

# UDEFEFEGUA

Guatemala

## 2009 Mid-year Report

### 6 months...

## Which way does the balance tilt?

**Current Situation**

**Defensor@s 2009**

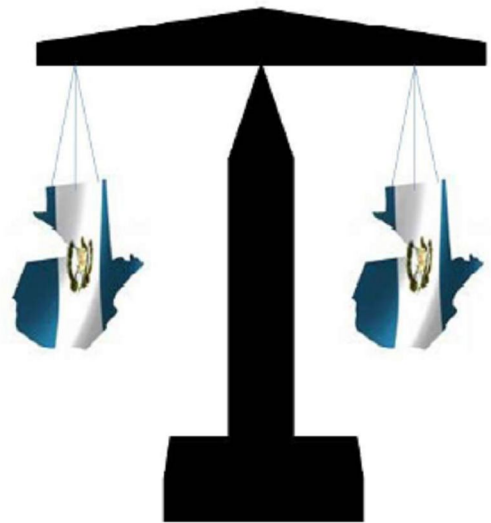
**Israel Carias, justice has been served!**

**Interview with Claudia Samayoa**

**Human Rights Delegation in Honduras**

**Mining in San Miguel Ixtahuacan**

**Defenders in Pocohil –  
Chichicastenango**



In memory of John Gunner Trollnäs, a man who through his behind-the-scenes diplomatic work made a great contribution toward the protection of defenders at risk, as well as the construction of peace. (06/19/2009)

*Human rights are your rights. Take them. Defend them. Promote them. Understand and insist upon them. Nurture and enrich them... They are the best part of us. Give them life.*

*Kofi Annan*

### **Current Situation**

A brief overview of the situation in Guatemala.....3

### **Defensor@s 2009**

Analysis of the Defenders January-June 2009.....4

### **Interview with Claudia Samayoa**

Guatemala must aspire to begin the process of disbanding clandestine operations and illegal groups.....8

### **Israel Carías, justice has been served!**

A defender who fought all his life.....10

### **Delegation for Democracy and Human Rights in Honduras**

A visit to verify human rights during the *coup d'état*.....12

### **Mining in San Miguel Ixtahuacán**

The crisis with Gold Corp.....14

### **Defenders in Pocohil - Chichicastenango**

Illegal detainment and torture of defenders in Pocohil – Chichicastenango, Department of Quiché.....15

## **The UDEFEGUA Team**

**Claudia Virginia Samayoa**

Coordinator Cell: 55130780

**Erenia Vanegas**

Auditor Cell: 51156886

**Luisa Pineda**

Legal Assistant, Cell: 52485626

**Antonio Catalán**

Protection Manager, Cell: 42235106

**Jabier Zabala**

AjNoj, Cell: 57522665

**Luis Alberto de León**

AjNoj Investigator

**Maya Cu**

AjNoj Educator

**Human Rights Defenders  
Protection Unit  
-UDEFEGUA-**

1 calle 7-45 zona 1, Oficina 2-b  
**Tel: 22545840**

**Emergency Cell: 57659033**  
**E-mail: [udefegua@yahoo.com](mailto:udefegua@yahoo.com)**

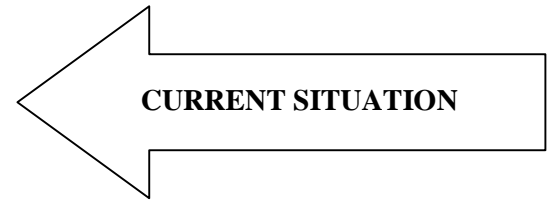
The Guatemalan Human Rights Defenders Protection Unit (UDEFEUGUA) continues with its efforts to maintain precise and up-to-date information about the situation of the defenders in the country with the purpose of supplementing the risk analysis made by Guatemalan human rights and social organizations, the protective actions developed by civil society, the petitioning of the government, and the international community and introduce them to activists interested in the situation.

This report constitutes a preliminary evaluation of the situation in which human rights defenders have been living for the first half of the year. At the moment this report is being written, cases are still being verified. We may receive additional information that could obligate us to remove them from this report; likewise, we may, in the future, receive updates on cases that include acts that have occurred during the past 6 months. The violations of the right to defend human rights mentioned in this publication have been reported to the National Civilian Police, the Public Prosecutor's Office or to the Office of the Human Rights Ombudsman or, in their absence, they are accredited with open inquiries against the defenders and verification of their proofs of discharge. Also, the aggressions against human rights defenders that have occurred are classified as abuse by the Special Representative of the Secretary General of the United Nations regarding human rights defenders. The situation of human rights defenders during the first half of the year has been one of increasing violence, and the defense of human rights appears to have been severely impaired.

During the first part of the year, Guatemala suffered crises of all kinds: in the economic sector (due to the financial crisis and its repercussions in the labor, commercial, and social sectors), in public health (the H1N1 virus), and in security. As a result, we cannot help but mention the hyped death of lawyer Rodrigo Rosenberg, which, during the second week of May, eluded national authorities and once again shined a light on the deficiencies of the judicial system and how inadequately these investigations are processed. One can see how the government of La Esperanza managed to move on after its great scandal, but not without having damaged its foundations of governability. But like all great events, it lingered once again in the short-time memories of almost twelve million Guatemalans.

Now remaining is the social demand to learn the truth about the crime against Rosenberg, in addition to the deaths of bus drivers, women, and all the citizens who have lost their lives at the hands of organized crime rings and clandestine operations at work in the country, as well as victims of genocide and internal armed conflict.

The International Commission against Impunity in Guatemala (CICIG) continues to move forward, with small steps, along



the arduous path it must follow toward the fulfillment of the purpose for which it was created. It is reaping the first benefits of the investigations that have been carried out; in the case of Alvaro Matus, it will now be the joint plaintiff in the lawsuit against the former minister of defense, Eduardo Arévalo Lacs. The ex-minister has been charged with embezzlement, along with the unions against the structure of Ortega Menaldo.

With the approval of the Law to Regulate the Election of Judges, we hope that the members of the Supreme Court of Justice (CSJ) are the most suitable ones for the aforementioned positions, since this will achieve transparency in the judicial system and will be beneficial the work done by the CICIG.

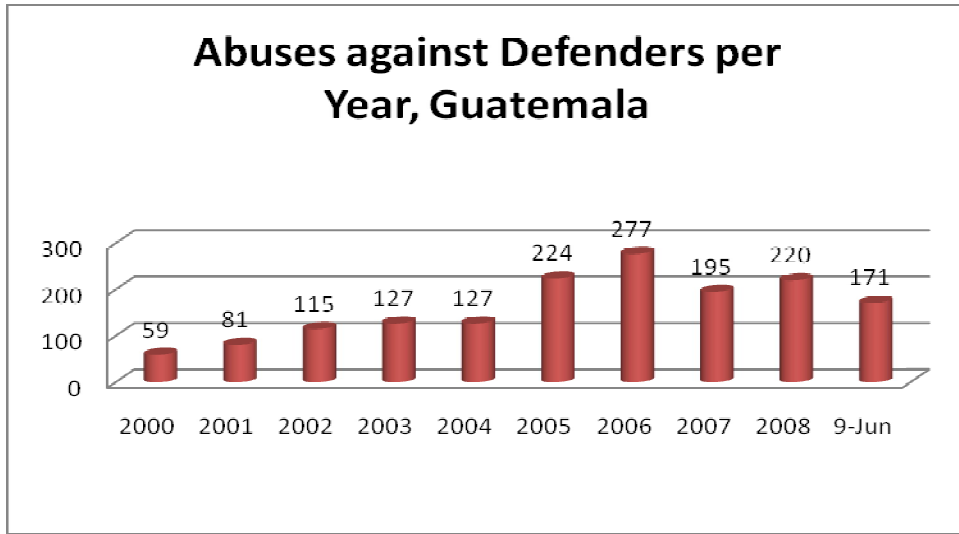
Ten months ago, we were celebrating the nomination of Marlene Blanco Lapola as Director of the National Civilian Police, but at the beginning of June, she was relieved of her post by Captain Porfirio Pérez Paniagua, who acted as Chief of the Central District and Co-director of Operations during the administration of Alfonso Portillo. With these actions, we see with despondency how the PNC is taking up the old guard again, since these appointments remind us of the National Police (PN), and with the recent firing of police agents, organized crime rings will be able to thrive again.

To that end, we may add the lack of interest that the prosecutor of human rights (PDH) is exhibiting in the application of the rules it was established to enforce, which leaves civil society and human rights defenders in a very difficult situation.

Furthermore, we hope to utilize the information that with the help with documentation from the national historical archive of the national police (AHPN). This was in the hands of the PDH, and it contains valuable information to find the perpetrators of many crimes against humanity committed during the armed conflict. The archive remains very well guarded, especially now that the transfer of the documentation to the Ministry of Culture, subordinate of the General Archive of Central America, is in progress. We hope that under this new administration we will have complete access to the information that is of interest in the investigation, in order to restore a certain part of the lost memories and with this, reach justice. It is a situation that will be possible with the founding of the National Commission on Historic Memory.

During the first half of the year, 171 abuses against human rights defenders were registered. This tells us that this going to be a very difficult year for human rights defenders. We are averaging 0.94 attacks per day, which means that we are a mere 22.27% short of the number of attacks in 2008. See the graph below.

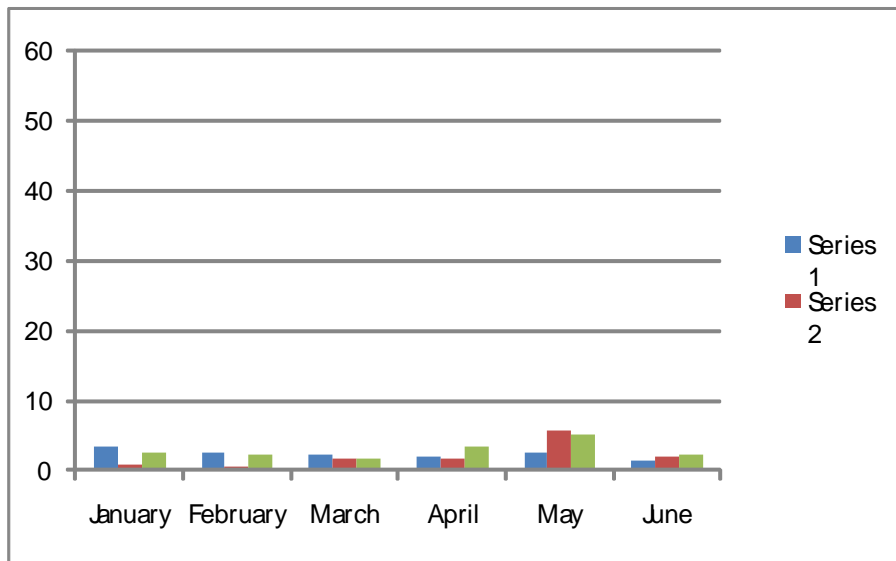
**Graph 1**



42.69% of aggressive acts against human rights defenders registered so far this year occurred during the months of May and June. During the same months last year, there were 125 registered offenses, indicating that in the first half of this year, we have seen an increase of 26.90% in these aggressions. The month of May has the highest number of abuses- equal to the number that occurred during the year 2008. See the graph below.

**Graph 2**

**Aggressions against defenders per month and per year – Guatemala**

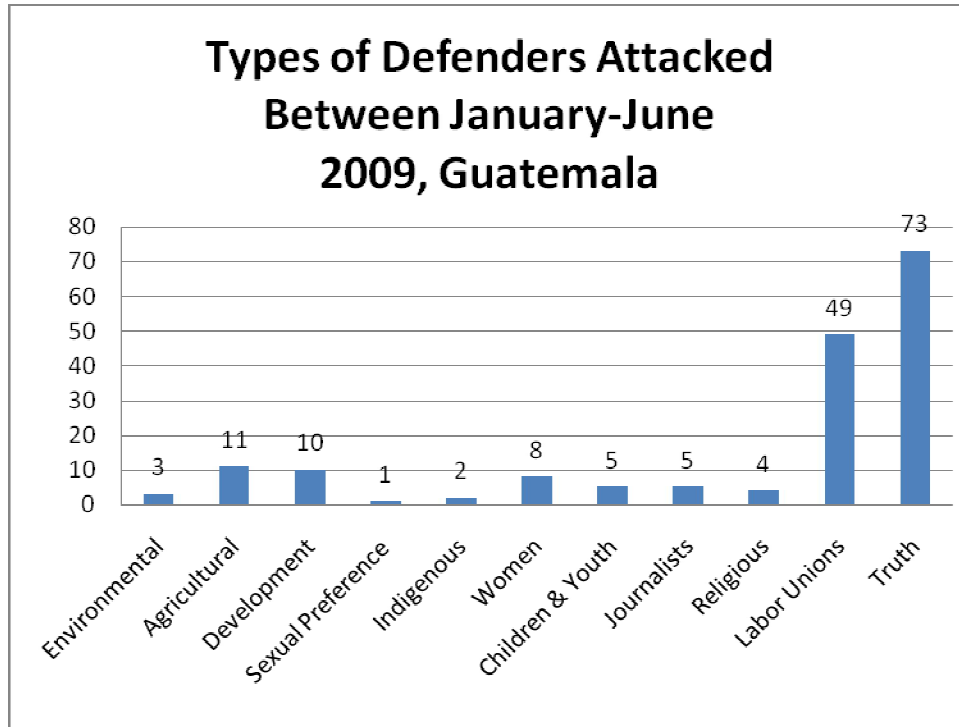


	January	February	March	April	May	June
2007	35	25	23	19	27	15
2006	9	7	17	17	56	19
2005	25	24	16	33	51	22

Source: Guatemala Human Rights Defender Protection Unit – Guatemala

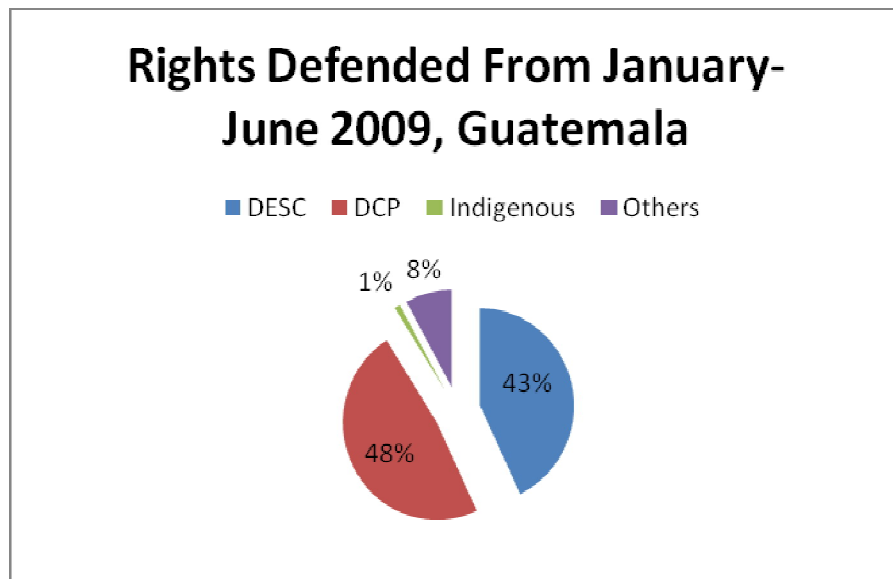
During the first half of this year, the sectors of truth, unions, farming, and development have been most affected. In the truth sector, there was an 115% increase in attacks, while those on labor unions rose by 80%. See the graph below.

**Graph 3**



One can observe the growing number of aggressions against those who defend economic and social rights (DESC). From this, we know that just as it was in the first part of last year, the DESC sector continues to be the most endangered, rising by 26.41%. See the graph below.

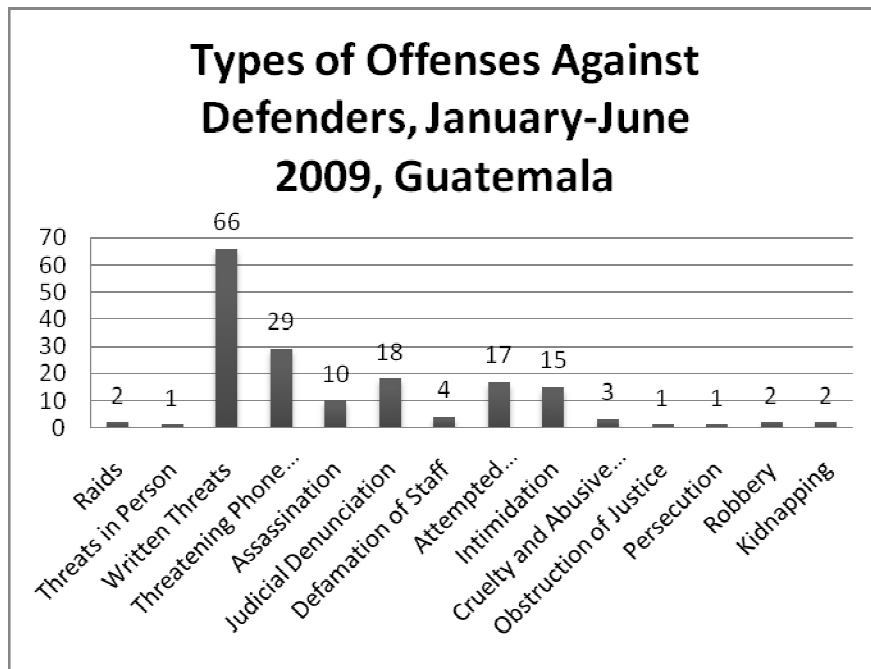
**Graph 4**



Source: Guatemala Human Rights Defender Protection Unit – Guatemala

It seems that the *modus operandi* used by the aggressors during this half of the year has turned into something more technological since their preferred media are now text messages and phone calls. However, we continue to cautiously point out that in this semester, there have been ten assassinations (with an average of 1.66 per month): Amado Monzón of the Movement of United Merchants of Coatepeque, Rogelio Cuc Guitz of Conic Los Pinos, Jesús Ernesto Guarcas González of the Educational Workers Union, Rolando Ardani Santiz de León of Telecentro thirteen, Luis Arnoldo García, David Abigael Miranda Fuentes, Sergio Ramírez Hueso, and Diego Chiti Pudel, all from the Movement of United Merchants of Coatepeque, Saulo Estrada and Juan Manuel Ambrosio of Open Schools. The graph below shows the nature of these aggressions.

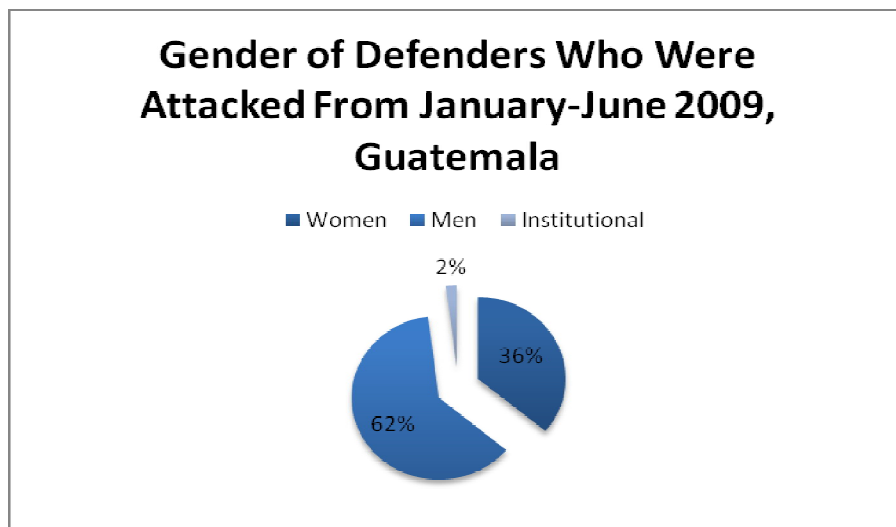
**Graph 5**



Source: Guatemala Human Rights Defender Protection Unit

As for the gender of those who are attacked, male defenders continue to be the most vulnerable with 62% of the registered aggressions. Meanwhile, attacks on female defenders have increased by 5% compared to the first half of 2008. See the graph below.

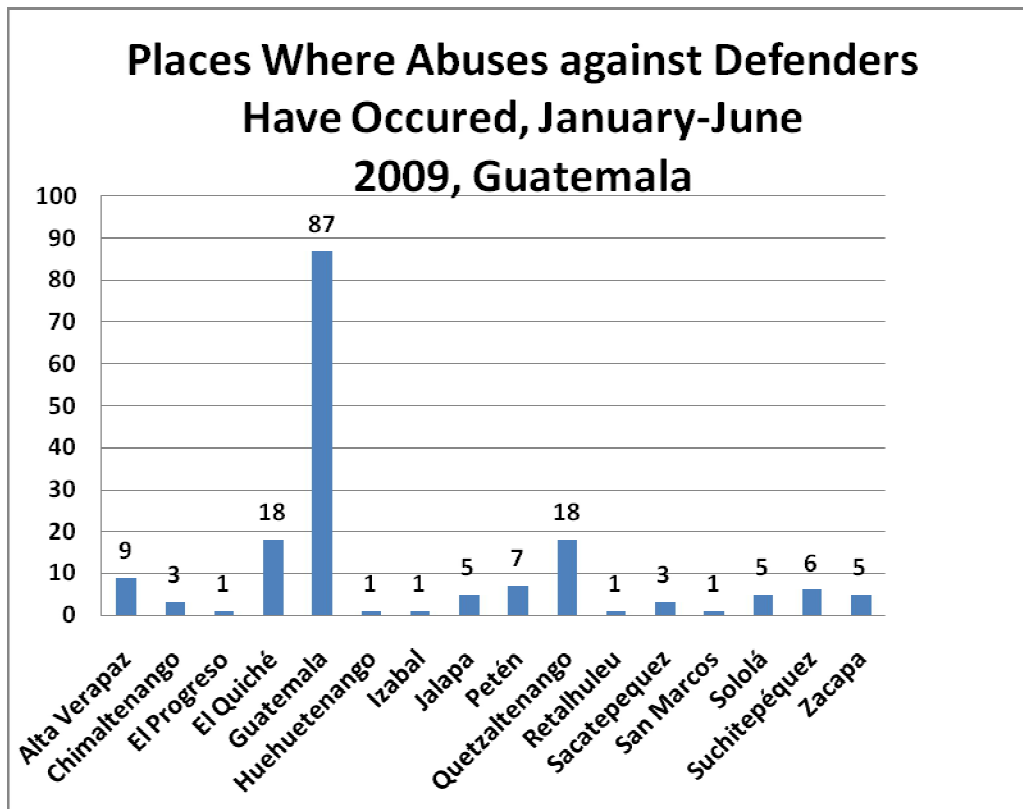
**Graph 6**



Source: Guatemala Human Rights Defender Protection Unit – Guatemala

The department of Guatemala continues to increase its attacks on defenders, registering at 172% more than the first half of 2008. What worries us is the number of assassinations in the municipality of Coatepeque, department of Quetzaltenango, already amounting to five so far this year, all of these affecting the sector of labor unions. The assassinations of young people belonging to the Open Schools who defended the youth and childhood sector are also a huge concern. With the exception of the department of Guatemala, it will always be the most affected sector since it contains the greatest number of human rights defenders. See the graph below.

Graph 7



While the situation of human rights defenders is becoming increasingly dangerous, the response from the State of Guatemala has been weak. Between the months of May and June, the Agency for the Analysis of Attacks against Human Rights Defenders shut down and the Human Rights Unit of the Specialized Division of Crime Investigation of the National Civilian Police was side-lined and almost immobilized. At the same time, the protection of human rights defenders suffered a strong deterioration, and, in some cases, suspension.

These were the issues that human rights organizations discussed with the Inter-American Commission on Human Rights during their visit *in loco* during the second week of June, one that called for a closer monitoring of the accepted agreements made by the State of Guatemala regarding the protection of defenders, particularly those referring to the creation of the “Protection Program for Human Rights Defenders and Other Vulnerable Victims.” As a result of this petitioning, they have established a mechanism of supervision of this program, as much as for the creation and implementation of the protection program as for the Agency of Analysis and the Police Unit and its results.

The high levels of impunity within the Public Prosecutor’s Office have been the object of pressure not only for UDEFEGUA, but for other organized groups of defenders such as the labor unions. They are currently asking the Public Prosecutor’s Office for a timely reinstatement the Human Rights Prosecutor, the approval of a regulation for the prosecutor, and the establishment of persecution protocol to resolve the inefficiency in the action of that institution.

Another topic on the table is the situation of the criminalization of human rights defenders that not only refuses to stop, but continues to increase. Currently it is not just a mechanism used by business men and farmers to keep human rights defenders from taking action, but also for public government employees such as the district attorneys and authorities from the National Reparations Program.



FOTO LA HORA: CARLOS DUARTE Claudia Samayoa: "Along with the privatization of the telephone and the water, they have also privatized the intelligence services, including the clandestine ones."

Interview given at the Center of Studies of Guatemala, July 2, 2009, published in the newspaper *La Hora*, pages 6-7.

Claudia Samayoa, human rights activist and Coordinator of UDEFEGUA, in this interview, analyzes the origins of the illegal groups and clandestine operations that work in Guatemala, explains her relations with political and economic powers, and supports the idea that the co-opting of the judicial system is going to guarantee impunity. Samayoa is sure that the work of CIGIG will make it possible to discern the distinct components of these clandestine forces and affirms that these structures attack those who work for the institution since their construction "is something that is inconvenient for those who favor disorder."

**C.E.G.:** We'll start with a definition: What is an illegal group and what is a clandestine operation?

**C.S.:** These two categories are complex and challenging to define in that the negotiators of the peace treaty misconstrued these concepts in the eighth compromise, which is where they appear, so it's the title in one sense and the content in another. When someone asks the negotiators, they have different ideas, and that is why they haven't defined exactly what it was they were trying to explain there.

In this sense, what we've been working with here are operational concepts. Illegal groups are the groups that are set up to execute operations, which may include the executions of certain people, kidnappings, disappearances, or attacks. When they call them illegal groups, they are trying to imply that in those times, there were also police groups that existed officially; they operated groups that were illegal "parapolice" forces, like the Sixth Command, which did not necessarily exist within the legal structure of the National Police Force. The term also refers to paramilitary structures like La Mano Blanca or the Jaguar Justiciero, which

were basically groups that executed people and issued scores of threats.

**C.E.G.:** What role does impunity play in this?

**C.S.:** It guarantees their counter-insurgent activity and also it necessitates guaranteed impunity. Before the internal armed conflicts, Guatemala was never a country in which the rule of law would be a complete guarantee; we have always been a country in which the law is partially applicable. However, we had few guarantees that it would be carried out. Even labor rights had to be demanded in some way. To be precise, one of the objectives of the clandestine security operations during the armed conflict was to take control of the judicial system and guarantee impunity. What they did was a systematic exercise of violence against lawyers, particularly between 1979 and 1983.

**C.E.G.:** These structures are linked with violations of human rights and also with organized crime. Can you explain to us how they are structured and how they operate?

**C.S.:** The clandestine security operations today carry out multiple missions at once or at least that's what their actions suggest; they seem to have led more than just an intelligence group, which implies that they have lost their monopoly on the country's intelligence. Along with the privatization of the telephone and the water, they have also privatized the intelligence services, including the clandestine ones.

What it seems that these structures do is to offer their intelligence services to organized crime rings in order to determine where they must operate, and what interest groups they have to win over. For example, some organized crime rings have been more interested in national politics, in maintaining the cooperation of the state. The intelligence is going to guarantee, just as it did in the times of the counter-insurgency, the maintenance of the status quo. For example, in the congress, they can guarantee that laws won't get passed or that there will be an election of magistrates between people who will eventually be useful to them. A clandestine security structure will generate the intelligence and even offer them the materials necessary for carrying out their plan.

They're chess pieces that the clandestine structures have under their control, because it's been that way for the past 40 years. For example, one of the pieces in corruption is to offer a bribe to guarantee that someone in the Colegio de Abogados will win, which could be favorable, and the organized crime

group provides the money, because these structures can't exist without money, just as it was in the past.

So, what these structures do is to make sure they have people in many places. What we have been seeing over the past couple of years is that they are quite mobile, they can respond more and more to the highest bidder...often times they can offer their services as a kind of refined association of hit men, where they generate intelligence processes to eliminate people. In this case, we're referring to what's happening to human rights defenders.

**C.E.G.:** You have, through UDEFEGUA, publicly declared on numerous occasions that human rights defenders are harassed, threatened, and persecuted by these criminal structures. Why are human rights organizations and their members a target for these groups?

**C.S.:** The reason is very simple. During the peace process, there was a movement I would call strong on a social level to facilitate processes that go hand-in-hand with building a democracy. They thought we must participate in the community, we must implement plans for municipal development, there should be participation in the budget, women have rights, children and teenagers have rights.

This generated processes of change, such as the proposed reforms to the security and judicial systems, in which case it is much clearer why those groups resist them, you can see them reacting, blocking laws, and other such things. But what must be understood is that the process of constructing any institution is an inconvenience to those who are in favor of disorder. It's not that these groups react with counter-insurgency because there is an insurgency; these groups have reacted- and particularly after the year 2000- to a more heterogeneous movement of defenders in those places where they were challenged, where they would try to create orders or institutions.

**C.E.G.:** Who are the human rights defenders most often attacked in the past year?

**C.S.:** More recently, the illegal groups that act as hit men tend to attack the laborers and farmers the most, and from that, we would say that basically, they are the traditionally powerful groups that typically work in these groups under contract. The clandestine operations continue to act against the defenders who uphold the principles of truth and justice, the defenders who are fighting against the mistreatment of other people, for women's rights, and against sexual violence,



who in some way pique the interest of the same groups that acted in the past, but are taking care of themselves in the present.

We saw them react quite strongly when they were working on the free trade agreement (FTA), and it was quite surprising how the clandestine security structures attacked groups all over the country who were opposing the FTA. We're seeing a reaction, which we are trying to understand, against organized youth. There seems to be a reaction to the youth organizations because they're trying to keep kids out of "gangs" and in some way, publicly condemning the existence of the great evil called "social cleansing."

In statistic terms, between January and June 15<sup>th</sup> of this year, we have counted about 153 aggressions, which is a rather high number considering that at the end of last year, we had 220.

**C.E.G.:** Why was it necessary to create an international commission like CICIG to investigate them and begin a legal pursuit?

**C.S.:** Well, there is a deeper reason for the existence of these similar groups. It was evident that in obtaining impunity for their activities, they had made a monster that was able to offer services beyond its own interest. As years went by, it was possible for citizens who had enough money to acquire the services of impunity and to extend these services of impunity beyond human rights violations and organized crime.

This started to generate a process that not only affected the penal system and the financial system, but also the commercial system and even families, because for one reason or another, they began to use this system of impunity that spread like a cancer. When the human rights organizations found out about the forces that were participating in the strengthening of the judicial system and how they were paying for it with their lives, with their personal safety, and with the exile of judges, district attorneys, and lawyers; and that human rights defenders (in 2002) were starting to experience something that they had not experienced since the 1980s, we realized that they had lost control of society. Having lost the judicial system and thus having an open door for organized crime, we knew that sooner or later, we were going to have a government linked with drug trafficking, and that this would be inevitable. So then, we said: "How will we resolve this? What can we do to get a society that has invested in peace to bear fruit?"

We decided to focus on one of the sources of the problem, and we proposed creating a commission that would help us to untie the knot so that by first untying one, we could untie other knots: knots of labor injustice, knots of unjust land ownership, all of them under the subject of justice, because everything is being justified, because people know there is impunity. For this reason, it is very important to discuss the topic of justice.

**C.E.G.:** What is the most important issue for the criteria of CICIG to date, in relation to the investigation and persecution from these structures?

**C.S.:** We are precisely counting on the work of CICIG to help uncover the inner workings of these groups. How will they do it? Precisely in the step forward that advances, for example, the form of justice used in the structure of (Enrique) Ríos Sosa, (Alfonso) Portillo, and (Eduardo) Arévalo Lacs, to compel them all forward, they will have a part of the financial structure and we will be able to understand how it works, which will allow us to make sense of it.

In the case of (Álvaro) Matus, we will mention the conspiracy and how it is trying to hide the executors, and, we will know who was in charge of organizing the kidnappings, for example. These types of investigations are going to give us pieces of the puzzle, of what is hidden. This will allow us, in the future, to go about understanding how these structures have worked in the past. Will we find out who was in command of these structures? Will CICIG clarify it for us? Who knows? What CICIG probably will help us do is, through these cases, to determine the distinct components of which these hidden forces are comprised.

**C.E.G.:** Let's talk about the link between these structures with the economic and political powers in the country. How do they relate to one another?

**C.S.:** In order to function, these structures, from the beginning, had to operate through the contraband, which implies money laundering, and this, in turn, implies the eventual accumulation of "clean" money, capital that has led to the formation of businesses that have been running for 30 or 40 years, and that 30 years ago appeared in the media as corrupt businesses publicly condemned for corrupting and making deals with the state.

Guatemala suffers from an illness we must cure, which is the absence of memory. If we don't remember the news from 15 days ago,

are we going to remember our recent history that we haven't even bothered to write about? To give an example, what happens when we all are going to buy clothes or goods from a business that clearly is part of a money-laundering scheme, and we know the owner of this business runs a laundromat, but somehow, always manages to show up at prestigious social events? This is not merely an economic phenomenon. I believe that we have to recognize that this affects Guatemalan society as a whole, in equal measure. In this same way, we have allowed the political parties to become corrupt. We have allowed the political parties to receive dirty money, and so we have political doubts linked to dirty money. The most obvious case is that of Manolito Castillo, which did not even turn into a major scandal, and the political party, UNE, did not remove him. Actually, we also have the case of (Paul Estuardo Gómez) Cristiani in the Patriot Party, this person linked to a rather complicated situation that the party has known about for months, does not result in an immediate purge unless it becomes impossible to maintain him within the party. What does this imply? It implies that there are very strong obligations within the party. I'm talking about cases in which we actually have open criminal proceedings.

**C.E.G.:** It is possible to speak of a real dismantlement of the CIACS?

**C.S.:** As Guatemalans, what we should aspire to is to reduce these clandestine operations to the maximum extent, without allowing them to gain any more power. The societies need to have states strong enough to fight them and keep them under control. Guatemala should look forward to a day when the clandestine operations and illegal groups begin to disappear, and little by little, they will be a reduced to minority presence and eventually disappear. That is what is necessary for organized crime in the country to eventually lose the intelligence operations they employ to commit political violence or human rights violations.

I believe that today it is possible to find an assassin, but having the will to do it is another thing. When the assassin is actually a group of assassins hired by the owner of a farm- and as we have just seen with the sentence in the case of Israel Carías- it is possible to obtain justice if the agency is willing to do the investigation and listen to the witnesses. However, when it's a clandestine operation, it is a completely different thing.

## Israel Carías: Justice has been served!

The inhabitants of Los Achiotes farm in the department of Zacapa are organized in the Los Achiotes Comprehensive Development Association. Their work is focused on the development of community members, the fight for land regulations, and also to initiate productive projects in the region.



Israel Carías Ortiz was the president of the Los Achiotes Comprehensive Development Association, and he had already been field manager for many years, fighting along with his community for the recovery of the Los Achiotes farm located in the department of Zacapa.

At the age of 33, he was assassinated. On February 6, 2007, he was shot at point blank four times through the chest at a place they call Quebrada del Hato, while he was on his way to the village of La Trementina to find medicine for his mother, who was very ill. With him were his two sons, Ronald Aroldo, who was 11 years old, and Ledwin Anilson, who was 9, and both of them were also shot in the chest. He is survived by his three younger children. His death occurred while the proceedings for the measurement of the land were in progress; during the three-month waiting period they had been given for the measurements to be submitted, and during a time when the repression against communities who fought to defend their land and natural resources was increasing.

The National Civilian Police in the region have confirmed that Israel Carías had received many death threats for opposing deforestation in that area.



La escena del crimen el 7 de febrero de 2007.

Through the investigations of the Public Prosecutor's Office and thanks to people who located individuals near the crime scene, it was possible to identify two hit men who were

presumably responsible for the assassination of Israel Carías and his young sons. They are:

UDEFEGUA began to offer protection to the members of the Los Achiotes Comprehensive Development



Jacobo Saiguero



Manfredo Ramirez

Association after the assassination of Israel Carías. When the trial for the case of Israel Carías and his sons entered the analysis agency of Attacks on Human Rights Defenders in 2008, we found out that the Public Prosecutor's Office of Zacapa had, for over a year, not taken the proceedings for the investigation of this case and took almost a year to obtain the judicial authorization to detain the suspects without execution. To do that, they had to gain the support of the Minister of Government and arrange the arrest of the two suspects in June of 2008.

UDEFEGUA analyzed the situation, as much in material security as legal security, and determined that it is crucial that the widow be a joint plaintiff in the prosecution of these individuals. But, given the widow's lack of resources and the association she belongs to, and considering that we must do everything we can to reach justice, UDEFEGUA has decided to support them so that they can continue this process, contributing from what little resources it has with the hiring of the lawyer, Edgar Fernando Pérez, who has shown from day one that he is determined to represent the widow and take whatever risks that may come with this case.

UDEFEGUA also intervened by asking that the case be transferred to the prosecutor of Offenses Committed Against Human Rights Activists, since at the prosecutor's office in Zacapa, there was an obvious lack of interest in clarifying the case, and the file contained a series of deficiencies that only lead people to think that the suspects would be released from prison without further consideration. The transfer was granted in October of 2008, just days before the formal accusations were made against the suspects.

This action also led UDEFEGUA to make an incursion in another aspect for which its experience and capabilities are prepared, but nonetheless, there was no opportunity to put them into practice; here we are referring to the requirement of the Fiscal Agent of Human Rights caused UDEFEGUA to make a report with the intention of explaining the human rights defender Israel Carías' conditions, and in doing so, justify before the tribunal that this prosecutor should be the one in charge of the process; we considered it essential to the prosecutor, given that it is one of the first cases of defenders that has gone to the Auditory and Public Court.

This whole process has allowed UDEFEGUA to carry out all

## Israel Carías, the battle continues!!!

the actions it was created to do, from the verification of the case, the legal assistance to the family, witnesses, and continual psycho-social support, coordination in the processes of security to the coordination of international support that ACOGUATE has come to offer to the witnesses, the lawyer, and the family. To support the community, they have cooperated with organizations such as ECAP (individual psychological support for the widow and brother of Israel Carías) and the Dutch Platform against Impunity (financial support for the lodging of witnesses on the day of their testimony to guarantee their safety).

On June 22, the Tribunal of Sentencing, Drug-Trafficking, and Offenses against the Environment of Zacapa found Jacobo Salguero guilty of assassinating Israel Carías and his two sons, Ronald Aroldo and Ledwin Anilson, and sentenced him to twenty-five years in prison for each one of the victims. Mr. Manfredo Ramírez was found guilty of being an accomplice to the crimes and sentenced to sixteen years in prison for each one of the victims. This tribunal, formed by Judge María Roselia Lima Garzaro (President), Lesbia Elizabeth Guzmán Valle and Eddy Hernan Tejeda Alvarado found the motive posited by the Public Prosecutor's Office and the joint plaintiff to be valid, considering that Israel Carías was ordered to be assassinated to stop his activity as a human rights defender. The tribunal that must open the investigation of the farmers who had been named in the proceedings as people who had threatened Israel Carías did not order such actions in their conclusions.

We want to recognize the precedent set forth by this tribunal to leave the proceedings against the perpetrator open in cases involving human rights defenders, presented as such through the construction of the hypothesis. We would also like to commend the bravery of the community of the Los Achiotes Comprehensive Development Association, and, in particular, that of the family of Israel Carías throughout this process.



Rigoberto (Israel's brother) and Francisco Ramírez Carías (Israel's father)



Israel's family, members of the Los Achiotes Community



Attorney at Law Edgar Pérez, Gloria (Israel's widow), Luisa Pineda (UDEFEUGA), and Rigoberto (Israel's brother)

A delegation of Guatemalan human rights defenders, lead by Nobel Peace Prize winner Dr. Rigoberta Menchú Tum, visited Honduras to witness the prevailing situation at the root of the *coup d'état* that was taking place there.

Also contributing to this mission were Carmela Curup of the Mayan Lawyers' Association, Eduardo de León of the Rigoberta Menchú Foundation, Mario Domingo of the Human Rights Office of the Archbishop of Guatemala (ODHAG), Arturo Albizures of Asociación Comunicarte, Claudia Samayoa of UDEFEGUA, and Idivina Hernández of Security in Democracy (SEDEM).

Drawing from the resolutions of the Organization of American States (OAS), the United Nations (UN), and the European Union (EU), this delegation seeks to directly collect the testimonies and visions of the issues arising from the *coup d'état* that began in Honduras and created a state of lawlessness through the repression of social groups opposed to the coup.

The delegation, beginning July 7<sup>th</sup>, will observe the news, situation, and validity of rights such as the freedom of press and expression, right to defend human rights, unrestricted rights to assemble or protest, and rights to resistance, as well as full guarantees of protection to human rights organizations in Honduras.

**Tegucigalpa, 07/04/09.** On the first day of their visit, the mission managed to interview nearly one hundred people, which included human rights defenders, representatives of agricultural, labor, and social organizations, representatives of women's rights organizations, attorneys, judges, magistrates, members of congress and political leaders.

From the testimonies that were gathered, they could affirm that the de facto action that the *coup d'état* produced and its subsequent activities appear to be committed to and involved in all the institutions obligated to guarantee the state of law, unfortunately including the Commission for Human Rights.

This arrangement that was had during the five days after the *coup d'état* was perpetrated, allowed for a disproportionate use of military force to repress any sign of objection to the de facto regime.

In accordance with the testimonies of the masses and local observations, we see with extreme concern that the enforcement of the curfew, as well as a state of chaos, is particularly working against rural indigenous populations who are considered to be against the coup, and is generating a significant number of human rights violations. Guarantees such as the freedom of mobility, access to information, freedom of press and expression, access to justice, the right to defend human rights, unrestricted rights to protest, and the right to moral objection are being put at risk, as well as the right to life and personal dignity.

The mission observes with concern that the closing of means of dialogue and agreement, including with the international community, at the moment, makes a return to normalcy and democracy practically nonviable, which leaves the path for a dictatorship dangerously clear.

**Guatemala, 07/06/09.** On the last day of activities, the mission of human rights organizations, lead by Dr. Rigoberta Menchú Tum, winner of the Nobel Peace Prize, was able to verify the troubling situation that the civilian population of Honduras is going through as a result of the recent *coup d'état* on June 28<sup>th</sup> of this year. The level of violence exhibited by the de facto regime against the opposition has been increasing day by day, including the execution of journalist Gabriel Fino Noriega, a Radio America correspondent, on the night of July 3<sup>rd</sup>.

**COMMUNIQUÉ OF THE  
DELEGATION OF GUATEMALAN  
HUMAN RIGHTS  
ORGANIZATIONS IN HONDURAS  
July 3-6, 2009**

**CONCLUSIONES:**

**1.** Based on the information and documentation obtained and the events that have transpired, the delegation does not have the slightest doubt that on Sunday the 28<sup>th</sup> of June, a *coup d'état* took place, which was premeditated, orchestrated, and perpetrated by the armed forces, politicians, empresarios, and above all, government officials from the distinct powers of the state who did not comply with their obligation to respect and protect the state of law, an action which the previous political crisis does not justify. It is an action that entails unforeseeable consequences to the institution of democracy and the state of law.

**2.** The delegation has been able to affirm that in favoring the justification of acts committed by the de facto regime, there has been a distortion of the country's laws, which erodes the institution of the state. In accordance with the documentation made available to the delegation, we can see a significant alteration of legal documents that will majorly jeopardize the prosecution of offenses against the judicial system.

**3.** As a result of the confirmed *coup d'état*, the authorities have in turn placed restrictions on individual and social rights, infringing upon the fundamental rights of the population, which we see restricted in their most basic rights and guarantees.

**4.** The Honduran people have developed a peaceful, non-violent mass movement of resistance to the *coup d'état*, which, even in the midst of repression, has been maintained with respect to the members of the security forces, in response to the acts of aggression that the forces have perpetrated.

**5.** The delegation has been able to affirm that the freedoms of expression, information, and the press are constantly being violated in Honduras, with radio stations being the most affected by the high level of repression to which they are being subjected. It is now confirmed that six radio stations and one television channel have been shut down and censored during the first days of the *coup d'état*. The only forms of media

that aren't having difficulty getting their points across are those affiliated with the political party lines chosen by the state, which is impeding access to independent, impartial, and critical information.

6. The militarization of the country and the indiscriminate, uncontrolled use of force has resulted in the violation of human rights, some as basic as the right to live, given that we have confirmed at least five extrajudicial executions directly resulting from this situation, as well as the rights to mobilization, expression, protest, and assembly, which has led to 120 arrests (before Sunday the 5<sup>th</sup>) related to the protests of resistance to the *coup d'état*, and 180 arrests involving the curfew, with, as of now, 18 people being tried for accusations such as illicit association and sedition in relation to these acts.

7. The state of siege and the curfew that has been imposed in an authoritarian manner on the population has left it completely defenseless against the arbitrary actions and abuses on the part of the security forces, particularly militants who have control of the territory.

8. As a result of the restrictions on information, the people of Honduras lack complete and accurate news and information, so much so that they are now in an almost totally misinformed environment, which creates uncertainty, fear, and anxiety throughout the population. The situation is worsened by a media campaign that urges the population to defend the coup and stigmatizes those who resist.

9. Within the framework of the confrontation developing in the environment created by the coup, they have launched a media campaign of xenophobia against those who are not Honduran citizens, particularly the Nicaraguans and Venezuelans, who are arbitrarily detained.

10. The de facto authorities, as well as the sectors who supported the campaign

that preceded the *coup d'état* have perpetuated a media campaign of political intolerance and stigmatization of leftist groups, exacerbating the violence against them.

11. Unfortunately, institutions that are crucial to the protection and defense of citizen's and human rights, such as the Human Rights Commission, headed by Dr. Ramón Custodio, formed part of the environment that justified and sustained the *coup d'état*, which makes the organization appear to be involved in the coup's plot.

12. In this involvement with the actions of the coup, the Human Rights Commission abandoned its role as the guardian of rights and freedom and has not developed any action in favor of the population affected by the oppression of the state, which has left them extremely vulnerable.

## RECOMMENDATIONS:

1. The delegation considers the nullification of each and every one of the measures that restrict the rights of the Honduran people to be imperative. Actions such as the curfew and the state of siege must be repealed immediately, without restrictions, to prevent further abuses from being committed and to allow the Honduran community to have total freedom of expression.

2. The current authorities should cease their hostile conduct toward Honduran citizens and foreigners in order to create a tolerant, peaceful environment in which they can coexist.

3. To avoid the risk of adding dogmatization and sectarianism to the process, churches of all denominations in Honduras should act solely as observers.

4. In order to regain complete and impartial information about the total of human rights abuses and the evident failure of the nation to put its mandate into effect, the delegation considers it

crucial that the international community create a human rights agency for analysis specifically to give attention to and protect the inhabitants of Honduras, in particular, human rights defenders. This agency for analysis could function with the support of international human rights organizations and with emergency funding from the European Commission.

5. It is necessary to identify all the people, government officials, both civilians and militants, involved in the actions of the coup to produce a sanction agreement on the political inhibitions to be imposed on them, so that we can not only avoid giving them impunity for these acts in Honduras, but send a clear warning to other countries in the region, in order to avoid new attempts against the constitutional order.

6. The delegation believes it is vital and urgent to call for a national dialogue with the participation of all sectors, particularly the social movement and the human rights, as well as the business sector, to find a peaceful exit strategy from the current crisis, without implying actions of impunity for offenses committed by those who were involved in the coup and human rights violations.

7. In light of the acts that have been committed in Honduras, the delegation considers it necessary to suggest that the international organizations and agencies revise and actualize their performance criteria for human rights violations and protection of defenders in order to respond more quickly to situations like those in Honduras. We also suggest that emergency funds be granted to human rights organizations that take defensive actions and document human rights violations.

8. We recommend that international entities form support groups and provide security for defenders and solve the crisis in Honduras.

## Mining in San Miguel Ixtahuacán

The Community of Saqmu, San Miguel Ixtahuacán, San Marcos, received an offer from the Canadian mining company Gold Corp to buy their land. This offer created a conflict between the members of the community who had to decide whether or not to sell their land. In the end, one of the families decided to sell their land to the aforementioned company, in spite of the opposition of all their neighbors. The others refused the offer because they were aware of the consequences that mining activity in the community would have on their health and on the environment.

On May 19, 2009, Gold Corp brought in their mining equipment and set it up in the community of Saqmu, on the land that had been sold to the company.

When faced with this event, the Association for the Integral Development of San Miguel (ADISMI) got together and asked to meet with the persons in charge of the mining operation. They wanted to have a meeting where they could peacefully ask that the miners withdraw from the area, since they did not agree to allow mining in their community. To date, it is unclear whether or not they are relying on a scientific study of the impact mining has on the environment.

The meeting between the representatives of ADISMI, the community, and the miners had been scheduled for the morning of June 12, 2009, at nine o' clock, and although the solicitors were there to present their arguments, the meeting did not begin. At approximately ten o' clock, officers from the National Civilian Police (PNC) arrived in the vicinity for no apparent reason.

After three hours of waiting without hearing from the representatives of the mining company, those who were present became impatient, and as a

sign of protest and repudiation for the failure of the mining representatives to begin the dialogue that had been proposed, they proceeded to burn a vehicle and equipment that they found at the mining facility. Upon seeing this violent reaction from the townspeople, the members of ADISMI tried to take control of the situation, asking them to calm down and stop the violence. However, in spite of their efforts to intervene, it was impossible to stop them.

On June 15<sup>th</sup>, an attorney of the Public Prosecutor's Office, who arrived in a private jet owned by the mining company, a contingent of the army, and officers of the PNC, who were there to accompany mining personnel, were present in the community. The aforementioned persons arrived in the urban area of San Miguel, where they went around the ADISMI offices asking for a member of the directive junta, Crisanta Pérez, who they had come to arrest according to an order they had received.

The authorities claimed that Crisanta Pérez, along with the community's priest, incited the people from the community to commit the acts of violence on June 12<sup>th</sup>. Actually, Crisanta fears that if she presents herself to the authorities, they will not allow her an adequate defense for the charges made against her.

The priest stated that exactly on June 11<sup>th</sup>, he arrived in the community as part of his pastoral duties, since he works in every community in the municipality. However, Gold Corp sent a letter slandering the priest to Monsignor Ramazzini, Rights in Action, and to ADISMI, and has circulated a bulletin showing photographs of the June 12<sup>th</sup> protest, as well as the people in the community who were involved in it, claiming that the workers at the mine tried to make peace with them.

In the municipality, amid the apparent calm, the leaders are terrified of any threats that they could receive for their anti-mining activities. Javier de León, coordinator of ADISMI, has received four death threats on his cellphone, one of which says the following:

“Hello, Mr. de León, don't get involved in anything that isn't your business, if you do, say goodbye to your wife and say goodbye to your loved ones. And expect only death...”

In a similar manner, on Thursday, June 25<sup>th</sup> at approximately 9:30 pm, as they were leaving a cafeteria in the area, members of the Board of Directors of ADISMI and a member of UDEFEGUA noticed a truck slowly passing by the cafeteria. The vehicle turned around, and as it passed by them once again, someone in the passenger's seat made obscene hand gestures at them.

The municipality of the area has invited both the priest and the members of ADISMI to discuss the topic of mining in the area. However, the residents know that the municipality is in favor of mining operations in that area, which has undermined their trust, since they believe it is biased.

Meanwhile, in the Congress of the Republic, the bill that could modify the regulations on mining activity in the country is currently stalled, just like the previous studies that have been conducted for the same reason and consultations with the affected communities, with the aggravating result of the Constitutional Court deciding to deny the results that have been obtained.

## Illegal detention and torture of defenders in Pocohil-Chichicastenango, Department of Quiché

The department of Quiché was one of the hardest hit during the internal armed conflict. The Project of Recovery of the Historic Memory (REHMI) reports that in this department, they caused 68.2% of the total of massacres that happened during the war. After the peace treaty in 1996, they have begun various projects to search for and recover the remains of the victims of this type of violence. The families of the victims have turned to human rights organizations for help with the legal negotiations in hopes that they could give their deceased relatives a proper burial. In the case of the community of Pocohil-Chichicastenango in the Department of Quiché, where on December 15, 2008, Mr. Jerónimo Guarcas and other relatives of the victims of a massacre began legal negotiations for the recovery of the remains of at least 17 skeletons that were found in a concealed grave, these negotiations have been identified as No. 226-2008-3123, presented before the Public Prosecutor's Office of Santa Cruz del Quiché, similar to cases related to the same massacre. In addition to getting the legal authorization to exhume the bodies, they had to receive permission from the owners of the property on which they had found the remains, and this request was granted to them without any problems.

In this case, the families of the victims counted on the support of the National Council of Communities for the Comprehensive Development of Guatemala (CONCODIG) and the Guatemala Foundation of Anthropologic Forensics (FAFG), who were in charge of overseeing the exhumation.

After obtaining the legal authorization, they held many meetings with the families of the victims to coordinate the exhumations. The last one was held on May 25, 2009, in which local authorities also participated. There, they made an agreement to peacefully begin the exhumations and to suspend classes for three days to ensure the children's safety, and made this request to the community. May 27, 2009 was set as the date when they would begin the excavations.

On May 29, 2009, after being informed by the anthropologists that the grave site had been tampered with, the families of the victims, as well as personnel from CONCODIG and FAFG decided to contact Mr. Diego Martin Salvador, who, at the time

when the massacre took place, was Auxiliary Mayor and Chief of Civil Defense Auto Patrols (now, he's a church minister), to ask him if he had any further information.

They arranged a meeting at the house of Mr. Martin Salvador. When the committee arrived at the house, they were told that nobody could find him, so they decided to leave. As they were leaving, they heard a man shouting from the balcony of a house: "Help! Guerillas broke into Don Diego's house! Bring gasoline!" They ignored this incident and returned to the yard beyond the school (where they were doing the exhumations). There, they encountered a woman who attacked two of the committee members while saying in Quiché, "They are thieving guerrilla assassins," and said to the staff members of the FAFG, in Spanish, "Because they help bad people." Immediately, they went to retrieve all the tools that were being used in the exhumation, but were informed by a local girl that the highway was blockaded. The bells began to ring (which is what the community uses when they need to assemble). The committee, considering the situation, decided to flee the site to avoid being lynched. Leaving their vehicle and belongings behind, they went down the path, heading for the PNC station in Chichicastenango.

Meanwhile, the PNC, who had already been alerted, arrived at the site of the exhumations and rescued two women, one of whom worked for the FAFG, and the other from CONCODIG. They met at the station in Chichicastenango. Several hours later, they found out that supposedly, the Municipal Mayor, PDH, PNC, and community authorities had reached an agreement that they could return for their vehicle and that they would be received in a peaceable manner. For that reason, they decided only 8 agents, 3 assistants from the PDH, and Mr. Miguel Quiej of CONCODIG would return to the site.

When they arrived in the community, there were about 500 people gathered there waiting for them. The first thing they did was corner the PNC patrol car in front of the school, threatening to set it on fire. Later, they made the families of the victims to get up on benches in the middle of the riot, where they shouted that they were guerrillas, thieves, and assassins, and repeatedly told them that they would burn them alive.

They were held up for about four hours, which the PDH classifies as an illegal detention. The PDH and the PNC only played the role of the observers and not the intermediaries of these acts.

At about 8:30, they released Miguel Quiej. The PNC and the PDH abandoned the area, leaving the victims and the families defenseless against the angry mob lead by the Ex-PAC. At 9:00 that night, the other communities and local authorities gathered to intimidate the victims and whip them as punishment. The punishment was received by Jerónimo Guarcas, Manuel Sicaj, Juan Salvador, and Ángel Salvador, who each received 30 lashes. They were set free at 3:00 in the morning.

Faced with constant threats, some of the victims left the community for the capital and are taking refuge in the CONCODIG headquarters, where they have been counseled by UDEFEGUA on how to file pertinent reports to the Human Rights Prosecutor's Office, in addition to those that have already been filed by the anthropologists of the FAFG.

We condemn this type of aggression against human rights defenders and above all the authorities, in this case, the PDH and the PNC, that allow these irrational actions against groups that, during the armed conflict, exercised power over the communities, and who, even in times of peace, hold this kind of power, manipulating the population and preventing the processes of justice for the victims of the war from being carried out.



Photograph of the wounds received during the communal punishment by the ex-PAC.

### RECOMMENDATIONS FOR HUMAN RIGHTS DEFENDERS

The best reaction against aggression is prevention. If you belong to one of the most at-risk sectors, especially if you are a journalist or a defender of the right to truth or justice and have been involved in past cases, it's important that you take measures to prevent these risks. Make a risk analysis for your program, organization, or institution and develop plans for security in order to take action in the safest way possible.

Here are some websites where you can find useful resources to help your cause:

**SEDEM.** Protection guide for Human Rights Defenders, Journalists, and Seekers of Justice.

<http://www.sedem.org.gt:8080/sedem/publicaciones/libros/guia.pdf/view>

**FRONTLINE.** The Human Rights Defender's Protection Manual.

<https://www.frontlinedefenders.org/es/manuals/protection>

In addition to these sources, SEDEM and UDEFEGUA support defenders for the development of skills, capabilities, and elaboration of safety plans.

In case taking preventative measures does not help to avoid any threat, aggression, or act of criminalization, we recommend that you file a report immediately so that the means of protection that the state already imposes can work to your advantage and that civil society can help the defenders who are at risk. Reports can be made to:

**Police:** Tel. 110 (identify yourself as a human rights defender before giving information about what has occurred)

**Human Rights Ombudsman:** Tel. 1555

**Public Prosecutor's Office:** in the nearest Human Rights Prosecutor's Office or in the Prosecutor's Office of Offenses against Human Rights Defenders, Operators of Justice, labor unions, and Journalists (10 calle 10-14 zona 1)

This publication was produced with the support of:

**American  
Jewish  
World  
Service**

**Guatemala Human Rights  
Defender's Unit**

**-UDEFEGUA-**

1 calle 7-45 zona 1, Oficina 2-b

**Tel. 22545840**

**Emergency Cell: 57659033**

**Email: [udfegua@yahoo.com](mailto:udfegua@yahoo.com)**