



El Quetzal

Human Rights News and Updates

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Remilitarization gives rise to new tensions and violence in Guatemala

On October 6, the Guatemalan army gunned down six indigenous protestors in Totonicapán and injured at least 30 more. The soldiers had advanced on thousands protesting unpopular government reforms and shot into the crowd.

The event was a tragic manifestation of one of the public's worst fears since President Pérez Molina took office in January 2012: that the Guatemalan armed forces would resort to deadly force in order to repress and silence dissent, an experience all too familiar in the nation's collective historic memory.

Pérez Molina has made no secret of his intention to deploy the armed forces in ever-greater numbers and ever-expanding roles — the military now overwhelmingly dominates citizen security initiatives. Whether walking down Guatemala City's central avenue, the "Sexta," or driving on any major highway, Guatemalans are once again likely to encounter soldiers patrolling with semi-automatic rifles or checking papers at military roadblocks.

The government has opened at least five new military bases and outposts since the beginning of 2012, and has sent soldiers to fight drug cartels, to protect historic sites and nature reserves, and to back up



Soldiers from the Kaminal Task Force operating in Guatemala City. Photo: El Periodico

the police during evictions and protests. Soldiers have also been deployed en masse to reduce crime in Guatemala City's poorest neighborhoods.

Seeing soldiers on the streets may not be new in Guatemala, but for the first time in over 15 years, current and former military personnel permeate the leadership of civilian institutions and dictate the administration's approach to governance.

This swift remilitarization is deeply con-

troversial, and the reasons behind it are much more complex than first meet the eye. In fact, some argue that the motivation for militarization has little to do with providing security for Guatemalan citizens — instead, it is about protecting the status quo, ensuring impunity for the armed forces and defending multinational economic investments. The US government has been eager to offer support to the Guatemalan military, despite the problematic implications.

Continued on Page 6

ALSO IN THIS ISSUE

Letter from the Director	2
Introducing GHRC's Newest Staff Member	3
Women in Resistance Inspire Delegates.....	4
Update from Santa Cruz Barillas.....	5

Resistance in San José del Golfo Continues.....	8
Massacre in Totonicapán.....	10
Guatemala's High Risk Courts Tackle Impunity	11
New Voiceless Speak Fund Recipients	12
Celebrating 30 years of GHRC.....	13
Human Rights <i>UPDATE</i>	14

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 communities and activists 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

As I think back over 2012, I can't help but feel deep admiration for our partners and allies in Guatemala. For social movements and human rights activists, the year presented a series of almost continuous setbacks and challenges, and a level of tension not felt since the armed conflict. Yet what stands out to me in this issue of the Quetzal, which covers some of the year's most critical cases, is the Guatemalan people's response to this new context, their solidarity across movements, their determination, and the small victories that show hope for the future.

For GHRC, it was a year to take stock, to assess Guatemala's new administration, and to create new strategies to address the most pressing human rights issues. It has also been an important year to celebrate the history of our organization. In September, accompanied by old friends and new supporters, we celebrated 30 years of solidarity with Guatemala. We also expanded our Guatemala City office by welcoming our newest staff member, Dania Rodriguez.

I have watched with growing concern as the government has methodically expanded the military's control and tried to ensure protection and impunity for those who have violated human rights. As the Human Rights Convergence, a coalition of Guatemalan organizations, notes in their 2011 report, militarization isn't only seeing the military on the street, but it's the return of way of thinking, an institutional culture.

For many communities, the intensity of ongoing social conflicts increased dramatically, and past and present seemed to merge as the government reverted to the rhetoric and, in some cases, the brutal repression of the 1980s. The military's massacre of indigenous protestors in Totonicapán has become the emblematic example of the danger in using the military for citizen security. Yet we at GHRC have been inspired by the way that the international community continues to engage and act in ever greater numbers. Our online petition in response to the massacre received 10,000 signatures in just a few weeks.

The Guatemalan government's approach to progress – "development" by force and at all costs – has given rise to renewed attack on land rights, indigenous communities and civil rights. We have seen this in the state of siege in Santa Cruz Barillas in May and the incarceration of a dozen community leaders who resisted a hydroelectric dam project. It is reflected in the numerous aggressive attempts to evict the communities in resistance to a gold mine in San Jose del Golfo and San Pedro Ayampuc.

GHRC's Women's Rights delegation met with women from both Santa Cruz Barillas and San Jose del Golfo, among many others, to learn about their involvement in land rights struggles. Participants were inspired to hear that, though little progress has been made to meaningfully address high rates of violence against women, women continue to play key leadership roles at the grassroots level.

Yet many of these women, and other human rights defenders across the country, are being labeled "guerillas" and "terrorists" by pro-military activists and shadowy ultraconservative groups like the Foundation against Terrorism. The Guatemalan news media has lent itself as a forum for these slander campaigns, publishing bold and direct threats against individuals and organizations, while generating an atmosphere of incredible tension and increased risk for activists.

We've also seen these conflicts play out in Guatemalan courts. GHRC has helped monitor abuses of the criminal justice system, as well as the progress of a number of emblematic cases from the internal armed conflict in which the accused — high-level military officials — are seeking amnesty. The Constitutional Court is set to rule on the issue; despite extensive legal precedents denying amnesty for crimes against humanity, intense pressure may sway the highly-politicized Court.

Yet there are also positive signs. The High Risk Courts, which GHRC staff visited in October, have achieved important sentences in landmark cases. Courageous judges are beginning to break through the wall of impunity that has existed for those with power, such as military officials, drug traffickers, and corrupt politicians.

I have no doubt the new year will bring similar challenges, and in response, growing social movements. As human rights defenders renew their struggles, GHRC will stand with them and utilize all the tools at our disposal to promote positive change. This publication is one of those tools, and I encourage you to share these stories to raise awareness and strengthen the movement for solidarity with the people of Guatemala.

With gratitude,



Kelsey Alford Jones

The Threads of my History: Introducing Dania Rodríguez

October 20, 1981 is a day that will forever mark my life. Only six years old, I hardly understood what was happening, what it meant to go into exile. Surely the departure, leaving behind one's country of origin, meant a lot for my older brother and my parents who were much more rooted in Guatemala than my younger sisters or I.

Like any beginning in a new society, this was especially complicated for my parents. The solidarity we received from the Mexican people was indescribable, and is one of the reasons I feel such a strong connection to the country. As the years past, I learned that this same solidarity had also been shared with thousands of families that, having walked for days through the mountains, arrived in Mexico, fleeing an army that was destroying entire villages. Many had to bury or leave behind family members that weren't able to escape the extermination policy of the Guatemalan state in the beginning of the 1980s. In this context of war, there was no distinction based on age or sex, they were all enemies. We were all enemies.

I grew up in Mexico, where I completed my education up through high school. Despite the distance, Guatemala was always present; nostalgic family evocations full of happiness clashed with the news



Anthropology Foundation (FAFG), was especially valuable, as it allowed me to get to know the survivors of grave human rights violations, people who had lived the history that years before I learned about in textbooks and through third-person accounts. The protagonists were right in front of me, sharing in detail the events that had occurred, providing precise descriptions of their loved ones, and

cide in Guatemala, and without a doubt, the country is different. One can't deny that some things have changed; nevertheless, some of the issues that gave rise to the armed conflict haven't changed significantly.

As in previous decades, the State continues to be at the service of national and transnational economic powers seeking to accumulate capital, prioritizing their interests above those of the Guatemalan people, which in turn is persecuted and criminalized.

This situation has given rise to the hugely important challenge for human rights organizations – to continue the struggle initiated more than two decades ago to safeguard the respect for fundamental rights, rights that in Guatemala continue to be disregarded.

Guatemala's history has formed me as a human being, as a woman. I have a profound interest in understanding historic processes, which allows me to develop as a person, and to contribute in the workplace on issues related to human rights. For me, therefore, it is a pleasure to be a part of the GHRC team and also an opportunity to take another step down the path I began many years ago.

Guatemala's history has formed me as a human being, as a woman. I have a profound interest in understanding historic processes, which allows me to develop as a person, and to contribute in the workplace on issues related to human rights.

we heard about the country, despite the government's media blockade. Increasingly I also came to know the Guatemalan people's stories of resistance and struggle. After finishing my high school diploma, I made the decision to return to Guatemala, and I did so a few years after the signing of the Peace Accords, in 1996.

I studied anthropology at the University of San Carlos. Like the majority of students in Guatemala, I worked throughout my university years, and all these experiences were enriching. The experience of working with the Guatemalan Forensic

the way in which they had been assassinated and how they had survived. The level of detail in their testimonies was surprising, and was not only important for my work. Above all, for each family it signified the hope of finding the remains of some of their family members buried in clandestine graves. I understood the profound value of the truth, the necessity felt by each family that their relatives be vindicated and their dignity – snatched from them by the State – be returned to them.

More than 30 years have passed since military dictatorships committed geno-

Did you know?

GHRC's work includes **analysis** of the structural causes of human rights violations; **education** in the international arena through publications, presentations, delegations and speaking tours; **advocacy** with the US and Guatemalan governments, as well as the Inter-American legal system and the UN; and **direct support for human rights defenders** through urgent actions, petitions, trial observation, coalition work and emergency funds for victims of intimidation and attacks.

To learn more, visit our **new website**: www.ghrc-usa.org!

GHRC also posts frequent updates to our **facebook** page and our **blog**, ghrcusa.wordpress.com.

2012 “Women in Resistance” Delegation an Event to Remember

By Ilyse Kramer

In August 2012, I was one of the ten participants in GHRC's annual “Women in Resistance” delegation. The delegation addressed two often intersecting struggles—that of women working to protect their bodies from abuse, and that of indigenous communities defending their land rights. We met with organizations in Guatemala City, Chimaltenango, and Xela; communities from Santa Lucia Cotzumalguapa and San José del Golfo; and activists from Jalapa, San Martín, Sacatepéquez, and the Alliance of Rural Women.

We began our week with Lorena Cabnal, co-leader of the Association of Xinka Women of Santa María Xalapán. She led us in an opening ceremony, or “attuning” to expand our minds to the diverse perspectives we would encounter during the delegation. She also encouraged us to share our experiences, and in the space below, I have tried to weave together snippets of these varied perspectives into a fabric that can hold the shape of this amazing week.

The delegation addressed two often intersecting struggles: that of women to protect their bodies from abuse, and that of indigenous communities to defend their right to land.

One recurring thread in this fabric is the principle of reciprocity, namely that what affects one, affects many. Lolita Chavez, co-founder of the K'iche People's Council, defined this principle as tzcat, which translates from K'iche as “I am you, you are me.” This idea communicates the Council's mission of mobilizing communities across Guatemala to advocate for representation in decision making processes regarding development projects on their land which could have negative impacts.

We also saw tzcat in our visit to San José del Golfo, a community that has maintained a peaceful blockade since March 2012 to protest a gold mining project, which will use toxic chemicals and reduce the community's water supply. This



The 2012 “Women in Resistance” Delegation expresses their solidarity with the communities of San José del Golfo and San Pedro Ayampuc in their peaceful struggle against harmful mining. Photo: GHRC.

road block, guarded in shared shifts, has prevented all mining equipment from entering their land. We sat with community members, and listened to leader Antonio Reyes describe the mine's harmful processes and the motivation for their peaceful protest because the community views “all life in a holistic way.”

This holistic worldview is also held by the organizations we met with dedicated to responding to social problems. Residents of Zone 5, one of the most impoverished neighborhood in Guatemala City, formed ISMUGUA to unite communities to improve their living conditions. This neighborhood, also known as a “La Limonada,” is located in a ravine, and therefore suffers from flooding and health concerns relating to scarce clean water supply. While explaining their grassroots organizing efforts to address these issues, ISMUGUA showed abundant generosity—welcoming us with tamales and coffee; and after our talk, we enjoyed chatting with the children and families, and perusing and purchasing ISMUGUA's creative handcrafts made from recyclables.

One response to experiencing such poverty is to immigrate to the United States, but the organization DESGUA promotes local trade and development to encourage Guatemalans to attain the Guatemalan dream. DESGUA's programs include a Youth Leadership School and Social Reintegration Program for former migrants. DESGUA also operates Cafe Red, a restaurant and fair trade store, where our delegation enjoyed a delicious lunch prepared with local ingredients. At DESGUA, we also met with Juana Lopez, a

woman who overcame all odds to leave an abusive relationship as a young mother, and who now is a leader in her community.

Other meetings focused on how women are affected by violence. Nuevos Horizontes and Fundación Sobrevivientes provide comprehensive legal and psychosocial services to female victims and survivors of domestic violence, child abuse, and femicide. Tabita Levántate also helps family heal from trauma, and offers psycho-social counseling, educational, and job training programs to help Chimaltenango's sex workers “reclaim their dignity.” We also met with UNAMG, a feminist organization that analyzes violence against women. Director Luz Méndez contextualized how Guatemala's history informed sexual violence against women, and explained recent opportunities for women to speak out. Our meetings with Plataforma Holandesa and UDEFEGUA rounded out a picture of Guatemala's political landscape through explanations of judicial impunity and human rights defenders.

We wrapped up our week with a dinner at artists' collective Casa Artesana with feminist activist Sandra Moran. Surrounded by portraits created by women in Guatemala's prisons, we engaged in a lively discussion about Guatemala's complex feminist movements. Concluding our conversation, Sandra sang and drummed a riveting song, “Mujer.” Her powerful voice and pounding drumbeats gave potent expression to the week's themes of strength and perseverance amidst struggle and suffering.

The Tragic Tale of the Barillas Political Prisoners

At 2:15am, in the darkest moments of the early morning, the doors to the Guatemala City prison opened and Marcos walked out a free man. He had been unjustly imprisoned for nearly 150 days.

His arrest and detention in Santa Cruz Barillas, Huehuetenango, has become one of the year's emblematic cases of unjust criminalization of community leaders.

It began seven months ago, when Andrés Francisco Miguel was gunned down on a dusty road outside of Barillas. Those purportedly responsible for his murder are two security guards employed by Hidro Santa Cruz, a Spanish-owned hydroelectric company with plans to build a dam in the area. The death of Andres, a local leader opposed to the dam, set off a series of protests by local residents who saw this as the latest and most egregious violation of their rights by the company.

The administration of President Otto Pérez Molina responded to community protests by declaring a state of siege in Barillas, which suspended constitutional rights and placed the army in control of the area. Civilians with ties to the hydroelectric company immediately rounded up the local leaders opposed to the dam and handed them over to the authorities for arrest, claiming that they were responsible for the protests as well as other crimes. Eleven opponents to the mine suddenly found themselves in a high-security prison in Guatemala City charged with crimes ranging from armed robbery to terrorism.

If these cases were tried based on the evidence alone, the community leaders would be free today. But the great unspoken truth is that these cases are more about politics and money than justice. Even so, cracks are finally beginning to appear in this wall of injustice. Thanks to national and international campaigns of support for the political prisoners, and the tireless efforts of their legal team, three of the men have already regained their freedom.

On September 21, Marcos Mateo Miguel

appeared in court with seven of the defendants. During the trial absolutely no evidence was presented tying him to the protests on May 1st. The judge had no option but to declare him innocent and



Marcos Mateo Miguel and his family. Photo: GHRC

order his immediate release.

In the company of his wife and two beautiful children Marcos admitted his relief at being released. But his generous smile quickly turned into a grimace of determination. "My brother is still imprisoned. I won't rest until he and all of the other political prisoners are released."

On November 14th, a judge decided to provisionally close the case against Esteban Bernabé Gaspar and Pascual de Pascual Pedro, citing the lack of evidence presented by the public prosecutor's office. Both men were released, pending an appeal.

The homecoming for Esteban Bernabé was bittersweet. His wife and twelve children paused for a brief moment, as if they couldn't believe their eyes, and then engulfed him in a sea of embraces. Esteban and his family wept openly --tears of joy and relief-- during the long-overdue reunion. And yet the pain remained. The pain of forced separation. The pain of unjust imprisonment. The pain of a family ripped apart for half a year.

Likewise, the family of Pascual felt a mix of emotions when they were finally able to welcome him home. The voice of Dominga, one of Pascual's children, began to break as she spoke through her tears. "This was a horrible experience that

has marked us for life. It was a nightmare... But we thank God that our happiness has returned, the happiness that we had had lost for nearly seven months while my father was in jail."

With the release of Marcos, Pascual and Esteban, eight men remain behind bars; men who represent the Barillas community's activism to defend their land, environment, and water.

Background

Since 2007, Mayan communities around the Cambalan River had overwhelmingly rejected large-scale development projects, including hydroelectric dams, for both the ecological and cultural impacts it would have in the region.

In 2009, the municipality tried to prevent any new construction on the Cambalan River. However, Hidro Santa Cruz took the local government to court – and won –on the grounds that Guatemalan municipalities had no existing regulations governing construction projects.

On May 1, 2012, after increasing tensions and ongoing conflict between the company and the communities, a local resident was murdered, allegedly by men linked to Hidro Santa Cruz. Angry community members followed the perpetrators to where they sought refuge inside a Guatemalan military base. The government declared a state of siege and arrested over a dozen community leaders on frivolous charges and with no evidence against them.

In December, communities continued peaceful protests against the project and the mayor has provisionally suspended signing an agreement with the company. The company has invested Q50 million to date in the project, and hopes to begin construction in February of 2013.

—UPDATE—

As of January 9, 2013, the eight remaining political prisoners were released and the charges against them dismissed.

Militarization in Guatemala (continued)

Continued from Page 1

The Peace Accords and Past Atrocities

In 1996, Otto Pérez Molina was a General in the Guatemalan military, and was one of their representatives at the peace negotiations that would put an end to the armed conflict. The Peace Accords, signed by Pérez Molina himself, emphasized the importance of strengthening civilian governance: the number of soldiers would be vastly reduced and a new, civilian, police force would be created. The Accords stipulated that the “National Civilian Police shall be under the direction of the civil authorities.” In contrast, the role of the armed forces was to “[defend] Guatemala’s sovereignty and territorial integrity; they shall have no other functions assigned to them, and their participation in other fields shall be limited to cooperative activities.”

The Accords placed limitations on the military not just to strengthen democracy, but also as a response to the atrocities the military had committed against its own people. In 1999, the UN-sponsored Commission for Historical Clarification (CEH) established that during the 36-year internal armed conflict, 200,000 people were killed, mostly civilians, including an estimated 45,000 who were forcibly disappeared. The Guatemalan state (through its military and paramilitary forces) was responsible for 93% of all human rights



A soldier patrols in Santa Cruz Barillas during the State of Siege in May 2012. Photo: Prensa Libre

to provide security to the Guatemalan public.

In 2000, only four years after the signing of the Peace Accords, a bill was passed legalizing the military’s collaboration with the police to combat common and organized crime, as well as deforestation, kidnapping, and other crimes. Reliance on the military expanded again under President Berger in 2006. President Colom (2007-2011) re-opened military bases and increased the number of troops.

remilitarization of Guatemala today isn’t simply about more soldiers on the streets. It is also something much less visible—an institutional culture disturbingly similar to the counter-insurgency model that led to the atrocities during the internal armed conflict.

Numerous governmental agencies are now run by former military, including the Interior Ministry and offices within the National Civilian Police and intelligence services. Upwards of 40% of security-related positions are held by former military, including many who were directly involved in the counter-insurgency campaigns; some have even been named in cases before Guatemalan courts for their role in crimes against humanity during the conflict.

Many of these policymakers, including Pérez Molina himself, hail from the generation of armed forces that was active during genocide campaigns such as Operation Sofia; a generation that participated in the extermination of entire villages, that used rape as a tool of war, and justified the use of torture and brutality in their campaigns against civilian, mostly indigenous, communities. This is the generation taught to believe that anyone who rejected existing structures of racism, economic dominance by a minority elite, and political exclusion, were “subversives”, “guerrillas,” “terrorists” and “internal enemies.”

According to human rights groups, the administration reflects this culture of discipline and obedience rather than democratic governance and dialogue. Any social conflict that disrupts the established order is addressed as the military has always dealt with perceived “threats” from its own citizens: intimidation, defamation, repression, and the use of force—sometimes with deadly consequences.

The tragic massacre in Totonicapán momentarily ripped through the curtain of government propaganda to expose the ever-present threat of violence. President Pérez Molina quickly assured the public that his administration would no longer deploy the military at protests and evictions. Only hours later, however, he had

The dramatic images of thousands of heavily armed soldiers in Guatemala City are shocking and troublesome, yet the remilitarization of Guatemala today isn’t simply about more soldiers on the streets.

violations committed during the conflict, and had committed acts of genocide against the Mayan people.

Remilitarization

Neither the Peace Accords nor the CEH report outlined steps to hold individual soldiers and high-level military officials accountable for the egregious war crimes committed, and many remain in positions of power to this very day. Internal reforms of military institutions were superficial at best, and government officials have been quick to re-engage the military with the justification that it is necessary

When Pérez Molina assumed the presidency in January 2012, he became the first career military official to hold that office in 25 years. He immediately called on the army to collaborate in “neutralizing illegal armed groups by means of military power.” In September, Pérez Molina inaugurated the Maya Task Force in Zone 18 of Guatemala City, with 1,200 soldiers and 100 police. He initiated a similar operation in Zone 12 in November.

The dramatic images of thousands of heavily armed soldiers in Guatemala City are shocking and troublesome, yet the

Continued on Page 7

Militarization (continued)

Continued from Page 6



The daughter of one of the victims in Totonicapán holds a photo of her father. Photo: Plaza Publica

reversed his statement and later came out with a new protocol for the military's collaboration with the police – a protocol that did not, in fact, reduce the military's role at all.

The Military and the 'War on Drugs'

The Guatemalan government has attempted to justify the military's expanded presence due to the country's high rates of violence linked to organized crime, gangs and common crime.

"The military must provide security where the police have failed," is an easy sell in the context of the US war on drugs and is an argument readily repeated by the US State Department. (Meanwhile, the much-needed reform of Guatemala's police force languishes without the resources or political support to move forward.)

The Department of Defense and US Drug Enforcement Agency (DEA) have provided ongoing support and training to the Guatemalan Armed Forces. This collaboration persists despite a decades-long Congressional ban on direct funding to the army due to the atrocities committed by the Guatemalan military against its own people, and the lack of reform within the institution.

Operation Martillo (Hammer) is the newest in a series of US-Guatemala joint operations. The operation began in early 2012 and in July, President Pérez Molina signed off on an expansion of the operation which permitted US marines and military contractors to be stationed in Guatemala for 120 days and collaborate directly on counter-narcotics missions. It granted US marines the right to be uniformed, to carry weapons, and to enjoy complete diplomatic "privileges, exemptions, and immunity."

The operation was not popular among many in civil society. "Drug trafficking in Guatemala shouldn't be combated by the Guatemalan military, much less by the US military," commented analyst Sandino Asturias in an interview with GHRC.

Helen Mack, executive director of the Myrna Mack Foundation and former Police Reform Commissioner, commented to the AP at the end of August: "Rural communities in Guatemala are fearful of the military being used to combat drug traffickers because the same techniques are applied that were used in (counterinsurgency) warfare. The historical memory is there and Guatemalans are fearful of that."

Increasing involvement of the military in police work has not only re-traumatized communities and survivors of the armed conflict, but it has also failed to reduce crime and violence in Guatemala. In fact, Asturias confirms that the homicide rate began to rise dramatically after the military reengaged in matters of internal security in 2000. Furthermore, the Guatemalan military has documented ties to drug trafficking organizations and other criminal structures.

What is remilitarization really about?

Why involve the military in internal security if, after 12 years, there have been few results?

Perhaps the security of Guatemalan citizens isn't the primary concern after all.

In fact, researchers, human rights organizations and indigenous communities – through their own analysis and experi-

ences – have denounced increasing militarization as a means to provide protection for the economic interests of transnational corporations.

Pérez Molina has constructed new military bases near existing or planned development projects such as mines, cement factories, and hydroelectric power plants. He has also mobilized military forces – in coordination with the police and private security guards – to guarantee that "development" projects aren't disrupted by local protests. This occurs despite the fact that, in the majority of cases, the government failed to consult local communities about the project and actively ignores threats, attacks, intimidation and other illegal acts committed by persons linked to the international corporations.

Instead, public officials have branded those who organize against these unwanted development projects as "terrorists" and "guerrillas," a strategy similar to the psychological warfare tactics utilized during the conflict. Dozens of community leaders have been arrested on trumped up charges simply for their rejection of the administration's development policies, giving rise to a new movement in solidarity with Guatemala's first generation of political prisoners.

The international diplomatic community

Continued on Page 10



US Marine trains with Guatemala Special Forces known as Kaibiles. Photo: Cpl. Daniel Negrete

Non-Violent Resistance to Gold Mine Holds Strong...

Residents of San Jose del Golfo and San Pedro Ayampuc, about an hour north of Guatemala City, have been steadfast in their rejection of a gold mine in the region. They are concerned about the mine's health, social, and environmental impacts which will last for generations to come; so much so that one woman's spontaneous act of civil disobedience quickly grew into a community-based, peaceful resistance movement. Men, women and children, in shifts, have spent 24 hours a day, 7 days a week, for over 10 months, blocking the entrance to the proposed mine.

The El Tambor Mine

The mining project, first owned by Canadian company Radius Gold and later sold to US Engineering firm Kappes, Cassiday & Associates, has received a dozen mining licenses for exploration and extraction covering an area of 20 square kilometers. The company expects to process approximately 150 tons of material per day from at least three separate extraction sites, using both open pit and tunnel mining. The Government's National Director of Mines who approved the mining licenses, Selvin Morales, left his govern-

La Puya

After Radius Gold acquired the land, almost a decade passed while experts tested different locations for gold—all without the communities' knowledge. Residents noticed strangers coming and going, sometimes loading rocks and soil into pickup trucks, but didn't think much of it. When they discovered – through a newspaper article in 2010 – that it was a mining operation that would affect thousands of families, many were outraged. Residents attempted to get information from different government agencies, but were



Left: Yolanda Oqueli negotiates with the Interior Ministry during a tense confrontation. Center: Hundreds of police with riot gear prepare to evict the blockade of the mine. Right: A community member shows the press a tear gas canister used against the peaceful protestors. Photos: GHRC.

The Communities in Resistance maintain that the government has not complied with legal obligations to consult with communities about projects that would affect them. Residents weren't given the opportunity to read and submit comments on the mining company's environmental impact assessment. A series of attacks against community leaders – some with deadly intent – have not been fully investigated.

Despite the risks, residents have remained remarkably resilient, continuing to put their lives on the line to protect their environment. Those that participate, however, are clear that their resistance is non-violent. "If any blood flows here," says community leader Tono Reyes, "it will be ours. We are committed to peace."

ment job in 2010 and is now the General Manager of KCA's Guatemalan subsidiary, EXMINGUA.

In an already dry region, where families sometimes only have access to fresh water twice a week, the mine would use 155 cubic meters of water per day -- approximately equivalent to the amount one family would use in a year. The company's own environmental impact assessment recognizes that air quality would be affected, as well as flora, fauna, top soil, and the available quantity of water.

While the company has committed to extract the gold using a technique called "flotation" – rather than a process using cyanide – it is unclear where the company plans to treat or dispose of chemical "tailings" and what impact this will have on the local water and soil.

given the run-around (and in some cases directly lied to) about the status and particulars of the mining project.

On March 1, 2011, Estela Reyes had enough of the mining vehicles; she parked her car in their path and refused to move. The next day, Estela was joined by more community members, who placed themselves in front of the gated entrance to the mine. It was the beginning of the Communities in Resistance, or the "Puya", as the human blockade has come to be known.

Organized by the National Front of the Metropolitan Area (FRENAM), the community members settled into their shifts, and the roadblock became part of the routine. Some donated food, others volunteered their time cooking; some came for 12 hours at a time, others stopped by after work. Over time, more tents ap-

A version of this story originally appeared in Waging Nonviolence, at wagingnonviolence.org

Continued on Page 9

...after 10 Straight Months

peared and an increasing number of solidarity banners were hung, creating a sense of enclosure and permanency at the small encampment by the side of a dirt road. Over the last 10 months, the communities have received numerous delegations, including three with GHRC, as well as other national and international solidarity visits. They have held concerts at the roadblock, hosted speakers, and held press conferences.

A Movement Under Siege

As early as mid 2011, those that stood out as community leaders began to receive threats – telephone threats, intimidating comments; one man came home to find his fish poisoned, another his chickens. These threats were reported to the authorities, but the government did nothing.

Then on May 8, 2012 at 1am, those on the night shift at the Puya saw a mass of vehicles approaching in the darkness. An estimated 300 riot police in 50 trucks accompanied mining vehicles and heavy machinery. Residents acted quickly, calling friends and family, who descended on the blockade. The local priest, not known for his activism, rang the church bell. The resistance had awoken and hundreds stood silently in front of the police and machinery, denying them passage. Their plan foiled, the police and mining vehicles ultimately turned around.

Peace didn't last long, however. On June 13, Yolanda Oqueli was shot in the back after leaving her shift at the Puya. She survived, but continues to experience pain from the bullet that remains lodged in near her spine. The attack has still not been fully investigated, and no one has been held accountable.

Guatemalan organizations did what they could to provide solidarity. On November 7, GHRC partners Madre Selva and UDEFEGUA held a forum in San Jose del Golfo on "Our right to defend our territory and natural resources." GHRC staff was present and took the opportunity to present solidarity banners to the communities, including an enlarged replica of the Alice Zachmann Human Rights Defenders Award presented in DC in September, to hang at the roadblock.

Yolanda Oqueli spoke last, rising to address the crowd. "I stand to symbolize that I am and will go forward on my feet. What scares the people of the [mining] company is the peaceful nature of our struggle." When the floor was opened to public comments, an indigenous woman declared, "The indigenous in Guatemala

national and international organizations, failed.

This pattern repeated almost daily for three weeks, with escalating insults and threats of violence hurled at the peaceful protestors. Then, at 6am on December 7, the government declared they were evict-

"If any blood flows here, it will be ours. We are committed to peace."

-Community leader Tono Reyes

have lived through two genocides. We won't let the attack on Yoli stop us in our struggle."

Tensions came to a head in November as the mining license reached its 1-year birthday, with no actual mine to show for it. At around 10am on November 13, approximately 80 people from San Jose del Golfo and surrounding municipalities wearing EXMINGUA hard hats and shirts – and rumored to have been offered money to participate – tried to force their way in to the mine.

As news spread about the confrontation, the number of those in peaceful resistance to the mine grew to an estimated 500 people. About 16 members of the National Civil Police were also on the scene, but held their distance. Attempts at dialogue facilitated by representatives of Presidential Commission for Human Rights (COPREDEH) and the Human Rights Ombudsman (PDH), as well as

ing the Puya. (A legal eviction order has yet to appear.) Anti-riot police arrived at the roadblock and began tearing down the banners and other installations and spraying tear gas. They also arrested at least 5 people (who were later released) for allegedly obstructing the road, a charge disputed by the protestors.

The peaceful protestors held their ground. They lay down on the unpaved street with cloth masks covering their faces, and sang hymns to give themselves courage. By the end of the day, a tenuous agreement had been reached: 8 police would remain at the gate to the mine with the protestors, and the government would initiate a formal dialogue process the following week. As this publication goes to print, no dialogue has begun...and the police apparently decided to go home for Christmas.

International Solidarity

The non-violent community resistance in San Jose and San Pedro is somewhat unprecedented, both in its longevity and its success. And while the residents themselves have built the movement from the ground up, they have been grateful for the solidarity of the international community, which has stood with them throughout their time at the Puya.

GHRC has been particularly dedicated to the cause and has provided support through advocacy and by raising awareness in the US. An ongoing postcard and email campaign has resulted in hundreds of messages to Kappes, Cassidy & Associates, asking for the company to respect the rule of law and to listen to community demands. Online urgent actions at



Community members at the Puya hold the GHRC solidarity banner while a group associated with mining company shouts threats. Photo: GHRC.

Continued on Page 13

Militarization (Cont.)

Continued from Page 7

has been just as willing as the Pérez Molina administration to overlook commitments laid out in the 1996 Peace Accords – partially implemented at best – in favor of political and economic ties that promote investment, trade and “stability.”

Finally, for an entire generation of military officials and their civilian allies, the remilitarization of public institutions is not just about maintaining control, but about ensuring impunity.

As Guatemalan courts at long last – and against all odds – move forward with indictments against the military high command from the 1980s, accountability and incarceration for war crimes is suddenly a concrete possibility. The threat of judicial action has resulted in a policy of denial of the military’s involvement in war crimes and genocide, even as exhumations and court cases add to voluminous evidence against the military.

Meanwhile, Pérez Molina has methodically dismantled public institutions that worked to promote human rights, historical clarification and justice. The administration has also attempted to limit or dismiss its regional and international human rights obligations by challenging the jurisdiction of the Inter-American Court.

Emboldened by the administration’s fierce pro-military stance, retired members of the military and other ultraconservative and fanatically nationalistic groups have launched their own campaigns in the press and social media, sending direct, and very public, threats to those who seek justice and defend human rights.

As Guatemala spirals back into a reality frighteningly reminiscent of the 1980s, those who have become the intentional or collateral victims of remilitarization find themselves with little support from state institutions. Nevertheless, indigenous communities, activists and other civil society organizations –despite fear of repression or retaliation –continue to denounce remilitarization in all its forms. They recognize that the way forward for Guatemala is not to be found by returning to the nefarious practices of the past.

GHRC responds to massacre in Totonicapán

The tragic events in Totonicapán on October 4th which left six dead and over 30 injured, led to solidarity actions across Guatemala and in the international community. GHRC swiftly released a press release condemning the massacre and urging the government to thoroughly investigate, to take steps to remove the military from security operations, and seek effective dialogue processes with indigenous communities. GHRC’s online petition in support of the protestors gathered a record 10,000 signatures and was delivered to the office of the President and the Interior Ministry in December.

The events on the 4th, however, continue to be a chilling reminder of what militarization and repression can look like in Guatemala.

Early that morning, nearly 15,000 Mayan protestors gathered to block five key transit points. Organized by the 48 *Cantones* of Totonicapán they were protesting excessive electricity rates, changes to the professional teacher training requirements, and proposed constitutional reforms. At the same time, community leaders waited to meet with President Otto Pérez Molina in the capital to carry forward a dialogue process.

The National Civilian Police and the Military were sent to disband the protest and restore the flow of traffic. Despite the Interior Minister’s order to maintain distance, a military contingent of 89 soldiers under the command of Colonel Juan Chiroy Sal advanced at the Cumbre de Alaska and confronted the protestors. The Colonel then allegedly left the scene, leaving the troops without a commander or an escape route. According to preliminary investigations, eight soldiers fired their weapons into the crowd. Along with the six dead and dozens of injured protestors, thirteen soldiers also reported injuries.

The government made attempts to cover up the troops’ actions. The week following the massacre, the administration released a series of illogical –and sometimes blatantly false – explanations for the violence. Initial reports denied the military’s responsibility, claiming that the soldiers were, in fact, unarmed. These reports were soon retracted after pictures and ballistics



The authorities of the 48 Cantones of Totonicapán greet a caravan of solidarity. Photo: Marcha, Indígena, Campesina y Popular

reports easily debunked the claim. Next, the administration claimed the soldiers had only fired into the air. Finally, they settled on the argument that they had fired at the protestors, but purely in self-defense.

To their immense credit, the Public Prosecutor’s Office completed a swift investigation leading to the arrest of 8 soldiers and Colonel Chiroy, who were charged with extrajudicial execution. According to Attorney General, Claudia Paz y Paz they “hold Colonel Chiroy Sal principally responsible for the acts because he had a position of command over the actions of his troops, but he abandoned them.”

The arrest of the soldiers was an important departure from a long history of impunity enjoyed by Guatemala’s armed forces. Guatemalan communities and organizations showed overwhelming support for the 48 *Cantones*, and several groups, including students and labor organizations, held demonstrations. Some even called for the removal of immunity for President Pérez Molina and Minister of Defense Ulises Anzueto, as well as the resignation of Interior Minister, Lopez Bonilla and Minister of Foreign Affairs Harold Caballeros.

While no momentum developed to pursue such high-level dismissals, the diplomatic community did apply some pressure on the government to rein in the military, albeit with little success. The overwhelming international grassroots response, however, clearly demonstrates that Guatemalans are not alone in their struggle for justice and freedom of expression.

Guatemala's 'High Risk Courts' Tackle Impunity

By Kathryn Johnson

There was a time in Guatemala's recent history when judges covered their faces during hearings to hide their identity and protect them from extortion or revenge.

Now, the courtrooms for Guatemala's most emblematic – and dangerous – cases are perched on the top floors of 'Tribunal Tower' with sweeping views of the city below. Judges preside with their faces uncovered and their identities known. The change was not because they no longer face danger. In fact, many have reported serious death threats. But it is one sign of success of the new 'High Risk' Courts.

GHRC staff was invited to tour Guatemala's High Risk Tribunal to see the courts and judges in action.

The first hearing we sat in on involved two men accused of murder. Guatemala criminal cases are decided by either a judge or a panel of judges, instead of a jury. As we watched, the President of the Tribunal, seated on a dais in the front of the room with two other judges, ran the court, calling the witnesses, swearing them in and asking questions as the defense and prosecuting attorneys largely sat by. The defendants were present, but locked in a cage which ran along one wall.

Despite the tight security, or perhaps because of it, there was not an air of danger in the courtroom, but one instead of orderly and ordinary proceedings. The second hearing we ducked into had over 40 defendants. Though the courtroom was large, it was packed with people, including the accused in their cage, a defense attorney and police escort for each of them, as well as friends, family, and the press.

The High Risk Courts were created in 2009 and have the authority to hear criminal cases which pose a serious risk to the prosecutor, the defense attorney, the defendant, the judges or anyone else involved in the case. It is in these courts that Guatemala's highest profile cases are argued, including the Genocide Case and



Former Police Chief Pedro Garcia Arredondo was sentenced by the High Risk Court to 70 years in prison for the forced disappearance of a university student in 1981. Photo: Prensa Libre

the Plan de Sanchez and Dos Erres Massacres as well as cases against members of the Zetas and other notorious criminal groups.

To ensure that we had no illusions about the state of Guatemala's justice system, our escorts invited us to observe a few other courts as well. The contrast between the courts was striking. While much of the funding for the high risk courts has come from donations, including a grant from USAID, it became obvious as we descended floor by floor that other courts hadn't received the same attention.

We were shown one of the courtrooms which often has to accommodate cases with several defendants. Due to lack of space, the judge explained, they have been forced to have the defendants only present by video conference, cut off from their attorneys and left as only spectators in the process against them. Similarly, in the Court of First Instance, we briefly sat in on a hearing taking place in the judge's office. The defendant, his lawyer, his family, and the prosecuting attorney were practically sitting on top of each other in the crowded space. There was nowhere else to hold the hearing, they explained.

In the tribunal which hears appeals for both the High Risk Court and Guatemala's version of civil forfeiture, the justices and their staff hadn't been given computers. They had to borrow cast-off equipment from other courts.

Despite the extra resources afforded to the High Risk Courts, we hear complaints that too little was spent on security for the judges. They are offered security if they want it, but the armored cars and escort are only available to go to and from work, leaving them either exposed to danger if they do anything else (like go to the grocery store) or prisoners in their homes. They also don't get to choose who provides their protection. With corruption rampant in the police and many of the accused in the cases they're hearing former military officers, it is understandably difficult

for some of the judges to trust the police or soldiers assigned to them.

Beyond the physical danger they face, we heard concerns that the judges also risk the premature death of their career. They were chosen for their skill, their integrity, and their dedication to the rule of law. However, they are only appointed for five years. By upholding the rule of law, they often find themselves ruling against the shadowy powers which still control Guatemala's economic, social and political systems. Some fear they might even be forced into exile after their term.

The High Risk Courts have heard the most important and impactful cases, those for the massacres of the past and atrocities of the present. Their achievements suggest they should be expanded, both in the capital and across the country. Yet they remain fragile and face constant political pressure. The current administration is trying to cap – not expand – funding for the judiciary. Unfortunately, the US has stopped funding the High Risk Court. In addition, US officials, while they have rightfully heaped praise on the Attorney General, they have largely fallen silent about the courts, whose work is equally important.

The High Risk Courts prove that dedicated judges, and a system that supports them, can break the barriers of impunity and corruption. Watching these courts in action, we saw hope for justice in Guatemala.

New Voiceless Speak Fund Recipients Raise Awareness Across US

GHRC congratulates this year's winners of the Voiceless Speak Grant. Since 1987, the Fund has supported Guatemalans with personal knowledge of human rights violations in Guatemala who raise awareness among people in the United States and organize in their own communities.

Heidi Rodriguez, Justice for My Sister Collective

Heidi Rodriguez, is a member of the Justice for My Sister Collective. In the coming year, she will be coordinating over 30 community screenings of the film *Justice for My Sister*, and providing violence prevention workshops for undocumented Guatemalan immigrants in Los Angeles, New York, Washington, DC, and Denver. The Collective will also launch a text messaging service to provide victims with information about services available and advice to combat violence. Learn more at <http://justiceformysister.com/>.

Juana Marcos, Maya Pixan Ixim

Juana Marcos serves as Volunteer Executive Director for Maya Pixan Ixim: *Reinforcing our Roots, Living our Maya Heritage*. She has worked with various communities since fleeing persecution in Guatemala in 1993. This year, Juana will hold a series of public speaking events entitled, "The Voiceless Speak: *History of Human Rights Violations in Guatemala*." Once a month, Juana will teach the Association of Maya Students about the history of human rights violations in Guatemala then facilitate presentations that the members of the Association of Mayan Students will hold for their peers. In addition, in August of 2013, Juana will hold an event commemorating the Inter-

national Day of the Disappeared. Learn more at <http://www.pixanixim.org/>.

Jhonathan Gómez, DESGUA

Jhonathan Gomez will use the Voiceless Speak Fund to help develop and implement a bi-national new media, social media, and communications program in collaboration with Desarrollo Sostenible para Guatemala (DESGUA). The program will create an online communications network that will serve as a source of information about human rights work related to migration, culture, identity and socio-political issues that affect the Guatemalan community in the US and Guatemala. Members will be able to contribute relevant content to the website. Jhonathan will also will host educational delegations in Guatemala with DESGUA to highlight the importance of building relationships of solidarity to promote and defend human rights. Learn more at <http://www.desgua.org/>.

Juana Garcia, Worker's Community Center

Juana Garcia serves on the governing board of the Worker's Community Center (Centro Comunitario de Trabajadores) in New Bedford, MA. She plans to hold presentations and workshops for undocumented Guatemalans on a variety of issues such as career guidance, labor law, community organization/leadership, health, and safety. In addition, she will educate Guatemalan women in the US about discrimination and their rights as immigrants.

Marvyn Pérez, Survivor

Marvyn Pérez fled to the United States with his family following his abduction and torture in Guatemala in the 1980s. In the coming year, Marvyn will give inter-

views through the internet, television, and radio and present at universities, churches, and to community groups. In his presentations, Marvyn will educate audiences about human rights violations, social movements, and denounce the participation of the Guatemalan government in repression. He also hopes to find new alliances and support for Guatemala.

Adriana Portillo-Bartow, Where are the Children/ADEN

Adriana Portillo Bartow will continue her work to educate the public about the human rights situation in Guatemala. This coming year, that will include presentations and maintenance of the *Donde Están los Niños y las Niñas/Where are the Children (ADEN/WATCH)* social media pages. ADEN is run by relatives of disappeared children, and investigates and locates children who were disappeared during the war in order to reunite them with their biological families. Adriana's presentations to students, women, and members of Congress will emphasize the remilitarization of Guatemala as well as recent human rights violations by linking them to those of the past.

Dominga Sic, Survivor

Dominga Sic is the sole survivor of her family after the 1982 Rio Negro massacres. She plans to continue her work to education and promote of human rights awareness through the documentary, "Discovering Dominga," and her own personal testimony. This year, she will travel to Guatemala to promote increased awareness and education within the massacre resettlement areas of Pacux, Rabinal and Rio Negro.

Interested in applying for funding? Check out GHRC's website, www.ghrc-usa.org, for information about the grant and the application deadline.

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.

San Jose Resists (continued)

Continued from Page 9

key moments resulted in over 1000 emails to the Guatemalan government demanding that they find a peaceful solution to the conflict. GHRC staff also communicated frequently with the US State Department and Embassy, seeking diplomatic support for dialogue.

In the midst of the November confrontations, GHRC invited Yolanda Ouelí to speak at the SOA Watch Vigil to close the School of the Americas (SOA). The SOA is a combat training school for Latin American soldiers, located at Fort Benning, Georgia; current Guatemalan president Otto Pérez Molina is an SOA graduate.

"Each day our movements continue to grow," she said, addressing thousands of solidarity activists from the main stage. "I'm going to return to my country and be able to say that there are many more people than we thought who stand with us and are fighting for justice." At her work-

shop later that day, given with GHRC's Kathryn Johnson, her description of the attack against her and the devastating impact it has had on her and her family left the audience first in tears, and then on its feet with a standing ovation.

The Power of Peace

While communities across Guatemala resist similar projects – gold mines, nickel mines, hydroelectric dams, among others – few have so successfully halted a project in its tracks.

Furthermore, the communities continue to demand that the government investigate the violations committed against them. Who was behind the attack on Yolanda? Why haven't those responsible been brought to justice? Who ordered the May 8th midnight convoy of mining vehicles and riot police, which attempted to



Yolanda Ouelí and husband Cesar del Cid march to mourn victims of the School of the Americas in Ft. Benning, GA. Photo: Luis Cruz

force entry to the mine?

While everyone prepares – and waits – for some kind of meaningful dialogue to begin, one thing is for certain, these communities are in it for the long haul. And we'll be right there with them, supporting their right to protest to protect their environment for future generations.

GHRC commemorates its 30th Anniversary with a celebration dinner and award ceremony



GHRC Founder Sister Alice Zachmann presents Human Rights Defenders Award. Photo: Janet Hernandez

Many thanks to all those who supported GHRC as we celebrated our 30th anniversary. The evening was a great success! Over 150 people joined us for the dinner, and our supporters' generosity has ensured that GHRC's work will continue to grow and evolve.

Since its founding in 1982 by Sister Alice Zachmann, GHRC's work has been guided by a deep commitment to solidar-

ity and a bold approach to advocacy, principles that place GHRC at the forefront of the struggle for human rights in Guatemala.

For three decades, we have contributed to positive, systemic change: denouncing torture, forced disappearances, massacres, and US involvement in these atrocities; monitoring the implementation of the Peace Accords; and addressing

patterns of abuses such as violence against women and attacks against human rights defenders.

In fact, at our anniversary celebration, GHRC recognized the achievements of some of these human rights defenders. The communities of San Jose del Golfo and San Pedro Ayampuc have together organized in non-violent resistance against the installation of a harmful trans-

national mine nearby their communities.

Two community representatives, Alvaro Sandoval Palencia and Antonio "Tono" Reyes, were present at our event to receive the 2012 Alice Zachmann Human Rights Defenders Award on behalf of their communities. The following week, GHRC accompanied Alvaro and Tono as they met with eight U.S. congressional offices, the U.S. State Department, the Embassy of Guatemala, and various partner organizations to build support for their ongoing struggle.

A special thanks to our volunteers!



Guests enjoyed the wonderful music of traditional folk band, *Tierra Morena*. Photo: Janet Hernandez

Human Rights *UPDATE*

MILITARIZATION

August 23: **Indigenous communities reject new group of Constitutional reforms**

The Mayan Coordination Committee denounced the constitutional reforms presented by President Pérez Molina, as inciting racism and institutionalizing militarization in Guatemala as well as failing to recognize Mayan languages as official or establish greater indigenous representation in government.

August 30: **More than 400 Guatemalan and American soldiers join anti-drug operation**

A US military contingent joined with the Guatemala military in an operation as a part of Operation Martillo, which began in January to stop drug trafficking along the Central American coast. The US military withdrew on Oct. 14 claiming success.

September 20: **Guatemala Government and mining company attack community in San Rafael Las Flores**

The repression of the nonviolent protest in San Rafael Las Flores has raised concerns about the military's expanded role. Witnesses claim that while peacefully protest community members were attacked by private security guards and national police forces with rubber bullets and tear gas; soldiers were present as well. 30 community members were detained.

October 4: **Six protestors killed in Totonicapán**

A peaceful protest carried out by indigenous communities in the highlands of Guatemala was met with deadly force by members of the Guatemalan Military, leaving 6 dead and over 30 people wounded. Initially, President Pérez Molina falsely claimed that the soldiers were unarmed, but later acknowledged that government forces opened fire during the protest. **On Oct. 11**, 9 soldiers were arrested for the murders and charged with extrajudicial killing.

October 31: **Guatemala seeks answers in Texas' fatal shooting of migrants**

Guatemalan officials to demand answers about the use of deadly force against migrants, claiming that even drug smugglers are not usually pursued in this manner. **On Oct. 25**, a trooper from the Texas Department of Public Safety fired from a helicopter at a truck carrying 11 Guatemalan undocumented immigrants, killing 2. The troopers involved suspected the truck was carrying drugs when it sped off after hearing sirens.

WOMEN'S RIGHTS

August 13: **Judicial Branch inaugurates special tribunal on femicide**

The President of the Supreme Court of Justice, inaugurated both a court of first instance and a trial court in Alta Verapaz designated especially for cases of femicide. The inauguration of the courts follows Agreement 12-2012, signed in March of this year, which approved their creation.

November 20: **Allegations of assaults against women grow in number**

In Guatemala, few of the perpetrators of domestic violence go to trial and even fewer are sentenced. The summary prepared by the Office of the High Commissioner of the UN Human Rights for this year reads: "Despite the adoption of the Law against Femicide, the number of women killed continues to increase, and Guatemala continues to fail to prosecute such crimes."

ACCESS TO LAND AND NATURAL RESOURCES



Protest against mining in Guatemala. Photo: mimundo.org

September 25: **Indigenous groups demand a decision in unconstitutionality claim against mining law**

Members of the Council of Western Peoples came together at the gates of the Constitutional Court to demand a ruling in the case against the mining law filed in May of 2012. The communities filed a claim of unconstitutionality before the Court stating that the mining law had been passed without the consultation and consent of the indigenous communities it would affect, and that it denied the right of indigenous peoples to free, prior, and informed consent established in the 169th Convention of the ILO.

October 24: **Communities continue to reject Xalalá dam project**

The government announced that they would reopen the bidding process for the construction of the Xalalá dam in the Ixcán region of Guatemala with bids due in February of 2013. Communities in the surrounding area, some of which would be flooded out by the proposed dam, have overwhelmingly rejected the project in a series of community consultations and continue to organize to oppose the construction.

November 27: **Victims of mining repression travel to Canada to seek justice**

A delegation from Guatemala travelled to Canada late November to give their testimony in three civil lawsuits against HudBay Minerals. In 2007, security guards for the mining company committed severe human rights violations near the mining project, including the gang rape of eleven Qeqchi women, the murder of community leader Adolfo Ich, and the shooting of German Chub. The cases are to be heard by the Toronto Superior Court.

Human Rights *UPDATE*

TRUTH, JUSTICE & HISTORICAL MEMORY



A young girl mourns those killed in the Dos Erres massacre.

Photo: GHRC

September 24: **Members of the military appear in court for abuse of indigenous women during the 1980s**

A national court in Guatemala has taken on the case of 15 indigenous women who were victims of sexual slavery for four years. 37 members of the military have been accused of sexually abusing the women from 1982 to 1986 in a military outpost in Guatemala's northeast. This is the first time that a national court has tried this type of case, as previous cases have only been tried by international tribunals.

September 24: **Accused of Dos Erres massacre extradited to the US**

Jorge Sosa, a former Guatemalan army commando accused of taking part in the 1982 massacre of over 200 villagers, was extradited to the US to face immigration fraud charges. The One of two survivors of the massacre, Casteneda, assisted prosecutors in the case against Sosa and other members of a Guatemalan special forces unit known as the "Kaibiles" accused of taking part in the massacre at Dos Erres.

October 20: **IACHR condemns Guatemala for massacre in Rio Negro between 1980 and 1982**

The Inter-American Court on Human Rights (IACHR) has condemned the State of Guatemala for five massacres in the communities of Rio Negro, Baja Verapaz, by members of the military and Civil Self-Defense Patrols (PAC) between 1980 and 1982. The Court has moreover determined that the State is responsible for the forced disappearance of 17 members of the Rio

Negro community and the kidnapping of 17 more, as well as rape.

November 20: **The IACHR finds Guatemala guilty of forced disappearance**

The IACHR condemned the government of Guatemala for the forced disappearance of 28 people in the 1980s in the Military Diary Case. The Court ordered Guatemala to set up a fund of \$8 million to compensate the families of the victims.

December 28: **Perez Molina attempts to limit jurisdiction of the IACHR**

With Executive Order 370-2012 the government announced that it would not recognize the jurisdiction of the IACHR for human rights violations which occurred before March 9, 1987. Human rights groups, including Guatemala's Human Rights Ombudsman denounced the move, and on January 14 the President backtracked, and canceled the order.

IMPUNITY & CRIMINALIZATION

July 25: **Repression continues in Santa Cruz Barillas**

A Court in Santa Eulalia reported that arrest warrants exist for another 33 people in Santa Cruz Barillas, following the 12 arrests made during the State of Siege in May. The accused are activists and leaders within the community. However, **on Sept. 25**, the Court annulled the arrest warrants against 10 of the 33 accused, due to a lack of evidence.

December 13: **Prosecutor's Office announces advances in the fight against impunity**

In her second annual report, the Attorney General Claudia Paz y Paz affirmed that impunity in cases of crimes against life has been reduced from 95% in 2009 to 72% in 2012. "We are headed in the right direction because of the growth of criminal investigation, but there is still 70% rate of impunity," she added. Among the successes achieved during 2012, she mentioned the dismantling of 12 structures dedicated to kidnapping, the detention of 106 delinquents, including 22 for extortions. Of the 232 people captured, the majority were gang members, she said.

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*Meet GHRC's newest staff member

*Remilitarization more complex than meets the eye

*Peaceful protest to gold mine approaches 1 year mark