



PEACE BRIGADES INTERNATIONAL – GUATEMALAN PROJECT

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1. NOTES ON THE CURRENT SITUATION

IMPUNITY

Spanish judge asks for international cooperation in the investigation into genocide in Guatemala

Guatemala, 17.01.2008 (LH, PL, SV, EP, TD).- Santiago Pedraz, the Spanish judge who maintains valid arrest warrants against seven Guatemalans including congress member Efraín Ríos Montt, asked citizens of any country in the world who witnessed the genocide against the Mayan people in Guatemala, to bring charges in their respective courts, which could then be referred to by the Spanish National Audience, which is investigating the case. Pedraz took this decision after Guatemala's Constitutional Court (CC), on 12 December, annulled a judicial process against five generals and two civilians accused of genocide, arguing that Spain lacked the jurisdiction to process the case.

Menchú presents legal action against magistrates of the CC

Guatemala, 18.01.2008 (LH, TD). – Rigoberta Menchú initiated a penal process against the ruling issued by the Constitutional Court (CC) on 12 December 2007, which leaves the National Audience of Spain unable to investigate the genocide crimes in Guatemala. Accompanied by the national and international press, and activists of social organizations, Menchú indicated that she would await a quick reply from the authorities to start the process. The complaint claims that the resolution of the CC is discriminatory, in that it does not recognise that the majority of the victims of the internal armed conflict were indigenous. Likewise, it shows that the resolution “violates the international rights and responsibilities that Guatemala has before the International Community, denies the right to justice of all Guatemalans, and perpetuates impunity”.

Human Rights Ombudsman highlights deterioration of respect for human rights in the country

Guatemala, 24.01.2008 (PL, SV).- The Human Rights Ombudsman, Sergio Morales, presenting his annual report in the Congreso of the Republic, pointed out that the country, “rather than advancing, is moving backwards”, in terms of respect for human rights. He also revealed that he had requested that Carlos Castresana, head of the Commission of Investigation Against Impunity in Guatemala (CICIG), investigate 11 murders committed in San Juan Sacatapéquez, where there is suspected involvement of government officials, assembly members, and security boards. He also presented to the Public Ministry 25 reports with evidence against mayors and auxiliaries, police officers and state authorities, for having links with organized crime and drug trafficking.

LAND

President Colom inaugurates a plan for rural development in Quiché.

Guatemala, 18.01.2008 (PL, EP) – In his first visit to the department of Quiché, President Álvaro Colom inaugurated the plan for Rural Development, which aims, in his words, to bring progress to the most impoverished communities in the country by means of a series of policies whose implementation will begin during the first 100 days. The visit to Ixcán, Quiché, was full of offerings, and although the President did not explain in concrete terms the content of the Rural Development program, he did ask the communities to prepare a list of plans to be carried out in the next 30 days.

Leaders of the campesino movement demand talks and terms from Colom

Guatemala, 18.01.2008 (PL) Leaders of the campesino movement asked the Executive for immediate actions to fulfil the commitments made during the electoral campaign. Daniel Pascual, leader of the Campesino Unity Committee (CUC), said that the organisations were asking for talks but were demanding actions in the short term to promote rural development. Rafael González leader of the National Coordination of Campesino Organisations (CNOC) did not rule out protests, as the

organisations are in disagreement with the energy policy that the government announced and because they are demanding an end to mining concessions and exploitation in indigenous territories without the agreement of the inhabitants.

Campesino Organisations demand resolutions to agrarian debt and violent evictions

Guatemala, 21.01.2008 (LH) – The Coordination of Non-Governmental Organisations and Cooperatives (CONGCOOP) and eight campesino organisations released a communiqué asking the new government to attend to the problems affecting the campesino population. The organisations demanded the intervention of the State to resolve the agrarian debts and violent evictions of campesino families, of which 105 cases were reported during the previous administration. They also demanded the strengthening of the State budget for investment in health, education and nutrition programs.

GLOBALIZATION

Mayors ask for mining licences to be cancelled due to fear of contamination

Guatemala, 11.01.2008 (PL).- The mayors of Nentón and of San Sebastián Coatán, Huehuetenango, asked the Executive to cancel mining licences in their communities, because of their fear of contamination of water sources. Carlos Guárquez, of the Guatemalan Association of Indigenous Mayors and Authorities (AGAAI), said that there had been 83 community consultations in both municipalities, in which 17,594 residents aged over 18 had participated. Guárquez said the population had voted against metal mining, with 100 percent voting to reject it. These consultations were held when the Ministry of Energy and Mines had notified the communities that exploration licences had been issued in the area.

Vice minister of Energy and Mines, Jorge Antonio Garcia, said the exploration licences did not have any environmental impact, because they only seek to determine whether there are precious metals present. He added that “if the presence of valuable minerals is determined, then the phase of negotiation with the communities begins”.

IDB donates \$400,000 to Guatemala to support the development of biofuels

Washington, 16.01.2008 (PL).- The Interamerican Development Bank (IDB) announced that it had donated to Guatemala \$400,000 of its Sustainable Energy and Climate Change Initiative, to support the development of bio fuels. According to an IDB press release, the program aims to reduce external fuel dependence and increase the demand for agricultural products and rural employment generation.

According to the IDB, the donation will be used by the Guatemalan Government in the preparation of a technical and regulatory seal, to propel investment in ethanol and bio diesel production in the country. Amaldo Viera de Carvalho of the IDB team said the program would help to diversify the energy matrix, reduce external dependence of bio fuels and stimulate socioeconomic growth in the country's rural sector.

OTHERS

US deports 346 Guatemalan migrants

Guatemala, 28.01.2008 (GS) – Five aeroplanes with 346 deportees from Atlanta, Georgia and Phoenix Arizona, US, landed in Guatemala, among them 20 women and 15 minors. So far this year, 922 Guatemalan migrants have been deported from the US.

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

2. ACTIVITIES OF PBI GUATEMALA: IN GUATEMALA

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

2.1 MEETINGS WITH AUTHORITIES AND MEMBERS OF THE DIPLOMATIC CORPS

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

Guatemalan Authorities:

- José Adrián López Monterroso, Governor of Coban, Alta Verapaz
- Edgar Leonel Chacón, Mayor of Cobán, Alta Verapaz
- Ernesto Chiquin Caal, Mayor of Santa Cruz, Alta Verapaz
- Benjamín Quej Moran, Official of the National Civil Police substation, 51st Commission, Santa Cruz, Alta Verapaz
- Edgar Pacay, Auxiliary Official PDH, Cobán, Alta Verapaz
- Marilda Alvarado, Administrator, Social Ministry, Parish of Cobán, Alta Verapaz

Diplomatic Corps:

- Juan López-Dóriga, Spanish Ambassador, Guatemala City

2.2 MEETINGS WITH CIVIL SOCIETY ORGANISATIONS

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

Civil Society Organisations:

- Claudia Samayoa, Human Rights Defenders Protection Unit, Guatemala City.
- Mario Minera, Director of the Centre for Legal Action in Human Rights, CALDH
- Marco. A. Curuchich, member of the Presidential Commission against Discrimination and Racism, CODISRA

International Organisations and Agencies:

- Coordination of International Accompaniment in Guatemala, CAIG, Guatemala City.
- Human Rights Commission of International Organisations, FONGI, Guatemala City.
- Coordinator of the Network in Solidarity with the people of Guatemala, NISGUA; Guatemala Accompaniment Project, ACOGUATE y Association of Accompaniment of Austria, ADA, Guatemala City.
- Annie Bird, Director of Action Rights, 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. In January we accompanied him in his journeys to and from work and during a trip to Momostenango.

Background: Since 1994 CALDH has had its headquarters in the capital, where it receives reports of Human Rights violations and directs investigations into the cases. The institution provides counselling, accompaniment and training to organisations, groups and communities. One of its main areas of work is promoting justice in genocide cases, and other crimes committed during the internal armed conflict. We have accompanied CALDH on various occasions between 2004 and 2006. In February 2007, members of the legal team received direct threats. José Roberto Morales Sic was the victim of a kidnapping on 2nd February. Two armed men kidnapped him in his car and threatened to kill him. He was later released and the CALDH vehicle recovered with all his belongings present (including personal documents, cheques and a laptop which belonged to the organisation).

Since 13th May 2005 we have accompanied **Carlos Morales**, leader of the **Union of Campesino Organisations for the Verapaces (UVOC)**, as well as other members of the organisation. We have continued to accompany them throughout January in their headquarters in Santa Cruz, and during the organization's activities. We remain concerned about the security of the members of the members of the organization as they continue receiving threats and noticing surveillance.

Background: UVOC is a campesino organisation in the Verapaces (the departments of Alta and Baja Verapaz) and works principally on access to land for campesinos and providing support in the process of legalisation of the communities' titles to land. UVOC also offers training for communities affiliated with UVOC and supports development projects within those communities. Carlos Morales, leader of the UVOC, has been a victim of death

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

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

Background: Eloisa Mejia has suffered a number of threats as a result of her work to protect Lake Izabal, in the department of Izabal, east Guatemala, and because of her work informing local residents of the possible damaging effects of the re-opening of the Guatemalan Nickel Company (subsidiary of Skye Resources Inc., Canada) mining operation in the area. On 21st February 2004, during a conference on the future of the lake in El Estor, Izabal, she received yet more serious threats, which she reported to the Public Prosecutor's Office (MP) and the Human Rights Ombudsman's Office (PDH). In February 2006 Eloyda Mejia's restaurant wall was graffitied with the words "Yes to CGN" (Guatemalan Nickel Company)." Since late 2006 Eloyda Mejia 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 Mejia received a threatening letter that mentioned her and other active members of civil society organizations in Izabal as 'personas non gratas' in the town of El Estor and as enemies of the town and the State. The letter mentioned that "the rule of an eye for an eye and a tooth for a tooth would be applied".

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 January we have remained in contact with Madra Selva.

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

We continue to accompany the **National Coordinator of Guatemalan Widows (CONAVIGUA)** with regular visits to, and presence in, 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 January we continued with our weekly visits to the office.

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

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

Background: Since the beginning of November 2005, Julio Archila, founding member of the MTC, has suffered various forms of intimidation and threats directed against him and his family. His security problems appear to be related to the support the MTC offers to campesinos engaged in protest on the Las Delicias estate, San Marcos.

On 4th November 2005, police arrested Julio, accusing him of stealing coffee. He was brought before a judge and freed, as no proof of the accusation was found. Since then there have been other acts of intimidation and threats made against Julio Archila and members of his family, as well as other campesino leaders involved in labour conflicts between campesinos and estate owners. Recently, an arrest warrant was issued against Julio Archila and his son Antonio for having transported coffee from the Las Delicias estate in October 2005. The arrest warrants were substituted for other measures while the investigation continued. In June 2007, the judge of the Court of First Instance absolved Julio of all the charges due to a lack of evidence. Nevertheless, the following month the Appeals Court in Quetzaltenango authorised more time for the further investigation of the case. On 15th November 2007 the Las Delicias campesinos came to an agreement with the estate's owners, who agreed to pay them 500,000 quetzales. The owners also agreed to drop the charges against Julio Archilla and his son. There was a moment in which the negotiations had appeared to breakdown, but finally in January 2008 the campesinos were able to buy a new estate and they are now in the process of constructing their new community. At the time of writing, the promise to drop charges against Julio Archilla and his son had not yet been fulfilled.

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

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

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

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

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

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

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

Background: Carlos Guarquez has suffered from various forms of threats, accusations, and intimidations because of his work rejecting the Free Trade Agreement (DR-CAFTA) and mining activities. On 25th March 2005, in the village of El Tablón, Sololá, his vehicle was doused in petrol and set on fire by unknown individuals. Death threats

specifically naming Carlos Guarquez, Dominga Vásquez, the then Indigenous Mayoress of Sololá, and her husband, Alfonso Guarquez, were found scattered around the vehicle. Part of the threat stated: "For your stupid meddling in society, tomorrow will be the day of your disappearance from this world." As a result of this threat we decided to activate our Support Network within Guatemala. More recently on 20th March 2007, the office of AGAAI was broken into by persons unknown who took important documentation and containers. The association denounced this incident as a clear act of intimidation against workers and members of AGAAI for their work in supporting and accompanying the mayors and indigenous authorities struggling for the protection of the land. They have reported the act to the office of the Human Rights Ombudsman (PDH).

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

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

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

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.

3. ACTIVITIES OF PBI GUATEMALA: OUTSIDE GUATEMALA

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

On 15th January, Kerstin Reemtsma, European Representative of the project, participated in a meeting of the Administration Council of the Copenhagen Initiative for Central America and Mexico (CIFCA) and on 16th January, in a meeting of the CIFCA Guatemala working group in Brussels. On the 22nd, a conference call was held between Kerstin and PBI's UK, Switzerland, France and Germany country groups. On the 23rd, Kerstin, Martin Wolpold Bosien, of FoodFirst Information and Action Network (FIAN) and President of CIFCA, and Eckhard Finsterer, of Misereor and representative of the network International Cooperation for Development and Solidarity (CIDSE), had a meeting in the Ministry of Foreign Affairs in Berlin, Germany, with Mrs Monika Frank, responsible for Guatemala. On the same day they held a further meeting in Berlin with the German Parliamentary group for Central America with six parliamentarians: President of the Parliamentary Group and The Left party, Mr Gehrcke; social democrats Mr Zöllmer and Mr Bartold; Christian democrats Mr Weiß and Mr Hüppe; and group secretary Mrs Monika Hein. Kerstin also met with Member of Parliament and President of the Parliamentary Development Commission Mr Thilo Hoppe, and his assistant Kofi Yakpo.

As part of the project's work outside the country, a report was prepared and sent to the Office of the High Commission of the United Nations for Human Rights (OACNUDH) in Geneva. The report aims to support the Human Rights Council of the United Nations (UN) when it reviews the human rights situation in Guatemala in May, using a new analytic mechanism, the Universal Periodic Review.

During January ex-volunteer Owen Cambell, began some public relations work for PBI with the support of his country group PBI Canada. During a visit to three cities they were able to participate in a number of interviews with local radios in Toronto and meet with the international accompaniment organisation Projet Accompagnement Québec-Guatemala (PAQG) in Montreal.

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.

CORTE DE CONSTITUCIONALIDAD CÓMPLICE DE LOS ACUSADOS DE GENOCIDIO

Los familiares de las víctimas y víctimas sobrevivientes del genocidio, crímenes de guerra y delitos de lesa humanidad manifiestan a la sociedad guatemalteca, comunidad internacional y prensa nacional e internacional lo siguiente:

Su repudio al fallo de la Corte de Constitucionalidad (CC), emitido el 12 de diciembre de 2007, por haber dejado sin efecto las órdenes de captura con fines de extradición, y por ende en libertad a los acusados de graves violaciones a los derechos humanos.

La CC se convirtió en cómplice de los imputados de genocidio. Ese fallo colocó al Estado de Guatemala como violador de la jurisdicción universal, reconocida en diversos instrumentos nacionales e internacionales ratificados por el mismo Estado.

La decisión de la CC hace evidente la falta de voluntad del Estado y del sistema de justicia en Guatemala para la investigación, persecución penal y el juzgamiento del genocidio. Asimismo, reafirma la sistemática denegación de la justicia y se burla de la dignidad, creencias y memoria de las cientos de miles de víctimas de las graves violaciones a los derechos humanos.

Los Magistrados de manera deliberada ignoraron los compromisos de derecho internacional contraídos por Guatemala, que habilitan la vía de la jurisdicción universal en los casos de genocidio y delitos de lesa humanidad.

El Estado de Guatemala es parte de la Convención para la Prevención y Sanción del Delito de Genocidio y la Convención contra la Tortura y otros Tratos o Penas Cruelles, Inhumanos o Degradantes, las cuales establecen el deber de conceder la extradición ante la denegatoria de justicia en los Estados.

Ninguno de los delitos denunciados ante la justicia española son amnistiables ni están cubiertos por la Ley de Reconciliación Nacional aprobada con los Acuerdos de Paz, por lo que cabe aplaudir los esfuerzos de jueces de primera instancia y magistrados de las salas de apelaciones que, con valentía y en cumplimiento del ordenamiento jurídico nacional e internacional en materia de derechos humanos, permitieron, con su autorización el cumplimiento de la orden de detención internacional.

No es cierto que el juez español haya renunciado al proceso judicial abierto a los imputados por el caso de genocidio en Guatemala. El Magistrado de la Audiencia Nacional de España ha rechazado en su resolución la manipulación y falta de apoyo que las autoridades judiciales guatemaltecas han hecho de las leyes a favor de los imputados por las graves violaciones al derecho a la vida.

Aclaremos que siguen vigentes las órdenes internacionales de búsqueda y captura, con fines de extradición, así como el embargo de bienes materiales que en su oportunidad emitió el juez de la Audiencia Nacional Santiago Pedraz. Una vez más reiteramos nuestro compromiso con la lucha contra la impunidad. No descansaremos hasta llevar ante la justicia a los responsables del genocidio.

COORDINACIÓN GENOCIDIO NUNCA MÁS

LOS DERECHOS POLÍTICOS, JURIDICOS, ECONÓMICOS, SOCIALES Y CULTURALES DE LOS PUEBLOS INDÍGENAS DEBE SER UNA PRIORIDAD EN LA AGENDA NACIONAL DEL NUEVO GOBIERNO

Guatemala 10 de enero 2008
Iximulew Kajil' Aj

Guatemala, enfrenta una etapa más de su historia política republicana, dominada desde la colonia por la oligarquía criolla, con el tradicional sistema colonialista hacia los pueblos indígenas, cuyas políticas se reflejan en la exclusión, discriminación y racismo.

Vemos con suma preocupación que dentro del gabinete de gobierno del Ing. Álvaro Colom esté integrado únicamente por un profesional Maya, lo cual no constituye representación del Pueblo Maya, Xinca y Garífuna para dirigir ministerios de gobierno, lo que demuestra una política discriminatoria y racista, lo cual evidencia la continuidad de la política implementada por los distintos gobiernos anteriores. Los Pueblos Indígenas una vez más han sido excluido, marginado y discriminado en la conformación del nuevo gabinete.

Por aparte el Ing. Álvaro Colom, en materia política denota improvisación al asignar en las distintas carteras a ex ministros de anteriores gobiernos tildados de corruptos.

En tal sentido Defensoría Maya exige al presidente electo el cumplimiento del compromiso asumido en el proceso de campaña en las comunidades eminentemente maya e indígenas y nombre indígenas profesionales para dirigir los distintos Ministerios, para ser incluyente y solidario con los derechos del pueblo indígena en Guatemala el cual ha sido excluido por mucho años; Asimismo desde ya le exige el cumplimiento de los documentos que ha firmado para incluir en la agenda nacional los planteamientos del pueblo Maya, con distintas organizaciones; de lo contrario, este acto quedaría como una burla, mentira, la manipulación y el aprovechamiento del voto del pueblo indígena a los partidos políticos especialmente la UNE.

En nombre del pueblo indígena de Guatemala le demandamos al gobierno de Colom que inmediatamente debe de revisar y replantear su gabinete, incluyendo un 50% de indígenas y mujeres, porque el pueblo indígena de Guatemala ya esta cansado de mentiras, engaños, aprovechamiento y manipulación, por lo que esperamos en corto plazo se logre establecer mecanismos de inclusión del Tema indígena en las políticas publicas.

Defensoría Maya hace un llamado a todas las organizaciones, convergencias, y comunidades Indígenas de exigir la conformación de un nuevo gabinete con representación indígena, para seguir en la lucha de la transformación del Estado hegemónico, excluyente, centralista y discriminatorio, a un Estado pluricultural. Además pide a nuestros hermanos Indígenas que no se hagan presentes en el acto de toma de posesión del nuevo gobierno, para no ser utilizados únicamente como parte folclórico de ese acto.

POR UN ESTADO INCLUYENTE,

SIN DISCRIMINACIÓN NI RACISMO.

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