



## A HISTORIC VERDICT, SHADOWED BY THE PAST

### A GLIMPSE OF JUSTICE BRINGS US HOPE

On May 10, 2013, Efraín Ríos Montt was found guilty of genocide and crimes against humanity and sentenced to 80 years in prison. The conviction is the first in the world to charge an ex-head of state for genocide in the national court system of the country in which the crimes took place. This marked the culmination of 12 years of dedication and determination by the Association for Justice and Reconciliation and their legal team, the Center for Human Rights Legal Action.

Just 10 days later, Guatemala's highest court, the Constitutional Court, overturned the historic sentence in a 3-2 decision and annulled trial proceedings that took place after April 19. Guatemala's legacy of impunity has once again reared its head: deeply rooted power structures undermine the will of the survivors, the competence of the judges and the integrity of the process.

The road toward justice has been long, and it will undoubtedly continue to twist and turn. While it is unclear how the case will proceed, the wave of emotions following the verdict that engulfed the courtroom and moved the world cannot be erased. The testimonies of survivors who bore witness to the terror and violence that destroyed their communities will not be forgotten.

We are truly proud to have broadcast English-language, live coverage from inside the courtroom for



*An Ixil survivor greets the crowd outside the courtroom immediately following the historic genocide verdict. Photo: Roderico Díaz*

all 27 days of the trial, and even prouder of the 13 years of human rights accompaniment we have provided to the survivors of the Association for Justice and Reconciliation. Guatemala's Attorney General Claudia Paz y Paz recently affirmed the importance of our work: *"We have seen that the most effective way to ensure the safety of the witnesses has been through international accompaniment."*

We look hopefully to the next phase of our work as we continue to follow the path of the survivors in their pursuit of justice. We echo AJR member Doro-teo's words in proclaiming, *"Our struggle won't stop here, the struggle must continue."*

NISGUA is honored to provide you with the complete archive of our media coverage from the genocide trial. Visit our website - [nisgua.org](http://nisgua.org) - to review the historic collection.



*Otto Pérez Molina orders soldiers and red-beret Kaibiles during the 2012 state of siege in Santa Cruz de Barillas*  
*Photo: Simone Dalmasso*

### **CURRENT ADMINISTRATION REVERTS TO WARTIME TACTICS**

The context of the genocide trial has drawn attention to current President Otto Pérez Molina's own involvement in the Guatemalan military as a member of the infamous Kaibiles - the counter-insurgency special-forces unit responsible for the war's worst atrocities. While his role in the conflict has been no secret - in fact he often emphasizes the wartime lessons underlying his heavy fisted policies - he wholly denies his participation in the Ixil region massacres. Though, perhaps one day he will face responsibility for the operations he commanded while acting under his army pseudonym, "Tito Arias," President Molina must also be held accountable for the ongoing abuses by his current government.

Otto Pérez Molina's 17 months in office reveal a strategy of repression, militarization and criminalization to control and govern Guatemala. It is no coincidence that his Patriot Party government was most repressive during the course of the genocide trial. While international eyes were on proceedings in the courtroom, Guatemala witnessed a new level of state violence as rural communities suffered heavy blows to their peaceful organizing. Nonetheless, powerful movements persist in defense of life and territory.

### **COMMUNITIES UNDER ATTACK AS STATE VIOLENCE GOES ON TRIAL**

Days before the genocide trial was set to begin, news broke that Departmental Assembly of Huehuetenango (ADH) member, Rubén Herrera, had been arrested on trumped-up charges dating back to 2009. Just days later, four Xinca leaders were abducted in San Rafael las Flores, and one was found dead the next day. The Xinca leaders were participating in the ongoing consultation process in the municipality, which would later be halted due to an increase in violent attacks against communities resisting Tahoe Resources' Escobal silver mine.

Strong national and international pressure urged Rubén Herrera's immediate release and on May 30, he was freed when a judge ruled there was insufficient evidence linking him to the crimes. The Departmental Assembly of Huehuetenango (ADH) denounced Herrera's case and the ongoing persecution of other local leaders as an effort to criminalize and undermine the community resistance to the Cambalam hydro-electric dam in the municipality of Santa Cruz de Barillas.



*Rubén Herrera celebrates his freedom on May 30 with life partner, Cecilia Mérida.*  
*Photo: Mujeres Ixcheles*

The cases of San Rafael las Flores and Santa Cruz de Barillas are emblematic of a disturbing model sweeping Guatemala today: state-backed, foreign-owned, large-scale development projects -



or mega-projects – that systematically deny communities’ right to self-determination. Citizens in both San Rafael las Flores and Santa Cruz de Barillas have engaged in ongoing peaceful opposition, including holding community consultations which have overwhelmingly rejected mega-projects in their territories. Despite 12 consultations that have voted against Tahoe Resources’ Escobal project to date, Guatemalan authorities recently granted the company the final permit necessary to move forward with mineral exploitation.

Francisco Rocael Mateo of the ADH commented on the mega-project model stating: *“Instead of listening to the legitimate demands of the people, the state and the companies have implemented a strategy to discredit and delegitimize peaceful community struggles in defense of life and territory.”*

In April, the persecution of leaders resisting the Cambalam project continued with the kidnapping and murder of Daniel Pedro Mateo, cultural leader and prominent defender of the 2007 community consultation in Barillas. Santos Domingo, a member of the Association for Justice and Reconciliation, who made regular trips to the capital to witness the genocide trial, reflected on the ongoing violence in the country: *“We are all Daniel Pedro, equally in danger. What happened to him could happen to any of us.”*



*Daniel Pedro Mateo, ADH member and proud natural resources defender, was found murdered on April 17.*  
Photo: Gregory Lassalle



*A state of siege suspended all civil liberties in 4 municipalities surrounding Tahoe Resources’ Escobal project in May.*  
Photo: James Rodríguez

On April 27, Santos Domingo’s words rang true when Tahoe Resources mine security opened fire on community members gathered outside the project site, seriously injuring six. On May 2, 2013, one year after the state of siege was imposed in Santa Cruz de Barillas in response to the resistance of the Cambalam project, the Guatemalan government declared another state of siege in four municipalities surrounding the Escobal mine site.

A comparison of government repression against communities at critical points in Guatemalan history reveals alarming similarities with the actions of the country’s current administration. The imposition of a state of siege - only one step away from a state of war - suspends all civil liberties and was the reality in Guatemala during Ríos Montt’s dictatorship. Honoring historical memory, a cross-section of Guatemalan organizations, including the 48 Communities of Totonicapán who responded to a state attack against their own people last October, joined together to reject this most recent state of siege and support the legitimate struggle in San Rafael las Flores.

*“The state has reached the extreme of declaring a state of siege in 4 municipalities. Limitation of individual rights under the state of siege is clearly serving to protect the interests of the private sector, especially the mining companies, and is not about protecting the population or the Constitutional rule of law. ”*  
-48 Communities of Totonicapán

## TODAY, MORE THAN EVER...

The state of siege was altered to a state of emergency and lifted altogether by the end of May. However, the country's wounds were opened once again, this time agitated by blatant impunity. Against a backdrop of reactionary stances to the genocide trial by military-linked pressure groups and powerful business elites, the Constitutional Court overturned the genocide sentence. This decision and the renewed attacks in the countryside confirm what we already knew to be true: much work remains to be done in the struggle for justice in Guatemala.

We call on you to deepen your commitment to our work and our partner's work defending their lives, territory and dignity in Guatemala. The Association for Justice and Reconciliation addressed the United Nations Permanent Forum on Indigenous Issues immediately following the Constitutional Court annulment and pronounced:

“Today, more than ever, it is imperative we continue to demand justice and face the past to ensure acts of genocide never again take place in Guatemala... As long as this does not happen, the state will continue to deny our rights and facilitate the dispossession of the lands and natural resources that are fundamental to the material and spiritual life of indigenous peoples. Brothers and sisters: we must stop the continuation of genocide in Guatemala.”

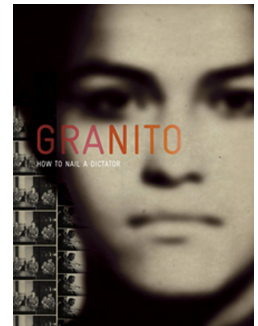
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This year's excellent list of prizes include:

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One round-trip ticket to  
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A DVD set of **When The Mountains Tremble & Granito: How To Nail A Dictator** with a signed poster from award-winning filmmakers Pamela Yates, Paco de Onis & Peter Kinoy



Four night stay at **World Fellowship Center** in the beautiful White Mountains of New Hampshire



...and much more!

See the full list of prizes  
and enter your name today!  
**[nisgua.org/drawing](http://nisgua.org/drawing)**

NISGUA needs you! NISGUA's historic role in denouncing the U.S.-supported genocide in Guatemala has led us to accompany efforts for justice for over a decade. NISGUA currently accompanies over 100 human rights defenders in Guatemala. See the enclosed flier to find out how you can apply to be an international human rights accompanier and make an impact with us today!

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