



## PEACE BRIGADES INTERNATIONAL – GUATEMALAN PROJECT

### MONTHLY INFORMATION PACKAGE - GUATEMALA

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### 1. NOTES ON THE CURRENT SITUATION

#### IMPUNITY

**At the end of May Pedraz will continue hearing testimonies from the witnesses to genocide that occurred in Guatemala.**

Madrid, 01.04.2008 (PL, SV, LH). – Legal sources reported that during the last week in May, Santiago Pedraz, Spanish Judge, will continue hearing the testimonies of 13 witnesses in relation to genocide committed in Guatemala in the 1980's. Meanwhile in Guatemala from 16 April the 11<sup>th</sup> Tribunal Court of First Criminal Instance will hear testimonies from twenty witnesses in the case of genocide. The judge Eduardo Cojulum made the announcement after being notified of the rejection of two appeals submitted by the retired generals Efraín Ríos Montt and Ángel Aníbal Guevara who sought to block the hearing of this trial. On Monday 21 June the array of witness statements will continue with testimonies from three survivors of the massacre perpetrated in the Ixil area.

#### **Álvaro Ramazzini receives death threat**

Guatemala, 01.04.2008 (San Marco Diocese).- The High Plateau Region Pastor of the San Marcos Diocese reported on Monday April 1 that in the city of San Marcos a member of their religious order was intimidated by two men, who with their car obstructed her path and proceeded to menace her with a death threat directed at Álvaro Ramazzini. According to a communiqué from the diocese, they have already received a number of threats against pastoral officers from San Marcos. As a result they are asking the international community to be alert in case the situation worsens for Ramazzini and they demand the authorities and the State's security forces to keep a careful watch and guarantee respect for life in the country.

#### **Víctor Rivera, Ex assessor of the Ministry of the Interior, was murdered**

Guatemala, 08.04.2008 (PL) – The ex assessor of the Ministry of the Interior, Víctor Rivera, 62, was murdered at 0.25 am on April 8 in Vista Hermosa Boulevard, a few blocks from his house. His car was intercepted by two vehicles whose occupants proceeded to fire at the car from both angles, according to the report by the National Civil Police (PNC). Rivera had been living in Guatemala for 13 years from the time when Ex President Álvaro Arzú brought him to the country to help combat the wave of kidnappings. He kept his post during the Alfonso Portillo and Óscar Berger governments until he was dismissed from his position by President Álvaro Colom a week before his murder.

#### **Ex high ranking military officers will go to court, accused of forced disappearance**

Guatemala, 10.04.2008 (PL). – On 9 April the 11<sup>th</sup> Tribunal Court of First Instance resolved to send to court four ex military officers for the disappearance of seven family members which occurred in El Jute, Chiquimula in 1981. The retired colonel Marco Antonio Sánchez Samayoa and the ex military commissioners Gabriel Álvarez Ramos, Salomón Maldonado Ríos and José Domingo Ríos Martínez will be accused of illegal detention, failure to carry out humanitarian duties, and forced disappearance.

#### **Law against femicide is approved by Congress**

Guatemala, 10.04.2008 (EP, LH, PL, SV, ND, CA).- Following a month of debate in Congress, a law that created distinct offences and punishments confronting violence against women, was approved by all sides upon a background of applause and cheers from dozens of activists. The law, which had been formulated some months before by human rights groups and

women's organisations, established sentences of between 5 and 17 years in prison for the violence that is an expression of gender inequality.

Along with the new law there are plans to create specialised courts that can attend to victims of violence which will function 24 hours a day. As part of the ruling the National Coordinator for the prevention of Domestic Violence and Violence against women (CONAPREVI) will establish support centres for women survivors of violence, which will provide shelter and help for women and their children who have been victims of violence and offer support in reporting crimes to the police.

#### **Quiche's Sentencing Tribunal convicts ex police officer Antonio Rutilo Matías López for rape**

Guatemala, 17.04.2008 (PL). – The ex-police officer was found guilty of raping Juana Méndez Rodríguez, on 18 January 2008, while she was detained in the Nebaj Police Station. Matías was accused of aggravated rape and abuse of authority. The sentence was reached by the help of a number of testimonies from those who witnessed the crime. An advocate from the Women's Rights Defenders Office of the Human Rights Ombudsman's Office (PDH) in Quiché, Aída Lopez Cordero explained that this sentencing has set precedence for the great number of cases where women prisoners suffer sexual abuse and rape.

#### **Civil organisations condemn Guatemala's failure in accomplishing CIDH resolutions**

##### **Ten years after Gerardi's murder, contradictions in the investigation remain**

Guatemala, 23.04.2008 (LH). – At the ten year commemoration of the Bishop Juan José Gerardi Conedera's murder a series of contradictions have been found in the documentation linking a further twelve military officers to the case. Jorge García, prosecutor of the case explained that it is documented that those mentioned presented themselves before the Public Ministry and gave differing statements during the first hearing and above all denied the presence of Lima Oliva in the grounds of the now defunct Presidential Guard (EMP) the night of 26 April 1998 when Gerardi was murdered.

## **LAND**

#### **Negotiations with campesinos are to commence, land will not be a priority**

Guatemala, 06.04.2008 (LH). – National negotiations with campesinos will begin, announced by President Álvaro Colom, however the subject of land will not be prioritized as it has been in the past. Luis Zurita, Director of the Secretariat of Inter-institutional affairs, the entity that coordinates the national dialog, announced the negotiations will revolve around social, economic, agrarian and social environmental themes. According to Zurita many problems exist and have accumulated over the years around agrarian issues, the most important demand that campesino organizations continue to make. For Daniel Pascual, from the United Campesino Committee (CUC), the vision the government has of the agrarian problem is mistaken, in addition they are worried by the limited viewpoint of the current central administration. The problems in rural areas are much deeper than one thinks, to generate jobs will not resolve the problem, many of the problems arise because the land owners do not give their employees benefits. The campesino leader said that the negotiations are reaching deadlock due to the persecution the campesino leaders have suffered in the country. He mentioned that he has been alerted to a wave of evictions which he will outline in the negotiations in the coming days. According to Pascual, the demand for land continues to be relevant. He stated that vast quantities of land are being conceded that belong to indigenous communities, he said that in response to the question ¿from where will they sell products for internal consumption with the food crisis as it is? A distribution of land is needed.

#### **Negotiations begin to find a solution to the land conflict in Izabal**

Guatemala, 08.04.2008 (PL). – On April 7, representatives from government and campesino leaders, with the mediation of the Human Rights Ombudsman's office (PDH), began negotiations to find a solution to the land conflict in Izabal.

#### **Businessman to coordinate national rural development program**

Guatemala, 10.04.2008 (SV, EP, PL). – Robert Dalton, president of Disagro, a company that provides fertilizers to the Government and who loaned an aeroplane to Álvaro Colom, will coordinate the National Rural Development Program to be installed this month. Dalton declared that the post is *ad honorem* and that he decided to accept the challenge to make certain that the 44 municipals in extreme poverty become more productive. The new civil servant stated that the program in his charge will be the executive branch of the Integrated Rural Development Council that the Government will instate and will have the aim of bringing services and opportunities to rural areas. When asked about a possible conflict with his business interests he stated: "on the contrary, all businessmen should cooperate in the country's development".

#### **The campesino march continues with "a shout for mother earth"**

Guatemala, 14.04.2008 (CA, PL, ND, TD, EP).- Members of the United Campesino Committee (CUC) continue with a march named "a shout for mother earth", that began on April 12 at Los Encuentros in the jurisdiction of Sololá. The demonstrators will arrive in the capital Guatemala City on April 16. Hundreds of campesinos from different regions of the country are undertaking the long walk in commemoration of the 30<sup>th</sup> Anniversary of the organization and to demand an end to the persecution against them which they attribute to Government authorities.

#### **Campesinos evicted from an estate in Suchitepéquez**

Guatemala, 18.04.2008 (LH, ND, AD).- On 18<sup>th</sup> April, 96 families were evicted, with tear gas from the San Nicolás Málaga II estate, in the Santo Domingo municipal of Suchitepéquez, Rafael Gonzalez, director of the National Coordinator of Campesino Organisations (CNOOC) reported.

#### **Belgians ask their government to put pressure on Guatemala to attend to campesino demands**

Guatemala, 21.04.2008 (AC, TD). – Diverse social organisations from Belgium stated their concerns over government actions against Guatemalan campesinos and asked their government to express these concerns and that the Guatemalan authorities attend to their “fair demands”.

### **GLOBALIZATION**

#### **GAM criticizes possible remilitarization, following the buying of aircraft and boats**

Guatemala, 09.04.2008 (LH de AFP). – On April 8, pro human rights groups criticized government intentions in acquiring six Brazilian aircrafts and ten speed boats for use to combat drug trafficking and organized crime. According to these groups this demonstrates evidence of remilitarization in the country. Furthermore they estimate that the country will accumulate a debt worth millions and put in risk social security, education, health and nutrition and generate more poverty, which already affects more than 50% of the 13 million inhabitants.

#### **Colom announces Presidential Accord on grain production**

Guatemala, 18.04.2008 (CA).- The Presidents of Central America agreed to initiate a production program of basic grains such as corn and rice and with it alleviate the crisis that has been generated by a steady increase in petrol prices. Nicaragua, Honduras, El Salvador, Guatemala and Panama will enter into a “program without precedent” in the production of basic grains, affirmed the President Álvaro Colom. The leader emphasized that they will look for agreements around the price of products such as flour, bread, gas, meats, vegetable oil and eggs.

#### **Energy Minister: Government backs law that will create petroleum fund**

Guatemala, 25.04.2008 (EP).- Carlos Meany, Energy and Mining Minister, declared that the Executive supports the initiative of the law that would create a petroleum fund and that will include the possibility of amplifying contracts with companies involved in the industry. The Minister stated that the intention is to allow the transnationals, who make returns on their investments and who are able to endorse the fund, to support communities and there can be an increase in exploitation contracts until the petroleum deposits are exhausted. The country currently has the capacity to produce 14 thousand barrels of petroleum daily and according to the Ministry this could be increased to 200 thousand. For Nineth Montenegro, Member of Parliament for Encuentro por Guatemala (EG), it is important to be careful in approving new legislation such as this. “One has to see that they are not paying a political favour, it appears to me that there are companies that can offer better things” she stated.

### **OTHERS**

#### **The third part of the one hundred day plan has not been accomplished**

Guatemala, 21.04.2008 (SV).- With two days to go to the 100, Álvaro Colom’s government have fulfilled 65 percent of the goals, outlined in the Solidarity plan, that were to be achieved in this time period. 40 actions were considered; 13 remain outstanding, according to an investigation carried out by a local morning paper.

#### **CNAP present tax reform proposals to the Government**

Guatemala, 23.04.2008 (EP, PL, SV).- On April 22 the National Commission for the Peace Accords presented to government a document containing a detailed proposal for the modification of various taxes and recommendations on how to make public spending more transparent.

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Sources: Prensa Libre (PL), Siglo Veintiuno (SV), La Hora (LH), El Periódico (EP), Tele Noticiario: Tele Diario (TD), Nuestro Diario (ND), Agencia Cerigua (AC), Diario de Centro América (CA), Centro de Reportes Informativos sobre Guatemala (CERIGUA), Al Día (AD)

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## **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), Jacqueline Benfield (United Kingdom) and Giovanna Tejido Vasquez (Spain)

## 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:

- Matt Huesley, Human Rights Officer of the British Foreign and Commonwealth Office Affairs, Guatemala City
- Mr Arjan Hamburger, Human Rights Ambassador of the Government of Holland, Guatemala City

Guatemalan Authorities

- Dr. Romeo Anrinaldo Vásquez Vásquez, Governor of the Department of Chiquimula, Chiquimula
- Nacional Civil Police (PNC), Jocotan
- Hector Waldermar, Ombudsman of the Human Rights Ombudsman Office of Chiquimula, Chiquimula

## 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:

- Carlos Paz, National Coordination of Campesino Organisations, Guatemala City
- Mario Minera, Legal Action Centre for Human Rights (CALDH), Guatemala City
- Claudia Samayoa, Protection Unit for Human Rights Defenders, Guatemala City
- Monseñor Ramazzini, Bishop of the San Marcos Diocese, Guatemala City

International Organisations and Agencies:

- Marta Ibero Dolla, Copenhagen Initiative for Central America and Mexico (CIFCA), Guatemala City
- Jorge Navas, Office of the United Nations High Commissioner for Human Rights, (OACNUDH), Guatemala City
- Coordinating Body for International 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 April we accompanied him to Quetzaltenango, where he conducted a Mayan ceremony at the summit of the Santa Maria Volcano and to a number of human rights observations days in various Cho'rti communities in the Chiquimula Department.

*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 2<sup>nd</sup> 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 13<sup>th</sup> 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. This month we have remained in contact with the leaders

of UVOC in their visits to the capital. 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 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 21<sup>st</sup> 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 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 21<sup>st</sup> 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 gratis' 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. In April we accompanied CONAVIGUA during two inhumations, the first in the Santa Cruz del Quiché area and the second close to Xesiguan de San Martín Jilotepeque in Chimaltenango.

*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 April 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 4<sup>th</sup> 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 15<sup>th</sup> November 2007 the Las Delicias campesinos came to an agreement with the estate's owners, who agreed to pay them 500,000 quetzals. The owners also agreed to drop the charges against Julio Archila 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 Archila 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 April 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 17<sup>th</sup> 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 22<sup>nd</sup> 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 **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 10<sup>th</sup> September 2006. In April we continued with weekly visits to the 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 18<sup>th</sup> August 2006, Carmen Sagastume, another member of the organisation, was brutally murdered. Following this, on the morning of 10<sup>th</sup> 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 7<sup>th</sup> May 2007. On 17<sup>th</sup> 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 16<sup>th</sup> 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, 7<sup>th</sup> 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 17<sup>th</sup> 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 April we were informed that the hydroelectric project in San Rafael, that was going to effect three rivers, has been downscaled to a small hydroelectric plant within the grounds of a private estate.

*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 20<sup>th</sup> March 2007 we provided accompaniment in the city and during the association's activities outside of the capital. During April we observed AGAAI's National Assembly in which they elected a new board of directors.

*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 25<sup>th</sup> 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 20<sup>th</sup> 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 April 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.*

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.*

## 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 April we observed a number of activities organised by different sectors of the campesino movement: including a march organized by the United Campesino Committee, CUC and an investigation by the Protection Unit for Human Rights Defenders in the Livingstone, Izabal area.

We observed the final hearing of the Juana Méndez trial, where an ex-officer of the National Civil Police (PNC) was sentenced to 20 years in prison for aggravated rape and abuse of power.

On April 18 we were present at a community consultation in respect to mining projects planned in San Marcos. The communities rejected the projects by a great majority.

On April 17 and 29, we observed the hearing of witness testimonies in the case of genocide, brought to trial by the Spanish High Court. These testimonies were heard by the 11<sup>th</sup> Tribunal Court of First Instance in Guatemala City.

## 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.

Between 6 and 13 April the training week for new volunteers was carried out in Lancaster, England. At the training there were seven prospective volunteers interested in the project. The event was organised by the Project's Training Team with the participation of Estefania Sarmiento, Project Committee member.

On April 16 and 17, Kerstin Reemtsma, European Representative and Internal Project Coordinator, participated in the Guatemala Working Group meeting as well as CIFCA's General Assembly (Copenhagen Initiative on Central America and Mexico).

Nadia Graber, ex-volunteer of the Guatemala Project, on her return to Switzerland participated in various radio and newspaper interviews in relation to PBI's work in Guatemala. Amongst them were the Catholic News Agency KIPA, Berna Regional Radio, Zurich's Radio Lora and various newspapers.

## 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.

### **MOVIMIENTO DE TRABAJADORES (AS) CAMPESINOS, MTC. San Marcos, Guatemala, C.A.-**

#### **"MONSEÑOR GERARDI: TU MARTIRIO RENUEVA NUESTRA LUCHA"**

El Movimiento de trabajadores y trabajadoras campesinos de San Marcos, MTC, que aglutina a 2,500 familias de la región Altiplano y Boca Costa; en el marco del Décimo Aniversario del asesinato de nuestro Santo y Mártir, Monseñor Juan José Gerardi y en un nuevo contexto de intimidación y amenazas muerte a nuestro obispo Monseñor Álvaro Ramazzini Imeri, a la comunidad nacional e internacional comunicamos:



A 10 años del martirio de Monseñor Gerardi, quién fuera asesinado el 26 de Abril de 1,998, a dos días de la presentación del informe sobre la Recuperación de la Memoria Histórica, el cual narra la violación de los derechos humanos realizados por el estado guatemalteco durante 36 años del conflicto armado sufrido en el país, los autores intelectuales de su muerte siguen sin ser procesados actuando impunemente y profundizando las injusticias que Monseñor Gerardi denunció y luchó por erradicarlas.

### **Como MTC, vemos como raíz de nuestros males:**

El Estado guatemalteco sigue estando en manos de estos poderes tradicionales y paralelos, responsables de la violencia y muerte permanente de los justos, generando políticas que someten a nuestro pueblo y todo nuestro patrimonio humano, natural, histórico y cultural, a los intereses de las empresas transnacionales que saquean dejándonos miseria y destrucción. Estas empresas conocidas en nuestro departamento, responsables de la explotación minera han empezado a cambiar sus políticas de disuasión a las de intimidarnos y dividirnos como pueblos. Otras empresas se constituyen de igual manera sobre nuestro recurso agua, buscando crear hidroeléctricas, sin importarles los riesgos sobre nuestras comunidades.

Bajo este tipo de Estado controlado y sometido, nosotros los pueblos mames, sipakapenses y mestizos que habitamos este territorio, constatamos que nuestras demandas prioritarias como el acceso a la tierra, créditos, asistencia técnica, educación y la generación de empleos dignos, necesarios para nuestro desarrollo no serán atendidas con la profundidad de medidas estructurales que se requieren.

La falta de políticas integrales de desarrollo y la débil posición de un Estado en defensa y promoción de su población, que emigra para buscar mejores condiciones de vida, negadas en nuestro propio país, nos deja en desamparo de nuevos sectores económicos y políticos vinculados al narcotráfico y tráfico humano con fines de explotación sexual.

Estas problemáticas más sentidas por nuestro movimiento, a nuestro saber generan una **no violencia – activa** de parte de los sectores más empobrecidos y olvidados, la cual se criminaliza y se contraataca con más violencia, sometiéndonos permanentemente a un círculo de violencia insoportable que sigue cobrando mayores víctimas que durante el conflicto armado interno.

### **A la luz del Evangelio de Jesús, analizamos:**

Es en este contexto que el ministerio profético de Monseñor Álvaro Ramazzini denuncia y propone cambios estructurales para construir un país nuevo, y es desde aquí igualmente que se busca acallar su voz y debilitar su acompañamiento solidario con nuestro pueblo.

La imagen apocalíptica de una tierra y un cielo nuevos (Apoc. 21), en donde en un juicio universal se derrota la muerte, demanda de todos los cristianos una nueva conciencia social y política que nos permita ceñirnos de un compromiso por erradicar del Estado guatemalteco la figura de la prostituta y la bestia de siete cabezas y diez cuernos que no deja nacer una nueva vida (Apoc. 17). Situación que se compara a nuestro sistema prostituido en donde en el Estado se ha perfeccionado toda clase de maldad y se articulan los intereses de un pequeño sector de poder económico vinculado con los poderes transnacionales.

### **Como MTC asumimos e invitamos a todos y todas a asumir nuestro compromiso cristiano de:**

1. Hacer que el Estado guatemalteco, mediante sus respectivas instituciones asuma y cumpla con la Constitución de la Republica en lo que respecta a la promoción y defensa de la persona humana:
  - Artículo 1 “Protección a la persona. El Estado de Guatemala se organiza para proteger a la persona y a la familia; su fin supremo es la realización del bien común”; artículo 2 “Deberes del Estado. Es deber el Estado garantizarle a los habitantes de la república la vida, la libertad, la justicia, la seguridad, la paz y el **desarrollo integral de la persona**”; y 28: El Estado garantiza el derecho de presentar nuestra petición colectiva, misma que está obligada a tramitarla y deberá resolver conforme a la ley.
2. Hacer que el Estado, mediante la Corte Suprema de Justicia y sus organismos, promueva una justicia pronta y cumplida para los y las trabajadoras del campo en las fincas cafetaleras y en el sector campesino, ante la negligencia de un sector económico que se enriqueció con nuestro trabajo.

3. Asegurar que el Estado, a través de la Gobernación Departamental y el Sistema de Consejos de Desarrollo, con urgencia asegure en la agenda nacional el Desarrollo Rural, la dotación de los recursos necesarios para el desarrollo indígena y campesino: tierra, agua, educación y la salud.
4. Demandar al Estado el respeto de la autonomía municipal, en lo que concierne a la consulta sobre el uso y destino de sus bienes y la promoción de leyes en defensa de sus recursos, su territorio y su patrimonio natural y cultural, en consonancia con la aplicación del Convenio 169.

Finalmente exhortamos a Monseñor Álvaro Ramazzini, a continuar su labor profética entre nosotros, a no sentirse solo en su compromiso por hacer de sus sueños por un San Marcos diferente en donde los niños de la Costa - Boca Costa y del Altiplano tengan un futuro mejor fuera del sistema finca y todas las familias vivamos unidos y en paz con un trabajo digno. San Gerardi, mártir y amigo suyo, lo acompaña en su caminar. MTC, renueva sus sueños con usted.

**San Marcos, 26 de abril de 2008**



*Confederación Central General  
de Trabajadores de Guatemala -CGTG-*



**La comisión de Derechos Humanos de la Confederación Central de Trabajadores de Guatemala  
a la opinión nacional e internacional**

**DENUNCIA:**

***Que nuevamente un dirigente Sindical fue asesinado***

El día 29 de abril de 2008, entre las 12:00 y las 13:00 horas, momento en que se disponía a almorzar, fue asesinado el compañero CARLOS ENRIQUE CRUZ HERNANDEZ en su lugar de trabajo la FINCA Chikasaw el peligro planta 12, la cual es propiedad de la Compañía BANDEGUA, TRANSNACIONAL DE DEL MONTE.

El compañero CRUZ HERNANDEZ es trabajador de la Compañía Bandegua y Afiliado del Sindicato de Trabajadores Bananeros de Izabal – SITRABI-

Este no es el único hecho contra los miembros del SITRABI también se dio a conocer que el compañero DANILO MENDEZ quien también es miembro del mismo, ha estado siendo objeto de intimidación por hombres armados y con gorros pasamontañas que rondan su casa de habitación, y que en el mismo sector vive un hijo del Secretario General del SITRABI, lo cual mantiene a los compañeros atemorizados por estos hechos.

Manifiestamos nuestra solidaridad con la familia del Compañero Carlos Enrique Cruz Hernández y con los compañeros del SITRABI.

Exigimos a las autoridades guatemaltecas se investigue este nuevo hecho delictivo contra los dirigentes sindicales y que no sigan en la impunidad como hasta el momento esta el asesinato del compañero Marco Tulio Ramírez Portela.

Enviar mensajes a:

|  |  |
|--|--|
| Presidente de la Republica, Ingeniero Álvaro Colom Caballeros:                           | <a href="mailto:cbarrientos@presidencia.gob.gt">cbarrientos@presidencia.gob.gt</a> |
| Vicepresidencia de la República, Doctor Rafael Espada                                    | <a href="mailto:ipaloma@vicepresidencia.gob.gt">ipaloma@vicepresidencia.gob.gt</a> |
| Corte Suprema de Justicia, Lic. Oscar Humberto Vasquez                                   | <a href="mailto:carresis@oj.gob.gt">carresis@oj.gob.gt</a>                         |
| Ministerio de Gobernación, Doctor Carlos Vinicio Gómez                                   | <a href="mailto:vgomez@mingob.gob.gt">vgomez@mingob.gob.gt</a>                     |
| Dirección General de la Policía Nacional Civil, Comisario General Isabel Mendoza Agustín | <a href="mailto:juarrozv@hotmail.com">juarrozv@hotmail.com</a>                     |
| Comisión Presidencial de Derechos Humanos, COPREDEH, Licda. Ruth del Valle               | <a href="mailto:coprekeh@coprekeh.gob.gt">coprekeh@coprekeh.gob.gt</a>             |
| Procuraduría Derechos Humanos, Doctor Sergio Fernando Morales Alvarado                   | <a href="mailto:gmasariegos@pdh.org.gt">gmasariegos@pdh.org.gt</a>                 |
| Fiscal General y Jefe del Ministerio Público Juan Luis Florido Solís                     | <a href="mailto:fiscalgeneral@pm.lex.gob.gt">fiscalgeneral@pm.lex.gob.gt</a>       |

**POR EL RESPETO A LA LIBERTAD SINDICAL Y EL DERECHO A LA VIDA, QUE ESTE CRIMEN NO QUEDE IMPUNE.**

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

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