



# El Quetzal

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GHRC

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## Mayan Lawyer Brings Massacre Cases to the Inter-American Commission on Human Rights

Maria Dolores Itzep arrived in Washington DC on a cold evening with two suitcases containing 120 pounds of documents to support her community's petition for a case that includes 20 massacres in Rabinal, Baja Verapaz. GHRC hosted Maria's week long visit to the Capital.

"Our goal in submitting this petition to the Inter-American Commission on Human Rights," Maria explained, "is to have our case approved and thus obtain a hearing against the Guatemalan state. We want justice, complete reparations, protective measures for the families involved

in the case, a National Commission to search for the disappeared, an apology from the Guatemalan government, and the promise that this will never happen again."

On Tuesday, December 9, 2008, GHRC Director Amanda Martin accompanied Maria for her appearance before the Inter-American Commission on Human Rights (IACHR) at the Organization of American States in downtown Washington, DC. "The Guatemalan Army killed over 250 people in these 20 massacres from 1981 to 1994," she told the IACHR lawyer.

"Women and children were murdered. None of the survivors dared to denounce the crime for fear of persecution. Only in the past 10 years are people speaking out," Maria explained. She has been working with the widows of Rio Negro to collect their testimonies, which are included in the petition.

### An Experienced Advocate

Maria Dolores Itzep is a Mayan Achi lawyer and founder of the Bufete Jurídico Popular (Legal Assistance for the Poor) in

2001. She works with Jesus Tecú Osario, a massacre survivor from Rabinal, who delivered a similar petition for the massacre at Chichupac (Rabinal) to the IACHR in November 2007. Between 4,500 and 5,000 Mayan Achi people were massacred by the Guatemalan military and paramilitary in the region of Rabinal, Baja Verapaz, during the internal armed conflict.

*"We want justice, complete reparations, protective measures for the families involved in the case, a National Commission to search for the disappeared, an apology from the Guatemalan government, and the promise that this will never happen again."*

This was Maria's first visit to the U.S., but not her first foray into human rights litigation. She traveled to Spain in April of 2008 to help prepare eight Mayan Achi widows from Rabinal to testify at the

*Continued on Page 9*



Demissie Abebe (Director of TASSC), Kelsey Alford-Jones (GHRC), Maria Dolores Itzep, Alice Zachmann (founder of GHRC), Amanda Martin (Director of GHRC)

### IN THIS ISSUE

|  |   |
|--|---|
| Letter from Program Associate.....               | 2 |
| Recommendations to New Administration.....       | 3 |
| Update on the Femicide Law.....                  | 3 |
| Effects of Migration.....                        | 4 |
| Asylum Officer Training.....                     | 4 |
| Voiceless Speak Recipient Shares Experience..... | 5 |

|  |    |
|--|----|
| Update on the Genocide Case in Spain.....        | 6  |
| Jennifer Harbury Continues to Push her Case..... | 7  |
| Declassification of Military Archives.....       | 8  |
| Human Rights UPDATE.....                         | 10 |
| Events and Announcements.....                    | 11 |

## GHRC Mission

*Founded in 1982, the Guatemala Human Rights Commission/USA (GHRC) is a non-profit, nonpartisan, humanitarian organization that monitors, documents, and reports on the human rights situation in Guatemala; advocates for survivors of human rights abuses in Guatemala; and works toward positive, systemic change.*

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## Letter from the Program Associate

I have had a strong interest in the language, culture, and people of Latin America for many years. I studied History and Spanish at Grinnell College, focusing on Latin American political and social movements of the 20<sup>th</sup> century. I first lived in the region when I spent a semester in Valparaíso, Chile. The experience helped solidify my interest in international affairs and, after graduating, I yearned to spend more time abroad.

The opportunity came in 2006, at a small community conservation center in the northern tropical rain forest of Costa Rica. I spent a year developing the center's environmental education program, organizing ecology clubs in the local schools, discussing the important role of the tropical rainforest, and encouraging community programs such as recycling and reforestation. Living as a member of the rural community, however, I increasingly understood the extent to which the environmental problems stemmed from underlying social and economic issues. My first visit to Guatemala reinforced my conception of the social and environmental justice movements as one and the same.

These experiences were fresh in my mind when I returned to my hometown of Portland, Oregon and began teaching at a bilingual alternative high school for Latino students. Many had emigrated as young children from rural parts of Mexico and Central America and were struggling in the public school system, some for linguistic or cultural reasons; others had dropped out altogether and entered the workforce or joined gangs. The challenges they faced were intimately related to the global problems of poverty, forced migration, and systemic inequalities I had become familiar with in Costa Rica.

My students in Costa Rica and Portland introduced me to the personal stories of tragedy, loss and hardship that US policies create on both sides of the border. I moved to DC with the hope of working to address these issues, and of doing so in solidarity with activists in Latin America. GHRC appealed to me for its multi-pronged approach to human rights work in Guatemala and the importance it places on education here in the US. I have been with GHRC since September, and I continue to deepen my understanding of Guatemala and its people.

It is a challenging time to be working on Guatemalan issues: increased organized crime and vio-

lence are again plunging the country into depths of suffering and insecurity not felt since the internal armed conflict. This issue of *El Quetzal* reflects on these conditions, now 12 years since the signing of the Peace Accords and ten years after the publication of the

Historical Clarification Commission's report. A common thread throughout these articles is the Guatemalan government's continued lack of implementation of important pieces of the Peace Accords, as well as the court's noncompliance with international rulings.

The passage of the Femicide Law in Guatemala last year is a positive step forward as a judicial tool to combat violence against women. However, most legal cases relating to the internal armed conflict remain unresolved and victims must seek justice in the international arena. The cases mentioned here – the Genocide case filed against Guatemalan heads of state and military officials, Jennifer Harbury's case on the torture and murder of Everardo, and the Rabinal genocide cases – are progressing slowly through the Spanish courts, the Inter-American Court of Human Rights, and the Inter-American Commission respectively. They are emblematic of the barriers that Guatemalan citizens face in their search for justice.

There are some rays of hope, however. Multiple voices in these pages, including those of Jennifer Harbury, Voiceless Speak grant recipient Carlos Gómez, and Marco Tulio Alvarez of the Peace Archives in Guatemala City, remind us that Guatemalan citizens and their advocates continue to educate, organize and struggle for positive change. Furthermore, President Colom's decision to support the declassification of the military archives suggests he is making a step in the right direction. And here in the US, GHRC is working to encourage the Obama Administration to reconsider the most harmful of US policies affecting Guatemala.

The brave and passionate individuals whom I have had the opportunity to meet, both in Guatemala and here, are a continued inspiration. I hope our readers, too, can feel not only more informed about Guatemala, but also more connected to the personal struggles and successes of its citizens.



*Kelsey Alford-Jones*

# Memo to the New Administration: Recommendations for US Policy Towards Guatemala

GHRC and a coalition of US organizations recently sent a letter to the new administration and U.S. Embassy officials with recommendations concerning U.S. policy towards Guatemala. The letter highlights six areas that the coalition considers to be most problematic, and in which the U.S. can play a concrete role in creating positive change. This includes:

1. *Encourage Guatemalan government to strengthen its focus on human rights.* Particular emphasis should be placed on bringing the perpetrators of mass atrocities to justice, protecting human rights defenders, strengthening labor rights, and supporting the efforts of the International Commission against Impunity in Guatemala (CICIG) to investigate and prosecute organized crime and develop Guatemalan judicial capacities to address this escalating problem.

2. *Reshape the Merida Initiative.* Approved

by the US Congress in 2008, the plan gives \$16 million to Guatemala to fight gang violence and organized crime. This policy needs to expand its focus to strengthen citizen security through support for analysis and comprehensive, structural reforms of Central American police forces.

3. *Invest in training programs to combat femicide.* Femicide continues to rise in Guatemala. The U.S. can invest in training police to investigate the crimes, as well as provide accompaniment and support for victims and their children.

4. *Encourage Guatemala to recognize the validity of community referendums.* The U.S. should respect community rights to the "free, prior, and informed consent" guaranteed to indigenous peoples in Convention 169 of the International Labor Organization (ILO). Peaceful, democratic

opposition to mining projects should not be criminalized or attacked via police and military force.

5. *Support workers' rights and protect trade unionists in Guatemala.* Violence against trade unionists is increasing yet the government has failed to recognize unions or address violations of workers' rights. The US should support a change in Guatemalan labor law and pressure the Guatemalan government to enforce it.

6. *Act quickly and decisively in support of fair and equitable immigration reform.* We urge: the granting of Temporary Protected Status for Guatemalans in the U.S. who cannot return, an immediate halt to raids and deportations, discontinued collaboration of local law enforcement with Immigration and Customs Enforcement (ICE) officials, and the recognition of labor rights for undocumented workers.

## Femicide Recognized but Violence Continues

By Christina Hayes  
*Femicide Campaign Intern*

In the 1960s an anti-war song entitled "Where Have All the Flowers Gone?" reminded a country about the lives lost in a tragedy that could have been prevented. Today's "flowers" are the women and girls of Guatemala, who have been "disappearing" in increasing numbers for decades. Violence against women and femicide in Guatemala must be examined within the context of the powerful legacy of the internal armed conflict and its complex impact on gender violence.

In Guatemala victims frequently receive the blame for their own rape, torture, or death. Over 5,500 women have been killed since 2001 (those that have been reported). Less than 10% of the cases have been investigated. "She should not have been out that late" or "she was probably a prostitute or gang member"

are the excuses offered to justify painfully slow and inefficient investigations. With these institutional inadequacies, the families of the victims also undergo repeated cycles of grief and frustration.

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*Between January and August of 2008, 61% of femicides were products of domestic violence. During this same period, 45% of the 238 femicides took place at the home of the victim.*

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Due to lack of investigations and criminal prosecution, the identity of the perpetrators is unknown. State officials have blamed drug traffickers and gang members for gender based crimes; however, there is much evidence that points to domestic violence. According to a 2005 United Nations report, 36% of Guatemalan women experience domestic violence,

between January and August of 2008, 61% of femicides were products of domestic violence. During this same period, 45% of the 238 femicides occurred in the victim's home. In January 2009 alone 27 women were killed. Equally appalling is the rise in suicides among female victims of domestic violence; governmental support and attention is scarce.

Several organizations are dedicated to stopping violence against women, including government-sponsored institutions such as CONAPREVI (National Coordinator for the Prevention of Domestic Violence and Violence Against Women) and other women's rights organizations such as DEMI (Defense of Indigenous Women) and the Guatemalan Group for Women. (Grupo Guatemalteco de Mujeres). The Ombudsman's Office for Human Rights (Procuraduria) also monitors violations of women's safety and equality.

*Continued on Page 5*

## A Boy in Huitán Selling Ice Cream: The Lasting Effects of Migration

*GHRC's new program linking US trade policy and Guatemalan migration recognizes the rights of Guatemalans at home and abroad to steady employment, fair compensation, a sustainable local economy, and democratic participation in local governance. During a time of economic crisis, immigrants are often the first to be unemployed. We recognize the right to migrate, and also the right to remain at home with real options for employment and survival.*

By Sara Knechtel  
Peace Corps Volunteer, Huitán

Esvin Misael Lucas Vail is a 13-year-old orphan from Huitán, Quetzaltenango, a rural Guatemalan town in the Western Highlands. He lives with his maternal grandmother, María Velásquez Lucas, who has no set income and is struggling to provide for him.

In January 2008 Esvin began his first year in middle school. He lived with his mother María Velásquez while his father, Hector Lucas, worked in Georgia and sent money home for his education. In January 2009, Esvin sold ice cream on the buses that pass through town. His grandmother tries hard to clothe and feed him. Esvin's mother died suddenly in April 2008, and Esvin's father, Mr. Lucas, has not been heard from since he last called the family in August 2008.

"I try and provide for Esvin, but I do not have enough money," laments Ms. Velásquez. "His father used to send money for his education, but I cannot afford it, so now Esvin has to work instead."



*Piedra Grande, Huitán, Quetzaltenango*

Ms. Velásquez sits straight in her chair, her face drawn tightly. She wears the traditional Mayan dress of Huitán: a dark blue corte (woven skirt) that she wraps around her waist and ties in place, and a red huipil (woven blouse) embroidered with colorful sets of flowers. Her wrinkled skin reflects her many years working in the cornfields under the strong sun. She has a towel wrapped and tied around her head. Her first language is Mam, the local Mayan language. She struggles to express herself in Spanish.

"We want Esvin to go to school, but there

is no money. What else can we do?"

Esvin sits shyly in the chair beside his grandmother and helps translate. He smiles thoughtfully and shrugs his shoulders. "My dad used to call me at least once a month," Esvin recounts, "He has not called since August and I do not have his phone number."

Esvin's story contrasts starkly with stories of large houses being built with remittances from the US. Many Guatemalan parents migrate North in an effort to provide a better life for their children, but all too frequently something goes wrong and the money stops flowing.

The migrant trail is dangerous; immigrants are subject to arrest, rape, death from dehydration while crossing the desert, or attack by Mexican gangs targeting Guatemalan migrants. Migration is an expensive venture, costing \$5,000-\$7,000 per person in fees to the *coyote*. To pay this fee, houses and land are mortgaged; high interest loans are made, with no guarantee of success. Homes and land are lost if no work is found in the U.S.; the debt to coyotes must be paid, while leaving only one parent to provide for the family. Those left behind wonder what happened and often end up with more severe financial difficulties.

## Asylum Officers Learn About Guatemala

In November, 2008, GHRC Director Amanda Martin led a workshop for 60 asylum officers on the relationship between Guatemalan human rights and the five categories for political asylum. The officers are interested in developing a greater understanding of the current human rights situation in Guatemala.

The US remains the largest recipient of claims by asylum seekers of all nationalities. In 2008 an estimated 50,700 individuals applied from countries around the world; 25,270 were granted protection.

Asylum seekers must file within one year of arrival to the U.S. and must demonstrate a well-founded fear that if returned to their home country, he or she would face persecution based on race, religion, nationality, political opinion or membership in an at-risk social group.

The officer interviews the applicant, and should make a fair and knowledgeable decision on whether or not to refer the case to an immigration judge. Asylum officers' responsibilities also include researching relevant law and country

conditions and analyzing security information to determine whether it impacts the asylum application.

Despite the quantity and diversity in asylum seekers, there are no country specific officers. GHRC hopes that an increased awareness of the political and cultural situation in Guatemala will help these officers make more informed decisions for Guatemalan asylum cases.

**GHRC provided asylum support for 28 cases in 2008.**

## Profile of a Guatemalan Immigrant Rights Champion

*Since 1987, the GHRC Voiceless Speak Fund has provided scholarships for Guatemalan survivors of human rights abuses who are residing in the US.*

By Carlos Gómez

*Recipient of 2008 "Voiceless Speak" Grant*

For those of us who fought in one way or another so that peace would be reality for the country, the signing of the Guatemalan Peace Accords on December 29, 1996, was a day of great promise. We believed in the good will of the government. Nevertheless, more than twelve years have passed and Guatemala continues to be overwhelmed by extreme poverty. What is most troubling is the violence occurring throughout the country. 2008 was one of the most violent years and has been compared to the most deadly years of the internal armed conflict. The war continues in Guatemala.

For those of us who were exiled during the war, it is painful to see the current level of violence. Guatemala is going through one of its worst moments in all aspects: economic, political and social.

Human rights are violated every day, the justice system continues to be ineffective, impunity is an impenetrable wall, and state institutions are infiltrated by organized crime.

Those of us who live abroad are not indifferent to this situation. We continue working not only for the Guatemala we left behind, but also for the other Guatemala here in the North.

The Guatemalan immigrant community has a dual role. We sustain the fragile Guatemalan economy with remittances sent to our families. Without our remittances, the economy would have collapsed long ago; however, the government has done nothing to ensure the rights of Guatemalan immigrants in the US.

We contribute to the US economy by working and paying taxes, but a great majority of us cannot enjoy the benefits due to lack of legal documents.

I am dedicated to organizing the Guatemalan community in the US and teaching them their rights. Just because we live in a country that is not our own does not mean our rights can be violated. For the past six years I have traveled throughout

the US, speaking about human rights violations in Guatemala to the Guatemalan diaspora.



*Carlos Gómez*

My work has given new hope to my life, hopes that allow me to believe in my old dreams. I still dream of a free, just, and democratic Guatemala.

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*MIGUA, the Movement of Guatemalan Immigrants in the United States sent a letter to President Obama demanding an immediate halt to raids, deportations, and identity theft charges against undocumented workers, as well as an end to discrimination against immigrant workers.*

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*Carlos Gómez was a union leader in Quetzaltenango, Guatemala who fled political persecution in 1993. He is Vice President of MIGUA in Chicago, organizing for immigrant rights.*

### Violence Against Women Continues

*Continued from page 3*

The Guatemalan Congress approved the Law Against Femicide and Other Forms of Violence Against Women in April 2008, challenging historic impunity by imposing strict penalties for violence against women. A crime of femicide can now be punished with 25 to 50 years in prison.

Still, many activists, such as Norma Cruz (Director of the Survivor's Foundation), recognize that true change will only come through continual pressure on the government and international attention. The Survivor's Foundation supported the first successful conviction under the new law, in which Calixto Simón Cum received a

five-year prison sentence for domestic violence against the mother of his children, Vilma de la Cruz. While applauding this ruling, Norma Cruz also cautions that violence against women is still prevalent. In the first *four* days of 2009, for example, 487 women requested aid from the Institute for Public Legal Defense for "beatings, insults, and death threats." Since the passing of the Femicide law more women are speaking up and seeking help.

The Law Against Femicide is a step towards protection and equality for women. For the first time in the history of Guatemala, physical, sexual, economic, and

psychological violence against women is recognized and declared illegal under national law.

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*View our website for a complete listing of sources for the statistics in this article, as well as more information about our For Women's Right to Live Campaign.*

Sign up now to join our **August Delegation to Guatemala** focused on femicide and other forms of violence against women.  
*More details on page 11.*

## One Decade Later: National Security Archive Documents Continue to Play an Important Role in the Guatemala Genocide Case

By Jesse Franzblau  
*National Security Archive*  
*Guatemala Project Research Assistant*

Boxes of declassified US documents on Guatemala, some requested over a decade ago, still trickle in to the National Security Archive in Washington, DC. Recently, GHRC interns helped scan through documents and computer files looking for information relating to the Guatemalan military during the worst years of the internal armed conflict.

Kate Doyle and her Guatemala Project team originally requested the files to help with the UN Historical Clarification Commission Report investigating human rights abuses during the war. Now, thanks to the halting advancement of human rights cases in court, these long overdue documents are becoming important tools in the legal battle for justice – particularly in the Guatemala genocide case in Spain.

Ten years ago, Nobel Laureate Rigoberta Menchú Tum and other victims filed a criminal suit in the Spanish National Court against Guatemalan former heads of state Fernando Romeo García Lucas, Efraín Ríos Montt, Oscar Mejía Víctores and five senior army and police officials. The case has faced many challenges, but human rights advocates have continued to champion the case. On February 18, 2009, Judge Santiago Pedraz heard the third round of witness testimonies charging the former officials with genocide, state terrorism, torture, and other crimes

against humanity. The Spanish courts follow the principal of “Universal Jurisdiction,” which upholds the rights of foreign countries to try cases involving crimes against humanity. In the case of Guatemala, since the domestic justice system has proved both unwilling and, at times, unable to prosecute former officials responsible for war crimes, this case has moved to Spain.

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*The declassified records provide critical insight into the command and control of the high-level officials responsible for Guatemala’s genocide*

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Along with the former heads of state, the defendants include ex-Minister of Defense Ángel Anibal Guevara Rodríguez, former Minister of Interior Donaldo Álvarez Ruiz, ex-Chief of the Armed Forces General Staff Manuel Benedicto Lucas García, former Director of National Police Germán Chupina Barahona and head of the police unit *Comando Seis*, Pedro García Arredondo. Two of the defendants have died since the filing of the charges; Fernando Romeo Lucas García died in Venezuela in 2006, and Germán Chupina died in Guatemala in 2008. Álvarez Ruiz has been on the run since the overthrow of the Lucas government in March of 1982. He was last known to be in Mexico in 2004, but reports surfaced that he could face extradition by the Mexican government, and is currently believed to be residing in Miami. Pedro García Arredondo

and Guevara Rodríguez were arrested in 2006, with an international arrest warrant issued in the Spanish case. They were released, however, following a Guatemalan Constitutional Court decision in December 2007 not to extradite the former officials, citing that Spain does not have jurisdiction over crimes committed in Guatemala.

These setbacks have left the Spanish case without defendants, but it is proceeding nonetheless. Judge Pedraz has heard testimony from Mayan Achi survivors of the Guatemalan army’s scorched earth operations of the early 1980s. The third round of testimonies included Guatemala specialist, Kate Doyle, who presented declassified US government records as evidence to support charges against the Guatemalan defendants. Because of the close relationship between US governmental agencies and the Guatemalan security services, the declassified US records provide critical information on the intellectual authors (including high ranking Guatemalan military officials) responsible for Guatemala’s genocide. The documents also shed light on the long history of US overt and covert support for Guatemala’s successive military dictatorships.

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*For more background information on the genocide case, and for updated summaries of the witness testimonies in Spain, visit the National Security Archive’s Web Site: <http://www.gwu.edu/~nsarchiv/guatemala/index.htm> or contact Jesse Franzblau.*

### **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 native Spanish-speaker), helpers for large mailings, and passionate activists who would like to help educate or fundraise in their own community. We are also accepting applications for our 2009 Summer Internship positions.

## Jennifer Harbury Continues Her Battle for Justice

*Jennifer Harbury lived in Guatemala from 1985-1986, monitoring and reporting the ongoing human rights violations against the Indigenous Guatemalans. She returned repeatedly during the next many years, and in 1991 visited a base camp in the Volcán Tajumulco to interview women URNG combatants for her first book, "Bridge of Courage" (Common Courage Press 1993). There she was one of the founders and commanding officers of the ORPA (The Organization of People in Arms), Efraín Bámaca Velásquez (alias "Everardo"). They fell in love and married. Bámaca was kidnapped in 1992 and tortured and murdered by Guatemalan military leaders on the CIA payroll. Jennifer, with the support of GHRC, has continued to fight the case over the last 17 years, through two hunger strikes (one lasting 32 days in 1994), an ongoing search for Everardo's body, a case with the Inter-American Court on Human Rights in Costa Rica, and civil rights cases against the CIA, the State Department, and the National Security Council.*



*Jennifer Harbury holds a picture of Everardo during her hunger strike in Guatemala City, October 1994*

By Jennifer Harbury  
February 2009

The more things change, the more they really do stay the same. I have just returned from a two-week trip to Guatemala and Costa Rica where I continued to press Everardo's case.

In December 2000, the Inter-American Court of Human Rights (an autonomous judicial institution in San José, Costa Rica) ruled that the Guatemalan military was guilty of the disappearance, torture, and extra judicial execution of guerrilla commander Efraín Bámaca Velásquez.

The one hundred page unanimous decision set key legal precedents that left the army somewhat unhappy. The Guatemalan government complied with some of the Court's reparations orders, such as paying damages to Everardo's family members and even "accepting responsibility" in a somewhat surreal ceremony in the National Palace. Scores of *compañeros* and *compañeras* arrived, many in indigenous dress, and many on prosthetic legs, cheering and crowding the reception



*Amanda Martin, Jennifer Harbury and Kelsey Alford-Jones*

room to pay tribute to his memory. The military appeared to have fled the building.

Despite the reparations and ceremony, impunity reigns. No progress has been made in bringing the perpetrators to justice, holding the military officers responsible for brutal torture, or locating Everardo's remains. All of my relatives, and all of the witnesses and their relatives have suffered terrifying attacks and threats since the court ruling in 2000.

After almost a decade of few results, there has been a spurt of recent activity on the case. The Guatemalan Court, having waited eight years for full compliance of the Inter-American Court's ruling, scheduled a hearing in January 2009. On cue, Guatemalan officials approached my sister-in-law during Christmas week 2008, insisting that she attend an exhumation and "identify" her brother's remains. (She had not seen Everardo since he left home at the age of eighteen). We were given no notice, and no chance to contact our forensic team or our lawyers.

The Guatemalan Government planned to once again exhume a grave in Retahuleu – the same grave opened in 1993. I only had to take one look at the victim's skull to declare it was not Everardo; the remains were of a much smaller person, some 15 years too young, with gold caps on his teeth that Everardo never had.

The Guatemalan Government is "unable

to find" the court file that contains all of the evidence that my team (including GHRC staff and volunteers) and I put together since 1992. This "misplacement" of the file is no accident; it also happened in 1993. In 1995 the Minister of Defense gave the order to eliminate all records. The Court was not amused, and ordered the government to permit my full participation in moving forward with the criminal court process. I have copies of all of the files and am obtaining their authentication. I will return to Guatemala soon.

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*All of my relatives and all of the witnesses and their relatives have suffered terrifying attacks and threats since the court ruling in 2000.*

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These recent developments in the case have been puzzling, but leave room for optimism. Politically, this may be a good moment to press the case. The new Guatemalan government is willing to work with me but their hands are tied by the army, as always.

The case may implicate one of Guatemala's 2007 presidential contenders, General Otto Pérez Molina. Col. Julio Roberto Alpírez, a key defendant in the case, has long insisted that Pérez Molina, then head of Guatemalan Intelligence, or G-2, personally ordered Everardo's killing. Col. Alpírez, himself a CIA "asset"

*Continued on Page 9*

## The Peace Archives: Commemorating the 10th Anniversary of the Historical Clarification Commission

By Marco Tulio Álvarez  
*Director of the Peace Archives*  
9 February 2009, Guatemala City

In February of 1999, the Historical Clarification Commission (CEH) published a comprehensive report to clarify human rights violations committed against more than 200,000 Guatemalan households over a 36 year period.

Ten years after the publication of this report, the recommendations formulated by the Commission have not all been fulfilled nor the responsible parties brought to justice. An international seminar from February 24-26, 2009 was held in Guatemala City, inaugurating the Peace Archives and commemorating the 10th anniversary. The event was organized by the Peace Secretariat (SEPAZ), the National Reparations Program, and the Presidential Commission of Human Rights (COPREDEH).

By repositioning "Historical Memory" at the center of public debate, we hope to revive the effort to recover the past and fulfill the recommendations formulated by

the Historical Clarification Commission. This will help ensure that human rights abuses by security forces do not happen again, and will also encourage reconciliation and peace in Guatemalan society.

On February 25, 2008, during the "Day of Dignity for Victims" celebration, President Álvaro Colom announced his deci-

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*The Peace Archives project opens new possibilities for clarifying the past and setting a foundation for better coexistence.*

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sion to make public all military archives and formed the Office of Peace Archives to handle the process. Although the President previously appointed several people to carry out the order, the high commander of the Guatemalan army and the Defense minister argued that the act would violate article 30 of the Constitution which guarantees free access to information except in relation to issues of national security.

Despite the military's efforts to halt the

process, the Office of Peace Archives regards information related to the internal armed conflict as an historical topic about which Guatemalan society has a right to know.

The original report by the Historical Clarification Commission was written without the collaboration of the security forces and therefore did not include classified information. This project sheds light on the strategies developed in the counterinsurgency war, and provides key information on Guatemalan military officers who were responsible for the atrocities.

This Peace Archives project opens new possibilities for clarifying the past and setting a foundation for better coexistence.

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*The Office of Peace Archives regards information related to the internal armed conflict as an historical topic about which Guatemalan society has a right to know.*

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## GHRC & Partners Push for Declassification of Military Documents

GHRC and a coalition of organizations recently sent a letter (February 4, 2009) to the Guatemalan Minister of Defense General Valenzuela, urging declassification of military and police documents from the period of the internal armed conflict.

The Guatemalan Constitutional Court declared that the archives should be released and President Colom agreed in February 2008; "We are going to make public all military archives...so the truth can be known, and so that once and for all we can build on truth and justice."

Guatemalan human rights activists demand declassification of documents particularly concerning four of the most

gruesome military cases: Plan Victoria, Operation Ixil, Plan Sofia, and Plan Firmeza.

These archives will reveal the level of complicity and responsibility of senior military officials in the massacres and other atrocities. A new law, Free Access to Public Information (similar to FOIA) was passed in September 2008 and will take effect in April of 2009; it opens up public access to state documents. According to this new law, information relevant to investigations on human rights violations *cannot* be classified as confidential.

A precedent has been set for the declassification of the military archives. The po-

lice archives (found in a warehouse in Guatemala City in May 2005) were turned over to the human rights ombudsman, are now being declassified and released.

Those responsible for atrocities have not been brought to justice; today, many of these same people hold official positions in the military, police, and government.

There is hope that the new Defense Minister, General Valenzuela, will agree to measures that will bring accountability for past crimes, release any and all historical military documents, and provide military information upon request under the Free Access to Public Information law.

## Mayan Lawyer Brings Case to IACHR

*Continued from Page 1*

Spanish court in the Guatemala genocide case against eight senior Guatemalan government officials. Maria recalled, "It was amazing to see how passionate the lawyers were, how they fought for justice, how they didn't sleep and kept working for the victims of the genocide."

### Legal Precedents

Maria's case has a solid legal foundation. In 1978, Guatemala signed on to the American Convention on Human Rights, but then proceeded to violate many of its statutes, including the obligation to respect human rights such as the right to life, humane treatment, personal liberty and security, freedom of thought and expression, assembly and association, participation in government, equal protection of the law, and progressive development.

In April of 2005, the United Nations Human Rights Commission adopted a set of international principles on reparations for victims of human rights violations. These include restitution, compensation, rehabilitation, guarantees of non-repetition, and closure (a search for victims, identification of bodies and reburial, fact verification, public disclosure of the truth, public apologies, commemoration, and tribute to the victims).

That same year, the Guatemalan government created the long-overdue National Reparations Program as result of the recommendations of the UN-sponsored Commission for Historical Clarification. The program offers economic compensation to victims' families (US\$3,000 per victim).

"This program is purely financial; it does not provide justice to the families. We want complete reparations, which include housing, because our houses were destroyed during the scorched earth policy. We want potable water in our communities, accessible health care facilities with updated equipment, medical and psychological services for families, paved roads, bilingual education in Mayan villages, an official apology from the Guatemalan government and a promise to never repeat these crimes."

A case won in the Inter-American Court of Human Rights in Costa Rica in 2004 provides some legal precedent for complete reparations. The people of the Mayan Achi town of Plan de Sánchez brought charges against the Guatemalan Government for the 1982 massacre of 268 people in the community by the armed forces. Their petition included a reparations

package consisting not only of monetary compensation but also community development assistance and social services. To date, however, the state has taken few actions to fulfill its obligations, except for economic reparations of US\$60,000 for each family member killed, and a formal apology by the Vice President in 2005.

### Next Steps

Maria's petition was received by the IACHR. Hopefully the massacre cases will be accepted and a hearing date set. Maria and representatives from her community will return to Washington D.C. to set the terms of the agreement with the Guatemalan State, before a panel of Inter-American Commission judges.

Regardless of the outcome, Maria's efforts will continue. "The Mayan Achi people are fighters. They are well organized and thus became the target of the state, labeled as guerrillas. We lost so many of our family and friends, but we are not afraid. We continue to speak out, to seek justice." As she explained to a delegation that visited Rabinal in February 2009: "The massacres ended 14 years ago, in 1994. Why am I here? Why do we bother? Because we will never forget, and this must never be repeated."

## Jennifer Harbury's Case Continues

*Continued from Page 7*

or informant, was witnessed torturing Everardo, and is specifically named in a number of declassified CIA documents as one of his killers. He is doubtless knowl-

*A defendant in the case has long insisted that General Otto Pérez Molina, then head of Guatemalan Intelligence, or G-2, ordered Everardo's killing.*

edgeable. General Pérez Molina held a high rank in the intelligence unit during

the massacre campaign of the 1980s, but it has been difficult to find any concrete evidence against him in other human rights cases. Pérez Molina is also the darling of the United States Embassy and very nearly became President in the 2007 election. He intends to win in 2011. Everardo's case might be just what is needed to expose his true human rights record.

Not surprisingly, the torture techniques described throughout Everardo's CIA files mirror those used by the US on prisoners in Iraq today. I have the names of the CIA officials implicated in Everardo's case, most of whom have doubtless been shar-

ing their expertise throughout the "War Against Terror".

International law prohibits kidnapping, secret detention, torture, and extra judicial execution. There are no exceptions. The Guatemalan military officials and the CIA should both be held responsible for my husband's torture and murder.

*If you would like to support Jennifer's efforts in the ongoing Bámaca case, you can: donate frequent flier miles for her travels to Guatemala and DC, invite Jennifer to give a talk about US torture practices, from Guatemala to Iraq, or suggest a funding organization to support the Bámaca Impunity Project.*

## Human Rights *UPDATE*

### GUATEMALA IN 2008

- ⇒ 6,292 people violently killed (17 per day); only 146 cases solved.
- ⇒ 722 women murdered, only 15 cases resolved.
- ⇒ Impunity remains at 98%; one in every ten murder cases is investigated.
- ⇒ Price of basic food costs rose 18%, while employment dropped by 30%
- ⇒ illiteracy at 21% in adult population
- ⇒ 28,059 Guatemalans deported from the U.S. and 36,362 from Mexico
- ⇒ 186 threats & attacks against Human Rights Defenders

### RECENT HEADLINES

1/8/09-1/15/09 Guatemalan Forensic Anthropology Foundation Director and his family receive four death threats with photos via email. FAFG has received numerous threats since 2002.

1/11/09 Camanchaj, Q'uche: Three local Mayan men caught in kidnapping ring, doused in gasoline and burned by angry villagers. Two died, one in hospital ICU.

1/12/09 Coatepeque, Quetzaltenango: Merchant Association (local vendors) leader Amado Corazón Monzón was murdered just three weeks after the organization's lawyer and advisor, Armando Sánchez, was murdered. The government declared a state of emergency in October 2008, which is still in effect.

1/23/09 Two Mayan Youth Organizers from MOJOMAYAS (Mayan Youth Movement), Santiago Pérez and María Ordoñez de Chucup, Ixtaguacán, Huehuetenango were murdered just before delivering a report on violations of indigenous rights by the Guatemalan state and mining companies.

1/24/09 Bus drivers continue to be targeted: nine drivers and five bus fare collectors have been killed so far this year; Bus drivers are striking in protest.

1/25/09 Reverend José Pilar, Lutheran Church of Guatemala in Zacapa, arrested. Pilar believes that his work on water protection in the region is the reason for charges filed against him by four large landowners.

#### SOURCES:

*Prensa Libre*, Comisión de Derechos Humanos de Guatemala, *El Periodico, Siglo XXI*, UDEFEGUA (Unit for the Defense of Human Rights Defenders of Guatemala), Centro de Estudios de Guatemala, CERIGUA (Centro de Reportes Informativos Sobre Guatemala).

1/26/09 Army violently evicts 45 K'eqchi families and kills two people from Laguna del Tigre, Petén: houses and possessions burned, bodies (of Fermín García and a young boy) were taken away by the police. The communities signed an agreement with President Colom, recognizing their right to live in an environmentally protected area. The National Council of Protected Areas objects.

2/04/09 President promises 2,000 more soldiers to operate in Ixcán, San Marcos and Escuintla in order to combat increasing citizen insecurity.

2/04/09 New loans from the Inter-American Development Bank of \$950 million will increase Guatemala's external debt by 22% (total external debt at the end of 2008 was \$4.367 billion).

2/06/09 First conviction under the Guatemalan Femicide Law. The defendant was sentenced to five years in prison for acts of domestic violence.

#### United Nations Development Program 2008 Report: Inequality in Guatemala

- 5% of the population owns 80% of the land
- The richest 10% of the population earn 48 times more than the poorest, earning more in one year than the poorest 20% of the population earn in 70% of their economically active life
- 61% of the population lives in rural areas; 80% of them live in poverty.
- 73% of those living in poverty are indigenous; 93.2% of those living in extreme poverty are indigenous

*The Guatemala Human Rights UPDATE, published biweekly from 1989 until July of 2008, has been discontinued. Our new publication has no subscription fee and is available online. We appreciate your generous contributions that make this possible.*

## EVENTS AND ANNOUNCEMENTS

### CALENDAR

**March 9:** Norma Cruz, founder of the Survivor's Foundation, is one of eight women world-wide to receive the International Women of Courage award from the US Department of State for her work defending human rights. Secretary of State Hillary Clinton will present her with the award.

**March 7-15:** GHRC Delegation to Guatemala investigating the effects of US Economic Policy and its effect on communities and migration

**March 20-28:** GHRC hosts human rights activist and former Guatemalan Congressman Amílcar Méndez during his visit to DC. He will meet with US Congressional representatives to demand investigation of the murder of his son Pepe in August 2007 in Guatemala City.

**April 9:** GHRC hosts former Director of Casa Alianza, Claudia Rivera, during her visit to Washington. She comes to the US to present her talk: "Sold into Sex, Servitude and Adoption."

**April 22, 7pm:** Book Launch of the Spanish Version of the *Art of Political Murder* with author Francisco Goldman (American University, School of International Service Bldg. Lounge)

**April 28:** Eleventh anniversary of Bishop Juan Gerardi's Death

**May:** GHRC releases report analyzing the impact of Guatemala's Law Against Femicide and Other Forms of Violence Against Women one year after its passage. *Event date and location to be announced.*

**August 1-9:** GHRC Delegation to Guatemala, with the theme of Violence Against Women and the Socio-Political Context of Femicide: Why Have Thousands of Women and Girls Been Brutally Killed in Guatemala? See website to apply today!

### 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](http://www.ghrc-usa.org)



Rosa Franco  
(lost her 15 year old daughter, Maria Isabel)

Delegation to Guatemala  
August 1-9, 2009

### Violence Against Women

And the socio-political context of femicide in Guatemala



Maria Isabel  
(tortured and killed at 15)

### Why have thousands of women and girls been brutally killed in Guatemala?

Come to Guatemala to understand the economic, social and political issues surrounding femicide. Learn how society is affected and reacts to the murders. Participate in activism and solidarity, reaching out to women's organizations working on this most difficult issue.

Find out firsthand why women and girls are being killed and what we can do to help.

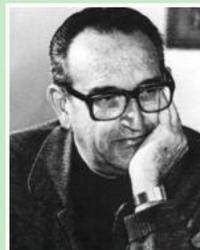
Contact Amanda Martin  
Phone: (202) 529-6599  
FAX: (202) 526-4611  
Email: [amartin@ghrc-usa.org](mailto:amartin@ghrc-usa.org)  
[www.ghrc-usa.org](http://www.ghrc-usa.org)

- Details:
- Cost of delegation, including transportation, food, lodging, and interpretation is only \$900.
  - Delegates responsible for international travel arrangements to and from Guatemala
  - City, as well as airport taxes and personal expenses. A non-refundable deposit of \$100 is due by July 1, 2009.

### View our gift catalog online

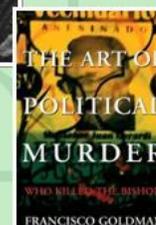
Coffee, books, Guatemalan textiles, and much more!

THE GUATEMALA HUMAN RIGHTS COMMISSION/USA INVITES YOU TO:



The Release of the Spanish Translation of Francisco Goldman's Award-Winning Book:

### The Art of Political Murder



Followed by a reception with Francisco Goldman

WEDNESDAY, APRIL 22

7:00 PM

AMERICAN UNIVERSITY

SCHOOL OF INTERNATIONAL SERVICE LOUNGE

IN COMMEMORATION OF THE 11TH ANNIVERSARY OF BISHOP JUAN GERARDI'S DEATH