



## PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

### MIP - MONTHLY INFORMATION PACKAGE – GUATEMALA

Number 83, August 2010

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### 1. NOTES ON THE CURRENT SITUATION

#### IMPUNITY

##### **Supreme Court of Justice asks Erick Álvarez to step down as president of Attorney General's Nominating Commission**

Guatemala, 05.08.2010 (PL, EP, SV, CA).- After eight hours of deliberations, a full session of the Supreme Court of Justice examined the reasoning of the magistrate César Barrientos, demanding the withdrawal of the Chief Justice Erick Álvarez from the Attorney General's Nominating Committee. The Court unanimously decided to ask Álvarez to step down, to inform his colleagues about important matters and decisions, and fire officials and employees who could compromise the justice system.

##### **Colom to ask the UN to extend CICIG's mandate**

Guatemala, 06.08.2010 (PL).- President Álvaro Colom will ask the United Nations for a second extension of the mandate of the International Commission Against Impunity in Guatemala (CICIG). The Commission's current mandate expires in September 2011. Official sources confirmed that the extension would be requested, although it was not yet known when. September was a possibility, as this is when Colom will be participating in the UN General Assembly in New York.

##### **Arrest warrants issued for extrajudicial execution and illicit association with the accused in the Pavón case**

Guatemala, 10.08.2010 (CICIG, EP).- The First High Risk Court issued 18 arrest warrants, including of the former director of the Prisons System and former presidential candidate Alejandro Giammettei; the former Minister of the Interior, Carlos Vielmann; and the former director of the National Civil Police (PNC), Erwin Sperisen. They are all accused of participating in the extrajudicial executions of seven prisoners held in the Pavón prison in September 2006 (the Pavón case).

The International Commission Against Impunity in Guatemala (CICIG) accuses them of participating in Operation Pavo Real, carried out in Pavón Rehabilitation Prison on 25 September 2006 by a special groups of PNC agents, prison guards and soldiers, with the aim of resuming control of the prison.

The Court also issued arrest warrants against police officers Víctor González, Víctor Manuel Ramos and Edwin Emanuel Rivera. The last two were detained and prosecuted for extrajudicial execution. They are accused of involvement in Plan Gavilán, of 22 October 2005, the purpose of which was to locate three prisoners, who were then captured and extrajudicially executed.

The investigation of these events, and of the criminal structure behind them, was initiated by CICIG in November 2008. Investigators have identified the members of the structure, their form of organisation and modus operandi as well as other acts they carried out within the systematic practice of such crimes against humanity as extrajudicial executions, torture and other criminal practices related to organised crime.

#### LAND

##### **Rural smallholder and farm worker (*campesino*) sector withdraws from talks about Rural Development Law**

Guatemala 12.08. 2010 (AC).- The *campesino* sector grouped within the Alliance for Integral Rural Development (ADRI) announced its withdrawal from the talks held in Congress to discuss the proposed Rural Development Law, due to the blocks imposed on the process by the private sector and congressman Mariano Rayo. ADRI representatives said Rayo's proposal to discuss Law 40-84, article by article, led to the Alliance's decision to leave the talks, as the law had already been thoroughly discussed eight years ago.

Carlos Morales, as member of the National Coordinator of Campesino Organisations (CNOC), said that the *campesino* organisations now wanted the heads of benches to move the law proposal to the full Congress for discussion and approval as a matter of national urgency. “In the countryside people are dying of hunger and this law would be one of the solutions to poverty and extreme poverty in Guatemala”, said Morales. He also reported that food shortages were foreseen for the coming year, and emphasised that there were thousands of campesinos affected by natural disasters in rural areas.

## **NEGATIVE EFFECTS OF GLOBALISATION**

### **President announces deployment of the army to Laguna del Tigre, Petén**

Guatemala, 21.08.2010 (PL, communiqués from Convergence for Human Rights and Acoguate).- President Álvaro Colom announced on 20 August that the following month the army would “take” the national park Laguna del Tigre, in Petén. The aim of the military deployment was the expulsion of drugs traffickers in the area, he said. “By 15 September, I have ordered the army to enter and take Laguna del Tigre. Goodbye to the traffickers and their cattle. They have been threatening me, but I’m not afraid of them. They hate me, but I will not turn away.” He added: “I do not want to see more than one head of cattle, because I am going to break it up and distribute it to the poor.” He reminded his audience that 15 days earlier he had said that the park would be free of livestock.

According to communiqués from Convergence for Human Rights and the international accompaniment project Acoguate, there are 37 communities within Laguna del Tigre, who have lived there more than 20 years. Among them are several Mayan communities that were displaced during the internal armed conflict, or later, due to organised crime in the region. These same communities would be affected by the government’s security policies in general, and of any eviction carried out in the area.

### **Oil extraction in Laguna del Tigre, the decision of the Constitutional Court**

Guatemala, 24.08.2010 (EP).- Two weeks after the president of the Constitutional Court (CC), Roberto Molina Barreto, said there were no illegalities in the extension of oil extraction contract 2-85 in Laguna del Tigre National Park, different social organisations were awaiting for the CC to finish analysing the evidence, see the situation in full, and announce its judgement following their appeal. According to Yuri Melina of the Centre for Legal, Environmental and Social Action (CALAS), “the CC granted hearings to 22 entities, the case is becoming swamped”. However Molino Barreto said that it was “a long process, in which all parties should be heard”. To clarify, he said that the period of receiving evidence had not ended, which was why a ruling had not been announced to the public.

For the organisations supporting the appeal lodged by CALAS, such as San Carlos University (USAC), the legal fight to halt oil exploitation continues. Adrián Zapata, director of the USAC Institute of Analysis and Investigation of National Problems, announced at the end of July that they would sue the government. “The University High Council has formed a commission which is producing its report. We lodged an appeal, but the CC did not grant it on a provisional basis, so we are waiting for a definitive ruling,” he said.

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Sources: Agencia Cerigua (AC), Diario de Centroamérica (DC), El Periódico (EP), International Commission Against Impunity in Guatemala (CICIG) Prensa Libre (PL), Siglo Veintiuno (SV).

## **2. PBI-GUATEMALA ACTIVITIES – IN GUATEMALA**

Team: Attilio Altieri (Italy), Julia Paola García Zamora (Colombia), Kathrin Bull (Germany), Frauke Decoodt (Belgium), Lena Niehaus (Germany), Aldolfo Pérez-Gascón (Spain), Janieke Janine Nelleke (Holland); Ricard Martín Hernández (Spain); Pascal Bodemeijer and Anabella Estol (Argentina).

### **2.1. MEETINGS WITH DIPLOMATIC CORPS AND GUATEMALAN AUTHORITIES**

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

International Authorities and other international entities in Guatemala:

- Alberto Brunori, representative of the UN Office of the High Commissioner on Human Rights for Guatemala (OHCHR), Guatemala City
- Michael Fabri, adjunct chief of mission, German Embassy, Guatemala City
- Carmen Díaz Orejas, Spanish Ambassador, and Javier Puig Saura, second chief of mission, Spanish Embassy, Guatemala City
- Teunis Kamper, Netherlands Ambassador, Alexandra Valkenburg-Roelofs, adjunct chief of mission, and head of aid, and Rein Koelstra, advisor on governability and gender, Netherlands Embassy, Guatemala City
- Gregory Maggio, human rights and employment officer, US State Department, Guatemala City
- Birgit Vleugels, aid section programme officer, and Sergio de León, press information officer, European Union (EU) Delegation in Guatemala, Guatemala City
- Juan José Perussina, contracts and finance section programme officer, and Renate Stangl, finance attaché, EU Delegation in Guatemala, Guatemala City

Guatemalan Authorities:

- Elmer Leónidas Guerra Calderón, Governor of Jalapa, Jalapa
- Mr Ixcot, police inspector, Jalapa National Civil Police (PNC) branch, Jalapa
- José Amílcar Martínez, head of the Jalapa office of the Ministry of the Environment and Natural Resources (MARN) Jalapa
- Tomás Aiglar Pol, Indigenous Mayor of Uspantán, El Quiché
- Álvaro Urizer, Vice-mayor of Uspantán, El Quiché
- Espinosa Gómez, police officer of Uspantán PNC branch, Uspantán, El Quiché

## 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.

Guatemalan Civil Society:

- Javier Gurriarán, consultant and member, Initiative for the Recuperation of Historical Memory, Guatemala City
- Nery Rodenas, executive director, Human Rights Office of the Archdiocese of Guatemala (ODHAG), Guatemala City
- Gustavo Meoño Brenner, coordinator, Guatemalan Historical Police Archive Project, Guatemala City
- Velia Muralles, member, Guatemalan Historical Police Archive Project, Guatemala City
- Cristy Rivera, member of La Libertad parish, La Libertad, Petén
- Dionicio Camajá Sánchez, member, Association of Promoters of Maya K'iché Education (ASPREMKI), Uspantán, El Quiché
- Rosa María Chan, director, ProPetén Foundation, Flores, Petén
- Byron S. Morales Dardón, director, Institute for the Transformation of Conflicts for the Construction of Peace in Guatemala (INTRAPAZ), Guatemala City
- Mario Maldonado, lawyer, and Aureliano Mejía, political coordinator, Campesino Unity Committee (CUC), Guatemala City

International Organisations and Agencies:

- International Accompaniment Coordination in Guatemala (CAIG-Acoguate), Guatemala City
- David Montesinos, head of Governability Programme, Spanish Agency for International Cooperation for Development (AECID) – Technical Office for Cooperation (OTC) in Guatemala, Guatemala City

## 2.3 ACCOMPANIMENT

### **National Coordinator of Guatemalan Widows, CONAVIGUA.**

In August we continued our regular visits to the CONAVIGUA office in the capital. We remain concerned about threats made to several of CONAVIGUA's members. We accompanied members of CONAVIGUA to the community of Los Regadillos, El Quiché, for a screening of documentaries on megaprojects.

We continue to monitor the preparation of the community consultation in the municipality of Uspantán. As part of this process, we observed a demonstration in front of the town hall of Uspantán, where members of different communities delivered to the deputy mayor their agreement to carry out the community consultation on mining projects in the area.

*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. Due to increasing requests on the part of communities in which CONAVIGUA works, the organisation expanded its work in the areas of legal and organisational advisory services to communities that are in the process of self-management. San Juan Sacatepéquez is one of the areas where CONAVIGUA is accompanying this process. Similarly, CONAVIGUA is supporting the preparation of a 'good faith' community consultation in Uspantán.*

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

In August, we continued our accompaniment of OASIS with regular office visits and meetings. We also have had regular meetings with Zulma Robles, following up on the complaint she filed after receiving suspicious anonymous 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. Director of OASIS, **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 dismissed by the Ninth Court of the First Criminal Instance.*

#### **Association for the Protection of Las Granadillas Mountain, APMG.**

We are concerned about the security situation of several members of APMG, as the situation in Las Granadillas Mountain continues to be conflictive, especially in the village of La Trementina. There are fears of a new campaign of criminalisation against human rights defenders working to protect the environment and the mountain.

*Background: The association was created in 2003 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. In May 2010, an internal report prepared by the PNC accused members of the Association of threatening illegal actions, such as blocking the highway to impede the passage of vehicles transporting lumber from the Tashoro estate, or mobilising the community La Trementina to carry out a blockade. The APMG, in a meeting with the governor, the PNC and DIPRONA, demonstrated the lack of grounds or truth in the accusations and requested its retraction. Two days later, during a meeting with the same authorities, the PNC and DIPRONA agreed to carry out an investigation and prepare a new report – which they subsequently did, and in which the accusations were retracted.*

#### **Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ.**

During August we had out several meetings with members of AMISMAXAJ. The association, as a group of women who are strengthening local spaces of political power to achieve change, is concerned about interested parties who wish to undermine the organisational autonomy of the Xinca women in their territory.

We also observed the election of the Xinca government in Laguna del Pito, in which two female candidates, both from AMISMAXAJ, again stood for election. In the end, the current executive board was re-elected.

*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 August we held regular meetings with members of 'New Day' Chortí Campesino Central Coordinator. In meetings with several authorities we mentioned our accompaniment of the organisation, its work, and the situation in the region, expressing our deep concern about increasing criminalisation of social leaders, which has been noticed by the leaders of New Day.

We continue monitoring the situation of the communities that stand to be affected by the Technological Corridor project<sup>1</sup>.

*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 megavolts; and "Caparjá", in the municipality of Camotán with a potential of 57 megavolts. 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 megavolts. 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 2009, one of their members was victim of a gun attack close to the community.*

### **Camoteca Campesino Association.**

During August we had regular meetings with the members of the Association, in which they expressed their concern about the politicisation of aid following tropical storm Agatha. They say that this politicisation results in international aid failing to reach all of the affected population.

We are concerned about the defamation of Carlos Hernández, a member of the association, after several state actors circulated letters accusing him of contributing to the paralysation of the construction of an electricity network in the Camotán area. We also remain concerned about the death threats received by Carlos Hernández and Santos Vázquez.

We continue monitoring the communities that may be affected by the Technological Corridor project, the presentation of which took place in Camotán at the end of October 2009.

*Background: The Camoteca Campesino Association was founded in 1988, made up then of health promoters and midwives of the municipality of Camatán, 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.**

During August we had several meetings with members of Qamoló, and continued visiting the communities of San Juan Sacatepéquez. We continue to monitor the vulnerability of the organisation, its members, and the communities demanding that the results of their community consultations be taken into account.

Defamatory publications about members of the organisation – both before and after the visit of UN Special Rapporteur James Anaya – continue to be another central concern. In August, flyers containing defamations against Qamoló's members have once again been circulating in the area.

*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.*

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<sup>1</sup> At a cost of US\$12bn, the infrastructure project known as the Technological Corridor seeks to link, by 2015, Guatemala's Atlantic and Pacific coasts. It will comprise the construction of a four-lane motorway linking Pedro de Alvarado, Moyuta (Department of Jutiapa), with the port of Santo Tomás de Castilla (Department of Izabal), crossing the departments of Chiquimula, Zacapa, Izabal and Jutiapa. It will also include the construction of a train line and a gas pipeline.

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 residents 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.**

During August we have continued to be in regular contact with the council's members. Our presence in the area allows us to remain attentive to events, acquire information about the situation and the context of work being done to protect land rights and natural resources, share information about the situation of human rights defenders and meet with different local actors. It also enables us to monitor the community consultation processes in the department of El Quiché.

*Background: 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 focuses of the Council's work is the defence of land and natural resources. In October 2009 they organised a community consultation on mining and hydro-electrical 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 the consultation.*

### **Human Rights Defenders Protection Unit, UDEFEGUA.**

In August we met frequently with UDEFEGUA members in their office in the capital. We continued to monitor their security situation due to the serious security incidents of the last year.

We also accompanied UDEFEGUA members to visit Aberaldo Curup in prison. Mr Curup is a community leader from San Juan Sacatepéquez who is opposed to the installation of a cement plant of the company Cementos Progreso in his community and who is serving a 50-year sentence for his alleged participation in a triple murder.

*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".<sup>2</sup> We intensified the accompaniment again on 5 March, when several unidentified individuals broke into the house of Erenia Vanegas, investigator for the organisation. Nothing was taken, but a wardrobe and documents kept in a box were both searched. After this incident and another on 2 February, in which the car brakes of the director of the organisation, Claudia Samayoa, were interfered with, PBI increased the accompaniment through visits to the office, regular meetings with the organisation's members, and accompaniment during journeys to departments in the interior of the country necessary in their activities of investigation and verification of reports about attacks against human rights defenders.*

### **Vera Paz Union of Campesino Organisations, UVOC.**

Our accompaniment of UVOC has intensified in recent months, and following discussions with its members, we have decided to reinstate the organisation to the "accompaniment phase" instead of the "follow-up phase" where it has been for several months.

On 5 August, we observed roundtable talks in the offices of the Alta Verapaz Governor, in Cobán. UVOC's members remain deeply concerned about the situation on the San Miguel estate, in El Estor, Izabal. In 2003, the communities inhabiting the estate were

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<sup>2</sup> 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.

evicted, but they returned to their lands at the end of June 2010. They fear another eviction following the arrival of 400 armed men on the land.

*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 Lawyer Edgar Pérez Archila**

In August we began the accompaniment of lawyer and human rights defender Edgar Pérez Archila in his work defending justice and battling impunity. Edgar Pérez is working on cases of massacres committed during the internal armed conflict, as well as other human rights violations. We have specifically accompanied him during his work on the Bámaca Velásquez Vs. Guatemala case, in which the state is accused of the forced disappearance, torture and murder of the guerrilla commander Efraín Bámaca Velásquez in 1992. In 1998, the case was closed with a ruling favourable to the accused army officers, but it was reopened in 2009, following a ruling of the Inter-American Court of Human Rights (IACtHR). Since then the legal process has been hindered, say civil society organisations, by a series of appeals lodged by lawyers defending the accused. At the end of August, the Constitutional Court ordered the criminal chamber of the Supreme Court of Justice (SCJ) to declare a new ruling on the reopening of the case.

We have also accompanied Mr Pérez to hearings and judgements relating to the Dos Erres massacre case. In December 1984, soldiers from the kaibil elite army unit entered the village of Dos Erres in Petén, and killed 250 of its inhabitants. The case against the soldiers began in 1994 but due to a series of appeals presented by the defence, the case was paralysed until 2009, when the SCJ decided to continue it, again following a ruling of the IACtHR. The release of US National Security Archive documents in 2010 allowed a broader documentation of the case and led to the arrest in the US in February and May this year of three former kaibil soldiers accused of participating in the massacre.

PBI is providing international accompaniment to Mr. Pérez due to the high profile of these and other cases, as well several security incidents he has experienced.

## **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 but 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.**

Following a positive analysis of the organisation’s security situation, and in order to prioritise resources, we have decided, together with CALDH, to end the follow-up phase of the accompaniment as of September this year. We remain in contact with the organisation and its members.

*Background: 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.**

We continue monitoring the tense situation in San Marcos department, due to a conflict between the Spanish electricity provider Unión FENOSA (DEOCSA in Guatemala) and communities from 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



A PBI volunteer observes activities at the University of San Carlos in September 2010, Guatemala City. Photo PBI.

In August we observed six activities relating to the situation at the University of San Carlos (USAC) in Guatemala City. Since 9 August, Students for University Autonomy (EPA) have blocked both entries to the University. Among their demands are reform of the electoral system for appointing the University High Council (CSU) and an increase of the university budget, as established in the constitution. The budget is presently at 2.8 per cent of the national budget, while according to the constitution it should be at 5 per cent. Different civil society organisations have expressed fears that the EPA students may be evicted by force. Tensions have escalated on several occasions, and several people recently fired guns into the air close to the campus entrance. We will continue monitoring the situation at USAC during September.

On 26 August, we observed talks of the National Permanent Dialogue System (NPDS) about 31 communities affected by river diversions carried out by agricultural companies in San Marcos, Retahuleu and Quetzaltenango. The participants included representatives

of the NPDS, the Campesino Unity Committee (CUC), the Human Rights Defenders Protection Unit (UDEFEUGA) and the National Disaster Reduction Coordinator (CONRED). The CUC representatives expressed their profound concern about an increase in threats by armed men against community members who oppose the companies.

## 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 August, the project coordinator's activities took place in Guatemala, taking advantage of her visit to the country for the biannual meeting in July. The coordinator, the European representative and other members of the project office, together with members of the volunteer team, had meetings with Birgit Vleugels, Sergio de León and Juan José Perusina, of the EU Delegation in Guatemala, and with Mr Alberto Brunori, representative of the UN Office of the High Commissioner on Human Rights. The coordinator also met with Javier Puig, second chief of mission of the Spanish Embassy, while the European representative and members of the volunteer team met Mr Michael Fabri, adjunct chief of mission of the German Embassy.

## 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 para la Protección de la Montaña de Las Granadillas (APMG), 26 de agosto de 2010:**

### COMUNICADO

**POR NUESTRO DERECHO HUMANO AL AGUA LA LUCHA DE LAS COMUNIDADES POR LA DEFENSA DE LOS BOSQUES EN LA MONTAÑA LAS GRANADILLAS DA OTRO PASO**

**El 4 de agosto 2010 nuevamente bajaron dos camiones cargados con trozas de madera del bosque natural primario de la Montaña Las Granadillas, específicamente de la finca Tachoró y pasaron por la aldea La Trementina. Los vecinos de la**



**comunidad no hicieron ninguna acción, mas que quedarse dentro de sus casas por miedo, en vista que los camiones eran custodiados por la Dirección de Protección a la Naturaleza DIPRONA de la Policía Nacional Civil y carros particulares que resguardaban el transporte de la madera.**

El día de ayer 5 de agosto los dos camiones subieron nuevamente a la montaña con el objetivo de realizar otro viaje con madera. Los vecinos convocaron a una asamblea de urgencia la cual se realizó en la Casa Campesina y en esa asamblea acordaron por unanimidad abordar a los dueños de la madera y a los finqueros con el objetivo de explicarles que a partir del día de hoy queda restringido el paso de camiones pesados y para anunciarles que es el último viaje que les permiten realizar transportando madera de los bosques. Y así sucedió: el día de hoy 6 de agosto 2010 mas de doscientos vecinos de la comunidad de La Trementina se reunieron en el portón de la finca privada "Loma Larga" situada en las cercanías de la Aldea La Trementina en donde la propietaria de esta finca cedió los derechos a las comunidades y a la Asociación para la Protección de la Montaña Las Granadillas mediante una "autorización legal para reforestar y controlar los accesos a la finca Loma Larga en el camino privado de la misma" mediante escritura pública debidamente legalizada. La propietaria de la referida finca también se hizo presente en el portón y ella misma explicó a los finqueros que queda restringido el paso de transporte pesado y con madera por esta finca. El día 29 de julio las comunidades colocaron un pequeño muro y un rotulo que se lee "Restringido el paso de transporte pesado, Propiedad Privada" en mutuo acuerdo con la propietaria. Los señores de los camiones derribaron el muro el día 2 de agosto que subieron.

El día de hoy 6 de agosto cuando el equipo de ILUGUA nos dirigiamos a la realización del taller modular "Iniciando el Camino" en el marco del fortalecimiento de los promotores comunitarios en el tema de la Agricultura Sostenible y Soberanía Alimentaria ASSA nos encontramos con los dos camiones con madera. Una parte del equipo se fue para el taller y otra parte se fue para brindar acompañamiento a las comunidades que esperaban la llegada de los dos camiones en la Trementina. Al lugar en donde se encontraban las comunidades llegaron los dueños de la finca Tachoró y mas tarde los conductores de los camiones con madera y las comunidades explicaron que a partir del día de hoy queda restringido el paso de madera y de transporte pesado por el lugar por ser un camino privado cedido a las comunidades. Mientras descendían los camiones uno de ellos en una curva que no supo controlar se volcó accidentalmente sin que hubiera heridos. Mientras los vecinos dialogaron durante tres horas con los propietarios de la finca, quienes se hacían acompañar de DIPRONA y funcionarios del Ministerio Público y a quienes se les traslado la información acordada en la asamblea del día 5 de agosto 2010. Luego del diálogo que se realizó los camiones pudieron transitar libremente pero con la aclaración de que este es su último viaje. De intentarlo nuevamente los vecinos les advirtieron que se encontrarían con una puerta más pequeña y con el paso restringido. Todo se realizó de una manera pacífica, no hubo violencia excepto que los finqueros dijeron a la propietaria de la finca Loma Larga que la llamarían a resolver la situación en el juzgado y la actitud prepotente y amenazante de uno de ellos sin embargo, más tarde manifestaron su interés de dialogar a lo cual las comunidades respondieron afirmativamente. En cuanto retiren el camión accidentado en el camino los vecinos procederán a restringir y controlar el paso de camiones por el lugar por medio de una puerta mas pequeña la cual permita solo el acceso de vehículos pequeños.

**PARA QUE LA MONTAÑA LAS GRANADILLAS SEA UNA RESERVA DE PROTECCIÓN DE MANANTIALES Y POR NUESTRO DERECHO HUMANO AL AGUA, LA RESISTENCIA PACIFICA DE LAS COMUNIDADES CONTINÚA**

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**Convergencia por los Derechos Humanos, 31 de agosto de 2010:**

### ***Represión y Terror contra Movimiento por la Autonomía de la Universidad de San Carlos de Guatemala***

La Convergencia por los Derechos Humanos repudia los hechos suscitados durante la madrugada del día 30 de agosto del 2010, en en los cuáles dos estudiantes de la Facultad de Medicina aparentemente fueron perseguidas por una patrulla de la Policía Nacional Civil a su salida de las instalaciones del Centro Universitario Metropolitano (CUM) aproximadamente a la una de la mañana. Aparentemente, como resultado de dicha persecución, las estudiantes sufrieron un percance automovilístico pereciendo Andrea (apellido en reserva) y resultando la otra, cuya identidad se reserva, herida y quien se encuentra internada en un nosocomio de la capital.

Previo a estos incidentes, se ha reportado que tres estudiantes más habían salido a pie de las mismas instalaciones a media noche y fueron detenidos por la policía y conducidos a la Comisaría, siendo liberados tres horas después.

Estos hechos han generado terror entre los estudiantes que habían decidido apoyar a través de la toma pacífica del CUM a los estudiantes de EPA (Estudiantes por la Autonomía) en su lucha por la recuperación de los derechos estudiantiles luego de que el Consejo Superior Universitario decidiera convocar a elecciones de Vocales de la Juntas Directivas de varias Facultades de la Universidad.

En tempranas horas de la mañana, mientras los estudiantes del Comité Autónomo de Medicina discutían su línea de acción, docentes de la Facultad de Medicina, trabajadores administrativos, guardaespaldas y estudiantes ingresan a las instalaciones del CUM y en ese momento, frente a varios testigos, presuntamente, los Drs. Luis Chapa y Dr. Gramajo y el trabajador administrativo Rogel Castro agredieron con un tubo a tres estudiantes de medicina. Dos de los estudiantes resultaron gravemente heridos.

## **ANTE ESTOS HECHOS**

Demandamos una investigación profunda por parte de las autoridades del Ministerio de Gobernación y del Ministerio Público para deducir responsabilidades administrativas y penales de los posibles implicados en diversos hechos penales.

Urgimos a la Procuraduría de Derechos Humanos a que asuma su rol constitucional y facilite un diálogo que esté orientado a asumir los temas de fondo que aquejan a la Universidad de San Carlos de Guatemala.

Llamamos a la Comunidad Sancarlista, estudiantes, trabajadores y docentes que demanden a sus autoridades que están ante el Consejo Superior Universitario para que busquen una solución madura ante el actual impasse y que se aborde la problemática de fondo que está siendo denunciada por los estudiantes.

A los estudiantes movilizadas en EPA y en CAM que mantengan la posición no violenta y privilegien sobre cualquier situación el diálogo.

Guatemala, 31 de agosto de 2010

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