



El Quetzal

Human Rights News and Updates

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Increasing Militarization in Guatemala Threatens Human Rights

On September 28, Mynor López was walking by the church in Santa Cruz Barillas, Huehuetenango, when he was suddenly seized by men dressed in civilian clothing, taken in a pickup to a waiting military helicopter, and flown to Guatemala City.

Mynor had been active in the widespread resistance movement against a proposed hydroelectric dam. In an already tense atmosphere, the irregular and perhaps illegal capture was seen by community members as yet another attempt by the Guatemalan government to break the opposition through intimidation and brute force.

The response of the population was both immediate and massive. In communities across the region residents took to the streets in peaceful protest, blockading highways and demanding Mynor's release.

The government responded in its typical heavy-handed fashion. Guatemalan security forces composed of riot police and soldiers were mobilized and from September 28 to 30, remote northern Huehuetenango looked like a war zone: military aircrafts circled overhead, white clouds of tear gas billowed, and residents lived in terror.

denied passage to the police and military, police officers opened fire... There are unconfirmed rumors of injured persons, amongst them children."

Obtaining concrete or verifiable information about what actually transpired proved difficult. In one case, government investigators couldn't get access to the spot where a soldier had allegedly been fatally shot. The forensic report was not released to the public. The cursory investigation, however, was evidently enough for Interior Minister López Bonilla to publicly blame community members for the fatality.

"Order will be imposed in Barillas," he emphasized, seated next to the Defense Minister.

López Bonilla additionally threatened to deport any foreigners who might be accompanying or supporting local social movements: "We won't permit their meddling in Guatemala's internal affairs," he said.

Communities in northern Huehuetenango released their own press statement,



Military forces in Santa Cruz Barillas, Huehuetenango. Photo courtesy of Movimiento Social de Barillas.

The Guatemala Human Rights Commission (GHRC's) Guatemala office received periodic updates as rumors circulated:

"The military are shooting tear gas from their helicopters... When the community

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GHRC Mission

The Guatemala Human Rights Commission/USA (GHRC) is a non-profit, grassroots, solidarity organization dedicated to promoting human rights in Guatemala and supporting 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

Dear readers,

As I accompanied Maya-Xinka leader Lorena Cabnal on our fall speaking tour, I was struck once again by the bravery needed to be a community activist in Guatemala. Lorena spoke of the death threats she has received for denouncing sexual violence against Xinka girls and for protecting community lands from mining.

In 2013, leaders like Lorena were under siege across Guatemala. At least 18 human rights defenders were murdered for their work and hundreds more were threatened or attacked.

Defenders and communities face uphill battles when fighting to safeguard their land and resources. This October, however, we celebrated an important victory for Q'eqchi' families evicted from lands in the Polochic Valley in 2011. A portion of the almost 800 evicted families have finally received land, a victory in part due to a petition GHRC has supported in the Inter-American Commission on Human Rights for over two and a half years.

Over the last year we've provided ongoing support for dozens of individuals, organizations and communities from our Guatemala City office, and have hosted numerous Guatemalans in Washington, DC. We have also documented widespread, systematic violations that include ongoing impunity for crimes of the past, criminalization of activists, the disproportionate use of force against protesters, manipulation of the courts to favor big business and historic power brokers, and huge barriers to justice for vulnerable Guatemalans.

These abuses are compounded by the Guatemalan military's ever-expanding role in public security and law enforcement. The massive mobilization of soldiers in northern Huehuetenango in September, featured in this issue, became the latest example of this approach, which has led to repression, theft, sexual harassment and violence. Furthermore, it is emotionally traumatizing for indigenous communities, who suffered military repression during the war. In response, GHRC has advocated for the continuation of the ban on direct funding to the Guatemalan army, as well as greater transparency in US military activity.

We were also able to document and denounce patterns of abuses against individuals and communities engaging in non-violent resistance to

large-scale "development" projects. In this issue, we highlight the increasing number of community leaders in these movements who are facing defamation and baseless criminal charges. We also look at how communities are finding new and creative ways to fight their cases, such as the increasingly international movements in El Estor, San Rafael Las Flores, and at "La Puya."

Women have taken the lead in grassroots movements across the country. Our two back-to-back August delegations were themed "Women in Resistance: Justice for Genocide and Defending our Lands." The trips visited organizations, community leaders and survivors of violence in Guatemala City, Nebaj and Santa Cruz del Quiché. GHRC delegations continue to be an important tool for increasing cross-border solidarity. Meeting with women survivors who testified in the genocide trial, we were able to share the words of encouragement that you, our supporters, had sent throughout the trial.

While the genocide case is one of the defining events of the year, in this issue we also highlight successful convictions for other egregious violations during the war, such as that of former a police chief for the forced disappearance of student leader Fernando Garcia in 1984.

Ultimately, at the root of much of our work this year – from our direct support for defenders, to our political advocacy in DC – was a severe critique of the Guatemalan justice system. In the coming year, control of the courts is up for grabs as the nation gears up for a series of elections, including of all Supreme Court and appellate court judges, as well as the Attorney General. Those elected to these key positions will set the tone for justice in Guatemala for the next four years, and decide the fate of the tenuous – but groundbreaking – legal advances that have happened over the last few years.

GHRC will continue to push for rule of law, and will ensure that human rights defenders benefit from international support and accompaniment in 2014. We look forward to your support and collaboration as we head into the new year.

Sincerely,



Kelsey Alford-Jones



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Increasing Militarization in Guatemala



Military forces stationed in Barillas. Photo courtesy of Siglo 21.

linking government aggressions to the new wave of officially sanctioned “transnational invasions.” The use of excessive force by security forces, they said, brought back memories of the counterinsurgency strategy of the 1980’s, when military troops and helicopters were used to terrorize and massacre the population. “We demand respect for community referendums and the cancellation of all licenses for all large-scale development projects in the region,” their statement said.

National and international organizations, including GHRC, immediately expressed concern about the situation, including the lack of transparency in the investigation of the soldier’s death and the alleged illegalities in the detention of Mynor López.

On October 8, after a week of tense but relative calm, official dialogue began around the proposed hydroelectric projects in Santa Cruz Barillas. This was the fourth attempt at dialogue; the government had either broken off past efforts, or the official representatives simply failed to show up. As of November of 2013, two more rounds of negotiations had failed to produce concrete proposals for how to move forward.

The dramatic events that transpired in Barillas are occurring with increasing frequency across Guatemala. Over the last several months, GHRC has been tracking the effects of increased militari-

zation in areas where communities have organized to protect their land and resources, as well as an increasingly militarized response to drug violence and organized crime.

The militarized response is not only a Guatemalan initiative; in fact, the US has been working closely with the Guatemalan government to train the security forces and provide new equipment for the war on drugs, despite frequent reports of repression against unarmed civilians. In an unfortunate, but telling coincidence, the US finalized the donation of six helicopters to Guatemala – part of an ongoing aid program to support counter-narcotics initiatives just as we were hearing reports of helicopters being used in attacks against peaceful protesters in Huehuetenango.

In an effort to address this growing concern, GHRC partnered with like-minded organizations to form the Mesoamerican Working Group (MAWG) and produce a new report: “Rethinking the Drug War in Central America and Mexico.”

The report focuses on three countries – Guatemala, Mexico and Honduras – experiencing similar and dramatic effects of the ongoing war on drugs, and concludes that current US security policy has led to an explosion of violence in the region.

On November 13, MAWG presented findings and policy recommendations from the report at a congressional hearing hosted by Congresswoman Michelle Lujan-Grisham (D-NM). Congressman Beto O’Rourke (D-TX) also spoke at the event, calling for an end to the current drug war model as well as “fact-based evaluations to inform policy changes.”

GHRC partner Claudia Samayoa spoke as a representative for communities in Guatemala, stating that the US push for a military response, instead of one for police or judiciary reform, is not enough to change the situation in her country: “The army has not modernized, and it is extremely corrupt. By strengthening the

military, you will in turn strengthen organized crime. You will also fund an army which commits abuses in our communities, including illegal detentions, several ‘states of siege,’ and attacks on women. What we really need is to continue to strengthen our court system.”

Panelists at the hearing presented several concrete recommendations for Congress, including demilitarizing our approach to regional security and stemming the rise of violence against women. Recommendations specific to Guatemala also include maintaining current restrictions on military funding to Guatemala, prioritizing support for justice-sector strengthening, and effective implementation of the Leahy Law, which bans the US from training individuals or units that have committed gross human rights abuses.

MAWG’s message to Congress, ultimately, is simple: US security policies that arm countries like Guatemala, which then turn those arms on protesters, are harmful and counterproductive. There is abundant evidence that US anti-drug policies in Mesoamerica have failed to stem the supply of drugs, and have increased violence and human rights abuses.

For families and activists in northern Huehuetenango – forced to relive trauma from the war, and facing arrests warrants and ongoing persecution – more soldiers and more helicopters have not translated into increased security. Much the opposite: they contribute directly to violent repression of legitimate social movements that, far from being linked to drug trafficking, are historic struggles seeking to protect land and traditional ways of life.

“We won’t allow mining licenses to destroy us or the territory we live in and have cared for over thousands of years,” the communities stressed in their statement.

The United States should not allow it either.

Impunity and Criminalization: A Double Threat to Justice

The Guatemalan justice system is under assault by two, almost diametrically opposed dangers: impunity and criminalization. Like a one-two punch, they threaten to bring an already battered legal system to its knees.

Impunity assures that the economically and politically powerful are exempt from punishment for their crimes. Criminalization, on the other hand, is persecution of human rights activists, often poor and powerless, by abusing judicial procedures in order to convert legitimate protest into criminal acts.

IMPUNITY

Guatemala has long suffered the effects of an entrenched impunity that has made a mockery of the justice system. It has been an accepted truth that those with sufficient political clout or economic wealth are guaranteed a permanent “get out of jail free” card. Even in the most high-level political cases, such as the assassination of Bishop Juan Gerardi, or the most brutal of the massacres committed during the armed conflict, it is usually the lower level material authors of the crimes, not the powerful intellectual authors, who are brought to justice.

It seemed that all that was about to change when, on May 10 of this year, General Efraín Ríos Montt was found guilty of committing genocide and war crimes.



Ixil Mayan women listen to Spanish-Ixil translation at the trial of Ríos Montt. Photo courtesy of mimundo.org.

Unfortunately, that long-anticipated moment of justice was heart-breakingly brief. The Constitutional Court (CC), Guatemala’s highest court, ruled on May 20 that the guilty verdict should be annulled and that a substantial part of the trial should be repeated. It was a crushing blow to communities in the Ixil region, genocide survivors, and the families of the victims.

Impunity reared its dreadful head once again on October 22 when the CC issued yet another controversial ruling, this time raising the possibility of amnesty for Ríos Montt. The CC ruling required one of the lower courts to reconsider the possibility that Montt is eligible for a full pardon under Decree 8-86, a defunct amnesty law passed in the waning days of the military dictatorships.

Legally, Decree 8-86 was superseded by the 1996 National Reconciliation Law that specifically prohibits the possibility of amnesty in the case of genocide and other crimes against humanity. National courts have, in a number of previous cases, rejected attempts to seek protection under the amnesty law because it contradicts numerous international laws and treaties signed by Guatemala.

The Court’s ruling that Ríos Montt might be eligible for a full pardon could possibly benefit other high-level military officials who committed forced disappearances, sexual violence, torture, assassinations and massacres during the armed conflict. An amnesty for General Efraín Ríos Montt would be nothing less than a calculated and intentional act of impunity.

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Plaintiffs in the Ríos Montt Case Discuss the Fight Against Impunity in Guatemala

On November 6th, plaintiffs in the case against Ríos Montt filed a petition with the Inter-American Commission on Human Rights (IACHR) in Washington, DC against the Guatemalan government for failing to provide victims in the genocide case adequate access to justice, in violation of the American Convention on Human Rights.

At a separate event to discuss perspectives on the ongoing trial, Edgar Pérez – one of the lead Guatemalan prosecutors representing victims – sought to clarify why the case was annulled just 10 days after the guilty verdict was delivered. In his opinion, the defense’s legal strategy was to create technical glitches (such as changing lawyers at the last minute) which would disrupt and delay the trial. Simultaneously, supporters of Ríos Montt worked to shape public opinion of the case, both by disseminating the claim there was “no genocide in Guatemala” – an idea propagated by the country’s powerful business association and high level government officials – as well as through campaigns to criminalize those speaking out about historic memory.

The annulment sent the trial back to a midway point, a confusing and legally questionable scenario in which the same panel of judges cannot hear the same case, yet new judges cannot step in because they haven’t been party to the evidence already presented. The trial, therefore, would have to start again from the very beginning. “Because of one person, all of the advances we were making in the justice system in Guatemala were halted,” said Pérez.

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CRIMINALIZATION

Whereas impunity is achieved through a misuse of the legal system to keep the guilty for being punished for their crimes, criminalization is an abuse of the legal system in order to intimidate and imprison human rights defenders. Unlike impunity, criminalization is a relatively new expression of the systemic oppression that has always existed in Guatemala. During the armed conflict, it was rare to speak of political prisoners. Those detained by the State were usually kidnapped, held in clandestine cells, tortured, and then “disappeared.”

That has changed in recent years with the arrest and unjust imprisonment of human rights activists, and indigenous and community leaders. This is especially true for those defending their land and environment against the encroachment of large-scale mining operations, hydroelectric dams and other megaprojects owned by national and transnational corporations.

Criminalization often begins with vicious slander campaigns against human rights defenders and their organizations published in the mainstream and social media.

For those involved in peaceful protests and demonstrations, these smear campaigns are increasingly turning into concrete legal persecution through the misuse and manipulation of the legal system. The pattern established in recent years includes issuing arrest warrants, often en masse under cover of martial law, and based on false information (sometimes provided by the corporations themselves). Community leaders are often subject to arbitrary detentions, serious criminal charges (inevitably including “terrorism”), denial of bail, and months of pre-trial detention in inhumane conditions. Due to the lack of evidence corroborating the charges, the cases are usually dismissed and the defenders are released from prison three to nine months after their arrest.

Community members involved in peaceful protests and demonstrations have also often been met with violent repression by

police and military forces; communities organized in resistance to megaprojects have been subjected to states of siege and the implementation of martial law.



The Rostros de Infamia (Faces of Infamy) campaign, published by Guatemala's Foundation Against Terrorism, is just one example of the stigmatization and criticism of defenders.

Criminalization sends a two-fold message. To activists, the message is clear: be prepared to spend up to a year in jail for defending your beliefs. To Guatemalan society, it further stigmatizes and

disparages those who defend legitimate rights, portraying them as criminals, delinquents and terrorists.

The cost to defenders is exceedingly high: arrest warrants limit their ability to work openly; legal defense fees are a financial burden; time spent in prison takes a tremendous physical and emotional toll on defenders and their families. (Imagine the “culture shock” suffered by an indigenous peasant farmer thrown into a high-security prison with assassins, gang members and rapists.) None of this is accidental. Criminalization is an effective means of oppression; community leaders and activists have to spend time, effort and resources defending themselves instead of defending their land and the environment.

Impunity and criminalization present a clear threat to the rights of genocide victims, indigenous and community leaders, human rights defenders and others. With the complicity of corrupt judges, public prosecutors, and lawyers, the courts are being converted into yet another instrument of state-sanctioned repression. Manipulation of the law, whether on behalf of the powerful or against the innocent, can only serve to undermine the legal system, threaten the rule of law, and jeopardize the right of every Guatemalan to due process and justice.

From 2009 to October 2013 there were **249 acts of criminalization** registered against human rights defenders, including:

End of 2011 and early 2012: Over 150 current and former human rights activists were listed in a series of criminal complaints brought by lawyers linked to the military. Despite the absurdity of the charges and their explicitly political nature, the courts have yet to dismiss the charges.

May 2012: 11 community members were arrested during a state of siege (martial law) in Santa Cruz Barillas; dozens more faced arrest warrants. The 11 individuals spent between five and eight months in jail on trumped-up charges before being released due to a lack of evidence against them.

July 2013: Three community leaders from San Juan Sacatepéquez were detained the day after a massive peaceful march in protest against a cement company, and were charged with threats, coercion and conspiracy for acts allegedly committed in 2011.

September 2013: 11 community members in opposition to a gold mine between the municipalities of San Jose del Golfo and San Pedro Ayampuc were arbitrarily charged with illegal detentions, threats and coercion.

The International Search for Mining Justice

Guatemala has endured conflict over mining for several decades, but over the last couple of years, the number and intensity of the conflicts have escalated.

Communities that oppose mining in Guatemala have been met with intimidation, cooptation, and even deadly violence. The violence is generally carried out by private security guards hired by the mining companies, but it is committed with the tacit approval of the government. The perpetrators all too often walk free, or, in cases when they are charged, are exonerated by Guatemala's weak and corruptible judicial system.

Although the companies that mine Guatemala's soil are domestic, they are universally contracted by, or subsidiaries of, foreign corporations. So, alongside ongoing local efforts to halt mining, affected communities and their allies have sought creative ways to hold the parent companies accountable abroad. Three struggles against mining over the last year have successfully brought their fight to mining companies in the US and Canada: La Puya, San Rafael las Flores and El Estor.

“LA PUYA”



Since March of 2012, residents of the municipalities of San Jose del Golfo and San Pedro Ayampuc – just an hour outside Guatemala City – have blocked the road leading to a proposed mine. Residents set up a camp site and continue to take turns using their bodies to halt construction of the mine. This movement is often referred to as “La Puya.”

The mining company, along with police, has tried to break through the road block various times, but each time they have been peacefully repelled. In addition, one

leader, Yolanda Oquelí was shot in June 2012 – a crime for which no one has been held accountable. There is a constant fear of another attack or violent eviction.

The project is owned by an American engineering firm, Kappes, Cassiday and Associates (KCA), so members of La Puya looked to cross-border organization to bring the fight to the US. Yolanda, as well as fellow activists Tono Catalan and Alvaro Sandoval, has spoken to US audiences in Washington, DC and Ft. Benning, GA, mobilizing them to contact KCA as well as the US government to demand that the rights of protesters be respected.

Then, in June of this year, Alvaro traveled to Reno, Nevada where KCA has its headquarters. Alvaro joined local anti-mining activists to stand up for the rights of communities in both the US and Guatemala to have a say in what happens to their local environment. Americans have made it clear that if activists at La Puya are injured or arrested, KCA could be partially liable.

SAN RAFAEL LAS FLORES

A common tactic used during the Pérez Molina administration has been to provoke violence, or directly carry out attacks, claiming there is evidence of organized crime, and then use that as justification to respond with heavy military repression. Over the last several months in San Rafael las Flores, where residents are opposed to a silver mine, there have been multiple violent incidents. Poor investigations carried out by the Public Prosecutor's Office and the outright manipulation of evidence by police make clarification of the facts unlikely. Nevertheless, the government has blamed groups protesting the El Escobal Silver Mine. (The protesters have denied the accusations.)

What is clear, however, is that some attacks were perpetrated by the Canadian mining company, Tahoe Resources, and its private security firm. On April 27, a group of local residents left a protest camp along the road that passes directly in front of the mine. When they passed

the front gate, security guards opened fire on them from the other side. The head of mine security, Alberto Rotonda, was caught on tape ordering their execution. Though Rotonda was arrested, he was only placed under house arrest, and his trial has been interminably delayed.

At the beginning of June, Canadian groups lodged a complaint with the Ontario Securities Commission asking them to investigate Tahoe Resources for the shooting. The complaint alleges that Tahoe's disclosure about the attack was insufficient and inaccurate. Tahoe's shares dropped after the complaint was filed, down to about \$12 a share in July after reaching a high earlier in 2013 of nearly \$19 per share. The price has since rebounded, and on October 13 the company made its first shipment of silver concentrate. Still, the market's reaction to the complaint demonstrates that Canadian mining companies who perpetrate violence can be hit where it hurts: their profits.

EL ESTOR

Victims of violence at the hands of a private security firm hired by HudBay Minerals have also taken their fight for justice to Canadian soil; however, in this case they are using the Canadian Courts.

In 2007, as part of ongoing conflict over a nickel mine in El Estor, Izabal, 11 women were gang raped during a mass eviction. Then, in 2009, a school teacher was killed and a young man was paralyzed – all allegedly by private security personnel hired by a subsidiary of HudBay Minerals (the women report that they were also raped by police and soldiers).

HudBay Minerals has argued that it can't be held accountable for abuses committed by a subsidiary. However, the plaintiffs claim that HudBay made decisions on the ground for its subsidiary. They also claim that HudBay was negligent in hiring unlicensed, untrained security guards in a country overrun with violence and ruled by impunity.

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In July of this year, the Ontario Superior Court ruled that the case can be heard in Canada. This opens the door for other, similar cases – where subsidiaries of Canadian companies commit abuses outside of Canada – to be tried in Canadian courts.

The ruling established that the plaintiffs will have to show that either Hudbay minerals had direct and complete control over their subsidiary, Compañía Guatemalteca de Níquel (CGN), or that they were negligent in not preventing the violence caused by CGN. Part of the plaintiff's claim of negligence is based on Guatemala's high murder rates, espe-

cially of indigenous leaders, and Guatemala's high rate of impunity. Thus, this case will put Guatemala's government itself on trial. The plaintiffs argue that Guatemala is so violent that a mining company that ordered the eviction of indigenous communities should have known that human rights abuses would be committed.

The last few years have shown us that *any* company that mines in Guatemala where there is community resistance could be considered negligent. With evidence of systematic violence and heavy-handed repression against anti-mining movements, one could argue that human

rights violations are to be expected. Similarly, impunity for attacks against anti-mining groups is so widespread that victims have no chance of finding justice in the country.

Whether the case of gold mining at La Puya, silver mining in San Rafael, or nickel mining in El Estor, years of sustained community resistance show no signs of relenting. Meanwhile, transnational mining companies that benefit from government corruption and entrenched impunity, disregarding basic human rights obligations to increase profits, should perhaps not be so confident they will get away with it.

GHRC Voiceless Speak Fund Recipient Joins Partners in Omaha to Raise Awareness About International Rights

By Luis Marcos, CMPI Director of Operations and 2013/2014 Voiceless Speak Fund recipient

In November 2012, Juana Marcos, a Q'anjoba'l Maya woman who has spent her life serving silently without recognition, was awarded funds from GHRC's Voiceless Speak Program. This award came as a blessing to Juana, who had been Comunidad Maya Pixan Ixim (CMPI)'s volunteer Executive Director since 2007. CMPI is a 501 (c)(3) organization of the Maya community in Omaha, Nebraska. Juana's commitment was to create awareness about human rights violations in Guatemala during the 2012 – 2013 Voiceless Speak Fund (VSF) grant cycle.

In coordination with Comunidad Maya Pixan Ixim, GHRC, Creighton University's Native American Studies Program and Office of Multicultural Affairs, among other partners, Juana's term as a VSF recipient culminated with the first ever International Day of the World's Indigenous Peoples Conference in Omaha, Nebraska. The topic at the 2013 conference was the UN Declaration on the Rights of Indigenous Peoples (DRIPS).

On the first night of the conference, both Q'anjoba'l spiritual leaders and a leader of the Omaha nation performed ceremonies. Students and community members looked on as smoke billowed first from

conference participants about the racism and inequality that Guatemala's indigenous peoples face, despite DRIPS and other international laws.



Former Tribal Chairman of the Omaha Nation Dr. Rudi Mitchell welcomes the Maya Nation to Omaha, NE at the 2013 International Day of the World's Indigenous Peoples Conference.

the cedar fanned with an eagle feather, then from the fire in the center of the Mayan cross. The next morning Guatemalan Bishop Álvaro Ramazzini spoke to con-

Representatives of the Omaha tribe also spoke, outlining problems faced by indigenous peoples in the United States, including poverty, contamination of their water supplies and displacement. Strikingly, they could have been describing the situation faced by Mayans in Guatemala.

It is important to affirm that Article 3 of the UN DRIPS is not a declaration of independence for most First Nations. It only articulates our hopes for relationships based on equal rights in multi-ethnic and multi-cultural states.

In that spirit, the 2014 International Day of the World's Indigenous Peoples Conference is scheduled to be held Aug 7-10 at Creighton University in Omaha Nebraska. The partnership between CMPI and the Guatemala Human Rights Commission will only continue to deepen.

140 Families Receive Land Two Years After Polochic Evictions

On October 19, the Guatemalan government handed over land to 140 families that were forcibly displaced in March 2011. The eviction, carried out over multiple days, had left almost 800 Q'eqchi' families without land, shelter or sufficient food. It has become one of the paradigmatic land-rights cases in recent years.

The evictions were the result of a political deal struck between then President Colom and Carlos Widmann, the owner of the sugar cane company Chabil Utzaj. The deal broke off ongoing dialogue between communities and the government and was carried out by hundreds of Guatemalan police and military, in coordination with the company. After three days of evictions, thousands of men, women and children throughout the Polochic Valley were left with nothing, having watched the company destroy their crops, steal or destroy their limited possessions and burn their thatched houses to ground. One community member was killed by a police officer's tear gas canister on the first day of the eviction (another was shot to death two months later by private security of the company). Those old enough to

remember the Guatemalan armed conflict talked about re-living the scorched earth policy of the early 1980s.

Now, after two and a half years of ongoing grassroots mobilization and interna-

GHRC, requested precautionary measures for the evicted families from 14 communities.

Despite these measures, the government did little to meet the communities' needs.

For months, many continued to live alongside the road with very limited access to clean water and food. Employees of Chabil Utzaj's private security company continued to threaten community leaders. Children became increasingly malnourished.



A panorama of land in the community of San Valentín, distributed to the first 30 resettled families. Photo courtesy of the Peasant Unity Committee (CUC).

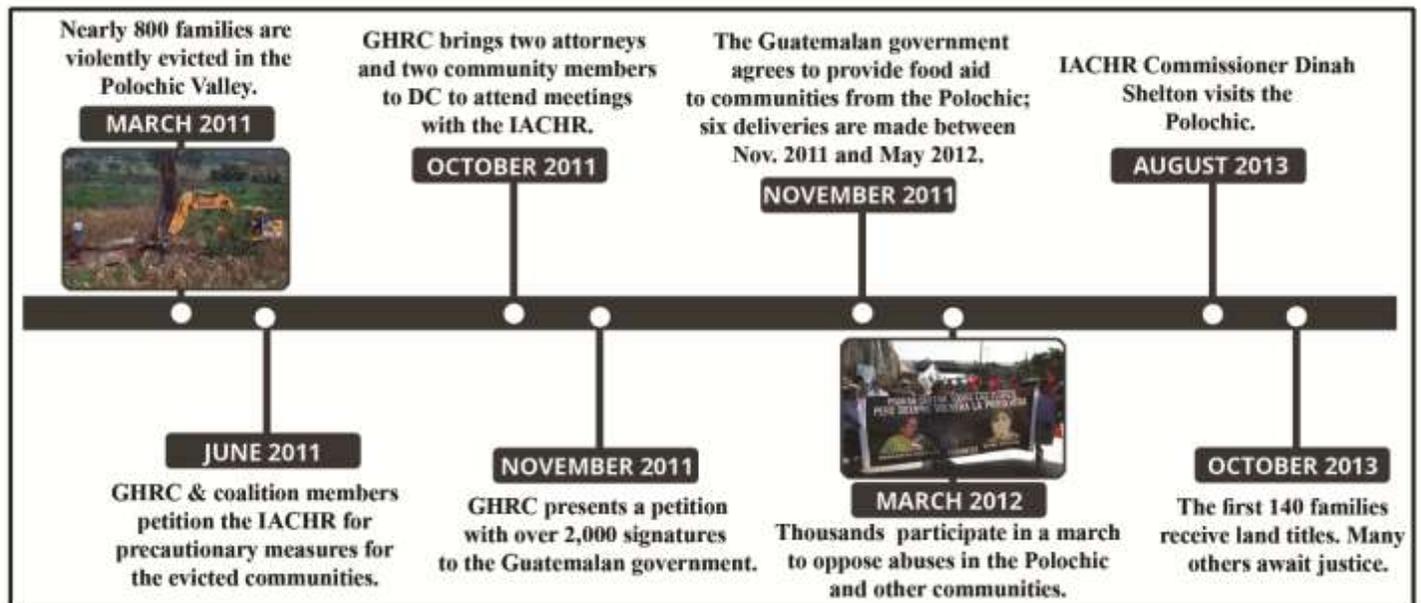
In October of 2011, GHRC helped bring Guatemalan lawyers and two community representa-

tional pressure, the government is finally moving forward with a plan to provide land to the evicted families. It is a process that has been fraught with problems and delays – the original plots offered to communities were poor for farming, and the first relocation will only accommodate 140 of the almost 800 families needing land.

tives to Washington, DC for the Commission hearings, calling for the government to comply with the basic protections included in the precautionary measures. By November 2011, the communities and supporting organizations succeeded in pressuring the government to provide monthly food deliveries, though these stopped by May 2012, after only a few months of minimal support.

The Inter-American Commission has been monitoring the case since June 2011, when a coalition of Guatemalan and international organizations, including

In August 2013, GHRC attended meetings in the Polochic Valley with the Inter-American Commissioner for Guatemala



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Top: several community members from the Polochic region; Bottom left: a woman looks at the remains of her destroyed home; Bottom right: GHRC Executive Director Kelsey Alford-Jones attends a meeting with Polochic residents in May of 2011.

and Indigenous Communities, Dinah Shelton, who visited two of the displaced communities. In Aguacaliente, about 100 people from multiple communities gathered to receive the Commissioner and her team, preparing food and playing marimba as she took her place at the table facing the community.

“It is important to see the situation of indigenous peoples where they live,” said Commissioner Shelton. “So we have come back now for 10 days to visit indigenous communities and hear your voices. [...] We will be making specific recommendations to the government. We have the precautionary measures issued on behalf of this community in 2011 and the more general problem of your territory and resources. [...] I want to hear [from] you.”

Two women from the community shared their concerns with the Commissioner, as well as the daughter of one of the community leaders. Candelaria Sí Chun spoke first, highlighting the community’s suffering and demands:

“Since 2011, the company’s security guards have persecuted us. We aren’t at

peace. We’re suffering hunger, we have no place to farm. We’ve been suffering violently since the evictions. It’s painful for me to tell what is happening: we women are collecting firewood to sell, our children are no longer in school, we aren’t eating three meals a day. The government promised to give food but it isn’t complying. We ask the government for justice for those who were assassinated, those who were detained, and injured; and that the government comply with the handover of land and food.”

Monica, a 14-year old girl from the community of Paraná, spoke up as well:

“I am an evicted young person. I wanted to study but we don’t have the money to pay for school. I hope you don’t stop supporting us, and asking the government for land, so that we young people can eat three meals a day...without land, we can’t live.”

Carolina Rax Tiul, Monica’s mother, who had been in Washington, DC for hearings in October of 2011, led the community in some closing chants: “A people without land,” she called out, “is a people without peace!” they responded.

The Commissioner and her team then drove out to the community of Sepur, which had recently taken over a small piece of land, not far from Chabil’s newly planted sugar cane fields, in order to farm and feed their families. The houses, basic lean-tos with a combination of wood supports and plastic sides, offer little respite from the hot valley sun. Clean water is scarce. Community member packed in under the communal hut to share their stories with Ms. Shelton and show her the bullet casings from recent attacks from passing vehicles thought to be linked to the company.

It was clear from the beginning that the only realistic solution for the Q’eqchi’ communities in the Polochic was having land to farm. Now, after two and a half years of struggle, the handover of some parcels is a huge step toward addressing the hunger and suffering of the evicted families. It is a step that only came about because of domestic and international pressure and, with continued mobilization, we can ensure that all the affected families once again have land, without risk of future eviction.

Women in Resistance Delegation: Genocide and Defending Indigenous Lands

By Dianne Post, international human rights lawyer and GHRC delegation participant

In August of 2013, GHRC led two back-to-back week-long delegations titled “*Women in Resistance: Seeking justice for genocide and defending our lands.*” I participated, along with nine other women from across the United States, Canada, and Spain. We met with women’s groups and survivors of violence to learn about their struggles, and what the international community can do to support them.

MINING

On Sunday afternoon, August 4, we attended a monthly mass at the entrance of the El Tambor mining site. Members of the communities of San Jose del Golfo and San Pedro Ayampuc, whose resistance to the proposed gold mine has become known as “La Puya,” also attended.

We spoke with Yolanda Oqueli, a 33-year-old business woman with a husband and two children, who has been helping to lead a peaceful movement in resistance to mine. When, 18 months ago, Yolanda heard that a Canadian mining company – in partnership with the US engineering firm Kappes, Cassidy and Associates – intended to open the mine, she and other community members blocked the entrance and have been taking shifts to con-

tinue the blockade ever since. Despite the presence of indigenous communities in the area, the government has not complied with the requirements of ILO Convention 169, which requires indigenous communities to be consulted in advance regarding development projects to be carried out on their lands. Nor has the municipal government carried out a referendum. Now, the movement has grown to include hundreds of people and a solidarity movement that spans countries in North America and Europe.

An assassination attempt was made against Yolanda and she lives today with a bullet lodged near her spine. The Inter-American Commission on Human Rights (IACHR) granted her precautionary measures, and the government now has to provide her with round-the-clock armed guards.

THE GENOCIDE CASE

During the week we visited with women from several Ixil Mayan communities in which the Center for Human Rights Legal Action (CALDH) and the Association for Justice and Reconciliation (AJR) had worked to organize the testimony of genocide and rape survivors. The testimony of the five women who we heard from followed the same pattern: they told

us how their lives had been before the military came, what it was like during military occupation, how they felt today, how they felt about the genocide trial, and whether testifying had had a positive or negative impact on them. All of them had what they called “good lives” before the military came. All of them were chased further and further into the mountains by members of the military or paramilitary, who burned their houses and everything in them, killed their animals, and burned their crops.

One of the women outlined the sixteen members of her family who were killed or who died of starvation or privation in the mountains. She felt angry about having given her testimony now that Ríos Montt, indicted and – briefly – convicted as the intellectual author of the genocide, has returned home under house arrest, practically a free man. Another had lost three children, but felt calmer after giving her testimony in court, regardless of the legal reversal. The last woman who spoke was captured, tortured, and raped, and then made to serve the military commander because she was so pretty. She is still pretty today, but her pain is written on the scars on her leg, the scars under her fingernails where they stuck needles, and the scars in her heart. She, and some of the other woman, had never told



Left: Genocide survivors hold posters with messages of solidarity sent by GHRC activists; Right: Participants from the second delegation week visit with activist and human rights defender Idivina Hernandez.

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their current husbands that they had been raped; rather, the husbands first learned of it by listening to their court testimony. As in many cultures, men are often perpetrators of sexual assault, but women bear the shame.

When the women returned from the mountains, the military had taken their land or given it to others. They had nothing. Every woman repeated the failure of justice theme. During lunch, our group didn't talk. What was there to say after that?

BACK TO THE CITY

Sobered by the conditions the women work in, and the dangers they face from a violent and hostile government, we returned to Guatemala City.

Our final meeting was lunch at *Casa Artesana*, a collective founded in 2006 by feminist activists Andrea Barrios and Sandra Moran. The collective works with women in prison and provides art therapy. Because of security issues and other concerns, the organization was forced to close to the public and install gates, locks and a security camera.

The cafe was a good choice for our last stop. While recognizing the pain and problems, Sandra Moran gave an impassioned presentation that focused on how we should not take only the pain back

with us. She said that the people's strength in Guatemala is increasing and that they have the spirit, hope, and strength to defend their land; people act on sadness, but on joy too. She empha-



Delegation participants join Yolanda (front left) at La Puya..

sized the point, stating, "We are not overcome. We are rising, especially young women." I'm not sure that facing what these women face, I could be so positive. But as feminists, we know we can never stop supporting one another.

WHAT YOU CAN DO

What can you do to support women in Guatemala? You can sign up for email action alerts from GHRC (<http://www.ghrc-usa.org>). You can send letters to your senators and representatives saying you are concerned about the increas-

ing violence, especially against women, and militarization in Guatemala. During Clinton's tenure, he apologized for our support of that war that decimated the lives of so many people, especially indigenous communities. We need to immediately stop providing any military aid or training, and put heavy pressure on leaders in Guatemala to reinstate the verdict against Ríos Montt.

You can support the peaceful resistance at La Puya by writing to the mining company, Kappes, Cassiday and Associates, at kca@kcareno.com to tell them to stop their efforts to build a mine because the government has not followed the law requiring consultation and because the population has made it clear that they oppose the mine. Make it clear that any violence against the protesters is a call

to action in the US. A Canadian company, Hudbay Minerals, is also being sued by Mayan Q'eqchi' plaintiffs for gang rapes of women by their security guards that occurred near El Estor, Izabal. You can also buy stock in the company so you can bring the issue up at a stockholder meeting.

The problems are profound and the need is vast, but we cannot turn our head. We keep saying "never again" until it happens again. Each of us can do one thing. It means a lot.

What is a GHRC Delegation?

The Guatemala Human Rights Commission leads an average of two delegations to Guatemala every year. These nine-day trips provide an immersion experience to help participants understand the complex human rights challenges in Guatemala. Trips focus on human rights defenders, violence against women, and land rights struggles. GHRC delegates meet with a range of governmental and non-governmental organizations, as well as community leaders, both in the capital and in rural areas.

For participants, delegations are often intense and transformative experiences that provide the knowledge and inspiration to become advocates for Guatemala when they return home. The delegations also help to raise the profile of the Guatemalan survivors, activists, advocates and NGOs we meet with, and serve as a venue to share important information with the international community that leads to future collaboration and increased solidarity. For more information, visit www.ghrc-usa.org/get-involved/delegations/.

The Search for Truth About the Disappeared and Steps Toward Justice

On Friday, September 20 of this year Guatemala saw justice done: Colonel Héctor Bol de la Cruz, former director of the now defunct National Police (PN) and Jorge Alberto Gómez, commander of the Fourth Corps of the PN, were sentenced to 40 years in prison for the 1984 forced disappearance of student and unionist Fernando García. Judge Yassmín Barrios presided over the tribunal that convicted them as intellectual authors of the crime. Former agents Héctor Roderico Ramírez Ríos and Abraham Lancerio Gómez were convicted in 2010 as material authors of Fernando's forced disappearance. Both are serving a sentence of 40 years in prison.

Beginning in 1960, forced disappearance was a widely used practice under a series of military governments in Guatemala. The practice did not discriminate; just as many men as women were disappeared, the elderly as well as minors; it was used as much in rural areas as in the cities. This practice intensified between the years of 1978-1983 during the governments of the generals Romeo Lucas García and José Efraín Ríos Montt. The Commission for Historical Clarification later established that some 40,000 people were victims of forced disappearance during the 36-year conflict.

There was, and continues to be, many fighting to know the whereabouts of their missing loved ones. Generally it was women – mothers, wives, sisters, daughters – who gathered in search of their family members. They searched through hospitals, fire stations, prisons and, finally, morgues. In this search they encountered each other again and again, all facing the same difficulties and suffering. This shared experience led them to organize as the Mutual Support Group (GAM) and later as the Association of Family Members of the Detained and Disappeared (FAMDEGUA). Today, both organizations continue to support families seeking truth and justice, most often in the form of criminal cases against the perpetrators.

These cases are not only important for the affected families, but are also a fundamental step for transitional justice in Guatemala. Up to this point, the cases brought to justice are few. Yet, the sentences issued are a source of hope for other, similar cases of forced disappearance.



Héctor Bol de la Cruz testifies. Photo courtesy of Saul Martinez.

Take, for example, the first sentence for forced disappearance in the country's history. This landmark ruling on August 30, 2009, found Felipe Cusanero Coj, a former military commissioner, guilty of disappearing six people in the town of Choatalum, San Martín Jilotepeque, between 1982 and 1984. He was sentenced to 150 years in prison.

One of the quintessential cases of forced disappearance is that of the Military Diary, an official record of detained and disappeared persons that was uncovered in 1999. FAMDEGUA and family members of the disappeared presented a complaint before the national courts, but did not receive a response. In 2005 the Myrna Mack Foundation presented a case before the Inter-American Commission on Human Rights, which reached the Inter-American Court of Human Rights six years later, in February of 2011. Finally, on December 21, 2012, the court declared the State of Guatemala as responsible for the forced disappearance of 28 people registered in the Military Diary. Family members are still waiting for an answer from the Guatemalan government regarding this verdict.

Another important sentence was issued on August 21, 2012 against former Police Chief Pedro García Arredondo, who was found guilty of the 1981 forced disappearance of Edgar Sáenz Calito, an agriculture student. Arredondo was sentenced to 70 years in prison for the crimes of forced disappearance and crimes against humanity. However, on July 29, 2013, the Constitutional Court began processing an injunction presented by the defense that suspended the sentence.

Another sentence for forced disappearance was issued on March 26, 2013 against Isidro Cardona Osorio, a former military commissioner from Chiquimula, for the 1982 forced disappearance of Edgar Leonel Paredes, a high school student. The ex-commissioner had been tried for the first time in 2011 in a Chiquimula court, where he was absolved. The victim's lawyers

appealed the ruling and requested the case be transferred to a court in the capital, where Cardona Osorio was declared guilty and sentenced to 50 years and 6 months in prison.

The years of terror were long and the wounds are enormous; many of them are still hidden in Guatemalan society. Although justice has not been done for the majority of the nation's disappeared, it is still important to recognize these advances, which undoubtedly would not have been possible even a decade ago.

The thousands of disappeared in Guatemala continue demanding justice. Their family members that are still living – many have died in the waiting, with uncertainty and with sadness – continue fighting to know where their loved ones are, what was done to them, and why. They want to restore a little bit of their stolen dignity, bury their family members according to their customs, and ensure that those responsible for these disappearances are brought before a court of justice and held accountable for their actions.

GHRC Presents the 2013 Alice Zachmann Human Rights Defenders Award to the Guatemalan Human Rights Defenders Unit (UDEFEFUGA)

On November 14, 2013, GHRC formally presented the 2013 *Alice Zachmann Human Rights Defenders Award* to the Guatemalan Human Rights Defenders Protection Unit (UDEFEFUGA). UDEFEFUGA Coordinator Claudia Samayoa accepted the award on behalf of her organization, while GHRC staff members Rob Mercatante and Dania Rodriguez, alongside the UDEFEFUGA team, attended the ceremony via Skype. Afro-Andean fusion band Tierra Morena also collaborated with GHRC, providing live music for the event.

The Award honors GHRC's founder, Sister Alice, and recognizes an individual, organization or community who has demonstrated a commitment to the defense of human rights through non-violent methods, and for which he/she has been exposed to threats, violence or other attacks.

GHRC selected UDEFEFUGA because of its committed and holistic support to the men and women who defend human rights in Guatemala. Its team investigates and denounces threats and attacks against defenders, provides psychological counseling, facilitates security workshops, offers legal accompaniment, and helps strengthen the skills of human rights activists through networking and training.

"One of the first things I want to say is to congratulate you – all of you – because the genocide case was also [partly due to] your work."

- Claudia Samayoa

UDEFEFUGA constantly monitors human rights abuses across Guatemala and publishes monthly analysis and yearly reports, as well as thematic investigations on subjects such as criminalization, the psychosocial cost of human rights work, and the impacts on children of human rights defenders.



Top left: Claudia gives her acceptance speech; Top right: official presentation of the award; Bottom left: the crowd at the event; Bottom right: Kelsey presents flowers to Claudia on behalf of the Convergencia por los Derechos Humanos.

GHRC Director Kelsey Alford-Jones congratulated the members of UDEFEFUGA for their outstanding contribution to non-violent activism, stating:

"UDEFEFUGA is unique in Guatemala – and perhaps the world – and its team of about 25 employees has responded to thousands of threats and attacks against human rights defenders over the last decade."

In her acceptance speech, Claudia described UDEFEFUGA as a "team of 'firefighters,' rushing to be present with human rights defenders in their moments of need... whether they are submitting an official document, looking for a missing person, identifying a corpse, imprisoned or awaiting release, attending a medical appointment, evaluating risk, or facing the justice system."

Claudia also thanked GHRC's network for consistently supporting UDEFEFUGA's work during the organization's past 13 years, stating:

"One of the first things I want to say is to congratulate you – all of you – because the genocide case was also [partly due to] your work. It was not only achieved because of the lawyers, the victims, and the prosecutors. It happened because during the past 30 years there have been people like you, those who have more white in their hair as well as those who are young. I want to congratulate you, because we had the opportunity to hear the truth, and we got a conviction."

Video highlights, as well as full text transcriptions of both Kelsey's and Claudia's remarks are available on our website at www.ghrc-usa.org.

Human Rights *UPDATE*

MILITARIZATION

June 15: Soldiers deployed to three departments

An estimated 1,500 soldiers were deployed to Escuintla, Huehuetenango and Zacapa, charged with reinforcing citizen security.

Sept. 28: Barillas under siege by military and police

Protests broke out in response to the arrest of a community member, and tensions quickly escalated as police and soldiers were deployed to the area, allegedly using force against protesters. One soldier was shot and killed in the confrontation. Following attempts at dialogue did not reach a successful agreement.

Oct. 10: US donates 6 helicopters to fight organized crime

The U.S. donated six helicopters and other equipment, estimated to be worth \$40 million, to the Guatemalan government to support its fight against organized crime. On Oct. 22, Interior Minister López Bonilla announced a new project that will use helicopters to patrol the streets.

IMPUNITY AND CRIMINALIZATION

July 5: Arrests follow protest against cement company

In San Juan Sacatepéquez, about 10,000 people marched to protest the cement plant in their communities. Just days after the march, three leaders of the organized resistance were arrested on charges of trespassing for events that took place in 2011.

Aug. 17: Attacks against journalists increase

UDEFEQUA reported that there were 19 registered cases of attacks against journalists between January 1st and August 15th.

Aug. 27: Community leaders from Barillas detained again

While trying to close the previous case against them, which had resulted in eight months of illegal detention, Rogelio Velásquez and Saúl Méndez were again detained on an arrest warrant regarding a murder from 2011.

Sept. 7: 11 killed in San José Nacahuil

11 people were killed and 12 wounded in an armed attack in this small indigenous town. The incident was blamed on gang violence, and eight alleged members of the Mara 18 gang were arrested. Families of the victims allege that police were involved.

TRUTH, JUSTICE, & HISTORIC MEMORY

Aug. 29: CICIG mandate extended until 2015

President Otto Pérez Molina extended the mandate of the International Commission against Impunity in Guatemala (CICIG), an UN-backed office, until September 3, 2015.

Oct. 1: Former kaibil convicted in US

A California jury convicted Jorge Sosa of making false statements and obtaining citizenship unlawfully by concealing his involvement in the 1982 Dos Erres massacre.

Oct. 22: Further setbacks in Ríos Montt case

The Constitutional Court asked lower courts to reconsider the

ruling that amnesty does not apply to Ríos Montt. On Nov. 6, the resumption of trial was pushed back to January 2015 due to the Court's busy docket in 2014.

Nov. 6: Ex-military commissioner arrested for genocide

Agents of the Public Prosecutor's Office arrested ex-military commissioner Baltazar Muñoz, who is being charged with genocide and crimes against humanity committed during the internal armed conflict.

WOMEN'S RIGHTS

July 13: Violence against women increases

The Group of Guatemalan Women (GGM) found a 25% increase in violent deaths of women between the months of January and June of 2013, compared with the same period in 2012.

Nov. 5: 70% of women victims of violence

The Survivors' Foundation announced that seven out of ten Guatemalan women experience some type of violence in their lives.

ACCESS TO LAND & NATURAL RESOURCES

June 13: Representatives of "La Puya" meet with President

President Otto Pérez Molina and other government officials met with 10 community leaders to discuss their resistance to the proposed gold mine. The community expressed its firm rejection of the project.

Sept. 11: Former employees of Hidro Santa Cruz acquitted

The courts acquitted two former private security guards of the hydroelectric dam company for killing community member Andrés Pedro Miguel. Defense lawyers argued that the men were acting in self defense.

Nov. 13: Peasant farmers march for major reforms

40,000 people from 20 departments marched in Guatemala City demanding land reform, nationalization of electricity, and a halt to mineral exploitation in their communities.

Dec. 14: INDE secretly approves company for Xalalá Dam

After having announced the suspension of the request for bids in April 2013, the National Electricity Institute (INDE) secretly granted the Brazilian company Intertechne Consultores rights to the Xalalá hydroelectric project. The dam would be the second largest dam in Guatemala, affecting more than 50 communities, and approximately 18,000 residents voted against the dam in 2007. Military presence in Xalalá has increased, and community leaders are allegedly being bribed to support the project.

Dec. 9: CC endorses community referendums on mining

The Constitutional Court ruled that municipal governments must respect the results of community referendums on whether mining projects can be developed in their towns. The court's ruling was specifically regarding a November 2012 community referendum regarding the El Escobal Mine, in which 10,000 people opposed mining and 100 supported it.

2013: The Year in Review

This year, GHRC was awarded a **Community Human Rights Award** from the United Nation's Association of the National Capital Area and Break-Away's "**Alternative Break Host Site of the Year**" for leading American University's annual alternative break trip to Guatemala. GHRC was also listed in GreatNonprofit's **35 top-rated nonprofits for 2013**. Check out some of our highlights from the year:



PROVIDED DIRECT SUPPORT TO 246 PEOPLE through the Human Rights Defenders Fund, which included funding for emergency housing and relocation, transportation and travel expenses to key meetings and hearings, and other timely support. Financial support was also provided to 28 children of defenders who had been threatened, attacked or assassinated, to support expenses for the 2013 school year.

Coordinated and attended **APPROXIMATELY 30 ADVOCACY MEETINGS** with Guatemalan partners during their visits to DC, including with Congressional Offices and the State, Defense, and Justice departments. GHRC staff members also participated in dozens of other meetings with government officials, international legal experts, and organizational allies to do further advocacy.



IN GUATEMALA: Participated in verification missions and monitoring of conflicts in 8 communities across Guatemala; San Jose/San Pedro, San Juan Sacatepequez, Polochic, San Rafael las Flores, Santa Maria Xalapan, Santa Cruz del Quiche, and Nebaj. Provided ongoing strategic support to 4 other communities; Monte Verde/Livingston, Santa Cruz Barillas, Santa Eulalia, and Lote 8.

Called on to provide analysis for high-level US and Guatemalan offices, including the UN High Commissioner for Human Rights in Guatemala, the US State and Justice Departments, the Guatemalan Office of the Attorney General, and the Guatemalan Human Rights Ombudsman, among others.



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PUBLIC
EVENTS

2
SPEAKING
TOURS

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INTERVIEWS

FIVE recipients were awarded a Voiceless Speak Fund (VSF) grant, which supports Guatemalans in the US who are conducting human rights work in their local communities.

TWENTY asylum cases were supported by GHRC, including research, expert affidavits, or court testimony.

MARCH-MAY GHRC staff monitors Rios Montt genocide trial and advocates for international support for justice. GHRC staff member Dania Rodriguez testifies in trial; GHRC coordinates a campaign in which 2,176 people call for the US Ambassador to Guatemala to attend the trial, which he did in mid-April.

APRIL GHRC & coalition partners gather over 150 organizational signers on a letter presented to Presidents from the US, Mexico, and Central America, calling for an end to militarization in the region.

AUGUST 10 women survivors of genocide personally receive dozens of messages of support by members of the GHRC base in the US during a delegation. GHRC joins Guatemalan & international organizations to analyze the criminalization and defamation of human rights defenders.

SEPTEMBER GHRC participates in a panel on judicial independence in Guatemala that includes US Ambassador-At-Large for War Crimes Stephen Rapp and President of the Criminal Chamber of Guatemala's Supreme Court Cesar Barrientos.

OCTOBER Due to internal and international pressure, including from GHRC, the Guatemalan government finally turns over land to families in the Polochic that were violently evicted in 2011.

NOVEMBER GHRC presents our second annual Alice Zachmann Human Rights Defender Award to UDEFEGUA.



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El Quetzal

Human Rights News and Updates



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