

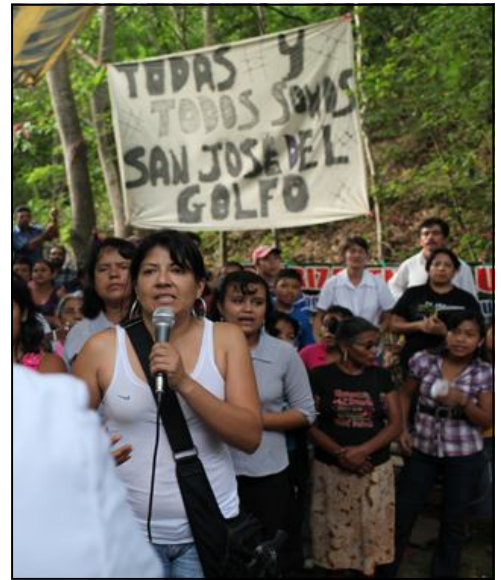


El Quetzal

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Left photo, GHRC, center and right: mimundo.org

Violent Attacks Continue Against Land Rights Activists

In the past month, land rights activists have been targeted in a series of violent attacks, specifically those involved in protests against mining and other large-scale development projects.

Yolanda Ouelí, an anti-mining activist from San José del Golfo, was injured in an attempted assassination; one member of the K'iche' People's Council (CPK) was assassinated and, in a separate incident, others were attacked and beaten.

From Santa Cruz Barillas, Huehuetanango, to El Quiché, to San Jose del Golfo, communities continue to denounce

the imposition of mining and hydroelectric dam projects without community consent.

Women – especially indigenous women – have been at the forefront of the struggle for land rights and the movement for non-violent resistance.

As Lolita Chávez of the K'iche' People's Council explained, "Our communities have our own processes, like community referendums. There we determine what model of life we want and we chose one that respects collective rights and Mother Earth."

The State's response to opposition has consistently been a military crackdown, persecution of community leaders, and repression. The government has shown a clear bias toward multinational companies, and has even come to the defense of the perpetrators of violent attacks.

"We are accused of being terrorists, usurpers and opponents to development," lamented Lolita.

Yolanda Ouelí Survives Shooting

On the evening of June 13, Yolanda "Yoli" Ouelí was ambushed by two men

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GHRC Mission

The Guatemala Human Rights Commission/USA (GHRC) is a non-profit, grassroots, solidarity organization dedicated to promoting human rights in Guatemala and supporting Guatemalan communities and human rights defenders who face threats and violence. GHRC documents and denounces abuses, educates the international community, and advocates for policies that foster peace and justice.

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Letter from the Director

This September, GHRC turns 30. Founded during the height of the internal armed conflict, GHRC became a key force for positive change and helped to elevate the voices of Guatemalan survivors and advocates to the international stage.

A lot has changed since the devastating years of the 1980s. For those seeking justice, what once seemed unattainable has proven possible. GHRC has celebrated the work of Attorney General Claudia Paz y Paz, commended the successful prosecutions of the perpetrators of brutal massacres, and, along with people around the world, has followed the twists and turns of the genocide cases. Guatemala is not only making strides for victims of the conflict, it is also making history.

However, for indigenous communities, land rights activists, and human rights defenders, much has remained the same. Judicial advances have been contested at every turn and, as accountability and justice become concrete possibilities, those that benefit from impunity are tightening their grip on the reigns of power. During the 2011 elections GHRC watched with dismay as a man involved in crimes against humanity became president; military and intelligence networks have woven themselves back into the very core of government power, working to rebrand the army as a good Samaritans, while insuring impunity for their actions and sowing fear into communities that dare to stand up for their rights.

Meanwhile, organizations that depended on support from the international community are seeing funding drying up, priorities shifting away from human rights work, and hesitance to engage publically due to elaborate defamation campaigns.

“International solidarity is more important now than ever,” I heard time and time again on my recent trip to Guatemala.

In my conversations with women’s groups, indigenous and *campesino* organizations, and human rights NGOs, we discussed their key concerns about current and future human rights threats. As part of GHRC’s strategic planning process, we summarized these into five thematic areas that will become our focus over the next year: militarization; access to land and natural resources; truth, justice and historic memory; criminalization and impunity; and women’s rights. As part of this proc-

ess, we also updated our mission statement (see left side-bar).

This issue of the *Quetzal* highlights our new themes. We analyze increasing conflict around dams and hydroelectric projects, including the impacts of the state of siege in Barillas and attacks against land rights activists Yolanda and Lolita. We underscore the precedent-setting work of lawyer Edgar Perez on the nation’s emblematic human rights cases, and report on recent threats to Guatemala’s access to truth and historic memory. We look at the impacts of militarization through Iduvina’s presentations across the West Coast as part of GHRC’s spring speaking tour.

In almost every article, women stand out as the movers and shakers, the activists, analysts, and community leaders – or, like the brave women who spoke at the Inter-American Commission about the failure of Guatemala’s reparation program – mothers, wives and daughters who will not give up on justice.

GHRC continues to build a grassroots campaign to ensure the US Congress does not lift the ban on funds to the Guatemalan army and is working with the ABA’s Human Rights Center to build international legal support for human rights defenders.

Our community partners have asked us to raise awareness about their struggles in the international arena, and we do so at every opportunity. *El Quetzal*, which we are now publishing three times a year, continues to be an important space for news and analysis. Our new blog (ghrcusa.wordpress.com) includes more articles, GHRC press releases, and photo essays. You can join a conversation with others interested in Guatemala on our facebook page.

Reflecting on our three decades of work in solidarity with the Guatemalan people, I know that our strength and effectiveness is rooted in our ability to mobilize an engaged and informed grassroots network. Thank you for continuing to read *El Quetzal* and for joining us in support of human rights in Guatemala.

In solidarity,



Kelsey Alford-Jones

Spring Speaking Tour: Iduvina Hernández Discusses Militarization

Iduvina Hernández knows first-hand what it is to be a victim of Guatemala’s iron fist “security” policies. As a student in the 1970s and 80s, she felt the anguish of having her loved ones forcibly “disappeared” and the fear of fleeing for her life.

Yet when she speaks about the striking similarities between the current government and the genocidal dictatorships of the past, she is calm and composed. Years of research form the basis of her analysis of the enormous threat posed by the rise of militarization in Guatemala since the January 2012 inauguration of President Otto Pérez Molina.

Accompanied by GHRC staff in April and May, Iduvina – an activist, security policy analyst and journalist – toured the west coast of the United States speaking to audiences about militarization and threats to justice in Guatemala. The tour included a whirlwind schedule of 20 presentations to classes and community groups, as well as interviews on radio and television, including one on Univision that reached millions.

Iduvina dramatically depicted Guatemala’s return to military rule, and the risks posed by the current administration,

“The military continues to refuse to hand over archives and information which are necessary to clarify these grave violations of human rights.”

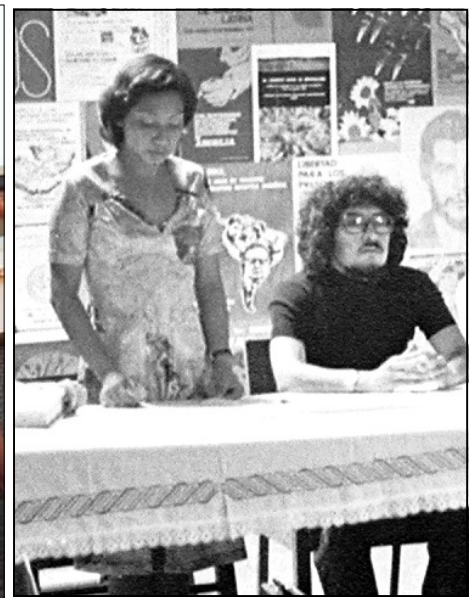
with a series of photographs. The first two showed soldiers in Guatemala City’s central plaza, poised to shoot. Although the pictures were taken 30 years apart, the scenes are almost indistinguishable.

Another is of two men walking arm in arm. One, dressed in a red embroidered jacket like those used by the indigenous authorities of the Ixil triangle, was Major Tito, the commander of the Guatemalan Army base in Nebaj. The other is the US Embassy’s Military Attaché.

The red jacket, Iduvina explained, was made by a poor, elderly tailor who drove himself into debt to buy the materials to



Left: Iduvina Hernández, left, and GHRC Development and Advocacy Coordinator Kathryn Johnson speak at UCSD. Right, Iduvina Hernandez speaks during a student protest in the 1970s.



Photos: left, GHRC; right Mauro Catanchina

make the jacket after Major Tito demanded it; when it wasn’t completed on time, the Major dragged the tailor through the streets of town.

In a photo taken inside the Nebaj army base, Guatemalan soldiers stand over the battered corpses of four men. The men were captured the day before, Iduvina recounts, tortured through the night, and eventually killed. This was all carried out under the orders of the base commander Tito.

At the end of the story, Iduvina revealed that Tito is a pseudonym. His real name, she said, is Otto Pérez Molina, and he’s now the president of her country.

Iduvina also told audiences about the ongoing problems of impunity in Guatemala, especially for crimes of the past. The 14th anniversary of the murder of Bishop Gerardi fell during the tour, prompting Iduvina to discuss the legacy of his work. She explained that his mission had been to achieve peace through justice, but that this ideal “has become very difficult to achieve in Guatemala because of the situation in which we live.”

Iduvina mentioned that one principal factor contributing to impunity in Guatemala is that “high ranking officials being indicted for genocide during the war still have the power to threaten those who denounce their crimes (...) and the military continues to refuse to hand over archives and information which are necessary to clarify these grave violations of human rights.”

The speaking tour culminated in Wash-

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Photo: Rob Mercantante

Soldiers look down over the Central Park in Guatemala City during a protest.

Right to Truth and Historic Memory Under Attack

In 1996, the Guatemalan Government and representatives of the URNG signed an Agreement for a Firm and Lasting Peace, concluding five years of negotiations. The Accord stated: “It is a right of the Guatemalan people to know the complete truth about the human rights violations and acts of violence that occurred during the internal armed conflict.”

The document recognized that “compliance with these accords constitutes a historic and inalienable commitment.” It was signed by Otto Pérez Molina on behalf of the Government.

Over 15 years later, Pérez Molina is president. The substantive work of the peace process remains unfinished and efforts to shed light on the Guatemala’s painful history have been continually obstructed. Now, the Administration has weakened the Peace Secretariat and dismantled its human rights archive; a huge step backward and an aggressive attempt to undercut the public’s right to truth.

A Shaky Foundation for Peace

“Memory, truth, justice and reparations form the fundamental base of the restitution of social fabric and an authentic reconciliation,” states an inscription on wall of the Plan de Sanchez chapel, the site of a brutal massacre in 1982.

It is a sentiment universally recognized among surviving communities, and echoed by regional human rights bodies and the UN. The recuperation of historic memory and public recognition of the truth forces society to examine and reflect on events of the past. Most importantly, it seeks to ensure that these events never happen again.

As Guatemala emerged from the peace process, the devastating scale of the conflict was revealed through two comprehensive reports, the Recovery of Historic Memory Project carried out by the Catholic Church and the officially sanctioned Historical Clarification Commission (CEH) report, published in 1998 and 1999 respectively. The CEH established that the government was responsible for at least 93% of all human rights violations and acts of violence committed dur-



Former DAP director Marco Tulio Alvarez reads aloud from the GHRC press release denouncing the closure of the office.

ing the War; an estimated 150,000 were killed and over 40,000 people were forcibly disappeared; acts of genocide were committed against the Mayan population.

The CEH report outlined recommendations for the Guatemalan government, including measures to preserve the memory of victims, search for the disappeared, and provide reparations. In 2001, the Peace Secretariat (SEPAZ) was created to ensure the government’s compliance with the Accords and contribute to their implementation.

SEPAZ soon expanded to include the National Reparations Program (PNR), created in 2003 to provide integral and just compensation to victims of the conflict. Then, in 2008, the Peace Archives Directorate (DAP) was established to compile and analyze military (and other) archives in order to establish human rights violations committed during the internal armed conflict. The Directorate’s mandate explicitly recognized that the clarification of historic truth is necessary for the dignification of victims of the conflict.

Nevertheless, by 2012 no systematic effort has been made to recover the remains of the tens of thousands of victims who

remain buried in mass graves. Very few cases have found justice through the courts, either. Only four criminal convictions have occurred in response to the 626 massacres documented by the CEH. The reparations process is mired in problems.

Clearly, the State’s commitments outlined in the Accords are far from complete. And yet, at this important juncture, the Pérez Molina administration is weakening the institutions that aim to ensure the long term success of the peace process – and access to justice, truth, and historic memory are in danger of disappearing almost entirely from the State’s agenda.

Promoting Historic Amnesia

In an overt attempt to weaken human rights institutions, including the Peace Secretariat, the National Reparations Program and the Presidential Human Rights Office – and much like a page from an Orwellian novel – these offices have been placed under the control of close allies of the military; men whose vision for peace and reconciliation lies in ensuring impunity for abuses and whitewashing history

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Right to Truth and Historic Memory Under Attack

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with government propaganda.

“There was no genocide here,” the President proclaimed, both before and after taking office. The statement has been repeated numerous times by Peace Secretary – and military devotee – Arenales Forno, who expressed “indignation” at the very idea.

The Peace Archives Directorate (Dirección de los Archivos de la Paz, DAP) became the first institutional victim of this process. Arenales Forno, in a direct and aggressive attack over the course of four months, dismantled the Directorate by firing almost all its staff and prohibiting any further investigations.

Operating within SEPAZ, the DAP has been integral to ongoing efforts to promote transitional justice and ensure that the public has access to information that can contribute to historic memory. In only four years, DAP staff digitalized more than two million documents and published nine books that analyze themes such as illegal adoptions, the Military Diary (el Diario Militar), and the labor rights movement.

The DAP also published a report about the Presidential General Staff (Estado Mayor Presidencial, or EMP), an intelligence gathering office which then General Otto Pérez Molina headed under President Ramiro de Leon Carpio. The report outlines the EMP “key role in the development of counterinsurgency policies responsible for multiple human rights violations.”

The next research project of the DAP aimed to deepen its investigation of the army, yet soon after Pérez Molina took office, the staff was firmly told there would be no more reports on the military.

The DAP also had a formal agreement with the Public Prosecutor’s Office (now nullified) to provide support for ongoing investigations. The research team and their public reports have provided key evidence for human rights prosecutions, such as the military chain of command at times when the army committed massacres, torture and forced disappearances.

Recently, Archive staff were called upon to provide expert testimony in the Genocide Case brought against former dictator Efraín Ríos Montt.

On May 31, Arenales Forno brazenly dismissed the importance of the DAP’s

Memory, truth, justice and reparations form the fundamental base of the restitution of social fabric and an authentic reconciliation.

work, declaring: “Today the decision was made to eliminate the Directorate, canceling contracts for which I find no justification and the functioning of an office I find makes no sense.”

The international community mobilized in support of the Directorate. GHRC had met with staff of SEPAZ in March and quickly issued a press release expressing profound concern. The statement urged the government to reestablish the Directorate, reinstate the formal collaboration between the Archive and the Public



“Genocide did happen.”

Prosecutor’s Office, and to rehire any worker who was illegally fired. GHRC’s public petition in support of the Archive was signed by over 500 people. The signatures were delivered to President Pérez Molina and to SEPAZ.

Many who lost their jobs organized a protest outside the office, denouncing the move as a way to guarantee impunity for

abuses committed during the conflict and to obstruct investigations that support criminal cases. During the action, former DAP director Marco Tulio Alvarez read aloud GHRC’s press release condemning the closure.

The Battle to Reclaim the Past

The death of the DAP is important in its own right; it is also symbolic of a generalized and strategic attack on institutions dedicated to historic memory, truth and justice.

Pervasive government rhetoric seeks to discredit the CEH report and paint the concept of “human rights” as harmful and divisive.

Guatemalan courts have been hit with numerous frivolous cases against 100 human rights defenders, backed by public defamation campaigns, seeking to show “there were abuses on both sides.” Attorney General Claudia Paz y Paz has personally been victim of numerous attempts to discredit her work.

As current and former military become emboldened, Congress has responded by introducing legislation that would further limit access to government records, and that attempts to solidify an amnesty for perpetrators of violations during the internal conflict.

Meanwhile, the evidence against the military continues to grow. In 2011, the first arrest was made of a top-ranking official for human rights violations during the conflict. This spring, exhumations began at a military base in Coban; as of July 11, 253 skeletons had been exhumed from 42 separate graves.

Communities and survivors will continue to seek truth and justice; for many, however, national reconciliation will be difficult—if not impossible—if the Guatemalan government does not follow through with its “historic and inalienable” obligation to its people.

Edgar Pérez Blazes New Paths for Justice

“It has cost a lot of blood, persecution, and perseverance on the part of the victims to achieve something so sacred that it should be conceived by all, which is the respect of the fundamental guarantees of all human beings. I am here to receive this recognition in the name of the thousands of victims who haven’t had the possibility to be heard or to raise their voice to denounce the horrors that they may have lived during the internal armed conflict.

I want to thank you and ask you not to take your eyes off Guatemala. We are at a crucial moment, in which [for the first time] in Latin America, a case of genocide is being heard in national courts. We hope the justice system can affirm if we are, in fact, strengthening a democratic state based on the rule of law. All of this work is with the end goal, that I imagine we all share, that through justice, we find peace. Thank you.”

-Edgar Pérez at the ABA’s Section of International Law Conference, New York, April 2012

In late June 2012, Edgar Pérez Archila appeared before the Inter-American Court on Human Rights in Costa Rica representing the communities of Rio Negro, a case he has worked on since 1997.

The government’s persecution and brutal massacre of these Achi Mayan communities, Edgar said, did more than simply violate regional and global human rights conventions. “This violated something transcendental in the defense of the rights of man.”

The Rio Negro case is only one of the many sensitive and emblematic cases Edgar has taken on, and over the last 15 years he has become a seasoned, daring, and successful representative of Guatemalan victims of the internal conflict.

In 2009, Edgar achieved the first sentence issued by Guatemalan courts for forced disappearance during the war. In August 2011 and February 2012, he won historic verdicts in the Dos Erres case, in which former Kaibil Special Forces agents were sentenced to 6,060 years in prison. He has represented many other paradigmatic cases of massacres and forced disappearances from the internal conflict, as well as violations committed in the present day such as labor abuses, sexual violence, and violent evictions. He and his firm, the Guatemalan Human Rights Law Office, are litigating the genocide cases currently in Guatemalan courts.



Edgar Pérez, left, receives the ABA’s International Human Rights Lawyer Award from SIL President Michael Burke.

Edgar’s long-term dedication to Guatemala’s victims and survivors of human rights violations was recently recognized internationally, when GHRC nominated him for the American Bar Association’s International Human Rights Lawyer Award (IHLRA).

The IHLRA recognizes the work of foreign lawyers who are devoted to bringing justice to individuals and communities suffering from human rights abuses and whose legal activities put them in danger of persecution. When he was selected as the 2012 IHLRA recipient, Edgar joined a group of notable past awardees from Latin America, Africa, and the Middle East.

The ABA’s President of the Section on International Law (SIL), Michael Burke,

personally congratulated Edgar at the award ceremony in New York on behalf of the SIL’s 25,000 members. “Your work is an inspiration to our profession,” he said.

GHRC brought Edgar to New York and at the award ceremony GHRC Director Kelsey Alford-Jones commended the ABA for its recognition of his precedent-setting work. “This much-deserved award is an incredible support for Edgar and his team, who work tirelessly under very difficult conditions,” she told the SIL.

GHRC also arranged meetings between Edgar and other human rights organizations in New York to help build support for his work.

Perez, who grew up in a marginalized neighborhood of Guatemala City and was a competitive wrestler as a young man, says his understanding of Guatemala’s history and human rights violations only became clear as he began to travel abroad for wrestling matches.

Now, with over a decade of legal experience, he has formed a law firm with a vision to honorably represent Guatemala’s most marginalized victims. He hopes to demonstrate to other young lawyers that one can pursue the legal professional with honesty and integrity, and use law as a tool for positive change.

Women Seek Integral Reparations, Government Accountability at IACHR

“There is no political will to listen to indigenous women,” stated Miriam de Paz Brit on May 27, during the 144th Session of the Inter-American Commission on Human Rights (IACHR). “We need to be heard.”

The statement was given during the IACHR’s hearing on *The Situation of Women Victims of Human Rights Violations during the Internal Armed Conflict in Guatemala*. The IACHR, part of the Organization of American States, hears complaints of human rights abuses brought against member states, including the government of Guatemala, and holds hearings in Washington, DC.

Miriam, an Ixil woman with the Farmer’s Association for Development in Nebaj, was joined by a group of Mayan women from different regions, with support from various organizations including the National Coordination of Widows of Guatemala (CONAVIGUA) and the Center for Forensic Analysis and Applied Sciences (CAFCA). Miriam and the others argued that women who are victims of human rights violations during the conflict have



Photo: GHRC

Edgar Perez, left, joins representatives from CONAVIGUA, Nebaj campesino organization ASODNEB, Alta Verapaz victim’s organization CODEVI and Forensic analysis center CAFCA

been ignored by the government’s National Reparations Program (PNR), or worse yet, have suffered further victimization.

The PNR began in 2004 and was intended to provide victims with integral reparations including material support, economic compensation, cultural reparations, personal dignification, and psycho-social rehabilitation.

Nevertheless, said Feliciania Marcario, representative of CONAVIGUA, the program has only provided economic compensation and built some houses. Meanwhile, the other three areas have been neglected, effectively reducing comprehensive and integral reparations to a cash hand-out. Because women tend to benefit the most from integral reparations, the program has not effectively compensated women victims.

In addition, the program ignores the needs and challenges that are unique to women. Many who have tried to seek compensation have suffered re-victimization. Frequently, services are not available in their language, their credibility and identity are questioned, and gov-

ernment lawyers are not available to meet with them. Meanwhile, the pervasive sexual violence women suffered has largely remained a taboo issue. Finally, many women are simply not listed in the civil registry, and the government there-

“We suffered and we continue to suffer.”

- María Elena Cual

“There is no political will to listen to indigenous women. ... We need to be heard.”

- Miriam de Paz Brit

fore does not recognize them as eligible for reparations.

During the hearing, María Elena Cual, a Q’eqchi woman from Alta Verapaz whose husband disappeared on May 24, 1982, reiterated the call for an integral reparation program backed by sufficient government funds to provide adequate assistance to female victims. Her appeal to the Commission resonated throughout the room: “We suffered and we continue to suffer.”

The director of the National Reparations Program, Jorge Herrera, representing the

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Justice for Claudina Velásquez

Another case heard by the Commission was the brutal assassination of 19 year-old law student Claudina Velásquez. Velásquez was killed in 2005, and her family brought the case before the Commission after the Guatemalan government failed to investigate her murder. The Commission heard testimony from an expert witness, Dr. Alvaro Castellanos Howell. Dr. Castellanos spoke of the Government’s slow and poorly executed investigation, improper treatment and loss of evidence, and accused the government of gross negligence, saying Guatemala has not provided justice or respected the victim. The Guatemalan Commissioner on Femicide, Alba Trejo, stated that the prime suspect later migrated to the US, and is currently in jail for the rape and assassination of his cousin. Investigators are hoping the FBI can collaborate with DNA analysis to determine if he was Claudina’s murderer.

State of Siege Spreads Fear and Sorrow in Santa Cruz Barillas

By Rob Mercatante

Maybe it isn't hell on earth, but it's close. Once we pass through concrete maze of security checkpoints and controls, we arrive in the part of the prison controlled by the inmates. A rolling sea of white t-shirts, shaved heads, piercings, and tattoos straight out of Dante's nightmares. I weave through the mean mass of humanity, trying desperately not to make eye contact or send any nonverbal message that could be misinterpreted as a threat or challenge.

And then I see him. In the corner, slightly hunched-over, sitting on a wobbly plastic chair. He looks tiny, fragile. Don Esteban: community leader, teacher, husband, father, prisoner.

I'm accompanying his wife, Doña Francisca, who hasn't seen her husband since the day he was unexpectedly arrested and shipped off to this Guatemala prison, far from their home in a rural indigenous village near Barillas, Huehuetenango.

Esteban's face lights up when he sees

Francisca. She sits down in the chair facing him. He takes her hands in his and smiles a soft, sad smile. "How are the children?" It's the very first question that he asks. As she begins to answer him, Esteban's mask of strength and resolve cracks. His bottom lip begins to quiver, his tired eyes fill with tears, and soon his diminutive frame is shaking with desperate and uncontrollable sobbing.

Eventually he wipes away his tears, looking nervously around at his inhospitable surroundings. "Forgive me," he whispers, "but we have twelve children at home, and I don't know how I can possibly provide for them while they have me locked up here."

He sighs. "And then there's my other children." As he catches the look of unconcealed surprise on my face, he manages a brief smile and says "I'm the school teacher in my village. I'm worried for my students also. Who will teach them while I'm away?"

ing any development project that could pose a risk to the environment. Despite the overwhelmingly unified voice of the population, in 2011 the Ministry of Energy and Mining granted a construction license to HSC. Immediately, a chain link fence went

"No rights are going to be violated, precisely because the state of siege suspends all rights."

-President Otto Pérez Molina.

up, cutting off the community's long-established paths and walkways. Local leaders, such as the three that were attacked, have led ongoing resistance to the dam which threatens to destroy communal lands used for recreation and religious ceremonies.

Infuriated by the murder of Andrés, a group of local residents went in search of the perpetrators. Convinced that the hydroelectric employees were being given safe haven by the army, they forced their way into the army base and disarmed the soldiers. Not finding the employees there, however, they eventually withdrew.

The Mano Dura "Solution"

President Otto Pérez Molina reacted immediately to the incursion into the military base. Discarding any peaceful, negotiated solution to the conflict, he declared a "state of siege" in Barillas, militarizing the area with 500 soldiers and 350 police agents, while suspending the constitutional rights of the citizens.

On May 2nd, civilians linked to the HSC, dressed in military uniforms with their faces covered by ski masks, began rounding up community leaders. People were beaten in the presence of security forces before being handed over to them for arrest. Sometime after midnight, without informing local authorities or family members, the community leaders were shipped off to a high-security prison in Guatemala City, some seven hours away from their homes.

When Barillas Exploded

On May 1st of this year the municipality of Barillas, Huehuetenango erupted in angry protests. That afternoon three community leaders were walking to their homes when they were attacked by armed gunmen. Andrés Francisco Miguel was killed on the spot. The other two victims, despite severe wounds, were able to escape. They quickly spread the word about the shooting, identifying their assailants as employees of Hidro Santa Cruz (HSC), subsidiary of Hidralia Energia, a Spanish-owned company that plans to construct a hydroelectric dam against the wishes of the surrounding villages.

In 2007 a community referendum was held in Santa Cruz Barillas: of the 46,481 people who participated 46,472 voted against allow-



Photo: PlazaPublica

A woman and her two children cry as the Guatemalan military tear through peoples homes.

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GHRC Staff Reports from Guatemala**State of Siege in Santa Cruz Barillas***Continued from page 8*

Soldiers and police also descended on the villages, kicking down doors without warrants, tearing through houses, overturning tables, spilling food, confiscating personal papers, terrifying – even hitting – the children. Men and women were separated for questioning, in a tactic frighteningly reminiscent of the counterinsurgency tactics used during the armed conflict. Security forces sexually harassed the women and threatened them with rape. Massacres survivors felt as if they were reliving the horrors of the war.



President Otto Pérez Molina in Santa Cruz Barillas, [Photo: PlazaPublica]

“No rights are going to be violated, precisely because the state of siege suspends all rights,” proclaimed President Pérez Molina.

The Trial

The next time I see Esteban he is in handcuffs. He is joined by Pascual, a campesino farmer also from Barillas. We are sitting outside the courtroom where their pretrial hearing is about to begin, two weeks after their arrest. During the hearing the judge will determine whether the Guatemalan state has a strong enough case to proceed with a formal trial against both men.

Esteban is pale and coughs constantly.

“The prison is so overcrowded, there are no beds for us,” he tells me. “We have to sleep huddled together on the floor; it’s so cold at night. We’re all sick.” Only after the hearing begins are the handcuffs removed so he can wipe his nose.

The defense lawyer immediately asks for more time to prepare his case. “Your honor,” he pleads “I only received the case file minutes ago.” The judge replies that “it wouldn’t be fair” to make the accused wait

but rather for incidents that occurred months earlier. In March the Barillas communities had become increasingly frustrated that – despite every protest, every vote, every political recourse – the heavy machinery of the hydroelectric company was still on the move. One day a group of protestors decided to block the excavators and the dump trucks, and they forced the company employees to set fire to the machines.

Evidently, the state of siege was used as a pretext to round up community leaders accused of provoking previous acts of resistance against the hydroelectric company.

The State continues with its case, presenting witness testimony after witness testimony. None of the witnesses, however, had actually witnessed the events, and all are employees of HSC. The prosecutor produces no evidence linking Esteban and Pascual to the crimes.

When the judge returns from his deliberation, he decides to drop most of the charges against both men. But their hope is short-lived. The judge then rules that there is still enough evidence to charge Esteban and Pascual with unlawful detention, coercion, aggravated arson, and terrorism. He grants the Public Prosecutor’s Office three months to further their investigation and strengthen their case. The trial date is set for August 15, 2012.

The judge then declares that because Esteban and Pascual live in such a remote area he can’t, in good conscience, grant them parole. He denies their bail request and orders them returned to prison for another three months until their trial begins.

Pascual turns to me as his handcuffs are being put back on. “What happened?” he asks, confused by a judgment that he could not begin to understand.

A Legacy of Conflict and Tragedy

Esteban and Pascual are at the epicenter of a tragedy with ever-expanding spirals of suffering. Their wives, children, neighbors,

any longer. The lawyer then asks for a translator. “Both my clients are native Maya Q’anjob’al speakers,” he explains. The judge, however, dismisses the issue and responds that Esteban should translate for Pascual.

The representative from the Public Prosecutor’s Office reads the charges against both men: kidnapping, illegal detention, breaking and entering, threats, coercion, aggravated arson, aggravated robbery, attack on a public utility, and terrorism.

As the prosecutor presents his case, it becomes clear that Esteban and Pascual are not being charged for the events of May 1,

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GHRC Staff Reports from Guatemala

State of Siege in Santa Cruz Barillas

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and communities are all paying the price for defending their environment, territory, customs and traditions – in short, for defending their way of life.

The Spanish company Hidro Santa Cruz continues to force this project on the indigenous communities, in opposition to their will and in violation of their rights. Even before the first stone of the dam has been laid, this company has already left a legacy of division, intimidation, conflict, and death in the communities of Barillas.

In stark contrast to President Molina's assurances that the state of siege was intended to "restore order", the government's actions seemed directed at neutralizing and dismantling the communities' organized resistance to the hydroelectric dam. In total, 19 local leaders, 17 men and two women, were illegally detained. Many men were forced to flee into the mountains to avoid being rounded up like the others, leaving the women to protect and provide for their families.

Reaction and Resistance

The reaction from civil society in Guatemala was swift and massive. On May 15, over 6,000 people marched in Huehuetenango, the capital city of the department where Barillas is located. Two days later the state of



Photo: GHRC

Community leaders Pascual, left, and Esteban, right, face charges of terrorism despite no concrete evidence linking them to acts of vandalism.

ment of communities in the name of "development."

After a campaign of national and international pressure, two men were finally arrested and charged with the murder of Andrés Francisco Miguel. Government sources confirm that both men are employed as security guards for Hidro Santa Cruz.

They are being held in prison in Huehuetenango and awaiting trial. Nonetheless, the intellectual authors

"The liberation of our political prisoners, the defense of our land, and the resistance of our people are the best ways to ensure that what happened in Santa Cruz Barillas is never repeated in other communities in this country."

siege was lifted, despite the government's initial announcement that it last for 30 days.

A coalition of organizations that includes GHRC named "Todos y Todas Somos Barillas" (We are All Barillas) was formed to coordinate follow-up actions including support for the community leaders who have been attacked or detained and their families. The coalition accompanied the residents of Barillas in a second protest on June 18 against the usurpation of land and displace-

have not been identified or brought to justice, and the company continues to operate with complete impunity.

On June 29, the families of the detained community members held a press conference denouncing the arrests as illegal because they were carried out by civilians, and because those arrested were not allowed to go before a judge within 24 hours after their capture.

The families gave a plea for understanding:

"The illegal detention of our family members happened a month and a half ago, during which time our world has come crashing down around us, because they're the ones who sustain our homes. We were already living in poverty; that is the plight of sustenance farmers and indigenous communities in Guatemala. The arrests have caused irreparable damage, as in the case of the wife of Joel Gaspar Mateo who had a miscarriage due to the emotional trauma caused by the imprisonment of her husband and the Guatemalan State's repressive actions.

"To all the people of Guatemala we want to say that we're not criminals, we're farmers who earn our living through our daily labor. The abuses of this company have brought us to where we are today. The liberation of our political prisoners, the defense of our land, and the resistance of our people are the best ways to ensure that what happened in Santa Cruz Barillas is never repeated in other communities in this country."

Attacks Continue Against Land Rights Activists

Continued from page 1

while returning to her home in San José del Golfo and shot through the back. She survived the attack and is now recuperating in a safe house with her two children.

Yoli has been a leader in the ongoing protests in the neighboring communities of San José del Golfo and San Pedro Ayampuc, where community members are opposing the construction of a large-scale gold mining project. The mine would be developed by the Canadian mining corporation Radius Gold and their Guatemalan subsidiary Exploraciones Mineras de Guatemala (Exmingua).



Residents of San José del Golfo and San Pedro Ayampuc declare themselves a "Community in Resistance."

Since March 2, local residents have maintained a roadblock in order to prevent trucks, excavators, and other mining equipment from entering their communities. Community members have stressed their commitment to peaceful, nonviolent resistance.

Prior to the attack, Yoli and other anti-mining activists had received threats and acts of intimidation and, just days before the shooting, had presented a formal complaint to the Public Prosecutor's Office.

GHRC had recently taken a delegation to visit San Jose and responded immediately with a statement denouncing the attack. The petition insisted that the attack be swiftly investigated. GHRC called on the Guatemalan government to guarantee the safety of community members of San José del Golfo and San Pedro Ayampuc, and to find a solution to the conflict that prioritizes the needs and rights of the Guatemalan people over the profits of international corporations.

One day, as Yoli laid in the hospital, her brother answered her phone. It was Yoli's husband, Cesar; he had just been put in an ICE detention facility in Louisiana. He heard his wife had been shot just as the call cut off. He had borrowed the last few minutes from a fellow detainee's phone card, and had no money to call back.

As word spread, GHRC was asked to reach Cesar and clarify his situation. GHRC contacted Cesar in detention and let him know that his wife was recuperating and his children were alive and safe. GHRC also helped facilitate pro bono legal support for his bond hearing as he applies for asylum in the US.

Yoli remains in danger and GHRC is working closely with local partners to raise awareness about her struggle and seek justice. Thanks to our Human Rights Defender Fund, GHRC will provide financial support for Yoli and her two young children as they begin to piece their life back together.

The K'iche' People's Council Under Attack

Just a few hours west of peaceful road block in San Juan and San Pedro, the K'iche' People's Council (CPK) has also been active in its defense of land and natural resources – and has come under repeated attack.

On June 12, CPK member José Tavico Tzunun was assassinated by armed gunmen who broke into his house after midnight. He had received death threats in the days prior to the murder warning him to quit organizing meetings or suffer the consequences. Other members of the CPK have also received threats.

Then, on July 4, CPK spokesperson Lolita Chávez narrowly escaped attack when a group of eight people armed with knives, rocks, and machetes intercepted the bus on which she was traveling and attempted to pull her off.

Lolita is a spokesperson for the CPK and has accompanied 87 communities in their struggles for self-determination and resistance to harmful development projects. On June 26, she presented a formal accusation against the mayor of Quiché, Estuardo

It isn't Lolita Chavez's struggle; it isn't my generation's struggle. It is an inter-generational struggle, a community struggle.

- Lolita Chavez, CPK

Castro, for "abuse of power, racial discrimination, arrogance and authoritarianism, exclusion and marginalization" in his dealings with indigenous communities.

In her accusation against Castro, Lolita added, "We hold the mayor and the municipal government responsible for anything that happens to us or our families."

Three women and a child who were traveling with Lolita were attacked and injured. They received medical attention after an ambulance arrived at the scene. The police, however, took nearly half an hour to show up and then sided with the attackers, calling Lolita and the members of the CPK "delinquents and agitators."

In a recent interview with Guatemala's *Siglo XXI*, Lolita talked about her conviction to continue her work. "There are moments of pain, anguish and sadness, but it's incredible how you can bounce back. It isn't Lolita Chavez's struggle; it isn't my generation's struggle. It is an inter-generational struggle, a community struggle."

GHRC has called on the Guatemalan government, the Public Ministry, the Interior Ministry, and the Mayor of Santa Cruz del Quiché to investigate the attacks as well as the conduct of the police, prosecute those responsible, and provide for the safety and security of the members of the CPK.

GHRC delivered a petition with over 700 signatures to members of the Guatemalan and U.S. authorities to support Yolanda's case and in August will deliver postcards with messages of solidarity to the K'iche' People's Council.

Human Rights *UPDATE*

Court Cases

February 16: **Opening Remarks in Case Against Ex-General Héctor Mario López Suspended** A hearing that would have opened a case against Mario López was suspended due to the ex-general's health issues. He faces charges of genocide and crimes against humanity due to involvement in the 1982 massacres in Quiché.

March 1: **Judge Rejects Amnesty Claim by Efraín Ríos Montt** Judge Miguel Ángel Galvez ruled that the amnesty law is invalid because of a 1949 international treaty against genocide that Guatemala signed before amnesty was declared.

April 3: **Appeals Court Confirms Dos Erres Sentence** The First Court of Appeals upheld the ruling that sentenced three ex-Kaibiles to 6,060 years in prison and a fourth former Kaibil to 6,066 years in prison.

April 30: **Former Police Officer to Stand Trial for Involvement in Spanish Embassy Fire in 1980** On the day of the fire, January 31, 1980, the Embassy was occupied by indigenous protestors who wanted to inform the world about human rights abuses being committed. Former police officer Pedro Garcia Arredondo is accused of keeping firefighters from extinguishing the fire and ignoring the ambassador's pleas to withdraw his forces.

May 8: **State of Guatemala to be Tried in Femicide Case** The Inter-American Court on Human Rights will try the state of Guatemala for denial of justice in the assassination of Maria Isabel Veliz in 2001. The death of Maria Isabel has become symbolic for impunity in femicide cases in the country.

May 22: **Ríos Montt Charged with Dos Erres Massacre** The ex-general, facing charges of genocide and crimes against humanity, will be required to stay under house arrest until the trial date and to pay Q500,000 (over \$64,000) bail.

June 19: **Inter-American Court on Human Rights Hears Case on Río Negro**

Massacre. The hearing included testimonies from six survivors of the 1982 massacres. After the hearing, Secretary of Peace Alfonso Arenales denied that genocide had taken place in Guatemala and asked the court to declare itself unqualified to try the case. On June 22, President Pérez Molina additionally asked the court not to exceed its authority by acting like a criminal court.

June 27: **Court Awards Provisional Protection to Ríos Montt** The decision by the Fourth Court of Appeals suspended the trial against the ex-general for the 1982 Dos Erres massacre. On June 28, the Public Prosecutor's Office and the Association of Family Members of the Detained-Disappeared of Guatemala (FAMDEGUA) presented appeals to the Constitutional Court regarding the ruling.

July 13: **Retired Colonel Byron Disrael Lima Estrada Released From Prison** A judge determined that Byron Estrada, convicted for the assassination of Bishop Juan Gerardi, had fulfilled half his sentence and had shown good conduct in addition to studying and working during his time in prison. As a result he was granted early release. The Public Prosecutor's Office renounced its right to appeal the decision.

Attacks on Human Rights Defenders

May 1: **Guatemala Declares State of Siege in Huehuetenango** Interior Secretary Mauricio López Bonilla sent a contingent of military and police forces to Santa Cruz Barillas, Huehuetenango to "restore order" after a group of men took over a military base in response to the assassination of a community leader by security guards hired by a hydroelectric company.

May 18: **State of Siege in Santa Cruz**

Barillas Lifted President Pérez Molina lifted the siege after 16 days and 17 arrests, nine of which were declared to be illegal by the UN Office of the High Commissioner for Human Rights. The president



March in San Juan Sacatepéquez, mimundo.org

will allow Hidro Santa Cruz to continue working in the area, but under a mandate to be environmentally and socially responsible.

May 25: **Authorities Capture Men Allegedly Responsible for Attack in Santa Cruz Barillas** Investigation into the attack has revealed that the two men captured did not work for Hidro Santa Cruz directly, but were subcontracted to work for the company as security guards.

June 12: **José Tavico Tzunun, Member of K'iche' People's Council, Murdered** Tavico Tzunun was assassinated in his home by two heavily armed men. As a delegate to the council, he helped to organize meetings on the effects of megaprojects and the presence of transnational corporations.

June 13: **Anti-Mining Activist Yolanda Oquelí Injured in Shooting** The activist was ambushed by two men as she attempted to return to her home in San José del Golfo. Other leaders of the protest against the El Tambor mine denounced the attack as deliberate and said that it had followed several days of threats.

July 4: **Lolita Chavez, Member of K'iche' People's Council, Attacked** Chavez was attacked by armed men on her

Human Rights *UPDATE*

way home from a protest against projects affecting the environment and extractive practices. Three other women and one young girl were also attacked, three of whom were hospitalized.

July 10: Domingo Hernández Ixcoy, Member of Maya Waqib' Kej National Convergence and Coordination, Threatened Hernández Ixcoy's house was broken into and vandalized, and he received a note alluding to a death threat. He has been active in protesting the regulation of community consultations.

Marches and Grassroots Movements

March 2: Communities in San Pedro Ayampuc and San José del Golfo Block Mine Community members blocked the entrance to the Canadian-owned Tambor gold and silver mine and plan to remain there indefinitely. They hope to force the government to hold a referendum on the opening of the mine.

April 27: Thirty Human Rights Organizations Protest Goldcorp in Toronto The Canadian mining company, which operates the Marlin Mine in Northwestern Guatemala, has been criticized locally and internationally for contaminating water sources; condoning intimidation, threats and attacks against community members; and disregarding community referendums and international regulations.

May 1: International Workers' Day Marchers Present Demands Echoing the demands of previous *campesino* and union marches in April, the marchers demanded an end to militarization and exploitative mining projects and criticized Congress' decision to freeze further dialogue about the rural development law.

May 8: Guatemalan Police Try to Break Roadblock in San José del Golfo Community members successfully repelled a late night attempt by the mining company, backed by 400 police, to bring mining machinery into the site of the proposed El Tambor mine.

June 5: Student Protests Result in Violence

Students studying to be teachers blocked a highway leading to the capital in protest of changes to the teacher's certification degree. Riot police at the scene responded with tear gas, leading to protesters throwing rocks and sticks at the police.

June 15: Government Responds to Campesino Demands The government responded by email to a list of eight demands presented by the Indigenous March. Among the responses were the commitment to not install new military bases in areas where the population, along with the authorities, do not want them; a reduction of interest on the agrarian debt; and a commitment to look over mining laws. Leaders of the Indigenous March plan to present a counterproposal.



The People's International Health Tribunal, mimundo.org

June 22: Four Thousand in San Marcos Protest Mining Activity Community members participated in a march to oppose mining activity in the area and the apparent reactivation of mining licenses by the government.

June 30: Residents of San Juan Sacatepéquez March Against Military Base Thousands of people from the community, as well as delegates from Huehuetenango, San Marcos, and Quiché, participated in a march to protest the inauguration of a military base in the department. Through dialogue, they convinced the mayor to write a letter to the President requesting the base be removed. The process has not advanced. Another military base in Petén was also inaugurated on the same day.

July 15: Goldcorp declared guilty by The

People's International Health Tribunal Goldcorp, the Canadian mining company that operated in the Marlin Mine, was declared responsible for affecting communities in Guatemala, Honduras, and Mexico with its excavations. The decision was unanimous in determining the violation of human rights in the communities where Goldcorp is operating.

General

April 21: Two Military Brigades to be Installed in Izabal and San Marcos Guatemala's Department of Defense announced the opening of two military bases, one in Puerto Barrios, Izabal, and the other in San Marcos. Each brigade would have about 500 soldiers.

April 24: Rosalina Tuyuc Receives Peace Award Tuyuc received the Niwano Peace Prize for her work as a peace activist and human rights defender. This is the first time an indigenous woman has received the award.

May 31: Jorge De León Duque Elected New Human Rights Ombudsman

The former congressman of the Commitment, Renewal, and Order (Creo) party won the election following a 142-6 vote despite complaints from many human rights organizations that the election process was flawed and illegal.

May 31: Secretary of Peace Antonio Arenales Forno Announces Closure of Peace Archives The archives were created in 2008 to digitize and analyze evidence of human rights violations that occurred during the internal armed conflict. President Pérez Molina maintains that the decision was purely financial.

June 23: Army Designates 500 Kaibiles to the Fight Against Organized Crime Military spokesman Rony Urizar reported that approximately 90 percent of the 500 troops will go toward the naval or urban combat sectors of the special forces.

Women Present Case at Inter American Court on Human Rights

Criminalization of Human Rights Defenders

Numerous Guatemalan organizations, the majority represented by the Human Rights Convergence, presented the Commission with the *Situation of Human Rights Defenders and Access to Justice*. Human rights defenders are at risk, they told the Commission, and attacks are increasing. They have documented patterns of criminalization and social cleansing. Meanwhile, the government has not designated sufficient funds to support justice efforts, and instead has focused on militarizing citizen security.

While the government, not surprisingly, denied the legitimacy of the majority of the petitioners' concerns, the presentation did bring out a minor concession by Hugo Martínez of the Presidential Human Rights Office. "There hasn't been complete fulfillment of the spirit of the Global Agreement on Human Rights," he admitted.



Continued from page 7

Photo: Juan Manuel Herrera/OAS

Guatemalan government, insisted that "violating women's rights was not a state policy." Nevertheless, the women made a clear and convincing argument that the government has failed to address the issue.

Lawyer Edgar Pérez, who also supported the case, closed the hearing by reminding the Commission that even the minimal support offered by the PNR isn't guaranteed past 2013. In addition, Pérez pointed

out, "The justice system has not done a parallel investigation for a single case in the PNR." To date, 4,636 cases have been submitted to the PNR.

Learn more at:

www.conavigua.org.gt
www.cafcaguatemala.org

Iduvina Hernández Speaks on GHRC's Spring Tour

Continued from page 3

ington, DC with visits to US Congressional Offices and meetings with representatives from the Department of State and the Department of Defense. Her message was clear: do not lift the ban on funding to the Guatemalan Army.

In Guatemala, Iduvina has been targeted by the military establishment for her outspoken and effective criticism of military abuse. As part of the "conspiracy of silence" aimed at hiding the truth about atrocities committed during the conflict, Iduvina and over a hundred other human rights activists have been accused of terrorism, assassination and other crimes during the war. This blatant attempt at crimi-

nalization is an example of the so-called "mirror" strategy, in which every accusation of genocide or other crimes against humanity brought against former military officers is echoed by similar charges filed against human rights defenders.

Nevertheless, Iduvina continues undaunted with her work. She still publishes her weekly column in *Plaza Pública*, and in the short time since the tour ended, she and her colleagues have openly criticized the government's violent crackdown on protests by students training to be teachers, corruption in the election of the new Human Rights Ombudsman, and the closing of the Peace Archives Directorate.

Iduvina concluded each presentation by appealing to the audience to support the struggle for human rights in Guatemala.

"The most important thing you can do is hold a little space in your heart for Guatemala, and remember that just to the south is a country whose people are struggling for a life of democracy, justice and peace."

Note: An earlier version of the publication mistakenly identified a figure in one of the photos as Otto Pérez Molina when in fact it was his predecessor. It also lacked a photo credit. The photo was taken by Jean-Marie Simon.

EVENTS AND ANNOUNCEMENTS

CALENDAR

GHRC is Celebrating its 30th Anniversary!

2012 marks 30 years since Sister Alice Zachmann registered the Guatemala Human Rights Commission as a non-profit, and we're celebrating all year.

Join us for a celebration on September 27th in Washington, DC, featuring a reception, dinner, raffle, musical entertainment, and a keynote speech by the recipient of GHRC's Alice Zachmann Human Rights Defender Award.

All Souls Church
1500 Harvard St. NW

Reception: 6pm
Dinner: 7pm

Stay Informed

Visit our website and sign up for our list serve to receive urgent actions, event invitations, and other important information.

www.ghrc-usa.org

Tickets are on sale now and can be purchased online, by phone, or by mail!

Enjoy *El Quetzal*?

Make a contribution to GHRC to support the printing and distribution of our publication.

A donation envelope is enclosed; any amount helps.

You can also read *El Quetzal* online. Please spread the word.

August Delegation: Violence Against Women

From August 4 -12, GHRC will lead a delegation to Guatemala to meet with women organizing to combat violence and destructive large-scale development projects. Delegation participants will meet with a diverse group of women: Mayan, Xinka and ladina; rural and urban; community organizers and national activists; survivors of violence and victim's advocates. Delegates will also have the opportunity to share their experiences and concerns with officials from the Guatemalan government and the U.S. Embassy.

Volunteer or Intern with GHRC!

Interested in getting more involved with the Guatemala Human Rights Commission? Let us know! Whether it is in our DC office or from afar, there are many opportunities to help out. We are looking for translators (must be fluent in Spanish), helpers for large mailings, and passionate activists who would like to help educate or fundraise in their own community.



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El Quetzal

A Quarterly Publication

- ⇒ First-hand report on those affected by the State of siege in Santa Cruz Barillas
- ⇒ Attacks against land-rights activists
- ⇒ GHRC's Speaking tour with Iduvina Hernandez

**Invitation to GHRC's
30th Anniversary
Celebration Inside!**