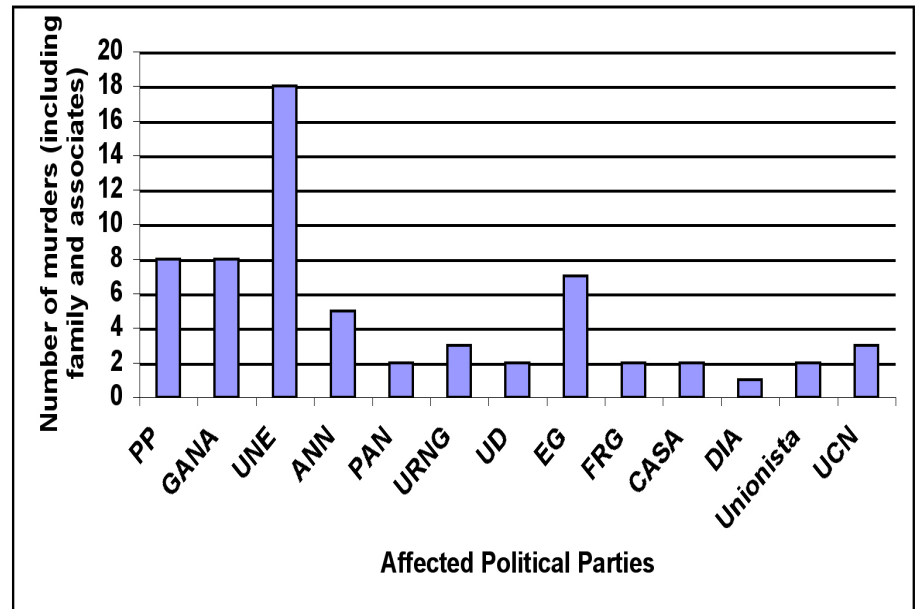


Guatemala Project

Civic festival stained by violence

On 9 September 2007 Guatemala's population went to the polls. According to the press these general elections were the most observed since the beginning of the democratic era in 1986¹. During the first round there was an evident will to make the process more accessible and inclusive, with a 39% increase in the number of voting centres, making a total of 13,756². Unfortunately, all these positive steps were eclipsed by the high rate of violence during the entire pre-election campaign. Political violence is only one part of the pronounced and generalized violence that affects all of Guatemalan society. According to the United Nations (UN) Special Rapporteur on Extrajudicial Executions, Philip Alston, the number of murders committed daily in Guatemala during 2006 exceeded those registered during the worst moments of the internal armed conflict³.



(...continued on page 2)

Murder of women in Guatemala

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Women continue to be murdered in alarming numbers. What is the context of this phenomenon, and how are Government and civil society responding to it?

Interview with Julio Archila, MTC

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Julio Archila, legal adviser of the Campesino Workers' Movement (MTC) in San Marcos, talks to us about his work and about the problems he faces as a result of his work defending campesino labour rights.



EU-Central America Association Agreement

8



Interests and possible political, social and economic effects of an Association Agreement (AA) between Central American countries and the European Union.

An update on the project's activities

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The violence and intimidation against human right organisations continues.



Civic festival stained by violence

The vast proportion of these murders remain in impunity⁴. Events such as the murder, in February 2007, of three El Salvadorean members of the Central American Parliament (PARLACEN), their driver, and later the four police officers charged with the crime, have resulted in Guatemala, and consequently its electoral process, being viewed with attention by the international community⁵. The representative of the Office of the UN High Commissioner for Human Rights (UNHCR), Anders Kompass, and the then Chief of the European Commission Delegation, Joao Melo de Sampaio, publicly stated their concerns regarding the political violence that was surrounding the electoral process⁶. These worries were shared by organs such as the Inter-American Commission of Human Rights (CIDH) and international human rights organisations such as Amnesty International (AI), which sent letters to the Berger government stating their concerns⁷.

Political Violence

In August 2006, the Myrna Mack Foundation (FMM) published a report entitled "Trends in Security", where it described five distinct types of violence, one of which was defined as "violence with political motivation or impact"⁸. This type of violence has been the most pronounced during the electoral year, according to the Electoral Monitor, a group of Guatemalan organisations observing the electoral process⁹. According to one analysis, the political violence has been "between parties and internally within the parties, but also against political enemies, indigenous people and campesinos, scientists and all people that, in any given moment, represent a risk for groups of power"¹⁰. Between March 2006 and October 2007, the press reported more than 50 politically motivated murders (including candidates, political activists and their families)¹¹, marking an increase of more than 20 murders

compared to the figures presented by the Organisation of American States (OAS) in October 2003. That report stated that during the 2003 electoral period there were 29 murders of activists or political leaders.¹²

Street Crime or Political Violence?

A poll published in "El Periodico" on 22 May 2007, indicated that insecurity and violence were the major concerns of potential voters. The four parties that emerged as victors in the first round of the elections emphasised the theme of security, in different manners, throughout their campaigns. During May, the heightened profile of the electoral campaigns coincided with a wave of assaults on *camionetas* (urban buses) and murders of their drivers¹³. Later, speculation arose that the urban transport violence had a political aspect, and Vice President Eduardo Stein blamed groups with party interests for "provoking the increase in violence"¹⁴. This accusation became part of the confrontation between the two parties participating in the second round of elections, the National Unity of Hope (UNE) and the Patriot Party (PP). One member of the UNE formally denounced the Patriot Party to the Public Prosecutor's Office for promoting the violence against the bus drivers with the aim of winning support from a terrorized public.¹⁵ On 5 July the Interior Ministry announced that there was no proof of the allegations made by the UNE.¹⁶

Impacts of the political violence

According to the Inter-American Human Rights Commission (CIDH), the "weakness of the institutional apparatus puts at risk the rule of law in Guatemala"¹⁷. As a consequence, the Electoral Monitor, the Human Rights Ombudsman (PDH), CIDH and others, have asked that the Public Prosecutor's Office investigate in depth all violence in the country and inform the citizens regarding the progress of current investigations.¹⁷ According to the Centre for Justice

and International Law (CEJIL) one of the direct impacts of political violence is on the transparency and certainty of the electoral process in general.¹⁸ A concrete example of this effect was the public pronouncement on 23 August 2007 by the Supreme Electoral Tribunal (TSE), the authority responsible for ensuring the transparency of the electoral process, that in four of its regional offices its representatives had abandoned their posts due to intimidations and personal threats¹⁹. Moreover, the presence of drug trafficking networks and organized crime resulted in a shortage in the east of the country of candidates of certain parties at municipal and district level, according to the Foundation for Economic, Social and Cultural Rights (DESC)²⁰ and the Electoral Monitor.²¹

And the root causes?

Although social organisations state that political violence is a reality, some governmental institutions remain reluctant to acknowledge it. The head of the Public Prosecutor's Office (MP), Juan Luis Florido, has said that "at present, the Prosecutor's Office has no evidence that there has been any political motive behind the incidents mentioned. They could be related to street crime or revenge attacks". The Vice President also denied the existence of political motives behind more than 50 murders of political activists and their families. He stated that the violence was part of the "generalized violence and insecurity in which the country lives". Nevertheless, the MP has indicated on other occasions that the main cause of the political violence which occurred on the eve of the day of voting was the desire of organized crime and drug trafficking mafias to reinforce their positions in the political system, given Guatemala's geopolitical position in the transport of drugs from South America to the United States. The two electoral observation missions present in the country, from the

Social movements also victims of political violence:

Example 1:

On 17 August 2007, the son of human rights defender Amilcar Mendez Urizar, Jose Emanuel Mendez, was killed. In addition to his work as a human rights defender, Amilcar Mendez is an ex member of congress and at the time was working with the UNE party's candidate for the vice presidency. In the past, PBI accompanied Amilcar Mendez and the Ethnic Community Council "Runujel Junam" (CERJ). The CERJ opposed forced military recruitment prior to the signing of the peace accords. Various national and international organizations, such as the Mutual Support Group (GAM) and the Robert F Kennedy Memorial, have called for an in-depth investigation of the killing, given that it could have been linked with the political and social work of his father. Moreover, according to the GAM, violent events such as this create despair in the population and "therefore, are susceptible to manipulation for the benefit of candidates offering policies of "mano dura" (firm hand) to combat the violence" (see GAM: Report January – August 2007)

Example 2:

Social non-governmental organizations (NGO) have also suffered from political violence. An analysis by the Myrna Mack Foundation showed that organisations advocating the clarification and investigation of human rights violations committed during the internal armed conflict received an increased number of serious threats during the first months of 2007. During these first months of the year PBI Guatemala accompanied MNDH (the National Movement for Human Rights) for two months after the organisation's office was broken into, a member of the Centre for Legal Action on Human Rights' (CALDH) indigenous rights group after he was abducted, and a member of PCS (Project Counselling Services) who had suffered a kidnapping, sexual assault and robbery.

OAS and the European Union (EU), expressed their concerns regarding the infiltration of drug trafficking in the political sphere. Jose Antonio de Gabriel, Adjunct Chief of the EU Mission, stated that this influence was seen most clearly at the municipal and district levels, given that the political parties do not maintain strong control of their candidate lists. According to the OAS, there are eight factors contributing to political violence at the local level, the principal factor being the rejection of results when they indicate the reelection of authorities, then internal power struggles within communities, political rivalries, and problems generated by ex members of the Civil Self-Defence Patrols (PAC). Insufficient police presence, land disputes, the presence of drug trafficking and societal indifference to the political process are also all influencing factors.

Challenges

Despite the violence, the OAS, in a press release issued the day after the first round of elections, congratulated the people of Guatemala for their "democratic spirit", affirming that "the elections have been carried out in a satisfactory form". Nevertheless, the period between the two election rounds was equally affected by political violence, and the number of people killed increased. The Electoral Monitor proclaimed the need for government, the TSE and civil society to continue to promote transparency in order to avoid more infiltration of organised crime in the electoral process.²⁶

On 4 November 2007, Guatemala chose the person who will take the reigns of power for the next four years. President elect Alvaro Colom will need to be accountable to a society sickened by the level of violence and expecting him to search for solutions.²⁷

- 1 Prensa Libre, *Los Comicios diputados salvadoreños*, 31 August 2007
- 2 Press Release, Organisation of American States, 27 August 2007
- 3 Words of Philip Alston, Press Conference in Guatemala City, 24 August 2006
- 4 *Ibid.*
- 5 Prensa Libre, *Ejecutados los cuatros detenidos por asesinato de diputados, Siglo Veintiuno, Matan a los cuatros policias anticrimen*; El Periódico, *Matan a los 4 policias implicados en crimen de diputados salvadoreños*, 26 February 2007
- 6 Siglo Veintiuno, *UE y ONU advierten violencia electoral*, 2 December 2007
- 7 Agencia Cerigua, 29 August 2007
- 8 Myrna Mack Foundation, *Tendencias en materia de seguridad: La militarización y la creación de nuevos agentes de la muerte*, Guatemala, 2007, p.3
- 9 Mirador Electoral, Report, *Un Proceso Electoral En Riesgo Por la Conflictividad*, July 2007
- 10 Prensa Libre, *Editorial: Violencia contra los candidatos*, 26 July 2003
- 11 Agencia Cerigua, 31 August 2007
- 12 Electoral Observation Mission of the American States, Observation Report No. 2, 29 September 2003
- 13 Prensa Libre, 17 May 2007
- 14 *Ibid.*
- 15 Prensa Libre, *Crece pugna entre la UNE y el PP*, 28 June 2007
- 16 Prensa Libre, *Ministra dice que no hay pruebas*, 5 July 2007
- 17 Prensa Libre, *Violencia política preocupa a CIDH*, 1 September 2007
- 18 La Hora, *CEJIL exhorta al Congreso a aprobar la CICIG*, 28 July 2007
- 19 Siglo Veintiuno, 23 August 2007
- 20 DESC Foundation, *Situation Análisis No. 65*, 16 April 2007
- 21 Mirador Electoral, *Op Cit*, p.5
- 22 Siglo Veintiuno, *MP no ve tinte político en muertes*, 3 July 2007
- 23 La Hora, 5 July 2007
- 24 El País, 1 September 2007
- 25 Siglo Veintiuno, *Reelección, principal factor de conflictos*, 4 September 2007
- 26 OAS, Press Release, 10 September 2007
- 27 Mirador Electoral, Executive Summary, *Electoral Panorama of Guatemala 2006-2007: Political Challenges*, 11 August 2006

The murders of women in Guatemala

During 2005 around 600 murders of women were registered in Guatemala, double the number recorded in 2001¹ and equivalent to almost two violent deaths each day. In 2006 there were at least 580 cases². The majority of the victims are young; between 13 and 33 years old, and from a low socio-economic background.³ Many are workers or students, active outside the home.⁴

Proportionally, the number of murders of women has risen in relation to those of men. According to National Civil Police (PNC) data, between 2000 and 2004 murders of men increased by 36% while those of women increased by 56%.⁵

A significant number of murders of women in Guatemala are characterized by extreme violence, including torture, mutilation, cruelty, and sexual violence. According to the Guatemalan Human Rights Ombudsman (PDH), there exists a brutality uniquely inflicted on women victims, such as mutilation, which “shows a particular cruelty, reflected in the cutting of the face and the inherent idea of disfiguring the woman’s beauty, the removal of organs, anal rape”.⁶

“Femicide” and “Feminicide”

Increasingly, the terms “femicide” and “feminicide” are used to identify the murder of women as a phenomenon distinct from the generalised violence that affects life throughout Guatemala. From many perspectives (legal, academic, sociological) these concepts are considered complimentary, given that both describe these crimes as part of a kind of violence based on gender, constituting at the same time a clear violation of human rights and a form of domination and control of women within a patriarchal system. The term “feminicide” has, in addition to its judicial meaning, a political connotation, implicating the State for its failure to fulfill its obligation to protect its female citizens. In this sense, in the words of the Mexican feminist Marcela Lagarde, “feminicide is protected by impunity and within it, converging in a criminal manner, are the silence, omission,

negligence and collusion of authorities charged with the prevention and eradication of such crimes”.⁷

Social context of the guatemalan woman

Guatemala occupies 98th place in the Women’s Development Index, an indicator that illustrates the obstacles



Demonstration on 26 November 2007, for International Day of No Violence against Women, Guatemala City. Photo: PBI

faced by women to gain access to development.⁸ The number of women economically active in Guatemala is half that of men, while the majority of women are only able to obtain employment in the agricultural and textiles sectors, where they suffer frequent violations of their labour rights and receive a salary less than that of men, albeit for the same work. The majority of rural indigenous women work in the home, without pay.⁹ An illiteracy level of 37%¹⁰ among Guatemalan women further complicates their access to development. In this way, Guatemalan women “continue to occupy a position of inferiority and subordination that increases their social undervaluation and exploitation and, accordingly, their risk of becoming victims of gender violence”.¹¹

The State’s obligations and response

The 1996 Peace Accords contain commitments relating to women’s rights, including the struggle against discrimination. Guatemala is a signatory of the UN Convention for the Elimination

of all Forms of Discrimination against Women (1982) and ratified its Optional Protocol in 2002. It has also ratified the Inter-American Convention for the Prevention, Punishment and Elimination of Violence against Women (better known as the Convention of Belem do Pará, 1995).

At the national level, the National Plan for the Prevention and Eradication of Intrafamilial Violence and Violence Against Women (PLANOVI) and the National Policy of Promotion of Development of Guatemalan Women have been established. The government has also created several institutions which, among other functions, aim to combat violence against women, such as the Office for the Defence of Indigenous Women (DEMI), the National Coordinator for the Prevention of Intrafamilial Violence and Violence against Women (CONAPREVI), and the Presidential Secretary for Women (SEPREM). On 27 November 2006, the government presented a Strategy to Tackle Femicide in order to advance efforts to eliminate gender violence.¹²

Justice for women

Nevertheless, criticism of State institutions persists in relation to their response to murders of women. For example, according to a report by the Centre for Informative Reports on Guatemala (CERIGUA), of the 2917 cases of feminicide recorded by 31 December 2006, only 5% had arrived at the final phase of investigation by the Public Prosecutor’s Office.¹³ Amnesty International (AI) also found that many investigations are brought to a standstill by “a lack of training in investigative techniques, a lack of technical resources and a lack of coordination and cooperation between State bodies”.¹⁴

After her visit to Guatemala in February 2005, the UN Special Rapporteur on Violence against Women, Yakin Ertürk, formulated recommendations to the Guatemalan Government regarding the measures and initiatives needed to

Yakin Ertürk's recommendations to the Government of Guatemala

1. End impunity for violence against women through legislative, investigative and judicial reform
2. Provide protective and support services to women facing actual or risk of violence
3. Create a gender-sensitive information and knowledge base
4. Strengthen institutional infrastructure
5. Promote training, operational and awareness-raising programmes

Source: Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, on her mission to Guatemala (9-14 February 2004) (E/CN.4/2005/72/Add.3)

achieve the protection and promotion of the rights of women and the elimination of violence against women (see insert). In 2006, the Centre for Legal Action for Human Rights (CALDH) produced a report documenting the State's fulfillment of these recommendations. It revealed continuing "serious resistance" in the political field and in terms of women's access to justice and its administration, as well as persisting prejudicial stereotypes of women.¹⁵ Like Amnesty International, it found a tendency at all levels to blame the victim, whose relatives often found themselves obliged to demonstrate her "respectability".¹⁶ CALDH also drew attention to the damage to institutional legitimacy resulting from "evidence of human rights violations by State institutions",¹⁷ leading to a lack of confidence and trust on the part of victims and witnesses in reporting crimes and thus reducing any possibility of changing the culture of violence and impunity in the country.

Some recent initiatives

In September 2007, a consortium of social organizations presented to the Guatemalan Congress a proposal for a new law dealing with violence against women, which takes into account the recommendations of the UN Special Rapporteur and other international mechanisms. This new law, which is in the process of approval, would promote "the adequate prevention, investigation and sanction of all forms of violence and discrimination against women".¹⁸ At an international level, on 11 October 2007, the European Parliament

issued a Resolution on the murder of women (femicide) in Mexico and Central America and the role of the European Union in the fight against the phenomenon.¹⁹ The Resolution states that "the obligation of a state based on the rule of law is to promote appropriate policies so that women in general, and above all those least favoured, enjoy adequate protection against discrimination, violence, and ultimately, femicide", and that this process "should start by raising the awareness of society and authorities at all levels regarding the gravity of the problem". The resolution, in addition, "demands that Central American countries take the necessary measures to effectively fight violence against women; asking that these measures guarantee the integral respect of human rights, such as free legal assistance for women victims and their families, as defined in the Universal Declaration of Human Rights and in the American Declaration on the Rights and Duties of Man", among other recommendations.

There seems to be a general consensus among women's and human rights organizations that to eliminate femicide it is necessary to end both the pervasive impunity, and the discrimination experienced by Guatemalan women. These groups are also in agreement that although several mechanisms and institutions have been created specifically for this purpose, important deficiencies persist. The International Federation of Human Rights (IFHR) states: "Femicide is not a problem exclusive to women, but the

tip of the iceberg of diverse modalities that affect society in its entirety".²⁰

1 Guatemalan Women's Group (GGM) using National Civil Police (PNC) data, cited in Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM), *Investigación Femicidio*, 2007, p.56

2 PNC data, cited in Amnesty International (AI), *The State of the World's Human Rights*, 2007 Report, p.191

3 CLADEM, *Ibid.* p.52

4 Centre for Legal Action for Human Rights (CALDH), *Asesinatos de Mujeres: Expresión del Femicidio en Guatemala*, 2005, p.48

5 International Federation of Human Rights (IFHR), *El Femicidio en Mexico y Guatemala*, Report No. 446/3, April 2006, p.26

6 Human Rights Ombudsman (PDH) 2004, cited in AI, *No Protection, No Justice: Killings of Women in Guatemala*, 2005, p.10

7 Marcela Lagarde, cited in CALDH, *Op. Cit.* p.11

8 IFHR, *Op. Cit.* p.30

9 *Ibid.* pp.39-40

10 United Nations Development Programme, *Human Development Report*, 2006/2007

11 *Ibid.*

12 Government of Guatemala, *Presidentes subscriben compromiso de implementar una estrategia contra el femicidio*, Press release, 28 November 2006

13 Centre for Informative Reports on Guatemala (CERIGUA), *Investigación en prensa escrita sobre violencia contra las Mujeres*, 2006, p.8

14 AI, *No Protection, No Justice: Killings of Women in Guatemala*, 2005, p.15

15 CALDH, *Informe de seguimiento al cumplimiento por parte del Estado de Guatemala de las recomendaciones de la Relatora Especial de las Naciones Unidas sobre la violencia en contra de las mujeres*, 2006, p.57

16 AI *Op. Cit.* p.21

17 CALDH, *Op. Cit.* p.59

18 Assembly of Non-Governmental Organisations to Promote Proposals and Legal Reforms in Favor of Women, *Propuesta de Proyecto de Ley Marco sobre Violencia contra las Mujeres*, 17 September 2007

19 European Parliament resolution of 11 October 2007 on the murder of women (femicide) in Mexico and Central America and the role of the European Union in the fight against the phenomenon (2007/2025) (INI), Brussels. (P6_TA(2007)0431)

20 IFHR, *Op. Cit.* p.39

Interview with Julio Archila, founder and legal advisor of the Campesino Workers Movement (MTC) in San Marcos

How many years have you been working in the area of agrarian conflict and labour rights in Guatemala?

I've been working in the area of agrarian conflict since 1990, when I founded a trade union in the finca (estate) of Los Cerros. It was during this period of struggle that the idea of creating the Campesino Workers Movement (MTC) was born. With the support of Monsignor Ramazzini (the Bishop of San Marcos) and other comrades, the MTC was founded in 1997. Since then I have been working for the Movement as legal adviser in the coastal and highlands areas of the department of San Marcos.



Julio Archila with his wife and daughters. Photo: PBI

There is a currently a lawsuit open against you and your son. Can you tell us more about this?

Yes, there is currently a lawsuit against me and my son Antonio. It is regrettable and sad, because one is working honourably, struggling for the fulfilment of the fundamental rights of the campesino workers in the fincas, and those with powerful economic interests are seeking to complicate our work. In November 2005, my son and I bought coffee from Mr Eduardo Chilet, of the finca Las Estrellas. While we were transporting the coffee, the police and the administrator of the finca Las Delicias, one of the properties that share a boundary with Las Estrellas, arrested us, alleging that the coffee was from Las Delicias.

What are the charges against you and your son?

The representative of Las Delicias accuses us of theft, evasion and coercion.

Has there been a judgement against you?

At this moment, there is no judgement against us. There was a six-month investigation by the Public Prosecutor's Office during which, as a form of bail, we had to attend the offices of the justice of the peace in San Pablo every two weeks and sign a book there. In June of this year, the time came for the court hearing of the case between ourselves and the representative of Las Delicias, and the judge ruled in our favour. He said that there was not sufficient evidence to condemn us, that is to say, the accusations against us were legally rejected. However there then followed an appeal by the owners of the finca and the case was referred to the fifth court of appeal in Quetzaltenango. In July the judges granted a further six months to reinvestigate the evidence against us.

Do you believe the legal suit against you is linked with your work with the MTC?

Yes, it is linked with my work with the MTC. I am providing the campesinos with training about their labour rights so that they have the legal grounds to demand their rights from the powerful economic interests that own the fincas. In the case of the community of Las Delicias, for example, the MTC is advising 26 campesino families that are fighting for their labour rights and the reinstatement and payment of their salaries, equivalent to 1,300,000 quetzales (approximately 115,000 euros), which the owner of the property has owed them since 2001.

Have you suffered intimidation or threats as a consequence of your work?

Yes I have had threats and intimidations against me, but also

against my family. In my case, armed men went looking for me on my uncle's land in San Pablo. Another person told me that they had been looking for me. When the case against me and my son was opened at the end of 2005, we also heard of rumours saying that it would be easier to kill me than to subject me to a very long and expensive judicial case. We have seen cars pass in front of our house observing us. My wife in particular has noticed this on occasions when she has been alone in the house. Sometimes the people in the cars are armed.

Have the threats increased as a result of the legal process?

Yes, they have increased. When we attended the hearing at the Malacatán court in June of this year, there were armed men in two pick-ups in front of the courthouse. For me, this was a clear intimidation. And when we were in the hearing, sadly and regrettably, the landowner arrived with his bodyguards, without exaggeration some ten well-armed men, and this happened in a tribunal, where really one hopes that justice is dealt with legally. It was intimidating for me, my family and my work colleagues.

There are also indirect threats towards the work of the MTC, defamation and rumours against me and other colleagues, and rumours of impending forced evictions in fincas where the campesinos have seized land in order to demand their rights.

How is this case affecting your home life and your work situation?

Certainly, it is an ordeal, because one is dedicated to what the families of the campesino communities are suffering and one tries to support them, but one's strength is limited. I cannot contend with everything and I have to limit myself and this is difficult. With the intimidations,

there is fear that something could happen to us and now with this court case there are many worries affecting my family, above all for my son Antonio, whose future is uncertain owing to the court case. It all causes one's moral to falter a little.

Of course all of these worries also affect my work. When I had to sign before the Justice of the Peace as bail, this already placed restrictions on my time management, and one has to manage the security situation very carefully. Of course, we are receiving accompaniment from the Peace Brigades International (PBI) team, which we requested after the start of the legal case against me and my son. This accompaniment has given us strength and helped us to continue our work. And thanks to God, we are strong on a spiritual level as well.

What has been your motivation during so many years at the forefront of the campesino struggle?

The principal motivation, or the spiritual strength that one has, derives from the fact that since 1990 we have put our trust in biblical teaching. One text moved me considerably.

It's the text that says: "I was hungry and you gave me nothing to eat, I needed clothes and you did not clothe me, I was in prison and you did not visit me, I was sick and you didn't take care of me..."



Coffee maturing on the branch.
Photo:PBI

This biblical text made me think that Jesus demands that Christians, well, right now I'm not going to say that I'm a good Christian, but Jesus demands that we be good Christians and from this one take a little more strength from the spiritual side of things.

What strengthens me more is that Jesus promises another life after this one, and therefore, as a Christian, one goes along finding a balance between the two.

That is to say, if Jesus is with me in this life, really we have to do this. But at the same time, to think in the other life, this is what Jesus offers eternally. These are the things that have motivated me to try and improve things, in this case, to support the families that little bit more.

Also, one can find strength in the support of the family. My children and my wife are my base. Thanks to my family I feel strengthened because I have a united family and this enables us to support families that are in a process of development and defending their rights. I also must thank the MTC technical team. This team is simple but strong at the same time, because we all support each other.

Do you know of other legal cases against human rights defenders in Guatemala?

Yes, there are fellow human rights workers faced with legal charges, but in this moment I'd like to mention above all three colleagues of the MTC that have security problems as a result of their struggle for a more dignified life in the communities of San Marcos. For example, José Ramo and Luciano Ramírez received threats for defending their labour rights. Also José Manuel Morales, a member of the technical team of the Movement, has received threats as a result of his struggle to defend the natural resources of the San Rafael region, where there is a hydroelectric project.

Association Agreement between the European Union and Central America

Cooperation and political dialogue between the European Union (EU) and Central America are currently based in the Political Dialogue and Cooperation Agreement signed in 2003 with a view towards the future negotiation of a more comprehensive Association Agreement (AA), "viable and mutually beneficent, that includes a free trade agreement".¹ In the IV Summit of Heads of State and Government of the EU, Latin America and the Caribbean (Vienna, May 2006), heads of state of the EU, Latin America and the Caribbean agreed to begin negotiations for the creation of the AA between the EU and Central America.²

What is an Association Agreement?

According to the Guatemalan Government, the AA is composed of a political agreement and a cooperation agreement coordinated by the Foreign Ministry, together with a free trade agreement coordinated by the Finance Ministry.³

Nevertheless, the focus of the Association Agreement is fundamentally economic, given that political dialogue and the mechanisms for European cooperation in Central America are already functioning, comments Mario Rodriguez, of the Council of Investigations and Information in Development.⁴ In this way, according to Rodriguez, the AA is simply a free trade agreement equivalent to the free trade agreement between the US, Central America and the Dominican Republic (DR-CAFTA), given that "the themes of cooperation and political dialogue are oriented and subordinated to commerce [and] the result will be a free trade agreement masked with cooperation mechanisms and democratic clauses without substance".⁵ For its part, the European Parliament's

Negotiation Objectives:

Political Sphere

- Strengthen dialogue between the parties
- Promote, distribute and defend democratic values, particularly respect for human rights
- Equality between personal freedom and the principles of the rule of law
- Foreign policy cooperation

Cooperation

- Deepen and strengthen cooperation between Central America and the EU
- Contributions that enable countries to improve their capacity to respond effectively to the challenges presented by political dialogue and the free trade treaty

Free trade treaty

- Promote the social and economic development of Guatemala through the opening of new markets in goods and services
- Establish clear trade and investment rules that ensure certainty for the economic agents that contribute to increased competitiveness
- Eliminate tariff barriers and establish mechanisms that avoid the application of discretionary or unilateral measures affecting trade
- Improve, broaden and deepen the conditions for access to the market of the EU consistent with the differences in respective levels of development

Source: Government of Guatemala

vision of the AA focuses on more than a free trade zone, seeking "a political and economic association with the region and its individual countries, taking into account the asymmetry and disparities between the regions and between the distinct countries of Central America, that therefore includes key provisions on developmental cooperation and social cohesion".⁶

What are the interests of the EU in negotiating an Association Agreement with Central America?

The European Commission's aims in establishing an Association Agreement with Central America are focused on "promoting a deeper political association between both regions based in the promotion of human rights, democracy and good governance, commitment to the defence of these common

values in a global context and the development of multilateralism".⁷

According to Suzan van der Meij, the EU does not have many commercial interests in Central America, but its interest in negotiating an AA with the region is part of a "global policy of the EU, and the global tendency to negotiate regional agreements when satisfactory progress has failed to be achieved within the World Trade Organisation (WTO)".⁸ Accordingly, the benefits are found in the promotion of a free trade agreement "that permits the EU to consolidate its investments in the region and open up the service sector for its businesses".⁹

The EU has strong geopolitical interests in Central America that urge the establishment of an AA and that result in the possible reduction of the "negative effects of DR-CAFTA for European exporters and the privatization of services,

opening new opportunities for European multinationals particularly in sectors such as telecommunications, energy, water and construction services”, notes Suzan van der Meij.¹⁰

The interests of the Central American countries in the AA are found in the opening of commercial markets for the finance sector and specifically for some business sectors; with the establishment of this type of agreement Guatemala demonstrates its integration in the world economy which improves its image and attracts investment.¹¹

What are the possible effects of the establishment of the Association Agreement?

According to Suzan van der Meij, taking into account the institutional and competitive disparities between the two regions and the consequences of the AA between Mexico and the EU and of DR-CAFTA, it is possible to conclude that the establishment of an AA between Central America and the EU would result, in concrete terms, in a lowering of the employment rate, in the privatization of the most elemental services and a consequent difficulty of access to such services for part of the population, in this way accentuating the economic inequalities between the two regions, in particular increasing the trade deficit of the Central American countries.¹²

What are the key points for the Association Agreement between Central America and the EU?

Various European networks have produced a series of recommended guidelines for the negotiations and some of them mention that the AA should recognize and adequately take into account the disparities between the EU and Central America and between the individual countries of Central America with the objective of contributing to sustainable development. The agreement should also include the 27 international conventions

and agreements contained in the European Generalized System of Preferences (GSP plus) and a monitoring mechanism in order to ensure full observance of human rights protected by the “democratic clause” of the Agreement and of these conventions and agreements, in this way incorporating obligatory observation of Convention 169 of the International Labour Organization (ILO). Also necessary would be the creation of a mechanism for the broad and effective participation of civil society, to ensure the democratic and transparent character of the negotiations.¹³

The Copenhagen Initiative for Central America and Mexico (CIFCA), together with Grupo Sur, organized a conference on the 3rd and 4th of May 2006 in Brussels in order to unite the will of both regions to insist that an alternative model of Association Agreement, based in the principle of non-reciprocity and special and differentiated treatment, is not only possible but necessary. For CIFCA, a social dimension to Central American integration is essential if a progressive cohesion is to be achieved, resulting from substantial improvements in the distribution of wealth and income and the elimination of gender, racial and ethnic discrimination. CIFCA insists in the urgency of realizing this social dimension through targeted regional policies that compliment

and encourage equally socially-minded national policies, based on principles of social justice and practical politics: ultimately only socially based progress and wellbeing will motivate the majorities of the region to assume the process of regional integration through identification with its values and intentions.¹⁴

1 European Parliament, *Project Report: proposal of recommendation of the European Parliament for the Council for the mandate of negotiation of an Association Agreement between the European Union and its member states, for one part, and the countries of Central America, for the other*, 22 November 2006, p.6

2 Ibid.

3 Government of the Republic of Guatemala, *Negociación del Acuerdo de Asociación Centroamérica – Unión Europea*, January 2007

4 Mario Rodríguez, *Alcances de un acuerdo de Asociación entre Unión Europea y Centroamérica*, Council of Investigations and Information in Development, April 2007

5 Ibid.

6 Op. Cit./ Supra nota de pie 1, p.3

7 European Union – Delegation of the European Commission in Guatemala, Press Release, 6 December 2006

8 Suzan van der Meij, “*The Association Agreement between the European Union and Central America*”, PICA (Christian Aid/DanChurchAid/Diakonia Suecia/ICCO), January 2006.

9 Op. Cit. / footnote 4

10 Op.Cit. /footnote 8

11 Ibid.

12 Ibid.

13 <http://www.cifca.org/>

14 Address by Luis Guillermo Perez Casas, Executive Secretary of CIFCA, Meeting regarding Central American Integration, *Otra integración es posible*, Managua, 17 and 18 July 2007 (en www.cifca.org)



Flags flying outside the offices of the European Union Delegation to Guatemala.
Photo: PBI

News from the PBI Guatemala Project

Team Work

The current year started with an increase in violence and crime throughout Guatemala, influenced by the electoral process, according to various analysts. Threats and assassinations of political party members have dominated newspaper front pages almost routinely, together with an alarming number of assaults on bus drivers, particularly in the capital. During the months leading to the elections this climate of violence and insecurity rose significantly. According to national press accounts, the unknown perpetrators of a long list of violent acts of uncertain origin were able to disguise their acts among the political violence and electoral process, and it is in this context that threats of violence against human rights defenders have arisen. Harassment, intimidation, threats and break-ins of offices of NGOs and other civil society members have occurred with alarming regularity. Consequentially, the number of requests for accompaniment received by PBI has continued to increase in recent months.

Accompaniments

In the capital we continue to accompany Project Counseling Services (PCS), the Guatemalan Association of Mayors and Indigenous Authorities (AGAAI), the National Coordinator of Residents of Marginal Areas in Guatemala (CONAPAMG), the Women's Sector, Jose Roberto Morales of the Centre for Legal Action on Human Rights (CALDH) and Zulma of the Organisation to Support an Integrated Sexuality to Confront AIDS (OASIS). Also the Madre Selva Collective, which we recently accompanied in its activities in different regions of the country, and the Coordinator of Widows of Guatemala (CONAVIGUA), which we accompanied during various exhumations and inhumations. Outside the capital, we continue



Women waiting to register during the community consultation in San Sebastian, Huehuetenango, October. Photo: PBI

accompanying the Association of Friends of Lake Izabal (ASALI) in El Estor, Izabal; the Campesino Workers Movement (MTC) in San Marcos, in particular Julio Archila of the MTC; and the Union of Campesino Organisations of the Verapaces (UVOC) in Alta Verapaz.

Observations

During the first round of national elections on 9 September we were international observers in Playa Grande, a municipality of Ixcán, Quiché, and in El Estor, Izabal, while accompanying members of ASALI in this region. We also observed the court hearing in the Second Court of Criminal Appeals in Guatemala City, the consequence of an injunction sought by numerous civil organisations to reactivate the extradition order of four ex-military personnel and two ex-government officials accused of crimes against humanity. We had the opportunity to observe a community referendum on mining in San Sebastian, Huehuetenango and were also present at a demonstration on 26 November in the capital, to commemorate the

International Day of No Violence against Women.

Other activities

During recent months we have held a number of meetings with various political and civil society members, to develop our analysis of the current situation in Guatemala. We have also held meetings with international authorities such as the Ambassadors for Germany, Switzerland, Portugal and Holland and the first secretary of the French embassy. We have also met with members of the delegation of the European Union in Guatemala, and have attended various events in the Dutch and Spanish embassies.

Work of the Project Coordinating Committee

Members of the Guatemala Project committee and our office in Spain have continued their work of strengthening political support outside Guatemala:

In Germany: On 26 September, Kerstin Reemtsma, European Representative of the project,

PBI accompaniments

PBI accompaniments are undertaken after studying petitions from organisations that are concerned with one or more of the following areas: the fight against impunity, land rights and the effects of globalisation on human rights. Over the past months we have accompanied the following organisations:

- **The Coordinator of Widows of Guatemala, CONAVIGUA.** We carry out regular visits to their office and also accompany during exhumations in hidden cemeteries, and inhumations thereafter.
- **The Union of Campesino Organisations of the Verapaces, UVOC.** We accompany various leaders of the UVOC, in particular **Carlos Morales**, since the 13th of May 2005, during activities in the Verapaces and other parts of the country.
- **Guatemalan Association of Mayors and Indigenous Authorities, AGAAI.** We make regular visits to their office and accompany **Carlos Guarquez** of the association in his movements during his work on community referendums.
- **The MadreSelva Collective.** We carry out regular visits to their office and accompany them during their activities throughout the country where members are seen to be at greater risk.
- **The Movement of Campesino Workers, MTC.** We started accompanying the organisation in November 2005. We carry out regular visits to their headquarters in San Marcos and accompany some of the movement's leaders who have received threats because of their work.
- **The Association of Friends of Lake Izabal, ASALI.** We continue to accompany the association's legal representative, **Eloyda Mejía**, as well as other members of the organisation, during their activities in El Estor, Izabal.
- **Organisation to Support an Integrated Sexuality to Confront AIDS, OASIS.** Since March 2006 we accompany the organisation with regular visits to their office. In particular we accompany **Zulma**, witness to the murder of a transgender person, a crime allegedly committed by members of the National Civil Police.
- **Women's Sector.** In June 2006 we began to accompany members of the organisation working in the capital after they were victims of two unlawful entries into their office. Since then we have regularly visited their workplace and also accompanied them during activities outside of their office.
- **The National Coordination of Residents of Marginal Areas in Guatemala, CONAPAMG.** We have intensified the accompaniment of the coordinator **Roly Escobar** after the threats he received on the 10th of September, and for intimidations and constant vigilance suffered by him and the organisation.
- **Centre for Legal Action on Human Rights, CALDH** We began accompanying **José Roberto Morales** after he received death threats in February 2007.
- **Project Counselling Services, PCS.** We accompany a worker of the organisation in their daily movements and with presence in their home, after an assault and robbery on the 7th of May 2007 followed by a threatening telephone call on the 17th of May 2007.

held a meeting with the German europarlamentarian Peter Liese, member of the Central American Delegation and of the Christian Democrat party. During September Kirsten also met with Christian Grün, the Central American representative of the German Ministry of Foreign Cooperation in Bonn, where she presented the work of PBI, the Guatemala Project, and our concerns regarding the current situation.

In Belgium: Kerstin participated in the meetings of the Guatemalan work group of the Copenhagen Initiative for Central America and Mexico (CIFCA) in Brussels in September and October. In addition, Kerstin and the Project Coordinator, Montse Garcia,

participated in the general assembly of CIFCA in Brussels on 24 October.

In Spain: Montse Garcia and Maripaz Gallardo, support worker of the Guatemala project, participated in a meeting with the Human Rights Office of the Spanish Foreign and Cooperation Ministry in Madrid on 11 September. The meeting dealt with the VI session of the Human Rights Council and the 62nd General Assembly of the UN. Maripaz also met with Rosa I. Hernandez del Campo, councillor and General Delegate for Social Wellbeing, Employment and the Family, of the Valladolid municipality. Mayte Quesada, Project Administrator, and Susana Fernandez, PBI Spain Coordinator, held a meeting with Jesús López-Medel, member of congress for the Popular Party. Mr López-Medel

has visited Guatemala on a number of occasions and recently participated in the mission of the Organisation of American States as an international observer for the elections of 9 September. On 8 October Montse also met with Fernando Fernández-Arias, Director of the Human Rights Office of the Spanish Foreign Ministry.

Life in the team

We have welcomed five new volunteers from Spain, France, Germany, Italy and Holland. Daily life in the PBI Guatemala team continues to be a rewarding one for all of us.

Mission

To improve the human rights situation in Guatemala and contribute to the democratising process of the country through an international presence that works to maintain the political space for human rights defenders, lawyers, union members, campesino and Indigenous organisations and civil society groups that are suffering repression due to their work in defence of human rights.

Objectives

1. To provide an international presence that contributes to the opening and protection of the political space of Guatemalan organisations that are working to end impunity for human rights abuses; and to bring about national reconciliation and compensation to the victims of human rights violations as well as the fulfillment of the commitments of the Peace Accords.

2. To keep the international community informed of the human rights situation in Guatemala through the regular communication of information, as well as frequent contact with international authorities and the diplomatic community both within and outside the country.

3. To ensure that the Guatemalan Government is informed of the attention and concern of the international community to the human rights situation in the country through the regular communication of information and frequent contact with national authorities.

4. To share with Guatemalan organisations the experience and pedagogical tools that help reach the general objective of PBI's project.

Peace Brigades International

PBI is an international non-governmental organisation (NGO) which protects human rights and promotes nonviolent transformation of conflicts.

At the request of threatened social organisations it provides international accompaniment and observation. The presence of international volunteers backed by a support network helps to deter violence.

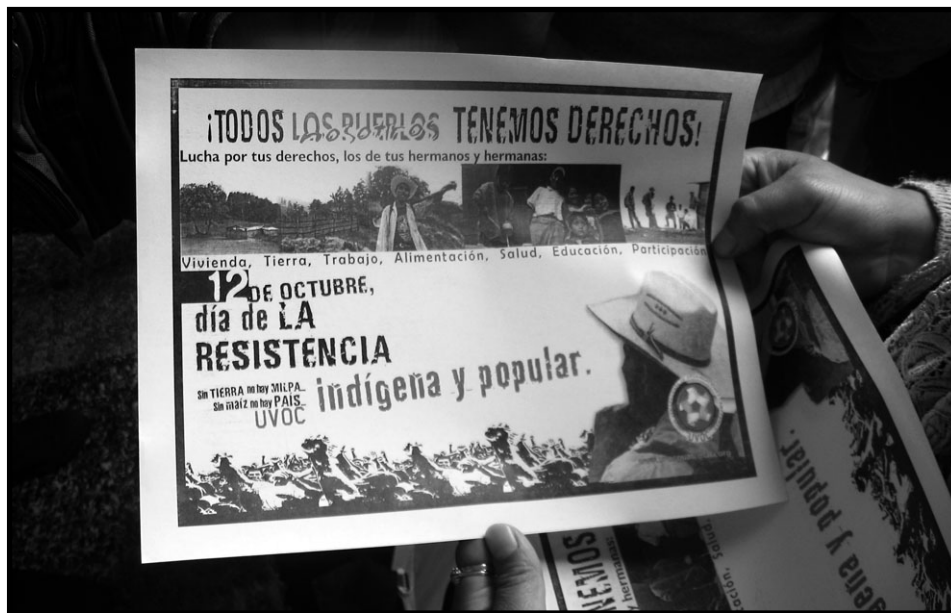
In this way, PBI creates space for local activists to work for social justice and human rights.

PBI in Guatemala

PBI maintained a team of volunteers in Guatemala from 1983 to 1999. During those years it carried out accompaniment work with human rights organisations, trade unions, indigenous, and campesino

organisations, refugees, and religious organisations. In 1999, after an evaluation process it was decided that, as the country had greatly advanced in the opening of space for the work of human rights organisations, the project could close. Nevertheless, PBI remained attentive to the situation in Guatemala through a follow-up committee.

In mid-2000, PBI began receiving a number of requests for international accompaniment. As a result, an investigation was carried out in the field which revealed a deterioration and in some cases a closing of the space for human rights defenders. In April of 2002 PBI decided to reopen the Guatemala Project to carry out international accompaniment and observation in coordination with other international accompaniment NGOs. The new PBI office was opened in April 2003.



Poster for a demonstration organised by the Union of Campesino Organizations of the Verapaces. Photo: PBI.

Team Office in Guatemala

3ª Avenida "A", 3-51, Zona 1
Ciudad de Guatemala
Tel/Fax: (00502) 2220-1032
Tel: (00502) 2232-2930
Correo-e: pbiguatemala@intelnett.com

Project Coordinator's Office:

C/ Romero, 9. 28720 Bustarviejo;
Madrid (Estado Español)
Tel/Fax: (0034) 918 482 496
Correo-e: pbigate@pangea.org
Web: www.peacebrigades.org

Team in December 2007

Jacques van Luytelaar (Holland)
Nadia Graber (Switzerland)
Vanessa Marcos (Portugal)
Daniel Carey (United Kingdom)
Emma Marshall (United Kingdom)
Maria José Urgel (Spain)
Marion Sornay (France)
Maren Enders (Germany/Ukraine)
Valentina Gori (Italy)
Johanna van Strien (Holland)