



PEACE BRIGADES INTERNATIONAL – GUATEMALAN PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

Carlos Castresana: The CICIG is a gamble that must pay off

Guatemala, 06.12.2007 (EP, PL, SV).- A “gamble that we need to work” was how Carlos Castresana described the work of the International Commission Against Impunity in Guatemala (CICIG), the entity that he will lead from 8 January. Issues of discrimination, such as the difficulties faced by indigenous peoples in gaining access to justice and the murders of women, are some of those which the CICIG will examine, he stated. Castresana explained that discrimination is one of the key concerns of the international community, especially of the donor countries. The jurist indicated that office premises have still not been decided, a search which has been complicated by the imminent change of government.

Guatemala approves adoption law to reduce child trafficking

Guatemala, 11.12.2007 (R).- The Guatemalan Parliament has approved a law to regulate the adoption of children, seeking to reform a corrupt system in which lawyers were able to pay mothers for delivery of their newly born babies to foreigners. Some 5,000 children were adopted during 2007 in Guatemala, the majority on the part of adoptive parents from the USA, which has the highest levels of child adoption in the world according to the United Nations. The law will enter into force in January and proposes the creation of the National Adoptions Council (CNA).

Constitutional Court rejects Spanish jurisdiction; ex-military leaders free of genocide charges

Guatemala, 18.12.2007 (GS).- The Constitutional Court (CC) ruled on 13 December that Spain does not have jurisdiction to try five generals and two civil leaders for their presumed participation in the burning of the Spanish Embassy in Guatemala on 31 January 1980 in which 37 persons died (including the father of Nobel Peace Prize winner Rigoberta Menchú) and for genocide in the 1980s. The action of the CC also favours the generals Efraín Ríos Montt, Germán Chupina Barahona and Benedicto Lucas. The judgment of the CC was unanimous. The International Commission of Jurists (CIJ) does not share the opinion of the CC, in which universal jurisdiction is denied, stating that the resolution is alarming in its incorrect interpretation of international law, which obliges Guatemala to prosecute and punish the crime of genocide, in pursuance of the Convention for the Prevention and Punishment of the Crime of Genocide, signed by Guatemala in 1950. Given that Guatemala has not wanted to investigate nor prosecute those responsible and that the victims themselves therefore officially lodged the complaint with the Spanish court, the Penal Code does not apply, according to the CIJ. In the same manner, on 17 December diverse Guatemalan sectors rejected the decision of the CC, seeing it as a judicial blow to ensure the impunity of high military authorities.

LAND

Colom prioritises agrarian issues

Guatemala, 28.12.07 (PL).- The president elect, Álvaro Colom, is aware that security, the economy and taxation will be the principle matters that will occupy his government, but he has also included in the agenda monitoring of land conflict resolution. In 1997 the president elect led the Presidential Commission of Legal Assistance and Resolution of Land Conflicts (CONTIERRA). Ingrid Urizar, of the Agrarian Platform, reiterated the necessity to continue the programs negotiated with social organizations and reiterated the necessity for meaningful change as “agrarian conflict has not decreased but increased (and) during the last four years forced evictions have risen”. 1530 land disputes are currently registered according to the Secretariat for Agrarian Matters (SAA). The departments in which the most conflicts are registered are Alta Verapaz, Quiché and Petén, followed by Izabal and Huehuetenango. A report of Amnesty International regarding Guatemala stated

that agrarian disputes “tend to be complex and have diverse causes, although interrelated, such as labour disputes between campesinos and owners, and disagreements regarding the legal ownership of land”.

GLOBALIZATION

Mining opponents file claim against the state with the CIDH

Guatemala, 07.12.2007 (PL).- Representatives of the Mayan community of Sipacapa, San Marcos, filed a complaint against the State of Guatemala before the Inter-American Court of Human Rights (CIDH) for the state's failure to respect the opposition of the people to mining as expressed in a community referendum. Social organizations claim that neither the rights of the indigenous peoples nor Convention 169 of the International Labour Organisation (OIT) have been taken into account. The state granted mining exploitation licences in San Marcos in 2003, despite the claimed failure to consult the communities. The legal action that the Sipacapa communities initiated in the Guatemalan courts was brought to an end in May when the Constitutional Court (CC) resolved that results of the community referendums are not binding. The majority of the inhabitants had demonstrated their opposition to mining exploitation in their territory in June 2005. Supported by Central American Mayan organizations, those filing the complaint demanded that the government nullify the licences and concessions for mining reconnaissance, exploration and exploitation that have been awarded, as they believe that they are damaging for the indigenous peoples. They hope that the CIDH will grant a full investigation of the case.

OTHERS

Government receives strong criticism from human rights activists

Guatemala, 07.12.2007 (LH).- The work of the government on the theme of human rights was strongly criticized during the public presentation of the National Human Rights Plan 2007-2017 by the Presidential Commission of Human Rights (COPREDEH), in which civil society organizations participated. Ruth del Valle, member of the leadership of the National Movement for Human Rights, charged President Oscar Berger and his government with presiding over serious violations and failing to promote respect for human rights during the last four years. The Dutch ambassador Teunis Kamper, who recognized the advances that Guatemala has made, insisted on the importance of investigation and punishment of the violations committed during the armed conflict, given their importance for national reconciliation. He added that more than 160,000 people died during the same armed conflict, but currently six thousand people per year die as victims of violence, and indices of impunity are far too high.

Evaluation of the post-war years in Guatemala: 11 years living with the Peace Accords

Guatemala 27.12.07 (LH).- 11 years after the finalization of an Accord for a Firm and Lasting Peace, compliance with the accords continues to be a source of controversy for many sectors. According to Gustavo Porras, signatory of the Peace Accords, the accords of a political nature have been complied with, although important themes such as fiscal reform and modernization of the state remain outstanding. On the other hand the activist Orlando Blanco, of the International Centre for Human Rights Research (CIIDH), maintains that the real advances are limited and that compliance remains a distant goal. As proof of this, he gives the example of human rights, where the security forces have continued with their policy of social cleansing and extrajudicial executions, in which the participation of agents of the National Civil Police (PNC) are identified, and in turn weakening confidence in state institutions. Agrarian issues continue without serious attention, to which is added the scant effectiveness of the projects of reconciliation, in which “exist a program of redress that has not worked, in contrast with the accelerated payment of the ex-Civil Defence Patrols (PAC), while the cases brought for human rights violations against military leaders have not advanced in the courts” declared the activist. Another of the points pending resolution is the level of social spending, one of the lowest in the region, preserving Guatemala's position at the bottom of quality of life indices for the continent, exceeded only by Haiti. A profound fiscal reform that establishes a fair structure in which those that earn more pay more has not taken place. The arrival of Alvaro Colom presents the opportunity to give new momentum to the theme of the accords, given the knowledge which the president elect has in this regard.

Sources: Prensa Libre (PL), Siglo Veintiuno (SV), El Periódico (EP), La Hora (LH), Inforpress Centroamericana (IC), La Semana en Guatemala (SG), Informe Semanal Sobre Derechos Humanos (ISDH), Informador Rural (IR), Agencia Cerigua (AC), Incidencia Democrática (ID), Guatesemana (GS), Informe Semanal de la Comisión de Derechos Humanos de Guatemala (CDHG).

2. ACTIVITIES OF PBI GUATEMALA: IN GUATEMALA

Team: Vanessa Marcos (Portugal), Nadia Graber (Switzerland), Emma Marshall (United Kingdom), Daniel Carey (United Kingdom), María José Urgel Riquelme (Spain), Marion Sornay (France), Maren Enders (Germany), Valentina Gori (Italy) and Johanna Van Strien (Netherlands).

2.1 MEETINGS WITH AUTHORITIES AND MEMBERS OF THE DIPLOMATIC CORPS

Meetings with authorities and members of the diplomatic corps in Guatemala are essential components of PBI's work, enabling us to make known our objectives and our way of working. Through these meetings, when necessary, we can also confidentially express our concerns about critical situations of which we have first hand knowledge through our work in the field. During December meetings were held with the following authorities:

Guatemalan Authorities:

- Carlos Mazariegos, Mayor of San Rafael Pie de la Cuesta, San Marcos
- Isabel Mendoza Augustín, Director of the National Civil Police (PNC), Guatemala City
- Ruth del Valle, Office of the Human Rights Ombudsman (PDH), Guatemala City

Diplomatic Corps:

- Nathalie Boesch, First Secretary of the Embassy of Switzerland, Guatemala City
- Miguel Moerth, Peace Promotion Programme, Embassy of Switzerland, Guatemala City

2.2 MEETINGS WITH CIVIL SOCIETY ORGANISATIONS

The PBI Guatemala Project team holds regular meetings with civil society organisations. This enables us to monitor the situation of human rights defenders and to exchange information on the work being carried out, as well as to gather information which helps us to develop our analysis of the internal political situation. During December meetings were held with the following organisations and individuals:

Civil Society Organisations:

- Miguel Angel Albizures, Families of the Detained and Disappeared of Guatemala (FAMDEGUA), Guatemala City
- Claudia Samayoa, Human Rights Defenders Protection Unit, Guatemala City

International Organisations and Agencies:

- Coordinating Body for International Accompaniment in Guatemala (CAIG), Guatemala City
- Andrew Hudson, Human Rights First, Guatemala City

2.3 PROJECT COORDINATION MEETING

Every six months the Project maintains a reunion with the Project Coordinating Committee in Guatemala in order to evaluate, monitor and plan the future work of the project. The meeting took place from 10 to 15 December 2007 and with the participation of Eva Scarfe, Kerstin Reemtsma, Estefania Sarmiento and David Avila of the Coordinating Committee and María José Urgel Riquelme and Emma Marshall as representatives of the team in Guatemala together with other team members. The members of the committee took the opportunity to meet with various human rights defenders whom we accompany and other human rights activists.

2.4 ACCOMPANIMENTS

We started accompanying **José Roberto Morales Sic**, Co-ordinator of the Indigenous Peoples Human Rights Programme of the **Centre for Human Rights Legal Action (CALDH)**, in February 2007. In December 2007 we continued accompanying him in his weekly movements around the capital and during a journey to Chiquimula, where he gave training workshops regarding indigenous rights.

Background: Since 1994 CALDH has had its headquarters in the capital, where it receives reports of Human Rights violations and directs investigations into the cases. The institution provides counselling, accompaniment and training to organisations, groups and communities. One of its main areas of work is promoting justice in genocide cases, and other crimes committed during the internal armed conflict. We have accompanied CALDH on various

occasions between 2004 and 2006. In February 2007, members of the legal team received direct threats. José Roberto Morales Sic was the victim of a kidnapping on 2nd February. Two armed men kidnapped him in his car and threatened to kill him. He was later released and the CALDH vehicle recovered with all his belongings present (including personal documents, cheques and a laptop which belonged to the organisation).

Since 13th May 2005 we have accompanied **Carlos Morales**, leader of the **Union of Campesino Organisations for the Verapaces (UVOC)**, as well as other members of the organisation. In November 2007, the organisation suffered a break-in of their office in Santa Cruz, Alta Verapaz. We have continued accompanying them during December in their base of Santa Cruz and during the activities of the organisation. Our concerns continue regarding the security of members of the organisation, who continue to be the subjects of threats and suspected surveillance.

Background: UVOC is a campesino organisation in the Verapaces (the departments of Alta and Baja Verapaz) and works principally on access to land for campesinos and providing support in the process of legalisation of the communities' titles to land. UVOC also offers training for communities affiliated with UVOC and supports development projects within those communities. Carlos Morales, leader of the UVOC, has been a victim of death threats, acts of intimidation, and persecution by unknown individuals. Due to a serious increase of personal death threats at the end of April 2005, which led to a genuine fear for his life, Carlos Morales was forced into hiding in Guatemala City for a month, which was made possible with the support of the Human Rights Ombudsman (PDH). Following this, he requested 24 hour accompaniment from Peace Brigades. In January 2006, Carlos Morales was victim of surveillance on the block where he lives with his family. UVOC's offices and personnel continue to be under surveillance from unknown persons. The situation in some communities affiliated with UVOC continues to be delicate: in February and April 2006, the campesino families that live in the Mocca Estate were violently evicted, leaving several people with gunshot wounds. In July 2006 there was a confrontation between two groups of campesinos leaving one dead and 39 injured of the evicted campesinos.

We have been accompanying the **Association of Friends of Lake Izabal (ASALI)** and **Eloyda Mejía**, the organisation's Legal Representative, since 21st February 2004, when the threats against her worsened. We accompany Eloyda and other members of the association in the Department of Izabal during their activities and meetings with communities concerned about mining activities in the area. In the months of January and February 2007 we accompanied Eloyda and ASALI after a tense situation arose between groups of campesinos that had occupied lands, the CGN and state actors who wished to remove them. During December 2007 we accompanied Eloyda Mejía in her activities, including the filming of a documentary by a Swiss-German film crew regarding ASALI and the organisation's environmental work.

Background: Eloyda Mejía has suffered a number of threats as a result of her work to protect Lake Izabal, in the department of Izabal, east Guatemala, and because of her work informing local residents of the possible damaging effects of the re-opening of the Guatemalan Nickel Company (subsidiary of Skye Resources Inc., Canada) mining operation in the area. On 21st February 2004, during a conference on the future of the lake in El Estor, Izabal, she received yet more serious threats, which she reported to the Public Prosecutor's Office (MP) and the Human Rights Ombudsman's Office (PDH). In February 2006 Eloyda Mejía's restaurant wall was graffitied with the words "Yes to CGN" (Guatemalan Nickel Company)." Since late 2006 Eloyda Mejía has had to deal with a legal process accusing her of usurping lands. This legal action is seen by her as a form of persecution and intimidation intended to force her to abandon her work against the mining company CGN in El Estor.

PBI has accompanied the **Madre Selva Collective** since June 2004 with regular visits to its office and has had frequent contact with its members during their work in different departments throughout the country. During December 2007 we continued accompanying Madre Selva.

Background: Madre Selva is an environmental organisation which holds regular workshops on the negative impact of mega-projects, in particular those involving open-pit mining and the installation of hydroelectric power plants. Members of the organisation regularly receive threats because of their work, above all in areas where conflicts exist over the issues that appear in the Collective's reports. Since December 2006 the organisation has been subject to defamation campaigns linked to the publication of an environmental study concerning the mining pollution found in the waters of the River Tzalá in San Marcos. The study's Italian author received a series of threats after its publication. This situation provoked an international reaction from various human rights organizations in support of the organisation and the author, who eventually left the country.

We continue to accompany the **National Coordinator of Guatemalan Widows (CONAVIGUA)** with regular visits to, and presence in, their office as well as during exhumations and inhumations of clandestine cemeteries in rural areas. We continue our frequent visits to their office due to the increased surveillance that became apparent in December 2006. During December 2007 we continued visiting their office and attended an event in Quiché regarding indigenous rights and community referendums.

Background: CONAVIGUA continues to facilitate the process of exhumations and inhumations in various departments throughout Guatemala, mostly in Quiché, Chimaltenango, and the Verapaces, as part of their efforts for the recuperation of the collective memory of Guatemala's recent history. This process provokes tense situations in these small rural communities between victims and perpetrators, and the women of CONAVIGUA receive threats and intimidation to stop them from continuing this work.

We accompany the **Movement of Campesino Workers (MTC)**, an entity of the Social Pastoral Office of the Diocese of San Marcos. MTC is made up of associations of campesino communities working to defend their labour rights. In particular, we accompany its founder, **Julio Archila**. During December we accompanied Julio in his activities in the department of San Marcos.

Background: Since the beginning of November 2005, Julio Archila, founding member of the MTC, has suffered various forms of intimidation and threats directed against him and his family. His security problems appear to be related to the support the MTC offers to campesinos engaged in protest on the Las Delicias estate, San Marcos. On 4th November 2005, police arrested Julio, accusing him of stealing coffee. He was brought before a judge and freed, as no proof of the accusation was found. Since then there have been other acts of intimidation and threats made against Julio Archila and members of his family, as well as other campesino leaders involved in labour conflicts between campesinos and estate owners. Recently, an arrest warrant was issued against Julio Archila and his son Antonio for having transported coffee from the Las Delicias estate in October 2005. The arrest warrants were substituted for other measures while the investigation continued. In June 2007, the judge of the Court of First Instance absolved Julio of all the charges due to a lack of evidence. Nevertheless, the following month the Appeals Court in Quetzaltenango authorised more time for the further investigation of the case.

The **Organisation to Support an Integrated Sexuality to Confront AIDS (OASIS)** is an organisation which works with HIV/AIDS education and prevention, as well as promoting and protecting the rights of gays, lesbians, bisexuals and transgender people. In particular, we accompany **Zulma**, member of OASIS and witness to the assassination of a sex worker. In December 2007 we have continued accompanying Zulma in her journeys around the capital and her activities with OASIS.

Background: On 17th December 2005, Paulina, a transgender worker was killed, the seventh murder of a transgender worker that year. Zulma was present when the crime was committed, and was seriously injured during the incident. She is a witness to the murder of Paulina, accusing members of the National Civil Police (PNC) of the killing. OASIS reported the case to the Public Prosecutor's Office (MP) in order to obtain justice for the killing, and has been awarded precautionary security measures for Zulma and the organisation by the Inter-American Human Rights Commission (CIDH). However, members of the organisation continue to be subjected to harassment and threats, and Jorge López, Executive Director of OASIS, reported that he was pursued by a police car during the night of 22nd January 2006. Given the few advances made in the case in the Guatemalan courts, OASIS wishes to bring it to the attention of the CIDH with the support of the Centre for Justice and International Law (CEJIL).

The **Women's Sector** is an umbrella organisation for women's associations that works for women's economic development, in the struggle against violence against women, and denounces impunity and the murder of women. In December we have continued to visit the Women's Sector's office regularly.

Background: In less than 10 days, between the end of May and the beginning of June 2006, the headquarters of the Women's Sector were broken into twice. The first time the intruders stole telephones and money and smeared blood on the walls; the second time they destroyed furniture, searched through files and left a bloody piece of glass on one of the desks. The Sector reported these acts as clear intimidation and asked for police protection.

The **National Coordinating Body for Inhabitants of Marginalised Areas, CONAPAMG**, works on the issues of housing access, social infrastructure, and the legalisation of occupied land. In November 2006 we brought to a close the activation of our Support Network, activated because of our concern about the security of **Roly Escobar**, CONAPAMG's Coordinator General, after he received a death threat on 10th September 2006. During December 2007 we continued accompanying Roly Escobar with regular visits to the association's office.

Background: We have accompanied CONAPAMG since July 2004 when its office was broken into and lists, invoices, floppy discs and money stolen. Many of the communities affiliated with CONAPAMG have either been evicted or are awaiting eviction. The security situation of CONAPAMG continues to be vulnerable. Miguel Zapeta González, resident of the community Esquipulas in Zone 21 of the capital and member of the organisation, was murdered in March 2005. On 18th August 2006, Carmen Sagastume, another member of the organisation, was brutally murdered. Following this, on the morning of 10th September, General Coordinator Roly Escobar Ochoa was informed that armed individuals in the community Carmen del Monte were threatening to kill him, supposedly because of his denunciation of the murder of Carmen Sagastume. During the following weeks he and his family

found themselves under heavy surveillance.

The **Guatemalan Association of Indigenous Mayors and Authorities (AGAAI)**. Since a break-in in the office of AGAAI on 20th March we have provided accompaniment through regular visits to the office and some movements outside the capital. During December we continued with frequent visits to AGAAI's office.

Background: Carlos Guarquez has suffered from various forms of threats, accusations, and intimidations because of his work rejecting the Free Trade Agreement (DR-CAFTA) and mining activities. On 25th March 2005, in the village of El Tablón, Sololá, his vehicle was doused in petrol and set on fire by unknown individuals. Death threats specifically naming Carlos Guarquez, Dominga Vásquez, the then Indigenous Mayoress of Sololá, and her husband, Alfonso Guarquez, were found scattered around the vehicle. Part of the threat stated: "For your stupid meddling in society, tomorrow will be the day of your disappearance from this world." As a result of this threat we decided to activate our Support Network within Guatemala. More recently on 20th March 2007, the office of AGAAI was broken into by persons unknown who took important documentation and containers. The association denounced this incident as a clear act of intimidation against workers and members of AGAAI for their work in supporting and accompanying the mayors and indigenous authorities struggling for the protection of the land. They have reported the act to the office of the Human Rights Ombudsman (PDH).

We received a request for accompaniment from **Project Counselling Services (PCS)** on behalf of a Guatemalan worker of the organisation who suffered a kidnapping, sexual aggression and the theft of a vehicle on 7th May 2007. On 17th May 2007 the same person received a phone call to their house threatening all the members of the organisation. These facts were reported to the Public Prosecutor's Office and the Human Rights Ombudsman (PDH). Since 16th May 2007 we have intensively accompanied the person who suffered this grave incident. During the month of December we continued accompanying this person in their movements between work and home and in their activities in the capital.

Background: Project Counselling Services (PCS) is an international organisation supported by a partnership of agencies in Europe and Canada. Its mission is to strengthen the capacities of refugees and populations affected by displacements and other forms of exclusion to participate in autonomous, democratic and inter-cultural processes, including from a gender perspective, within the framework of the promotion, defence and exercise of human rights. In Guatemala, PCS has been involved with the struggle against impunity relating to human rights violations committed during the armed conflict and in post-conflict Guatemala, with special emphasis on sexual violence. On Monday, 7th May 2007 a worker was the victim of a temporary kidnapping during which they suffered verbal, physical and sexual aggression. The PCS vehicle in which they were travelling and which was carrying 'International Mission' signage was stolen. On 17th May 2007 the same worker received a telephone threat in their home in which a male voice stated: "(Expletive), that wasn't enough... We told you not to do anything. You didn't get it. We are going to break your ass and those of the lesbians and whores in your office. We know who you are and what you do. Don't mess around, leave things as they are."

We accompany the **Commission of Peaceful Resistance of San Rafael Pie de la Cuesta (CRP)**. We received a petition for accompaniment from Jose Manuel Morales, Vice President of the organisation, following a meeting of 15 September during which a founder member of the Commission was detained and questioned by police who accused the organisation of carrying out illegal actions. The organisation later denounced the events to the Human Rights Programme of the Diocese of San Marcos (PDDHS) and the Human Rights Ombudsman (PDH). Those in attendance at the meeting of 15 September expressed their concerns regarding the construction of a hydro-electric project planned by the Mayor of the municipality of San Rafael de la Cuesta, San Marcos. Since then, members have suffered various threats and intimidatory actions, which led the Commission to request accompaniment from PBI for their meetings. Since December 2007 we have accompanied members of the CRP in their activities.

Background: 15 days before the general elections of 9 September 2007 the Mayor of San Rafael Pie de la Cuesta (and current Mayor elect) declared his intention to seek the construction of a hydro-electric project during the first months of 2008, during a public audience with mayoral candidates. This hydro electric project would be based on a previous project that never reached the construction stage and of which the local inhabitants were not aware of prior to the meeting. On 15 September the Campesino Association for Integral Development of San Rafael (ADICSR) organised a meeting with the local population in order to inform them regarding the construction plans for the hydro-electric project. The same meeting also realised the formation of the CRP in order to investigate and inform regarding the proposed project. Police officials entered the meeting and removed a man without explanation, in order to question him regarding the meeting and accusing those in attendance of planning illegal actions. Since this date, the members of CRP have regularly suffered threats and intimidations of various kinds.

3. PUBLICATIONS BY NON-GOVERNMENTAL ORGANISATIONS

In this section we publish several communiqués written by human rights organisations in which they express their concerns regarding the current state of affairs in Guatemala. PBI Guatemala does not necessarily identify with the opinions and content of the articles and communiqués reproduced.

Comunicado COPAE ante la condena de dos líderes comunitarios de San Miguel Ixtahuacán

El pasado martes 11 de diciembre, después de un mes de juicio en el Tribunal de Sentencia Penal de Narcoactividad y Delitos contra el Ambiente, fueron condenados Fernando Basilio Pérez Bámaca y Francisco Salomón Bámaca Mejía, líderes de las comunidades de Agel y Salitre del municipio de San Miguel Ixtahuacán, a dos años de prisión por el delito de lesiones. Los otros cinco acusados en este caso, también líderes de las comunidades antes mencionadas, quedaron absueltos por falta de pruebas. Ante la actuación nefasta del Ministerio Público y del Organismo Judicial que dio raíz a la condena de estas dos personas, la **Comisión Pastoral Paz y Ecología** de la Diócesis de San Marcos quiere manifestar el siguiente:

El bloqueo de las rutas de acceso a la mina Marlin se provocó entre el 11 y 22 de enero del presente año a raíz de la falta de una respuesta positiva de la empresa Montana Exploradora de Guatemala a un pliego de peticiones que los habitantes de aldeas cercanas a la mina habían presentado. Estas peticiones eran:

- 1) la renegociación de los precios de la venta de sus terrenos;
- 2) la recompensación económica por las grietas en las casas en aldeas cercanas a la mina, provocadas por la actividad minera;
- 3) la creación de una entidad científica e independiente encargada de monitorear las aguas superficiales alrededor de la mina Marlin.

Molesta por las consecuencias económicas provocadas por este bloqueo, Montana decidió acusar a siete líderes de las diferentes comunidades implicadas por los delitos de lesiones leves, coacción, amenaza e instigación a delinquir. En seguida el Ministerio Público se comprometió a buscar y presentar las pruebas correspondientes para poder iniciar un juicio penal en contra de estos siete líderes.

Nos preocupa profundamente que esta entidad estatal haya visto comprometido su independencia, dejándose convertir en un centro de investigación para esta empresa transnacional, utilizado sus instalaciones, sus medios de transporte y atendiendo únicamente los testigos presentados por Montana Exploradora. ¿Cuántas violaciones de sus derechos ha tenido que sufrir la población de San Miguel Ixtahuacán y Sipacapa desde la llegada de la empresa minera a sus territorios? Nos indigna que el MP no actuara con rapidez y persistencia cuando las personas en áreas cercanas a la mina se vieron forzadas a vender sus terrenos, cuando empezaron a aparecer las grietas en las casas de aldeas aledañas a la mina, cuando aparecieron contaminados los ríos por diferentes metales pesados y cuando una empresa transnacional se instaló en territorio de Sipacapa, municipio que prohibió la actividad minera metálica dentro de sus límites.

Es indignante que el juez aceptara los testimonios de los testigos convocados de parte de Montana Exploradora como pruebas claves en la condena de Fernando Pérez y Francisco Bámaca. Dentro de un Estado de Derecho, cualquiera institución judicial entendería que no se puede asignar ciertos delitos a una persona sin tener las pruebas contundentes, aunque una empresa transnacional esté presionando por una sanción.

Además, consideramos la condena penal de estas dos personas como un ejemplo nefasto para todas las poblaciones en Guatemala que desean defender de forma pacífica su territorio ante la llegada de grandes empresas mineras, cuyos únicos intereses son los millonarios beneficios. La condena prácticamente niega las poblaciones el derecho de exigir un desarrollo incluyente, sostenible y de acuerdo con su cultura, además de atentar contra la figura del líder comunitario.

Aplaudimos la decisión de los abogados defensores de apelar esta sentencia e insistir en la completa falta de pruebas contundentes en contra de Fernando Pérez y Francisco Bámaca. Y al mismo tiempo solicitamos a las organizaciones de Derechos Humanos, tanto nacionales como internacionales, de estar al tanto del caso y verificar el cumplimiento de la ley y de los derechos humanos.

San Marcos, 14 de diciembre de 2007

**Comisión Pastoral Paz y Ecología
Diócesis de San Marcos**

UNAMG
UNION
NACIONAL DE
MUJERES
GUATEMALTECAS



ecap equipo
de estudios
comunitarios y
acción psicosocial

Amenaza contra integrante del Consorcio Actoras de Cambio

Denunciamos a la opinión pública la amenaza realizada en contra de Amandine Fulchiron, integrante del Consorcio Actoras de Cambio, conformado por la Unión Nacional de Mujeres Guatemaltecas -UNAMG- y el Equipo de Estudios Comunitarios y Acción Psicosocial –ECAP.

En la noche del 24 de noviembre de 2007, saliendo de una reunión, Amandine encontró en el parabrisas de su vehículo ropa interior femenina, la cual estaba desgarrada por delante y por detrás.

Esta amenaza se relaciona directamente con el trabajo que realiza el Consorcio Actoras de Cambio, el cual da acompañamiento a mujeres que fueron víctimas de violencia sexual durante el conflicto armado, con vistas a que fortalezcan o retomen papeles protagónicos en la transformación de sus proyectos de vida, de comunidad y de país.

Entendemos que este hecho atenta contra la vida e integridad humana de Amandine Fulchiron y todo el equipo que integra este consorcio, con amenazas específicas de violación sexual. Ello viene a sumarse a intimidaciones cometidas en contra de otras compañeras en meses anteriores, las cuales fueron informadas públicamente en su momento. Tales amenazas están dirigidas a impedir que sigamos trabajando por el empoderamiento, la dignificación y la recuperación de la memoria histórica de las mujeres sobrevivientes de violencia sexual durante el conflicto armado.

Todo ello ha sido denunciado ante el Ministerio Público y la Procuraduría de Derechos Humanos, por lo que exigimos que el Estado cumpla con su deber de investigación y su obligación de velar por la vida e integridad física de las personas que trabajamos por los derechos humanos de las mujeres.

Finalmente, pedimos la solidaridad de las organizaciones nacionales, de la comunidad internacional y de los medios de comunicación, para fortalecer redes de protección y acompañamiento que nos permitan continuar luchando por la vida y la dignidad de las mujeres.

**Consorcio Actoras de Cambio
UNAMG ECAP**

Guatemala, 10 de diciembre de 2007

PBI GUATEMALA DOES NOT NECESSARILY IDENTIFY WITH THE OPINIONS AND CONTENT OF THE ARTICLES AND COMMUNIQUÉS REPRODUCED.

PBI GUATEMALA PROJECT

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