



El Quetzal

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FOR COMMUNITIES AFFECTED BY THE CHIXOY DAM, REPARATIONS STILL IN QUESTION

For the past 30 years, the communities affected by the construction of the Chixoy dam in Baja Verapaz have demanded recognition of the truth of what happened, justice for the horrific crimes committed against them, and reparations for the losses that they suffered.

Over 400 people lost their lives and 23 communities were flooded out by the dam's reservoir.

Now, the Guatemalan government is facing concerted pressure not only from affected communities, but also from the U.S. Congress, the World Bank and the Inter-American Development Bank, to implement a comprehensive reparations plan. The proposed plan, based on an agreement negotiated in 2010, includes \$154 million in funding for individual and collective reparations, as well as development and infrastructure projects over the next 15 years.

The Coordinating Committee for the Communities Affected by the Chixoy Dam – COCAHICH – and the government are in dialogue about the content of the plan, and the



A community member explains the Pak'oxom massacre during a GHRC delegation. Photo by Tracey Jaynne.

mechanisms for implementation, and are closer than ever before to coming to an agreement. If the plan is put into action, it will be life-changing for the communities, and set an important precedent for Guatemala.

A Damnable Dam

For countless years, communities of Maya Achi people lived alongside the Chixoy River. The fertile valley provided a rich variety of fruits and vegetables, and the river was filled with fish. Spiritual guides visited ancient ceremonial sites to pray for

abundant rains and plentiful crops. Travel and trade between communities was a simple matter of walking by the river's edge until reaching the next village.

All of that, however, changed dramatically and irrevocably with the construction of the Chixoy Hydroelectric Dam, which began in 1976.

The dam, which is still Guatemala's largest, received nearly \$1 billion in financial support from the World Bank and the Inter-American Development Bank. What the dam didn't have, however, was support from the indigenous communities that it would displace.

The construction involved creating an artificial lake, some 14 square kilometers in size, that would submerge entire communities: houses, fields, fruit orchards, and sacred sites under the dammed-up waters of the Chixoy River. Thirty-three indigenous Mayan communities were slated to be forcibly and illegally displaced.

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GHRC Mission

The Guatemala Human Rights Commission (GHRC) is a nonprofit, 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,

A couple of months ago, Gilberto Ramos, a 15 year-old boy from Guatemala, was found dead in the Texan desert. He made the journey from Huehuetenango, hoping to make money to cover his mother's epilepsy treatment.

Gilberto was part of what has become a flood of children leaving Guatemala, El Salvador, and Honduras; an estimated 60,000 unaccompanied minors have been detained crossing the southern border since October of 2013.

Why are unprecedented numbers of youth and families from Central America risking their lives to seek refuge in the United States? Guatemalan children interviewed by the UN expressed a number of reasons for leaving home, including deprivation, family reunification, domestic violence, generalized violence, and economic need.

Many have legitimate international protection claims, but US law doesn't require that detained migrants have access to an attorney. Instead, children have been held in overflowing detention centers and shelters, often in deplorable conditions, before – in the best case scenario – getting released to a relative with a notice to appear in court.

The Obama Administration, confronted with this humanitarian crisis, has responded with little humanity. The message to parents in Guatemala has been, in essence: Don't send your kids, because we won't offer them any protection, and they may not even make it here alive. In a recent White House press release, the administration bragged that in FY 13 it had deported 47,769 Guatemalans despite ongoing violence in Guatemala, a lack of services to support returned migrants, and legitimate international protection needs. In FY 14, this number will exceed 50,000.

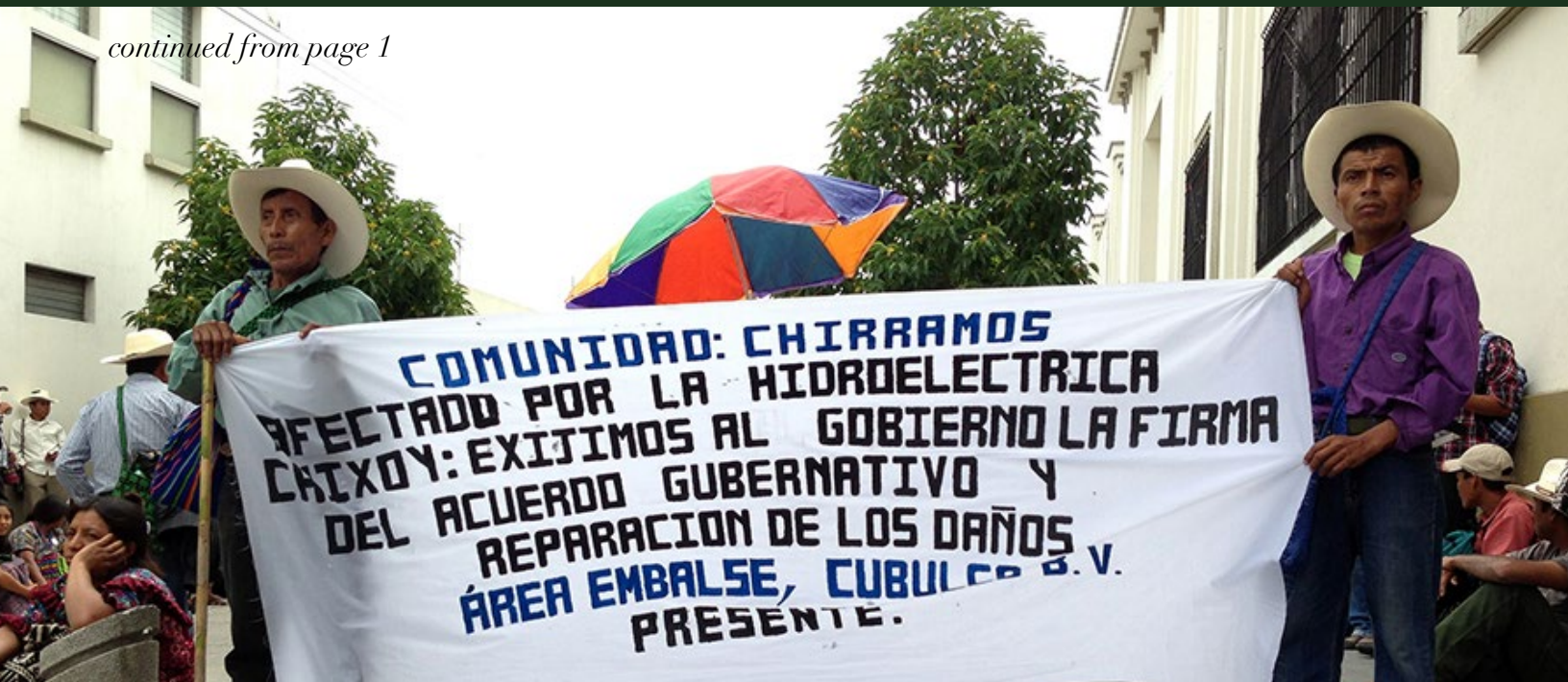
While GHRC has not historically worked on the specific issue of child migrants, we felt action was necessary, principally to educate policy makers about conditions in Guatemala that lead to forced migration. From decades of work with human rights defenders, victims of abuses, and our support of asylum cases in the US, we know Guatemalans face a myriad of forms of violence in the home and in the streets. They receive little protection from an undertrained and corrupt police force; they are threatened and assassinated for community organizing, labor organizing, and the defense of basic human rights; they face little access to justice living in a country with an impunity rate that reaches 98% for certain crimes; and vulnerable populations such as women, indigenous people and LGBTQ people face added structural violence and systemic discrimination.

Conditions of poverty and insecurity are exacerbated by Guatemala's historic legacy of violence and impunity. The articles in this issue highlight this continuum between past and present, and how – despite dramatic rates of forced migration – many Guatemalans are also taking on the immense challenge of fighting for justice in their own communities.

Just as the flood of Guatemalan refugees during the war was a sign of much-needed solidarity in the US, the current wave of children and families calls us to action. Border communities, churches and organizations are currently engaged in a massive effort to respond to immediate needs of those in detention. Meanwhile, here in Washington, we will be pushing for policy change, including improved protections for migrants and refugees, regional funding that supports violence prevention and services for vulnerable populations instead of mano dura security programs, and the full respect for the dignity and human rights for all Guatemalans, whether in Guatemala or here in the US.

Sincerely,
Kelsey Alford-Jones

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Community members call on the government to sign a reparations plan during a protest in May, 2014. Photo by GHRC.

Those who voiced opposition to the dam and the involuntary evictions were labeled “terrorists” and “guerillas,” and were condemned to brutal deaths. Guatemala’s internal armed conflict provided the ideal context to carry out the mass extermination of opponents to the dam.

Run, my son, run!

One of the villages most vocal in defense of their land and homes was the community of Rio Negro, which resisted forced relocation to a cramped and overcrowded resettlement center.

On February 13, 1982, the men of Rio Negro were summoned to the neighboring village of Xococ. There, they were systematically massacred by soldiers and civilian patrollers.

One survivor, Sebastian, recalls the terrible details of those dark days. “I was too young to travel with my father to Xococ, so I wasn’t with him when he was killed,” he remembers. “My mother was worried that the killings would continue. She told me that if the soldiers ever came to Rio Negro that I should run into

the mountains and hide. I asked her how we would know if the army was near to the community. She replied “if you hear the dogs barking, it means that they’re near.”

Exactly one month later, recalls Sebastian, “my mother woke me up in panic. I heard the dogs barking. She told me to run, and not look back. I didn’t want to go, but she insisted. She said that I had to survive so that our family line would not die out. I left the house with just the clothes on my back. I didn’t even have time to grab my hat.”

The following day, Sebastian found the battered bodies of his mother and sisters in a mass grave on the nearby mountaintop known as Pak’oxom. One hundred and seventy-seven people had been massacred on that terrible day: 70 women and 107 children. Two other massacres would take place in the area, and a total of 440 men, women and children from Rio Negro would suffer kidnapping, rape and death at the hands of the Guatemalan military and paramilitary forces.

After the massacres were carried

out, the valley was flooded. Sacred sites, centuries old, were lost underwater forever. Entire villages ceased to exist, uprooted from their ancestral lands and the farms that had sustained them.

A separate criminal case was also brought forward in Guatemalan courts against the perpetrators of the massacres, with little result. Neither those who ordered the massacres, nor the majority of those who carried them out, have faced trial for their actions.

Reparations Delayed

In 2005, the communities began a dialogue process with the Guatemalan government for reparations linked to construction of the dam. The process would last for five years and involve two consecutive administrations. In April 2010, the government of Alvaro Colom agreed to sign a Comprehensive Reparations Plan that would provide housing, land, access to clean water, health care, the right to consultation on development projects, access to electricity, public dissemination about the massacres of Rio Negro,

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COMMUNITY LEADER OSCAR MORALES HIGHLIGHTS CONFLICT OVER EL ESCOBAL MINE

By Kathryn Johnson, GHRC Assistant Director

As I looked at the pictures in Oscar Morales' presentation on his community's resistance to the El Escobal silver mine, it finally sunk in just how close the mine is to community members' homes. I had been interpreting for Oscar for two days during his visit to Washington, DC, and had heard him repeat several times that the mine lies two kilometers from the town center, with contaminated pools of water just 5-10 meters from residents' homes. But seeing the image packed a punch that words could not. Looking at the pictures of the open pit in the middle of their town, it was easy to understand why residents are willing to put their lives and liberty on the line to stop it.

Oscar also described how the project has divided the community, as some stand to benefit from the handful of jobs provided by the mining company, Tahoe Resources, and many others only lose.

Throughout the conflict, multiple anti-mine activists have been killed, like 16 year-old Topacio Reynoso, and several more injured, including seven protesters who were shot by security guards hired by the mining company. Although a civil lawsuit against Tahoe is moving forward in Canadian courts for the shooting, neither the company nor the Guatemalan government has moved to address these abuses.

Tahoe Resources reported \$43.1

2012, companies are supposedly paying 4-5% of revenue to the government. However, as Oscar pointed out, without transparency there is no way to know if these fees are paid, or where that money goes.

Oscar and other leaders of the resistance to the El Escobal mine were careful to clarify that they aren't asking for higher royalties. They want one thing: for the mine to go away. Unfortunately, as Oscar noted, the Guatemalan government has gone to extreme measures to protect the mine, including declaring a "state of siege" in four municipalities in May of last year. Meanwhile, Tahoe Resources has launched a vociferous public relations campaign in the US and Canada to insist that many Guatemalans support the El Escobal mine and stress that it will bring prosperity to the country.

This is why Oscar's visit was crucial: to ensure that the voices of those who oppose the mine are heard, and to seek support in both the US and Canada, where Tahoe Resources is publically traded. While in DC, Oscar outlined why over 100,000 people have voted against the mine in local referendums: it makes no economic, social, or environmental sense for the people of San Rafael.

GHRC's partners NISGUA and MiningWatch Canada have called on the Canadian Pension Fund and the Financial Services organization TIAA-CREF to divest from Tahoe. They cite poor financial disclosure, complaints filed before the British Columbia, US and Ontario Securities and Exchange Commissions, and a suit brought in Canadian Courts to show how Tahoe Resources is not just bad for the people of San Rafael las Flores, but a bad investment as well. Will investors be swayed by the abuses against residents of San Rafael or by the high returns on Tahoe's stock? What about you? Do you know where your money is invested?



Left: Oscar Morales; Right: A farm bumps up against the El Escobal mine.
Photos by Giles Clarke.

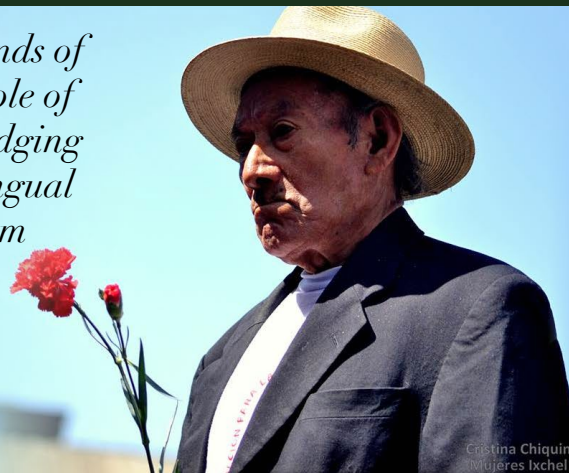
On his way to attend a tribunal on the Canadian Mining Industry, Oscar Morales – a leader of his community's resistance movement – stopped in Washington, DC to speak to partner organizations, congressional offices, and the public. Oscar took advantage of this time to explain why residents of San Rafael las Flores, where the mine is located, are so concerned about the project's environmental costs. Community members have raised cows and vegetables for the last 120 years, and continue to depend on the availability of clean water for their livelihood and survival. Now, they are forced to deal with water contaminated with cyanide and heavy metals and dried up springs.

million in earnings from mine operations in the first three months of 2014, making it easy to see why the company is so determined to hold on to its only asset. If El Escobal keeps producing at the same rate throughout the year, it will finish 2014 as the world's third largest silver mine.

Meanwhile, El Escobal will likely have some of the lowest production costs in the industry. Oscar reported that Tahoe had paid just about \$77,000 in royalties to the town of San Rafael. Under Guatemalan law, mining companies only have to pay 1% of their expected revenue each year to the State, half of which goes to the municipal government. Under a voluntary agreement, signed in

“We must raise awareness [so] that these kinds of events are never repeated, because the people of Guatemala want to live in peace, acknowledging our identity; our rich multicultural, multilingual [heritage] and the respect for the freedom of expression of our ideas.”

- Genocide sentence
(page 89 from the English translation)



A man participates in a commemoration event in Guatemala. Photo by Cristina Chiquin.

ONE-YEAR ANNIVERSARY OF THE GENOCIDE SENTENCE COMMEMORATED IN GUATEMALA

May 10, 2014 marked the one-year anniversary of the genocide sentence against former dictator José Efraín Ríos Montt. The ruling, however, was annulled by Guatemala's highest court just 10 days later. Today, the case remains at a legal impasse -- At least 90 judges have excused themselves from presiding over the pending appeals for amnesty while Ríos Montt remains under house arrest.

The Ríos Montt trial was historic: it was the first time a former head of state was charged for the crime of genocide in domestic courts. One year later, the sentence was commemorated in Guatemala, as well as in other countries including Mexico, Argentina and Spain. Guatemalans hosted forums for analysis and discussion, organized readings of the sentence, held artistic activities with music and poetry, and performed Mayan ceremonies.

The first witnesses to give their testimony during the genocide trial, Nicolás Bernal Brito and Elena de Paz, spoke at a forum hosted by the Center for Human Rights Legal Action (CALDH) in Guatemala City on May 8th. They – along with over a hundred other survivors and expert witnesses – had testified only a few meters away from Ríos Montt and his Director of Military Intelligence, Rodríguez Sanchez, recounting their experience in Ixil before a packed

courtroom and an international audience watching via live stream from the US and Europe.

“I was eight years old when they killed my mother and father,” Nicolás repeated one year later at the CALDH forum. “They wanted to finish us off but we are alive, we are here. I am alive and I asked for justice. We are ready to tell the truth again.”

“In prison you have a blanket. You have bread. But they didn't give my parents these same dignities.”

- Elena de Paz, genocide trial witness

Commenting on how Ríos Montt went to jail after the ruling, Elena noted, “In prison you have a blanket. You have bread. But they didn't give my parents these same dignities.”

The case provided Guatemala an opportunity for national introspection, and, for the first time, prompted widespread and public discussion of the violence committed against the Ixil people during the war. For a month, the trial was in all the papers, a topic of debate on Facebook, and parts of the trial were live streamed on Guatemalan television. For some families, it was the first time they

had talked about the war with their children.

Yet, after the guilty verdict was annulled on May 20, 2013, for a technicality that some criticized as being outside the constitutional court's jurisdiction, there have been ongoing efforts to delegitimize the trial and deny that genocide occurred.

Guatemala's celebrated attorney general, Claudia Paz y Paz, under whose leadership the genocide trial happened, was removed from office by the Constitutional Court seven months early. Most recently, the Guatemalan Congress passed a resolution denying that genocide had occurred and calling instead for policies of reconciliation -- an implicit push for amnesty.

The trial is scheduled to restart in early 2015. Many survivors, like Nicolás, are ready and willing to testify again. No matter what happens, however, many consider the May 10 verdict to still be valid. It is, after all, a comprehensive written record of the systematic violence suffered by men, women and children in the Ixil, including the survivors' testimonies, and the court's powerful conclusion that this violence constituted genocide and war crimes. Justice hasn't been done, but the historic memory of Guatemala is forever changed.

POLICE VIOLENTLY EVICT THE 'LA PUYA' PEACEFUL MINING RESISTANCE

A young indigenous woman is forced to flee from the toxic effects of the tear gas. Photo by GHRC.

On March 2 of this year, 'La Puya' – a peaceful resistance movement – celebrated two years of successfully blocking the construction of a gold mine near residents' homes.

During the two-year anniversary celebration, Daniel Pascual, coordinator for the Committee for Campesino Unity, congratulated La Puya on the group's "victory of peaceful resistance." But Pascual also issued a warning that "greater repression is sure to come."

This ominous prediction came to pass when, on Friday, May 23, a convoy of heavy machinery arrived early in the morning at La Puya.

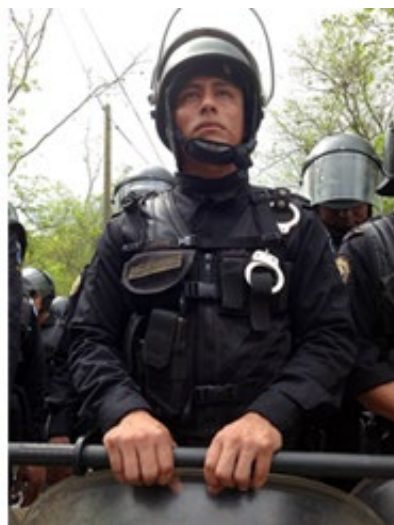
An estimated 100 Guatemalan riot police accompanied workers contracted by the local subsidiary of US mining company Kappes, Cassidy & Associates (KCA) as they attempted to move the machinery into the El Tambor mine site. Community members, who had maintained a constant presence at the site, rushed to mobilize support to resist the aggression.

After several hours of tense standoff, police announced that protesters had 10 minutes to move from the road. Men and women, who were unarmed, sang and prayed for peace. "Yes to life, no to mining!" they cried, as police began

to shoot tear gas and flash bombs into the crowd. One woman received serious head injuries after being struck in the face with a tear gas canister. Heavily armed police were also captured on video hurling rocks and pieces of wood into the crowd.

Members of La Puya documented the violence via social media: "There are men and women injured. The riot police don't respect age or gender. Boys and girls are in the middle. There are no ambulances and no medical help. They are hurting the elderly." At least 20 people were injured and several were taken to the hospital.

GHRC mobilized international supporters, who took action by calling KCA and the Guatemalan Embassy to denounce the use of violence. And on Monday, May 26, over 500 residents from neighboring municipalities in Guatemala marched to the mine site in a show of solidarity with La Puya. A group of supporters in Nevada, where KCA has its headquarters, also protested and delivered a letter of concern directly to the company.



Resistance leader Yolanda Oquelí pleads with riot police. Photos by GHRC.

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While the Guatemalan police moved to set up tents on the company's land, members of La Puya were determined to continue their presence 24 hours a day, seven days a week near the entrance to the mine.

Early in the morning on July 31, 2014, the resistance was faced with yet another aggression. As three large

trucks and a machine that would serve to wash gold arrived at La Puya, community members moved once more to prevent entry of the machinery into the site. However, seeking to avoid confrontation with security forces and unable to resist against the large number of police officers present, protesters eventually made way for the trucks to enter the mine.

Despite these setbacks, members of La Puya have expressed that they are determined to continue protesting the mine. Now, however, their focus is on determining what political and legal actions may be taken to keep the mine from poisoning the communities' land and water.

CRIMINALIZATION AGAINST LAND RIGHTS LEADERS CONTINUES

Despite the absence of credible evidence against them, three members of La Puya were found guilty on April 30 of illegally detaining and threatening employees at the stalled gold mining project, El Tambor, in 2012. They were each sentenced to nine-years in jail, which can be waived by paying a fine of approximately \$4,212 (a little over a dollar a day for the entirety of their sentence). The three men have decided to appeal the sentence.

Then, on May 27, five other leaders were tried for the same crimes. A judge ordered the house arrest of the four male leaders, and they are still awaiting the conclusion of their case. The judge dismissed the charges against the fifth leader of the peaceful resistance movement, Yolanda Ouelí, on the grounds of lack of evidence.

VOICELESS SPEAK FUND UPDATE: ANA MORAGA

Voiceless Speak Grant recipient Ana Moraga hosted a panel event in conjunction with the Latin American Law Student Association (LALSA) at Northeastern University School of Law this past February. The panel, titled "Ya Me Voy," focused on the persecution of LGBTQ persons in Latin America -- specifically in Guatemala -- and their petitions for asylum in the US.

Hema Sarang-Sieminski, one of the two panelists who presented, is an immigration attorney committed to increasing awareness of the intersection of domestic violence with various forms of oppression, including racism, sexism, homo/bi/trans phobia, anti-immigrant sentiment and ableism. The other panelist, Debby Maya Linares Sandoval, is a Guatemalan human rights activist who works for Reinas de

la Noche, a trans-led organization located in Guatemala City. She is also very dedicated to the rights of

and Caribbean Regional Network for trans persons.



*Moraga (top); Sarang-Sieminski and Sandoval (bottom).
Photos by Ana Moraga.*



trans persons and is a member of REDLACTRANS, a Latin American

The two panelists spoke about the violence that is committed throughout Latin America against those who challenge gender roles. Sarang-Sieminski explained the grounds for asylum that LGBTQ persons have as a result of the persecution they face. Sandoval explained the legal framework for the rights of trans women specifically and spoke about the modes of activism to address, prevent, and stop the violence they face, as well as ways to support them as US immigrants.

Approximately 60 people attended the event from around the New England area. Learn more about the Voiceless Speak Fund at www.ghrc-usa.org.

THE MYTH OF DEVELOPMENT: WHY GUATEMALANS OPPOSE TRANSNATIONAL MINES AND DAMS

On June 23, an estimated fifty thousand Guatemalan took to the streets in dozens of towns across the country, calling for the government to respect indigenous people's rights. A central demand was respect for the right to define what constitutes "development" in their communities and territories.

For the last several years, many of the conflicts over development have centered on large-scale projects like mines and hydroelectric dams, as well as monoculture crops like African palm and sugar cane. In response to a wave of concessions to national and transnational companies, community resistance movements have become increasingly organized and widespread. The defense of land and territory has become a cause for which many Guatemalans are willing to give their lives -- and perhaps one of the biggest human rights concerns.

From 1955 to Today

In Guatemala, this resistance comes from a long history of drastic economic inequalities and unbridled corporate power, which has left a legacy of displacement, violence, torture and death. In 1955, a US company -- United Fruit (UFCO) -- prompted the overthrow of a democratically elected government. The company owned huge tracts of land in Guatemala and wielded immense political influence; its advocates in the US included then Secretary of State John Foster Dulles, and his brother Allen Dulles, director of the CIA. Unhappy with land redistribution efforts, the UFCO called for US intervention, using the threat of the expansion of communism in Latin America as justification.

The resulting CIA-backed coup was only the beginning. Most of the democratic reforms of the previous ten years were dismantled, ensuring that the Guatemalan oligarchy and

international business interests could maintain their quota of power. Then, over the next forty years, the US closely oversaw the Guatemalan government's widespread use of torture, forced disappearances, massacres, rape, and other abuses. Many of those targeted were local leaders seeking to address needs in their communities, or promoting equal rights and social change. Over a million people were displaced by the violence.

From the Cold War to the War on Drugs

Fast forward to 2014, and the very same communities dispossessed and massacred during the war are being overrun by a wave of extractive projects that displace families and contaminate the environment. Some indigenous leaders have even referred to the impacts of megaprojects as "economic genocide."

In direct violation of obligations under international law, the Guatemalan government has neglected to consult those affected by these projects and has refused to recognize the legitimacy of community-led referendums, which -- from Huehuetenango to Quiché to Santa Rosa -- have resulted in a resounding rejection of mines and dams.

The projects are simply imposed -- first through attempts to conceal information, then through lies, intimidation, and threats, and then by open displays of violent force, with the Guatemalan police and military acting as de facto private security guards for the companies.

Community leaders who organize opposition are often victims of threats, attacks, and public defamation campaigns. The discourse used differs little from that of 30 years ago. Some still refer to the "communist threat" and

confronting an "internal enemy." Others have simply replaced the word "communist" with "drug trafficker," "terrorist," or "enemy of the state." Not surprisingly, this shift echoes the progression of US political and economic policies in the region, from the "war on drugs" to the "global war on terror."

It's not just rhetoric. Increasingly, community leaders face trumped-up criminal charges filed by the company or its affiliates.

Development for Whom?

The Guatemalan government and business sector argue that mines and dams will bring much-needed income for the state and job opportunities for impoverished communities. Yet those most impacted by the projects have found the opposite: few local jobs are created; access to health care and education remain dismal; the only roads improved are those the company needs to transport its product; the tax and royalty income generated is not invested at the local level and the vast wealth generated by Guatemala's natural resources fills the pockets of foreigners.

Rather than "development," communities face increasing tension and social disintegration, along with long-term environmental degradation that affects the small-scale agricultural production on which they rely. Poorly conducted environmental impact assessments are simply rubber-stamped; the government has even admitted that relevant ministries do not have the capacity to review them. Rural and indigenous communities across the country are calling for a different type of development: a model that prioritizes well-being over profit, that recognizes the importance of protecting water, soil, flora and fauna as part of an intricate web of life that sustains us. Their voice, and their vision, deserve to be heard.

GHRC CALLS FOR PROTECTION OF CHILD MIGRANTS FROM CENTRAL AMERICA

Each week, an estimated 120 Guatemalan children, many unaccompanied, are arriving at the US border. Often these children make the journey north not by choice, but because they face daily violence and severe poverty. In a study by the UNHRC, almost 40% of Guatemalan children interviewed who had entered the U.S. unaccompanied and undocumented raised international protection concerns due to violence in society or abuse in the home; close to 30% spoke of deprivation.

to protect refugee children and youth, and to present a series of recommendations for responding to the emergency. Through a petition to Congress and a series of protests, we have also mobilized our supporters to take action.

presidents of Guatemala, Honduras, and El Salvador on July 25, GHRC and partners rallied in front of the White House in support of the immediate protection of child migrants. We also spoke out about the the root causes of forced migration from Guatemala, which are linked to a complex set of factors including rampant violence, acute poverty, corruption and high rates of impunity – conditions long exacerbated by US policies.



A rally in front of the White House calling for protections for child migrants.

Photos by GHRC.

In response to this humanitarian crisis, GHRC has joined a coalition of groups to call on the US government

As President Obama met with the

forced migration.

PROCESSES TO APPOINT NEW ATTORNEY GENERAL AND JUDGES RAISE QUESTIONS

As Dr. Claudia Paz y Paz walked out of Guatemala's Public Prosecutor's Office on Friday, May 16th, 2014, she was greeted by hundreds of people and a carpet of pine needles and flowers lining her way. These men and women were there to accompany her on her last day as attorney general, calling her the "Prosecutor of Dignity" for her successful efforts over the last three and a half years to bring justice to victims and to enforce the rule of law.

In February 2014, nine months after reversing the conviction of former head of state Ríos Montt for genocide and war crimes, the Constitutional Court ruled to cut short Paz y Paz's term by seven months. Despite the questionable legal basis for the ruling, Congress acted quickly to form a nominating commission for the next attorney general.

Concerns about serious irregularities arose throughout the nomination process, including a lack of transparency around exactly how the candidates would be evaluated and an alleged threat against one of the members of the Commission. Now, as similar processes move forward to nominate judges for both the supreme and appellate courts, concerns are again being raised about severe irregularities in the process.

Guatemala's new attorney general, Thelma Esperanza Aldana Hernández, took office on May 17 of 2014. Aldana was considered the favorite from early on due to her ties to the President's Patriot Party and evidence she was backed by one of the Party's powerful political operatives, raising questions about her independence. She has held various positions in the Judicial Branch for more than 20 years, including her recent tenure as

President of the Supreme Court. Aldana, however, has no prior experience as a criminal prosecutor.

Critiques expressed by Aldana of Paz y Paz suggest that she will prioritize prosecuting common, "everyday" crimes – she mentions cell phone robberies and property rights issues as examples – "so the population feels supported." Her previous work in the courts on violence against women provides some hope that she will channel resources into prosecuting those cases.

Aldana will also need to address the genocide case, as well as other controversial cases from the internal armed conflict. For human rights organizations and other groups monitoring the rule of law in Guatemala, all the evidence seems to point toward a slide back toward impunity. One can only hope that Aldana will prove her critics wrong.

SPRING SPEAKER'S TOUR HIGHLIGHTS MAKRINA GUDIEL'S SEARCH FOR JUSTICE

On April 1st, Makrina stood at the front of a packed room at the University of Massachusetts, Amherst, and recounted her family's fight for true democracy in her native Guatemala despite decades of devastating violence.

She described growing up with the teachings of her father, Florentin, who combined a deep Christian faith with revolutionary ideas to help the community organize to fight poverty, discrimination and inequality. She explained how he was nearly killed, and how she and her mother narrowly escaped kidnappings – events that forced the family to flee to Mexico in 1983.

The University of Massachusetts event marked the first stop on an exhausting -- but incredibly inspiring -- two-week, five-state speaking tour.

At each stop, Makrina explained how her family had planned to meet at the border between Guatemala and Mexico, but her brother never arrived. Soon after, they learned that he had been kidnapped by Guatemala's armed forces. While her parents and siblings remained in Mexico, Makrina – with the help of the Sanctuary Movement – sought refuge in the United States. She swore to expose the crimes committed by the Guatemalan government against her countrymen and women, including her brother.

Makrina explained that when she lived in the New York in the 1980s, the US refused to recognize her and thousands of others from Guatemala and El Salvador as political refugees. Instead, they claimed that they were economic migrants and went to great lengths to capture and deport them. She lived for years in the bell tower of Riverside Church and spoke out about the massive violations going on in her country, asking US citizens to push for an end to US support to the Guatemalan military.



*Kathryn Johnson and Makrina Gudiel.
Photo by Jean-Marie Simon.*

In Massachusetts, Rhode Island, and New York, Makrina also spoke to immigrant groups, describing her work with the Guatemalan National Revolutionary Unity Party (URNG) after the signing of the Peace Accords paved the way for her family to return to Guatemala. In her home town of Santa Lucia Cotzumalguapa, in the department of Escuintla, new schools were built, health promoters here hired, communities were formally organized, and women were encouraged to take leadership positions within those organizations. Then, in 2003, the URNG Party won the municipal elections, angering local elites, and provoking renewed threats against her family.

Makrina's father was murdered in 2004 and her family was forced to flee their home once again. The Public Prosecutor's office never questioned the man who had sent the threats her father received. Makrina eventually brought her father's case to the Inter-American Court of Human Rights, and is awaiting a verdict.

Audiences also learned about the the special forms of persecution that women human

rights defenders face, such as sexual threats, threats against their children, and pressure from their own families.

Nonetheless, Makrina said, the struggle for justice for crimes against loved ones brings a measure of dignity and satisfaction to survivors. Twenty-eight of the families whose relatives appear in a Guatemalan logbook called the "Military Diary" have come together to prove that Guatemala had a state policy of kidnapping and disappearing those considered internal enemies. The Inter-American Court agreed with the families, and in 2012 ordered the Guatemalan Government to investigate the case.

Makrina explained that now these families are fighting to bring their case to a Guatemalan Court, but that it's an uphill battle that brings immense risk to the families. She called on all who heard her speak to take action to help the struggle for justice.

THE TRUTH AND JUSTICE ASSOCIATION (AVEJA)

After returning to Guatemala, Makrina helped legally found an organization called the Truth and Justice Association (known by its Spanish acronym AVEJA) – a group composed of relatives of those who appear in the Military Diary.

As one of AVEJA's leaders, Makrina helped organize a press conference on May 20th, 2014 to formally announce the new group, as well as to honor the 15-year anniversary of the discovery of the Military Diary. The organization is active both in pursuing justice through the national and international court systems, and in carrying out actions related to historic memory. With its new legal status, AVEJA was also able to participate as a plaintiff in a national case which has come to be known in Guatemala as the "Military Diary case."

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access to the sacred sites and cemeteries that weren't flooded, reforestation projects, agricultural assistance, the construction of cultural museums, monetary reparations, and a public apology from the government.

Although negotiated by high-ranking officials in the Colom administration, President Colom refused to sign the Presidential decree that would actually implement the plan. The current government of President Otto Pérez Molina has also demonstrated little political will to comply with the plan's terms.

After repeated setbacks and increasing frustration for the

communities, they got a huge political boost: the United States Congress weighed in, incorporating language in the US 2014 Appropriations Act, withholding funds from the Guatemalan army until credible steps were taken to implement the 2010 plan.

Furthermore, it requires the US Executive Directors of the World Bank and the Inter-American Development Bank to report on the steps these institutions are taking to ensure implementation of the Reparations Plan.

Three decades later

The international pressure seems

to be having its intended effect. Coupled with the ongoing efforts of community members, the government agreed to restart the dialogue process with the communities. Unfortunately – instead of simply agreeing to implement the Reparations Plan – the government first put forth an alternative proposal that fell far short of the original plan.

Negotiations are ongoing, but it is possible that by 2015, the government will finally begin to provide dignified and comprehensive reparations to Sebastian and the thousands of other survivors affected by the Chixoy dam.

EVENTS & UPDATES

OCTOBER 28: 2014 Alice Zachmann Human Rights Defenders Award

NOVEMBER: GHRC Speaker's Tour with Miriam Pixtum (Stay tuned for more information!)

DECEMBER 2: Support GHRC on #GivingTuesday

DECEMBER 10: Join GHRC in celebrating Human Rights Day



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- > GHRC responds to the child migration crisis
- > Land rights conflicts intensify across Guatemala
- > Guatemala gets a new attorney general