



CONFERENCE

HUMAN RIGHTS AND REPARATIONS IN GUATEMALA

On 6 December 2023, Impunity Watch, the National Platform of Victims, and the United Nations Office of the High Commissioner for Human Rights in Guatemala (OHCHR) organised the conference *Human Rights and Reparations in Guatemala* to mark the 75th anniversary of the Universal Declaration of Human Rights. President Bernardo Arévalo participated in the event.

During the opening of the event, President Arévalo said that peacebuilding is only possible through the dignification of the victims and impacted communities, and that the State of Guatemala still has a historical debt with the victims and Indigenous peoples affected by the armed conflict. He noted, “there is no democracy without full respect for human rights,” and said that during his government human rights and victims’ rights will be fully respected.



The other participants that spoke during the event opening were Miguel Itzep, representative of the National Platform of Victims; Ana María Díaz, representative of the OHCHR; and Denis Martínez, Director of the regional office of Impunity Watch. Miguel Itzep emphasised that victims and survivors seek justice, peace, and the non-repetition of the atrocities of the past. He said: **“We cannot speak of justice if the State does not recognise its responsibility for what happened, and we cannot speak of democracy when survivors, widows, and orphans are still being neglected.”**

Ana María Díaz explained that a lack of attention to victims of human rights violations has serious consequences, and that States should ensure the creation of reparations and aid programmes in accordance with the damage caused, while also considering the vision of those who were affected. “Where inequality, exclusion and discrimination against women have traditionally existed, reparations programmes should consider that a focus on economic restitution is insufficient.

Reparations programmes should not settle for mere financial compensation but should have a transformative aspect, aspiring to overcome the structural inequality that existed before the conflict and could have caused the violence,” stated Díaz.

In his intervention, Denis Martínez noted that, since the signing of the peace agreements in 1996, victims and human rights organisations have made important progress. More than 3,000 exhumations have been carried out in Indigenous communities and military bases, and the remains of more than 10,000 disappeared have been recovered. **National courts have tried more than 25 emblematic cases from the armed conflict**, including the genocide case against former dictator Efraín Ríos Montt. Martínez acknowledged that the road has not been easy, however, and that the victims have had to face the government’s lack of political will and the military’s denialism.



Martínez noted that, “the past three governments have not had the political will to ensure a functioning National Reparations Programme (PNR),” and that the victims hope President Arévalo will take a different approach and drive this forward as a priority. Martínez reiterated Impunity Watch’s commitment to continue defending the rights of the victims of the armed conflict and contributing to the consolidation of peace and reconciliation.

National Reparations Programme: Achievements and challenges

During the event, Impunity Watch presented the report, [*20 years of the PNR: The Impact of*](#)

[*the National Reparations Programme for the Victims of the Armed Conflict in Guatemala*](#).

The report documents the long road that the victims have had to walk in order to ensure respect for their right to reparations, the number of people that have received reparations over the past 20 years, and the number of people that have yet to receive reparations. The report also explains the international standards on reparations and the guidelines of the National Reparations Policy.

Reparation measures include material restitution, economic compensation, psychosocial reparations and rehabilitation, dignification of the victims, and cultural restitution. This list does not include the guarantee of non-repetition, “which is necessary to ensure the success of the other measures, because it seeks to eliminate the root causes of the violations,” the document reads.



The report demonstrates the lack of compliance with reparation measures, a lack of gender and Indigenous peoples' perspectives, inconsistencies in record-keeping for victims' information, the disappearance of institutions dedicated to peacebuilding, and the neglect of records, since the government of Alejandro Giammattei closed the Secretariat for Peace (SEPAZ) and transferred the responsibility for reparations to the Ministry for Social Development (MIDES). The study also addresses the cuts to the programme's budget, among other points. [The report is available in Spanish here.](#)

Numbers to highlight

Q295.8 million

The largest budget assigned to the PNR since it was created, assigned in 2006, during the government of Óscar Berger.

Q13.5 million

The smallest budget assigned to the PNR, assigned in 2022 during the government of Alejandro Giammattei. There was no budget execution that year.

Three forums to discuss truth, memory and transformative reparations

Three panel discussions were organised for the conference with experts on historical memory, reparations, and the defense of the rights of survivors of sexual violence in armed conflicts. Each panel was made up of three presenters and one moderator to guide the conversation. The audience had the opportunity to ask questions and share some of their own experiences.

Panel 1: Reparations and the future of the PNR

The first panel, titled *The Right to Reparations and the Future of the PNR*,

included presentations from Juan Pérez Cedillo, member of the National Platform of Victims; Ligia Hernández, former legislative representative; and José González from the OHCHR. Elsa Coronado, a journalist with the online news outlet Plaza Pública, moderated the discussion.

When speaking about the challenges and achievements of the PNR, Juan Pérez Cedillo highlighted **the organising work of the victims and survivors**. “The PNR was created, not because of an invitation by the State or some technical personnel, but because of the work of the victims and survivors of torture, massacres, and forced disappearances.” As



his testimony states, it is worth noting that the creation of the programme is a credit to the organisations, achieved even though not all government administrations have shown a commitment to the victims' struggle.

Álvaro Colom's government spent the most funds on reparations, while the two most recent governments, those of Jimmy Morales and Alejandro Giammattei, allocated and spent the least amount of funds for the programme. Pérez Cedillo mentioned that, in 2013, during the government of Otto Pérez Molina, they achieved the first renewal of the agreement that created the PNR, extending the programme for another 10 years. The proposals of the victims to strengthen the programme, however, were not considered.

Former legislative representative Ligia Hernández, previously serving on the Legislative Commission for Indigenous Peoples, followed up on the victims' request for a new extension of the programme, but said that the authorities showed a lack of political will. There was a proposal in MIDES to extend the programme, but it needed the support of the Attorney General of the Nation's Office (Procuraduría General de la Nación - PGN), then the Secretariat of the Presidency, in order to be passed on to the former president Alejandro Giammattei for approval, which never happened. According to former legislative representative Hernández, there is an opportunity in the immediate future. "On the threshold of a new government, there is an ethical commitment to recover the archives and identify the victims in those archives," with the understanding that those victims should receive integral reparations.

Lawyer José González mentioned that victims have the right to be recognised as victims of human rights violations and that reparations cannot be reduced to just giving out money. **Reparations should include the reconstruction of the social fabric.** "In the

words of the United Nations Special Rapporteur on memory, truth, justice and guarantee of non-repetition, for an action to be considered reparative, it must be accompanied by the recognition of responsibility," stated González.

Panel 2: Right to truth and historical memory

The participants on the panel titled *Right to Truth and Historical Memory* were Patricia Ogaldes, head of the Historical Memory Programme of the Human Rights Office of the Archdiocese of Guatemala (ODHAG); Raúl Figueroa, editor, and founder of the publishing company F&G Editores; and Ch'umilkaj Nicho, Maya Kaqchikel singer-songwriter with a degree in music education. Esly Melgarejo, a journalist with Prensa Comunitaria, moderated the panel.

Asked about the main efforts to disseminate historical memory, Patricia Ogaldes shared that, 25 years since the martyrdom of Archbishop Gerardi, they have looked for ways to distribute a free version of the four volumes of the Recovery of Historical Memory Report (REMHI), as well as a popular educational version to use with students.

"A number of organisations in the Education for Peace Working Group (EDUPAZ) have joined efforts and tried to advocate with the Ministry of Education... Unfortunately these efforts require political will from people in these positions. There have been periods in which we have had access and other periods in which we have not had the opportunity. Nevertheless, we continue working," she stated. "We have tried to make sure that the voice or the history of the survivors, which needs to be returned to the communities, does not remain silenced," she said.

Ch'umilkaj Nicho, a young singer-songwriter who focuses on sharing historical memory through music, reflected on the obstacles



to sharing knowledge of the history of the armed conflict with youth. In her experience, the biggest challenge is fear. “It is still deeply rooted. There is still pain,” she explained. Originally from Comalapa, Chimaltenango, she shared her own family’s experience, “My parents told the story little by little, because it was painful for them that their friends and family members were killed. I am here thanks to the fact that my parents were able to seek refuge and live in exile. And because of all the years they hid and survived, there is now a generation that is curious and wants to know why this happened and why things keep happening.”

Ch’umilkaj Nicho commented that, in many cases, young people do not know the recent history of the country because of their family members’ silence. Many of those family members were recruited or joined the Army, to which most of the crimes committed against the civilian non-combatant population are attributed. She also noted that the educational

system does not incorporate this history into the curriculum. She shared her personal testimony, “Unfortunately, in elementary school they never talked to me about this, despite the fact that I come from a place where huge atrocities were committed. Two kilometers away from the town of San Juan Comalapa, the military set up a base where they tortured people. Despite this, they refused to talk about it at school.”

Raúl Figueroa was asked about proposals and actions that could be taken to ensure that historical memory is more widely known in Guatemala. The expert started his presentation with a mention of the 41st anniversary of the massacre in Dos Erres, a community in La Libertad, Petén, where more than 200 people were killed, including women and children. Those responsible for the massacre were members of a special kaibil unit, and a number of them still have not been held accountable for their crimes.

“In every place there was a massacre or a murder, there should be a commemoration. It is important to remember, to talk about it, to mention it,” proposed Raúl Figueroa. **“We are missing the stories of people who lived through the armed conflict, narrating their own experiences and telling us about what they lived through. We are used to hearing about what happened from third parties. Anthropologists, sociologists, and psychologists have talked about their experience going to a community, but we are missing the experience of the survivors... so their voices are recovered and not lost,”** he added.

Panel 3: Transformative reparations for survivors of sexual violence

Paula Barrios, Director of the organisation

Women Transforming the World (MTM); Aura Cumes, expert anthropologist in gender; and María Eugenia Solís, lawyer, activist, and expert in women’s rights, participated on the panel titled *Transformative Reparations for Survivors of Sexual Violence*. The panelists talked about reparations mechanisms for women that survived sexual violence during the internal armed conflict. Alejandra González, sociologist and consultant for UN Women, moderated the panel.

This space served as an opportunity to remember and recognise the work of the women that have dared to break the silence and talk about the abuses they suffered during the armed conflict because they are women. In the past 10 years, the genocide case, the Sepur Zarco case, the [Achi women case](#), and the Molina Theissen case, have been brought before courts that then confirmed the use of sexual violence as a weapon of war.



All these cases have placed women at the center of the demand for justice and the women have faced the resulting confrontation with their aggressors, public exposure, and social repercussions. The strength of the women's testimonies has allowed each case to reach a conviction, but Paula Barrios reminded the group, "a sentence is not the end point for the women." It is an intermediary point in the story of their struggle, because the women seek access to a type of justice that will transform their living conditions, as well as those of their families and communities.

Paula Barrios mentioned that the courts have responded to the request of the victims and survivors by granting transformative reparation measures in the cases of Sepur Zarco and the Achi women. **The measures granted require the State to provide economic compensation, but also health services for the women and their communities, trainings in human rights for their daughters, granddaughters, great granddaughters, and other survivors of sexual violence, as well as educational scholarships, and public recognition of the crimes through the incorporation of the women's story in educational curriculum, murals, videos, and documents.**

The Director of MTM mentioned that the plaintiffs have gone through complicated processes to speak out publicly about what they went through, and that economic compensation does not repair the damage they suffered or the long-term impact on their lives, their families and their communities. The four cases mentioned have all reached a conviction and obligatory-compliance reparation measures, but Paula Barrios explained that there is not an institution designated to move these processes forward. This means that the women's struggle is not over. Despite their age, health issues, and vulnerable living conditions, they must continue to advocate

for compliance with the reparation measures ordered by the courts and for assurances that what happened will not be forgotten.

Regarding this, Aura Cumes explained that **the recognition of what the women lived through is also important for the reconstruction of the community's social fabric.** "They sought to destroy the Mayan people through sexual violence. Considering this fact brings the crimes against the women to a political level. The women are not left alone with the responsibility of the struggle, because it is an issue for [Indigenous] peoples and communities," she stated. The anthropologist also made it clear that **dignified reparations for the women is the first step "toward returning strength to the communities."** When speaking about what happened during the armed conflict, she affirmed that it was a policy of the State focused on destroying women because of their significance in the community structure, "because you do not rape or destroy someone who does not represent a threat," she said.

Lawyer María Eugenia Solís mentioned that it is impossible to restore what the women lost because of the violence they experienced, which is why the concept of transformative reparations, as ordered by the Inter-American Human Rights Court (IAHRC) in numerous judgements, seeks to "mitigate the effects of the damages caused." The current conditions of the victims are still precarious. In this way, the violence continues and is maintained due to the patriarchal, racist, classist system that oppresses women. An example of this, are the thousands of cases of girls who are victims of sexual violence, many of them resulting in forced pregnancies, and neither society nor the State take action to stop these crimes. "As a society we have to make an effort to reflect and rectify the situation so that women can be free from violence in this country," concluded Solís.



Those in attendance had the opportunity to ask questions and comment on each of the issues. As the *Human Rights and Reparations Conference* concluded, the understanding was that the victims and survivors know that their struggle is not over, that there is a lot of work to do and that, despite having suffered for decades, they are not willing to give up because forgetting is not an option.

Roberta de Beltranena shared closing words in representation of the Ambassador of Switzerland in Guatemala, Roger Denzer. "Switzerland is committed to human rights... it is our duty to contribute so that Guatemala respects the human rights treaties to which it is party." Switzerland has a programme for dealing with the past, because in countries that have signed peace agreements, "there

is always the possibility that a conflict will reemerge, especially when the root causes of the conflict and the wounds caused have not been resolved."

The opening and closing of the event took place on the patio at La Merced Museum. In the last rays of sunlight, the ruins of this historic building were the stage for Ch'umilkaj Nicho as she performed songs that are **contributing to the preservation of memory in the Kaqchikel language**. One of the songs she sang was Qach'ab'al (Our Voices) and the words to the chorus are, "Yes to memory, yes to truth, yes to life. For our people and their dignity."

Main Photo: Members of the National Victims Platform and President Bernardo Arévalo during the inauguration of the conference, December 6, 2023, Guatemala City.

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