

Chapter 1 : Efraín Ríos Montt - Wikipedia

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A colonial legacy left power in the hands of an elite minority, much like many other Latin American countries. Repression was omnipresent – specifically with regards to insurgent groups. A democratic regime and Marxist insurgencies posed a direct threat to the political and economic elite as well as their main trading partner – the United States. Why were civilians – particularly Mayans – targeted? Why did defenceless children suffer? Why were basic rules of humanitarian law ignored or not respected? There is awareness with regards to the systematic violation of human rights during the civil war, but the acts committed and their consequences have yet to become entrenched in the national consciousness and historical memory of Guatemalans. Its three commissioners were: Throughout the two year mandate of the commission, multiple countries – including Austria, Canada, Germany and the United Kingdom – provided monetary, political and moral support. The staff consisted of both national, and international commissioners – who accounted for just under half of employees. The final restriction was not upheld as the commission duration lasted two years. In addition, the CEH had no subpoena powers. Report Findings[ edit ] For the CEH it was clear that in order to understand the past and move forward on a trajectory for peace, an in-depth analysis of the causes of the civil war was required. They concluded that the four main causes of the conflict were as follows: Structural injustice, closing of free, public spaces, anti-democracy trajectory, Cold War context and international influence. They concluded that the structure and nature of economic, cultural and social relations in Guatemala are marked by profound exclusion, antagonism and conflict – a reflection of its colonial history. In fact, they state, most recent state policy has produced inequality and endemic institutional weakness perpetuates the discrepancies among demographics. Statistics[ edit ] The principal focus on the CEH was with regards to human rights violations during the civil war. They registered a total of 42, casualties by human rights violations and acts of violence, of that 23, were victims of arbitrary execution and 6, by forced disappearance. Estimates of those killed or disappeared during the conflict reach as high as , Aftermath[ edit ] Implementation of Recommendations[ edit ] The Guatemalan army was opposed to many human rights aspects of the Peace Accords including the creation and work of the CEH. They argued that these tools were to be used by the insurgency groups to garner political support and military strength. However, support for human rights focused accords and commissions were strongly supported by the URNG, the Catholic Church, and various civil society and human rights based groups. Problems the commission faced were primarily based on political and ideological disagreements. In fact, although the CEH finally came to fruition, its progress was stalled when the army stated its clear opposition to the commission and the URNG affirmed its inclusion as non-negotiable. In it ratified the Optional Protocol of the Convention on the Rights of the Child , regarding the participation of children in armed conflicts and the recognition of the competence of the Committee Against Torture to receive individual complaints in Although these accords have been signed and ratified, their content has yet to be integrated into current and future domestic plans. However, for multiple reasons his trial was suspended until January , then further suspended until January The state was well aware that the insurgency did not represent a real threat to Guatemalan political order. It has been argued that they deliberately magnified the military threat of the insurgency to justify the crimes they committed.

**Chapter 2 : Memory of Silence: The Guatemalan Truth Commission Report by D. Rothenberg ( )**

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The junta immediately declared martial law and suspended the constitution, shut down the legislature, set up secret tribunals, and began a campaign against political dissidents that included kidnapping, torture, and extrajudicial assassinations. At first there was some expectation that the extremely poor human rights and security situation might improve under the new regime. In April, U. He said the true Christian had the Bible in one hand and a machine gun in the other. On April 10, he launched the National Growth and Security Plan whose stated goals were to end the extermination and teach the populace about nationalism. They wanted to integrate the campesinos and indigenous peoples into the state, declaring that because of their illiteracy and "immaturity" they were particularly vulnerable to the seductions of "international communism. Victoria 82 sought first to destroy guerilla bases and forces through counter-insurgency efforts which were "scorched earth" tactics. The administration established special military courts that had the power to impose death penalties against criminals and suspected guerrillas. Tens of thousands of peasant farmers fled over the border into southern Mexico. Meanwhile, urban areas saw a period of relative calm. The June amnesty for political prisoners was replaced by a state of siege in the following month that limited the activities of political parties and labor unions under the threat of death by firing squad. I know he wants to improve the quality of life for all Guatemalans and to promote social justice. The decision was taken in spite of records concerning human rights violations, and also bypassed seeking approval from the U. The cooperation did not just involve material support, but also included providing intelligence and operational training, carried out both in Israel and in Guatemala. The Israeli link was not lost on the average Guatemalan: Three coups had been attempted since he came to power. On June 29, , he declared a state of emergency, and announced elections for July. Many citizens in the middle class were alienated by his decision on August 1 to introduce the value-added tax, never before levied in Guatemala. Please help by adding reliable sources. Contentious material about living persons that is unsourced or poorly sourced must be removed immediately, especially if potentially libelous or harmful. He tried to run for president in , but was prohibited from entering the race by the constitutional court due to a constitutional provision banning people who had participated in military coups from becoming president. He was an FRG congressman between and . In , he was elected president of the unicameral legislature. He tried to run again in , and was also barred from the race. President Bill Clinton apologized for U. Later, the Supreme Court suspended his campaign for the presidency and agreed to hear a complaint brought by two right-of-center parties that the general was constitutionally barred from running for the presidency. On July 24, in a day known as jueves negro black Thursday thousands of masked FRG supporters invaded the streets of Guatemala City armed with machetes, clubs and guns. They had been bussed in from all over the country by the FRG amidst claims that people working in FRG-controlled municipalities were being blackmailed with being sacked if they did not attend the demonstration. The demonstrators blocked traffic, chanted threatening slogans, and waved their machetes about. Indeed, a picture of a prominent FRG congressman adjusting his mask to talk on his cell phone was seen around the world. The demonstrators marched on the courts, the opposition parties headquarters, and newspapers, torching buildings, shooting out windows and burning cars and tires in the streets. The situation was so chaotic over the weekend that both the UN mission and the U. The legal reasoning behind the final decision was not immediately made public. Legal reasoning had nothing to do with it; the riots were effective in scaring everyone into silence. In the post-Cold War environment, U. In June , the State Department publicly announced that it would prefer to deal with a less tarnished figure. As he was running for president, he could not also run to be a member of Congress at the same time, and thus ended his 14 year tenure there. Representative Jerry Weller a Republican from Illinois. These included widespread massacres , rapes , and torture against the indigenous population in what has been called a Guatemalan genocide. The civil war pitted Marxist rebels against the Guatemalan state, including the

army. Huge numbers of civilians, both indigenous Mayas and mestizo Ladinos , were caught in the crossfire. It is documented that his government deliberately targeted thousands of indigenous people since many were suspected of harboring sympathies for, supporting, or participating in the guerrilla movement. Under the Cold War -era strategy of containment the Guatemalan state sought to eliminate the spread of Communism inside its borders. Three other civilians that were high government official between and were also indicted. At least 15 appeals filed by the defense attorneys of the indicted prevented him from carrying out the inquiries. As a member of Congress he would again be immune from prosecution unless a court suspended him from office. The court released him on bail, but placed him under house arrest pending commencement of his trial. The judge ordered the legal process to be set back to November , before the retired general was charged with war crimes. The violent acts against the Ixils were not spontaneous. They were planned beforehand.

### Chapter 3 : Indigenous political representation in Guatemala

*Memory of Silence is an edited one-volume version of the Guatemalan Truth Commission report, presenting the definitive account of one of the most brutal cases of government repression in the Western Hemisphere, a thirty-four year conflict forged by the Cold War, strongly influenced by the United States' foreign policy, and so severe that the.*

UNHCR is not responsible for, nor does it necessarily endorse, its content. Is an applicant who served as Assistant Military Commissioner of San Pablo, San Marcos department during the civil war likely to have been involved in human rights abuses? Specific instances of human rights abuses by military commissioners or their subordinates are rarely documented in sources available to the Resource Information Center. However, sources often report that military commissioners and their subordinates were responsible for numerous human rights violations, in general. They imposed their authority through the civil patrols, personal intimidation, and threats against social or political groups. Taken together, these irregular government forces were responsible for one out of every four collective murders" REMHI , By late , there were more than , members of the civil patrol system In , Jennifer Schirmer reported that at the end of , there were , civil patrollers in villages. By , that number had increased to 1., adult males according to Schirmer. According to Susanne Jonas, a primary purpose of the PACs was "to compromise a growing number of people in repressive activities Civil patrols and military commissioners played an integral role in intelligence gathering at the local level by reporting to the military any suspicious activities by their neighbors. Commissioners and members of civil patrols were often former soldiers who had been forced to kill and maim Green , , Military commissioners also participated in the forced recruitment of Indian youths. Recruits were abused, humiliated, harassed, and trained to kill their own people Davis, Hodson , Military commissioners ex-soldiers, armed and paid by the military to act on their behalf within the communities assisted with surveillance and control duties in villages and reported suspicious behavior by neighbors to the local Army base commander. Commissioners were often secretly appointed by the military and were responsible for intelligence reports and conscription into the Army Jay , Villagers who refused to join the Civil Patrols risked being killed. Patrollers who attempted to leave the patrol, if captured, were subject to torture and ultimate death AI , While the area had not been hit as hard by intense violence under military rule as the Indian highlands, in the late s there were increasing accounts of disappearances and discoveries of unknown cadavers. While there is very little documentation on the role of military commissioners or their assistants in San Marcos, the information above attests to the magnitude of human rights violations committed by civil patrols and military commissioners in general. Assistant military commissioners would also, presumably, have been responsible for some of these violations. This response was prepared after researching publicly accessible information currently available to the RIC within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. The Americas Watch Committee, Commission for Historical Clarification. American Association for the Advancement of Science web site. Davis, Shelton; Hodson, Julie. Kennedy Center for Human Rights, Rebels, Death Squads and U. Latin American Perspectives Series Boulder: A Violence Called Democracy Philadelphia: University of Pennsylvania Press,

## Chapter 4 : Christian Tomuschat - Wikipedia

*"Memory of Silence is an edited one-volume version of the Guatemalan Truth Commission report, presenting the definitive account of one of the most brutal cases of government repression in the Western Hemisphere, a thirty-four year conflict forged by the Cold War, strongly influenced by the United States' foreign policy, and so severe that the Commission determined that the state committed.*

Unfortunately, organized crime, human rights violations, and drug trafficking continue to terrorize the population and remain virtually unchecked in a climate of impunity. Recent History The present situation in Guatemala can only be understood through the prism of the last six decades. As a result of the cold war, however, such initiatives were labeled as communist by the US government. The operation funded and trained right-wing revolutionaries to overthrow the current government. Over the next four decades Guatemala would have over twenty military dictators, guerilla leaders, or juntas. Civil war broke out in , and fighting continued until the signing of the Peace Accords. The fighting claimed the lives of an estimated , non-combatants<sup>2</sup> devastated the economy, destroyed civilian faith in government, and terrorized the population. Present Context Although Guatemala has experienced over a decade of peaceful, democratic elections and transitions of power, the lingering effects of the civil war continue to undermine governance. The war had monopolized national resources leaving infrastructure, education and industry in shambles. The violence also severely limited foreign investment and tourism. The economy continues to struggle and this remains a primary motivation for both emigration to the US and gang amalgamation by disaffected youth. Guatemala is also a major transit point for South American illicit drugs on their way to North America. US Ambassador to Guatemala, Stephen McFarland estimated that to tons of cocaine passes through the country annually. Eight days later, four police officers jailed in connection with the assassination were killed in their maximum-security prison cells. Against this background, it is hardly surprising that a mere twenty-five percent of Guatemalans are confident in the police; the percentage plummets to fifteen when respondents are asked to express confidence in the Constitutional Court. Originally set to expire at the end of , the Guatemalan government extended the agreement with the UN through The CICIG is an independent body mandated to assist the government of Guatemala in investigating and dismantling violent criminal organizations. CICIG recognizes that criminal organizations, criminal activities and government corruption contribute significantly to impunity. However, CICIG faces significant challenges in strengthening security, bolstering staff protection, facilitating international exchanges of information, and developing better witness protection. Criminal organizations eliminate witnesses and informants even within maximum-security facilities. The lack of witness protection dramatically increases the resistance of would-be witnesses to participate with justice officials and CICIG, seriously undermining investigative capabilities. Carlos Castresana has introduced several legal and infrastructure reforms, from increasing the number of prosecution investigators to increasing security for judges and inmates. Unfortunately, the legislature has taken little action. CICIG needs to make inroads on these smaller issues like judicial staffing and protection, if it intends to successfully confront more severe and systemic problems.

Chapter 5 : FRONTLINE/World Guatemala Timeline | PBS

*Memory of Silence, from which those words are drawn, is the definitive, wrenching account of one of Latin America's bloodiest conflicts. Anyone concerned with human rights and war and the dark history of our time should read it."*

A former Spanish colony, the country has been run by an oligarchy of wealthy landowners. The company is the largest landowner and employer in the country, and many people have criticized it for receiving large tax breaks and using its political influence to instigate a U. Under Ubico, the United Fruit Company became the most important business in Guatemala and received tax exemptions from the government. In the following years, new President Juan Arevalo brought in vigorous education, labor and economic reforms. These reforms were extended by his Democratic successor, Jacobo Arbenz. He legalized unions and introduced agrarian law reform that by had benefited more than , poor rural families. Idle land was expropriated and former owners were compensated. The United Fruit Company, the largest landowner in Guatemala, was hugely affected by the new law, as the company was only using 8 percent of its property in Guatemala. In early , a month after President Dwight D. Castillo installed himself as president, and the U. In September of the same year, Castillo was formally declared president. Once in office, he removed voting rights for illiterate Guatemalans and cancelled the new agrarian reform law, which forced peasants to give up their newly acquired lands. Castillo also decreed a Preventive Penal Law against Communism, which led to the arbitrary arrest of individuals labeled as communists. The regime imprisoned thousands of people indefinitely, allowing them no right of appeal. Government military forces and right-wing militias battled leftist rebels, mostly Mayan insurgents, who were fighting for economic and social justice. Government-backed militias largely acted as death squads, creating terror in the Guatemalan population with forced "disappearances" of victims, often followed by torture and murder. The mutilated bodies of victims many of them labor leaders and political opponents were dumped in ditches, on sidewalks and along roads. In the next three decades the U. During his campaign, Montenegro promised to revitalize the economy, head off inflation and work toward social justice with a government free of military influence. Few voters realized that he had a secret agreement with the army not to interfere in its war against left-wing guerrillas, who were believed to be backed by Cuba. Montenegro easily won the majority vote in the election, but violence continued to intensify between the right and the left. State-sponsored death squads continued their harsh tactics against guerrilla members and anyone suspected of collaborating with them. Campaigning to restore law and order as fighting raged between right- and left-wing paramilitaries, he immediately suspended civil liberties and placed the country in a state of siege. The siege lasted a year and in the countryside, where the bloodiest fighting was taking place, he gave the military total control to squash the violence. By March , there had been more than political killings. The victims included labor leaders, students and politicians. By the mids, repression in rural areas had intensified, and in , President Jimmy Carter passed a bill to cut off military aid and credit to Guatemala. A year later, General Fernando Romero Lucas Garcia became president in what the international community labeled as a fraudulent election. At least 50, people died in the violence, and , Guatemalans fled to neighboring countries. Hundreds of thousands more were internally displaced because of systematic repression by the military. During his month reign, the worst atrocities against the indigenous population occurred, though the situation improved for some Guatemalans. Despite the confirmation of massacres in Guatemalan villages across the country by anti-guerrilla forces, in early , a newly elected President Ronald Reagan overturned the arms embargo imposed on Guatemala by Carter in . Meanwhile, a then-secret CIA cable noted a rise in "suspect right-wing violence" and an increasing number of bodies "appearing in ditches and gullies. Vinicio Cerezo, a Christian Democrat, won the election with 70 percent of votes. Many Guatemalans and outsiders saw Cerezo as an opportunity to bring justice to the country. Instead, Cerezo offered members of the army an amnesty that protected them from being prosecuted for any prior human rights violations. From to , the civil war death toll grew to , and more than 40, civilians had "disappeared. In , Serrano was forced to resign as he maneuvered his presidency toward a total dictatorship. Since then, he has lived in exile in Panama. After Guatemalan Indian-rights activist Rigoberta Menchu wins the Nobel Prize for Peace in , international pressure to bring justice to Guatemala

grows. In , rebels declare a ceasefire, and the Clinton administration suspends military training for the Guatemalan army. Still, human rights and peace activists continue to be threatened and assassinated. To this day, most of these abuses have not been investigated, and the perpetrators have yet to be brought to justice. In May , the CIA declassified 1, pages of reports on its participation in the orchestration of the coup that removed President Jacobo Arbenz from office. The documents show U. In , the U. Of these, 23, were victims of arbitrary execution and 83 percent of fully identified victims were Mayans from the Quiche area. The report also recognized the role of the U. In July , thousands of records were discovered at the Guatemala National Police archive. The documents contain information about the 36 years of internal armed conflict that resulted in , deaths and "disappearances. The PDH is working on the restoration of the documents. The Guatemalan Constitutional Court denied the request. Twelve years after the end of the civil war, impunity remains, as little progress has been made toward promoting accountability and to bringing human rights perpetrators to justice. Human rights investigators and defenders continue to be the targets of threats, and clandestine security organizations still operate with impunity. Guatemalans continue to face high levels of violence and weak and corrupt law enforcement institutions.

**Chapter 6 : Guatemala | Mass Atrocity Endings**

*Memory of silence: The Guatemalan Truth Commission Report. Prologue / Christian Tomuschat, Otilia Lux de CotÃ-, Alfredo Balsells Tojo Part I. Human rights violations and acts of violence.*

By the late s, the government, ruled by vested Ladino elites, faced a range of challenges from reformist politicians, the Catholic Church, indigenous groups, labor and student activists, and a rural communist armed insurgency that was particularly active in Mayan areas. In , the first organized rural massacre took place, although without the level of central control that would characterize later campaigns. Tactics of violence included policies of mass killing, homicides, disappearances, and torture intended not only to wipe out opposition, but to create fear that would dissuade citizens from aiding or supporting guerrillas. Junior officers, critical of the poorly managed war and self-enrichment of senior army leaders, [v] organized a coup on 7 March , that installed General Rios Montt as head of state. Calling for a thorough modernization of the state, Montt and his collaborators developed a security and development plan that prioritized defeating the insurgency and included other repressive policies: They also recognized that the historic marginalization, poverty and alienation of the Maya contributed to the success of the insurgency. Their response was to craft an uncompromising militarized policy that would first crush the rebels and then force Maya to conform to their version of greater social integration. The counter-insurgency included systematic, ruthless assaults on rebel strongholds, and a second phase intent on controlling Maya social and cultural expression. Atrocities Extrajudicial killings in Guatemala occurred during every presidency since [vi] and larger spates of violence, including the killing of an estimated 8, civilians during the first scorched earth campaign from The killing, which disproportionately affected indigenous populations, was not only a tactical military operation, but also a racially motivated state-building project [viii] that killed far more civilians than guerrillas and purposefully disrupted social and cultural traditions of indigenous communities. The Commission on Historical Clarification in Guatemala CEH states that the guerrilla insurgency never posed a serious threat to the government, a fact that the government was well aware of due to extensive intelligence documenting the number and capacity of insurgents. Therefore, the CEH concludes that the state deliberately magnified the military threat of the insurgency in order to subjugate and reorder the civilian population. During Operation Victory 82, massacres were characterised by brutal performative cruelty that included torture, forced sterilization, forced cannibalism, destruction of food supplies, systematic sexual violence that was sometimes enacted as public mass rape, and the targeting and destruction of ancient ceremonial sites. Attacks against rural villages were intentionally planned for Sundays and holidays so as to maximize the number of civilians who could be targeted. Violence peaked under Montt in and during the presidencies of Lucas and Montt, a total of villages were completely razed to the ground. PACs, initiated under Lucas Garcia, were armed groups composed of civilian males between the ages of 16 and 65, who were recruited into pro-government forces. Although recruitment was not voluntary and the PACs were composed of indigenous men, some of these PACs were responsible for perpetrating intra-ethnic atrocities. The police were the primary perpetrators of violence in urban areas, but the army perpetrated most atrocities in rural areas. However, under civilian rule in the late s and s, PACs more frequently committed atrocities without the presence of state forces but with encouragement of the state. These attacks were promoted by the government as a means of maintaining an atmosphere of violence and terror even after the larger killing campaigns had subsided. Greg Grandin writes that over , Mayan peasants were executed between and The final report issued by the Recovery of Historical Memory Project REMHI which preceded the CEH, listed 55, victims of a variety of types of government violence, including execution, forced disappearance, kidnapping, cruel treatment and torture, and sexual violence. These numbers follow the general patterns of violence laid out in other sources but the actual numbers recorded are much lower than the , estimate. The CIIDH report does state that the Montt regime likely executed tens of thousands of more civilians in its short month occupation of the National Palace than are recorded. Endings Mass atrocities in Guatemala had ended by Once the military achieved control over the countryside in a brutal campaign, Montt was ousted in favor of the less controversial figurehead of Meija

before the military eventually turned the presidency back over to civilian rule. While mass killing ended in , as Roddy Brett writes: Their efforts to do so included another coup, which unseated Rios Montt, hence we also code for a leadership change. State Violence in Guatemala, How Mass Atrocities End: Gurr, Ted Robert and Barbara Harff. Ethnic Conflict in World Politics. Civil Patrols and their Legacy: Overcoming Militarization and Polarization in the Guatemalan Countryside. Rojas, Ricardo Saenz de Tejada. The Guatemalan military project: University of Pennsylvania Press.

Chapter 7 : Historical Clarification Commission - Wikipedia

*Memory of silence: the Guatemalan Truth Commission Report. [Daniel Rothenberg; Comisi3n para el Esclarecimiento Hist3rico (Guatemala);] -- "Memory of Silence is an edited one-volume version of the Guatemalan Truth Commission report, presenting the definitive account of one of the most brutal cases of government repression in the Western.*

During this time, roughly , people were killed and more than 1. Under the leadership of military dictator Rios Montt, a campaign specifically targeting Mayas took place. After this period of highest bloodshed in the early s, with the removal of Montt as leader, the peace process slowly began and in a UN back peace agreement was signed marking the end of the Civil War. Guatemala is very poor country, and this might contribute to the lack of memorials as the government has very little money to spend on something like that. Also, there may or may not be ties to the genocide and the current government. I think that these two factors have helped contribute to the lack of memorialization of the genocide. This memorial will be more for people who know nothing about the genocide, or maybe not even know it happened, and will be location in the United States. I want this memorial to be relatively basic so that it can reach as large an audience as possible. The Guatemalan government committed genocide against the Mayan population of Guatemala, attacking and destroying villages, killing , people and displacing 1. Because of this trial is occurring, I think that now is a very poignant time to create a memorial. I want to incorporate the identity of Mayans and Maya life into the memorial, because I think that it is important to examine the intent of genocide as a way to destroy culture and identity. Mayans are a minority population so I think that preserving part of their culture is very important. I think that this is an important genocide to memorialize because during my research of different memorials I found nothing for the Guatemalan Genocide. I think this is also a good time for some sort of memorial given the current trial of lead perpetrator, Rios Montt. I think identity is important especially in this case because the indigenous peoples of Guatemala as well as in other countries have faced a lot of adversity and exclusion from society due to different types of clothing, customs, language and religious practice. As these practices die out, the identity of these people also changes and is lost. Guatemala is a very poor country which often makes memorializing things like genocide harder or lower priority. Because of this, I want this memorial to be able to reach as many people as possible across different age groups, ethnicities, etc. This memorial is inspired by traditional Guatemalan shrines. Many Guatemalan shrines include offerings of flowers and food, as well as candle and pictures of loved ones. Typically, the shrines feature some religious reference, usually a cross. I wanted my shrine to closely resemble something more traditional. I chose a softer and more earth wood to give it an authentic feel. Because this is not a personal shrine to one specific individual but more a memorial for the genocide as a whole, I decided to use a faceless sculpture instead of pictures. The sculpture included in this memorial is painted in bright colors which is very typical of traditional Mayan apparel. The woman is also wearing a huipil and a cinta, both articles of traditional Mayan clothing.

**Chapter 8 : Refworld | Guatemala: Information on military commissioners and human rights abuses**

*Report has considered all the versions and takes into account what we have heard, seen and read regarding the many atrocities and brutalities. The main purpose of the Report is to place on record Guatemala's recent, bloody past.*

But other estimates place this number closer to 60 percent. As across the hemisphere, indigenous peoples in Guatemala are overwhelmingly poor. Human development in Guatemala is also extremely slow. The Human Development Index HDI for the country, which had been increasing since the turn of the century, has stagnated recently. This dropped to 0. Meanwhile, wealth has become even more concentrated among the richest Guatemalans making the country more unequal than it has ever been before. One clear example is that of housing and land ownership. According to the agricultural census of , 1. This conflict only worsened the degree to which Guatemalan indigenous populations experience social exclusion, since they were the main targets of the repression by armed forces during the war. In , the military government, pressured by the United States to install democracy in Guatemala, called for the election of a constitutional assembly. The Law also recognizes pre-existing linguistic pluralism in the country. It also recognizes the right to consultation when certain decisions and policies affect the indigenous population. Nonetheless, most indigenous leaders interviewed by Global Americans argued that the Guatemalan government had yet to recognize the right to self-determination and expressed frustration with the ongoing implementation gaps. We work to rip those rights out from the State. The indigenous juridical system is unique. It does not have written law or documents, and Congress has not approved it. It is based on the traditions and philosophy of the indigenous peoples. As mentioned above, the Guatemalan Constitution recognizes the methods of organization of the indigenous peoples, and the Municipal Code also clearly acknowledges the role of the indigenous authorities. In indigenous law, each case is unique, and therefore each resolution is distinct. While the indigenous juridical system is recognized in practice, there is an enormous implementation gap. Many judicial officials do not accept the indigenous system of jurisprudence as a valid means for solving disputes, crimes or conflicts; often they overturn decisions and agreements already made by indigenous authorities with the parties. But double jeopardy is prohibited in Guatemala, so this is against the law. The bill is still being debated in Congress, and there is little hope among the indigenous organizations Global Americans interviewed that such reform will pass. A more formal recognition of the indigenous justice system would represent another step forward in the acknowledgment of indigenous rights to prevent the issues described above. However, as many Guatemalan indigenous populations believe, the situation will never really change unless indigenous peoples start having access to positions of power within the different branches of the state. Today there are approximately indigenous members of the judiciary branch, the vast majority of whom in the lowest ranks. Public agencies and bodies that work in favor of indigenous peoples in Guatemala In recent years there have been an increasing number of institutions and units created to uphold indigenous rights at the federal level. Some of the most representative institutions are: Created in , this autonomous organization conducts research to stimulate and support the development of indigenous languages, implements educational development programs, and publishes bilingual articles, dictionaries, and books; Guatemalan Indigenous Development Fund FODIGUA: Created in , the Fund works towards the cultural, political, social, environmental, and economic development of the Mayan, Garifuna and Xinca peoples. Its line of work is mostly focused on training indigenous peoples to participate in politics. The organization also compiles a database from each community on issues like science, art, and technology; Office for the Defense of Indigenous Women DEMI: Founded in , this office was created to defend and promote the rights of indigenous women, with the goal of eliminating all forms of violence and discrimination against them. Created in , this organization advances policies to eliminate racial discrimination. However, the organization does not promote affirmative action 13; and Indigenous Affairs Unit: The Unit has four main objectives: Consulta Previa in Guatemala: The right to free, informed and prior consultation The correct implementation of the right to prior consultation continues to be a matter of debate in Guatemala. While the legislative decree that ratifies the treaty states that it should be subordinate to the Constitution, the Constitution also recognizes the supremacy of the human rights norms.

Driven by pressure from civil society groups, a special law dedicated to prior consultation has been stalled in the legislature since 2008. Instead, it called for the creation of an advisory body that would represent all the indigenous communities and would provide guidance and support to communities during the consultation processes. There have only been two cases in which indigenous peoples were able to stop a project through prior consultation: These cases should serve as milestones, but the truth is they buck the trend; consultations generally do not resolve these issues and usually just delay the implementation of projects. The objective is to consult with indigenous communities and other sectors of civil society on what could be generally agreed-upon guidelines for prior consultation. To achieve this, Naleb will visit 30 communities and, afterwards, create an advisory board made up of individuals from civil society, indigenous organizations, ancestral authorities, the private sector and the Ministry of Labor. Ideally, the results and conclusions of this dialogue could also be turned into national law. As an organization that was originally formed to unite diverse groups against a common enemy, the transition of the URNG to a legal political party was not without internal tensions. While they struggled to re-define their political vision, the party was mainly concerned with the rights of indigenous peoples. Indigenous peoples in the Guatemalan Congress In Guatemala, the search for information on how many indigenous peoples are members of Congress was a much easier task than in the comparative case of Mexico. Almost everyone that participated in the Global Americans interviews knew how many members of congress identified themselves as indigenous. Table 4 Political representation of indigenous peoples in the Guatemalan Congress Legislative Term of legislators that identify as indigenous 19 out of 100 bills introduced by those legislators related to indigenous issues

## Chapter 9 : Crime and Impunity in Guatemala | Ridgway Research

*Guatemala Memory of Silence: Report of the Commission for Historical Clarification Conclusions and Recommendations.*