



PEACE BRIGADES INTERNATIONAL – GUATEMALA PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

UN evaluates Guatemalan state: Guatemalan women after the armed conflict

Guatemala, 09.05.2012 (AC) – They made her husband watch them rape her, then killed him; others were recruited by the army. The soldiers would ask the women whether they wanted to live or die while they raped them. Sexual assault was used to reward soldiers, and as a strategy to sow terror among communities. Records of the number of women raped during the armed conflict are inaccurate, because many women did not report the crime or give testimony. Those affected moved towards the capital, to work as domestic servants or to sell their few remaining possessions. These are testimonies from indigenous women raped during the 36-year armed conflict, who recently participated in a UN Women-organised community exchange exploring the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The exchange focused on women's human rights in conflict and post-conflict settings. The participants called for state reparations and expressed their desire to actively participate in future decision-making processes, which will establish vital dialogue with the authorities. They seek accompaniment from human rights defenders and women's rights organisations throughout.

Two experts visited Guatemala at the end of May to collect information on the situation of women in a post-conflict setting, with the intention of presenting their findings to the CEDAW Advisory Council. CEDAW is expected to give general recommendations to the Guatemalan state on how to proceed in this respect.

Judge links Ríos Montt to the 1982 Las Dos Erres massacre

Guatemala, 22.05.2012 (PL, EP, SV) - The First Court A for High Risk Cases opened a new trial against ex-head of state José Efraín Ríos Montt. He is accused by the Public Prosecutor's Office of orchestrating the Las Dos Erres massacre in La Libertad, Petén, and is being charged with genocide and crimes against humanity.

Judge Carol Patricia Flores decided not to place the former commander in custody, reasoning that "house arrest is appropriate, on account of the defendant's age and the interest shown by him during the trials". Ríos Montt must comply with the ruling and sign a register in the Public Prosecutor's Office every 15 days; bail has been fixed at 500,000 quetzals (Q).

The Public Prosecutor's Human Rights Office maintains the ex-head of state is responsible for orchestrating the 1982 counterinsurgency campaign in various parts of the country. "In this particular case, you are responsible for the death of 201 inhabitants of [Las Dos Erres]," argued state prosecutor Julio Palacios. Ríos Montt's lawyer, César Calderón, refuted the accusation and suggested that "he cannot be blamed for the actions of those under his command; each one of them acted autonomously. To offer an analogy: we cannot accuse the Director of Public Prosecutions of theft, if one of her prosecutors steals a watch during a police raid".

While he acknowledged the suffering of victims' families and those who died during that period, Ríos Montt said, "I feel neither responsible nor guilty for what happened."

Ríos Montt is involved in another trial investigating the deaths of 371 people in the Ixil area in 1982, for which he was also placed under house arrest and bail.

Peace secretary Antonio Arenales Forno announces Peace Archives closure

Guatemala, 31.05.2012 (PL) - The unit in charge of investigating military archives from the armed conflict was closed by peace secretary Antonio Arenales Forno. He explained that the Peace Archives were created in 2008 "in order to digitalise and analyse military archives and thereafter establish a register of human rights violations". He continued stating that the "task is the responsibility of the human rights community and criminal investigations the responsibility of the Public Prosecutor's Office". At least 17 of the unit's specialist workers received letters terminating their contracts with effect from 29th June. The workers' union plans to take legal action.

There are more than two million digitalised documents currently registered in the archive, within which feature names of military figures, civilians and also the disappeared: for example, Maritza Urritia, Santiago Cabrera, the ex-president Jorge Serrano Elías and the current president Otto Pérez Molina.

The Peace Archives Unit's team of investigators has published nine books on a variety of subjects under their mandate, including illegal adoptions, disappeared childhood, the *Diario Militar*, the National Police Archives, and a profile of the now-disbanded Presidential Staff Team (EMP). Their studies include information about the army's chain of command during the armed conflict, on dates when torture, massacres and forced disappearances were reported. The team consists of experts who were also asked by the Public Prosecutor's Office to give evidence in cases of genocide and crimes against humanity, and on tribunals, including the current case against ex-head of state Efraín Ríos Montt for crimes committed in 1982-1983. "Today the decision was taken to dissolve the Unit, for which I see no future purpose. It accounted for contracts I cannot justify and these have been cancelled," announced Arenales Forno. He admitted it was unclear where the electronic archives would be kept, although the General Archives of Central America is one option.

LAND

The government and *campesino* sector meet: focus on agrarian debt and military presence within communities

Guatemala, 23.05.2012 (EP, SV, PL) - Five hours after the second meeting between the government and *campesino* leaders began, President Otto Pérez Molina arrived. At this point a representative from the indigenous communities of San Juan Sacatepéquez was voicing his dissatisfaction with the presence of a military outpost in his municipality.

The discussion focused on agrarian debt and military presence in rural communities. With regard to the first issue, the Comprehensive Rural Development commissioner, Adrián Zapata, presented a time-line and a road-map to follow up on commitments made to date. "The government will take partial, but not full, financial responsibility for the agrarian debt. Instead, each case will be looked at individually using Land Fund (Fontierras) mechanisms and a subsidy will then be granted," he explained.

Delegates from the *campesino* sector rejected this approach. The leader of the Peasant Unity Committee (CUC), Daniel Pascual, said "the families want cancellation of the debt" and referred to the promise made by the government in the first meeting: "The government will take on the debt." Pascual asked Fontierras to intervene and cover every case. Edy Díaz, general manager of Fontierras, explained that granting a subsidy of this kind would require a fund of more than 300 million quetzals (Q). Fontierras has credited 60% of the 199 plantations and 14,000-plus families involved in this difficult situation.

With regard to military presence in communities, Minister of Defence Noé Ulises Anzueto stated, "We offer general security, we do not protect private facilities." To give an example, the minister told the group he had rejected an offer from a cement factory in San Juan Sacatepéquez, which would have allowed a military outpost to use its facilities. However, Daniel Pascual criticised the policy and said, "The outposts, brigades, or whatever you wish to call them, are a form of militarisation that has boosted army recruitment."

NEGATIVE EFFECTS OF GLOBALISATION

Continued rejection of mining operations in San José Pinula and San Pedro Ayampuc

Guatemala, 09.05.2012 (SV) - Around 500 people gathered to block the passage of a 32-truck convoy making its way to the site of Exmigua's mining operation, El Tambor, which spans both the above municipalities. The convoy was being escorted by 20 National Civilian Police (PNC) cars. Activist Evelyn Beltrán said the mine will destroy the local environment and only a minority stand to benefit from the project. She urged the authorities to withdraw the licence granted to Exmigua. The Association of Extractive Industries in Guatemala (GIEG) and the National Association of Generators (ANG) had an emergency meeting to analyse the situation.

Congress Commission to supervise fulfilment of the Petén oil contract and nickel-mining licence in Izabal

Guatemala, 22.05.2012 (Congress) - Members of Parliament Amílcar Pop and Carlos Barreda, President and Vice-President of the Special National Commission on Transparency, met with José Miguel de la Vega, Deputy Minister for Hydrocarbons. The purpose of the meeting was to follow up on a series of noncompliance reports with regard to an oil extraction contract in Petén and a nickel-mining licence in El Estor, Izabal. "In the case of the Petén oil extraction contract, the company is failing to comply with one of the main prerequisites for an extension of the present agreement, which demands all assets be put in the name of the State. There has also been inconsistent reporting on the production of crude. We know 30,000 barrels of crude oil are passing through daily, but the report puts this

figure at just 10,500; there is clearly a large discrepancy here,” said Pop. With regard to nickel mining activities, the government has been formally asked to determine whether or not the contractor’s licence is still valid and to find out if they are also mining uranium. “The communities have expressed their concern because this company is operating with an expired licence, on land which belongs to the indigenous. The company respects neither the wish of the indigenous people nor the rights they hold to this land, in particular those of the Quekchí communities. Furthermore, according to technical reports by experts from Cuba and Russia, uranium is being extracted,” stated the legislator from the Winaq party.

Open-pit mining - a national problem: Álvaro Ramazzini

Guatemala, 25.05.2012 (AC) - “Open-pit mining is a national problem, not just one for San Marcos,” said Monsignor Álvaro Ramazzini at a spiritual conference held in Cerigua in the Carmel Juyu Pastoral Centre, San Andrés Asemtabaj, Sololá. Ramazzini went on to say he will continue supporting the struggle of the people of San Marcos, but as of 14th July he will continue his work from the Huehuetenango Diocese, as assigned by Pope Benedict XVI. According to Ramazzini, the Pope is aware of the impact and consequences of this type of mining, and the inefficiency of government institutions in controlling and regulating the industry. Ramazzini is currently supporting both the potential closure of the Marlin mine in San Miguel Ixtahuacán and an appeal presented to the Constitutional Court on the unconstitutional nature of the Mining Law. The Monsignor reiterated the fact that open-pit mining involves the use of harmful chemicals that affect nearby communities and destroy the environment. He noted a study on rivers close to the Marlin mine which indicates the presence of high levels of arsenic. A water sample will be sent to a laboratory in the United States to verify these results.

OTHER

Amnesty International's annual report highlights violence in Guatemala and improvements in the justice system

Guatemala, 24.05.2012 (PL, SV) - Amnesty International (AI) presented their annual report on global human rights in London. It identifies improvements to the justice system, but drew attention to high levels of violence, and the violations of the rights of indigenous people. In 2011 the number of reported murders remained high, at 5,861; many involved torture and several were attributed to the drug trade, including the massacre of 27 people in Petén, who were decapitated.

According to AI's analysis, there is evidence of the continued violation of indigenous peoples' rights. These violations relate to conflict over land and development projects which commence without prior consultation of the communities affected. Reference was made to the violent evictions that took place in Valle del Polochic, Alta Verpaz, and the report published by the UN Special Rapporteur on the Rights of Indigenous Peoples. The report focuses on the instability and civil conflict caused by the mining industry on community land, but also highlights the fact that indigenous peoples' rights to housing, clean water and medical care were still limited at the end of 2011.

With regard to the Law against Femicide and Other Forms of Violence against Women, the report declared that “the law appears to have had little impact in reducing violence against women and in holding those responsible accountable”.

AI has registered 402 incidents of threats, harassment or attacks carried out on human rights defenders.

The report highlights the deaths of activists Catalina Mucú Maas, Alberto Coc Cal and Sebastián Xuc Coc, the threats made to the directors of the Guatemalan Forensic Anthropology Foundation (FAFG), and also the death of trade unionist Byron Arreaga.

The positive side of the report referred to improvements in the justice system, such as legal proceedings dealing with human rights violations that occurred during the armed conflict, as well as convictions secured for the massacre in the town of Las Dos Erres in 1982. The report also noted the Constitutional Court's failure to clarify sentences given to two individuals presumed responsible for the disappearance and torture of Efraín Bámaca in 1992, and the prosecution of retired army generals for having planned and supervised acts of genocide, sexual violence and forced displacement between 1982 and 1983.

Sources: Prensa Libre (PL), Siglo Veintiuno (SV), El Periódico (EP), Agencia Cerigua (AC), La Hora (LH)

2. PBI-GUATEMALA ACTIVITIES: IN GUATEMALA

Team: Kathrin Rüegg (Switzerland), María Cayena Abello (Colombia), Francisco Bernal (Colombia), Ilaria Tosello (Italy), Phil Murwill (United Kingdom), Christa Hijkoop (The Netherlands), Lucía Gorosito (Argentina/Spain), Claudia Molina (Argentina), Aline Herrera (Mexico/Switzerland)

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:

- Christina Papadopoulou, Rocío Mezquita and Carlos de la Torre, Human Rights Officials, Office of the United Nations High Commissioner for Human Rights (OHCHR), Guatemala City
- Renaud Collard, Chief Adviser, French Embassy, Guatemala City
- Carlos Lacán, Programme Supervisor and Central American Coordinator, Promotional Programme for International Labour Organisation's (ILO) Convention 169, Guatemala City
- Thomas Schäfer, Ambassador, German Embassy, Guatemala City
- Frank Schwabe, German Member of Parliament, Social Democrat Party of Germany, Guatemala City

Guatemalan Authorities:

- Nidia Corzantes, Advisor to the Vice Minister of Security, Ministry of Interior, Guatemala City
- Hugo Martínez, Chief of the Coordination for the Protection of Human Rights Defenders, Presidential Human Rights Commission (COPREDEH), Guatemala City
- Rodrigo Salguero Godoy, Commissioner, Police Station 16, National Civil Police (PNC), Mixco, Guatemala
- Alma Otoño, Officer, PNC, Jocotán, Chiquimula
- González Leiva, Officer, PNC, Camotán, Chiquimula

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.

Guatemalan Civil Society:

- Arturo Chub, Assistant Executive Director, Security in Democracy, Guatemala City

International Organisations and Agencies:

- Susana Daag, Secretary General, Copenhagen Initiative for Central America and Mexico, Guatemala City
- Martin Wolpold-Bosien, Central America Coordinator, Food First Information and Action Network (FIAN), Guatemala City
- Anabella Sibrián, Representative in Guatemala, Dutch Platform Against Impunity, Guatemala City
- Eva Vaneste, Regional Representative, Broederlijk Delen, Guatemala City
- Forum of International Non-Governmental Organisations (FONGI), Guatemala City

2.3 ACCOMPANIMENT

National Coordinator of Guatemalan Widows, CONAVIGUA

We continued our accompaniment of CONAVIGUA in May, maintaining regular visits and phone calls to its offices in the capital and meeting with its members.

We accompanied CONAVIGUA members to a burial of inhabitants from Communities of Populations in Resistance - La Sierra (CPR), accompanied by members of 40 families that survived the violence of the internal armed conflict in Santa Clara, Chajul (El Quiché). Remains of their family members were given back to the families and acknowledgement was given to those who could not be identified. A mass was held, after which family members were accompanied back to their respective communities.

The General Assembly of CONAVIGUA took place on 28th and 29th May in Guatemala City, during which members elected the new national board of directors. More than 100 people from various communities were involved.

On 29th May we were present at CONAVIGUA headquarters for a tribute to Rosalina Tuyuc for winning the Niwano Peace Prize.

CONAVIGUA is currently concerned about the alarming number of women murdered and the lack of effective measures in place to tackle violence against women. They are also concerned with the criminalisation of both human rights organisations and communities that are peacefully resisting the impact of neo-liberal politics on human rights across the country. CONAVIGUA believes incidences of femicide and the aforementioned criminalisation demonstrate a lack of political will in constructing a culture of peace.

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

In May we maintained regular contact with the organisation. They experienced harassment when conducting work protecting the Las Granadillas Mountain, which they then reported. This situation, and the resulting tensions and disputes, concern those who work in the defence of human rights.

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). 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

We continued our regular contact this month through phone calls and meetings with various members of the association. In May they delivered their second course at the Feminist Community School in Jalapa. The course promotes the defence of indigenous women's rights and the protection of the region's natural resources. Lorena Cabnal has been selected to participate in the forum for the European Instrument for Democracy and Human Rights (EIDHR) in Brussels.

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. 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 visited the Matazano community in Jocotan (Chiquimula) and met with members of the organisation. Members expressed their concern over the presence of Las Tres Niñas - a company sponsoring the El Orégano hydroelectric project - and situations that could lead to conflict.

The Land Survey Registry (RIC) has completed its study of the Las Flores community, Jocotan. The community considers this one of the key steps towards having their land declared communal indigenous lands.

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.

Q'a molo Q'i San Juan – People of San Juan Unite

In May we continued our accompaniment of the organisation. We were present in Santa Fe Ocaña during weekly meetings, where community members voiced their concerns about the installation of a military brigade in San Juan Sacatepéquez. The arrival of this brigade was announced by the government in April.

On 30th May we observed the book launch of "Q'amolo Q'i San Juan Political Resistance" in San Juan Sacatepéquez, which 200 people attended. The next day we attended the premiere of a documentary on the Q'amolo Q'i San Juan organisation and its resistance of the San Juan project, which planned to build a cement plant in the municipality (see *Background*).

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.¹ 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 maintained regular contact with members of the Council.

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.

¹ Further background information in the PBI Special Report published in 2010:
http://www.pbiquatemala.org/fileadmin/user_files/projects/guatemala/files/english/Mujeres_Completo_ING.pdf

Guatemalan Human Rights Defenders Protection Unit (UDEFEFUGA)

This month we maintained regular contact with UDEFEFUGA and its members, with visits and meetings at their office in the capital. We accompanied UDEFEFUGA, as part of a delegation for the Convergence of Human Rights, to Santa Cruz Barillas, Huehuetenango. The purpose of the trip was to investigate the murder of Andrés Francisco Miguel, which occurred on 1st May, and violations of basic human rights reported by the local population when martial law was declared between 1st and 18th May.

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". 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.

Verapaz Union of Campesino Organisations, UVOC

We continued our accompaniment of UVOC's coordinator, Carlos Morales, to round table talks in Cobán, Alta Verapaz. Issues relating to the distribution of land in the region have been discussed at these meetings for several years. We also continued our regular visits to UVOC's offices in Santa Cruz.

Organisation members voiced their concern about the increasing number of slanderous comments made about them on local television and in national newspapers.

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

This month we conducted regular visits to Edgar Pérez Archila's human rights law firm, where we met other lawyers who are part of his working group. With regard to the genocide trials, it was announced that the Court of Appeals categorically dismissed a challenge made by ex-general Efraín Ríos Montt's defence team. Judge Miguel Ángel Gálvez from First Court B for High Risk Cases will remain in charge of the case.

On 31st May we accompanied Mr Pérez Archila to legal proceedings against ex-general López Fuentes on the 15th floor of the Courts Tower in Guatemala City. Fuentes is accused of genocide and crimes against humanity for his alleged responsibility in the massacre of indigenous peoples in the Ixil area, Quiché department, between 1982 and 1983. López Fuentes's defence team asked for proceedings to be suspended and for the ex-general to be transferred to his home, reasoning that his poor health does not permit him to understand, much less face up to the challenge of legal proceedings. "No human rights activist can deny this," the defence lawyer said. However, the Public Prosecutor's Office has seen no psychiatric report indicating the accused may suffer from any form of psychiatric illness. "The request to suspend the criminal prosecution is inadmissible," stated the public prosecutor.

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

We visited the facilities several times in May and had regular telephone contact with members of the Archive. We also met with the direct-

or, who is concerned about the Peace Archive's current predicament.

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).

A total of 53 legal proceedings are supported by documents found in the archive. One and a half million documents are being uploaded to the University of Texas website².

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 are currently providing follow-up accompaniment to the following social organisation:

Camoteca Campesina Association

In May we maintained regular contact with members of the association by telephone and in meetings.

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 monitor whether 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 Caparja (see background to the accompaniment of 'New Day' Chorti) and the Technological Corridor project which affected several towns in the department, they started work informing the communities about the effects of these mega-projects 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

² http://ahpn.lib.utexas.edu/es/sobre_ahpn

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 quetzals respectively and prohibited the promotion or participation in illicit demonstration activities.

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.

On 8th May we observed the peaceful sit-in, conducted by members of the San José del Golfo and San Pedro Ayampuc communities, held at the entrance to the mining project *Minero Progreso VII Derivada* (La Puya). After midnight more than 30 of the company's trucks entered the municipality, escorted by National Civilian Police (PNC) patrol cars. According to those present, the trucks were transporting machinery. Confronted with this scene, some 200 people activated their support networks and managed to dissuade the company from pressing charges against them.

Santa Cruz Barillas, Huehuetenango department:

During May, and thereby including the period of martial law (1st-18th May) in the area, we decided to observe, both inside and outside the capital, civil activities linked to the dissemination of information about, and demonstrations of solidarity with, the inhabitants of Santa Cruz Barillas, Huehuetenango. Various social organisations were involved in these activities.



We attended press conferences organised by Waquib Kej to broadcast the latest news from Barillas during the period of martial law. This platform published a press release and a report from the Verification Commission. The commission carried out an investigation between 8th and 11th May of the most seriously affected areas: the communities of San Carlos, Santa Rosa, Recreo A, B and C, and Zone 3 of Santa Cruz Barillas.

On 8th May we observed a rally in Guatemala City's Central Park and the presentation of an open letter to President Otto Pérez Molina in which civil society called for him to repeal martial law in Barillas. It also demanded that the government comply with international human rights.

We observed these demands being echoed on a social march which ended in front of the government building in the capital of the Huehuetenango department. The march proceeded peacefully, led by the region's community members, representatives of communities from various parts of the country, and human rights and social organisations based in various Guatemalan departments. They all came to show their solidarity with Barillas.

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.

On 7th and 8th May the project's European representative participated in the annual forum of the European Instrument for Democracy and Human Rights (EIDHR), organised by the European Commission in Brussels. While present at the forum, the project's representative, Lorena Cabnal (AMISMAXAJ) and Jorge López (OASIS) held a meeting with Marina Marchetti, the European Commission's Head of Unit for Governance, Democracy, Gender and Human Rights.

On 9th and 10th May, the European Representative participated in the General Assembly of CIFCA (Copenhagen Initiative for Central America) in Brussels. CIFCA is a European network that unites approximately 40 organisations and European development and human rights networks, in order to coordinate their work with that of the European Union.

On 10th May, again in Brussels, the European Representative held a meeting with Gerard Schulting from the Guatemala Desk of the

4. NON-GOVERNMENTAL ORGANISATIONS

In this section we publish several communiqués (some abbreviated) from human rights organisations in which they express their concerns regarding recent events.

Movimiento de Mujeres Indígenas Tz'ununija'

Las mujeres organizadas de la comunidad de Agel de San Miguel Ixtahuacán, Departamento de San Marcos, y el Movimiento de Mujeres Indígenas Tz'ununija, en el día wajxaq'ib' Ajmaq.

En el marco de la promoción, defensa y ejercicio de los derechos individuales y colectivos de las mujeres y pueblos indígenas, les compartimos a la opinión pública nacional e internacional nuestra satisfacción por el logro alcanzado el día 31 de mayo.

En esta fecha, se hizo efectiva la recuperación de la parte de las tierras de la defensora de derechos de los pueblos indígenas de la Comunidad de Agel, Doña Gregoria Crisanta Pérez Bámaca, que hasta ahora venían siendo utilizadas por la Empresa minera Montana Exploradora S. A.

Esta acción responde al cumplimiento de los acuerdos establecidos en la audiencia celebrada el día 18 de mayo del presente año, en el Juzgado de Primera Instancia Penal y Delitos contra el Ambiente del departamento de San Marcos, dentro del proceso legal que existía en contra de 8 mujeres de la comunidad de Agel.

Una de las principales acciones llevadas a cabo este día, ha sido el retiro de los postes de extensión y conexión eléctrica pertenecientes a dicha empresa minera. Así mismo, quedó sin efecto el documento que creaba la servidumbre de paso, mediante la firma de un acta notarial de cumplimiento de los acuerdos adoptados en la mencionada audiencia.

Todo este proceso se ha llevado a cabo dentro de la lucha colectiva de las comunidades de San Miguel Ixtahuacán y de las organizaciones locales, nacionales e internacionales que acompañaron y apoyaron de manera diversa. Por ello agradecemos todo el apoyo otorgado, y destacamos principalmente la constante lucha de las mujeres organizadas de Ágel, como una muestra y precedente en la reivindicación de los derechos de mujeres y pueblos indígenas en Guatemala y otros países de la región.

31 de mayo de 2012

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.

- PBI GUATEMALA PROJECT -

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