

PEACE BRIGADES INTERNATIONAL - GUATEMALAN PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

The former director of the National Police is detained for the forced disappearance of Fernando García in 1984

Guatemala, 10.06.2011 (EP, PL, CA, SV, LH).- The disappearance of Fernando García, union leader, academic and husband of the congresswoman Nineth Montenegro occurred during the government of Óscar Humberto Mejía Víctores (1983-1986), a period marked for the violation of human rights, as confirms the Group of Mutual Support (GAM).

Twenty seven years after this forced disappearance, the authorities detained Héctor Rafael Bol de la Cruz, 71 years of age, director of the now-defunct National Police (PN) between 1983 and 1985. According to the prosecution, he knew of the operation on the 19th of February 1984 in which Fernando García was detained and disappeared as he walked through El Guarda market, zone 11, together with Danilo Chinchilla, who also disappeared.

Retired soldier Héctor Mario López Fuentes in arrested within the framework of the genocide trial.

Guatemala, 22.06.2011 (PL).- On the 20th of June 2011, the Public Prosecutor (MP) accused retired soldier Héctor Mario López Fuentes of having been the creator of strategic counterinsurgency plan *Victoria 82*, in this way creating the first judicial process for genocide in the country and in Latin America. According to the human rights lawyer Édgar Pérez, this is the first time in history that a Guatemalan court recognizes a case for genocide, as even the accused in massacres such as those in Yugoslavia and Rwanda were judged by international tribunals. Juan Francisco Soto, coordinator of the Centre for Legal Action on Human Rights (CALDH), commented that this is because the Criminal Code in Guatemala categorized genocide as a crime, which does not occur in other countries. He also referred to the CALDH's desire that the Guatemalan judicial system respond to the hopes invested in it in order to sentence the human rights violations. Edgar Pérez expressed that trust is something that should build up the judicial system, given that "justice, even if late, is arriving, and the history of the world has shown that this type of occurrence cannot remain unpunished. Late or early, they must be judged." In this sense, Aura Elena Farfán, member of the Families of the Detained and Disappeared of Guatemala (FAMDEGUA), said "for us it has been important and historic that people or soldiers who have been untouchable, today, in some way, justice, although late, goes against them.

The Mayor of San Juan Cotzal is tried for extrajudicial execution

Guatemala, 30.06.2011 (EP).- The Mayor of San Juan Cotzal (El Quiché), José Pérez Chen- of the Unionist Party (PU)-, faces a judicial trial accused of six offenses. He is considered the intellectual author of the extrajudicial execution of Pedro Rodríguez Toma, agent of the National Civil Police (PNC) who was submitted to torture and subsequently burned on the 1st of November 2009. After his arrest, Pérez Chen will be held in the Centre for Protective Custody for Men in Zone 18 (Guatemala City), accused of abuse of authority, extrajudicial execution, incitement to commit a crime, discrimination, illegal association with armed persons and illegal detention in aggravated circumstances.

NEGATIVE EFFECTS OF GLOBALIZATION

The Secretariat for the Free Trade Agreement will investigate the infringement of environmental laws in the petrol contract given to the Perenco company in Laguna del Tigre.

Guatemala, 11.06.2011 (AC).- The Secretariat of Environmental Affairs for the Free Trade Agreement (TLC) subscribed to by the United States, Central America, and the Dominican Republic, will investigate whether contract 2-85 given to French company Perenco to extend petroleum extraction activities in the Laguna del Tigre National Park (Petén), violates Guatemalan law.

In this way the International Commission of Jurists (ICJ) was notified, who had presented a denunciation in 2010. The ICJ representative in Guatemala, Ramón Cadenas, explained that the condemnation had its basis in that by extending the petrol contract with Perenco, the report of the National Protected Areas Council (CONAP) was not taken into account, according to which petrol extraction damages the Laguna del Tigre National Park's ecosystems. According to Cadenas, in the Central American, Dominican and US TLC, countries promise to respect their own environmental laws, especially those related to protected areas, and to not do so is considered unfair competition.

Luis Zurita, vice-Minister for the Environment, indicated that their department had not been notified through official means and explained that in opening investigations into these events, the Secretariat should convene the Council of Environmental Ministers from the signatory countries who will decide if an investigation shall begin. Zurita confirmed that if the investigation results unfavourable for the state, it will have to pay a \$15 million fine for violating TLC statutes, or terminate the petrol company's operations.

The Perenco contract was extended in July 2010 by the Álvaro Colom government for a further 15 years, despite strong opposition by environmental and academic organizations, among which were various universities, as well as members of their own cabinet.

Ministry of Energy and Mining does not suspend the operations of Marlin mine.

Guatemala, 11.06.2011 (EP).- The Ministry of Energy and Mining (MEM) reported that it did not find cause to suspend the operations of Marlin mine in San Marcos. Vice-Minister of Energy, Ricardo Pennington, indicated that the ruling was sent to the National Prosecution Service (PGN) so that the name of the State can be cleared. "This confirms that we have done things in line with the law", said Mario Marroquín, spokesperson for Canadian company Goldcorp, owners of Marlin mine.

OTHERS

Justice for women

Guatemala, 07.06.2011 (PL, by Marielos Monzón).- "It is difficult to give the exact number of soldiers who raped me. There were a lot of them. They did it over a long period of time after having set up the detachment. We made them food, and almost every day, after serving it, they raped us. Everything I lived has been difficult and it pains me to remember it."

This is a testimony from an indigenous woman native of Izabal, who recounted her story during the Tribunal for Awareness against Sexual Violence to Women, organized last year in Guatemala. Like her, hundreds of cases of sexual assault and abuse, mutilation and sexual slavery that were perpetrated against women during the war remain unpunished.

Violence against women constituted a mechanism to generate terror, and rape was used as a form of torture. The Guatemala Memory of Silence Report by the Commission for Historical Clarification documents 1,465 cases of rape against women, 88% of which were against Maya women. (...)

Those responsible for all these atrocities remain free from prosecution. Sexual crimes against women, which formed part of the Guatemalan genocide, remain unpunished and set an abysmal precedent in the investigation, persecution and judgement for how today's murderers and rapists of women are treated.

Therefore, two international human rights organizations requested at the Spanish High Court (ANE) that within the on-going investigations of the Guatemalan genocide, that sexual violations, sexual slavery, foeticides, mutilations and forced sterilizations among other crimes suffered by Mayan women, also be investigated. In the words of Paloma Soria, lawyer from the organization Women's Link Worldwide, one of the instigators of the action, "In order to respond to, and understand, the dimension of the atrocities that were committed in Guatemala, it is necessary to consider gender crimes as well. These were generalized and systematic and intended to finish off the Mayan population, not only through their physical extermination, but also through the breakdown of the social structure."

Within this framework, two jurists, experts on International Penal Law and Gender Affairs, Patricia Sellers and María Eugenia Solís, testified before the ANE on the 8th and 9th of June on the need to judge war crimes within this process. "The moment has come when the crimes that affect women do not remain unpunished, and the ANE has a great opportunity to investigate them", said the lawyer from the Centre for Justice and Responsibility, Almudena Bernabéu.

Sources: El Periódico (EP), La Hora (LH), Diario de Centro América (CA), Centro de Estudios de Guatemala (CEG), Prensa Libre (PL), Siglo Veintiuno (SV).

2. ACTIVITIES OF PBI GUATEMALA WITHIN GUATEMALA

Team: Pascal Bodemeijer (Netherlands), Anabella Estol (Argentina), Engel Montuenga Peña (Spain/Colombia), Samuel Jones (United Kingdom), Guillaume Riboulleau (France) Maïke Holderer (Germany), Kathrin Ruegg (Switzerland), Kathi Dunkel (Germany) and Álvaro Zaldívar (Spain)

2.1 MEETINGS WITH DIPLOMATIC CORPS, INTERNATIONAL AGENCIES AND GUATEMALAN AUTHORITIES.

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

Diplomatic corps and other international agencies in Guatemala:

- Patrick Egloff, joint chief of Mission, Embassy of Switzerland, Guatemala City.
- David McNaught and Eduardo Smith, acting Chief of Mission and Political Officer, Embassy of the United Kingdom, Guatemala City.
- Frank Schwabe, German Politician, Guatemala City.
- Christina Papadopoulou and Marina Comandulli, Human Rights Officers, Office of the United Nations High Commissioner for Human Rights in Guatemala (OACNUDH), Guatemala City.
- Akira Kusunoki, Counsellor, Embassy of Japan, Guatemala City.
- Jennifer Echeverría, Human Rights Programs and Cooperation Officer, Delegation of the European Union to Guatemala, Guatemala City, Guatemala.

Guatemalan Authorities:

- Axel Romero, General Coordinator of the Unit of Community Prevention of Violence, Ministry of Governance, Guatemala City.
- Antonio Montúfar, Jacobo Gramajo, Carlos Quiej and Dulce Patricia Zúñiga Schaeffer, respectively, under-executive director, Chief of the central region, and Analysts from the department of Human Rights Defenders from the Presidential Commission for Human Rights (COPREDEH). Guatemala City.
- Israel Quiñonez, Regional Coordinator for Polochic, Ministry of Agrarian Affairs (SAA). La Tinta, Alta Verapaz.
- Nidia Conzantes and Gabriela Villatoro, Advisors to the Viceminister for Security and participants in the coordination of the Requests for Analysis of Attacks on Human Rights Defenders, Ministry of Governance, Guatemala City.
- Estuardo Puga, assistant to the Human Rights Ombudsman (PDH), San Benito, Petén.
- Manuel Méndez, General Coordinator of the SAA. Santa Elena, Petén.
- Samuel Barrios, sub-commissioner, station 62, PNC. San Benito, Petén.
- Claudia Mariela López Díaz, regional director of the National Council for Protected Areas (CONAP) for Petén Department. Flores, Petén.
- Sub-commissioner of the National Civil Police (PNC). San Juan Sacatepéquez, Guatemala.
- María Sicán Ajcuc, mayor of San Juan Sacatepéquez. San Juan Sacatepéquez, Guatemala.
- Eddy Cifuentes, consultant to the governor of Zacapa. 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 the processes of contextual analysis on specific issues in Guatemala.

Organisations and Guatemalan civil society representatives

- Abel Santos Jacinto, coordinator of the Centre for Guatemalan Environmental and Social Legal Action (CALAS). Flores, Petén.
- Jesus Guerra, member of the OTRA Cooperative. Flores, Petén.
- Father Javier Plata García, parish priest. San Benito, Petén.
- Gabriel Gámez, member of ProPetén. Flores, Petén.
- Juana Dominga Paz, President of IXMUCANÉ. San Benito, Petén.
- Enrique Corral, Director of the Guillermo Toriello Foundation (FGT). Guatemala City. Guatemala.
- José Acté Ico, coordinator for the Alta and Baja Verapaz regions from the Committee for Campesino Unity (CUC). Guatemala City.
- Juan Velasco Pérez, member of CALDH. Nebaj, El Quiché.
- Sandra Morán, coordinator of Female Sector. Guatemala City. Guatemala.
- Helmer Velásquez, director of the Coordination of Guatemalan NGOs and Cooperatives (CONGCOOP). Guatemala City,

Guatemala.

- Javier Gurriarán, consultant and member of the Initiative for the Recovery of Historic Memory in North El Quiché. Guatemala City. Guatemala.

Social Organizations and International Agencies:

- Raquel León and Marlen López, respectively Head of Programmes and Head of Administrative Affairs, Swiss Interchurch Aid (HEKS). Guatemala City, Guatemala.
- Coordination of International Accompaniment in Guatemala (Acoguate). Guatemala City, Guatemala.

2.3 ACCOMPANIMENT

The National Coordination of Guatemalan Widows, CONAVIGUA.

In June we accompanied CONAVIGUA during their work on various exhumations in the communities of Tixix, Xix, Chajul and Vicojbal (last one in Iloom), in the department of El Quiché. CONAVIGUA is currently providing follow up to the community consultation, which took place in Uspantán (El Quiché) at the end of 2010, which we also accompanied. We have continued our regular visits and meetings with its members in its office in the capital.

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 rural communities where victims and perpetrators live side by side, occasionally culminating in threats aimed at stopping the work of the women of CONAVIGUA. Due to increasing requests from the communities in which CONAVIGUA works, the organisation has expanded its work offering legal and organisational advice to communities in the process of organising themselves. San Juan Sacatepéquez is one of the areas where CONAVIGUA is accompanying this process, as is Uspantán, where CONAVIGUA supported the preparation of a "good faith" community consultation on extractive industry projects. We have periodically accompanied the association since August 2003 with visits to its office and during its members' journeys around the country. Since September 2010 we have intensified the accompaniment following grave death threats against its members, Magdalena Sarat and Jorge Morales Toj, in relation to their work assisting in the preparation of the community consultations for natural resource extraction projects in the municipalities of Uspantán (El Quiché) and Lanquín (Alta Verapaz). We also activated PBI Guatemala's Support Network internationally between October 2010 and April 2011 as a result of these threats.

The Association for the Protection of the Las Granadillas Mountain, APMG.

In June we met with members of the association in Zacapa. We continued to accompany them during this month to the process begun by the ARMG to request the declaration of Las Granadillas mountain as a protected area (Water Reserve). We maintained regular contact with other members of the association.

Background: APMG was created in 2003 in Zacapa to protect the ecosystem of Las Granadillas Mountain (the principal source of water and natural diversity in the region) due to diverse threats identified by the local population: illegal logging, monoculture, deforestation, large-scale cattle farming and the diversion of water sources. The organisation is supported by the Lutheran Church in Guatemala (ILUGUA), led in the region by Reverend José Pilar Álvarez Cabrera, and the Madre Selva Collective. One of APMG's goals is to have the mountain designated a protected area. However, existing economic interests in the land have made APMG's work dangerous, and its members have faced diverse types of persecution and threats since they denounced the illegal logging trade and started, with the population of the La Trementina community, a permanent social monitoring process of licences granted and logging carried out on the mountain's private estates. We have accompanied APMG since August 2008 and, since then, have observed the spaces for dialogues in which the Association has participated with public authorities and private actors. At the beginning of 2009 and the end of 2010, the permanent conflicts between the owners of private estates on the mountain and the population of La Trementina and the APMG led to criminal accusations against members of the Association and the community, based on complaints lodged by, among others, Mr Juan José Olaverrueth, owner of the Tachoró Estate. In both cases, the accusations were linked to APMG's work promoting the protection of the mountain. Also, in both cases, the cases were thrown out in the first court hearing before the judge. In total nine people have been affected by unfounded criminal accusations (three in 2009 and eight in 2010). They were accused of illegal detentions, threats and psychological violence against women.¹ José Pilar Álvarez Cabrera has been the target of death threats and defamation in the

¹ On 29 November 2010, eight people, members of the APMG and the Lutheran Church in Guatemala (ILUGUA), received a judicial summons to give statements relating to a criminal process initiated against them, in which they were accused of the crimes of illegal detention and threats. After the hearing was twice cancelled (on 26 January and 7 March 2011), community representatives of Zacapa and Chiquimula expressed their concerns in

local media during these conflicts. Based on this situation, we activated PBI Guatemala's international support network between October 2010 and April 2011.

The Association of Indigenous Women of Santa María Xalapán, AMISMAXAJ.

In June we accompanied the association in Jalapa, whose members met with German politician Frank Schwabe and the German Ambassador to Guatemala, Thomas Schaefer. We also accompanied the women in their activities at the municipal headquarters of Jalapa. We held meetings with various members of the association in Guatemala City.

Background: AMISMAXAJ was founded in February 2004 as an association of women workers and became part of the Women's Sector in June of the same year. AMISMAXAJ is made up of 75 women leaders representing 15 Xinka communities from the Santa María Xalapán Mountain (Jalapa). They work at the local, departmental and national levels in opposition to all forms of patriarchal, neo-liberal, racist, homophobic and lesbophobic oppression, and have established strategic territorial and national alliances to promote their political actions. The association works actively in the region of Jalapa, promoting women's rights, the revitalisation of the Xinka ethnicity and the defence of land and territory. In particular, it is actively working to defend natural resources and to monitor and raise awareness about plans for mining and oil extraction in the region. On 12 October during a demonstration commemorating the Day of Indigenous Peoples' Resistance in Jalapa, a man issued a death threat to AMISMAXAJ member Lorena Cabnal. Other members of the Association were also intimidated, adding to the growing number of security incidents that they have suffered over the last two months. For this reason, we included AMISMAXAJ in the international activation of PBI Guatemala's Support Network in October 2010.

The 'New Day' Chortí Campesino Central Coordinator.

We met members of the association regularly in June. We visited the Matasanos community (Jocotán), where one of the members lives and maintained regular contact with other constituent members. We accompanied members of the organization on their information-sharing activities about, among other things, El Orégano hydroelectric project whose installation was authorised by the Ministry of Energy and Mines in April this year.

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 and informs rural communities on issues relating to the rural economy, the environment, rights and land, in coordination with other local organisations. In 2006 New Day became aware of construction projects for three hydroelectric plants in two of the Department's municipalities: the projects El Puente and El Orégano in Jocotán and the project Caparjá, in Camotán. They form part of the largest project of the Electrical Interconnection System for Central American Countries (SIEPAC). As part of its work, the organisation has shared this information with the communities in the area, creating spaces for the evaluation and analysis of the environmental effects and impact on local economies that this, and other development projects planned for the region, may have. Members of New Day say the lack of information and consultation of Chiquimula's communities by public institutions is a source of conflict. Several members of the association have been threatened and attacked due to their work with the communities. In September 2009, one of its members was the victim of a gun attack close to his community. On 12 October 2010, a violent confrontation between demonstrators and police took place when Mayan Chortí communities gathered in front of Jocotán town hall to demand talks with the mayor regarding the Technological Corridor Project. Following these events, a number of national and local media outlets (television, radio and print) carried statements from local authorities accusing Omar Jerónimo, member of New Day, and Carlos Hernández, member of the Camoteca Campesino Association, as well as representatives of the Catholic Church, of being involved in the incident.² Following this, Omar Jerónimo and Edgar Hernández received death threats and were intimidated by unidentified armed men. As well as intensifying our accompaniment to New Day, we also included the organisation in our international activation of PBI Guatemala's Support Network carried out between October 2010 and April 2011.

The Camoteca Campesina Association.

We held meetings with different members of the association in Chiquimula in June. The criminal accusations against two of them are cause for deep concern. Even though charges were dropped (see *background*), the two were limited in their participation in collaborative work during and following the judicial proceedings.

a letter submitted to the Supreme Court of Justice (CSJ), highlighting how the organisations' work was being limited by the ongoing judicial process. On 31 March, the wives of José Juan Olavarrueth and Gregory Miller, the original complainants, presented themselves as joint plaintiffs, as victims of illegal detention, threats and psychological violence against women. The hearing was finally held on 13 April, more than four and a half months after the first summons.

² Agrarian Platform press release, 12.10.2010. COPISCO press release, 12 and 13 October 2010. National Resistance Front (FNL), "Tres campesinos muertos en Jocotán", 13.10.2010. Latin American Mining Conflict Observatory (OCMAL), "Agresiones y represión en contra del pueblo maya chortí", 13.10.2010. Guatemalan and local press of 13.10.2010.

*Background: The Camoteca Campesina Association was founded in 1988, made up of the then health promoters and midwives of Camotan (Chiquimula). Now the association is an active member of the Coordinator of Popular Indigenous Unions and Eastern Campesinos (COPISCO) Its primary objective is defending life and natural resources and its ultimate aim is well being of the people and the land they live on. It is now made up of 718 associates who watch out that laws are complied with and follow up violations of human rights in the eastern part of the country. They have a long-term relationship of cooperation and alliance with the 'New Day' Chortí Campesina Central Coordinator, especially with regards to community information about the land, agriculture and protecting the environment. When the association heard of the plans to build hydroelectric plants El Puente, La Orégano and Caparía (see background to the accompaniment of 'New Day' Chortí) and the Technological Corridor project which affected several towns in the department, they started work informing the communities about the effects of these megaprojects on the environment and the economic situation. On 15 November 2010 **Carlos Hernández** and **Santo Vásquez** were arrested and accused of crimes against national security and participating in illegal meetings and demonstrations, after participating in a public gathering, which included more than 70 people opposed to the electrification plans and projects in the region, held more than six months earlier on 30 March 2010. It is of concern that the arrest warrant was issued on 13 October, one day after the events in Jocotán and that the media has linked their detention with that confrontation. On 16 November, they had their first appearance before the judge, who upheld charges against them, set bail of 3,000 quetzals, and ordered house arrest without supervision as an alternative measure to incarceration. Unsupervised house arrest require that both present themselves to the court every 15 days and limit their right to full participation in collaborative work. The Public Prosecutor's Office will investigate the charges during the next three months. The next court hearing was set for March 2, 2011.*

Q'a moló Q'i San Juan – People of San Juan Unite.

In June we visited the communities of San Juan Sacatepéquez and have been present at their weekly meeting in the community of Santa Fe Ocaña. We were also present at the community celebrations of San Antonio Las Trojes I, and during the visit of German Ambassador Thomas Schaefer and Bernhard Dohle, representative of GIZ (German Agency for International Cooperation) to the municipality, where they met with delegates from the communities.

We also accompanied various member of the Pilar I community to a judicial hearing in Mixco resulting from denunciations of attacks with sharp weapons made against residents of community on the 27th of February 2011; said hearing was suspended. We also followed-up the situation of three detained people, holding meetings with their families in various communities in the municipality.

Background: Q'a molo Q'i San Juan-People of San Juan Unite is an organisation that brings together neighbours from diverse communities in the municipality of San Juan Sacatepéquez, that participate in the struggle to defend 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. On 13 May 2007, without the support of the municipality, the communities of San Juan Sacatepéquez carried out a community consultation on the factory's installation. 8,950 people participated, of which 8,946 voted against and four in favour of the factory. Although the mayor and the municipal council agreed to take into account the results of the consultation prior to the authorisation of any licence for construction, the construction work continued. During more than three years, the residents of San Juan Sacatepéquez have made numerous complaints about human rights abuses and a criminalisation campaign against them. The dialogue process in which various Guatemalan public authorities and institutions have participated has ended without reaching a resolution or transformation of the conflict.³ PBI has accompanied Q'a molo Q'i San Juan since December 2009, following a request from the organisation due to threats and persecution against several of its members and the communities it represents.

The Council of Cunén Communities

In June we accompanied the Council to the dialogue table opposite the Fenosa-DEOCSA Company (Western Electricity Distributor) that takes place regularly to discuss the characteristics of the Rural Electrification Programme (PER). We met with a member of the council in Cunén and maintained regular contact with other members.

Background: The Council was established at the first communities' assembly in San Siguán. It consists of 22 directly elected members from eight micro-regions of Cunén. One of the main focuses of the Council's work is the defence of their land and natural resources. In October 2009 they organised a community consultation on mining exploitation and on the construction of hydroelectric plants, among other mega-projects, planned for the Municipality. PBI observed part of the preparation process as well as the consultation itself, in which approximately 19,000 people from 71 communities voted against the aforementioned projects. We began our accompaniment of the Council in February 2010.

³ You can find further information in the PBI Special Report published in 2010 at the following link:
http://www.pbiguatemala.org/fileadmin/user_files/projects/guatemala/files/english/Mujeres_Completo_ING.pdf

The Guatemalan Human Rights Defenders Protection Unit (UDEFEFUGA)

In June we periodically visited the UDEFEFUGA office in the capital. The organisation continues to follow the land conflict in the Valley of Polochic, Alta Verapaz resulting from the eviction of several communities in March and investigation and verification of the attacks that the community suffered. Furthermore, the organization is following the situation of human rights defenders during the state of siege in the department of Petén. Through this, we observed the meeting of the Network for Human Rights Defenders of Petén, organized by UDEFEFUGA (see observations). On the 22nd of June we attended a meeting between a member of UDEFEFUGA and the German politician Frank Schwabe during his visit to the country.

Background: The Human Rights Defenders Protection Unit (UDEFEFUGA) was founded in 2004 to promote the security of human rights defenders in Guatemala and helps protect the political space in which they work. The Unit's programmes support threatened human rights defenders and their organisations and advise them about preventing and responding to threats and attacks, through information, training, monitoring and psychological support. UDEFEFUGA also lobbies for the protection of human rights defenders by government institutions and the international community. For many years PBI has maintained a close collaborative relationship with UDEFEFUGA and in 2007 provided the Unit with international accompaniment during a period of threats. We recommenced our accompaniment following further threats received during May 2009, which the Unit denounced to the Public Prosecutor's Office. Several international organisations have expressed their concerns about what they describe as a "serious pattern of persecution" of the organisation.⁴ We intensified the accompaniment again in March 2010 following break-ins to the home and vehicle respectively of Erenia Vanegas and Claudia Samayoa, increasing our visits to UDEFEFUGA's office, carrying out periodic meetings with its staff and accompanying them during their movements to the interior of the country during their investigation and verification of reports of attacks against human rights defenders.

The Verapaz Union of Campesino Organisations, UVOC.

In June we met with UVOC members in their offices in Alta Verapaz and the capital. UVOC's current concerns are as much for communities considered at risk of eviction as for the communities declared to be in resistance to the Italian electricity company, ENEL, in San Cristobal (Alta Verapaz). We also accompanied the organization's lawyer, Jorge Luis Morales, to various communities in the Valle de Polochic during his provision of legal advice and attention towards various land conflicts, as part of the UVOC's and the communities' efforts to find institutional and legal routes to solve these conflicts.

Background: UVOC is a campesino organisation based in the departments of Alta and Baja Verapaz and that works principally to defend and promote access to land for the campesino population, as well as advising communities about the 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. We also continue to observe the delicate situation of communities that are part of the organisation that are struggling for access to land.

Human rights lawyer Edgar Pérez Archila

We visited Edgar Pérez Archila's office periodically and met him and other members of his legal practice.

On the 20th of June we accompanied Edgar Pérez to the hearing at which the first statement was taken of General Héctor Mario López Fuentes, accused of genocide and grave crimes to humanity in the first trial for genocide in the country and at Latin America level (see *notes on the current situation*). In this case Edgar Pérez is a lawyer for the joint plaintiffs.

In the meeting held by German politician Frank Schwabe on the 22nd of June with Guatemalan human rights defenders, Edgar Pérez was also present. On the 28th and 29th of June we accompanied him to hearings on the case of the extrajudicial execution of Pedro Rodríguez Toma, for which the former mayor of San Juan Cotzal, José Pérez Chen, is accused (among other crimes, see *notes on the current situation*). Edgar Pérez Archila is the lawyer for the joint plaintiffs in this case.

Background: In August 2010 we began the accompaniment of lawyer and human rights defender Edgar Pérez Archila in his work defending justice and battling impunity. He works on legal proceedings relating to massacres committed during the internal armed conflict and other cases of past and current human rights violations. We have specifically accompanied him during his work on criminal prosecutions relating to the following: the forced disappearance, torture and extrajudicial execution of the guerrilla commander Efraín Bámaca Velásquez in 1992; the massacre of the community Las Dos Erres in 1982; the massacre of the community of Río Negro in 1982; and the prosecution for genocide that has been pending before a number of Guatemalan tribunals since 2000.

The National Police Historical Archive, AHPN.

⁴ Human Rights First (HRF), Washington Office on Latin America (WOLA), Network in Solidarity with the people of Guatemala (NISGUA), Grassroots International, American Jewish World Service, Latin America Working Group (LAWG), Institute for Peace and Justice – University of San Diego, Carta al Presidente Álvaro Colom, 8 May 2009.

On the 7th of June we observed the presentation of the first AHPN report entitled “From Silence to Memory”, which took place in front of various representatives of the international community and Guatemalan civil society. We also visited the AHPN buildings together with a representative of the German National PBI Group. We also maintained contact with Alberto Fuentes, member of the management team, in order to coordinate international accompaniment and observation work during the activities the AHPN are planning for the following months.

Background: The AHPN was discovered by chance in 2005, by staff of the Human Rights Ombudsman’s Office (PDH), when they carried out preventative procedures relating to the storage of explosives in Guatemalan public security force buildings. In a building in Zone 6 of the capital (built during the internal armed conflict to house the National Police (PN) hospital, although never used as such), 80 million documents were discovered, abandoned, piled up and poorly conserved. This is the historical-administrative documentation of the PN, from its creation in 1881 to its closure in 1997. The institution’s participation in the commission of human rights violations during the internal armed conflict was documented by the Historical Clarification Commission (CEH). In its report “Guatemala: Memory of Silence”, CEH affirms that the PN was an operative body for army intelligence, serving as the facade of the G-2, and acted on its orders in the majority of cases. During the CEH investigation, various state bodies, including the Interior Ministry and the PN itself, repeatedly denied the existence of archives or documentary materials that would assist an investigation into human rights violations. Following the first phase of work headed by the PDH to recover the documentation and then create the conditions necessary to allow public access to it, work since 2010 has centred on the institutionalisation of the Archive, the search for political, legal and administrative certainty, the technical stabilisation of the resource and the initiation of procedures to ensure permanent, public access to its contents. Today the AHPN forms part of the General Archive of Central America, its title and control is the responsibility of the Guatemalan Ministry of Culture, and it functions exclusively on the basis of donations and funds from international cooperation. The Archive is also a member of the International Coalition of Sites of Conscience, as the building which houses it was used as a clandestine detention centre by the PN during the armed conflict. Well-known Guatemalan human rights activists participate in the direction, coordination and documentation recovery work, and also promote public access to the information it holds. 150 people work on the tasks of conservation, organisation and archival description. As of 31 March 2011 more than 12 million documents have been digitalised, including more than 19,000 books. To that date they have received 4,503 requests for information, to which they have responded with the provision of 45,020 documents (1,001 to victims’ relatives and 1,298 to the Public Prosecutor’s Office (98% of these to its Human Rights Office)). Given that we consider the AHPN a key resource in the fight against impunity, the recovery of historical memory and the application of justice, and given its role contributing documentary and expert evidence in the investigation and clarification of concrete cases of human rights violations committed during the internal armed conflict, and considering its potential to determine the criminal responsibility of its perpetrators, we consider it important to contribute with our accompaniment, to protect the Archive, and to dissuade any kind of threat or attack against it.

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 they receive and to open up a more secure space within 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 currently providing our follow-up accompaniment to these social organisations:

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

In May, following a positive evaluation of OASIS’ security situation, our accompaniment became follow-up as there have been fewer threats to the organisation and its members. Due to the lengthy judicial process against the director, Jorge López in 2009 (see background), OASIS feels that its work of promoting and defending the human rights of sexually diverse communities in Guatemala has been severely affected. The organisation feels that because Jorge López has had to put all his energy into defending himself against the criminal charges, not to mention the public prosecutor’s accusations which has damaged López’ public image and credibility, the organisation’s finances have suffered. Undoubtedly, all this has weakened the effectiveness of OASIS and ultimately has paralyzed the work of its staff. OASIS feels that the charges against López have in fact constituted an attack on the whole organisation.

Despite the difficulties mentioned, on the 25th of June we observed the 11th march for sexual diversity and gender identity in the capital, coordinated by OASIS together with other organizations and gay, lesbian, bisexual, transsexual and transgender (LGBT) groups.

Background: OASIS is an organisation that works with HIV/AIDS education and prevention and promotes and protects 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). Zulma, as a witness to the murder, identified alleged agents of the National Civil Police (PNC) as the perpetrators of the crime. Members of OASIS then continued to suffer harassment and threats for which, in February 2006 the Inter-American Commission of Human Rights (CIDH) ordered protection measures for thirteen members of the organisation, which were put into effect by the Guatemalan state three years later. PBI started to accompany OASIS at the beginning of 2006. In January 2009 we intensified the accompaniment of its director, Jorge López, after he was accused of the attempted murder of sex worker Laila (Axel Leonel Donis González) and a criminal prosecution opened against him. Jorge López viewed the prosecution as a further manifestation of the constant persecution and intimidation he had suffered for years, which were aimed at impeding the organisation's work and discouraging respect for the human rights of sexual minority communities. On 29 September 2009, Jorge's case was dismissed by the Ninth Criminal Court of the First Instance, and Jorge López was absolved of all charges, after two court hearings at which the members of various European embassies participated as observers.

2.5 OBSERVATIONS

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

On the 8th of June we observed a Press Conference by the National Coordinator for Campesino Organizations (CNOO), organized in Guatemala City in order to condemn the assassination of three campesinos in the Valle de Polochic since March, and during which government policy towards eviction was questioned.

On the 10th of June in Petén we observed a meeting of the Network of Human Rights Defenders, in which members from UDEFEGUA, the Council for Villa Nueva Communities, Ixqik, the No-Violence Network, the Association for Female Solidarity (AMES), the National Union of Guatemalan Women (UNAMG), Petén Recovery of Historical Memory (REMHI), women part of the Nuevo Horizonte cooperative and Mirna Juárez, who forms part of the personnel from the department for victim attention in the Public Prosecutor's Office (MP). On the 14th of June we also observed the Human Rights Convergence meeting with civil society groups and organizations present to analyse the situation for human rights defenders during the state of siege in this department.

On the 20th of June we observed the judicial hearing to take the first statement of General Héctor Mario López Fuenes, accused of genocide and grave crimes to humanity in the trial for genocide taking place in Guatemalan courts (see *notes on the current situation*). We were also present on the 24th of June at the public presentation of the report "Removing the Fish's Water", created by the Madrid Peace and Solidarity Foundation, and the Trade Union Confederation of Workers' Commissions of the Spanish State. This report contains analysis on military counter-insurgency plan "Victory 82" and "Sofia" from various perspectives: historic, anthropological, and psychological. The full report can be accessed through the following link: <http://www.ccoo.es/comunes/temp/recursos/1/906880.pdf>

On the 30th of June we observed the March for Memory convened by the Sons and Daughters for Identity and Justice against Oversight and Silence (H.I.J.O.S.) in Guatemala City. Numerous people, and human rights organizations and groups participated. For four consecutive years there is a celebration in the capital to commemorate Hero's and Martyr's Day, on the same day that is officially declared the Day of the Army.

On the 30th of June we were also present in Uspantán, El Quiché, at the assembly of the Council of Uspantán Villages in Resistance and Defence of Territory.

3. PBI GUATEMALA'S ACTIVITIES OUTSIDE GUATEMALA

Regional Representatives, the Project Office Coordinator and other members of the committee and the Project Office and national groups of PBI, conduct public relations campaigns with many NGOs, agencies and national governments, parliamentarians and others. These meetings result in the development and strengthening of the project's "Support Network", an essential tool in the international presence provided by PBI in Guatemala.

The project's European Representative, Kerstin Reemtsma took part in the Global Media Forum in Bonn (Germany) from 20th to 22nd of June. This year the Forum was organised by the German international broadcaster "Deutsche Welle" on the topic of "Human rights and the media". Together with three Latin American human rights defenders she participated in the panel "Women and human rights in Latin America".

On the 28th of June a meeting was held in Brussels with Emine Bozkurt, European MP and President of the Delegation for relations with Central America of the European Parliament.

4. ORGANIZACIONES NO GUBERNAMENTALES

En esta sección reproducimos algunos comunicados (algunos abreviados) de las organizaciones defensoras de DDHH, donde expresan sus preocupaciones frente a algunos hechos recientes.

Fundación Guillermo Toriello (FGT): Allanan la Fundación Guillermo Toriello (FGT)

El domingo 26 de junio a partir de las 6 de la tarde fueron allanadas las oficinas centrales de la Fundación Guillermo Toriello, robando equipo de cómputo con información de los programas y proyectos que lleva a cabo en diferentes partes del país.

La fiscalía que atiende los casos de defensores y defensoras de derechos humanos, y la fiscalía especializada en robos y atracos se hicieron presentes e investigan el caso desde las primeras horas de la mañana cuando se conoció el allanamiento.

La FGT denuncia este sospechoso allanamiento y mantiene la expectativa de que no sea una acción intimidatoria organizada con premeditación para detener sus acciones.

La entidad trabaja sin descanso por el desarrollo en comunidades orilladas a la pobreza, afectadas por desastres naturales como las de la cuenca de Lago Atitlán, o en comunidades afectadas por desastres sociales, como las que sufren desalojos violentos en el Valle del Polochic. Apoya la reivindicación de los derechos de comunidades de diferentes territorios del país; y suma sus esfuerzos a las entidades que luchan incansablemente contra la impunidad.

Esto le ha ganado un gran respeto tanto de parte de la población guatemalteca, como de entidades de cooperación. Por su compromiso no ha sido ajena, lo mismo que otras organizaciones de defensores de derechos humanos, a los ataques irracionales de los que sienten amenazados sus intereses.

Guatemala, 27 de Junio 2011

Frente de Defensa Miguelense (FREDEMI): La Mina Marlin contamina el riachuelo de microcuenca

Con fecha 17 de junio del año 2011, cuando transcurrían las 10 de la mañana, vecinos de la comunidad de aldea Agel y Caserío Siete Platos nos informan que dentro de la mina, se estaba efectuando una descarga del Dique de Colas de la Mina Marlin.

21/06/2011. A eso de las 11:00 horas nos constituimos en el lugar denominado puente madero donde pasa el riachuelo Ta'l Tqan Txinib', al llegar pudimos observar que en el riachuelo corría agua enlodada, acompañada de un olor desagradable parecido al insecticida denominado Tamarón, y al acercarnos más, pudimos constatar que el agua llevaba un color parecido al aceite que brillaba.

Nos dirigimos a la entrada de la mina Marlin y los guardias de seguridad no nos dejaron entrar, nos preguntaron si llevábamos una orden de autoridades, dijimos que no, que íbamos en calidad de observadores de las comunidades, negándonos el paso. En ese momento, personal de la Comisión Pastoral de Paz y Ecología –COPAE- de la Diócesis de San Marcos salieron del área de la mina, y nos comentaron que efectivamente habían observado la descarga del dique de colas, pero que no les permitieron tomar fotos ni videos de la descarga, también comentaron que había personal del Ministerio de Energía y Minas, Ministerio de Ambiente y Recursos Naturales, Ministerio Público y de la mina.

Por eso solo pudieron tomarse fotografías del agua enlodada y aceitosa con mal olor desde las afueras del área de la mina. El olor penetrante del agua nos ocasionó un fuerte dolor de cabeza y ardor en los ojos, por ello regresamos de manera inmediata, porque era insoportable el olor.

Hacemos del conocimiento de la Comisión Interamericana de Derechos Humanos –CIDH-, la comunidad nacional e internacional, que nuevamente se llevan a cabo actividades en nuestro territorio sin nuestro consentimiento previo, libre e informado. Las descargas del agua contaminada, son amenazas contra nuestra vida. Lamentamos la ausencia de la justicia. La mina Marlin continúa contaminando el Río Cuilco.

Dichas descargas contaminantes continúan pese a que hace un año, la CIDH otorgó Medidas Cautelares a dieciocho comunidades de Sipacapa y San Miguel Ixtahuacán pidiéndole al Estado de Guatemala que suspendiera las operaciones de la Mina Marlin, mientras resuelve sobre la demanda presentada. El Gobierno no ha cumplido las Medidas Cautelares, contaminando deliberadamente las fuentes de agua comunitarias.

San Miguel Ixtahuacán, 23 de Junio 2011

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- PBI GUATEMALA PROJECT-

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