancies and that "more than 600,000 people have rejected mining" in that region. "We do not want royalties of three percent or indeed of any kind. We want them to not exploit our land and to respect our decision," García said. According to representatives from the 27 villages, the Initiatives of law 3450/2006, 3528/2006 and 3988/2009, do not include adequate space for either the opinion of indigenous villages or the binding nature of the indigenous consultations. They also fail to foresee the substantial changes that are required to protect natural spaces and compensate for future damage. During the third session of Environmental Parliament, which dealt with open-cast mining, the ecologist Yuri Melinix announced the need to bring in a new law that would allow more control over the environment, guarantee civic participation and offer improved royalties of between 5 and 9 percent - the current rate is 1%.

INDE to restart the Xalalá project

Guatemala, 06.11.09 (PL).- A year after the tender for the construction of the Xalalá hydroelectric power station collapsed, the National Institute of Electrification (INDE) has decided to change the structure of the project and initiate studies to determine its feasibility. According to INDE, there will be six months of analytical work and studies that will include censuses and interviews with the communities affected by the project.

One of the failures of last year's tender, according to investors, was the manner in which the contract was drawn up. The contract placed the onus on those parties involved with the project to resolve the various social issues that would affect the local community, and no participation from the State was included. INDE confirmed that several parties were interested, but did not give the name of the bidders. INDE also noted that proposals are still being analysed. After Chixoy, which generates 271 megawatts, Xalalá would be the second most important source of hydroelectric power in the country. The estimated investment for the project is \$350.400 million.

Sources: Prensa Libre (PL), Siglo Veintiuno (SV), La Hora (LH), El Periódico (EP), Tele Noticiario: Tele Diario (TD), Nuestro Diario (ND), Agencia Cerigua (AC), Diario de Centro América (CA), Centro de Reportes Informativos sobre Guatemala (CERIGUA), Noti Siete (N7), Al Día (AD), Centre for Guatemala Studies (CEG).

2. PBI-GUATEMALA ACTIVITIES – IN GUATEMALA

Team: Marina Comandulli (Italy/Brazil), Christopher Moye (UK), Jessica Fujan (USA), Simone Gessler (Switzerland), Juliane Walter (Germany), Samuel Jones (United Kingdom), Jorge Palomeque (Argentina), Attilio Altieri (Italy)

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.

¹ One cuerda = 400m²

Diplomatic Corps:

- Ewa Werner-Dahlin, Swiss Ambassador and Pontus Rosenberg, second secretary of the Swiss Embassy, Guatemala City
- Mainardo Benardelli, Italian Ambassador, Guatemala City
- Giorgia Canulli, Italian Cooperation Office, Guatemala City

Guatemalan Authorities:

- Angelina Aspuc Con, presidential sub secretary for women issues and Rosa María Tacán, Legal Consultancy Attorney from the High Office of the Presidential Secretary for women's issues (SEPREM)
- Carlos Lacán, national coordinator of the International Labour Organisation (ILO), Guatemala City
- Hugo Enrique Martínez, Department for the Coordination of the Protection of Human Rights Defenders and Elsa Lorena Pereira, deputy executive director of the Presidential Human Rights Commission, Guatemala City
- Esperanza Xona, Office for Indigenous Women's Rights (DEMI), Cobán, Alta Verapaz
- Priscila García and Luis Rolando Yoc, Office for Mediation and Conflict Resolution and Advocacy in Public Policy, Human Rights Ombudsman's Office (PDH), Guatemala City

2.2. MEETINGS WITH CIVIL SOCIETY ORGANISATIONS

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

Organisations and individuals from Guatemalan Civil Society:

- Mauro Vay Gonón, national coordinator, and Vacilo Sánchez, Retalhuleu leader, both of the Campesino Development Committee (CODECA), Guatemala City
- Ramón Cadena, Central American director of the International Commission of Jurists (ICJ), Guatemala City
- Iduvina Hernández, director of Security in Democracy (SEDEM), Guatemala City
- María Eugenia Camacho Ceballos, Judicial and Social Services (SERJUS), Purulhá, Baja Verapaz
- Lilia Laj, Association of Community Health Services (ASECSA), Purulhá, Baja Verapaz
- Roberto Caal, Coordinating Body of Indigenous and Peasant Organisations (CONIC), Purulhá, Baja Verapaz
- Sofia Tot, coordinator of the Women's Network, Purulhá, Baja Verapaz
- Silverio Cruz, Verapaz Association for Indigenous and Campesino Development (ADICAV), Purulhá, Baja Verapaz
- Melvin Picom, Indigenous and Campesino Council Tezulutlan, Purulhá, Baja Verapaz
- Eliberto Cruz, vice president y Samuel Lopez, legal representative of the Community Tourism Association, Purulhá, Alta Verapaz
- Mateo Pop, coordinator of the Association 29 de Mayo, Panzós, Alta Verapaz
- Guadalupe Lucas López, Nuevo Camino, Fray Bartolomé de las Casas, Alta Verapaz

International Organisations and Agencies:

- Forum of International Non-Governmental Organisations (FONGI), Guatemala City
- Coordinating Body for International Accompaniment in Guatemala (CAIG), Guatemala City
- Christina Papadopoulou, Office of the UN High Commissioner for Human Rights (OCHCR), Guatemala City
- Christina Laur, Project Counseling Services (PCS)

2.3 ACCOMPANIMENTS

Union of Campesino Organisations of the Verapaces (UVOC).

In November, we observed the meeting in Cobán where the region's *campesino* population were negotiating a solution for the eviction of thirty families belonging to the El Zapotal community. The eviction took place on 18 October.

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 campesino 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.

On several occasions in November we observed meetings between the Presidential Commission of the National System of Permanent Dialogue and the Ministry of the Interior, and members of CONAVIGUA's Programme of Incidence, Relationships and Communication. The objective at the meeting with the Presidential Commission was for CONAVIGUA to emphasise the State's duty

to comply with the agreements signed in January and July of this year, with respect to the problems experienced in San Juan Sacatepéquez, San Miguel Ixtauacán and Izabal.

We also accompanied CONAVIGUA partners to the Ministry of the Interior, where members of the advocacy programme expressed their concerns about the deteriorating security situation in San Juan Cotzál, Quiché. We were also present at the press conference on 11 November where members of CONAVIGUA expressed their fears over the case concerning the hydroelectric plant "El Volcán" in Cahabón, Alta Verapaz. We accompanied them to Congress where they submitted the minutes signed by the communities of Chiacté, and the results of the community consultation in Cunén; both documents reject the power station.

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

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

Since a stay of proceedings was ruled against Jorge López, we continued our accompaniment with regular office visits and meetings with him. We have also given support to the complaint filed by Zulma Robles at the Presidential Human Rights Commission (COPREDEH), after she received suspicious and worrying phone calls.

Background: OASIS is an organisation that works with HIV/AIDS education and prevention, as well as promoting and protecting the rights of gay, lesbian, bisexual and transgender people. On 17 December 2005, a transgender worker, Paulina, was killed, the seventh murder of a transgender worker that year. Zulma Robles, who witnessed the crime, was seriously injured during the incident. OASIS reported the case to the Public Prosecutor's Office (MP) and Zulma, as a witness to the murder, identified alleged agents of the National Civil Police (PNC) as the perpetrators of the crime. Members of the organisation continued to suffer harassment and threats. 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 Crime², 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 Las Granadillas Mountain, APMG

We were present as international observers at a meeting at the beginning of November, in which among other matters, granting a license to INAB for tree-felling was discussed. This month, the table set up a commission to deal with access to the municipal estate of Zacapa. On 18 November, along with Selva, the Association held a press conference on a report about the protection of the water sources that the Chortí and 102 campesino communities use. The report seeks an immediate end to the award of licenses by INAB for tree-felling on the Granadillas Mountain

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

² 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."

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 (UDEFEGUA)

After three members of UDEFEGUA received intimidating messages on their mobile phones in April and May 2009, we visited their offices on a weekly basis. UDEFEGUA is using legal means to identify the origin of the threats. We continued our accompaniment throughout November, with regular visits to the UDEFEGUA office.

Background: The Human Rights Defenders Protection Unit (UDEFEGUA) was founded in 2004 with the objective of promoting the security of human rights defenders in Guatemala and contributing to the protection of the political space in which they work. The Unit's programmes support threatened human rights defenders and their organisations and advise them about prevention and response to threats and attacks, through the provision of information, training, monitoring and psychological support. In addition, UDEFEGUA promotes the protection of these people by government institutions and the international community. For many years PBI has maintained a close collaborative relationship with UDEFEGUA and in 2007 provided the Unit with international accompaniment during another period of threats. Following the threats received during the month of May 2009, those affected have denounced the incidents to the Public Prosecutor's Office. Several international organisations have expressed their concerns about what they describe as a "serious pattern of persecution".³

Association of Indigenous Women of Santa María Xalapán (AMISMAXAJ)

In November, we had an audience with the Xinka Government, at which we presented our work and received permission to enter Saint María Xalapán Mountain. This is where the Association headquarters are based and where the women who fear for their safety reside.

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, from a political position opposed to all forms of patriarchal, neo-liberal, racist, homophobic and lesbophobic oppression, and have established strategic territorial and national alliances to promote their political actions. The association works actively in the region of Jalapa, promoting women's rights, the revitalisation of their Xinka ethnicity and the defence of land and territory. In particular, it is actively working to defend natural resources and oppose plans for mining and petroleum activity in the region.

'New Day' Chortí Campesino Central Coordinator

In November, we remained alert to the situation in Chiquimula through frequent contact. Fortunately, members of Nuevo Día have suffered neither threats nor intimidation this month.

*Background: 'New Day' Chortí Campesino Central Coordinator is part of the Agrarian Platform, working in the Municipalities of Camotán, Jocotán, Olopa and San Juan Hermita in the department of Chiquimula. It trains rural communities on issues relating to the rural economy, the environment, rights and land, in coordination with other local organisations. It has 7,400 members and a political council made up of 16 people (eight senior members and eight vice-members). Omar Jerónimo is the coordinator of the organisation. In 2006 New Day became aware of construction projects for three hydroelectric plants in two of the department's municipalities: "El Orégano" which would be built on the Rio Grande in the municipality of Jocotán and which would have the capacity to generate 120 megawatts; and "Caparjá", in the municipality of Camotán with a potential of 57 megawatts. They are both projects of the Company **Desarrollo de Generación Eléctrica y Manejo de Recursos Naturales Las Tres Niñas SA** (Development of Electricity Production and Management of Natural Resources Las Tres Niñas Inc). The third project, "El Puente", in Jocotán, is a project of the company **Generación Limpia de Guatemala, S.A.** (Clean Generation of Guatemala Inc) and would have a potential of 27 megawatts. Since learning of the projects, New Day began to inform communities about them and their effects. Members of New Day have received threats and attacks that they relate to this work.*

2.4 FOLLOW-UP

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.

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 providing follow-up with these social organisations:

Centre for Human Rights Legal Action (CALDH)

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

We have accompanied CALDH workers on several occasions between 2004 and 2006. In February 2007, members of the legal team received direct threats. That same month, José Roberto Morales Sic, Coordinator of CALDH's Rights for Indigenous Peoples Programme, was the victim of kidnapping by two armed men who threatened to kill him. At that point we began to accompany him on a regular basis. In February 2009, we began to observe some of the organisation's other activities. This came following an increase in threats and security risks because of its active role in the truth process, the recuperation of historical memory and the release of classified military archives relating to its actions during the internal armed conflict.

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 intensive 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 several 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 for the moment. We accompanied ASALI and Eloyda Mejía from 2004, and in 2007 we intensified the accompaniment due to deterioration in the security situation in the region. Recently the organisation elected a new Board of Directors and Eloyda Mejía continues actively involved in campaigns on mining related issues at a national and international level. An analysis of the organisation's security situation revealed a significant reduction in the threats, 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 Cementos Progreso in the area. The threats culminated on 2 August with an attempt 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 also have 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 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 opposes 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 reported to the Public Prosecutor (MP) and the Human Rights Ombudsman (PDH), as well as to 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 Commission of Peaceful Resistance of San Rafael Pie de la Cuesta (CRP)

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

We began accompanying members of the CRP in December 2007, when some of them were attacked and interrogated by police officers during a meeting after which several members received threats. As a result of a positive evaluation of their security, the accompaniment has been in the follow up phase since November 2008. 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 campesino community associations that work in defence of their labour rights. Since reporting various 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 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.

As a result of a significant reduction in the threats and intimidation reported in the latest time period, we have taken the decision to end our accompaniment of the Peasant Workers Movement (MTC). The MTC has not suffered from any threats or violent episodes for some time. After both PBI and the MTC analysed the situation, both agreed that there was now sufficient space for the MTC to work without PBI's international presence. We will of course maintain close contact and restart accompaniment at any time, should it become necessary.

2.5 OBSERVATION

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

On 28 and 29 November we received a request to attend the third Baja Verapaz Regional Meeting as international observers. The meeting was organised by the Traditional Educators Network and SERJUS. The organisations arranged a training and exchange workshop in the village of Purulhá, Baja Verapaz. It focussed on the OIT Agreement 169 and the rights of Indigenous Peoples. Those present spoke about the five licenses that have been awarded to date for the construction of hydroelectric power stations in the region. Several social organisations from the neighbouring departments of Alta Verapaz and Petén attended the event. PBI learnt of new threats received by those defending the natural resources and human rights.



3. PBI-GUATEMALA ACTIVITIES – OUTSIDE GUATEMALA

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

On 18 November, the project's European representative participated in a hearing in the European Parliament: "From Lima to Madrid, struggling for justice in economic relations between the European Union and Latin America". The activity was organised by European United Left/ Green Left (GUE/NGL), in collaboration with Enlazando Alternativas ('Linking Alternatives'), the Hemispheric Social Alliance, and the Tribunal Permanente de los Pueblos ('Permanent People's Tribunal'). Around 40 representatives of Latin American social movements and civil society organisations participated. During the event, an evaluation was presented of the main human rights violations committed by European transnational companies. Also discussed was the insufficient regulation of these companies through the World Agreement of the United Nations (UN) or through corporate social responsibility. In conclusion, some new initiatives and institutions for the European Union were proposed, as well as the creation of a binding international regulatory code, an independent centre to monitor complaints and their impacts, and an international tribunal with the authority to try cases of economic and environmental crimes.

On 23 November, the PBI Guatemala project, along with the other four projects of PBI (in Mexico, Colombia, Nepal and Indonesia), sent information to the office the UN Special Rapporteur on the situation of human rights defenders, in preparation for the specific session on this subject, which will take place in the UN Human Rights Council in March 2010.

At the end of November, taking advantage of the presence of the PBI Guatemala project committee in the country, we held a meeting with Mónica Mazariegos, programmes officer of the cooperation section of the European Commission's Delegation in Guatemala. The project's coordinator participated in the meeting, together with a volunteer of the in-country team and the German 'Civil Peace Service' volunteer, who is currently working for the project.

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.

LIDER COMUNITARIO ES ATACADO POR UN ALCALDE

Ante todas las instituciones y organismos de Derechos Humanos en Guatemala, organizaciones sociales, comunidad nacional e internacional

DENUNCIAMOS:

Que el día 4 de noviembre 2009 a las 12:30 de la mañana el Señor Francisco Raymundo Raymundo, alcalde comunitario y presidente de los COCODES de la comunidad vecina de El Tesoro, con un grupo de gente de su comunidad se dirigió a la comunidad 31 de Mayo e ingresó violentamente y sin permiso en la casa de José Vicente Raymundo, alcalde de la comunidad 31 de Mayo.

Este grupo de personas golpeó violentamente a José Vicente Raymundo en su propia casa, lo amarraron y lo arrasaron afuera como 100 metros pateándolo; también atacaron a su esposa Candelaria Ramos Tomás y a sus dos hijas menores de edad. Al mismo tiempo, le quebraron una grabadora, rompieron dos paneles solares y se llevaron Q. 30,800.00 resultado de la venta de cardamomo del Señor Vicente Raymundo. El Señor José Vicente Raymundo fue atendido en el puesto de salud de La Tania y posteriormente trasladado al hospital de Uspantán.

El conflicto entre estas dos comunidades, al igual que con otras comunidades que se desmembraron de la comunidad 31 de Mayo nace de la mala distribución de los lotes de tierra que hizo la Junta Directiva de la APCD – Sierra, que es la dueña de la tierra entregada por el gobierno después de la firma de los Acuerdo de Paz a las Comunidades de Población en Resistencia.

Denunciamos también la negligencia por parte de la actual Junta Directiva de la APCD – Sierra, cuyo representante es Agapito Pastor que no ha dado solución al conflicto iniciado por la Juntas que le precedieron.

Estos hechos han sido ya denunciados a las autoridades correspondientes (MP) y esperamos se hagan las investigaciones respectivas y que los responsables de dichos actos no se queden gozando de la impunidad. Para mayor información teléfono del Señor Vicente Baca Matón: 40903878

Vecinos y vecinas de la comunidad 31 de Mayo Guatemala, 5 de Noviembre 2009.

COMUNICADO DE PRENSA

La Alianza para el Desarrollo Rural Integral –ADRI-, la Coordinadora Nacional Indígena y Campesina –CONIC-, el Movimiento de Organizaciones Sociales de Guatemala –MOSGUA-, la Mesa Indígena Campesina –UNAC-MIC

Al Pueblo de Guatemala HACEMOS SABER:

1. Que desde hace más de diez años, las organizaciones indígenas, campesinas, sindicales, académicas, cooperativas, ambientales y de pequeños empresarios rurales, participamos activamente en la formulación de la Propuesta de Ley del Sistema Nacional de Desarrollo Rural Integral, la cual fue ingresada al Congreso de la República, con la firma de diputados de siete (7) diferentes Partidos Políticos, y fue dictaminada favorablemente por la Comisión de Agricultura, Ganadería y Pesca, la que a su vez solicitó al Pleno del Congreso, su aprobación por URGENCIA NACIONAL.
2. Que frente al AVANCE de dicha iniciativa de Ley, en el Congreso de la República, NUEVAMENTE organizaciones del Sector Empresarial, con argumentos tradicionales, desgastados y ya superados, luego de 36 años de conflicto armado interno con la firma de los Acuerdos de Paz, **ARREMETEN** contra esta Iniciativa de Ley propuesta por las organizaciones sociales del país. Esta Iniciativa de Ley plantea la reducción de la pobreza y las desigualdades sociales en Guatemala, mediante la aplicación de DIEZ POLÍTICAS que dinamizarán las economías campesinas e indígenas.
3. Que estas pequeñas élites del poder económico, histórica y sistemáticamente se han opuesto y se siguen oponiendo a la aprobación de leyes y políticas que los obliguen a pagar impuestos, sosteniendo que dichos impuestos sean pagados por los consumidores urbanos y rurales, y las miles de familias que subsisten en la economía informal, evadiendo con ello su

responsabilidad de retribuir al país, parte de la riqueza que obtienen de los trabajadores del campo y la ciudad, y del uso de los recursos naturales y productivos del país.

4. Que velando solo por sus intereses particulares, dichas élites económicas son las que actualmente están presionando la aprobación de la Ley de Alianzas Público Privadas, que privatizarán las inversiones y los servicios públicos.

5. Que las Cámaras Empresariales se han negado a participar, o se han retirado, o han descalificado sistemáticamente los procesos de Diálogo Nacional con organizaciones sociales en las que se han discutido los temas fiscales y los relacionados con la problemática agraria y del desarrollo rural, porque ponen en riesgo sus mecanismos "propios y tradicionales de influencia política" hacia los órganos del Estado, tales como el Congreso de la República, el Organismo Judicial y el Organismo Ejecutivo.

6. Que hoy por hoy, la pobreza rural se ha convertido en un problema humano, de vida o muerte y que rebasa las posiciones ideologizadas de los empresarios tradicionales y sus intereses particulares y empresariales.

Por lo anterior, **HACEMOS UN LLAMADO:**

1. **Al Congreso de la Republica:** Para que de URGENCIA NACIONAL APRUEBE LA LEY DEL SISTEMA NACIONAL DE DESARROLLO RURAL INTEGRAL, para que el Estado atienda de inmediato, la problemática productiva, alimentaria y social que afecta a las grandes mayorías campesinas e indígenas del área rural del país, y que dé respuesta integral a la conflictividad agraria, laboral y ambiental en el campo.

2. **A los Partidos Políticos:** Que sin distingo ideológico, político o partidario, le ASIGNEN al Desarrollo Rural, SUFICIENTES RECURSOS DENTRO DEL PRESUPUESTO NACIONAL, asumiendo una posición responsable con las grandes mayorías del Pueblo de Guatemala, a quien deben su representación y mandato.

Guatemala, 19 de noviembre de 2009.

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