

Peace Brigades International

Guatemala Project

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PBI Guatemala – Work in Progress

The new team was established in April 2003, and an enormous task lay ahead of it: logistics and legal matters had to be attended to, old contacts in Guatemala and abroad to be reestablished

and new ones to be made, new volunteers to be recruited and trained. The team presently consists of five people who are ready to tackle the work in the field. **Page 2**



► Accompanying an exhumation in Comalapa, September 2003 (Photo PBI)

Reparations –

The Long Road to Justice and Reconciliation

More than four years after the CEH (Commission for Historical Clarification) published the report «Guatemala, Memory of Silence», many of its recommendations are far from being implemented. The reparation of the victims of the internal armed confrontation is one of the unresolved issues. In our background article and interviews with representatives of two social organizations of Guatemala, we investigate the issue of reparations and its impor-

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PBI Guatemala – Work in Progress

**Christian Degasperi / Ingvild Korsnes
Daasvand**

When the new PBI team arrived in April 2003, much of the work consisted in reactivating old contacts and establishing new ones with organizations and authorities. As well, the logistics involved in setting up the office and house of the team, the paper work for acquiring the legal status and other administrative issues consumed a large portion of the team's time and energy. Little by little, the project has again become fully operational, and the team has now been able to turn its energy to focusing on the tasks related to accompaniment work.

Re-establishing PBI in Guatemala

In the first phase, the team met with around seventy human rights organizations, many of which had been accompanied by PBI before, and it participated in many meetings organized by national and international associations. Another important task was obtaining legal status in the country again, which required completing a number of bureaucratic steps.

As PBI has a long history in Guatemala, the organization's name and work are still known by many organizations and authorities. However, due to our four years' absence from the country, many organizations had to look for other ways of ensuring their security; and therefore, we had and will have the need to inform people about our return to the country and what we can do for them.

It was also very important to establish contacts with national and international authorities. Among the authorities we visited are the Minis-

try of the Interior, Ministry of Foreign Affairs, COPREDEH (Presidential Commission of Human Rights), National Civil Police, PDH (Human Rights Ombudsman's Office), a number of embassies, MINUGUA (United Nations Verification Mission in Guatemala), OACDH (the United Nations High Commissioner on Human Rights). Most of these authorities already knew PBI; they expressed their appreciation of our return to Guatemala and assured us of their support.

In order to assure that PBI would have a strong support base for its accompaniment work, a decision was made that it would be better to re-obtain its legal status before beginning to offer protective accompaniment to individuals. While waiting to receive this status, the team offered an international presence through visiting offices of different organizations and gathering and distributing

information regarding Guatemala. In August, we actually started accompanying human rights defenders, mainly in the capital. As the team consisted of only three members at that time, our capacity however, was quite limited.

Cooperation with CAIG

One of the general objectives of the Guatemala project is «The multiplication of the efforts of other international NGOs carrying out international accompaniment in Guatemala». Part of this work consisted of establishing contacts and cooperating with the CAIG (Coordination of International Accompaniment in Guatemala). This type of cooperation is new to PBI, and our mandate, focus and methods differ from those of the other member organizations of CAIG. Therefore, our cooperation mainly consists in interchanging information with the member organi-



► Accompanying a workshop of CERJ in the province of Quiché (Photo PBI)

zations of CAIG and in assuring that the needs of organizations and individuals asking for accompaniment are covered. As PBI does not share accompaniments with other organizations, once assumed, we continue an accompaniment until it is no longer necessary or until the team comes to the conclusion that continuation of the accompaniment is no longer possible.

Activation of our support networks

At the beginning of October, the team activated its internal and external support networks because of the assassination of a member of an organization accompanied by it, CERJ (Council of Ethnic Communities Runuel Junam – We Are All Equal). This activation triggered a strong response from embassies, human rights organizations, and authorities, both within the country and abroad, which demonstrated their concern.

New volunteers

In September, a training was held in Bustarviejo, Spain, to train and select new potential team members. Three of the participants were sent to Gua-



► Accompanying Mrs. Canil attending to formalities during exhumations in San Pedro Jocopilas, November 2003 (Photo PBI)

temala by mid-October. Another new team member arrived in November. After a period of frequent changes – old team members had left and new ones arrived within a relatively short time – the present team has consolidated and presently consists of five people from Germany, Norway,

Spain (2) and Switzerland – three women and two men. With the arrival of a sixth volunteer (from Canada) in January, the team will gain more stability and a better capacity for working, analyzing the situation, and fortifying its relationship with the local NGOs.

Future projects

There are already a number of activities planned for the coming year. While the accompaniment of human rights defenders has a special place in PBI's work, there are many other fields of work that must not be forgotten. In January, a first series of security workshops for human rights defenders will be carried out in cooperation with the European Office of PBI and SEDEM (Security in Democracy). Furthermore, we have planned exploratory trips to the Petén and Alta Verapaz provinces in order to establish contacts with the local organizations, get to know their concerns and problems and assess their need for international accompaniment.



► Taking a break during exhumations in San Pedro Jocopilas, November 2003 (Photo PBI)

Reparations in Guatemala

The Long Road to Justice and Reconciliation

Mirja Leibnitz / David Rodríguez Guillén

More than four years have passed since the CEH (Commission for Historical Clarification) published its report «Guatemala, Memory of Silence», however, it is still not clear how the recommendations contained therein should be implemented. The social organizations in Guatemala keep struggling little by little to advance the «preservation of the memory of the victims, for fostering a culture of mutual respect and observance of human rights and for strengthening the democratic process.»¹ The process of reparation for the victims of the internal armed conflict shows both, the advances that have been made and the obstacles that have yet to be surmounted in order to make space for justice and democracy.

The reparation for the victims is a claim that the social organizations of Guatemala have been making since the late eighties. However, getting a reparation program approved is a difficult struggle in which

the majority of victim organizations have participated. They had made four or five proposals even before the CEH in June 1997 included a specific chapter into its «Recommendations on Reparatory Measures» in which it urges the Guatemalan State to «urgently create and put into effect a National Reparation Program for the victims, and their relatives, of human rights violations and acts of violence connected with the armed confrontation.»² During the Government of Arzú (1996 – 2000), attempts were made to implement this process, but they were not successful. Only in the second half of the Presidency of Portillo was it possible to reach an agreement on the contents and implementation of the National Reparation Program. One of the factors that pushed the Government to enter into negotiations was, paradoxically enough, the controversial «indemnification» of the members of the PAC (Civil Auto-Defense Patrols), which re-opened the political space for the debate on who is considered to be a victim.

After a series of negotiations, the indemnification plan was approved by the Government and the IMPC (Multi-Institutional Agency for Peace and Harmony), and it was approved as a government agreement under the name of «National Reparation Program». The program foresees the foundation of a governing body for the implementation of the process, called CNR (National Reparation Commission), consisting of 2 representatives of the executive power, 2 of the Congress, 1 of the Supreme Court of Justice, 1 of the Human Rights Ombudsman's Office, 2 of victim organizations, 1 of Maya organizations,

1 of human rights NGOs, and 1 of women's organizations. The whole process of negotiations and the election of representatives was by no means free of problems and incidents, (sometimes even despite the mediation of MINUGUA).

It is possible that one of the factors that pushed the Government to enter into negotiations was, paradoxically enough, the controversial «indemnification» of the members of the PAC (Civil Auto-Defense Patrols).

Therefore, it was not until July, 2003 that the CNR became operational. The idea is that it will become a new government institution.

Among the short term priorities of the CNR are

working out its internal regulations, drafting its budget for the years 2003 and 2004, establish its trusteeship, preparing its manuals and job profiles, defining criteria for victims, carrying out an information campaign, and logistics such as setting up offices in the provinces, making contracts, buying equipment, vehicles, etc., creating an information system that makes possible identifying the victims. The most important task at the moment is to define the specific measures for the indemnification or economic compensation for the victims, for the restoration of material possessions, for psychosocial rehabilitation and reparation, for the restoration of the dignity of the individual, and to define objective criteria for establishing the priorities for the reparation for the victims. It is precisely the question of who is considered a victim that caused more controversy than expected. After 36 years of a cruel civil war, virtually all Guatemalans are victims or relatives of victims. This is why a number of social organizations and the CNR disagree on the definition of victims.

The Reparation Program is an effort to equilibrate the demands of the victims



► Many organizations marched on the International Day of Human Rights (10 December), the reparation being one of their key issues (Photo PBI)

with the financial resources of the State. The sum earmarked for the National Reparation Program is approximately three billion Guatemalan quetzals, to be paid within a period of ten years. By way of an example, according to the rulings of the CIDH (Inter-American Court of Human Rights), the average compensation for a forced disappearance is between USD 80,000 and 90,000. With an official figure of forced disappearances of 40,000 (or 45,000 according to many human rights organizations), the funds destined for the National Reparation Program are less than ten percent of the sum the State would have to pay if there were a sentence for each case. The negotiations between the IMPC and the Government often revolved round the balance between the rights of the victims and the economic possibilities of the project.

According to the National Reparation Program, the reparation measures follow four different lines. The *Restoration of material possessions*, which includes the restoration of land and housing, the *Economic compensation*, *Psychosocial rehabilitation and reparation*, which relates to cultural restoration, and the *Restoration of the dignity of the individual*, which also extends to the exhumation of the remains of the victims of the armed confrontation and the location of clandestine and hidden cemeteries.³ The

«the extinction of the penal responsibility to which this law refers will not be applicable to crimes of genocide, torture, and forced disappearance ...»

National Reparation Law

CNR hopes to start the reparation program in March or April 2004, however, during the first few years, the actions they take will be very limited, and the more complex cases will be treated only after definition of the

elaborate criteria for identification of victims and establishing priorities.

At the moment, the CNR and many other organizations that work on the subject on a local level are working out information campaigns in order for the villagers to know how to access the National Reparation Program. According to internal sources of the CNR, the long-



► *Inhabitants of Chimaltenango demanding reparations for the victims of the armed conflict (Photo PBI)*

term focus of the program is mainly on the restoration of material possession and economic compensation of the victims whereas organizations of the civil society that are specialized in the field will concentrate on the psychosocial rehabilitation and restoration of the dignity of the individual so that the strengths of the organizations are multiplied and the duplicity of efforts is avoided.

However, certain sectors of the civil society consider that the National Reparation Program as it has been negotiated between the Multi-Institutional Agency for Peace and Harmony and the Government is inadequate. One of the organizations that maintain this position is the Coordinating Body for the Reparation of the Maya People, which counts among its members organizations such as CONIC (National Coordinating Body of Indigenous Campesinos), CONAVIGUA (National Coordinating Body of Guatemalan Widows), and the Program for Indigenous People of CALDH (Center for Legal Action on Human Rights). At the beginning of 2003, this coordinating body published a document called «Just and Dignified Reparation for the Victims of the Genocide of the Maya People and the Victims of the Internal Armed Conflict», in which it outlines an alternative National Reparation Program. For the Coordinating Body of the Maya People, the

principal weaknesses of the National Reparation Program are its omission of the genocide as basic cause of the reparation and the little importance it gives to the issue of the cultural or spiritual reconstruction of the Maya people.

The issue of whether or not to include the genocide in the National Reparation Program has been extensively discussed at all levels. Although the CEH has come to the conclusion that agents of the Guatemalan State in fact committed acts of genocide against the Maya people,⁴ the genocide remains a very controversial issue. One must not forget that the National Reparation Law says that «the extinction of the penal responsibility to which this law refers will not be applicable to crimes of genocide, torture, and forced disappearance ...»,⁵ and that both ex-dictators, Ríos Montt and Lucas García and their respective high military commands are being charged with genocide. The Coordinating Body for the Reparation of the Maya People maintain that this is not negotiable, while other organizations believe that it is worthwhile to go as far as possible with the National Reparation Program agreed upon with the Government without eliminating the issue of penal responsibility from their agenda.

The months to come will be crucial for the development of the National

Reparation Program. On the one hand, the Government will change on January 14, and neither Colom nor Berger has made any mention of important issues such as the restitution of land⁶ in their government programs. On the other hand, some of the organizations of the Coordinating Body for the Reparation of the Maya People are demanding reforms to the National Reparation Program that include their claims with respect to genocide and cultural and spiritual restoration. In any case, it will be very difficult for the

process of reparations to have a strong impact on the Government without the unity of the Guatemalan social organizations.

Notes

¹ Accord of Oslo, 23 June 1994

² Recommendation 7 of the report of the CEH (Commission for Historical Clarification)

³ National Reparation Program, articles 68 to 132

⁴ Guatemala, Memory of Silence, volume V, chapter 4, points 108 to 123 (especially points 122 and 133)

⁵ Decree No. 145-96, article 8

⁶ National Reparation Program, articles 70 to 75

Interview with Feliciano Macario

Feliciano Macario is one of the coordinators of CONAVIGUA (National Coordinating Body of Guatemalan Widows). Since 1994, CONAVIGUA has been focusing on the issue of historical clarification. They supported the CEH (Commission for Historical Clarification) in establishing recommendations and looking for witnesses. They have also worked almost in parallel with the National Reparation Commission on all issues related to the reparation. We interviewed Mrs. Macario on November 26 in the head office of CONAVIGUA in Guatemala City.

What are the main areas of work of CONAVIGUA?

Although we became a civil association four years ago, there has not been a major change in the vision and objectives of the National Coordinating Body of Guatemalan Widows. Now, we have legal status and a strategic plan which is the result of the evaluation of the entire history of CONAVIGUA. When the peace accord was signed, it was quite difficult for us to change our strategy. Now, we focus on the dignity of the women, on the rights of children and youth and on the fulfillment of the peace accords.

In the realm of human rights, we are encouraging the activities on the national level and supporting national and local leaders in order to have influence in the

political and social spaces. We also provide education on issues that are important to us, such as human rights of women and children, civic participation, etc., so that women vote consciously and not out of fear or because they are being manipulated. We are slowly achieving that women are taken into account.

Another important field of work is the exhumations. In 1993 or 1994, we started working in this field. Currently, we are carrying out three exhumations, because despite all intimidations and threats, people continue to speak out.

CONAVIGUA is member of the «Coordinating Body of Organizations for the Reparation of the Maya People». How did the idea arise to found this coordinating body, and what are its objectives?

The Coordinating Body came into being because when we worked on the National Reparation Plan, we proposed a number of measures that have never been taken into account. We asked the *Multi-Institutional Agency for Peace and Harmony* to open a dialogue in order for all victims to be taken into account and for the cultural restoration to be included in the negotiations. However, we were not given any space.

Therefore, we asked the United Nations to mediate, but they did not pay any attention to our concerns either. There was no space to insist. Thus, we approached the Maya People. After that,

when the Assembly of the National Reparation Commission was held, the Coordinating Body was not invited to participate. We were concerned because many organizations of victims were not taken into account whereas many recently founded organizations did participate. Thus, there is no one directly approaching the affected communities and the victims.

According to CONAVIGUA, who are to be considered as victims or people to be compensated?

It is very important to take into account who the victims are, the direct victims: widows, orphans, . . . , and then the relatives, parents, siblings, aunts and uncles, grand-parents who are victims, too.

Bearing in mind all these victims, what are the objectives with regard to the reparation, or in other words, what does CONAVIGUA consider to be the most important goal of the compensations? And how does CONAVIGUA act on this issue?

There are three fundamental issues related to the reparations: the recognition of the genocide, the development project, and the cultural restoration. It has to be made clear that the reparation is for the genocide of the Maya People. The same applies to the development projects: It has to be made clear that they are for the genocide. Constructing a store is not a price for the

life of a man, this is not the way to compensate for the loss of a relative.

The cultural or spiritual restoration is also very important. One of the weaknesses of the National Reparation Program is that this area is not included. In the eighties, they destroyed our culture, our holy places. It is a proven fact that the churches were used as military detachments and as torture centers for men, women, and children.

Another issue not tackled by the National Reparation Program is the genocide, which is very important to us. People here talk much about the reconciliation. I think Arzú was the first person who asked

We cannot talk about reconciliation if there is no justice, and there will not be any justice as long as the facts have not been recognized.

for pardon for the massacres committed in the name of the State, but this is not enough. We need to know who perpetrated the massacres. The wounds are still open. We cannot talk about reconciliation if there is no justice, and there will not be any justice as long as the facts have not been recognized.

How do you feel about the Government's decision to indemnify the ex-members of the Civil Auto-Defense Patrols and how will this affect the process of reparations for the victims?

This indemnification served only for reorganizing and legalizing the Patrols. Moreover, this presents an obstacle which will delay the reparation for the victims. The Government of the FRG quickly paid the indemnification to the Patrols while the reparation for the victims has been worked on for many years and the discussion on how to proceed is still going on.

This made the situation more difficult, and since the ex-members of the Civil Auto-Defense Patrols have been remobilized, there are and will be many problems. This is a huge conflict.

And how can this conflict be worked on?

In the current situation, it is necessary to prevent and work on conflicts. First, all the facts of the past have to be recognized. The conflict arose exactly because instead of the victims, the work of the former Patrols is being recognized. The application of justice is one of the prime objectives; the important issues have to be prioritized, and justice has to be applied.

Apart from the genocide and the cultural and spiritual restoration, in what other aspects does the National Reparation Program differ from the objectives of your organization?

We need to know who perpetrated the massacres.

Apart from the absence of recognition of the genocide and all its implications and the omission of the cultural restoration, 11 years are not enough for indemnifying the victims; at least 30 years will be required for recognizing the real victims.

What kind of cooperation between CONAVIGUA or the Coordinating Body and the National Reparation Commission could you envisage?

We are going to ask for a reform that includes the «Maya Plan» and we think that for us, the victims, there are many possibilities to reach this. However, at the moment we are not yet in a position to negotiate.

Interview with Otto Villanuevo

Otto Villanueva is president of the board of FAMDEGUA (Families of the Disappeared in Guatemala). FAMDEGUA is one of the organizations participating in the National Reparation Commission. The organization's representative in the Commission is Aura Elena Farfán. We interviewed Mr. Villanueva on November 28 at the head office of FAMDEGUA, in Guatemala City.

What are the main areas of work of FAMDEGUA?

At the moment, we focus on three programs: exhumations of clandestine ceme-

teries, we have been offering juridical accompaniment in interinstitutional cooperation with ODHAG (Human Rights Office of the Archdiocese of Guatemala) since the eighties. We have carried out over 40 exhumations and unearthed more than 1,000 human remains. Three companions are working on the diffusion of information about human rights by means of daily monitoring of all informative media. They prepare a report at the end of each month, which they make available to all communication media. We also maintain a data base on human rights violations. Our third field of activities is the organization of communities. Since we

started with the exhumations, we have been developing empowerment programs for the local victim organizations. If people are not organized, it is going to be difficult for the State to complete the reparation program over the next ten years. We have been informing the communities for the last three years. This is the only possibility for a long-term reconciliation.

What is your major goal with regard to the reparation?

For us, the reparation offers a possibility for reaching a long-term reconciliation, this is to say, truth, justice, and reparation

for peace. The problem is that the Government does not have a very inclusive strategy and is losing its interest in justice and truth. Therefore, we are making every effort to make it understood that peace cannot be reached without a complete reparation. We are very worried about the fact that in many communities, people are only advocating for economic reparations, although this is perfectly understandable under the present social conditions.

FAMDEGUA has a representative in the National Reparation Commission. How has this commission come into existence, and how was it decided what organizations were going to be represented?

The Multi-Institutional Agency for Peace and National Harmony was founded due to an initiative of the Human Rights Ombudsman's Office in 1998. FAMDEGUA participated together with about 60 organizations. In the year 2000, the Agency stopped its activities, but in 2001, the Agency resumed its work on the reparations with only 10 organizations

This act ... causes the victims to be perceived the same as the ex-PAC.

and it started lobbying for the National Reparation Plan. FAMDEGUA started doing the lobbying and participated in the drafting of the National Reparation Plan. We were working out the Plan and asked

MINUGUA to call for the forming of the National Reparation Commission. More than a hundred organizations from the whole country participated. When the founding meeting took place, some people wanted the elections of the representatives to be invalidated. However, they were not successful because it had never been the intention of MINUGUA or the Agency to exclude other organizations. It was an involuntary situation. The organizations that did not go along are now also calling for the fulfillment of reparation, and this is ok.

What are the present items on the agenda of the National Reparation Commission?

At the moment, future personnel for the National Reparation Commission are being interviewed. We are calling for curriculums of technicians and profes-

sionals. The regional offices are being set up, and a budget for the salaries of the staff is being drafted.

The National Reparation Commission sees the necessity of going out to the communities and explaining the reparation process, because there are problems in the communities. Some persons told the people in the communities that the reparations are ready, and this is not true. Therefore, there are communities, for example in the department of Petén, that are insisting on getting compensated now.

How do you feel about the Government's decision to indemnify the ex-members of the Civil Auto-Defense Patrols and how will this affect the process of the reparation for the victims?

This was a political measure, a plan for getting votes. Technically speaking, the indemnification is not a reparation, because many participated voluntarily in the Patrols whereas others were forced to join them. It is difficult to ascertain. However, they do not qualify for getting this economic support. This act is somewhat undermining the reparation because it causes the victims to be perceived the same as the former members of the Civil Auto-Defense Patrols.

The National Reparation Commission has promised 75 million quetzals for the first year and 300 million quetzals per year for the following ten years; this is about the same amount as they are paying to the ex-members of the Civil Auto-Defense Patrols. How do you feel about that?

This will not suffice. It will depend much on the Commission's assessment. Now, they are thinking about compensating the people by means of pensions, not by means of one single payment. One of the proposals is a monthly pension of 300 quetzals for five years. But this has to be discussed with the people in the rural communities.

What are, in your opinion, the strongest and the weakest points of the National Reparation Program? What are the points that have been worked out most, and what points are missing?

The National Reparation Program keeps its demands low in order for the Govern-

ment to accept them, which in turn causes a number of problems. Apart from the economic obstacles, there is the problem of the identification of the victims –

...peace cannot be reached without an integral reparation.

what criteria have to be applied? For instance, many people were not legally married; they just lived together and were therefore not registered as families, and many disappeared people are, legally speaking, alive; their

relatives have no documents that prove that they are dead. Another problem is that of the priorities: who will be compensated and who will be compensated first? All this will have to be considered in the time to come.

One of the points of discrepancy with the Coordinating Body of the Maya People was that the genocide was not included in the National Reparation Program. What is the reason?

It was a question of negotiations with the FRG Government. The law should have been made by the Congress, but it was not. The National Reparation Program was a proposal of the social organizations, but the Congress did not approve of it. We think the level of the proposal was lowered in order for the Government to accept it. Therefore, the absence of the genocide was due to the political situation. Anyhow, we are in favor of a complete reparation, a moral and material reparation. We do not exclude that the genocide enters into our reflection on the reparation.

In what form could you conceive a cooperation between the National Reparation Commission and grassroots organizations that work in this field?

The Commission should invite the organizations in order to give them up to date information and to discuss the plan with them, so that it can be avoided that false information or false expectations arise.

Elections

Election Results Withhold the Presidency from Ex-General Ríos Montt

Montse Garcia, Project Coordinator

Elections held on November 9 left Ríos Montt, former coup leader, out of the second round of voting. According to the publication, Weekly Report, the results of the first round of voting have caused «relief if not celebration for national and international public opinion». Moreover, the publication identified as an important achievement the fact that «it has removed completely the possibility that ex-dictator Efraín Ríos Montt will have access to the power.»¹ It also considers positive the massive participation estimated by some statistics to be close to 60 %. The second electoral round will be between former metropolitan mayor, Oscar Berger Perdomo, of the Great National Alliance (GAN) and Álvaro Colom of the National Hope Unity (UNE).

Results of the first round

Oscar Berger, who one year ago, lost the leadership of the National Vanguard Party (PAN), ran as a candidate for President for three small new

parties (Patriot Party, Reform Movement, and National Solidarity Party) brought together as the Great National Alliance (GAN). This party is supported by the business sector of the country. According to an analysis completed by the Myrna Mack Foundation (FMM), Oscar Berger represents the most economically powerful sector of the country; and if he should win the Presidency of the Republic, it could solidify the return of this group to the exercise of the official power.

Álvaro Colom of the UNE, also a new and heterogeneous party, was left in second place. As for the UNE, questions exist about its financing. An analysis of the current overall and electoral climate completed by the Guatemalan Studies Center (CEG) on November 7, mentioned that the financing was not very clear and that among its leadership there are dissidents from various political parties, retired military supportive of counter-insurgency, former chiefs of military intelligence and businessmen of various positions.

According to this analysis, «... The Government of Portillo and the FRG will be marked by the fact that it paid and treated as «heroes» ex-paramilitary members, those responsible, along with the army, of the most serious human rights violations. Its attitude toward them has caused confrontation and polarization, and the payment of compensation constitutes one of the major violations of the Peace Accords.»²

A relatively important issue to the

success of the struggle against impunity in Guatemala is the fact that the results of November 9 allow the possibility for re-opening the genocide case against Ríos Montt initiated some years ago. Once he finishes his Congressional term, he will no longer be able to be protected by parliamentary immunity, which has shielded him from justice.

Nevertheless, according to the FMM, evidence suggests that the issue of human rights and the struggle against impunity are not priorities among the electoral offerings of either of the remaining political parties, as was indicated during the forum organized by CALDH «Unbearable Impunity and Electoral Discourse», when participating political parties disclosed their weak platforms on these issues.

The configuration of the new Congress of the Republic has the Guatemalan Republican Front (FRG) as one of the political forces with greatest representation. The three principal forces are GAN, FRG and UNE. With 43 deputies in the next legislature, the FRG will be second behind GAN with 49. As such, the FRG emerges from the elections as the political party with the greatest number of deputies given that GAN, though it has more total deputies, is a coalition of three small parties. As for the representation of leftist parties in the Congress, the New Nation Alliance (ANN) won six deputy seats, the Guatemalan National Revolutionary Unity (URNG) only 2.

With regard to mayors, the FRG is in first place winning 110 of the 331 municipalities of the country followed by GAN with 69; UNE with 33; PAN with 31; and the municipal civic committees won victories in 24 municipalities.



► The two presidential candidates of the second round: Oscar Berger and Álvaro Colom (Photo PBI)

Given this, we can conclude that the FRG, though it has been defeated in its bid for the Presidency of the Republic, continues being a party with a great deal of representation in the political life of the country.

Serious disturbances and discontent in some municipalities

On election day and as the results were being released, irregularities and discontent began to emerge in some municipalities. As a result in at least six municipalities, the elections should be repeated. Some of the municipalities that experienced di-

verse incidents were Chuarrancho, San Martín Jilotepeque, San Pedro Ayampuc, Chinautla, Uspantán, Zacapulas, Playa Grande and Aguacatán.

In Playa Grande, Ixcán, Quiché, a renegade political group, using death threats, forced members of the Municipal Electoral Junta to sign an act to annul the results when mayoral candidate, Marco Ramírez of the URNG, won by a margin of 400 votes. Here, members of the Unionist Party (PU) and FRG burned ballots that had been inspected.³

According to the information in the media, these disturbances were motivated by different things including accusations of vote buying and of transportation of voters and threats. According to an article published in the *Prensa Libre*, generally, the losing parties were the ones organizing these demonstrations.⁴

Nery Rodenas, director of the Archbishop's Human Rights Office, said that the violence reflects a lack of political maturity of the followers of the parties involved. «The political leaders make no attempt to curb the violent actions of their followers», he said. Rodenas called for peace and harmony. Eleonora Muralles, of the Family and Friends Against Crime and Kidnapping, said that the violence generated by the elections is alarming given that violence is always questionable and unacceptable. The Alliance Against Impunity said that «These actions cast shadows upon the exercising of citizenship (...). We look with concern upon the violent acts in the various municipalities.» Miguel Angel Sandoval, of the Center for Legal Action on Human Rights (CALDH), states that «the people are disgusted and with reason. The Supreme Electoral Tribunal should correct the anomalies, which are the principal complaints of the people, as soon as possible. If there are no guarantees, this could result in widespread abstention.» For Carmen Aída Ibarra, of the Myrna Mack Foundation, «in the villages, the election of the mayor is more important than the president or deputies and stirs up deep passions. There must be measures taken for the future so that this does not happen again.»⁵

Evaluations

As for the elections, the general assessment is positive, the abundance of voters was encouraging and, in part, it defeated the abstention experience in the last elections.

Criticisms were, according to the *Incidencia Democrática*,⁶ over the lack of organization by the Supreme Elec-



► Election center in Guatemala City, November 9, 2003 (Photo PBI)

toral Tribunal. According to the media, there were nearly ten thousand observers⁷, national as well as international, who oversaw the voting process. The Mirador Electoral as well as the Organization of American States (OAS) noted the massive participation and emphasized that the isolated problems would not affect the validity of all of the electoral process. Valentín Paniagua, chief of the observer mission of the OAS, considered the elections «very good, positive, despite the isolated incidents.» Alvaro Pop, chief of the indigenous mission, pointed out that «it was a pluralistic election» and Jannis Sakellariou, of the European Union, judged the day, up until noon, to be «relatively normal.»⁸

United States Ambassador, John Hamilton, referred to the elections positively and optimistically. The diplomat reported to the press that he had met with the two candidates headed for the second round in order to discuss agreements with regard to the commitments that the country has in the anti-drug struggle. When he spoke of the FRG, he recognized that it continues to have power, in spite of the defeat of its leader, given that it has the majority of municipalities and a strong legislative presence. But Ambassador Hamilton hopes that the opposition will be «constructive and faithful to the interests of Guatemala.»

The chief of the United Nations Verification Mission for Guatemala (MINUGUA), Tom Koenigs, expressed his satisfaction with the civil manner in which Guatemalans participated in voting. «It is very positive that there has been such massive participation and that the fears were not realized», referring to the predictions that violent actions carried out by former members of the Civil Auto-Defense Patrols could impact elections in the interior of the country. Though he pointed out problems in the electoral structure, the long lines for voting, and the isolated violent acts, Koenigs emphasized that



► *Registering to vote, Guatemala City, August 9, 2003 (Photo PBI)*

Guatemalans demonstrated civic ability and patience in the elections.⁹ In its fourteenth report on human rights, the United Nations Verification Mission for Guatemala itself mentioned that the second round contenders «would commit a grave error if they did not respond directly or indirectly to the MINUGUA criteria. (...) The new president, whoever he shall be, has in the Peace Accords a good guide for success in diverse areas of national life.»¹⁰ The United Nations has offered to assist the new Government that will emerge from the second round of elections on December 28 with the transition in Government through the United Nations Development Program (UNDP).¹¹

Notes

¹ Incidencia Democrática. Weekly Report 68. November 7 – 14, 2003.

² CEG. Analysis of Electoral Climate. November 2003.

³ Prensa Libre, Wednesday, November 12, 2003 «Protest Persists».

⁴ Prensa Libre, Thursday, November 13, 2003 «Protests Over Elections in 20 Communities».

⁵ Prensa Libre, Friday, November 14, 2003.

⁶ Op cit. Incidencia Democrática. Weekly Report 68.

⁷ Prensa Libre, Sunday, November 9, 2003 «Observers Guarantee Legitimacy and Transparency». Electoral verification missions that participated included Mirador Electoral, OAS, EU, San Carlos University, Observación Indígena, CACIF, Carter Center (USA), Youth for Democracy, Inter-American Union of Electoral Institutes, and the PDH.

⁸ Prensa Libre, Monday, November 10, 2003 «Observers Pleased».

⁹ Prensa Libre, Monday, November 10, 2003 «MINUGUA Pleased».

¹⁰ Prensa Libre, Wednesday, November 26, 2003.

¹¹ Prensa Libre, Wednesday, November 26, 2003. «UN Would Assist in the Transition».

Mission

To improve the human rights situation in Guatemala and contribute to the democratizing process of the country through an international presence that works to maintain open political space for human rights defenders, lawyers, union members, campesino and indigenous organizations, and civil society groups that are suffering repression due to their work supporting human rights.

Objectives

- ▶ To provide an international presence that contributes to the opening and protection of the political space of Guatemalan organizations that are working for an end to impunity, national reconciliation and compensation to the victims of human rights violations and the completing of the commitments made in signing of the Peace Accords.
- ▶ To respond to the petitions received from Guatemalan groups working on human rights issues that require PBI's international accompaniment through a team of international observers/accompaniers in the field.
- ▶ To coordinate the work developed by PBI's team with the work developed by the other international accompaniment organizations in Guatemala.
- ▶ To sensitize the Guatemalan Government to the vigilance and concern of the international community to the human rights situation in the country through a continuous program of public relations and advocacy.
- ▶ To raise the international community's awareness of the deterioration in the human rights situation in Guatemala through the regular communication of information and frequent contact with international authorities and the diplomatic community both within and outside of the country.
- ▶ To share PBI's experience and contribute to the work of developing tools that promote non-violent resolutions of issues through offering workshops with Guatemalan Organizations on peace education, security issues, and mental health.

Peace Brigades International

PBI is an international non-governmental organization (NGO) which protects human rights and promotes nonviolent transformation of conflicts. At the request of threatened social organizations, it provides international accompaniment and observation. The presence of international volunteers backed by a support network helps to deter violence. In this way, PBI creates space for local activists to work for social justice and human rights.

PBI in Guatemala

PBI maintained a team of volunteers in Guatemala from 1983 to 1999. During those years, it carried out accompaniment work with human rights organizations, unions, indigenous and campesino organizations, refugees and churches. In 1999, after an evaluation process, it was decided

to close the project since the country had greatly advanced in the opening of space for the work of human rights organizations. Nevertheless, PBI continued attentive to the happenings in Guatemala through a follow-up committee.

From the middle of 2000, PBI began receiving a number of requests for international accompaniment. Due to these requests, PBI carried out an investigation in the field that made evident a turn in the direction and a closing of space for human rights defenders. In April of 2002, PBI decided to reopen the Guatemala Project in order to carry out international accompaniment and observation in coordination with other international accompaniment NGOs. In April 2003, the new PBI office was opened in Guatemala.



▶ Giant kite for celebration of All Saints Day, Santiago Sacatepéquez (Photo PBI)

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