



PEACE BRIGADES INTERNATIONAL – GUATEMALAN PROJECT

MONTHLY INFORMATION PACKAGE - GUATEMALA

Number 54, March 2008

1. NOTES ON THE CURRENT SITUATION
2. ACTIVITIES OF PBI GUATEMALA : WITHIN GUATEMALA
 - 2.1. MEETINGS WITH GUATEMALAN AUTHORITIES AND THE DIPLOMATIC CORPS
 - 2.2. MEETINGS WITH CIVIL SOCIETY ORGANISATIONS
 - 2.3. ACCOMPANIMENTS
 - 2.4. FOLLOW-UP of PREVIOUS ACCOMPANIMENTS
 - 2.5. OBSERVATIONS
3. ACTIVITIES OF PBI GUATEMALA : OUTSIDE GUATEMALA
4. PUBLICATIONS BY NON-GOVERNMENTAL ORGANISATIONS (IN SPANISH)

1. NOTES ON THE CURRENT SITUATION

IMPUNITY

Women demand legal framework to defend their rights

Guatemala, 08.03.2008 (LH): On 8th March, International Woman's day, many organisations participated in marches around the country, during which a number of demands were made. Lorena Robles, member of the Women's Sector stated above all they were calling for Congress to approve a framework in the law regarding violence against women, recognising femicide as a distinct offence from homicide. Femicide differs from the simple act of murdering a woman; it implies additional brutality alongside an act of murder based on gender. Femicide includes offences such as rape, domestic violence and torture amongst others, which goes directly to demonstrate a false superiority of men over women. A matter of security Guatemalans observe with concern as more reports of femicide are registered year after year, with 317 reported in 2002, 591 in 2007 (12 less than in 2006 when 603 were registered) and 63 already registered in 2008.

First trial for forced disappearance

Guatemala, 10.03.2008 (PL, CA).- The first trial for forced disappearance began on 10th March in the municipality of San Martin Jilotepeque. The case is against Felipe Cusanero Coj, an ex military commissioner, accused of kidnap and the 'disappearance' of six people between 1982 and 1984. It is the first time in history a case of forced disappearance has been brought to trial in Guatemala, despite the many processes that have been taken to court and that have not been resolved. The fundamental evidence of the prosecution are the testimonies of witnesses who claim to have seen Cusanero detain the six 'disappeared' and drive away with them to the military base and that from this moment they have not been seen since. According to Aura Elena Farfán from FAMDEGUA, this case could morally compensate the 45 thousand forced disappearances that occurred in the country. "Even though it is not about the family, the justice helps us all". The process has suffered various setbacks due to appeals from the ex military commissioner's defence which attempted to avoid bringing the case to justice, but the Constitutional Court gave the trial the green light last year and subsequently the Criminal Sentencing Court in Chimaltenango set the trial date.

President Colom says no to the death penalty in Guatemala

Guatemala, 14.03.2008 (PL).- Colom confirmed that he would not consent to the reinstatement of the application of the death penalty because it is a decision that will have benefit for the future of the country. The president signalled that from a legal point of view the reactivation of the death penalty is unconstitutional on two grounds and following the veto he sent the decision back to Congress. During a press conference, the governor also put forward other reasons for avoiding the president power to decide the life of a convicted prisoner. "No country in the world has seen a decrease in violence with the application of the death penalty" he said. The commitment the Guatemalan state has with the international community and the support that has been received for the fulfilment of the peace accords also gave weight to the President's decision. "If capital punishment would have been put into effect, relations with countries assisting with the peace process would be seized" he remarked. For Colom the compelling support from the population in favour of the death penalty demonstrates the desperation due the resonant criminality; however he assured that those sentenced to death will pay their punishment. "We want justice not vengeance" he added.

27.03.2008 (PL, SV, CA, EP) The members of congress learnt of the President's veto of decree 06-2008 which had been approved on the 12 February which could reinstate the application of the death penalty, having been suspended since 2000.

The presidential veto was re-referred to the Congress's Government Committee where the decision will be made if it is to be put to plenary session for approval or rejection.

The Constitutional Court rejects the appeal made by Efraín Ríos Montt

Guatemala, 27.03.2008 (PL).- On 26 March the Constitutional Court (CC) rejected an appeal made by the retired general Efraín Ríos Montt, with which they gave the go ahead for the hearing of his first declaration as defendant in the case of genocide. The Spanish National Audience had asked that they take the initial statement of Ríos Montt but the general prevented the process by making an appeal. This time the CC unanimously rejected the appeal and thus the 11th Tribunal will request that the General appears before court to give his testimony. On 12 December the CC resolved that the Spanish National Audience had no jurisdiction in Guatemala which obstructed the extradition orders the Audience had filed against the retired generals Germán Chupina, Aníbal Guevara, Benedicto Lucas García, Óscar Mejía Víctores and Ríos Montt and two civilians Donaldo Álvarez and Pedro García Arredondo.

The CICIG will investigate corruption inside the PNC

Guatemala, 26.03.2008 (CA, PL).- The International Commission against Impunity in Guatemala (CICIG) will help in the improvement and the follow up of cases of corruption in the National Civil Police (PNC), the General Direction of Migration (DGM) and the Prison System. This was established by the drafting of a cooperation agreement signed on 25 March between CICIG and the Department of the Interior. The agreement was signed by Minister Vinicio Gómez and Carlos Castresana head of CICIG, who said that the aim of this UN entity is not only to focus on criminal proceedings before the justice courts, but also to address disciplinary procedures, including those of the administration sector.

LAND

Government installs national talks to resolve agrarian conflicts

Guatemala, 18.03.2008 (PL). - The Guatemalan Government will establish, from 5th April, negotiation talks with campesino groups in the country, Alfonso de León, Secretary for Agrarian Affairs (SAA) announced on 18 March. According to León, there are more than 1,554 cases outstanding at the Secretariat, many of them derive from labour conflicts and land ownership. The majority of cases are located in the Quiché area where 320 conflicts remain unresolved, following this in the area of the Northern Road Network there are 177 and in the area of Polochic 153 conflicts have been registered. In Izabal, where agrarian conflicts were registered in the last few weeks, there are 89 unresolved conflicts according to SAA records. Luís Zurita, Secretary of Interinstitutional Relations and Democratic Development of the Presidency said that Government representatives and members of the Rural Development Alliance will participate in the negotiations.

New occupations in protected areas

Guatemala, 24.03.2008 (PL).- According to Alejandra Sobones, Viceminister for the Environment, 27 new occupation have been detected in protected areas of Petén, showing dismay she announced "there is a striking wave of migration from every part of the country, east and west, towards these protected areas and archaeological sites.

State Violence against 'terrorist' campesinos

Guatemala, 25.03.2008 (AC, LH).- Violent incursions, criminal persecution of community leaders and the extrajudicial killing of a campesino, converting the state into a "terrorist state", said Daniel Pascual, director of the Campesino Unity Committee (CUC). Various indigenous and campesino associations lead by CUC responded to the designation by the President Álvaro Colom who described the acts of the habitants of Livingston, Izabal who retained a group of police and later various Belgian citizens, as acts of 'terrorism'.

GLOBALIZATION

High Commission demands Congress to analyze Mining Law reforms

Guatemala, 14.03.2008 (SV, PL).- The High Commission for the Mining Law reform, by way of Archbishop Ávaro Ramazzini, demand the Energy and Mining Commission of Congress to analyze and discuss the reforms that are outlined in a report delivered to its members. Published in 2006, the report outlines changes to the law regarding the mining industry; they want an increase in the profits of exploitation according to the material extracted. Ramazzini explained that currently the profit percentage is 1%, regardless of the mineral exploited; as a result they are proposing that the mentioned percent be modified. "We believe that it is necessary that Congress analyses and discusses these law reforms" said the Archbishop. In addition to the increase in profit margin, the report proposes a strengthening of environmental research, the use of community consultations, the consideration of water use, the payment of taxes and that the mining companies hire insurance and pay deposits to tackle possible damage caused in the communities in which they operate. Ramazzini took the opportunity during the meeting to ask the Congress to approve the moratorium outlined by the High Commission, which has been awaiting a decision in parliament since last year. "The moratorium is aiming for the suspension of new exploration and exploitation licences in the country for a year, while the reforms are analysed" he explained.

OTHERS

US deports Guatemalan migrants

Guatemala, 25.03.2008 (ND).- On Monday March 24, two flights with 156 Guatemalan migrants arrived at Guatemala's air force base, the first from Dallas, Texas with 71 and the second from Phoenix, Arizona with 85. In the first few months of this year 4,528 Guatemalans have been deported.

Sources: Prensa Libre (PL), Siglo Veintiuno (SV), La Hora (LH), El Periódico (EP), Guate semana (GS), Reuters (R) Tele Noticiario: Tele Diario (TD)

2. ACTIVITIES OF PBI GUATEMALA: IN GUATEMALA

Team: Emma Marshall (United Kingdom), Daniel Carey (United Kingdom), María José Urgel Riquelme (Spain), Marion Sornay (France), Maren Enders (Germany), Valentina Gori (Italy), Johanna Van Strien (Netherlands), Wiebke Schramm (Germany) y Jacqueline Benfield (United Kingdom).

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 February meetings were held with the following authorities:

Diplomatic Corps:

- Ian Hughes, British Ambassador, Guatemala City
- Carlos Castresana, Director of the International Commission against Impunity in (CICIG), 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 February meetings were held with the following organisations:

Civil Society Organisations:

- Arturo Chub, Association for the Study and Promotion of Security in Democracy, SEDEM, Guatemala City.
- Guillermo Chen, Director of the New Hope Foundation, Rabinal

International Organisations and Agencies:

- Coordination of Accompaniment in Guatemala, CAIG, Guatemala City..
- Coordinating Committee on International Accompaniment in Guatemala (ACOGUATE), Guatemala City
- Human Rights Commission and Human Rights Defenders Accompaniment Commission of the Forum of International Non-Governmental Organizations (FONGI), Guatemala City

2.3 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. During the last month we accompanied him in his weekly journeys in the capital and during a series of educational workshops in Rabinal.

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. We have continued to accompany them throughout February in their headquarters in Santa Cruz, and during the organization's activities. We remain concerned about the security of the members of the members of the organization as they continue receiving threats and noticing 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 of 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. We have continued to accompany Eloyda Mejía in her activities this month.

Background: Eloisa Mejia 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. In October 2007, Eloyda Mejía received a threatening letter that mentioned her and other active members of civil society organizations in Izabal as 'personas non gratas' in the town of El Estor and as enemies of the town and the State. The letter mentioned that "the rule of an eye for an eye and a tooth for a tooth would be applied".

We continue to accompany the **National Coordinator of Guatemalan Widows (CONAVIGUA)** with regular visits to, and presence in, its office as well as during exhumations and inhumations of clandestine cemeteries in rural areas. We continue with these frequent visits due to increased surveillance, which has been apparent since December 2006. During March we continued with weekly visits to the office.

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 March we remained in regular contact with Julio Archila and visited him in 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. On 15th November 2007 the Las Delicias campesinos came to an agreement with the estate's owners, who agreed to pay them 500,000 quetzales. The owners also agreed to drop the charges against Julio Archilla and his son. There was a moment in which the negotiations had appeared to breakdown, but finally in January 2008 the campesinos were able to buy a new estate and they are now in the process of constructing their new community. At the time of writing, the promise to drop charges against Julio Archilla and his son had not yet been fulfilled.

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. During March we kept in contact with Zulma and accompanied her in journeys around the city. In addition we have paid weekly visits to the organisation's office.

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. We continue to visit its 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. In March we continued weekly visits to the office and we also observed a demonstration organised by the Guatemalan XXXXXX Movement and CONAPAMG in the capital.

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.

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 March we continued the accompaniment, accompanying the worker of the organisation in journeys between his house and office.

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, after 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 intimidations, 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. During March we remained in contact with José Manuel Morales and accompanied him in San Rafael de la Cuesta. during a meeting with other member of CRP, the Pastoral Commission for Peace and Ecology and leaders of communities in the surrounding area.

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 before the public meeting was not known by the local inhabitants. 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.

2.4 FOLLOW UP OF PRIOR ACCOMPANIMENTS

The **Guatemalan Association of Indigenous Mayors and Authorities (AGAAI)**. Following a break-in in the office of AGAAI on 20th March 2007 we provided accompaniment in the city and during the association's activities outside of the capital. We currently we remain in regular contact with the Association by regular phone calls and visits to the 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 reported the act to the office of the Human Rights Ombudsman (PDH).

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 the month of March we remained in contact with Madra Selva with telephone calls and visits.

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.

2.5 OBSERVATIONS

PBI Guatemala provides international observation at public events where Guatemalan social organisations require international attention and interest or when it is judged necessary to be able to communicate what we witness to the international community.

During March we observed a series of activities in the mark of the commemoration of International Woman's Day, organised by the 8th of March Coordination in collaboration with various organisations including the Women's Sector. We also observed a demonstration organised by the Guatemalan Marginalised peoples Movement (MGP) of which CONAPAMG forms part. During this demonstration they expressed the problems they face with the lack of housing, the uncertainty of the situation respecting the intervention of the Guatemalan Housing Fund and the failure of government in carrying out promises they had made.

3. ACTIVITIES OF PBI GUATEMALA: OUTSIDE GUATEMALA

The Regional Representatives, the Coordination Office of the project in Madrid and other members of the Project Committee, as well as PBI national groups, carry out public relations campaigns with numerous NGOs, national governments and agencies, parliamentarians, etc. These meetings work to develop and strengthen the "Support Network" of the project, a tool that is indispensable for the functioning of PBI's international presence in Guatemala.

On March 18 Kerstin Reemtsma, the Project's European Representative, participated in a meeting with the Administration Council of CIFCA (Copenhagen Initiative on Central America and Mexico). On March 19 she attended a meeting in conjunction with the CIFCA alliances, Grupo Sur and CIDSE (International Cooperation for Development and Solidarity). The meeting was held to coordinate follow up work generated by the conclusions made at the International Conference "10 years of the Peace Accords in Guatemala: Balance and Perspectives of the International Cooperation" that was held in 2007 at the European Parliament in Brussels.

4. 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.

La Convergencia por los Derechos Humanos ante los sucesos ocurridos en Puntarenas, Livingston, Izabal

Reitera que la situación de violencia existente en algunas comunidades de Izabal, es producto de la falta de atención integral a la problemática agraria y al desarrollo rural. Situación que durante cada período de gobierno se agrava, sin que las autoridades propongan soluciones dentro del marco del Estado de Derecho y la Democracia. Ello no justifica de ninguna manera acciones violentas por parte de ningún actor.

A pesar de que diversos sectores llamaron en su oportunidad a generar un proceso de negociación para lograr una salida pacífica al conflicto, los días 15, 16 y 17 de marzo del 2008 sucedieron una serie de hechos violentos en el marco de operativos de las fuerzas de seguridad del Estado para liberar a los cuatro ciudadanos belgas y al guatemalteco que habían sido retenidos el 14 de marzo. Como resultado relevante de dichas acciones, se encuentra la muerte del campesino Mario Caal Bolom, miembro de la comunidad indígena de Puntarenas.

Ante las denuncias recibidas por la comunidad de Ensenada Puntarenas, la Convergencia por los Derechos Humanos realizó una visita en el lugar de los hechos y en base a la información proporcionada por miembros de dicha comunidad concluye que:

1. El 15 de marzo, en horas de la tarde, fuerzas de seguridad perseguían a tres campesinos, entre ellos Mario Caal Bolom, quienes se refugiaron en la comunidad de Puntuarenas. A las 18:30 horas, después de sitiar parte de la localidad durante tres horas, fuerzas combinadas de militares y policías atacaron la comunidad de Puntarenas, entraron a varias localidades públicas y privadas, destruyendo propiedad comunal y de varias familias. A pesar de la solicitud reiterada del funcionario de la Procuraduría de Derechos Humanos, presente en la comunidad, de establecer un diálogo, las fuerzas de seguridad lanzaron bombas lacrimógenas sobre la población. Una de las bombas fue lanzada a corta distancia sobre el señor Mario Caal Bolom, luego de lo cual fue golpeado e interrogado sobre el paradero de los turistas de origen belga. Posteriormente fue estrangulado con su propia camisa.
2. El cuerpo sin vida de Mario Caal Bolom estuvo cerca de 19 horas en el lugar sin que ninguna autoridad de justicia procediera a cumplir con su deber, a pesar de que miembros de la comunidad y de la PDH pidieran en forma insistente al Ministerio Público que cumpliera con procesar la escena del crimen. El fiscal José Eduardo Cabrera, Fiscal Distrital de Puerto Barrios, se negó a entrar a la comunidad, bajo la excusa de que temían por su seguridad y de que no se le permitía el ingreso. Ante esta situación el cuerpo de la víctima fue retirado por la PDH y entregado para su examen forense. Sin embargo, el 17 de marzo, el mismo fiscal ingresó acompañado de fuerzas de seguridad a la comunidad para realizar una serie de allanamientos con orden de juez, sin encontrar resistencia alguna.
3. El 16 de marzo, la Jueza Silvia Lorena Vásquez Calderón, del Juzgado de Paz de Puerto Barrios, emitió una orden de allanamiento, inspección y registro, la cual no tenía hora de emisión, por lo que el tiempo de vigencia de 24 horas de la misma no podía determinarse; a su vez no establecía el motivo de la captura para aquellas personas individualizadas. Resalta el hecho de que dichas órdenes de captura estaban dirigidas en contra de personas que recientemente participaron en una mesa de negociación.
4. El 17 de marzo, a las 8:00 horas ingresó a la comunidad un fiscal, de apellido Cabrera, con cerca de 50 elementos de la fuerza de seguridad, a cumplir con la orden judicial indicada. Durante dicho allanamiento se encañonó a miembros de la comunidad en donde incluso habían niños, mujeres y ancianos, no obstante que en los registros realizados no encontraron armas.

La Convergencia por los Derechos Humanos considera que estos hechos violentos constituyen violaciones a los derechos humanos y delitos siguientes:

1. Por las fuerzas de seguridad del Estado, ejecución extrajudicial, tortura, secuestro, uso excesivo de la fuerza, allanamiento ilegal, destrucción de propiedad privada y abuso de autoridad.
2. El fiscal Cabrera, incumplimiento de deberes, denegación de justicia y abuso de autoridad, al negarse a recoger el cadáver, obstruir la investigación de la ejecución extrajudicial cometida en contra de Caal Bolom y al ordenar o permitir el uso excesivo de la fuerza en contra de miembros de la comunidad.
3. La jueza al emitir una orden de detención sin la justificación correspondiente.

Ante estos hechos demandamos

1. Al Viceministro de Gobernación Hernández Umaña rinda informe público de lo actuado y aclare qué delitos se le imputaron a las personas detenidas que fueron utilizadas para el intercambio por los turistas belgas.
2. Al Ministro de Gobernación ordene que se someta a investigación administrativa y penal a todos los funcionarios de la institución que pudieran estar involucrados en estas acciones violatorias de derechos humanos.
3. Al Fiscal General ordene la investigación y persecución penal en torno a la ejecución extrajudicial y torturas Mario Caal Bolom y la investigación administrativa en torno a la actuación del Fiscal José Eduardo Cabrera y de otros funcionarios del MP que pudieron incurrir en responsabilidades administrativas y penales en los hechos acaecidos en Ensenada Puntuarenas.
4. Al Procurador de los Derechos Humanos, que verifique el proceso de investigación y persecución penal en contra de las personas sindicadas de la ejecución extrajudicial de Mario Caal Bolom para garantizar que se cumpla con el debido proceso.

Guatemala, 28 de Marzo del 2008

Centro Internacional de Investigaciones en Derechos Humanos
Centro para la Acción Legal en Derechos Humanos en Guatemala
Instituto de Estudios Comparados en Ciencias Penales de Guatemala
Oficina de Derechos Humanos del Arzobispado de Guatemala
Seguridad en Democracia
Unidad de Protección de Defensoras y Defensores de Derechos Humanos - Guatemala

**COORDINADORA NACIONAL INDIGENA Y CAMPESINA
-CONIC-**

**Las comunidades El Pilar I, El Pilar II, Loma Alta, Santa Fé Ocaña, Las Trojas I, Las Trojas II, Cruz de Ayapan,
Pajouques, Lo de Ramos y Cruz Blanco, todas del municipio de San Juan Sacatepequez.**

DENUNCIAMOS:

Las 10 comunidades del municipio de San Juan Sacatepequez del departamento de Guatemala **DENUNCIAMOS Y CONDENAMOS** el encarcelamiento ilegal que ha sido objeto el hermano ABELARDO CURUP. Fue capturado ilegalmente el día 6 de febrero del 2008, frente a las oficinas del Ministerio Público de San Juan Sacatepequez. Esta acusado de delitos falsos, los responsables directos de este hecho es la empresa Cementos PROGRESO, las empresa mineras PINO S.A., CONASA, EMPRESA MINCESA estas empresas son accionistas de cementos PROGRESO.

El Ministerio Público, la Policía Nacional Civil y el juzgado de Mixco están al servicio de estas empresas. Quieren imponer estas empresas en nuestros territorios y comunidades. Han tenido que valerse de mentiras y falsedades para justificar la represión contra nuestras comunidades y líderes, tal como el encarcelamiento injusto del hermano ABELARDO CURUP. La represión se ha generalizado contra nuestras aldeas y familias, nos acusan de delincuentes y terroristas.

Los dueños de las empresas mencionadas tienen gran influencia en el gobierno central, especialmente en el Ministerio de Gobernación para hacer lo que les da la gana para proteger sus intereses económicos haciendo uso de los recursos del Estado o sea los impuestos del pueblo. Pueblo de Guatemala démonos cuenta de este hecho, la historia se repite una y otra vez. De esta manera no se puede hacer justicia.

Ante la persecución, represión contra las 10 comunidades de San Juan Sacatepequez y el encarcelamiento injusto de ALBELARDO CURUP,

EXIGIMOS:

Al Presidente de la Republica Álvaro Colom Caballeros, revisar minuciosamente los procedimientos viciados por el caso de las comunidades de San Juan Sacatepequez, de lo contrario estará avalando la corrupción y la utilización de los recursos del Estado en beneficio de la familia Novella. A su vez gire las instrucciones para detener la represión contra nuestras comunidades y la liberación de nuestro hermano ABELARDO CURUP, quitar las órdenes de capturas contra 27 personas más y dejar sin efecto medidas sustitutivas contra 15 personas que fueron excarceladas el 4 de enero recién pasado.

A la Procuraduría de los Derechos Humanos y las diferentes organizaciones e instituciones de Derechos Humanos realizar una investigación exhaustiva de las razones de la persecución masiva en contra de las comunidades de San Juan Sacatepequez, la persecución y encarcelamiento de líderes y vecinos del lugar. Realizar una investigación seria, responsable e imparcial de las razones de la represión y persecución contra nuestras comunidades y líderes, como asimismo el abuso de poder del Ministerio Público, el juzgado de Mixco y la Policía Nacional Civil. Es importante dismantelar la razón principal: la imposición de la empresa Cementos PROGRESO, las empresa mineras PINO S.A., CONASA, EMPRESA MINCESA.

A la Corte Suprema de Justicia: No más persecución a los pueblos mayas para desterrarlos de sus territorios y comunidades, urge la justicia sin vicios ni manipulaciones. Que la justicia llegue al pueblo y no beneficiar a los empresarios como siempre ha ocurrido. Libertad al hermano ABELARDO CURUP, dejar sin efecto las 27 ordenes de capturas pendientes y 15 medidas sustitutivas contra los excarcelados. El pueblo quiere gozar de completa libertad. No somos delincuentes, mucho menos terroristas.

A las instituciones y organizaciones de Derechos Humanos, ONU, OEA, Comisión Interamericana de Derechos Humanos, Amnistía Internacional, gobiernos democráticos del mundo les pedimos su intervención y solidaridad inmediata y se involucren en las investigaciones de los hechos que estamos denunciando.

Nos abocamos al Artículo 67 de Constitución Política de la República de Guatemala: ***“Protección a las tierras y las Cooperativas agrícolas indígenas. Las tierras de las cooperativas, comunidades indígenas o cualesquiera otras formas de tenencia comunal o colectiva de propiedad agraria, así como el patrimonio familiar y vivienda popular, gozarán de protección especial del Estado, asistencia crediticia y de técnica preferencial, que garanticen su posesión y desarrollo, a fin de asegurar a todos los habitantes una mejor calidad de vida. Las comunidades indígenas y otras que tengan tierras que históricamente les pertenecen y que tradicionalmente han administrado en forma especial, mantendrán eses sistema.”***

“...nunca esquite la ruda pelea,
si defiende su tierra y su hogar.”

Guatemala, 5 de marzo, 2008.

COORDINADORA NACIONAL INDIGENA Y CAMPESINA –CONIC-
Miembro de Waq'ib Kiej, UASP, CLOC y Vía Campesina Internacional.

**PBI GUATEMALA DOES NOT NECESSARILY IDENTIFY WITH THE OPINIONS AND CONTENT OF THE ARTICLES
AND COMMUNIQUE'S REPRODUCED.**

PBI GUATEMALA PROJECT

Team Office in Guatemala

3ª Avenida "A" 3-51, Zona 1, Guatemala City
Telephone/fax: (+502) 2220 1032 / 2232 2930
Email: pbiguatemala@intelnett.com

Project Co-ordination Office

C/ Romero 9; 28720 Bustarviejo, Madrid (Spain)
Telephone/fax: (34) 918 482 496
Email: pbigate@pangea.org
Website: www.pbi-guatemala.org