



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

MSICG report reveals murders of 42 journalists in the past two years

Guatemala, 08.02.2010 (PL) – *Guatemala: the cost of labour freedom*, a report issued by the trade unions making up the Guatemalan Labour, Indigenous, and Campesino Movement (MSICG), shows that 42 journalists were killed by firearms between 2008 and January 2010. None of these cases has been registered or investigated, and therefore the material and intellectual authors have not been tried or convicted. In the same period, journalists have been victims of 48 “non-lethal violent acts”, including intimidations, threats, persecutions, and attempts. Guatemala leads the list of labour rights violators in all of the Americas, said the secretary general of the Trade Union Confederation of the Americas (CSA), Víctor Báez. A copy of the study was handed to members of the international community, among them, the Chilean ambassador in the country, José Saavedra, and the United States Ambassador, Stephen McFarland.

Former kaibiles instructor linked to Las Dos Erres massacre case

Guatemala, 18.02.2010 (PL) – Judge Sonia Toledo, of the Criminal Court of the First Instance of San Benito (El Petén) and in charge of judicial proceedings in the case of Las Dos Erres massacre, linked Reyes Collin Gualip to the criminal case and remanded him in detention. Edgar Pérez, lawyer for the Association of Families of the Detained and Disappeared of Guatemala (FAMDEGUA), lamented that he had not been charged for the offence of crimes against humanity and said he would request that it be added to the indictment. Collin Gualip, as a member of the Guatemalan army, was a kaibiles¹ sub-instructor and is accused of participating in the massacre of 253 people in the community of Las Dos Erres, in the municipality of La Libertad (El Petén). Twenty-six years after the massacre, which occurred during the regime of General Efraín Ríos Montt (1982-83), two military personnel have been detained, out of the seventeen identified as having participated in the event.

Commemoration of the Day of Dignity for Victims of the Armed Conflict

Guatemala, 26-02-2010 (CA) – Social organisations in Guatemala City demonstrated in front of the Congress, demanding the creation of a National Search Commission to find the whereabouts of more than 50,000 people who disappeared in Guatemala during the internal armed conflict. Responsibility for 98% of the cases is attributed to state security forces. According to the report of the Commission for Historical Clarification (CEH), backed by the United Nations, these forces committed approximately 700 massacres during the 36 years of war. In the commemoration of the Day of Dignity for the Victims of the Internal Armed Conflict, the demonstrators demanded the application of justice by state institutions, so that the atrocities would not remain in impunity. “The unresolved matter is justice, now that eleven years have passed since the presentation of the *Memory of Silence* report and there are no advances in the investigations of the events it narrates,” said Nery Rodenas, director of the Human Rights Office of the Archdiocese of Guatemala (ODHAG).

¹ Special forces of the Guatemalan army whose role was prominent in counterinsurgency operations during the internal armed conflict.

In the department of El Quiché, residents of ten municipalities participated in a march from Santa Cruz del Quiché, carrying crosses with the names of family members who remain disappeared. Catarina Velázquez, from Tzancaguip village, San Antonio Ilotenango, wanted to know where the remains are of her son, Antonio Morales, kidnapped in July 1983. Manuela Morales of Chichicastenango participated in the march as an act of protest because 13 years have passed since the signing of the Peace Accords with no sign of significant compliance. In Chimaltenango, some three thousand persons from several municipalities participated in a walk that culminated in the central park where flowers were laid for the disappeared.

LAND

Campesino organisations demand speeding up of approval of Rural Development Law

Guatemala, 03.02.2010 (CEG) – The deepening poverty and unrest of agrarian issues have resulted in the occupation of 327 estates, said the National Coordinator of Campesino Organisations (CNOOC), which asked that Congress speed up the approval of the Rural Development Law. Carlos Morales, as CNOOC coordinator, said that the law was stuck, while tension in the countryside continues with no immediate solutions to the evictions problem. Morales condemned the eviction by police and soldiers at the end of January of 50 families in the Chinajá sierra in Chisec, and another 22 families in the community of Zapotal de Cobán in Alta Vera Paz. “In both places they killed farm fowl and burned some 50 *manzanas* [one manzana = roughly two acres] of harvested corn and beans,” he said. Roberto Kestler, representative for Chimaltenango and president of the Congressional Agriculture Commission, insisted that the law was on the right track, but he also warned that the parliamentary process for agreeing upon it was exhausting. He said that if the opposition bench allowed them to work together on the law, it could be approved this term.

Alta Vera Paz government mediating agent in agrarian tension

Guatemala, 22.02.2010 (AC) – The secretary of governor's office of Alta Vera Paz, Melvin Quím, said to the news agency Cerigua that the Government currently knows of several case of agrarian conflict in the department and is carrying out mediation work aimed at avoiding conflicts and providing accompaniment to the appropriate institutions. Quím added that they had streamlined procedures to avoid possible confrontations or conflicts and said that peaceful coexistence could be achieved. Among the high impact cases known to the Government, are that of Chinajá Mountain, in the Northern Transversal Strip, between the communities of Yalpemech and Cerro Lindo, and the reconciliation process in the case of the San Sebastián and Guaxac estates in the municipality of Tucurú.

NEGATIVE EFFECTS OF GLOBALISATION

Population of San Juan Sacatepéquez demands that popular consultations be binding

Guatemala, 09.02.2010 (PL) – Some 30 inhabitants of communities of San Juan Sacatepéquez demonstrated in front of the Constitutional Court, demanding that the results of consultations held in several municipalities against mine exploitation work be legally binding.

Vice-minister reports that popular consultation will be included in the new mining law

Guatemala, 23.02.2010 (PL) – Lars Pira, Guatemala's vice-minister of Foreign Affairs, reported in Geneva, Switzerland, that a new mining law would be designed that would include the right of indigenous peoples to express themselves through consultations. These statements were made during the presentation in Geneva of a report on Guatemala to the Committee for the Elimination of Racial Discrimination. He stated that no new licences would be granted until the new law was passed. In the meeting, Pastor Elías Murillo, an expert on the Committee, said that numerous cases demonstrated tension in the communities due to mining.

Vinicio López, director of the Peace and Ecology Commission (COPAE) of the San Marcos Diocese, said: “Why now, when the mining companies have great power, has he introduced to the executive the urgency of this type of reform?”

Magalí Rey Rosa, of the Savia School for Ecological Thought, said the vice-minister had not clarified “who is making this new law”. She added that community consultations had been ignored and that the rights of indigenous peoples continued to be unprotected. Alfredo Pokus, vice-minister of Energy and Mines, said he had not received official information from Geneva, but that the mining law initiative, in which are participating social sectors and the government, was in the Congress Commission of Energy and Mines.

Sources: Diario de Centro América (CA), Prensa Libre (PL), Agencia Cerigua (AC), Centro de Estudios de Guatemala (CEG).

2. PBI-GUATEMALA ACTIVITIES – IN GUATEMALA

Team: Jessica Fujan (USA), Simone Gessler (Switzerland), Juliane Walter (Germany), Samuel Jones (United Kingdom), Jorge Palomeque (Argentina), Attilio Altieri (Italy), Julia Paola García Zamora (Colombia), Kathrin Bull (Germany), Frauke Decoodt (Belgium)

2.1. MEETINGS WITH DIPLOMATIC CORPS AND GUATEMALAN AUTHORITIES

Meetings with national and international authorities are an important tool for PBI's efforts to make 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.

International Authorities:

- Sonia Álvarez, deputy chief of mission for the Spanish Embassy
- Kazumi Sazuki, Japanese Ambassador

Guatemalan Authorities:

- Manuel Álvarez Girón, national executive director of the Property Deeds Registry (RIC), Guatemala City
- Leonel Arturo Chacón Barrios, Mayor of Cobán, Alta Verapaz
- Gladis Verónica Crespo González, assistant of the Consumer and Environmental Rights Office (DEMACO) of the Human Rights Ombudsman's Office (PDH), Guatemala City
- Hugo Ac Nuila, regional advisor of the Presidential Human Rights Commission (COPREDEH) de Alta Verapaz, Cobán, Alta Verapaz
- Pascual Pérez, executive secretary of National Land Ministry of the Episcopalian Conference of Guatemala (CEG), Guatemala City
- Adolfo Vásquez and Jorge Oswaldo Nolasco, manager and technical advisor for local economic development, community association of the Chort'i area, Jocotán, Chiquimula
- Gianni Suchini, Mayor of Chiquimula
- Franklin Hichos, departmental delegate from the Ministry of the Environment and Natural Resources, (MARN), Chiquimula
- Carlos Moscoso, Governor of Chiquimula
- Eduardo Gándara, MARN departmental delegate, Zacapa
- Romilio Neftali Monzón Ortiz, third official of the National Civil Police (PNC), Zacapa
- Juan José Itzol, second chief of command of the Special Police Forces (FEP) Guatemala City.
- César Flavio Ventura, chief of Police Station 11 of the PNC, Guatemala City
- Rubén Darío Rosales, Mayor of Cahabón, Alta Verapaz
- Víctor Ramos, Rodrigo Cac Col, Victoriano Soc, Crisanto Asij Pop, Carlos Roberto Cu Choc, members of the Municipal Council of Lanquín, Alta Verapaz
- Luis Valey Manuel, third official of Police Station 24 of the PNC, Zacapa
- Ángel Ernesto Vargas Maldonado, second official of the Nature Protection Division (DIPRONA), Zacapa
- Gustavo Méndez, regional coordinator of the COPREDEH, Zacapa

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.

- Dionicio Camajá Sánchez, member of the Association for Promoters of Maya K'iché Education (ASPREMKI), Uspantán, El Quiché
- Father Sebastián, Convent of the Sacred Sisters, Uspantán, El Quiché
- Maximiliano Pérez, member of the Committee for *Campesino* Unity (CUC), Cunén, El Quiché
- Abisaías Gómez, member of the Agrarian Platform, Guatemala City
- Cecilia Urzúa, member of the Centre for Christian Services Foundation (FUNCEDESCRI), Ciudad de Guatemala

International Organisations and Agencies:

- Coordination of International Accompaniment in Guatemala (CAIG), Guatemala City
- Forum for International Non Governmental Organisations, (FONGI), Guatemala City
- Collectif Guatemala
- Christina Papadopolou, Office of the United Nations High Commission for Human Rights (OACNUDH) in Guatemala, Guatemala City
- Francisco Sancho, director of the Guatemalan Technical Cooperation Office, of the Spanish Agency for Development Cooperation (AECID), Guatemala City
- Marta Íbero, staff of the Inter-American Court of Human Rights (CIDH), Guatemala City

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA.

In February we accompanied CONAVIGUA with visits to their office in the capital and during initial phases of organisation of a good faith community consultation in the municipality of Uspantán, El Quiché. We also observed a Municipal Development Council meeting in the same municipality. In Guatemala City we observed a sit-in in front of the Constitutional Court (CC) to call for the departure of the company Progress Cements from San Juan Sacatepéquez (Guatemala) and of the Himber hydroelectric company from the Playita Copón community in the Zona Reina (El Quiché).

On 16 February, a delegation from CONAVIGUA travelled to Geneva, Switzerland, to accompany the 2008 meeting in which they achieved a first resolution of the UN Committee for the Elimination of Racial Discrimination (CERD), which includes several recommendations for the Guatemalan state. They presented an alternative report about the compliance by the Guatemalan state with Convention 169 of the International Labour Organisation (OIT).

In the department of Alta Verapaz, we met with members of the organisation to accompany them in their preparation for a community consultation about the construction of a hydroelectric power station in the Lanquín municipality.

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, during its members' journeys to different departments of the country, and in exhumation and inhumation activities in clandestine cemeteries in rural areas.

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

Since the case against Jorge López was thrown out in September 2009, we have continued our accompaniment with regular office visits and meetings with him. We also have had regular meetings with Zulma Robles to follow up on the complaint she filed after receiving worrying anonymous phone calls. In February, Jorge López participated in a tour organised by PBI Spain and PBI UK, in coordination with the PBI Guatemala Project.

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. Jorge López interpreted 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. On 29 September 2009 Jorge's case was overturned by the Ninth Court of the First Criminal Instance.

Association for the Protection of Las Granadillas Mountain, APMG.

In February we accompanied members of the APMG on a visit to the Tashoro estate in Zacapa, with the objective of viewing the land and the pine reforestation program. During the event representatives from the Ministry of the Environment and Natural Resources (MARN) were present, along with APMG, Zacapa Municipality, the National Council for Protected Areas (CONAP), the Nature Protection Division (DIPRONA), Madre Selva, the Human Rights Ombudsman (PDH), the Presidential Commission for Human Rights in Guatemala (COPREDEH), the National Forests Institute (INAB) and the owner of the estate, representing the private sector. Some of the actors present at the event are also participants in a roundtable discussion that has been established to resolve the conflict surrounding the Las Granadillas Mountain between the communities and the private landowners located there. Part of the discussion was about the tree felling licence that was granted by the INAB. We are concerned about the security situation of various APMG members, who have received threatening telephone calls in the past from unidentified callers.

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.

Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ.

In February we attended several meetings with members of AMISMAXAJ. The association received a visit from the Human Rights Ombudsman Dr. Sergio Fernando Morales Alvarado, with the objective of raising awareness of the situation of women in Jalapa and the cases of femicide reported by AMISMAXAJ.

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 Xinca 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 Xinca 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 February we accompanied members of the organisation on a visit to Las Flores community, where we met community members who are developing work in defence of land and natural resources faced with three projected hydroelectric plants in the Chiquimula department. We are closely following the situation of the communities, which could be affected by the development of the Technological Corridor, which was launched in Camotán at the end of October 2009.

We have monitored the situation in the area, particularly the situation of *campesino* communities that do not have land titles legally proving their ownership of the land they inhabit. We have begun to increase our presence in the region, and we are paying attention to the communities' situation of vulnerability to eviction, due to the lack of legal certainty of the land.

We have remained in permanent contact with active members of the organisation, who during this month have received repeated threats because of the community work they carry out in defence of their rights and of natural resources.

*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 the projects and their effects. Members of New Day have received threats and attacks that they relate to the work they carry out. In September one of their members was victim to a gun attack close to the community.*

Camoteca Campesino Organisation.

In February we continued the accompaniment of the Camoteca Campesino Organisation in Chiquimula, and we met with several of its members. We have deepened our accompaniment through the observation of meetings between members of *campesino* communities located in areas that will probably be affected by the infrastructure works projected in the Technological Corridor project. The security situation of association members continues to be of concern. In February, security incidents included surveillance, psychological pressure and intimidation against members of the association.

Background: The Camoteca Campesino Organisation was founded in 1988, made up then of health promoters and midwives of the municipality of Comatán, department of Chiquimula. At that time, the association was called Committee for Oversight and Defence of the Resources of the Municipality of Camotán. In 2002, it was renamed the Campesino Association of Camoteca Farmers. Currently, the Camoteca Campesino Organisation is an active member of the Coordinator of Popular, Indigenous, Union, and Campesino Organisations of the East (COPISCO).

Its primary objective is the defence of life and of natural resources, and its ultimate goal is the search for well being for human beings and the natural world in which they live. Today, it is made up of 718 associates who monitor compliance with the laws and who follow up violations of human rights in the eastern region. They maintain a close relationship of cooperation with the New Day' Chortí Campesino Central Coordinator, in particular with regards to land, agriculture, and defence of the environment.

When the association learned of construction plans for three hydroelectric plants, "El Orégano", "Caparja", and "El Puente" (see above in the background of New Day' Chortí Campesino Central Coordinator) and for the Technological Corridor, they began work on awareness building and information in the communities about the effects of the mega-projects on the environment and on their economic situation.

Qamoló kí Aj Sanjuani- People of San Juan Unite.

In February we accompanied its members to a meeting of the Santa Fe Ocaña organisation, attended by representatives of the Committee for *Campesino* Unity (CUC), Wakib Kej, and communities affected by the conflict with the company Cementos Progreso S.A. We also observed a press conference, in which representatives from the organisation expressed their profound concern about the situation in San Juan Sacatepéquez, due to the murder of Germán Antonio Curup, son of Abelardo Curup, a community leader opposed to the installation of the Cementos S.A. plant. Alberado Curup is at present fulfilling a 50-year sentence for his presumed participation in a triple homicide. We also continued to follow the court hearings in this case, in which several members of the organisation are involved. A member of the organisation travelled to Geneva, Switzerland, where he presented the case of San Juan Sacatepéquez to the 76th session of the United Nations Committee for the Elimination of Racial Discrimination (CERD). We continue to monitor the vulnerable situation of the organisation, its members, and the communities who request that the results of their community consultations be legally binding.

Background: Qamoló kí Aj Sanjuani-People of San Juan Unite is an organisation that brings together neighbours from diverse communities in the municipality of San Juan Sacatepéquez, participating in the movement for the defence of territory and natural resources in the region. Since 2006, the Guatemalan company Cementos Progreso S.A. has been working on 'project San Juan', which includes the construction of a factory and a quarry in the San Gabriel Buena Vista estate and the villages of San Jose Ocaña and San Antonio las Trojes I and II. Cementos Progreso has an 80% share in the project, while the remaining 20% belongs to the Swiss multinational company Holcim, the worlds largest cement producer.

In January 2007, several San Juan Sacatepéquez communities submitted an application to the municipality for a community consultation about the installation of the factory. The consultation, however, was deferred until finally it was revoked. As a consequence, by means of their Community Development Councils but without backing from the municipalities, the communities decided to reactivate the process. They held a consultation on 13 May 2007 with the participation of 8,950 people. 8,946 voted against and 4 in favour of the installation of the factory. The Municipal Council, along with the mayor, agreed to take into account the results of the consultation prior to the authorisation of any licence for construction. Since then, the inhabitants of San Juan Sacatepéquez have made numerous complaints about human rights abuses and a fierce campaign of criminalisation against them.

The recent verdict by the Constitutional Court (CC) in November 2009 suspended the April 2007 decision of the San Juan Sacatepéquez Municipal Council, which had left without effect the application by the neighbourhood to hold its community consultation. The decision by the CC found in favour of the appeal made by the Community Councils for Development of El Pilar I and II, Sector 1 of San Antonio Las Trojes, the village Lo de Ramos and the hamlet Cruz Ayapán, urging the Municipality of San Juan Sacatepéquez to organise a new community consultation so that the population could have a say about the mining exploitation. Although the resolution recognises the rights of the indigenous population to be consulted and should be taken into account by the Executive Body, the results would not have a binding effect. The Kaqchiquel communities of San Juan Sacatepéquez, through their legitimate authorities, have continued make known their availability for dialogue with legal and democratic mechanisms to seek agreements of benefit to the community.

Cunén Communities' Council.

In February we began the accompaniment of the Communities' Council of Cunén, El Quiché. The Council was established at the first communities' assembly in San Siguán. It is made up of 22 members from eight micro-regions of Cunén. The 22 members were named by their communities. One of the principal foci of the Council's work is the defence of land and natural resources. In October last year they organised a community consultation about mining and hydroelectrical exploitation activities, and mega-projects in general; around 19,000 people from 71 communities voted against. PBI observed part of the preparation process and the realisation of this community consultation.

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 providing follow-up with these social organisations:

Verapaz Union of Campesino Organisations, UVOC.

In February we accompanied UVOC to the official presentation of land to the *campesino* families of the La Mocca estate. 150 affected families were present, along with representatives of civil society organisations and state authorities.

Despite the achievement of obtaining the land, after almost three years living on the side of the road, there are issues that maintain unresolved, such as the acknowledgement of their labour rights during their years of work on the estate, as well as the construction of houses, and electricity and water supplies for the new land. PBI has been following the situation of the La Mocca families since 2008.

Background: In February and April 2006 the campesino families who lived on the La Mocca estate were violently evicted from the private lands of the estate on which they had worked for many years. This resulted in various people being injured by firearm. A few months afterwards there was a social confrontation and a new eviction that left a toll of two dead and 39 injured among the displaced. Campesinos from La Mocca installed themselves on the side of the road while they negotiated at the national resolution for agricultural conflicts table alongside the owners of the estate and the authorities. This was in order to find somewhere to live and a way of compensating the payment of labour that the estate owners owed the workers. The case was prioritized as urgent due to the situation of extreme poverty in which the families were living.



Photos: The official act of inauguration of the land 12 Tzikin, where 150 families will settle who were violently displaced from private lands on the La Mocca estate in 2006. Alta Verapaz, 10 February 2010. Photos by PBI.

We have also been following the high level of conflict over land in the department of Alta Verapaz. We are accompanying members of UVOC to the legal acknowledgement of the land of the El Crepúsculo community, located in the Pasmolon village in Tactic municipality, department of Alta Verapaz. The National Civil Police (PNC) and the army evicted the families in July last year. These families have lived there for more than 20 years, during which time they worked for the owners.

We also continue to follow the sessions of dialogue on agrarian conflict in Cobán. The meetings take place at the beginning of every month, and are attended by members of Alta Verapaz communities, the UVOC, the Secretary for Agrarian Affairs (SAA), the Human Rights Prosecutor (PDH) and the Land Fund (FONTIERRA).

Background: UVOC is a campesino organisation based in the departments of Alta and Baja Verapaz that works principally to defend and promote access to land for the peasant population, and it advises communities about legalisation of their lands. 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.

Human Rights Defenders Protection Unit, UDEFEGUA.

On 2 February 2010, the personal vehicle of Claudia Samayoa, UDEFEGUA coordinator, was tampered with. Some oil was placed beneath the carpet of the driver on the same day that she had a meeting with the Agency for the Analysis of Attacks on Human Rights Defenders. Luckily, the driver was not going at high speed and was able to avoid an accident.

On 5 March, several unknown people broke into the house of Erenia Vanegas, a UDEFEGUA investigator, knowing that it was empty. They did not take anything, but looked through a wardrobe and documents that were kept in a box.

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".²

Centre for Human Rights Legal Action, CALDH.

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.

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.

The Commission of Peaceful Resistance of San Rafael Pie de la Cuesta, CRP.

In February we paid close attention to the tense situation in the department of San Marcos, caused by the conflicts between the Spanish electric energy distribution company Unión FENOSA (DEOCSA) and the communities of several municipalities.

Background: 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.

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.

We observed an awareness-raising session held in the school of Saj Racan Chitu as part of the preparation of a Good Faith Consultation in the municipality of Uspantán, El Quiché, organised by the Mayan Ukux'be Association.

In San Carlos Alzate, Jalapa, we observed the celebratory act of the taking of power of the indigenous authorities.

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 and parliamentarians, etc. These meetings translate into the development and strengthening of the project's "Support Network", an essential tool for the functioning of PBI's international presence in Guatemala.

In Brussels, the European representative of the project met on 25 February with Ruth del Valle, director of the Presidential Commission for Human Rights in Guatemala (COPREDEH), and with the social platform Human Rights and Democracy Network (HRDN).

Between 1 and 11 February, Jorge López, director of the Organisation to Support an Integrated Sexuality to Confront AIDS (OASIS), which PBI Guatemala has accompanied since 2006, took part in a tour organised by PBI in Europe (Spain and UK). He participated in a conference organised by PBI Spain and Amnesty International with the Spanish Congress, the objective of which was promoting knowledge among participants of international protection mechanisms for human rights defenders, particularly the 2004 EU Guidelines on Human Rights Defenders, and the modifications since its last revision.

As part of this tour, Jorge López also met with politicians, public authorities, social organisations and press in Spain and the United Kingdom. In Valencia he further participated in a debate about "Sexually diverse communities in Guatemala: violation of rights, impunity and social alternatives for protection", together with representatives of the Lambda Lesbian, Gay, Transsexual and Bisexual Collective, and the Spanish Commission for Refugee Aid of Valencia. (CEAR-PV).

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.

Comunicado ante Asesinato de nuestro compañero Germán Antonio Curup
Por la Coordinación y Convergencia Nacional
Maya Waqib' Kej - Ixim Ulew,
15 de febrero de 2010

Las comunidades Q'a molo Q'i kaqchiqueles de San Juan Sacatepéquez, El Comité de Unidad Campesina –CUC-, la Fundación Rigoberta Menchú Tum, Convergencia Maya Waqib' Kej ante el asesinato Germán Antonio Curup a la opinión pública nacional e internacional hacen saber:

1. El día jueves 11 de febrero del año en curso el compañero Germán Antonio Curup y un compañero de trabajo, del cual al momento se desconoce el nombre, fueron secuestrados por hombres que los esperaban al salir de su trabajo. El día de ayer aparecieron muertos, con señales de tortura y con señales de varios disparos los cual demuestra la saña e impunidad con que fueron asesinados, en el caso del compañero Germán Antonio fue degollado, ambos fueron encontrado en jurisdicción del municipio de Bárcenas, Guatemala.
2. El compañero Germán Antonio Curup era hijo de Abelino Curup, líder comunitario que se oponía a la instalación de una planta de cemento de Cementos Progreso en el municipio de San Juan Sacatepéquez y que el año pasado en un proceso judicial totalmente parcializado fue condenado a 50 años de cárcel al habersele imputado crímenes que a juicio de nuestras comunidades nunca cometió y que desafortunadamente su inocencia ante los tribunales no se pudo probar por los vicios que en el desarrollo del juicio se observó.
3. Creemos que el asesinato del compañero Germán Antonio está relacionado con el conflicto entre la empresa de cementos Progreso y las comunidades y que el mismo pudo deberse a la información que manejaba en relación a los verdaderos móviles y responsables de los asesinatos que a su padre le imputaron y por los cuales retorcidamente fue condenado.
4. Queremos dejar claro que el compañero Germán Antonio Curup no era ningún delincuente como maliciosamente unos medios de comunicación han pretendido hacer creer a la opinión pública al momento de darse la noticia sobre su aparición y muerte y que por el contrario él continuó la lucha que su padre junto a miles de habitantes de las 12 comunidades que defienden sus derechos individuales y colectivos delante de la empresa de cementos Progreso y el Estado. Además de luchar por tratar de revertir la injusta condena a la cual su padre fue sentenciado.
5. Consideramos que con el asesinato del compañero Curup, otra vez se pretende intimidar a las comunidades que durante 3 años hemos resistido la provocación, la persecución y la violencia con el fin de acallar nuestra voz e impedir la legítima defensa de nuestros derechos individuales y colectivos.
6. Las comunidades Q'a molo Q'i Kaqchikeles de San Juan Sacatepéquez, el Comité de Unidad Campesina –CUC-, la Fundación Rigoberta Menchú Tum condenamos categóricamente el asesinato de Germán Antonio Curup, reiteramos ante la opinión pública nacional e internacional que nuevamente las comunidades son objeto de la violencia. responsabilizamos de este hecho a personas vinculadas intereses ajenos a los de de nuestras comunidades y pedimos al Ministerio Público una investigación a fondo sobre este nuevo hecho criminal en contra de las doce comunidades que se han opuesto a la construcción privada de una cantera para la extracción de minerales y a la operación de una planta para la producción de cemento en el municipio de San Juan Sacatepéquez. Iximulew Ka'i' Tijax.

COORDINACIÓN Y CONVERGENCIA WAQIB' KIEJ, CONAVIGUA, MOJOMAYAS, Comunidades de Playitas el Copón y Cumbre el Quetzal, miembros de la Asociación Comunitaria de Desarrollo Playitas El Copòn (ACOMODEPC), y las 12 Comunidades Mayas Kaqchikeles afectadas por la Cementera de San Juan Sacatepéquez.
Coordinación y Convergencia Nacional Maya Waqib' Kej

EL MOVIMIENTO SINDICAL, INDIGENA Y CAMPESINO GUATEMALTECO
-MSICG-

Integrado por
CCDA, CGTG, CNAIC-P, CUSG, FNL y UNSITRAGUA

DENUNCIA

1. Que el día de hoy, 17 de febrero de 2010, a eso de las 17:30 horas, en su puesto de trabajo en el Mercado municipal del municipio de Malacatán del departamento de San Marcos, fue asesinado el compañero **OCTAVIO ROBLERO**, dirigente del FRENA y del FNL afiliado al MSICG.
2. El compañero fue asesinado por un sujeto desconocido quien le propicio aproximadamente 17 impactos. Los hechos ocurrieron frente a todas las personas que se encontraban en el lugar.
3. El compañero asesinado era cuñado del compañero Víctor Gálvez, asesinado en noviembre de 2009 y como parte de la lucha que libraba, formaba parte además de un grupo de canto de protesta y era autor de una canción en la cual se denunciaba y condenaba el asesinato del compañero Víctor Gálvez.
4. Este asesinato se opera en el marco de la vigencia de una suspensión de las garantías fundamentales decretada y prorrogada reiteradamente por el poder ejecutivo desde hace varios meses y se suma a los actos de destrucción del proyecto de autosostenibilidad de CCDA y las amenazas de muerte en contra del compañero Leocadio Juracán, dirigente de CCDA y miembro del Consejo Político del MSICG.

5. Irónicamente, en búsqueda de la protección de la vida e integridad física del compañero OCTAVIO ROBLERO debido a las amenazas que sufría, se había planteado una exhibición personal ante la Corte Suprema de Justicia el día 20 de enero de 2010. Su asesinato ocurre a menos de un mes del planteamiento de dicha acción y apenas 15 días después de la presentación del informe: "Guatemala, el costo de la libertad sindical" y de la declaración de CSA en la que condenaba la violencia focalizada sobre la base y dirigencia del MSICG.
6. El MSICG lamenta profundamente y condena este nuevo acto de violencia contra su dirigencia de base.
7. El MSICG expresa sus condolencias a la familia del compañero OCTAVIO ROBLERO así como al FRENA y al FNL.
8. El MSICG exige la inmediata investigación y la individualización, procesamiento y condena de los autores materiales e intelectuales de este nuevo hecho de violencia.
9. El MSICG hace un llamado a todas nuestras organizaciones hermanas a expresar su condena a este nuevo ataque contra el MSICG y expresa sus esperanzas porque en Guatemala, el costo de la libertad sindical no siga siendo la vida, la libertad, la seguridad, la integridad física, el paralelismo y penetración o la estigmatización de su ejercicio autónomo.

Guatemala, 17 de febrero de 2010.

**CONSEJO POLÍTICO
- MSICG**

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- PBI GUATEMALA PROJECT-

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