

## PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

### MIP - MONTHLY INFORMATION PACKAGE – GUATEMALA

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### 1. NOTES ON THE CURRENT SITUATION

#### IMPUNITY

**The Convergence for Human Rights condemns an attempt to give immunity to military personnel accused of genocide** Guatemala, 24.11.2011 (CA, SV) .- The Convergence for Human Rights denounced the attempt to pass a bill that favors military personnel accused of crimes against humanity, so that they cannot be judged by the Guatemalan courts. The independent MP Christian Bousinott presented under pretext of national urgency, the 37-11 Initiative, which according to Iduvina Hernandez, director of the Association for the Study and Promotion of Democratic Security (SEDEM) had already been passed by Congress in its second reading in 2008. However, when comparing the initiative now submitted, which was shelved for three years, Hector Nuila, Nineth Montenegro and Anibal García-members of Congress, realized the phrase "with the exception of crimes considered against humanity " had been removed. They were forced to withdraw from the Chamber, to break quorum and prevent final approval of the document. Julio Solórzano Foppa, the son of one of the victims of internal armed conflict, said: "This was a deceitful and illegal act. They intended for us to believe that these falsified documents were the ones approved in 2008." Oswaldo Samayoa, human rights activist, said an investigation has begun to criminally prosecute those who collaborated in the falsification and manipulation of the draft. Iduvina Hernandez says that what happened is part of a strategy to boost the military elite, who have organized, have sought counseling and use legal teams to interfere with the implementation of Justice: "The lack of public pronouncement of a clear policy to protect human rights and respect for the justice system by the president-elect is opening the doors to this type of structure that seems protected by the military past of President Perez Molina and aim to achieve the protection of impunity ".

**Otto Perez Molina President agrees not to influence the judicial proceedings brought against military** Guatemala, 11.28.2011 (EP, PL) .- The president elected in November, Otto Perez Molina, pledged not to allow influence from the Executive Branch to benefit those retired military officials or those who are active within the military institution and are subject to criminal proceedings in court: "We respect the law and there will be total separation of powers" he proclaimed at his reception in the campaign headquarters of the Patriotic Party of Central American Parliament President, Manolo Pichardo. Perez Molina said that the cases that are being heard in the various courts of the country should follow the normal procedures and trials to gain conviction of any guilty culprits or prove the innocence of the accused. "The guarantee we offer is that we are respectful of the law and rules that should apply to those who have committed a crime. It is the responsibility of the President to apply justice, there should be no doubt or concern, we will respect the criminal proceedings,"said Pérez Molina.

Among the military officials facing lawsuits is Óscar Humberto Mejía, former head of state between 1983 and 1986, accused of genocide and crimes against humanity for massacres committed in the community of Plan de Sánchez, in Baja Verapaz, and in the Ixil region of Quiché. Hector Mario Lopez Fuentes, former Chief of Defense Staff for the management of Mejía is also designated as responsible for carrying out massacres in the Ixil area. Pérez Molina stood up for his future defense minister, Colonel Ulysses Anzueto Noah Giron, who has been singled out by social activists and independent human rights reports, for having been involved in the forced disappearance of guerrilla member Efraim Bamaca in 1992, Retalhuleu. With regard to this case, the Court of Human Rights ordered the Guatemalan government to reopen the investigation to clarify the disappearance. Aura Elena Farfan, the Association of Relatives of Detained and Disappeared of Guatemala (FAMDEGUA), welcomed the commitment made by the next ruler of the country: "I hope he will respect the judicial proceedings that have begun; this seems to be good news and I hope he fulfills his promise. I hope there will be no pressure to reverse this offer," said the human rights activist. Farfan reported that the

most important thing is to respect the separation of powers and leave work to the administration of justice. In her opinion, they should continue to work on the clarification of the events that occurred during the armed conflict.

## LAND

**Amnesty International demands immediate humanitarian assistance for displaced rural population in Peten**  
Guatemala, 11.23.2011 (AC) .- Amnesty International issued an Urgent Action on behalf of 300 farmers evicted by the Guatemalan authorities. Members of Nueva Esperanza village, Peten, now reside in Mexico and live in squalid conditions without adequate access to food, water, shelter and medical services. According to the UA, the negotiations between the community and the government have progressed slowly, until now the Guatemalan authorities have offered smaller parcels of land and have not provided any compensation for lost land and property. The international organization supports submission of appeals to the Mexican authorities urging them to provide urgent humanitarian assistance to this population, including access to food, adequate housing and basic services like health and education as well as promoting negotiations that lead to the return of the community in Guatemala in fair, safe conditions. It also calls upon Guatemalan authorities to urgently resolve the dispute and give the community adequate alternative land and housing, with access to shelter, food and water in a place where their physical integrity is guaranteed. According to our information, 300 Nueva Esperanza community members were evicted from the lands they inhabited on August 23<sup>rd</sup>, 2011. Elements of the Guatemalan army and the National Civil Police (PNC) set fire to houses, schools and the local church. The displaced population did not receive notice or alternative accommodation and because of the violence and speed of the eviction, the community was unable to collect their belongings before leaving. They sought refuge in the community of Nuevo Progreso, in Tabasco, Mexico. Authorities claimed that the community had to be evicted from the land because it is an area of environmental protection.

## NEGATIVE EFFECTS OF GLOBALISATION

### **The National Partnership for the Development of Economic Infrastructure (CONADIE) is sworn in**

Guatemala, 11.03.2011 (CA) .- President Alvaro Colom has sworn in the members of the National Partnership for the Development of Economic Infrastructure Development (CONADIE), as stipulated in the regulation of the Law on Public-Private Partnerships. The Council will aim to establish a legal regulative framework for the conclusion and implementation of infrastructure contracts between public and private sectors. EEST will be integrated by the Ministers of Finance, Economy, Communications and Energy and Mines, as well as the head of the General Ministry of Planning (SEGEPLAN), the director of the National Competitiveness (PRONACOM) and the chairmen of the Coordinating Committee of the Agricultural, Commercial, Industrial and Financial Associations (CACIF) and the Chamber of Construction. The CONADIE will qualify and approve investment projects such as roads, ports, airports, power projects and railway line, in their pre-feasibility phase, tendering and execution.

## OTROS

### **Social mobilization against impunity in cases of femicide and male violence**

Guatemala, 11.25.2011 (AC) .- Women's organizations and youth gathered at the Civic Center in Guatemala City to move through the main streets and avenues of the Historic Centre during the International Day Against Violence Against Women, commemorated every 25 November. The demanded Congress to increase the budget allocation to the State agencies responsible for addressing, investigating and punishing cases of femicide and violence against women, a step which would contribute to the eradication of impunity. The National Union of Guatemalan Women (UNAMG), the Network of No Violence against Women, the Women's organization Tierra Viva, the Women's Sector, the Association of Women in Solidarity, the Women's Institute at the University of San Carlos and Association Generando, among others, were the groups that participated in the mobilization, organized by the Coordinadora 25 de Noviembre. At the Palace of Justice, participants demanded that the judiciary increase efforts to prosecute cases of rape, violence against women, and femicide to reduce the high levels of impunity. Judge and President of the Supreme Court, Thelma Aldana, received the requests and promised that her administration will prioritize justice for such cases and punish offenders in accordance with the provisions of the Law against Femicide and other Forms of Violence against Women.

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Sources: Agencia Cerigua (AC), Prensa Libre (PL) (SA) (EP) (CA) (SV)

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

**Team:** Engel Montuenga Peña (Spain/Colombia), Guillaume Riboulleau (France), Maike Holderer (Germany), Kathrin Rüegg (Switzerland), Kathi Dunkel (Germany), Álvaro Zaldívar (Spain), María Cayena Abello (Colombia), Francisco Bernal (Colombia), Ilaria Tosello (Italy), Simón Yeste Santamaría (Spain), Phil Murwill (United Kingdom).

### **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 the nature of our 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 across the country.

### **International Authorities and other international entities in Guatemala:**

- Idar Instefjord, First Secretary, Norwegian Embassy. Guatemala City.
- Hans Petter Buvollen and Sofia Villatoro, Program Coordinator and Coordination Assistant, respectively. Danish Mission. Guatemala City.
- Thomas Schaefer, Ambassador, German Embassy, Guatemala City.
- Jennifer Echeverría, Officer for Cooperation and Human Rights Programs, member of the Delegation of the European Union to Guatemala. Guatemala City.
- Patrick Egloff, Joint Mission Director, Swiss Embassy. Guatemala City.
- Christina Papadopoulou, Human Rights Officer, Office of the United Nations High Commissioner for Human Rights in Guatemala (OHCHR). Guatemala City.

### **Autoridades guatemaltecas:**

- Onofre Carrillo, Regional Advisor, Presidential Commission on Human Rights (COPREDEH), Quiché.
- Marco Vinicio Castillo, commander of police-stations in Chicamán and Uspantán, National Civil Police (PNC), Quiché.
- Aida Lopez Cortero, advocacy officer, Human Rights Ombudsman (PDH), Santa Cruz del Quiche, Quiche.
- Samayoa Othniel Augusto Salazar, officer, PNC, Santa Cruz del Quiche, Quiche.
- Nidia Corzantes, Gabriela Ortiz and Sergio Villatoro, coordination of advisors and responsables for the Polochic Valley, respectively, Department for the Analysis of Attacks against Human Rights Defenders, Ministry of Interior, Guatemala City, Guatemala.
- Juan José Itzol, assistant commissioner, PNC, Chiquimula, Chiquimula.
- Gerson Ramos Oliva, Deputy Director, PNC, Guatemala City, Guatemala.
- Boom Ruben Jimenez, officer, PNC, Nebaj, Quiché.
- Enrique Perez, assistant, PDH, Nebaj, Quiché.
- Rosa Gomez Alvarez, Regional Representative, Office of Indigenous Women (DEMI), Santa Cruz del Quiche, Quiche.

## **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.

- Claudia Samayoa, Coordinator of Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEGUA). Guatemala City, Guatemala.
- Enrique Corral, Director of Fundación Guillermo Toriello. Guatemala City, Guatemala.
- Anna Rafaela, Hope Tubac and various women, Women's Association of San Juan. San Juan Sacatepequez, Guatemala.
- Jose Cruz and Johan van Strien, Madre Selva. Guatemala City, Guatemala.
- Juan Velasco Perez, Center for Legal Action in Human Rights (CALDH). Nebaj, Quiche
- Javier Gurriarán, independent consultant. Guatemala City, Guatemala.

### **International Organisations and Agencies:**

- Coordination of International Accompaniment in Guatemala (ACOGUATE). Guatemala City.
- Wilson de los Reyes, Coordinator, Impunity Watch. Guatemala City.
- Anabella Sibrián, Coordinator, Dutch Platform against Impunity. Guatemala City.
- Sofia Duyos, Coordinator, Guatemala - Peace and Solidarity Association of Workers' Commissions (CCOO) in Madrid (Spain). Guatemala City.
- Forum of Non-Governmental Organizations (FONGI). Guatemala City.

## **2.3 ACCOMPANIMENT**

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

During the month of November we continued our accompaniment of CONAVIGUA, maintaining regular visits to their offices in the capital and meeting with its members. During the second round of the election, earlier this month, we were in constant contact with different members of the organization and also accompanied several members of San Ildefonso Ixtahuacán CONAVIGUA during a workshop on women's political participation. We also offered support in Chimaltenango during exhumation activities of victims of internal armed conflict. We are currently concerned about the security situation CONAVIGUA members face in the context of prosecutions for crimes against humanity committed during the internal armed conflict heard in the Guatemalan courts.

*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. In 2010, CONAVIGUA accompanied this process in San Juan Sacatepéquez and in 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. Various members of the organisation were subjected to grave death threats in 2010, due to the work that they were carrying out.*

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

This month PBI was present as international observers at a community meeting at the Casa Campesina in La Trementina, Zacapa, where various issues affecting the APMG were discussed and debated. Delegates from neighboring communities presented a video recorded during the APMG hearing before the Commission on Human Rights (IACHR) in Washington. During the second round of elections PBI was in constant contact with different 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 Olaverueth, 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). José Pilar Álvarez Cabrera has been the target of death threats and defamation in the local media during these conflicts.*

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

This month we accompanied members of AMISMAXAJ on their various trips and to a meeting of the Community Action Xinka Xalapan (ACOX) with Xinka government representatives. We were also present at an international observers meeting held by women in the mountains of Xalapa in commemoration of the international week against violence against women. During the second round of elections PBI was in constant contact with different members of the organization.

*Background: AMISMAXAJ wWs 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. We have accompanied AMISMAXAJ since July 2009. Various members of the organisation were subjected to grave death threats in 2009 and 2010, due to the work that they carry out.*

#### **'New Day' Chortí Campesino Central Coordinator.**

We accompanied the Chortí organization in the eastern of the country region, in various activities during the month of November: we observed a meeting of the community of Las Flores, Jocotán, organized to share information and make decisions regarding the complaint filed by a local company which is promoting hydro-electric projects against seven community members and to discuss the reconciliatory offer made to the community on behalf of the company. We also accompanied members of the Las Flores community to a second appointment at the Public Prosecutor's Office of Chiquimula, where they reached a settlement whereby the company was to waive criminal and civil actions filed against the seven people initially accused. As part of this reconciliation process, we also observed a meeting between these people and the company, which was held an order for the company to explain their project and plans in the area. This meeting was attended by many members of affected communities who heard the representatives of the company and spoke out against the project.

We also accompanied Omar Jeronimo this month in a visit to the communities and Guareruche Flores, Jocotán, where five members of the NGO Engineers Without Borders presented their work. During these informative activities we also observed a meeting with

the Center for Legal Action on Human Rights (CALDH) and Madre Selva. In November we also observed the Regional Meeting of Women in Chiquimula. During the second round of elections PBI was in constant contact with different members of the organization.

*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 communities in the area, enabling 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. They carried out this work in relation to the project known as the "Technological Corridor", that is intended to link the Atlantic coast with the Pacific Coast in Guatemala, which in turn forms part of the biggest plan produced under the Mesoamerican Project (successor of the Plan Puebla-Panama, PPP). Members of New Day say the lack of information and consultation of Chiquimula's communities by public institutions is a constant source of conflict. PBI has accompanied New Day since 2009. Several members of the association have been threatened and attacked due to their work with the communities. In 2010, members of the organisation denounced death threats and intimidation by unknown armed persons. Also, a number of national and local media outlets carried statements from local authorities accusing members of New Day and the Camoteca Campesino Association as being linked to social protests demanding improved information regarding the construction of the Technological Corridor, due to affect the region.*

### **Camoteca Campesina Association.**

In November we maintained constant contact with members of the association. We held an informal meeting with members of the Camotán organization where they showed interest in the social mobilization processes ongoing in the area. Concerns remain about some of the consequences that come with threats and lawsuits against community activists because of the audit work, information sharing and organizing of peaceful protest actions to demand rights and expose their violations. During the second round of elections PBI was in constant contact with different members of the organization.

*Background: The Camoteca Campesina Association was founded in 1988, made up of the then health promoters and midwives of Camotán (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, El Orégano and Caparjá (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. PBI has accompanied the association since 2009. Two of its members were detained in November 2010, accused of crimes against internal security and illegal meetings and demonstrations, for participating in a public gathering carried out more than 6 months previously (30 March 2010), in which more than 70 persons demonstrated their opposition to the plans and projects for interconnecting electricity provision in the region. On 2 March we observed the second judicial hearing in Chiquimula in which the two accused persons were examined. The judge refused to impose a penal sanction and instead imposed a fine of 1,000 Quetzales respectively and prohibited the promotion or participation in illicit demonstration activities.*

### **Q'a molo Q'i San Juan– People of San Juan Unite.**

During the month of November we continued to be regularly present in several of the 12 organized communities of San Juan Sacatepequez and their weekly meetings. We held a meeting with a Community Officer reporting on a meeting held on 27<sup>th</sup> of October with the National Forest Institute (INAB) to seek to establish a dialogue with the owner of the property situated in the territory of the communities which, in the opinion of the communities, are being excessively logged thereby affecting water sources. The estate owner agreed to allow entry onto his property by community delegates to undertake land measurements, but imposed several conditions that the population does not consider viable. After these negotiations failed, the population began a peaceful sit-in at the entrance to the estate, demanding that 18 hectares of the forest remain a protected area since logging affects local water sources. We observed the 50 men and some women who carried out the sit-in at the edge of the road, leaving free access to the road during their protest. In the month of November the situation remained calm. During the second round of elections PBI was in constant contact with different members of the organization.

*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.<sup>1</sup> 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.

### **Council of Cunén Communities.**

This month we continue to maintain contact with members of the council. International observers were present at a workshop on Mayan law and formal justice system, which took place in Cunén. The Board conducted a comprehensive announcement, including officers of the judicial branch officials, the mayor-elect, the outgoing mayor, and the governor and community authorities. During the second round of elections PBI was in constant contact with different members of the organization.

*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, due to the security risks faced by persons actively promoting the right to land, territory and natural resources in the region.*

### **Guatemalan Unit for Protection of Human Rights Defenders (UDEFEQUA).**

In November we continued our regular visits to the UDEFEQUA office in the capital. The organization continues to monitor the agrarian conflict in the Polochic Valley, Alta Verapaz, which resulted in the eviction of several communities in the month of March. UDEFEQUA continues its investigations and verifications of the attacks and human rights defenders have denounced abuses suffered by communities or their members. During this month we accompanied members of the organization in different movements and activities in the region Chortí. Also during this month we met with Claudia Samayoa, coordinator of the organization, to get her analysis of the security situation of human rights and international support organizations. We were present at the commemoration of the 11th anniversary of UDEFEQUA and the presentation of a report by the organization that includes an analysis of cases of criminalization of Human Rights defenders. During the second round of elections PBI was in constant contact with different members of the organization.

*Background: The Human Rights Defenders Protection Unit (UDEFEQUA) 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. UDEFEQUA 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 UDEFEQUA 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". 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 UDEFEQUA'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.*

### **Verapaz Union of Campesino Organisations, UVOC.**

During the month of November we accompanied the organization in round table talks in Coban (Alta Verapaz), which are held monthly to discuss issues related to land conflicts in the region. Additionally, this month we accompanied members of the organization as it moves to a meeting with the governor of Alta Verapaz, to address the issue of the 700 families who are occupying a farm in Cahabón. During the month of November, Jorge Luis Morales, UVOC attorney, has developed an 8-day tour in Catalonia (Spanish State), organized by PBI Catalonia, which has held meetings and discussions with various groups and representatives of the civil society and with public authorities in Catalonia. During the second round of elections PBI was in constant contact with different members of the organization.

*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*

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<sup>2</sup> Further background information in the PBI Special Report published in 2010:  
[http://www.pbiquatemala.org/fileadmin/user\\_files/projects/queatemala/files/english/Mujeres\\_Completo\\_ING.pdf](http://www.pbiquatemala.org/fileadmin/user_files/projects/queatemala/files/english/Mujeres_Completo_ING.pdf)

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.**

In November we continued to visit Edgar Pérez' office periodically and have held meetings with him and other members of his firm. We also observed several hearings in the legal proceedings, in which the former mayor of San Juan Cotzal, Jose Perez Chen, is accused of crimes of torture and extrajudicial execution. New evidence was presented against the most recent of the accused, Mrs. Teresa Sanchez. The judge, based on the evidence, considered it appropriate to open trial on the basis of the crimes she is accused of by the Public Prosecution, which are first degree murder and instigation to commit crimes. Also as part of the judicial processes that lawyer Perez leads, we had planned to observe the public hearing of the Inter-American Court of Human Rights on the sentence issued in the case of Efraín Bamaca Velasquez. Nonetheless this hearing was suspended for giving less than 24 hours prior notice to those involved. We also observed the first statements of Andres Perez Ramos, accused of kidnapping, abduction, murder, and conspiracy in the case of Lisandro Guarcax.

There remains our concern for the safety of Edgar Perez in a context where there has been some progress in several high-impact lawsuits in which members of the military are accused of serious human rights violations committed during the internal armed conflict. During the second round of elections PBI was in constant contact with different members of the organization.

*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.*

#### **National Police Historical Archive, AHPN.**

During the month of November we continued to visit the facilities of the Archives periodically. On November 19<sup>th</sup> we observed the Fourth Festival organized by the AHPN Muralist. Activities included the testimony of a person who may investigate the death of a family member rescued thanks to documents found in the archive, as well as interventions of several national and international support networks and the process of recovery of "historical memory" developed by the AHPN. They also carried out the unveiling of a monument as a symbol of the challenge the work to reunite Guatemala represents. During the second round of elections PBI was in constant contact with different members of the Archive.

*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 had 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)).*

## **2.4 FOLLOW-UP**

We regularly receive requests for accompaniment from social organisations and human rights defenders who are being 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 currently are providing follow-up accompaniment to the following social organisation:

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

In November we were still in regular contact with members of OASIS. Unfortunately, the organization had to close its office in mid-September due to a funding crisis, while they continue their activities.

*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. During almost all of 2009 Jorge Lopez, director of the organisation, was accused in the courts of the attempted murder of sex worker Laila (Axel Leonel Donis González) and subsequently of concealment of the crime. 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 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 what we observe outside the country.

In November, we provided international monitoring presence in several hearings in the context of various court proceedings (see above 2.3. Accompaniments), among them the process of genocide, the case led against the former mayor of San Juan Cotzal (El Quiché), the process of the disappearance of Efraín Bámaca as well as the first statements in the hearing of the Guarcax case, which aims to clarify the murder of youth activist Lisandro Guarcax, community worker and member of the theater group "Sotztil". We observed, on November 3<sup>rd</sup>, a press conference convened by UDEFEGUA aimed at giving public importance to progress in the fight against impunity, throughout the development of several of the lawsuits mentioned. On November 30<sup>th</sup> we witnessed the first hearing in the judicial process in Guatemala for the burning of the Spanish Embassy in 1980.

On November 8<sup>th</sup>, were present at a forum organized by the Irish NGO Trocaire which addressed the issue of the Association Agreements (AA) and its potential consequences. Furthermore, we attended as observers the international seminar on strategic litigation in human rights on November 8<sup>th</sup> and 9<sup>th</sup>, organized by Lawyers Without Borders, in which practical experiences from different perspectives were analyzed, contrasting with the reality of the judicial process present in Guatemala.

On November 11<sup>th</sup> we attended the presentation of UDEFEGUA's report on criminalization of Human Rights defenders. This event also celebrated the 11<sup>th</sup> anniversary of the organization.

As part of our accompaniment of the Union of Verapacense Peasant Organizations (UVOC) and in the context of land conflicts evidenced with evictions of peasant communities in the Polochic Valley, international observers were present at a meeting convened by the Presidential Commission on Human Rights (COPREDEH) to present the results of population census and to coordinate with representatives of the 14 communities the delivery of the first food rations, following the order of the Guatemalan American Commission on Human Rights. According to the presentation, the census recorded that 752 families were affected, while the EU delegation objected that there were people who had been excluded due to the methodology used in the inquest. They emphasized the need to address as a priority measures relating to land, housing and protection arguing that while food delivery is palliative to their food situation, land is vital to the farming population to overcome the precarious circumstances encountered after evictions, during which their crops and homes were destroyed. At the same time, they felt that the food offered was totally insufficient, nonetheless due to their situation, the affected communities decided to accept them. The first installment was scheduled for the 15<sup>th</sup> of November. The EU delegation also requested an urgent meeting within 10 days, involving relevant government institutions to resume the dialogue on access to land and housing for displaced communities.

In Chiquimula, on the 18<sup>th</sup> of November, we observed the filing of the formal complaint against the State of Guatemala for violation of the right to food. It was presented by "The campaign for Guatemala without hunger" and plaintiff's families in Camotan, (Chiquimula) claiming the condition of chronic malnutrition of two boys and three girls and will seek court action to ensure comprehensive protection for children. Supporting this activity were the Campesina Central Coordinator Chortí New Day, APMG, ActionAid, and various representatives of social organizations.



During the events to commemorate the day of non violence against women, November 25<sup>th</sup>, we observed a vigil in the Central Park during which various interventions by representatives of social organizations and other events took place. The event was organized by various groups of Guatemalan women.

On November 29, attended the presentation of the fourth national report on human rights violations of environmental activists, environmental activists, NGO workers and government workers, related to environmental management and natural resources in Guatemala, 2009-2011.

### **3. PBI-GUATEMALA 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 European representative of PBI Guatemala Project in the Netherlands participated in a meeting with regional and issue-related representatives of the Ministry of Foreign Affairs of that country and also met with members of Dutch NGOs.

### **4. NON-GOVERNMENTAL ORGANISATIONS**

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

**COMUNICADO DE PRENSA**  
**DECLARACION POLÍTICA DE LAS MUJERES XINKAS FEMINISTAS COMUNITARIAS**  
**¡¡¡NO HAY DESCOLONIZACION SIN DESPATRIARCALIZACION!!!**

Guatemala 12 de octubre de 2011, asociación de mujeres indígenas de Santa María Xalapán

Nosotras, mujeres xinkas feministas comunitarias, montañeras, luchadoras, viviendo y conviviendo en la montaña de Xalapán, hoy doce de octubre nos pronunciamos, en la conmemoración del Día de la Resistencia y Dignificación de los Pueblos Indígenas, para denunciar a los pueblos originarios y occidentales del mundo:

- Que las mujeres indígenas desde nuestro territorio cuerpo, seguimos sufriendo los efectos del patriarcado ancestral y occidental los cuales se refuncionalizan y se manifiesta en diferentes formas de opresión contra nosotras en nuestros hogares y comunidades.
- Que la expropiación histórica de nuestros cuerpos sigue presente cuando no podemos decidir por nuestros cuerpos y por nuestra sexualidad en libertad y autonomía.
- Cuando a las mujeres indígenas se nos designa ser cuidadoras y reproductoras de la cultura con todos sus fundamentalismos étnicos.
- Cuando se nos delega dentro de las organizaciones indígenas u organizaciones territoriales, cargos que refuncionalizan el rol doméstico.
- Cuando nuestros pensamientos, sentires y actuares no son valorados, porque cuestionan el sistema patriarcal originario y occidental.
- Que debido a nuestros planteamientos políticos como feministas comunitarias, hemos sufrido y seguimos sufriendo represión en la montaña por parte de algunos compañeros del movimiento indígena y por parte del actual Gobierno Indígena.

Por lo cual nos declaramos:

- En resistencia y lucha permanente contra todas las formas de opresión patriarcal originaria y occidental, que se quiera manifestar en contra de nuestro primer territorio cuerpo.
- En resistencia y lucha permanente contra todas las formas de opresión capitalista patriarcal, que continúan con la amenaza del saqueo de minería de metales en la montaña y nuestros territorios, y contra todas las formas de neo saqueo transnacional.
- Contra todas las formas de colonialismo que arremeten contra las mujeres en lo íntimo, privado y público, por lo cual asumimos acciones que desde lo individual y colectivo, fortalezcan la descolonización de cuerpos y territorios.
- En acción permanente para afianzar la despatriarcalización de nuestro territorio cuerpo y territorio tierra, sin lo cual, es incoherente la descolonización de los pueblos.

**PBI GUATEMALA NO SE IDENTIFICA NECESARIAMENTE CON LAS OPINIONES Y CONTENIDO DE LOS ARTÍCULOS Y COMUNICADOS REPRODUCIDOS. LAS NOTAS DE COYUNTURA DEL APARTADO 1 NO SON COPIA LITERAL DE LAS FUENTES CONSULTADAS: SE HA SIMPLIFICADO LA REDACCIÓN Y SINTETIZADO EL CONTENIDO DE LOS ARTÍCULOS ORIGINALES.**

- PROYECTO PBI GUATEMALA -

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