



**PEACEBUILDING FUND (PBF)
ANNUAL PROGRAMME¹ NARRATIVE PROGRESS REPORT
REPORTING PERIOD: 1 JANUARY – 31 DECEMBER 2012**

<p align="center">Programme Title & Project Number</p> <ul style="list-style-type: none"> • Programme Title: Support to the consolidation of the right to truth, justice, and reparation and measures of non-repetition for victims of the internal armed conflict in Guatemala. • Programme Number (<i>if applicable</i>) • MPTF Office Project Reference Number:³ 83915, PBF/GTM/H-1 	<p align="center">Country, Locality(s), Priority Area(s) / Strategic Results²</p> <p>Guatemala</p> <hr/> <p>Priority Area 2 of Guatemalan Priority Plan Outcome No. 5</p>
<p align="center">Participating Organization(s)</p> <p>United Nations Development Programme</p>	<p align="center">Implementing Partners</p> <ul style="list-style-type: none"> • Public Prosecutors´ Office; • Judicial Branch; • Guatemalan National Forensic Science Institute; • Guatemalan Forensic Anthropology Foundation; and • Civil society organizations. <p>UNHCHR</p>
<p align="center">Programme/Project Cost (US\$)</p> <p>MPTF/JP Contribution:</p> <ul style="list-style-type: none"> • UNDP US\$ 980,000.00 <p>Agency Contribution</p> <ul style="list-style-type: none"> • <i>by Agency (if applicable)</i> <p>Government Contribution (<i>if applicable</i>)</p>	<p align="center">Programme Duration</p> <p>Overall Duration <i>24 months</i></p> <p>Start Date⁴ 01.09.12</p> <p>Original End Date⁵ 31.08.14</p>

¹ The term “programme” is used for programmes, joint programmes and projects.

² Strategic Results, as formulated in the Performance Management Plan (PMP) for the PBF, Priority Plan or project document;

³ The MPTF Office Project Reference Number is the same number as the one on the Notification message. It is also referred to “Project ID” on the [MPTF Office GATEWAY](#)

⁴ The start date is the date of the first transfer of the funds from the MPTF Office as Administrative Agent. Transfer date is available on the [MPTF Office GATEWAY](#)

⁵ As per approval of the original project document by the relevant decision-making body/Steering Committee.

Other Contributions
(donors)
(if applicable)
TOTAL: US\$ 980,000.00

Current End date⁶31.08.14

Programme Assessment/Review/Mid-Term Eval.

Assessment/Review - if applicable *please attach*

Yes No X Date: *dd.mm.yyyy*

Mid-Term Evaluation Report – *if applicable*

please attach

Yes No X Date: *dd.mm.yyyy*

Report Submitted By

- Name: Lucy Turner
- Title: Transitional Justice Accompaniment Programme Coordinator
- Participating Organization (Lead): UNDP
- Email address: elizabeth.turner@undp.org

⁶ If there has been an extension, then the revised, approved end date should be reflected here. If there has been no extension approved, then the current end date is the same as the original end date. The end date is the same as the operational closure date which is when all activities for which a Participating Organization is responsible under an approved MPTF / JP have been completed. As per the MOU, agencies are to notify the MPTF Office when a programme completes its operational activities.

EXECUTIVE SUMMARY

This report relates to the initial 4 month period of implementation of the Project, which commenced on 1 September 2012. Progress has been made in planning phase for various institutional strengthening measures to be implemented in 2013 relating to prosecutions, judicial capacities, and the role of the state entity in carrying out forensic-anthropology investigations relating to the internal armed conflict. Support to organizations litigating paradigmatic cases of the conflict has commenced, including one case relating to sexual violence against a group of indigenous Achi women. Progress was also achieved in the exhumation of remains at the Verbena cemetery, and the comparative analysis of DNA bone samples with DNA samples taken from family members of disappeared persons.

Significantly, during this period the FAFG achieved its first identification using DNA technology of a victim exhumed from the Verbena cemetery, an important breakthrough. The identification of Joaquin Lopez Lopez, a victim of an enforced disappearance, is significant not only for the family members to finally have the truth confirmed as to the whereabouts of their loved one, but also because it validates the FAFGs investigative hypothesis of the probability of locating the remains of victims of enforced disappearance amongst the unidentified bodies buried there.

I. Purpose

Component 9 of the PBF Project is being implemented as part of the UNDP Transitional Justice Accompaniment Programme (PAJUST). It provides support to some aspects of the PAJUST programmatic framework that required further strengthening including targeted support to current PAJUST partners (such as the Prosecutors Office and the Guatemalan Forensic Anthropology Foundation), as well as to additional institutions not previously included in PAJUST – such and the Judicial Branch and the National Institute of Forensic Science – but which are important actors in the transitional justice field specifically for their role in contributing to the achievement of criminal justice outcomes. In addition, it enables support to civil society organizations to be deepened and diversified in a way which both empowers victims in claiming their rights but also improves chances of State compliance with corresponding obligations by creating strategic civil society-state alliances.

This Project contributes to achievement of the following outcome as established under Section 5 of the United Nations Development Assistance Framework UNDAF (2010-2014): *“By 2014, rule of law will be strengthened via compliance with international human rights standards by duty-bearers and rights holders, and security and justice institutions will guarantee legal security, respecting cultural diversity and gender equality, offering effective protection of civil, political, economic, social, cultural and environmental rights, and acting with independence, impartiality, transparency and with the systematic and coordinated vision”*.

II. Results

i) Narrative reporting on results:

- Context

The Project commenced operation during the last quarter of the first year of the Government led by Otto Perez Molina.

Opinions voiced openly by the Peace Secretariat⁷ which contradict Guatemala’s international obligations in the transitional justice field, the findings of international bodies such as the Historical Clarification

⁷ For example, that disappearances occurring during the internal armed conflict do not qualify as enforced disappearances, that genocide did not take place, that an amnesty should be granted to perpetrators of crimes committed by the military in the counter-

Commission and the United Nations Working Group on Enforced Disappearances, as well as Guatemalan law, created controversy, tension and a generally negative environment for making progress in transitional justice.

The debate stimulated around the issues was positive in that it placed issues of justice and truth squarely in the political limelight, however it also revealed the deep ideological divide which still exists around transitional justice issues in Guatemalan society, as well as a generalized ignorance of the issues and their importance not only for the victims but for Guatemalan society as a whole. Attacks in the media have been directed towards victims, civil society groups and members of the international community who support them in an effort to question their motives and diminish and denigrate their work.

Despite this, important progress continues to be made, and perhaps the newfound media coverage and political backlash from some quarters is, in fact, a reflection of that.

- **Outcomes:**

The Planned Target relative to the PBF Outcome is 5 convictions in paradigmatic cases of the internal armed conflict. During the period covered by this report (September-December 2012), progress was made towards achieving convictions of perpetrators of gross human rights violations. Whilst no trials were conducted, prosecutors and victims lawyers specifically in relation to genocide case against Efraim Rios Montt successfully defended the process against vexatious tactics employed by the defense, such as the filing of dozens of meritless actions in what was clearly an abuse of the judicial process. During the relevant period, prosecutors and lawyers acting for the victims vigorously defended the process against these actions, convincing the judges to reject the actions in January 2013, paving the way for the trial date to be set. The behavior of the judiciary in these cases is a positive indicator of its independence despite immense political pressure from some sectors. The main beneficiaries of this progress are the survivors of genocide who are seeking justice for the crimes committed by the State.

- **Outputs:**

Progress on key outputs

Given the short period in question, progress achieved in relation to many outputs relates to carrying out planning processes prior to implementation which will commence in 2013. For example, a workplan was developed and agreed with the Public Prosecutors Office to ensure delivery of the specific institutional strengthening tools included in the project document (Output 1.1.1) The training course for judges was designed in conjunction with the OHCHR (Output 1.1.3). Information was collected and meetings were held with the Guatemalan National Forensic Science Institute and the Guatemalan Foundation for Forensic Anthropology, in preparation for the institutional analysis to be undertaken in 2013 (Output 1.2.1). A call for applications for civil society projects was designed and circulated publicly (Output 1.3), with a deadline set for January 18, 2013.

In other areas, such as support to plaintiffs and advisory organizations, implementation was able to commence quickly, for example, funding was provided for a 3 month period to support investigation of massacres within the framework of a possible genocide case, as well as investigation of a case of sexual violence against 11 Achi indigenous women (Output 1.2).

Finally, the project outputs relating to the work of the Guatemalan Forensic Anthropology Foundation (Outputs 1.2.2 and 1.2.3) were successfully achieved, with the ongoing exhumation at the Verbena cemetery continuing without interruption – and monthly progress reports provided to the Public Prosecutors Office as planned - and DNA profiles from bone samples and from relatives of victims of enforced disappearance being entered into the genetic database.

Delays/Constraints

Implementation of the project did not commence until September, when the Agreement was signed. Therefore, progress reported here relates to a 4 month period until December 2012.

Risks

The opposition of a key member of the Executive branch (Peace Secretariat) to transitional justice issues – particularly judicial accountability for past crimes – remained on the political agenda during this period, with calls for the application of a (defunct) amnesty law to members of the military receiving much media attention and stimulating debate, among other issues.

This has created a somewhat hostile environment and increased tension within victim and civil society groups. However, efforts by the defense lawyers of members of the military indicted for genocide or crimes against humanity to obtain application of an amnesty by the courts have been rejected so far – pending actions in the Constitutional Court notwithstanding - and the political will of the Attorney General to continue to seek prosecutions for these crimes has remained consistent.

No direct threats or intimidations have been reported by the organizations litigating paradigmatic cases during this period. However, as noted above, the general political climate marked by calls for an amnesty, has sparked heated debate in the media, and at times, insulting remarks directed towards civil society organizations which promote justice in cases from the conflict, questioning their motives and seeking to diminish and undermine the importance of their work.

All organizations which will receive funding under this Project have security measures and procedures in place to reduce the risk of harm to staff members or loss of property or information for motives linked to their work. These measures and procedures have been implemented via another UNDP project, which will be continued into a second phase in 2013.

- **Qualitative assessment:**

Progress has been made towards achieving all Project Outputs and Outcomes, principally during this initial period via the commencement of the planning phase, which will provide a solid basis for implementation in 2013 and 2014.

ii) Indicator Based Performance Assessment:

	<u>Achieved</u> Indicator Targets	Reasons for Variance with Planned Target (if any)	Source of Verification
Outcome 1⁸ Indicator: Baseline: Planned Target:			
Output 1.1 <i>Capacities of the Public Prosecutors Office and the Judicial Branch strengthened to investigate process and punish gross violations of human rights committed during the internal armed conflict, with special emphasis on gender-based violence</i> <u>1.1.1</u> <i>Support to the Human Rights Division in order to strengthen expert legal assistance on the investigation and prosecution of cases of the internal armed conflict, with emphasis on cases of gender-based violence.</i> Indicator # tools for strengthening criminal investigation of paradigmatic cases of human rights violations especially cases of sexual violence, promoted via technical assistance by expert advisors to the Human Rights Division. Baseline: 6 existing institutional strengthening tools within the Internal Armed Conflict Unit of the Human Rights Division. Planned Target: At least 2 new institutional strengthening tools created.	0	<u>Progress made towards achieving targets:</u> During the relevant period (September-December), a work plan for 2013 was developed with the Prosecutors Office which includes: 1.The production of 3 technical tools for strengthening investigations of gross human rights violations, including gender-based violence within the Human Rights Division; and 2. The drafting, adoption and implementation of an investigation and prosecution strategy for cases from the internal armed conflict. This product will be included in the responsibilities of the Legal Expert hired to provide technical assistance to the HRD, and will be based on the work already underway within the HRD to map, analyze and connect the humans rights cases yet to be investigated, as well as the diverse sources of evidence held within the division. This Expert will also coordinate a team of consultants to be hired to continue the mapping process. A direct result of the investigation and prosecution strategy referred to above, will be an increase in the number of cases without plaintiff (<i>querellante adhesivo</i>) undertaken by the Human Rights Division.	Copy of workplan.

⁸ Note: Outcomes, outputs, indicators and targets should be **as outlined in the Project Document/Priority Plan or PMP specific** so that you report on your **actual achievements against planned targets**. Add rows as required for Outcome 2, 3 etc.

<p>Indicator Increase in cases of gross human rights violations without plaintiff in the framework of an investigation strategy, especially cases of gender-based violence.</p> <p>Baseline: Human Rights Division is promoting cases without plaintiffs in the framework of the investigation strategy, especially cases of gender-based violence.</p> <p>Planned Target: Increase by 20% in the number of cases without plaintiff in the framework of the investigation strategy.</p>			
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Outcome 1⁹ Indicator: Baseline: Planned Target:	<u>Achieved</u> Indicator Targets	Reasons for Variance with Planned Target (if any)	
<p><u>1.1.2</u></p> <p>Support to organizations which provide legal assistance to victims, o act as plaintiffs, in order to promote strategic litigation and to coordinate with the Prosecutors Office in the investigation of cases from the internal armed conflict, especially cases of gender-based violence.</p> <p>Indicator 1.1.2: # of judicial cases promoted by plaintiff and advisor organizations.</p> <p>Baseline: 15 paradigmatic cases of human rights violations committed in the internal armed conflict, including 2 of sexual violence.</p> <p>Planned Target: At least 19 judicial cases including 4 for sexual violence, promoted.</p>	<p>0</p>	<p><u>Progress made towards achieving targets:</u></p> <p>During the relevant period, support was provided to a rural based Rabinal Legal Centre (<i>Bufete Juridico Rabinal</i>), which provides legal advice to victims in relation to 2 key cases:</p> <p>1) 20 massacres committed in the department of Baja Verapaz in 1982 and 1983, currently being investigated with a view to being included in the indictment of members of the military for genocide against the the <i>Achi</i> mayan group.</p> <p>2) 11 women victims of sexual violence committed within the installations of the Military Garrison at Rabinal, Baja Verapaz. These women were illegally detained and held at the Garrison where they were subjected to sexual violence of diverse forms. The support provided to the Centre enabled the lawyers’ working on the cases to develop an investigation plan and to collect testimonies from victims as well as identify sources of expert evidence which will be required.</p> <p>Support was also provided to two other civil society organizations, Community Team for Psychosocial Support (ECAP) and Mutual Support Group (GAM), to continue promoting investigations of cases of sexual violence and enforced disappearance, respectively.</p>	<p>Copy of Agreements signed.</p>

⁹ Note: Outcomes, outputs, indicators and targets should be **as outlined in the Project Document/Priority Plan or PMP specific** so that you report on your **actual achievements against planned targets**. Add rows as required for Outcome 2, 3 etc.

	<u>Achieved Indicator Targets</u>	Reasons for Variance with Planned Target (if any)	Source of Verification
Outcome 1¹⁰ Indicator: Baseline: Planned Target:			
<u>1.1.3</u> Strengthening of judges technical capacities for the trial and punishment of cases of gross violations of human rights law and grave breaches of international humanitarian law, with special emphasis on gender-based violence. Indicator: # of trainings carried out with judges assigned to cases of human rights violations committed during the internal armed conflict, especially cases of gender and ethnic violence. Baseline: Scarce programming and implementation of training for judges on the application of national and international standards to cases of human rights violations committed in the internal armed conflict. Planned Target: At least 4 trainings of judges assigned to cases of human rights violations committed during the internal armed conflict, especially cases of gender and ethnic violence.	0	<u>Progress made towards achieving targets:</u> During the relevant period, a training course was designed by UNDPs implementing partner, OHCHR, for implementation during the first semester of 2013. This course seeks to train 3 groups of approximately 25 first instance and trial judges, one group in the capital city and two groups in regional areas, on international human rights and humanitarian law obligations, standards and principles relevant to the trial and punishment of cases of gross human rights violations and grave breaches of international humanitarian law. A forum will also be held with Magistrates of the Supreme Court of Justice on the issues of “Application of International Law of Human Rights at the Domestic Level, including jurisprudential trends”. Finally, as a complement to the training course and the forum, a public event will be held to stimulate discussion on “Challenges to the application of justice in high-impact cases”, with the participation of international experts.	Copy of training plan.

¹⁰ Note: Outcomes, outputs, indicators and targets should be **as outlined in the Project Document/Priority Plan or PMP specific** so that you report on your **actual achievements against planned targets**. Add rows as required for Outcome 2, 3 etc.

	<u>Achieved</u> Indicator Targets	Reasons for Variance with Planned Target (if any)	Source of Verification
Outcome 1¹¹ Indicator: Baseline: Planned Target:			
Output 1.2 Strengthening of State and civil society capacities to conduct forensic-anthropology investigations to search for and identify victims of the internal armed conflict. <u>1.2.1</u> Analysis of state capacities in the field of forensic anthropology for the investigation of gross human rights violations, and the identification of coordination mechanisms and agreements for inter-institutional collaboration Indicator: Existence of an institutional analysis of state capacities in the field of forensic anthropology for the investigation of gross human rights violations Baseline: No systematized data on state services in relation to forensic anthropology exists. Planned Target: Institutional analysis of which systematizes information on resources available and needed and the legal framework necessary to enable the State to offer forensic anthropology services en cases from the internal armed conflict.		During this period September-December 2012, in preparation for the hiring of a consultant to undertake the institutional analysis, various initial meetings were held with the National Institute for Forensic Science (INACIF) to determine present technical capacities and human and financial resources for conducting forensic-anthropology investigations. Meeting were also held with the Guatemalan Forensic Anthropology Foundation (FAFG) to determine possible areas for cooperation and collaboration with the State body. On December 11 2012, a Memorandum of Understanding was signed between INACIF and FAFG, to facilitate further communication, coordination and mutual assistance and in which the FAFG specifically commits to assisting INACIF with the process of obtaining ISO accreditation for its forensic -genetic laboratory. These activities provide important inputs and base-lines for the institutional analysis to be carried out in 2013.	Copy of meeting minutes. Copy of Memorandum of Understanding.

¹¹ Note: Outcomes, outputs, indicators and targets should be **as outlined in the Project Document/Priority Plan or PMP specific** so that you report on your **actual achievements against planned targets**. Add rows as required for Outcome 2, 3 etc.

<p><u>1.2.2</u></p> <p>Support to the FAFGs forensic anthropology investigations at the Verbena Cemetery, for the search for victims of the internal armed conflict</p> <p>Indicator: # of progress reports delivered by FAFG to Public Prosecutors' Office on the forensic anthropology investigation at the Verbena Cemetery.</p> <p>Baseline: FAFG delivers monthly progress reports to Public Prosecutors' Office on the forensic anthropology investigation at the Verbena Cemetery.</p> <p>Planned Target: Public Prosecutors Office receives monthly progress reports to Public Prosecutors' Office on the forensic anthropology investigation at the Verbena Cemetery.</p>	<p>Three monthly progress reports (October, November and December) were produced in relation to the exhumations being carried out at the Verbena Cemetery, and presented to the Prosecutors Office.</p>		<p>Copy of progress reports.</p>
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<p><u>1.2.3</u></p> <p>DNA bone samples taken and compared with genetic samples obtained from family members of victims, via the Genetic Database of Victims of the Internal Armed Conflict.</p> <p>Indicator: # of comparative analyses carried out between DNA profiles taken from bone samples and DNA profiles taken from samples provided by relatives of victims of enforced disappearance.</p> <p>Baseline: At June 2012, 625 comparative analyses had been realized on the basis of 2142 DNA samples taken from more than 9,000 skeletons exhumed from the Verbena Cemetery.</p> <p>Planned Target: Annual increase in number of comparative analyses carried out via the genetic database on the basis of DNA samples obtained from skeletons exhumed from the Verbena Cemetery.</p>	<p>During the relevant period, genetic profiles from 192 bone samples exhumed from the Verbena Cemetery, as well as genetic profiles from 587 DNA samples taken from family members of victims, were entered in to the Genetic Database. These samples were compared with the total number of profiles contained in the database, genetic profiles from 1288 bone samples, and 5762 profiles from victims.</p> <p>The public information and media campaign to achieve collection of the greatest number of genetic samples from victims of enforced disappearance was also intensified during the relevant period thanks to funding provided under this project. This led to a significant increase in the number of calls received to the toll-free 1598 number.</p> <p>Significantly, on 5 December 2012 the first identification via DNA technology of a victim recovered from la Verbena was achieved, being Joaquin Lopez Lopez, a man from Escuintla whose disappearance had been reported by his family and whose DNA sample had been taken by the FAFG and entered into the genetic database.</p>		<p>Report received from FAFG.</p>
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<p>Output 1.3</p> <p>Strengthening of partnership between State and civil society for the promotion of the rights to truth, justice, reparation and measures of non-repetition in the framework of transitional justice.</p> <p><u>1.3.1</u></p> <p>Promotion of dialogue between civil society and the State via the development of joint initiatives in the thematic areas of Culture of Peace, Historical Memory and National Reconciliation, promoting international standards on transitional justice, access to justice for victims of the internal armed conflict, psycho-social attention of victims of the internal armed conflict; psycho-social attention for victims during criminal proceedings, strategic communication for the promotion of the rights to truth, justice, reparation for victims of the internal armed conflict; civil society follow up and monitoring of State obligations in the field of transitional justice.</p> <p>Indicator: # of State- Civil society partnerships. # of proposals which progress in relation to transitional justice.</p> <p>Baseline: Weak coordination between civil society and the state on transitional justice issues.</p> <p>Planned Target: At least 4 partnerships supported showing effective progress.</p>		<p>A call for applications was designed and circulated to civil society organizations in November 2012 seeking the presentation of projects in relation to a broad range of strategic issues in truth, justice, reparations and non-repetition components.</p>	<p>Copy of Terms of Reference distributed with call for applications.</p>
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iii) Success Story

In December 2012, the Guatemalan Forensic Anthropology Foundation achieved a major breakthrough with the first identification of a victim exhumed from the Verbena Cemetery, using DNA technology. The body of Joaquin Lopez Lopez was matched with DNA provided by family members, who had provided statements to the effect that Mr Lopez Lopez disappeared near Escuintla – a town to the south of Guatemala City – together with an uncle and brother.

The issue of determining the whereabouts of victims of enforced disappearance from Guatemala's internal armed conflict is a central transitional justice issue in Guatemala. As in other Latin American countries, many important human rights organizations in the country were created on this basis, and continue to demand State action, including the establishment of search mechanisms under the auspices of a National Search Commission. In light of the absence of political will, non-state technical bodies such as the FAFG have forged ahead with this investigative work, in the hope of helping provide an answer to the families of an estimated 45,000 victims of enforced disappearance, whose whereabouts still remain unknown. The exhumations at the Verbena Cemetery and analysis of DNA profiles extracted from bone samples with DNA profiles collected from family members has been a major component of this investigative work.

With the identification of Joaquin Lopez Lopez, the investigative hypothesis of the FAFG that there is a probability that victims of enforced disappearance during the conflict were taken to the Cemetery and buried as "XX" has been confirmed.

This achievement will provide hope to other families still seeking the whereabouts of their loved ones, and forms part of an important process of clarifying the past and ensuring both victims and Guatemalan society know the truth about the widespread violations of human rights committed. This truth is an essential component of peacebuilding in Guatemala.

III. Monitoring Arrangements

Project progress is monitored via regular contact and follows up with implementing partners, written reports and the maintenance of results-based monitoring matrix.

IV. Programmatic Revisions (if applicable)

None.

V. Resources (Optional)

This Project forms part of the broader Transitional Justice Accompaniment Programme, a 5 year multi-donor programme which supports institutional strengthening of State entities as well as civil society organizations for the purpose of promoting the rights of victims' of gross human rights violations to truth, justice, reparations and guarantees of non-repetition. The funds provided under this Project form part of an overall budget of approximately \$36,000,000 USD.