

# GUATEMALA

At the invitation of the UN Program for Development (UNDP), EAAF member Luis Fondebrider participated in an independent delegation created to evaluate the activities of the Guatemalan Forensic Anthropology Foundation (FAFG) between the years 1998 to 2002.

The evaluation was solicited by the three organizations that fund the work of the FAFG: the Dutch government, the Soros Foundation and USAID (US Agency for International Development), together with the UNDP, who administers funding. Because exhumations are seen as crucial link in moving toward national reconciliation in Guatemala, the



Exhumation in Panzos, Alta Verapaz, Guatemala. *Photo courtesy of FAFG, Guatemalan Forensic Anthropology Foundation.*

evaluators sought to understand how the FAFG can best situate itself in relation to contemporary and future forensic work.

In addition to Fondebrider, the delegation also included Dr. Dirk Krujit, a Dutch sociologist specializing in Latin America and chief of the delegation, contracted by the Dutch Embassy, and Francisca Alvarez Medrano, an independent psychologist in Guatemala, contracted by

the Soros Foundation. The evaluation took place during the delegation's visit to Guatemala from June 22 to July 14, 2002.

## HISTORICAL BACKGROUND

According to two major inquiries, conducted by the Guatemalan Catholic Church's Recuperation of Historical Memory Project (REHMI) and the United Nations Committee for Historical Clarification (CEH), during the more than three decade-long conflict between the military and armed opposition in Guatemala, an estimated 200,000 people disappeared or were extrajudicially executed. Among them were social justice activists, labor organizers, and Mayan peasants, many of whom were forced from their villages or were the victims of large-scale rural massacres that eliminated an estimated 600 villages. Another million of Guatemala's ten million inhabitants were internally displaced or in exile outside of the country.

UN-brokered Peace Accords meant to re-establish the rule of law and address the underlying causes of conflict were signed by the Guatemalan government and the URNG (Revolutionary Union for a New Guatemala) guerilla front on December 28, 1996, during the administration of President Alvaro Arzú. On December 19, 1996, shortly before the peace agreement was signed, the Guatemalan National Assembly passed an amnesty law limiting the legal actions that can be taken against perpetrators of war crimes.

The overwhelming majority of abuses during the war have been attributed to the Guatemalan army and their civilian counterparts — including military commissioners and civil patrols — during the late 1970s and early 1980s<sup>1</sup>. Recognizing that the armed forces systematically targeted indigenous communities throughout Guatemala, the 1999 CEH report concluded that the Guatemalan military had carried out genocide in four specific geographic areas of Guatemala. By declaring



**Victims' families visiting FAFG's Laboratory. Photo courtesy of FAFG, Guatemalan Forensic Anthropology Foundation.**

that these massacres constituted genocide, a crime not covered by the amnesty law, the CEH opened an essential space for the prosecution of Guatemalan war criminals.

Critical to the future of reconciliation, as noted by Amnesty International and others, is the fact that many of those responsible for human rights violations are still in power in Guatemala, including former military dictator Efraín Ríos Montt, de facto head of the FRG (Guatemalan Republican Front). Ríos Montt is currently president of the Guatemalan Congress and has declared his candidacy for president in the elections to take place in October 2003. Furthermore, there has been a resurgence of human rights violations, particularly since 2000.

In this climate, relatives of victims continue to demand that incidents of human rights violations are investigated, the mass graves be exhumed, and that the remains of the dead be restored to their families for reburial. In this quest, they are buttressed by the declarations of the CEH report, which concluded that the



**Skeletal analysis of remains exhumed from various sites by FAFG at the FAFG Laboratory. Photo courtesy of FAFG, Guatemalan Forensic Anthropology Foundation.**

clandestine cemeteries and the anxiety which many Guatemalans suffer because they do not know what happened to their loved ones is another manifestation of an open wound in the country. Healing these wounds, the report insists, implies exhuming secret graves, and identifying the disappeared. In this sense, exhumations are “an act of justice and reparation in and of themselves and a fundamental step in following the road of reconciliation.” They constitute an act of justice because they are part of “the right to know the truth.” If human rights prosecutions can proceed in Guatemala, forensic evidence will be central to these trials.

### *Background*

The FAFG was founded in 1992 as the Guatemalan Forensic Anthropology Team and was granted legal status in Guatemala in 1994. In 1997, the organization became the Guatemalan Forensic Anthropology Foundation. In

1997, the Committee for Historical Clarification (CEH) requested that the foundation investigate four representative cases to substantiate testimonies that had been collected with forensic evidence.

The Soros Foundation, initially through its New York office and later through an office established in Guatemala, provided initial institutional support to conduct these investigations at mass graves in Panzos, Belen, Acul and Chel. Subsequently, in agreement with the report of the Committee for Historical Clarification calling for further exhumations, the FAFG solicited funding from the Dutch Embassy in order to continue with their work. SEPAZ, (the Guatemalan Secretary of the Peace, a government organization) simultaneously requested that FAFG develop a plan for conducting exhumations throughout the country. Because SEPAZ did not have sufficient funds for such work, USAID provided economic support for the project. USAID and the Dutch Embassy both agreed to finance exhumations for a longer period.

## Evaluation

Since the first exhumations were conducted in Guatemala, teams of mental health workers have accompanied forensic experts to mass graves in order to work with survivors and family members. This mental health work has taken place in coordination with a national NGO, the Community Studies and Mental Health Team (ECAP) that receives separate funding. ECAP has also been funded by the Dutch Embassy. For this reason, both donors decided to conjoin the two programs — exhumations and mental health, and increase access and effectiveness of the latter with the addition of three institutions: Utz K'aslemal, el Centro Maya Saqbe' and the mental health team of the Mutual Support Group (GAM.) These organizations work in different regions and with different perspectives. The group formed upon uniting these previously independent programs has requested assistance from the UN Development Program (PNUD) for executing and administering the program.

An evaluation had been scheduled at the beginning of 2002. Therefore, the three donors, the Soros Foundation, the Dutch Embassy, and USAID, had met to establish the goals and aims of this process. However, because FAFG members and those working with other forensic and human rights organizations received a series of death threats (please see EAAF's 2001 annual report and the ALAF section in this report), the evaluation was postponed until the middle of June 2002.

The **Reference Terms** of the evaluation included the following aspects:

- general (positive aspects, risks and lessons learned)
- technical components of forensic anthropology

- internal structure of the foundation
- institutional strengthening and reinforcement
- mental health component
- project management (including the role of PNUD)
- general context, including political and security aspects

Because the three principal areas of the evaluation are closely intertwined, during the first ten days of the mission the three evaluators jointly participated in all activities. Among these were interviews with donors, various directors of the FAFG, evaluators from the PNUD-FAFG mental health group, members of the ECAP team and Utz K'aslemal, human rights groups and Guatemalan NGOs, the coordinating group from PNUD, teams of social anthropologists, anthropologists and technicians working in laboratories, and archaeologists.

In addition to meeting with these individuals and organizations, another part of the evaluation included



**Craneal measurement at FAFG Lab. Photo courtesy of FAFG, Guatemalan Forensic Anthropology Foundation.**

reading through the vast documentation produced by FAFG and mental health support groups throughout the years of the period under evaluation. The delegation also made trips to the countryside to talk with local groups that were affected by the war where FAFG had worked.

Some of the most important conclusions reached by the evaluating delegation were:

1. An opinion held across the board by almost all of those we interviewed is that the work of FAFG is a crucial link between civil society and the recent history of the Guatemalan state, critical for the sake of potential reconciliation in the future. This medium- to long-term process implies at the very least the documentation of different actors in the conflict and its aftermath; providing factual proof and evidence of the violence; restoring the remains of victims to their families; ensuring that the reports of exhumations reach competent legal authorities; and that the work in general is a contribution to peace in Guatemala.

For the processes of exhumation and reburial — a vital component in this chain of activities — Guatemala has at its disposal the professional, capable and experienced members of FAFG. The conceptual and financial support of the Soros Foundation, the Dutch Embassy, USAID, and PNUD, has contributed to their work throughout the years.

2. The Foundation brings professionalism, dedication, and significant team spirit to their work despite considerable growth in both personnel and activities in the past years. By international standards, the Foundation's technical expertise, quality of work and forensic expert reports is excellent.

Given the relative youth of many of the current team members (the average age is between 24 and 25) and their inexperience with institutional and political contexts in Guatemala, we recommend an advisory committee to provide technical assistance in the following:

- Capacity building in national political contexts
- Forging stronger linkages with academics
- Improving connections to the indigenous movement
- Institutional reorganization
- Improving linkages with civil society and NGOs



**Burial of human remains from the Laguna Seca case, Chiche, Quiche, Guatemala.**  
*Photo courtesy of FAFG.*

Given the shortage of funding, salaries, benefits and basic infrastructure of related state institutions and public sector (the National Civil Police, the Office of the Attorney General, the Human Rights Ombudsman, the Public Ministry and the Justice Department, for example) it is not realistic to expect state funding for FAFG's exhumation, reburial or



Reburial ceremony for remains recovered in Sacalá, San Martín Jilotepeque, Chimaltenango. *Photo courtesy of FAFG.*

mental health programs now or in the immediate future. Private foundations continue to remain the best avenue of financial support for such work in Guatemala. Nevertheless, the delegation suggests that FAFG might solicit a symbolic commitment of support from the state, for example, a state-owned building or other kind of space for offices. This would be a way of giving official recognition to the FAFG as a professional forensic entity. The committee also recommends that adequate legislation be enacted with regard to forensic work. At the moment, there are few laws to recommend that it take place where appropriate.

3. Regarding the work of the four entities concerned with mental health, the delegation concluded that:

- the interest and dedication of the members of the mental health teams is evident.

- the division between mental health work that takes place during exhumations, mental health work and community mental health is not clear. As a result, each of the four teams working in this area has developed their own particular style of working.

The report was submitted to the soliciting agencies toward the end of 2002, and FAFG is currently in the process of implementing suggestions made within it.

#### FOOTNOTES

1. Ninety-three percent of human rights violations and acts of violence registered by CEH were attributable to actions by the state. The Guatemalan armed forces were considered responsible for 50,000 to 55,000 cases studied by REHMI.