

Investigating the Past

“The puzzle of the Truth”

Interview with Marco Tulio
Álvarez Bobadilla

3

Neighbourhood Security
and Citizen Patrols:
An Answer to Local
Insecurity in Guatemala?

5



Criminalisation and the
Social Movement

8

News from the Team

10

Peace Brigades
International
Mission
Objectives

12



Workers at the Historical Archive of the National Police (AHPN) examining the hundreds of thousands of police documents discovered in 2006. Photo: AHPN.

Investigating the Past

“The puzzle of the Truth”

A series of historical documents have come to light this year that give account of the past activities of different state institutions. These documents, which have become the subject of public debate, include: a report about the archives of the (now defunct) National Police (PN), the first results of the work of the Peace Archives (created to analyse declassified military documents), and two plans relating to military operations carried out in 1982 and 1983.



One of the hundreds of thousands of identification cards found outside the archival edifice. Photo: Ann Harrison HRDAG, 2007.

After three and a half years of work, the AHPN has cleaned, digitised, and systematised the archives of the capital city branch of the National Police corresponding to the period between 1975 and 1985 (7.5 million pages). The results were made known in the report: “The right to know: Special Report of the Historical Archive of the National Police”. In March 2009, human rights ombudsman Sergio Morales submitted the report to relatives of the disappeared. At the same time, the archive was opened to the public, so that anyone could access the information from the period that had already been digitally investigated.

Although other plans related to the counterinsurgency campaign of the 1980s have not yet been revealed, these advances represent a step forward in the state’s compliance with its commitment to the recuperation of historical memory, as recommended by the Commission for Historical Clarification (CEH).¹

According to Gustavo Meoño, director of the Historical Archive of the National Police (AHPN), human rights organisations and those promoting recuperation of historical memory can use the information from the archives – together with survivors’ testimonies and forensic evidence obtained from exhumations – for their investigations and legal accusations against those responsible for the crimes the population suffered during years of internal conflict.²

The National Police Archives

The archives of the National Police were discovered by chance in July 2005. The Human Rights Ombudsman’s Office (PDH) immediately requested a judicial order to guarantee unconditional access to the uncovered documents, to ensure their conservation, and analyse their contents (80 million pages containing information dating from the foundation of the National Police in 1881 until 1997, one year after the signing of the Peace Accords).³

The Peace Archives

This entity was founded in June 2008, after President Álvaro Colom expressed his intention to make the army’s archives public. As part of its work, the Peace Archives began to investigate and classify documentation of the Presidential Secretariat for Social Well-being, the “Military Diary” and the findings of the defunct Presidential Military Staff (EMP).⁴ The Ministry of Defence made a legal appeal, which at the time of publication remains unresolved, alleging that the archives were a ‘national security secret’ to prevent their release and publication.

The director of the Peace Archives, Marco Tulio Álvarez, has described the documents being analysed as “fragmented, modified and incomplete”.⁵ Despite this, documentation has been found revealing information about the children disappeared between 1976 and 1987,⁶ who were sold or adopted illegally. It has also been revealed that when security forces captured men and women, their children were left abandoned and were sent to homes run by the Secretariat for Social Well-being.⁷

The first publication of the Peace Archives, in cooperation with the AHPN, was the study *The authenticity of the Military Diary, in the light of the National Police historical documents*, which contextualises 57 illustrative cases using the findings of the National Police archives, with the aim of *enabling the victims’ relatives to have the most complete idea possible of the existing information*.⁸

¹ Commission for Historical Clarification (CEH), *Guatemala. Memory of Silence. Vol V. Conclusions and Recommendations* 1999, p. 81 (Spanish version)

² Gustavo Meoño, cited in *Inforpress* 1776, 02.11.2008.

³ Doyle, Kate “Descifrando los archivos de la guerra sucia de Guatemala”, *Revista Pueblos*, 07.03.2008.

⁴ The EMP, according to Amnesty International (AMR 34/031/2003/s), was one of the most active information and intelligence services in Guatemala. Officially charged with the security of the president and vice president, it committed grave violations of human rights with total impunity, including harassment and close surveillance of key human rights leaders, and extrajudicial executions. In compliance with one of the Peace Accords, the EMP was dissolved in 2003. Although it was obligated to hand over its archives to the Human Rights Ombudsman’s Office (PDH), the agreement that set out its dissolution resolved that the documents would be transferred to the Ministry of Defence. (*Inforpress* 1541, 12.12.2003). The PDH and human rights organisations opposed this, and managed to carry out a visit to the EMP, where they found “mountains of papers, piled up in no order, and several film rolls”. A number of volunteers managed to register 60% of the paperwork found, which was handed to the PDH and the Peace Archives. (*Prensa Libre*, 01.12.2008).

⁵ PBI Guatemala interview with Marco Tulio Álvarez, 04.06.2009.

⁶ *Idem*.

⁷ *La Hora*, 24.03.2009.

⁸ Secretary of the Peace (SEPAZ) *La Autenticidad del Diario Militar* 2009, p. xi.

The Military Diary is a document that was smuggled to the United States (US) and publicly presented in 1999 by Kate Doyle, member of the US non-governmental organisation (NGO) National Security Archive. It reveals the fates of 183 people forced into disappearance by state security forces between 1983 and 1985.⁹

The Military Plans

In 2000, relatives of the disappeared from the Association for Justice and Reconciliation (AJR), legally represented by the Centre for Human Rights Legal Action (CALDH), demanded the declassification of four military plans: "Ixil", "Sofía 82", "Victoria 82" and "Firmeza 83". All were counterinsurgent operations from the most violent period of the armed conflict, the majority directed against the indigenous population. There followed a legal process against the Ministry for National Defence, which repeatedly declared the archives to be a 'state secret' until the Constitutional Court in 2007 ordered the four documents to be submitted to the Guatemalan courts for the scrutiny of the plaintiffs.

On March 6th 2009 Abraham Valenzuela, then minister of defence, handed two of the four plans to the judge: "Victoria 82" and "Firmeza 83". The explanations about the fate of the "Ixil" and "Sofía 82" plans vary from claims that they never existed to claims that they have been lost.¹⁰ The AJR and CALDH received certified copies of the two declassified military plans, which they are using as evidence in their criminal accusation against the high command of the military governments of Romeo Lucas García (1978-82) and Efraín Ríos Montt (1982-83), both of whom are accused of commissioning war crimes, crimes against humanity and genocide.¹¹

Update

On 27 June 2009, the Convergence for Human Rights issued a public alert¹ stating that "interests complicit with the system of impunity oppose the reconstruction of historical memory, social investigations and the possibility that relatives of victims, survivors, and the people of Guatemala are able to use this information to denounce and legally accuse the intellectual and material authors of human rights violations committed during the internal armed conflict."² Some days before, the newspaper *El Periódico*³ made public the fact that the U.S. analyst Kate Doyle, director of the National Security Archive Guatemala Project, had written a letter denouncing the manipulation of the special report of the AHPN published by the PDH,⁴ which then took responsibility. On 30 June, President Álvaro Colom declared that, as of the following day, the Ministry for Culture and Sport would assume responsibility for the AHPN, which would be located in the General Archive of Central America. The archive would be under special protection due to its classification as part of the cultural and natural heritage of Guatemala.⁵

¹ *Prensa Libre*, 28.06.2009

² Communiqué of the Convergence for Human Rights 27.06.2009.

³ *El Periódico*, 25.06.2009.

⁴ *Ibid.*

⁵ According to the declaration of the Vice Minister of Culture, Elsa Son Chonay, to the archive's workers on 01.07.2009, at the entrance of the AHPN.

Interview with Marco Tulio Álvarez Bobadilla, director of the Peace Archives and member of the Presidential Commission of Declassification of Military Archives

How did the Peace Archives project come about?

During the commemoration of the Day of the Victims of the Armed Conflict, on February 25th 2008, the president of the Republic, Álvaro Colom Caballeros, announced his intention to make public the army's archives from 1954 and 1996, with the aim of bringing about true national conciliation and avoiding repetition of the crimes of the past. Announcing this, he entrusted the Secretary of the Peace, Orlando Blanco, with setting the process into motion.

Since then, there have been many difficulties in publicizing the archives because, regrettably, the previous minister of national defence, Marco Tulio García Franco, argued that the army's archives could not be accessed because the decision of the president contravened Article 30 of the republic's constitution, which authorises publicizing of administrative actions, with

the exception of military or diplomatic actions that relate to national security. Franco issued this statement in spite of the fact that the process of locating the documents had already been initiated by him, as well as training of specialists who would begin revising the archives.

The Peace Archives' perspective is that the military archives of 1954 to 1996 are historical archives and,

because the subject of the armed conflict in Guatemala is not a



Marco Tulio Álvarez Bobadilla, PAI 2009.

⁹ *Ibid.*

¹⁰ *La Hora*, 27.02. and 05.03.2009.

¹¹ See http://www.caldh.org/4_1dejure.html (in Spanish)

current security concern, there should not be any limits placed on the public's knowledge of their contents. The signing of the Peace Accords ended the armed conflict and resolved any possible security issues with the disarmament of the guerrilla forces.

What is the current situation of the Peace Archives?

After the change of ministers of defence, the Peace Archives expressed to the new minister, Abraham Valenzuela,¹ the importance of the continuation of the process of recuperation of historical memory. However, at this moment a situation arose in which various generals were facing legal charges for massacres committed in the highlands. This provoked a discussion about the existence of certain counterinsurgency plans, especially those of "Victoria 82", "Sofía", and "Firmeza 83".

In the context of this discussion, the president's decision was to create a commission on the declassification of the military archives, the objectives of which were: 1) To revise and put in order all the documents in the army's possession, including those catalogued as secret and top secret; and 2) to produce a report of results of the activities carried out relating to the documents, which should be ready by December 2009, and submitted to the president of the Republic. Based on the contents of this report, the President will determine whether the declassification of the archives is appropriate. It is hoped that this decision will be made by the beginning of 2010 or earlier if possible.

What kind of archive do the Peace Archives work with?

The Peace Archives' concept is that the reconstruction and compilation of historical memory does not have to be drawn from a single source. It's necessary to investigate different sources to recompose the pieces of what we call the "puzzle of the truth". We must contribute different elements – we want to visualise a bigger picture in the investigations, where one detail supports another. For this, we use information from the following documents:

Military Diary

Recently, the Peace Archives did an analysis of the information contained in the Military Diary from 1983 and 1985 in contrast with the historical documents of the National Police from that period. From the analysis, a report was produced with the aim of identifying and describing the patterns of activity employed by state security forces.

Documentary heritage of the Presidential Secretary for Social Well-being

This material interests us from a very specific and important angle: that of disappeared children. Although we have information covering a larger timeframe, we are prioritising the period between 1977 and 1987, to identify the cases of children whose identity was changed so that an adoption process could begin. We are going to produce a report based on this research, which we intend to publish soon.

Archives of the Presidential Military Staff (EMP)

In 2005, the PDH was authorised to systematise the archives of the EMP. It is a mutilated archive, which contains evidence that it is not complete. What's more, it is important because it describes the function of this structure.

Army archives

Until now, we have not had access to the army archives from the period of the armed conflict; nonetheless, our expectation is that we will be able to process this information, given that these documents are crucial for explaining the actions and operations carried out in the context of the counterinsurgency.

How are the Peace Archives financed?

Presently, the Peace Archives receive financing from the state budget. We are also organising support through international cooperation, but not as the principal support of the department. This is a weakness of the AHPN, for example – it depends exclusively on support from international cooperation. We believe that the state has an obligation to invest in the recuperation of historical memory – this gives it the institutional coherence that it should have.

Does the future of the Peace Archives depend on the political will of the current government?

We are trying to establish certain bases so that the department's work doesn't depend solely on the current administration. We have been meeting and talking with other organisations about the necessity of creating a more independent institution, less dependent on the government - more like a strategy of the state in alliance with non-governmental organizations and other autonomous or semi-autonomous entities. We believe that governments should contribute economic resources, infrastructure, etc, but that the recuperation of historical memory should not depend only on the government. We also think it's important that the population which values this kind of work participates and takes responsibility for the process.

How can the information contained in the Peace Archives be used?

One of the principles of the access to information law is maximum publicity and transparency. We have to reflect this in public administration. I believe that the people who were victims live with the great contradiction and pain of not knowing everything that happened, and seeing that the state, apart from asking forgiveness, won't say what happened. As monsignor Rodolfo Quezada Toruño, archbishop of the Diocese of Guatemala said, "We are prepared to forgive but we want to know what we're going to forgive and whom." This is one of the big challenges of the recuperation of historical memory: to be able to tell the victims what happened during the armed conflict.

We want the victims to know the results of our work and the Public Prosecutor's Office (MP) to carry out the investigations that are incumbent on it.

Everyone has an obligation to make the information transparent and promote a country intolerant of impunity and human rights transgressions. No massacre, or extrajudicial execution, can be allowed as state functions. And if this does happen, it must be recognised and measures created so that it is not repeated. Even so, it is important to see that the Peace Archives cannot bring past cases to justice: this is an obligation of the judicial powers.

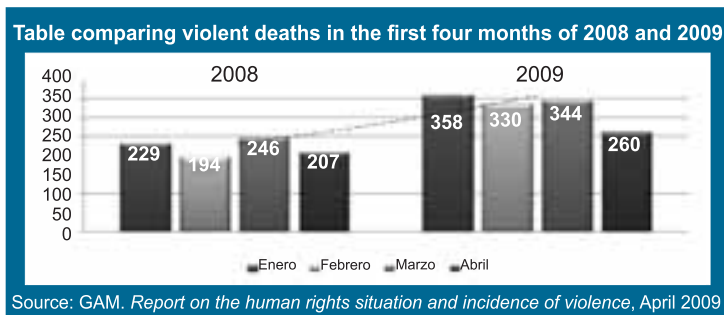
¹ The defence minister at the time of the interview

Neighbourhood Security and Citizen Patrols: An Answer to Local Insecurity in Guatemala?

The rates of violence in 2009 thus far indicate that the figures will rise beyond those of the previous year. According to the bimonthly report of the Mutual Support Group (GAM), in January and February 2009 the rate of violent deaths rose 56% and 73% respectively, in comparison with the same months in 2008 (see graphic).¹ An increase in lynching or “people taking justice into their own hands” is also indicated. According to Idivina Hernández, political analyst and director

Police (PNC) and decommissioning of the Army from activities of internal security. Such actions are being proposed again in the recently passed National Agreement for the Advancement of Security and Justice.⁵

State actors currently involved in public security include approximately 18 thousand PNC agents in the whole country, of which approximately seven thousand are on duty at any given time.⁶ They are supported by three thousand members of the army, who operate in mixed patrols with the PNC.⁷ In contrast, according to figures obtained by Andrés Cabanas, there are around 150 thousand agents from 218 private security companies.⁸



of Security in Democracy (SEDEM), the latter phenomenon is “another form of extrajudicial execution”,² associated with the general climate of insecurity.

Several factors have influenced this climate of insecurity, but the most significant is the penetration and establishment of drug trafficking and organised crime in national territory, which manipulates and weakens the justice system and contributes to the increase in impunity and violence.³

According to Idivina Hernández, this is linked to a legacy of neglect by successive governments to put security sector reform on the agenda: “neither the commitments contained in the Peace Accords nor the recommendations resulting from the Historical Clarification Commission’s Report (CEH) were taken on as an integral agenda of reform and restructuring, to include the security sector in its entirety: civil and military forces, intelligence services and the presidential security system”.⁴

The reform should include strengthening of the National Civil

Police (PNC) and decommissioning of the Army from activities of internal security.

The historic nature of the participation of civil society in public security activities in Guatemala is made clear in the following scenario.

Local Security Committees (LSC)

The LSC are representative neighbourhood associations that work principally in crime prevention in direct coordination with the authorities (PNC and mayors).⁹ They were born in 1999 out of the need to create a feeling of trust between the then recently created National Civil Police (PNC) and the population, in confronting the problems of neighbourhood security and promoting social participation in this issue.

Based on the *Law of Decentralisation*,¹⁰ which gave municipalities certain responsibilities relating to security, the LSC were created by the PNC through a General Order, without prior consultation

¹ Mutual Support Group (GAM), *Report on the human rights situation and incidence of violence, up to April 2009*, May 2009.

² Idivina Hernández, “Guatemala: crimen e inseguridad, un legado de muerte y una política díscola”. In *El Observador*, Year 4, Nos. 17 and 18, February-April 2009, p. 45.

³ United Nations MDG Achievement Fund, MDGF-1957: “Consolidating Peace in Guatemala through violence prevention and conflict management”, <http://sdnhq.undp.org/opas/en/proposals/suitable/1528>, 19.05.2008.

⁴ Idivina Hernández, *Ibid.*, *El Observador*, p.33.

⁵ The National Agreement for the advancement of Security and Justice includes proposals from the Human Rights Ombudsman’s Office (PDH), University of San Carlos of Guatemala (USAC) and the Catholic and Evangelical churches. It was approved by the government, congress, the Supreme Court of Justice and the Public Prosecutor’s Office on 15 April 2009. This last effort seeks to “combat institutional weakness, improve coordination between institutions, update regulations addressing impunity and insecurity and inform citizens on the country’s security situation”. http://www.minex.gob.gt/index.php?option=com_remository&Itemid=115&func=startdown&id=159

⁶ *El Periódico* “La PNC debe informar de resultados en materia de seguridad” (26.11.2008).

⁷ Support of Civil Security Forces Law (Decree 40-2000).

⁸ Andrés Cabanas “La privatización de la seguridad en Guatemala. Si Charlton Heston levantara la cabeza...”, in *Revista Pueblos* (11.01.2009).

with civil society actors, or Congressional approval. Since then, the LSC have faced many difficulties and various changes in their operation, although formally they always have the same objective: to confront insecurity.

Their control continues to be the responsibility of the PNC, through the *community relations* division, accountable to the general sub-department for crime prevention. According to the director of this division, 860 LSC have been registered up to now (231 in 2001, 309 in 2007, and 677 in 2008), located throughout all departments, but not in all municipalities.¹¹

Although the law prohibits the LSC from masking their identities, bearing arms or carrying out patrols or detentions, in reality these actions are tolerated due to the lack of clarity of the LSC role on the part of the Interior Ministry. This lack of clarity has generated many debates about the 'de facto' participation of citizens in policing and intelligence roles.¹²

The Neighbourhood Committee in San Rafael Pie de la Cuesta

The first citizens' association was formed in this municipality two years ago, in the village of Mariscal Uno. According to José Manuel Morales, president of the neighbourhood committee, the idea was an initiative of the neighbours' to respond to problems with burglary, and was focused on prevention, dialogue and neighbours looking out for one another.¹³ The committee now has eighty participants working in coordination with the mayor, the Justice of the Peace, and the local PNC. They do not carry out patrols or carry arms.

Since its creation, the committee has only needed to intervene directly on three occasions to detain suspicious vehicles. Morales says that they have been able to prevent crime by the simple fact that the criminals know that the population is organised. In addition, the creation of the neighbourhood

"Before, there was peace; it did not matter what time one went out. Now, one goes out with fear at night. We are suffering. Why? Because of the [cement] company. In the same family there is division. We have neighbourhood security, called patrols. Our own colleagues collaborate with the patrols. It makes us sad; it's our husbands who are providing the security. There is fear and they patrol at night".¹

¹ Interview with representatives of the Qamoló kí AjSanJuani' Movement (14.05.2009).

committee represents an opportunity of development for the village. Several initiatives have already been launched, including a solution to drainage issues and the installation of a number of synthetic football pitches for young people. Morales has also commented that the committee is very special to the village and says that the people do not want to return to the patrols of the past, as is the case in other parts of the country.

The Patrols of San Juan Sacatepéquez

In February 2008, up to 150 patrol groups were registered in 17 villages in San Juan Sacatepéquez. They were formed in September 2007, to respond to acts of extortion by gangs when the local PNC failed to respond.¹⁴ The national press cited a report by civil and military intelligence which recognised that these patrol groups "commit human rights violations against the population, even murdering a number of people". Three lynchings and five deaths since February 2008 were also reported.¹⁵ According to the Mutual Support Group (GAM), this reveals "the weakness of the strategies to counteract violence".¹⁶

The situation in San Juan Sacatepéquez has been complicated by the popular rejection of the construction of a cement factory in the locality.¹⁷ Further complications are derived from divisions within and between the communities and successive interventions by public and private security forces. The crisis culminated with the declaration of a State of Prevention in June 2008, following the murder of a community leader, which to date has not been clarified.

Several human rights organisations criticised the intervention of at least 1000 police and military agents to deal with a situation of social protest.¹⁸ At the time of publication, the conflict, insecurity and patrols continue.

Various Committees in Sololá

According to the commissioner of the departmental PNC in Sololá, there are several forms of local security association. Alongside those formed by the Municipal Development Committees (COMUDES) and assisted by the police, there are other "unofficial" groups formed by local sectors to guarantee security in their region.¹⁹

According to the daily newspaper *El Periódico*, "social cleansing" groups exist in Santiago Atitlán and San Lucas Tolimán who proclaim themselves to be dedicated to resolving problems of common crime.²⁰ These groups, calling themselves "Social cleansing", "The avengers", "Armed groups without borders" and

⁹ *El Periódico* (01.03.2009).

¹⁰ General Law of Decentralisation, Decree 14-2002

¹¹ Figures provided by Nestor Ismael Diéguez García, director of the Crime Prevention Unit of the PNC, (29.07.2009).

¹² *El Periódico*. Louisa Reynolds, "Vecinos armados patrullan las calles del municipio de Mixco", (01.03.2009).

¹³ Interview with José Manuel Morales, president of the neighbourhood committee of Mariscal Uno and member of San Rafael Pie de la Cuesta Organisation for Peaceful Resistance, (14.05.2009).

¹⁴ Siglo XXI "Grupos de patrullaje son 150 en San Juan", (03.02.2008).

¹⁵ *El Periódico* "Grupo armado a cargo de 5 ajusticiamientos", (06.02.2008).

¹⁶ GAM *Report on the human rights situation and incidence of violence during January and February 2008*.

¹⁷ The communities, through their Development Councils, and without the backing of their municipality, organised a community consultation in which 8,950 people participated. 8,946 voted against and four in favour. PBI Alert "About events in San Juan Sacatepéquez," July 2008.

¹⁸ UDEFEGUA "La tendencia creciente de la criminalización de movimiento social guatemalteco". In *El Observador* N°14, September 2008, p28 and *Ibid*. Iduvina Hernandez *El Observador*, p44.

¹⁹ Meeting with Rafael González, departmental commissioner of Sololá, (25.02.2009).

²⁰ *El Periódico* "Ola de asesinatos genera temor en Santiago Atitlán", (09.03.2009).

“Avenging army of the people” are assumed to be responsible for the violent deaths of supposed criminals (more than 40 in 2007 and 35 in 2008).

These groups sign their actions, leaving messages like: “for being a witchdoctor”, “for being a thief”, “for exploitation”, “for fraudulent deeds”, next to their victims. Some groups justify their actions by relating them to the application of Mayan law. In October 2006, for example, the media reported that in the village of Nahualá, Sololá, neighbours had punished several people for supposed links with child trafficking. Punishments included head shaving, lashes and a clash with community members left one person dead and several others injured.²¹

Carlos Guárquez, president of the Guatemalan Association of Indigenous Authorities and Mayors (AGAAI), says lynching and some forms of punishment such as cutting of hair and beatings have nothing to do with Mayan justice or values, but rather are reminiscent of punishments in the colonial period or even acts of torture in the internal armed conflict, which were carried out in public to humiliate people and make an example of them.

Guárquez advocates for another form of conflict resolution that integrates Mayan values of justice. He gives an example of a murder in a community where reconciliation was sought between the guilty and those affected through a long process involving the whole community. Reconciliation entailed dialogue, psychological guidance, and a moral sanction of several months of community service.²²

Another initiative that took place in Sololá was the formation of a number of “integrated security committees”. These arranged by leaders of the Community Development Committees (COCODES) through several popular assemblies held to distribute information and raise awareness. It was made clear that they wanted neither patrols nor arms, but to be a link with the population and work on matters of security, but also health, education and the environment.²³

Security Committees en San Juan Cotzal

In 2008, San Juan Cotzal was identified in a PNC report as the most violent municipality with the highest crime rates in the department of Quiché. At the same time, the presence of the PNC was very limited (three agents on duty at each shift, for 25 thousand inhabitants). To confront this situation and in response to the insecurity, Quiché’s departmental cabinet asked the government to declare martial law in the municipality and send more police and army agents.²⁴

At the end of the same year, faced with the lack of response from the state, San Juan Cotzal’s local authorities decided to form Local Citizen Security Committees (LCSC), including one for the centre of San Juan Cotzal municipality, which was led by the mayor, José Pérez Chen. In January 2009, Chen said the committee had achieved results, with the capture of 26 gang members, and their subsequent public confessions and naming of their accomplices. Punishments included forced labour (carrying rocks for example) or attendance at religious services,

with the argument: “we do not intend to kill them, but make them see reason so that they do not continue hurting honourable people”.²⁵

Although, according to the written press, the majority of the population is in favour of these committees, sources interviewed by PBI thought they were a form of control of the population. The state response finally arrived on 5 February 2009, with the installation of a military base in San Juan Cotzal.²⁶

This military presence in the

Ixil area, where counterinsurgency strategies were implemented during the war, was rejected by social organisations including the Convergencia Nacional Maya Waq’ib Kej, who consider it to be part of the government strategy to promote mega projects in the area, such as the Palo Viejo hydroelectric plant in San Juan Cotzal.²⁷

It is said in the Peace Accords that to ensure peace in Guatemala a reform of the security system toward democracy, is needed. Claudia Samayoa, director of the Human Rights Defenders’ Protection Unit (UDEFEQUA), says “the democratic condition of a security model corresponds to the state’s performance, which has to be guided by the collective interest of society. The justification of the existence of the state lies in serving society and not the other way round”.²⁸

According to Iduvina Hernández, the response of successive governments has not achieved an integrated approach to security. It has focused on protection of the state and not the people, integrating them as part of the solution. What’s more, recent redirection of the PNC budget to the Ministry of Defence, frequent changes in the leadership of the Ministry of the Interior, the reopening of military bases and detachments and an increase of the army’s involvement in citizen security matters are not signs of advancement toward the fulfilment of democratic commitments.²⁹



Poster created by a neighborhood watch group in San Juan Sacatepéquez. Photo PBI 2009.

²¹ *El Periódico* “Vecinos castigan a otras 23 personas en Nahualá”, (3.10.2006).

²² Interview with Carlos Guarquéz, president of AGAAI, (27.05.2009).

²³ Interview with Orvil Antonio Vásquez González, President of Tzanjay COCODE, Sololá (15.05.2009).

²⁴ *Prensa Libre* “Vecinos y autoridades exigen más seguridad”, (27.08.2008).

²⁵ *Prensa Libre* “Justicia indígena, crimen y castigo”, (04.01.2009).

²⁶ *Prensa Libre* “Justicia indígena, crimen y castigo”, (16.02.2009).

²⁷ Communique from Coordinadora y Convergencia Maya Waq’ib Kej (21.03.2009).

²⁸ Claudia Samayoa, “Hacia la construcción del Sistema Nacional de Seguridad en Guatemala”. In *El Observador*, Year 3, No. 13, July 2008, p.7.

²⁹ Iduvina Hernández *Ibid.*, *El Observador*, p.33

Criminalisation and the Social Movement

For several years human rights defenders and organisations have condemned the phenomenon of criminalisation that has affected the social movement in Latin America. Criminalisation transforms legitimate protest into crime and is a new means for the state to manipulate social struggles and minimize its response to social demands. It is a strategy increasingly used when dealing with peaceful protests by social movements that defend and promote human rights.¹

In Guatemala, individuals, groups, organisations and entire communities that actively contribute to protection and promotion human rights find themselves fighting against criminalization; a phenomenon that completely contrary to the recommendations made by the Organisation of American States (OAS), the United Nations, and the Interamerican human rights system (the Commission and the Court). These recommendations highlight the importance of creating a climate in which human rights may be defended.

Under the auspices of the structures and international institutions that have been created to protect human rights, states have the duty to protect, promote and implement all human rights and civil liberties. They are also obligated to guarantee both the protection of human rights defenders and their freedom to carry out their activities. These individuals should in fact receive special protection, given that violations of their rights in particular reduce the capacity of society as a whole to defend them.

The European Union Guidelines on the protection of human rights defenders begin by recognising that although “states are ultimately responsible for

protecting and promoting human rights”; it is also true that “individuals, groups and social organisations perform an important role”. The fifth point of the Guidelines highlight that criticism of government policies and conduct, which is often part of the work of defending human rights, should not be viewed by states as negative. On the contrary, they should be seen as contributions that improve the protection of



Jorge is interviewed by a journalist at the Sexual Diversity and Gender Identity march. Photo PBI 2009.

human rights of the society as a whole.

Since 2005 “a change in government policies with respect to human rights protests organized by civil society groups” has been noticed in Guatemala. This change “has seen protestors and leaders of social organisations being accused of committing crimes during their protests”.²

More recently, a group of human rights activists decided to confront the phenomenon as a whole. In December 2008 this group presented twenty

¹ América Latina en Movimiento (ALAI), “La criminalización de las luchas sociales”, 2007 (<http://alainet.org/active/22734&lang=es>).

² Human Rights Defenders Protection Unit, “Guatemala: la criminalización de los derechos de manifestación y reunión. Nueva amenaza a la defensa de los Derechos Humanos”, *Report Presented by the UN Special Representative to the Secretary-General, on the Situation of Human Rights Defenders*. Geneva, 15 April 2005.

cases of criminalisation of human rights defenders to the Technical Secretariat of the Public Prosecutor's Office (MP). According to Gloria Porras, general secretary of the MP, these cases have been received and are currently under review.³ She says that the MP's new administration is aware of a plan of conduct used by prosecutors, which corresponds to the methods demanded by the previous administration, and which is difficult to change.

Some of the cases being reviewed by the Technical Department of the MP follow. They include accompaniments and observations carried out by the PBI Guatemala team:

On 21 June 2008, 42 individuals were arrested (and later released) in village of **Las Trojes** in **San Juan Sacatepéquez**, department

of Guatemala. They were accused of holding illegal meetings and protests, causing disturbance and resisting authority on the same day that the State of Prevention was declared in the municipality (21 June 2008).⁴ On 13 January 2009, PBI observed the case's first hearing at Mixco's Court of Criminal Instance, in which a stay of proceedings was granted. The MP has appealed the ruling and passed the case to the court of appeals for review.

On 14 January 2009, three warrants were issued for the arrests of Lutheran Reverend José Pilar Álvarez Cabrera and two members of the **Association for the Protection of Las Granadillas Mountain (APGM)**. They were accused of coercion, instigating crimes and disturbance of private property. PBI observed the first hearing in Zapaca's Criminal Court, where the accused were ultimately cleared of all charges. As part of their fight against impunity, several human



José Pilar Álvarez Cabrera accompanied by Peace Brigadas in Zacapa. Photo PBI 2009.

rights and environmental organisations have united to follow up on this case, asking the magistrate of the Supreme Court of Justice, Luis Fernández, to review the proceedings.⁵

On 4 November 2008, an arrest warrant was issued against Jorge Luis López Sologaistoa, director of the **Organisation to Support an Integrated Sexuality to Confront AIDS (OASIS)**, for his alleged involvement in the attempted murder of sex worker Laila (Axel Leonel Donis González). PBI observed the first hearing in Guatemala's Ninth Court of the First Criminal Instance. The court ruled that there was no supporting evidence to indicate that

the accused was involved in the attempted murder. Nevertheless, the court decided that Jorge López should remain on trial for the possible crime of accessory after the fact.⁶

On 14 February 2008, Ramiro Choc, campesino leader of the **Q'eqchi' communities of Livingston**, was arrested and imprisoned, accused of abduction, robbery, and unlawful imprisonment. One of Ramiro Choc's lawyers also represents the PBI-accompanied Union of Campesino Organisations of the Verapaces (UVOC). On April 1st, after more than two years in prison, Ramiro Choc was sentenced to eight years' imprisonment for robbery. The judge ruled that there was insufficient evidence to convict him on the rest of the charges. The sentence was appealed by all parties involved and Ramiro Choc is currently serving his term in prison while awaiting a final hearing.

³ Interview with Gloria Porras, general secretary of the Public Prosecutor's Office of Guatemala, PBI, February 2009.

⁴ See Alert San Juan Sacatepéquez, PBI July 2008.

⁵ Interview with members of the APGM, PBI February 2009.

⁶ Interview with Jorge Luis López Sologaistoa, director of OASIS, PBI January 2009.

On her mission to Guatemala in February 2009, the UN special rapporteur on the situation of human rights defenders noted that threats to human rights defenders had doubled since her previous visit in 2002. She also highlighted a new method being used to hinder the work of human rights organisations – the criminalisation of human rights defenders. According to her report, existing figures about the prevalence of this phenomenon are underestimated, and it is particularly affecting defenders who work for the promotion and defence of rights concerning territory, the environment and the collective rights of indigenous communities.¹ It is in this context that PBI Guatemala has carried out its work over recent months.

During this period we have intensified our accompaniment of the **Union of Campesino Organisations of the Verapaces (UVOC)**, because of an increased military presence in the Alta Verapaz region and the consequent increase in the number of accompaniment requests received. As well as observing the monthly roundtable talks in Cobán created to find solutions to land conflicts in the region, we have accompanied the organisation at its offices and during other activities – such as a meeting of fourteen communities from Sierra de las Minas who find themselves at risk of being evicted. This meeting took place in the *La Mocca* estate, where a community facing imminent risk of eviction is located.

We continued to closely monitor the security situation of the members of the **Association for the Protection of Las Granadillas Mountain (APMG)**, and we accompanied the organisation in activities both in Zacapa and in the capital. In Zacapa, we observed the roundtable talks,

coordinated by the Human Rights Ombudsman's Office (PDH), the objective of which is to reconcile the interests of the landowners of the Granadillas Mountain with those of the members of the Association, who are fighting for the protection of the mountain's natural resources.

We accompanied APMG to meetings with other human rights organisations in the capital (including the Mutual Support Group [GAM], the Madre Selva Collective and the Rigoberta Menchú Tum Foundation [FRMT]), to monitor the criminalisation case against three members of the Association. At the beginning of 2009, the three members were accused of three crimes (coercion, inciting crime and disturbance of private property), due to their participation in peaceful social protest relating to their work protecting the Mountain. Finally, in February, after several national and international organisations expressed their support, and dialogue between parties involved in the conflict was intensified, the criminal proceedings against these individuals were closed.

Members of **Organisation to Support an Integrated Sexuality to Confront AIDS (OASIS)** and a representative of PBI Guatemala took part in tours of Canada and the United States. In February Jorge López Sologaitoa, director of OASIS, and Zulma Robles, witness in the case of the extrajudicial execution of a transgender OASIS worker, travelled to Canada alongside other Mexican and Colombian human rights defenders. The visit was part of a tour focusing on impunity, coordinated by PBI's Latin American projects and PBI Canada.

In March a PBI Guatemala representative travelled to the United States to take part in an advocacy tour on impunity, where she raised concerns about the situation faced by OASIS and its members, described the work of the organisation and explained the real nature of the violence and impunity that sexually



Feliciano Macario of the National Coordination of Widows of Guatemala (CONAVIGUA) accompanied by PBI in Lancetillo, Quiché. Photo PBI 2009

¹ Jilani, Hina. Report given by the UN special rapporteur to the secretary-general on the situation of human rights defenders. Mission to Guatemala. United Nations, A/HRC/10/12/Add. 3, 16 February 2009.

diverse communities face in Guatemala. Given the security situation of Jorge López, we intensified our presence alongside the organisation, and increased our meetings with Guatemalan authorities, international organisations and embassies nationally present. We await the date of the next hearing in the criminal case against Jorge López, in which he is accused of concealing information related to the attempted murder of sex worker Laila (Axel Leonel Donis Gonzáles). Jorge López views this trial as a new method of persecution, meant to impede both the organisation's progress and respect for the human rights of the sexually diverse communities of Guatemala.

In this period we have accompanied the **National Coordinating Body of Guatemalan Widows (CONAVIGUA)** through two exhumation processes (where the remains of victims of the armed conflict are disinterred from unmarked graves). The first took place in the town of San José Poaquil and the second in Santa Apolonia; both in Chimaltenango. We were also present at inhumations (the dignified reburials of such remains) in the communities of Monte María, Lancetillo y La Taña, in the Zona Reyna, Quiché. Due to the increase in threats made to members of the organisation, we have increased our presence at its office in the capital. We also wish to express our particular concern about the security situation of members of the CONAVIGUA youth program, **MojoMayas**, two members of which have been murdered and several others attacked.

In the context of the publication of military archives relating to the army's plans and operations during the internal armed conflict, we have observed public events coordinated by the **Centre for Human Rights Legal Action (CALDH)**. We were present at the protest rejecting the Ministry of Defence's decision to withhold files related to the Sofia Plan and Operation Ixil. We were also present at a conference at the Public Prosecutor's headquarters, where a formal complaint was filed against those responsible for the failure to hand over these files. We also recommended our accompaniment of the **Human Rights Defenders' Protection Unit (UDEFEQUA)** after



Peace Brigades with young participantes of the Community Consultation in San Mateo Ixtán. Photo PBI 2009.

three of its members received threatening messages on their mobile phones. These messages are thought to be linked to the Unit's public demands for the declassification of military archives held by the authorities.

Elsewhere, we observed **community consultations on mining exploration and exploitation concessions**, which took place in several municipalities in the Huehuetenango region. In February we were present when the **Guatemalan Association**

of Indigenous Mayors and Authorities (AGAAI) explained to members of the Santa Bárbara municipality the official procedures for delivering the results of the community consultation held there. In March we observed the presentation of these results to Congress. In April and May we observed consultations for San Rafael la Independencia and San Mateo Ixtatán, where once again the communities rejected all mining activity. On 20 May we observed a meeting of the **Peoples Council of Western Guatemala**, in which organisations based in Huehuetenango, San Marcos, Totonicapán, Quetzaltenango, Sololá and Quiché took part. On 8 March we observed the march in commemoration of International Women's Day, and that of International Workers' Day on 1 May.

Finally, it is worth highlighting that in recent months the security situation for some of the individuals and organisations we accompany has improved. This has allowed us to reduce the level of support we offer the **Liberated Lesbian' Collective (Lesbiradas)** and the **Association of Mayan Lawyers and Notaries of Guatemala (AANMG)**. However we continue to closely monitor the overall situation in the communities of San Juan Sacatepéquez, who are opposed to *Cementos Progreso's* plans to build a factory in the area and are being advised by AANMG. Through telephone calls and regular office visits, we maintain frequent contact with members of these organisations, as well as with the Women's Sector, the Association of Friends of Lake Izabal (ASALI), the Commission of Peaceful Resistance (CRP), the Campesino Workers' Movement (MTC) and the National Office for Inhabitants of Marginalised Areas (CONAPAMG).

Peace Brigades International

PBI is an international non-governmental organization (ngo) which protects human rights and promotes non-violent 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 losing 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.

The accompaniments realized by PBI after receiving a petition by the Guatemalan organizations are focused in three areas: fighting impunity, right for land and negative effects of the economic globalization on human rights.

Mission

To improve the human rights situation in Guatemala and contribute to the democratization 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

1. 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 fulfillment of the commitments achieved through the Peace Accords.

2. To inform the international community of the human rights situation in Guatemala through the regular communication of information as well as frequent contact with international authorities and the diplomatic community both within and outside the country.

3. To inform the International Community of the need for creating and applying policies, tools, and mechanisms for the protection of human rights defenders.

4. To share experiences and tools with Guatemalan Organizations that help in achieving the general objectives of PBI in Guatemala.

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