



[GUATEMALA]

**PROJECT HALF YEARLY PROGRESS UPDATE**

**PERIOD COVERED: JANUARY – JUNE 2014**

<b>Project No &amp; Title:</b>	PBF 83915 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.		
<b>Recipient Organization(s)<sup>1</sup>:</b>	United Nations Development Programme Office of the United Nations High Commissioner for Human Rights		
<b>Implementing Partners (Government, UN agencies, NGOs etc):</b>	Public Prosecutors' Office; Judicial Branch; Guatemalan National Forensic Science Institute; Guatemalan Forensic Anthropology Foundation; and Civil society organizations.		
<b>Location:</b>	Guatemala		
<b>Total Approved Budget :<sup>2</sup></b>	\$980,000		
<b>Preliminary data on funds committed :<sup>3</sup></b>	US\$14,666.80	<b>% of funds committed / total approved budget:</b>	1.50%
<b>Expenditure<sup>4</sup>:</b>	US\$947,652.24	<b>% of expenditure / total budget: (Delivery rate)</b>	96.70%
<b>Project Approval Date:</b>	01.09.12	<b>Possible delay in operational closure date (Number of months)</b>	
<b>Project Start Date:</b>	01.09.12		

<sup>1</sup> Please note that where there are multiple agencies, only one consolidated project report should be submitted.

<sup>2</sup> Approved budget is the amount transferred to Recipient Organisations.

<sup>3</sup> Funds committed are defined as the commitments made through legal contracts for services and works according to the financial regulations and procedures of the Recipient Organisations. Provide preliminary data only.

<sup>4</sup> Actual payments (contracts, services, works) made on commitments.

<sup>5</sup> PBF focus areas are:

1: Support the implementation of peace agreements and political dialogue (Priority Area 1):

(1.1) SSR, (1.2) RoL; (1.3) DDR; (1.4) Political Dialogue;

2: Promote coexistence and peaceful resolution of conflicts (Priority Area 2):

(2.1) National reconciliation; (2.1) Democratic Governance; (2.3) Management of natural resources;

3: Revitalise the economy and generate immediate peace dividends (Priority Area 3):

(3.1) Short-term employment generation; (3.2) Sustainable livelihoods

4) (Re)-establish essential administrative services (Priority Area 4)

(4.1) Public administration; (4.2) Public service delivery (including infrastructure).

<b>Expected Operational Project Closure Date:</b>	31.08.14		
<b>Project Outcomes:</b>	Priority Area 2 of Guatemalan Priority Plan Outcome No. 5		
<b>PBF Focus Area<sup>5</sup></b>			

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## Qualitative assessment of progress

<p><i>For each intended outcome, provide evidence of progress during the reporting period.</i></p> <p><i>In addition, for each outcome include the outputs achieved. (500 words max.)</i></p>	<p>The Planned Target relative to the PBF Outcome is 5 convictions in paradigmatic cases of the internal armed conflict. No further convictions were achieved in paradigmatic cases were achieved during this period. One factor contributing to this was the carrying out of the procedure for the appointment of the new Attorney General during this semester. The previous Attorney General, Dra. Claudia Paz y Paz, presented her application to the appointment commission and achieved the second highest ranking on technical merits. However, a tense political climate surrounded the work of the Commission, with certain sectors - allied to the military- publicly insisting that Dra. Paz not be considered for re-appointment. Among the reasons for this, her support for human rights cases which achieved convictions in previous years. For this reason, despite the investigation process having concluded in many cases, it is possible that apprehension orders were not sought by Dra Paz during this period prior to the conclusion of her term on 17 May, probably because such actions could be regarded as highly polemic in the political environment and could have negatively affected Dra. Pazs possibility of re-appointment.</p> <p>One case did go to trial during this period, however. A case involved in the enforced disappearance of 3 indigenous victims (Jacobo López Laj, Rodolfo López Quej y Francisco Guerrero López) from the rural town of Tactic. Two former Military Commissioners stood trial for the crimes in early June, however they were acquitted on spurious grounds involving legal argumentation which contradicts international and national human rights standards as well as constitutional law. The fact that the daughter of one of the accused is a known - and incarcerated- drug trafficker, connected to criminal networks in the region with the capacity to bribe members of the judiciary may have influenced this result. The decision of the Sentencing tribunal has been appealed.</p> <p>With respect to Project Outputs:</p> <p>With respect to the measures being implemented to strengthen the Human Rights Division of the Public Prosecutors Office (Output 1.1), during this semester of 2014, the team of 4 Analysts was increased to 8, in order to complete a major project to inventory, scan and systematize hundreds of</p>
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files relating to the internal armed conflict found in Departmental and Municipal offices of the Public Prosecutors Office in the 4 regions most affected by the internal armed conflict according to the report of the Historical Clarification Commission. From January to May, the team of analysts cleaned, organized, scanned hundreds of documents contained in files relating to crimes committed during the internal armed conflict obtained from the rural prosecutors' offices, and registered all scanned documents in a database designed for this purpose. The archives, inventoried, organized, scanned and registered were then returned to prosecutors from the Special Cases Unit of the Human Rights Division and to the Department of Information Systems for Case Control of the Public Prosecutors Office. During the month of June, 4 analysts, together with Prosecutors, commenced the process of analyzing and systematizing the information contained in these files. With the completion of the Database and Matrix, the planned target (1.1.1) of 2 institutional strengthening tools has been achieved.

This process is enabling Prosecutors to gain a truer picture of the universe of human rights crimes committed during the conflict will emerge, to connect individual events to determine the occurrence of system crimes – such as genocide and crimes against humanity - and to pursue appropriate criminal investigation and prosecution strategies which provide access to justice to a wider group of victims. Particular attention will be given in this process to information with respect to gender and sexual violence against women.

With respect to the planned target 1.1.2, relating to support to 19 judicial cases, including 4 for sexual violence, support continued to be provided during this semester of 2014 to two organizations pursuing justice in 2 cases for women victims of sexual violence during the conflict. In one of these cases - the Sepur Zarco case which seeks justice for 15 women victims of sexual violence suffered at a military establishment during the internal armed conflict - a breakthrough was achieved with 2 ex members of the Military (a Lieutenant and Military Commissioner) being apprehended in June, and brought before the Court for their first hearings, pending trial. Whilst 3 other perpetrators identified by Prosecutors are still to be captured, the capture of these two individuals represents important progress in the case, with a trial date expected to be set for early 2015. It is important to highlight that this case is the FIRST case in Guatemala to specifically seek justice for sexual violence against women during the conflict, and will be a litmus test of the capacity of the judicial system to a try and

	<p>punish the perpetrators in the case in accordance with standards and principles of international law.</p> <p>With respect to the planned target 1.1.3 with respect to 4 trainings of judges, no further activities were implemented during this period, given that the training courses for judges within the framework of this project were completed during 2013.</p> <p>With respect to 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 - the planned target of an institutional analysis with respect to State capacity to offer forensic anthropology services, target (1.2.1) was achieved with the completion of a 3 month study and presentation of an analytical report on the subject. This report concluded that whilst the State body - the Guatemalan Institute for Forensic Science (INACIF for its initials in Spanish) - has a sufficient legal mandate to carry out forensic anthropology work, its current budgetary and institutional capacities are insufficient. A process of institutional strengthening is possible; however such a process should be gradual and must involve full cooperation of the current non-government body undertaking this work, the Guatemalan Forensic Anthropology Foundation (FAFG). The study also highlights the importance of strengthening the investigative role of the Public Prosecutors Office in forensic anthropology processes, and its potential to play a central role in coordinating with civil society groups.</p> <p>With respect to target 1.2.2, relating to the receipt by the Prosecutors office of monthly progress reports with respect to the investigation at the Verbena Cemetery, this target was also achieved with 6 reports being presented as planned with respect to the progress in processing remains recovered from the site.</p> <p>With respect to target 1.2.3, relating to increasing comparative analyses in the genetic database, during this period further genetic profiles from bone samples, as well genetic profiles from DNA samples taken from family members of victims, were entered into the genetic database for processing. As a result of this work, the FAFG has achieved an outstanding result of additional 40 identifications of victims during this first semester of 2014.</p>
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	<p>With respect to Output 1.3 - Strengthening of partnerships between State and civil society for the promoting of the rights to truth, justice, reparation and measures of non-repetition - during this period - PAJUST continued to facilitate coordination between partners. During this period PAJUST increased its support to civil society from the 17 projects being supported since 2013, to 28 as of February 2014, with the signing of 11 new contracts to support organizations which provide legal support to victims seeking to recover, dignify and bury deceased or disappeared family members via the exhumation-inhumation process.</p> <p>In this regard, important progress was made via the establishment of 3 departmental coordination roundtables between these 11 organizations and the National Reparations program in relation to exhumation and inhumations. This builds on previous coordination mechanisms, by establishing roundtables specific to the 3 regions (Huehuetenango, Quiche, and Verapaces), and facilitating the creation of a joint matrix which reflects pending cases and supports decision making to streamline procedures and fast track solutions to avoid further delays in the processes. This is important progress, as by the establishment of these roundtables as a practical and operational measure, processes which have been in standby for many months have been unblocked with concrete results for victims. Relationships of mutual trust between State and civil society actors are also bolstered.</p> <p>Furthermore, with respect to coordination between State and civil society partners with respect to the 3590 law to create a National Search Commission for the Disappeared, joint efforts achieved the inclusion of the law in the agenda of the Congress, and the completion of a "first reading" in May. The "second reading" and passage is now pending.</p> <p>With these 28 projects being supported, to build partnership with State entities with respect to transitional justice issues, the planned target of 4 partnerships has been met and exceeded.</p>
<p><i>Do you see evidence that the project is having a positive impact on peacebuilding?</i></p>	<p>To the extent that the project to making progress with respect to fulfilling victims right to truth and justice, and to building trust between State and civil society actors via effective partnerships, a positive impact on peacebuilding is being achieved.</p>

<p><i>(250 words max.)</i></p>	<p>The new Attorney General Thelma Aldana took office on 18 May. Speculations as to the immediate dismantling of the Human Rights Division, a halt to investigations and prosecutions for crimes of the internal armed conflict and a campaign to criminalize human rights defenders who promote transitional justice have so far been unfounded. It is very early to make determinations as to the institutional and prosecutorial priorities of the new Attorney General, however early indications have been positive with respect to a commitment to allow cases to continue their procedural course and to continue with capacity building processes, including those within the Human Rights Division. This is positive for peacebuilding.</p> <p>In addition, the capture on 14 June of 2 former members of the Military in relation to sexual crimes committed during the conflict against 15 women the Sepur Zarco military facility, is a concrete case in point. This investigation and prosecution of this case has been supported during the life of this Project – both via the Human Rights Division and support to the plaintiff organization – and it is expected that the case will be brought to trial in the coming months. This will be first time a case which specifically highlights the use of sexual violence against women during the internal armed conflict is brought to trial. This is historic, and ground-breaking progress for women victims of the internal armed conflict in Guatemala, which also contributes to peacebuilding.</p>
<p><i>Were there catalytic effects from the project in the period reported, including additional funding commitments or unleashing/ unblocking of any peace relevant processes?</i> <i>(250 words max.)</i></p>	<p>The results obtained due to the additional funding provided by this project to the PAJUST program have been influential in negotiations with donors carried out during this semester with respect to funding for a further 5 year phase of PAJUST. Whilst additional funding amounts are still to be confirmed, requests for further funding have received positive indications from at least one major donor to the program.</p> <p>As highlighted above, the Projects specific support to strengthening national capacities in cases of gender and sexual violence against women in the conflict, contributed to the major breakthrough of the capture of suspects in a paradigmatic case of sexual slavery. The results of this case will provide hope to the many other hundreds of women victims of sexual violence during the conflict, whose suffering has remained unacknowledged, and to whom justice has been denied, for over 3 decades.</p>
<p><i>If progress has been slow or</i></p>	

<i>inadequate, provide main reasons and what is being done to address them. (250 words max.)</i>	
<i>What are the main activities/expected results for the rest of the year? (250 words max.)</i>	The majority of project activities under each Output will continue until 30 August when the project concludes.
<i>Is there any need to adjust project strategies/ duration/budget etc.? (500 words max.)</i>	No.
<i>Are there any lessons learned from the project in the period reported? (500 words max.)</i>	
<i>What is the project budget expenditure to date (percentage of allocated project budget expensed by the date of the report) – preliminary figures only? (250 words max.)</i>	96.70%
<i>Any other information that the project needs to convey to PBSO (and JSC) at this stage? (250 words max.)</i>	

**INDICATOR BASED PERFORMANCE ASSESSMENT:** *Using the **Project Results Framework** as per the approved project document- provide an update on the achievement of key indicators at both the outcome and output level in the table below. Where it has not been possible to collect data on indicators, state this and provide any explanation in the qualitative text above.*

	<b>Performance Indicators</b>	<b>Indicator Baseline</b>	<b>End of project Indicator Target</b>	<b>Current indicator progress</b>	<b>Reasons for Variance/ Delay (if any)</b>	<b>Adjustment of target (if any)</b>
<b>Outcome 1.1</b> 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	Indicator 1.1.1 # 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	6 existing institutional strengthening tools within the Internal Armed Conflict Unit of the Human Rights Division	At least 2 new institutional strengthening tools created.	Target reached.		
	Indicator 1.1.2 # of judicial cases promoted by plaintiff and advisor organizations.	15 paradigmatic cases of human rights violations committed in the internal armed conflict, including	At least 19 judicial cases including 4 for sexual violence, promoted.	Target reached		

		2 of sexual violence.				
<b>Outcome 1.2</b> Strengthening of State and civil society capacities to conduct forensic-anthropology investigations to search for and identify victims of the internal armed conflict	Indicator 1.2.1 Existence of an institutional analysis of state capacities in the field of forensic anthropology for the investigation of gross human rights violations	No systematized data on state services in relation to forensic anthropology exists	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	Target reached.		
<b>Outcome 1.3</b> Strengthening of partnership between State and civil society for the promotion of the rights to	Indicator 1.3.1 # of State- Civil society partnerships. # of proposals which progress in relation to transitional justice.	Weak coordination between civil society and the state on transitional justice issues.	At least 4 partnerships supported showing effective progress.	Target reached.		

truth, justice, reparation and measures of non-repetition in the framework of transitional justice.						
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