



TEMPLATE 4.4

PEACEBUILDING FUND (PBF)
ANNUAL PROJECT PROGRESS REPORT

COUNTRY:
REPORTING PERIOD: 1 JANUARY – 31 DECEMBER 2013

Programme Title & Project Number
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 (if applicable)
MPTF Office Project Reference Number:1

Recipient UN Organizations
List the organizations that have received direct funding from the MPTF Office under this programme: United Nations Development Programme
Office of the United Nations High Commissioner for Human Rights

Implementing Partners
List the national counterparts (government, private, NGOs & others) and other International Organizations: Public Prosecutors Office; Judicial Branch; Guatemalan National Forensic Science Institute; Forensic Anthropology Foundation of Guatemala;

Programme/Project Budget (US\$)
PBF contribution (by RUNO) \$980,000.00
Government Contribution (if applicable)
Other Contributions (donors) (if applicable)
TOTAL: \$980,000.00

Programme Duration
Overall Duration (months) 24 months
Start Date2 (dd.mm.yyyy) 01.09.12
Original End Date3 (dd.mm.yyyy) 31.08.14
Current End date4(dd.mm.yyyy) 31.08.14

Programme Assessment/Review/Mid-Term Eval.
Assessment/Review - if applicable please attach

Report Submitted By
Name: Elizabeth Turner

1 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
2 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
3 As per approval of the original project document by the relevant decision-making body/Steering Committee.
4 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.

Yes No Date:
Mid-Term Evaluation Report – *if applicable please attach*
 Yes No Date:

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

PART 1 – RESULTS PROGRESS

1.1 Assessment of the current project implementation status and results

For PRF projects, please identify Priority Plan outcome and indicators to which this project is contributing:

<p>Priority Plan Outcome to which the project is contributing. Priority Plan Outcome No. 2: Building or strengthening national capacities for promoting peaceful resolution of conflicts and peace consolidation.</p>
<p>Priority Plan Outcome indicator(s) to which project is contributing. Baseline: 65 victims of enforced disappearance identified.</p> <p>Goal for PBF Project: 100</p> <p>Achieved to date: A total of 120</p> <p>Baseline: 3 criminal convictions (of a total of 15 paradigmatic cases prioritized by the Public Prosecutor’s Office)</p> <p>Goal: 5 criminal convictions</p> <p>Achieved to date: 7</p>

For both IRF and PRF projects, please rate this project’s overall achievement of results to date: on track

For both IRF and PRF projects, outline progress against each project outcome, using the format below. The space in the template allows for up to four project outcomes.

Outcome Statement 1: Capacities of the Public Prosecutors Office and the Judicial Branch strengthenig to investigate, process and punish gross violations of human rights committed during the internal armed conflict, with special emphasis on gender-based violence.

Rate the current status of the outcome: on track

<p>Indicator 1:</p> <p># 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.</p> <p>Indicator 2:</p> <p>Indicator Increase in cases of gross human rights</p>	<p>Baseline: 6 existing institutional strengthening tools within the Internal Armed Conflict Unit of the Human Rights Division.</p> <p>Target: At least 2 new institutional strengthening tools created.</p> <p>Progress:Database of digitalized files from created; Matríz for analysis of file content for investigation and prosecution strategies created.</p>
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<p>violations without plaintiff in the framework of an investigation strategy, especially cases of gender-based violence.</p> <p>Indicator 3: # 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.</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>Target: Increase by 20% in the number of cases without plaintiff in the framework of the investigation strategy.</p> <p>Progress:</p> <p>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.</p> <p>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.</p> <p>Progress: 4 trainings carried out during 2013; target met.</p>
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Output progress

List the key outputs achieved under this Outcome in the reporting period (1000 character limit). Outputs are the immediate deliverables for a project.

1. Inventory of files relating to internal armed conflict located in Departmental and Municipal offices of the Public Prosecutors Office in the 4 regions most affected by the internal armed conflict completed and the process of scanning commenced. A matrix was also designed to enable the organization and analysis of the information contained in the files and the process of data-entry commenced. 2. Support continued to 2 civil society organisations to progress the investigation of cases of sexual violence against women. 3. Over 100 first instance and trial judge judges (divided into 4 groups) from 10 departments of Guatemala were trained. These courses were complemented by round-table discussions with eminent international law jurists and the organization of public events for generating debate with the participation of distinguished international experts.

Outcome progress

Describe progress made during the reporting period toward the achievement of this outcome. This analysis should reflect the above indicator progress and the output achievement. Is there evidence of the outcome contributing to peacebuilding and to the specific conflict triggers (3000 character limit)?

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 (January - December 2013), 3 convictions were achieved in the following cases:

- In March, a Military Commissioner was found guilty of the crimes of enforced disappearance and crimes against humanity in Edgar Paredes Cheguen case;
- In May, a guilty verdict for genocide and crimes against humanity was achieved in proceedings against former de facto Head of State Efraín Ríos Montt. The decision was celebrated internationally as a breakthrough not only for justice for victims of Guatemala's genocide, but for transitional justice in general, in that it represents the first time a perpetrator of genocide has been convicted at the domestic level. Furthermore, it reflects the huge advances that Guatemala's justice system had made towards building capacity to bring complex cases involving international crimes committed decades ago to trial, and to do so successfully despite a highly charged political environment.
- In September 2013, an Army Colonel as well as the Ex- Director of the National Police were convicted of the crime of enforced disappearance and sentenced to 40 years jail, in the of Edgar Fernando García.

These convictions bring the total number of convictions achieved in the life of the Project (September 2012 –December 2013) so far to 4, which combined with the baseline of 3 prior to the project, brings the total number to 7 convictions. These judgments contribute to advancing transitional justice, rule of law and peace building on a number of levels.

Firstly, these decisions fulfil victims' right to justice. On an individual level, they represent an important step forward with respect to providing justice to victims who have suffered violations of their most fundamental human rights, an injustice only compounded by decades of impunity, a further violation of a basic right. Such convictions have a reparatory and healing effect for the families of the specific victims in these cases.

Secondly, beyond fulfilling the right to justice of the family members of victims in the specific cases, these convictions have a broader impact to the extent that they send an important message to all of Guatemalan society that impunity for gross violations of human rights will not be tolerated, that no one is above the law and violators of human rights can be tried and punished, regardless of whether such individuals enjoy political or social privileges. This promotes confidence in the rule of law and in justice institutions as a forerunner achieving redress, in which in turn contributes to peacebuilding.

Reasons for low achievement and rectifying measures

If sufficient progress is not being made, what are the key reasons, bottlenecks and challenges? Were these foreseen in the risk matrix? How are they being addressed and what will be the rectifying measures (1500 character limit)?

Analisis de riesgos, hipótesis, medidas de abordaje del riesgo y de rectificación

Outcome Statement 2: Strengthening of State and civil society capacities to conduct forensic-anthropology investigations to search for and identify victims of the internal armed conflict

Rate the current status of the outcome: on track

<p>Indicator 1: Existence of an institutional analysis of state capacities in the field of forensic anthropology for the investigation of gross human rights violations.</p> <p>Indicator 2: # of progress reports delivered by FAFG to the Public Prosecutors Office on the forensic anthropology investigation at the Verbena Cementery.</p> <p>Indicator 3: # 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: No systematized data on state services in relation to forensic anthropology exists. Target: Institutional analysis which systematizes information on resources available and needed and the legal framework necessary to enable the State to offer forensic anthropology services in cases of the internal armed conflict. Progress:First draft of analysis completed.</p> <p>Baseline: FAFG delivers monthly progress reports to the Public Prosecutors Office on the forensic anthropology investigation at the Verbena Cementery. Target: Public Prosecutor receives monthly progress reports on the forensic anthropology investigation at the Verbena cementery. Progress:12 Monthly progress reports were provided to the Public Prosecutors office.</p> <p>Baseline: At June 2012, 626 comparative analyses had been realized on the basis of 2142 DNA samples taken from more than 9,000 skeletons exhumed from the Verbena cementery. 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 Cementery. Progress:Genetic profiles from 2,064 bone samples exhumed from the Verbena Cementery, as well as genetic profiles from 4,406 DNA samples taken from family members of victims, were entered into the Genetic Database. These samples were compared with the total number of profiles contained in the database.</p>
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Output progress

List the key outputs achieved under this Outcome in the reporting period (1000 character limit). Outputs are the immediate deliverables for a project.

A Consultant was hired in October to carry out an analysis of the capacities of the National Forensic Science Institute (INACIF for its initials in Spanish) to undertake exhumations, and a wide ranging consultation process supported to ensure the views of all relevant PAJUST State and non-State partners were taken into account. A first draft of the Report was provided for feedback in December, with the final version to be delivered in early 2014. The exhumation of the Verbena Cementery by the Guatemalan Forensic Anthropology Foundation concluded in mid-2013 and monthly progress reports were provided to the Public Prosecutors Office, as well as DNA profiles from bone samples and from relatives of victims of enforced disappearance being entered on a continuous basis into a genetic database.

Outcome progress

Describe progress made during the reporting period toward the achievement of this outcome. This analysis should reflect the above indicator progress and the output achievement. Is there evidence of the outcome contributing to peacebuilding and to the specific conflict triggers (3000 character limit)?

In 2013, the Guatemalan Anthropology Foundation has achieved over 30 new identifications of victims of enforced disappearance exhumed from mass graves in both rural and urban settings, and in particular from a former military base (known as “CREOMPAZ”) in the mountainous central-north of Guatemala.

These identifications mean the fulfillment of a fundamental right of family members of victims of enforced disappearances, now enshrined in international law: the right to know the fate of the disappeared, and in the case of their death, to have their remains respected and returned. Without DNA technology, this right in a large majority of cases is impossible to fulfill, as even in those few cases in which the bodies are located and exhumed, the time that has elapsed between the date of the disappearance and their exhumation means that the remains are often significantly decomposed, making other identification methods unavailable.

As in the case of the criminal convictions detailed above, beyond fulfilling the rights of the family members to know the fate of the individual victims of enforced disappearance, these identifications have a broader impact on society, to the extent that they provide scientific proof to support both victims claims as well as the findings of the truth commissions that enforced disappearances were conducted – systematically, and massively – by State forces (in particular the Army) throughout the internal armed conflict. The identification of large numbers of individuals who were reported missing and in some cases seen to be taken by the Army at the CREOMPAZ site, is strong evidence that such sites were indeed centers for gross human rights violations.

This contributes to fulfilling Guatemalan society’s collective right to know, and strengthens peacebuilding to the extent that it helps provides a safeguard against the recurrence of violations .

These identifications also contribute to justice, and reparations. The expert evidence provided by Forensic Anthropologists is being incorporated into criminal investigations underway to identify perpetrators of the crimes of enforced disappearances. The identification and return of victims remains to family members also has a profoundly reparatory effect, enabling those grieving to finally mourn their loss – after in many cases decades of not knowing, an uncertainty which has been

recognized by international courts to cause profound emotional trauma – and to move on with their lives. Reparation of victims – such as via the identification and return of the remains of the missing - is part of an ongoing process of individual and collective healing which forms an integral part of overcoming the legacies of the past and building peace for the future.

Reasons for low achievement and rectifying measures

If sufficient progress is not being made, what are the key reasons, bottlenecks and challenges? Were these foreseen in the risk matrix? How are they being addressed and what will be the rectifying measures (1500 character limit)?

Outcome Statement 3: 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.

Rate the current status of the outcome: on track

<p>Indicator 1: #of State-civil society partnerships.</p> <p>Indicator 2: # of proposals which progress in relation to transitional justice.</p> <p>Indicator 3:</p>	<p>Baseline: Weak coordination between civil society and the State on transitional justice issues.</p> <p>Target: At least 4 partnerships supported showing effective progress</p> <p>Progress:17 partnerships in place supported by this PBF Project and the broader PAJUST programme.</p> <p>Baseline: Target: Progress:</p> <p>Baseline: Target: Progress:</p>
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Output progress

List the key outputs achieved under this Outcome in the reporting period (1000 character limit). Outputs are the immediate deliverables for a project.

PAJUST continued to convene project partners to meetings and workshops to stimulate relationship building and alliances, between civil society organizations, and between civil society and state bodies. PAJUST currently supports 17 civil society projects, across a wide range of transitional justice issues, which commenced implementation in April 2013. These civil society partners actively coordinate in a range of ways with diverse State bodies, including: sharing responsibilities for victim support (for example between organizations implementing psycho-social work and the National Reparations Programme), technical assistance (International Commission of Jurists and the Public Prosecutors office; Guatemalan Study Commission (CEG) and Congressional Committees on ratification of international conventions;),

provision of teaching materials to schools (the Human Rights Office of the Archbishop of Guatemala with the Ministry of Education), among others.

Outcome progress

Describe progress made during the reporting period toward the achievement of this outcome. This analysis should reflect the above indicator progress and the output achievement. Is there evidence of the outcome contributing to peacebuilding and to the specific conflict triggers (3000 character limit)?

PBF 9 has supported civil society organizations to promote a broad range of transitional justice and peacebuilding initiatives, and in doing so to seek out alliances with relevant State actors. After their decimation during the internal armed conflict, the re-emergence and consolidation of civil society organizations in the post-conflict period has contributed significantly to progress achieved in fulfilling victims’ rights to truth, justice and reparations and to strengthening civil participation and democracy. Such organizations play a range of roles, including providing technical assistance to institutions, drafting and lobbying law, policy and institutional reform proposals, facilitating victim consultation and participation, carrying out public information campaigns, providing training and social auditing, among others. The diversity of these roles is a positive indicator of the evolution of civil society, in which many victims and human rights organizations have moved away from an antagonistic or confrontational standpoint and are able to develop constructive roles in coordination with State entities. The success of these relationships with State bodies also depends, however, on the political will of the State actors to work with organizations in a constructive and non-confrontational way. Over time, the increasing empowerment of civil society is a positive indicator of transformation of one factor which contributed to the internal armed conflict and its devastating consequences: the weakness of civil society in the face of exclusionary and repressive political system. To the extent that political space is created and consolidated for a greater diversity of expressions of civil society – including victims and human rights groups which promote transitional justice and reconciliation – peacebuilding occurs, and the risk of a return to conflict is lessened.

Reasons for low achievement and rectifying measures

If sufficient progress is not being made, what are the key reasons, bottlenecks and challenges? Were these foreseen in the risk matrix? How are they being addressed and what will be the rectifying measures (1500 character limit)?

Outcome Statement 4:

Rate the current status of the outcome: on track

Indicator 1:	Baseline: Target: Progress:
Indicator 2:	Baseline: Target: Progress:

Indicator 3:	Baseline: Target: Progress:
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Output progress

List the key outputs achieved under this Outcome in the reporting period (1000 character limit). Outputs are the immediate deliverables for a project.

Outcome progress

Describe progress made during the reporting period toward the achievement of this outcome. This analysis should reflect the above indicator progress and the output achievement. Is there evidence of the outcome contributing to peacebuilding and to the specific conflict triggers (3000 character limit)?

Reasons for low achievement and rectifying measures

If sufficient progress is not being made, what are the key reasons, bottlenecks and challenges? Were these foreseen in the risk matrix? How are they being addressed and what will be the rectifying measures (1500 character limit)?

1.2 Assessment of project evidence base, risk, catalytic effects, gender in the reporting period

<u>Evidence base</u> : What is the evidence base for this report and for project progress? What consultation/validation process has taken place on this report (1000 character limit)?	The evidence bases for this report include written Annual Reports provided to PAJUST by our State and civil society partners; monitoring meetings with partners; field visits to monitor project activities; Executive Board meetings.
<u>Funding gaps</u> : Did the project fill critical funding gaps in peacebuilding in the country? Briefly describe. (1500 character limit)	PBF9 provided important funding to complement and extend existing initiatives being supported by the Transitional Justice Accompaniment Programme (PAJUST). For example, it enabled the Programme to include a large scale training programme for judges on international human rights and international humanitarian law, complementing work undertaken with Prosecutors. It also providing additional and much needed funding for the DNA laboratory housed within the Guatemalan Forensic Anthropology Foundation, and to enable that Foundation to complete forensic investigations into the fate of victims of enforced disappearance at the Verbena cemetery.
<u>Catalytic effects</u> : Did the project achieve any catalytic effects, either through attracting additional funding commitments or creating	As mentioned above, the genocide conviction of Efraim Rios Montt - to which PBF9 contributed both via support to the Public Prosecutors Office and via support to victims and expert witnesses (FAFG) – had the catalytic effect of generating a

<p>immediate conditions to unblock/accelerate peace relevant processes? Briefly describe. (1500 character limit)</p>	<p>renewed interest in Guatemala’s history and in stimulating historical memory projects and public debate around issues of the internal armed conflict.</p> <p>In terms of financing, PBF9 support to the dignification and reconciliation initiative Memorial para la Concordia, led to other international donors – specifically the German and Taiwanese embassies - also agreeing to provide funding. PBF funding plus the additional funding obtained has enabled the initiative to make progress in building a Cultural Centre which will be the site for artistic, cultural and educational events aimed at promoting dialogue and reconciliation within diverse sectors of Guatemalan society.</p>
<p><u>Risk taking/ innovation</u>: Did the project support any innovative or risky activities to achieve peacebuilding results? What were they and what was the result? (1500 character limit)</p>	<p>This project, in relation to Outcome Statement 3, has provided support to the victim dignification and reconciliation initiative Memorial para la Concordia. Some UN agencies and civil society organisations had initially expressed doubts about this initiative, given perceived weaknesses relating to levels of victim participation. In order to assist the initiative to strengthen this aspect, the project focussed on a consultation process in 3 key regions of the country with a range of victims and civil society organisations, in order to receive feedback on the proposal. This process was very successful, with organisations not only supporting the overall goals of the initiative, but offering to participate on an ongoing basis to achieve its practical consolidation.</p>
<p><u>Gender marker</u>: Is the original gender marker for the project still the right one? Have gender considerations been mainstreamed in the project to the extent possible? Briefly justify. (1500 character limit)</p>	<p>The original gender (2) remains valid. A focus on strengthening access to justice for women victims of sexual violence has been included specifically in relation to Outcome Statement 1, via ensuring that the matrix designed for analysis of files pertaining to the conflict reflects the specific crimes - including sexual violence - suffered by women, and via supporting 2 plaintiff organisations to progress investigations on cases of rape and sexual violence against women during the conflict.</p>

PART 2: LESSONS LEARNED AND SUCCESS STORY

2.1 Lessons learned

Provide at least three key lessons learned from the implementation of the project. These can include lessons on the themes supported by the project or the project processes and management.

<p>Lesson 1 (1000 character limit)</p>	<p><input type="checkbox"/> Legal strategies to prosecute international crimes must be accompanied by public information and media strategies, to ensure the public is adequately informed about the origins and purposes of the cases.</p>
<p>Lesson 2 (1000 character limit)</p>	<p><input type="checkbox"/> Identification of victims using DNA technology requires accumulating a critical mass of samples from family members of victims, using ongoing outreach campaigns.</p>

Lesson 3 (1000 character limit)	<input type="checkbox"/> Effective State-civil society alliances for promoting initiatives in the transitional justice field can take a broad range of forms and must be adaptable and flexible to accommodate varying levels of political will and technical capacities within State institutions.
Lesson 4 (1000 character limit)	
Lesson 5 (1000 character limit)	

2.2 Success story (OPTIONAL)

Provide one success story from the project implementation which can be shared on the PBSO website and Newsletter as well as the Annual Report on Fund performance. Please include key facts and figures and any citations (3000 character limit).

See Mario Chen story, attached, relating to the identification of his mother, Martina Rojas, by the Guatemalan Forensic Anthropology Foundation - FAFG - using forensic anthropology and DNA technology.

PART 3 – FINANCIAL PROGRESS AND MANAGEMENT ARRANGEMENTS

3.1 Comments on the overall state of financial expenditure

Please rate whether project financial expenditures are on track, slightly delayed, or off track: on track

If expenditure is delayed or off track, please provide a brief explanation (500 characters maximum):

3.2 Comments on management and implementation arrangements

Please comment on the management and implementation arrangements for the project, such as: the effectiveness of the implementation partnerships, coordination/coherence with other projects, any South-South cooperation, the modalities of support, any capacity building aspect, the use of partner country systems if any, the support by the PBF Secretariat and oversight by the Joint Steering Committee (for PRF only). Please also mention if there have been any changes to the project (what kind and when); or whether any changes are envisaged in the near future (2000 character maximum):

This project complements the larger Transitional Justice Accompaniment Programme being implemented by UNDP, and benefits from the management and monitoring structures in place for that larger programme. It is therefore totally coherent with, and integrated into, the PAJUST programme for management and implementation purposes. This will continue for the remainder of the Project, until its completion at the end of August 2014.