

# **Repairing the irreparable**

## **Reparations for Human Rights Violation in Nebaj, Guatemala**

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**Bachelor Thesis Cultural Anthropology 2012**





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**Reparations for Human Rights Violation in Nebaj, Guatemala**

**Reparar lo irreparable**

**Resarcimiento por violaciones a los Derechos Humanos en Nebaj, Guatemala**

**(Con resume en Español)**

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## **Foreword**

Going to Guatemala and especially carrying out my research was one big adventure. It was scary, difficult at times, but also one of the most valuable experiences I have had and not to be forgotten, a lot of fun! It took a lot of guts, time and dedication on my part but I wouldn't have been able to have this adventure, let alone make it the success it has been, without the help of several people. Tanks go out to the people who made this project possible. Kees Koonings, thank you for your time and wisdom and especially for your undying faith in me and this research. There were many times I didn't know if I was on the right track or what to do next, you always knew how to restore my faith in myself and made me see the grand picture when I once again got lost in the details. I also want to thank my parents, Marijke Bekker and Lex Schouten. Thank you for your everlasting support and encouragement to travel unpaved roads and do what I want to do most. Tim van de Meerendonk also deserves special thanks for his companionship in the preparatory process and especially during my time in the field.

I would like to give special thanks to the people who graciously invited and accepted me into their lives, and without whom this research would not have been possible. I want to thank Domingo, Maria and the children for providing a safe and loving environment to live in, always encouraging me to go out, and having a warm meal ready when I got back from long days in the field. Very special thanks go out to Nicolas, Diego and Felipe for their endless patience with me and my broken Spanish, their enthusiasm for my research and their help with gaining acceptance in the communities; for vouching for me and arranging meetings and interviews that were so crucial for my understanding of the people's lives and histories. Most of all, I want to thank the people that told me their personal stories of the most painful and strenuous times of their lives. Their stories, and the way they told them touched my very core.



## **ACRONYMS AND ABBREVIATIONS**

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ACOPDRI	Movimiento de Desarraigados – Movement for the Uprooted
ASOCDENEB	Asociación de Campesina Desarrollo Nebajense – Rural Development Association Nebaj
ASOMOVIDINQ	Asociación de Movimiento de Victimas para el Desarrollo Integral Nebaj Quiche – Association of Victims Movement for Integral Development in Nebaj Quiche
CEH	Comisión para el Esclarecimiento Histórico – Commission for Historical Clarification (UN)
COCODE	Consejo Comunitario de Desarrollo
CONVIGUA	Coordinadora Nacional de Viudas de Guatemala
CV	Comité de Victimas – Victims Committee
EGP	Ejército Guerrillero de los Pobres – Poor Peoples Army
Fonapaz	Fondo Nacional para la Paz – National Fund for Peace.
URNG	Unidad Revolucionaria Nacional Guatemalteca – National Guatemalan Revolutionary Unity
UN	United Nations
MINUGUA	United Nations Verification Mission in Guatemala
NGO	Non Governmental Organization
PNR	Programa Nacional de Resarcimiento - National Reparations Programme
REMHI	Recuperación de Memoria Histórica – Recovery of Historical Memory (Catholic Church)
RENAP	Registro Nacional de las Personas – National Registry for Persons

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## **Introduction**

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In Guatemala, the signing of comprehensive peace accords in 1996 ended a 36-year period of violence and gross human rights violations, also referred to as the internal armed conflict. Guatemala had to recover from gross human rights violations that resulted in an estimated 200.000 dead one million internally displaced and 150.000 refugees that fled to Mexico. The UN-sponsored Commission for Historical Clarification (CEH)<sup>2</sup> concluded that the State was responsible for 93% of the deaths and 83% of the victims were Mayan (CEH 1999:9). The CEH recommended the instalment of a National Reparations Program (PNR)<sup>3</sup> that was finally established in 2003 under the presidency of Portillo. This program is designed to compensate victims and their relatives for their loss and suffering in the form of five kinds of reparations: material restitution, monetary reparation, psychosocial reparation and rehabilitation, cultural reparation and dignifying the victims.

The State's responsibility for compensating the victims is a form of accountability and justice. This calls for a shared truth and definition of victim-identity and the amount of suffering they went through. This study focuses on local implications of the implementation of reparations, specifically the definition of beneficiary and the affects of the different kinds of reparations the PNR is supposed to provide. How is the program perceived at micro-level? How are local personal and collective memory and perceptions of truth transformed and fitted in to the categories and guidelines of the National Reparations Program? How are different kinds of reparations perceived by victims? Lieselotte Viaene's 2010 doctoral dissertation functions as an inspiration for this research. Her study focuses on the meaning of financial reparations within the Mayan Cosmo vision. The focus of my study differs, aiming to shed light on local processes of victim-identification in response to the National Reparations Programme and the meaning of different kinds of reparations for the local population. Viaene (2010b:14; 2011) does shed some light on this process, observing the mismatch between the PNR's categorization of beneficiary and micro-level realities of victim-identity. In this study, I will elaborate on this issue by analysing the functioning of the PNR, its relation to victim identification and local assessments of reparation and the micro-politics of accessing different kinds of reparations. I will further explain this from chapter two onward.

I have conducted anthropological fieldwork in Nebaj, a town in the highlands of Guatemala, to research these micro-level processes and perceptions. Nebaj is situated in the

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<sup>2</sup> Comisión para el Esclarecimiento Histórico

<sup>3</sup> Programa Nacional Resarcimiento

Ixil triangle, which was heavily affected by genocide violence during the late 70's and early 80's of the twentieth century. Therefore, reparations and reconciliation are highly relevant in the lives of the Ixil people. The goal of this research is to gain knowledge of local perceptions of reparations in order to understand the place and meaning of reparations as a mechanism for dealing with a violent past. The question this study aims to answer is how different kinds of reparations for genocide victims are accessed and perceived by the population of Nebaj, Guatemala.

I resided in Nebaj from the end of February until April 2012. During these two months, I lived with a local family, ate their food, spoke Spanish and learned their way of life in order to enhance the quality of my interpretation and analysis of the data I gathered. My main methods were interviewing and participant observation. This was supplemented by many informal conversations and analysis of archives and documents. I conducted 13 in-depth interviews and had twenty-one informal conversations with people at every level of implementation of reparations. I spoke with members of victims committees (CV)<sup>4</sup>, local NGO's, PNR and Fonapaz<sup>5</sup> staff, applicants and beneficiaries of the program as well as with people who had never heard of it. I regularly asked for feedback from my most trusted informants; who helped me to constantly reflect and refine my techniques.

The method of participant observation requires acceptance and much time spent in the research community. Gaining access to the research community was both difficult and time-consuming. I spent weeks 'hanging around' at offices of local victims organizations and at the office of the National Reparations Program. Thanks to the welcoming staff, I could accompany them on several activities, and they introduced me to important informants and brokered meetings with respondents. Through participating, observation and practice I learned much on 'how to ask' and also on 'whom to ask'. The data from the interviews, informal conversations, small talk and observations is backed up by documents of testimonies, leaflets, photos and PNR application forms. These documents were given to me by NGO's that work with the victims directly, the director of the PNR office in Nebaj, and direct permission was given to use these documents for my research. Additionally, I have made photos of cemeteries, monuments and personal altars. These contribute significantly in the analysis of the way people remember their loved ones and how they deal with that loss. While many of the people I spoke with gave me permission to use their real names, I have feigned all names considering the sensitivity of the information provided.

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<sup>4</sup> Comité de Víctimas

<sup>5</sup> National Fund for Peace, Fondo Nacional para la Paz.

A critical note must be placed, considering the methodological limitations of this research due to the persisting language barrier. My Spanish was, and still is, not perfect and speaking Ixil as their native tongue, many of my respondents themselves had difficulties with the language. The fact that most people, especially in the villages, only speak Ixil limited my ability to gather all sides of the story and has therefore limited the scope of the analyses and the weight of the outcome of this research. Translators were available most of the time, but a large part of the conversation was lost in translation and it always took more effort to start up a conversation with a translator. Moreover, the conversations stayed superficial. Thus, I have had to limit my pool of respondents to people who spoke Spanish, excluding a major part of Nebaj's population. Furthermore, the reader is asked to keep in mind that this study portrays the stories and visions of the people I spoke to, and is not a representation of the Ixil people in general.

In order to be able to evaluate the implementation of the reparations program in Nebaj, I will look at what reparations are meant to achieve. In chapter one, I will look at reparations as a form of transitional justice. Transitional justice mechanisms, and thereby also reparations, have an intrinsic link to truth and memory. This chapter further looks at reparations as a vector pointed to the past or to the future, linking reparations to development. At the end of chapter one, I will sketch the context of the PNR in Guatemala by giving a very short and simplified description of the internal armed conflict (1960-1996), and the period leading up to the creation of the PNR. In chapter two, I will explain the specific aims of the Reparations Program in Guatemala and look at the context and implementation at the local level, introducing the Ixil area and the local perceptions of the PNR office in Nebaj. In chapter three, I will explore the local perceptions and implications of different kinds of reparations. In chapter four, I will further explore the way different kinds of reparations are accessed by (or provided to) the victims in Nebaj, and how the PNR is embedded in the patchwork of local relations and organizational structures.

## **1. Reparation as a tool for restorative justice truth and development**

In this section, I will theorize the theme of reparations. In order to be able to evaluate the implementation of the reparations program in Nebaj, I will look at what reparations are meant to achieve. First, I will look at reparations as a form of transitional justice. There is a wide consensus on the need and beneficial affects of transitional justice mechanisms in post-conflict situations. Transitional justice mechanisms, and thereby also reparations, have an intrinsic link to truth and memory, which will be discussed in section two. This section further looks at reparations as a vector pointed to the past, while section three approaches reparations within the need to move forward. Here, the link between reparations, development and reconciliation is shortly examined. The proposition of transformative reparations is explored as a more integrated approach to reparations and development.

In the second part of this chapter, I will sketch the context of the PNR in Guatemala by giving a very short and simplified description of the internal armed conflict. The findings of two Truth Commissions recommended a reparations program but it was only created after the ex-Civil Patrols were granted ‘pensions’. These pensions are the ground for excluding the patrollers from the PNR, a measure that is cause of many grievances that will be explored in chapter two and three.

### **1.1 Reparations as a form of transitional justice**

Reparations for genocide victims are becoming a widely used and accepted mechanism for transitional justice and the restoration of civil society<sup>6</sup> (Greiff 2010; Ramsbotham et al. 2005; Uprimny 2009). Transitional Justice is ‘a range of justice approaches that societies undertake to reckon with legacies of widespread or systematic human rights abuses as they move from a period of violent conflict or oppression towards peace’ (Hovil and Quinn 2005). Public officials, judges and juries, politicians and civilians and especially newly elected leaders promoting and executing transitional justice mechanisms, strengthen the judicial system through fairness and accountability, which restore faith and trust in the government and State-apparatus.

UN Secretary General Kofi Annan said in 1997 that: ‘Compensation should be granted on an individual basis for physical, psychological and material damages, including medical and legal costs arising from gross human-rights violations’ (UN Secretary General 1997 in Theissen 2004). In cases where gross-human rights violations are State-sponsored,

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<sup>6</sup> Sierra Leone, Peru, Argentine, Chile, South Africa etc.

as in Argentina, Peru, Guatemala and other countries, there are established rules of regulation for dealing with State-responsibility. In such cases, the State must be held accountable for its past abuses and is responsible for the damage caused by them or their officials. This responsibility remains when a new government comes to power (Theissen 2004).

Uprimny (2009:3-4) states that the principle that reparations is an ethic and legal norm in contemporary post conflict contexts, represents for victims and their relatives, whose dignity has been critically affected by horrific crimes, a hope that the harm they suffered will be addressed and that their dignity will be restored. However, he also states that the idea of integral reparations becomes problematic in the context of a society with large social and economic inequalities and where a large part of the population lives in extreme poverty (Uprimny 2009:4). It is problematic because of the tension between corrective and distributive justice principles. Corrective justice is here the State's duty to compensate victims of gross human rights violations. Reparation is a form of corrective justice because the main purpose of reparations is to erase or to rectify an unjust harm done to a specific victim (Uprimny 2009:7). Distributive justice is closely related to the principle of development and implies here the State's duty to fulfill social, economic and cultural rights, especially for the poor and discriminated people (Uprimny 2009). Which of the two should take precedence? Should a State with limited resources use the only available funds to compensate one middle class victim who was tortured or lost a family member? Or should that State use these funds to build ten houses for ten poor families who were not victims of heinous crimes but desperately need shelter (Uprimny 2009:5)? This dilemma is especially relevant when we look at monetary and material reparations in the context of Nebaj, as we will see in chapter three.

## **1.2 Looking back: reparations, truth and memory**

Transitional justice is based on the premise that we need to establish a truth of the conflict (MacGinty & Williams 2009). The writers of the CEH report in Guatemala believed without a doubt that the truth would benefit everyone, both victims and perpetrators, stating that '[t]he victims, whose past has been degraded and manipulated, will be dignified; the perpetrators, through the recognition of their immoral and criminal acts, will be able to recover the dignity of which they had deprived themselves' (CEH 1999:12). This implies recognition of individual perpetrator-identity and accountability. However, studies and

records show that perpetrators rarely acknowledge their criminal acts, and often claim they were themselves victims of the system, or the State (Gourevitch 2000; Theissen 2004). This brings us to the core of the debate on reparation programs and their implementation; namely, the definition of a victim. This is in itself problematic because it is contextual and personal and rarely black-and-white.

Because this research aims to provide an understanding local mechanisms of truth-seeking and local effects of reparations, I must first define the concept of micro-politics. Webster's dictionary defines politics as 'the struggle between competing interest groups or individuals for power and leadership; but also as the total complex of relations between people living in society'. I seek a definition in between these two and combine this with Skaar's (2005:10) description of micro-level as 'through the lens of a social segment, such a Bosnian village, or villages in East Timor'. Thus, I see micro-politics as local, small-scale, community and interpersonal communication and negotiation of issues focused on victim-perpetrator identities, truth and memory regarding the violence and rights to reparation and compensation.

Truth as a fact-based account of historical events is always subject to interpretation. It is personal and inherently related to memory, defined as 'personal or collective recollection of the past'. Additional to being subjective, truth and memory are fluid and changeable. They can be shaped, written, interpreted, negotiated, changed, and rewritten. Therefore, the establishment of truth and memory is subjected to power relations and politics. Here a note on reparations within the grander scheme of reconciliation is advised. Reconciliation requires a shared truth, a moral or interpretive account that appeals to the common bond of humanity (Akhavan 1998 in Theidon 2006). Reconciliation is an ongoing 'process of replacing antagonistic memories with memories of previous social bonds – and of replacing a recent history of fratricidal violence with a history that recalls longstanding practices that condemned the taking of human life' (Theidon 2006:456). Micro-politics revolve around local contested versions of truth about victimhood and suffering which become apparent through claims to reparations, money and recognition of suffering and victimhood, as we will see in the examination of the perception of the classification of beneficiaries in chapter three.

Reparation programs require a certain form of truth telling because first, victims must be selected and recognized. Then, the reckoning of their loss and suffering must be quantified. The question as to who gets reparations is directly related to the question as to who is a victim. Pablo de Greiff (2010:54) argues that 'the aims of reparation programs

should be considered in terms of providing recognition to victims, not just in terms of their status as victims but primarily as *citizens*, and of making a contribution to fostering civic trust'. The definition of victims and beneficiaries in reparation programs is then crucial in the process of recognition of victims. Here, the interplay between self-identification and classification of beneficiaries is also an important issue, because how can economic and material reparations restore the dignity of victims that are excluded from the category of beneficiary? This speaks directly to the merit of the inclusion of other kinds of reparations like Minow's (2000) and de Greiff's (2010) symbolic and collective reparations. Martha Minow includes monuments, parks, renamed buildings and public apologies, and argues that these forms of reparations are essential to the long-term vision of social transformation (Minow 2000 in Ramsbotham et.al. 2005). Pablo de Greiff (2010) further includes collective service packages, which may include provision for education, health, housing, housing, etc. These, more comprehensive understandings of reparations stress the need for a forward-looking approach with a focus on reconstruction and improvements in distributive justice that become part of the wider peacebuilding and reconciliation effort (Ramsbotham et.al. 2005).

### **1.3 Moving forward: reparations, development and reconciliation**

There is an extensive and still growing body of literature on the concept of reconciliation with consensus on the importance of it, but no clear definition is presented. Bloomfield (2006: 7) defines reconciliation as 'a process through which a society moves from a divided past to a shared future'. In order to ascertain a shared future, a certain level of peaceful co-existence must be established; a process that can also be understood as the process of relationship building (Bloomfield 2006; Thoms et.al. 2010). Therefore, the general consensus on reconciliation is that it is a relational process toward peaceful coexistence (Bloomfield 2006). Although time is an important factor, reconciliation depends on the mechanism put in place to deal with the past (Skaar et.al. 2005). Truth Commissions and Reparation Programs are mechanisms installed to foster reconciliation process on a national level as well as on a local level (Thoms et.al. 2010). Here, I will present different kinds of reconciliation and link them to transitional justice and reparations.

*Backward-looking* reconciliation is reconciliation emphasizing *restitution* as a key mechanism (Skaar et.al. 2005:8), as I discussed above. Forms are 'compensation or reparations in cash or kind, provision of health services, symbolic restoration, public

apologies, and efforts to advance social integration' (Skaar et.al. 2005:8). Generally, the driving thought behind an argument for backward looking reconciliation mechanisms is the belief that the situation of victims must be improved or restored to what this situation was before the armed conflict, in order to achieve reconciliation (Skaar et.al 2005). This also brings us to the discussion of justice and inequality. As discussed above, reparations and compensations for victims are forms of corrective, or *restorative* justice. Minow (1999) argues that in the space between forgiveness and vengeance lies a series of mechanisms of accountability that may help to provide justice and truth that promote the finding of a common humanity; thus promoting reconciliation. Critics argue that the practice of backward-looking reconciliation mechanisms such as reparations can fuel new conflict because it is victim oriented and focuses on limited categories of victims (Skaar et.al. 2005). A central aspect in this study is the effect of categorizing victims and thus, the validity of this argument in practice.

Advocates of *forward-looking* reconciliation argue for the institutionalization of the protection of rights for all; leveling the playing field through economic reform, and especially transforming the justice system, creating just social structures in order to prevent future violations; thus focusing on non-repetition instead of healing (Skaar et.al. 2005). However, in order to open up political and social space that is needed to level the playing field and make structural changes in State institutions; truth en a kind of reckoning might be needed. Victoria Sanford (2005) observes, during her study on the exhumations of clandestine mass graves in the highlands of Guatemala in the late 1990's, that exhumations are a form of truth seeking and acknowledgment of suffering. She concluded that these processes were important for creating political and social space (Sanford 2005). These spaces, in turn, are needed for change in perceptions and attitudes of people and thus foster reconciliation. Reparations then, could also be seen as a mechanism for opening up political space for change, as well as mechanisms for promoting victims' rights, justice and economic opportunities. Furthermore, the implementation of a Reparation Program suggests a formal recognition of injustices and the losses of victims, promoting individual as well as collective healing and forgiveness.

In Adelman's conception of reconciliation there are four central aspects to the process: recognition of the 'truth' (which serves to redress the past, give voice to the victims in the present and create a common memory for the future); *retributive justice* (holding perpetrators accountable and establishing the principle of no impunity and non-repetition in the future), *restitution* (compensating for past losses and creating institutions for future

reform to address needs), and, finally, a *healing* process that addresses the past and simultaneously strengthens public discourse and community action (Adelman 2007).<sup>7</sup> This study will focus on the *restitution* in the form of reparations.

Restitution, or restorative justice and reparations imply that something is restored or repaired, a situation brought back to the way it was before the disrupting violence. Uprimny (2009:6) argues for maintaining strong links between social services, development programs and reparation efforts in order to reduce the tensions between corrective justice, distributive justice and development in peace building contexts. He then offers the notion of transformative reparations as a bridge between the concepts of corrective and distributive justice. Hereby also providing a midway between forward-looking and backward-looking approaches. Following Uprimny, I suggest that transitional justice and especially reparations in whatever form they come in should do more than just restore the situation to what it was before the conflict. It should look beyond simple restitution, and aim for a better the situation, looking at the future. In doing so, the transitional justice and reparation process can be integrated with development.

#### **1.4 Guatemala: A violent history**

Guatemala's 36-year civil war was mainly waged between the government and insurgents. The Guatemalan conflict is intrinsically of ideological and political nature. It has roots in the violent US intervention in Guatemala in 1954, that aimed to overthrow the democratically elected president<sup>8</sup>, perceived by the US government as 'communist'. This perception was mainly based on the agrarian reform that affected US owned plantations (Padilla 1997). During the 1960's, the insurgents were mainly active in the urban parts of eastern Guatemala. These insurgents were defeated by the army in a ruthless and bloody military campaign the late 1960's (Padilla 1997). After this bloody defeat, the insurgents regrouped in the urban areas, mainly residing in the Western Highlands and Peten. There, several guerrilla groups joined forces under the name National Guatemalan Revolutionary Unity (URNG)<sup>9</sup> in 1982. The guerrillas gained massive support under peasants and students, the Catholic Church and NGO's in the United States, Canada and Western Europe (Padilla 1997). The military campaigns of 1981, 1982 and 1983 were however, ruthless and bloody

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<sup>7</sup> Adelman (2005) refers to 'holding perpetrators accountable and establishing the principle of no impunity and non-repetition in the future' with the term restorative justice instead of retributive justice. I use the term retributive because this is in conformity with the notion of accountability and prosecution of perpetrators.

<sup>8</sup> Jacobo Arbenz Gúzman.

<sup>9</sup> *Unidad Revolucionaria Nacional Guatemalteca.*

and especially aimed at the rural population in order to wipe out any possible allegiance to the guerrilla (Padilla 1997). Victoria Sanford (2005) argues that three genocides were committed during the early 1980's. She argues this on the premise that the government saw the Ixiles as a dissident people, and targeted the Mayan population with torture, extrajudicial killings and massacres (Sanford 2005). One strategy to keep control of the rural population was the setting up of Civil Patrols (PAC)<sup>10</sup> that had to guard the villages and keep the guerrilla out. Those patrols were mandatory for all adult men in the rural areas and served as the eyes and ears of the military (Nelson 2009).

The impact of the internal armed conflict in Guatemala was high on the bonds of civil society, but has also affected the population in other ways, increasing social inequality. For example, Mayans who grew up during the worst period of the civil war (1979-1984) have significantly less years of schooling, especially in departments, like Nebaj, where most human rights violations were committed (Chamarbagwalaa and Moránb 2011). Furthermore, people were forced to flee their homes, losing their economic, social and material capital and wives lost their husbands, becoming breadwinner for their families.

## **1.5 Peace, truth and reparations**

After more than ten years of extensive negotiation with UN mediation, between the URNG and the government, the conflict ended with the signing of the *Agreement for Firm and Lasting Peace* in 1996. Two truth commissions investigated the human rights abuses that were committed during the conflict and concluded that the State was mainly responsible for the deaths of the mainly indigenous victims (REMHI 1998 and CEH 1999). REMHI as well as the CEH called for a National Reparations Programme (PNR). The CEH finds that it is the responsibility of the Guatemalan State to 'design and promote a policy of reparation for the victims and their relatives' (CEH 1999:50). The primary objectives should be 'to dignify the victims, to guarantee that the human rights violations and acts of violence connected with the armed confrontation will not be repeated and to ensure respect for national and international standards of human rights' (CEH 1999:50).

In 2002, huge riots broke out during which thousands of ex-PAC took control of the northern region of Peten, commanding compensation for their service in patrols during the conflict (Nelson 2009). The government responded quickly and within seven months, lists of

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<sup>10</sup> *Patrulla de Autodefensa Civil*

beneficiaries had been drawn up and the first installments were being paid out.<sup>11</sup> This was a shock to widows', human rights' and victims organizations that had been seeking reparations for over ten years (Nelson 2009). As an answer to their objections and vehement cries for reparations for victims, the National Reparations Programme was formed in 2003<sup>12</sup> in order to improve the situation of the people targeted during the conflict and to contribute to building lasting peace. In the next chapter, I will take a closer look at the program and the way it implemented at the local level and how the population of Nebaj perceives it.

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<sup>11</sup> Ex-PAC 'pension' is Q5,000, paid out in amounts of Q1,000 over five months. 'The first payout went out 250,000 men, the official number submitted by the army to the UN when it was trying to downplay its total mobilization of the countryside. Soon, however, the number jumped to 500,000, and by early 2005 the organized patrollers claimed between 800,000 and 1.3 million' (Nelson 2009:91).

<sup>12</sup> Acuerdo Gubernativo 258/2003.

## **2. Reparations and victims in Nebaj**

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When individual monetary reparations for victims are part of the program, the question as to who is entitled to a sum of money is directly related to the question who is a victim and who is not. Furthermore, suffering and loss must be quantified, qualified and categorized in order to measure it and count it up to a certain amount of money. The way a reparations program is designed is instrumental for its implementation. In this chapter the link between truth and the National Reparations Programme is examined. The mandate of the program and the definition of beneficiaries directly correspond to the way truth is made at the national level. The way in which local truth and memory of the internal armed conflict competes with or supplements national truth and memory is therefore an important issue in the implementation of a reparations program for victims. A short description of conflict in the Ixil region sheds light on the social-historical context, the nationally designed program is supposed to rectify. The way the program is implemented at the local level further uncovers the way this national truth corresponds with local realities. The perception of categorization of victims and beneficiaries uncovers a complex reality of dualistic identities, already mentioned in the introduction. Especially the overlap between victim and ex-PAC is a major issue in the implementation and perception of the program, because they are excluded from the program. Finally, the meaning and value of different kinds of reparations is examined.

The way reparations affect local relations depends on the way the program is implemented on the local level. The relation between the staff of the PNR office and the local population is an important aspect of the implementation. They are the face of the program in the communities and if the program is to restore trust in the State, establishing trust between the population and the staff of the local PNR office is crucial in maintaining the integrity and fairness of the program. As mentioned above, this chapter attempts to show the way the program is implemented at the local level, and the relationship between the PNR staff and the communities. This is shown from the perspective of beneficiaries, community leaders and the staff of the PNR office. Throughout the interviews and conversations I had with people in Nebaj and the surrounding villages, it became clear that the relationship between the PNR staff and the local population was generally good. Shortcomings of the program were mostly attributed to the limited resources and high level of bureaucracy. Especially the accessibility of the program is discussed, problems its reach into the communities and the stacks of paperwork and missing documents standing between victims and reparations. The issue of limited resources is directly reflected in the current status of

the program and the change of government. Further exploring the link between the population, the local PNR office and the way they perceive the program as a whole.

## **2.1 PNR mandate and classification of beneficiaries**

The National Reparations Programme was set up to restore the dignity of the victims of the gross human rights violation perpetrated by the Guatemalan State, as well as to restore their material situation before the conflict. The program is designed to do this following five methods of reparations: material restitution, monetary reparations, psychosocial reparation and rehabilitation [i.e. memory: memorials, monuments, national commemorations, exhumations and inhumations], cultural reparation [i.e. cultural rights, language education, cultural centers, indigenous rights, restoration of holy sights]. In practice, monetary reparations and material restitution have been most actively pursued because they are easiest to implement and the call for direct monetary and material help was loudest and most urgent for survival of many surviving victims.

The definition of a beneficiary of the program is very strict and structural according to the guidelines given in the *Libro Azul*. Beneficiaries are victims who suffered from one (or more) of eight human rights violations: forced disappearance, extrajudicial killing, physical or psychological torture, forced displacement, forced recruitment of minors, sexual assault, violence against children and massacres. This is very broad definition of a beneficiary, and not all categories of victims have benefited from the program as they were supposed to. People who have lost houses and land during raids and bombings have a right to a new house and a lot. People who have a right to economic reparations are survivors of torture and sexual assault and the relatives of victims of illegal executions, massacres and forced disappearances (PNR 2004). First spouses, then children and then brothers/sisters can claim money for a deceased victim. Relatives of deceased are offered the amount of 24,000 Guatemalan quetzal (€2,443)<sup>13</sup> and victims of sexual assault and torture are offered the amount of 10,000-20,000 quetzal (€1,018-€2,036), with a maximum of Q54,000 per person (€5,497) (PNR 2007). Reparations for sexual assault are rarely granted however, because this type of human rights violation is very difficult to verify. Here, a more gendered approach to reparations might be advised but due to restricted time and space, I will not elaborate on this issue.

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<sup>13</sup> Amounts in US dollars: Q24,000 is US\$3,050 and Q10,000 is US\$1,271-\$2,543 and Q54,000 is US\$6,868, 24 March 2012.

While the program was set up under the presidency of Alfonso Portillo, it was not implemented until Oscar Berger began with granting economic reparations during his presidency from 2004 to 2008. Between 2005 and 2007, 12,126 beneficiaries received individual compensation of a total amount of US\$37 million (PNR 2007). In 2008, the total amount of beneficiaries increased to 10,477 individuals, and in the first five months of 2009, the PNR compensated approximately 10,500 individuals (Viaene 2010a:8). Berger's successor, Alvaro Colom, set forth this policy and began implementing material restitution in the form of houses<sup>14</sup>. Moreover, Colom began granting symbolic reparations in the form of a public apology and the official acceptance of the CEH truth report in 2009 (Fitzpatrick-Behrens 2010 and Viaene 2010b).

## **2.2 The Ixil region**

*People mostly go about their lives by working hard on the plot they own, trying to send their children to college and going to church more than once a week. People talk and laugh together, make new friends and value the bonds of family highly. Sometimes it is like it has never been different, but when taken a closer look, the legacy of the conflict is everywhere. In education, development, nature, friendships; it is in the hearts and minds of the people.<sup>15</sup>*

During the conflict, the Ixil region was one the most gravely affected regions, especially from 1978 to 1987. In the Ixil triangle, 1,597 people were forced to leave their homes and there were 1,557 forced disappearances. Furthermore, there were around 300 arbitrary executions in the area (CEH 1998). The area has a very high poverty rate. Many families have difficulty with getting food on the table. In 2009, 85% of the population of Quiche lived in poverty and 45% of the population was malnourished.<sup>16</sup> During the conflict, people banded together against the guerrillas on the one hand and the army on the other, they fled their homes and lived in the mountains, worked together to enhance the overall lacking security, but there was also fear, theft, distrust and betrayal.

The region is often portrayed as a guerrilla stronghold, suggesting that the indigenous population supported the insurgency (Stoll 1993). On the basis of his anthropological fieldwork in the region however, David Stoll portrays a people living between two armies.

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<sup>14</sup> Anno 2012, 3888 houses had been built according to Gregorio, Architect for Fonapaz. 23 March 2012 .

<sup>15</sup> Fieldnotes April 2012.

<sup>16</sup> UNDP and World Bank Guatemala Poverty Assessment Programme 2009.

He shows a population that is blamed for killings the guerrillas exerted and as victims of retributive justice attacks from the army. Furthermore, the Ixil people were punished for the insurgency, caught between the two armies of the State and the Poor Peoples Army (EGP<sup>17</sup>) that was part of the Guatemalan National Revolutionary Union (URNG) guerrillas (Stoll 1998).

The Ixil people were fairly well organized during the war. The Civil Patrols were an important organizational structure and survival mechanism during the conflict. The ex-PAC issue has been a subject of discussion even before the PNR was formed. This discussion shows the subjective nature of truth and the complexity of war as well as post-conflict identifications. Because taking part in the Civil Patrols was obligatory, PAC members are generally seen as victims (Nelson 2009). However, their role in the conflict is ambiguous because the PAC members did take part in human rights violations (REMHI 1999). Stoll (1998:288) argues the Ixil people used the Patrols as an instrument to establish some security from the army and the guerrillas. He also emphasizes the forced nature of the Patrols. Nelson (2009) also stresses the obligatory nature of the Patrols and further stresses that men were forced to do horrific things. Thus, ex-patrollers are victims but the exclusion of ex-PAC from reparations suggests a different kind of victimhood than other victims like people who are victim because their parents, spouses or children were killed. In reality, these categories often show overlap, leaving people with contested identities.

Truth can be defined in several ways and shape identities in its definition. As I hinted at in the introduction, Lieselotte Viaene found a mismatch between macro-level categorizations of victims, and ex-PAC, and micro-level perceptions and realities. Viaene (2010a) shows that the state's unequal treatment of ex-PAC and victims, regarding pensions and economic compensations often generates friction in communities and reopens old wounds.

'In some cases, the *resarcimiento*, as now executed, serves to reveal the war's complexity. During field research, several cases came to light of men who had lost family members through the army's actions but were still forced to patrol their villages. These men appear on the PAC lists and therefore have lost the right to be beneficiaries of the PNR. In Guatemala, the harsh reality of the 'victim-perpetrator' identity is seriously underestimated and even neglected, not

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<sup>17</sup> *Ejército Guerrillero de los Pobres*

only by the State but also by civil society and specific organizations that work with victims.’ (Viaene 2010a:6)

The exclusion of ex-PAC members suggests that they are not victims, while many people argue the contrary, emphasizing the forced nature of the Patrols and their personal losses. Chapter three will focus on the implications of the ex-PAC issue and the exclusion of the PAC from monetary and material reparations.

### **2.3 Implementation of the PNR in Nebaj**

*When I entered the PNR office in Nebaj for the first time they were in a meeting, leaving the whole office building empty. I called out and someone appeared After this interview I got to know the office and the staff pretty well, several of the staff became key informants for this research, providing valuable insight and information as well as inviting me to events and opening doors to my research community.<sup>18</sup>*

The Nebaj office of the PNR is supposed to cover the rather big area of the municipalities of Nebaj, Chajul, Cotzal, Cunen, Uspantan and Chicaman. Here, the focus lies on their work in the municipality of Nebaj. Application for the program has three stages. First, the applicant needs to have all the necessary paperwork, consisting of official PNR documents on their history, birth certificate and death certificate, and documents of the Forensic Anthropologists stating the cause of death, or official declaration of the Mayor, giving the family member the status of disappeared person. Many people encounter difficulties during this stage, because their personal papers were destroyed during the conflict or they never had them in the first place. Obtaining new documents from RENAP<sup>19</sup> is costly and can take over ten weeks.<sup>20</sup> The second stage is the interview at PNR to confirm their personal histories. This is assembled in a personal (or per family because it is per victim, not per surviving family member) file, which is reviewed by an analyst at the Nebaj office who gives a recommendation. Then, all these documents are sent to Guatemala City, where the information is verified and analyzed, cross-referenced to the PAC database and the database of victims and people who have already received reparations. The paperwork is then sent back and stored at the Nebaj office and the staff informs the applicants whether their

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<sup>18</sup> Fieldnotes April 2012.

<sup>19</sup> *Registro Nacional de las Personas*.

<sup>20</sup> Informal conversation with Jacinta, staff member PNR, 20 March 2012.

application has been granted or not. If granted, the money is paid over the course of a couple of months until the amount is complete.

Most people are very positive about the staff at the PNR office in Nebaj. Pedro and Diego were critical about the way they interview people about their painful past and then not grant them the reparations.<sup>21</sup> Most critical comments are however directed at the capacity of the program and the government, not the morale of the PNR staff. The people that worked at the PNR office in Nebaj, the staff of the local Victims Movement and NGO's, the members of the victims committees and the people in the villages, all complained about the limited resources the PNR has.

*I think that the PNR personnel in Nebaj take the people and their the history into account; meaning that they will/want to collect the community's history, talk with people but [they] do not know [the people or their history] as there is no car or no fuel or no travel allowance. Thus, [they] will not go to the communities, they just wait for them to come [to the office].<sup>22</sup>*

The failure of the program to be pro-active is mostly attributed to the limited capacity of the program. As further explained in chapter four, the PNR staff is interested in the status of the program in the villages, how many people they can reach by going into the communities to take in new applicants, but they do not have enough staff to go into the communities and inform on these issues themselves. NGO's, victims and the PNR staff all recognize this failure. As Francisco, member of a victims committee told me:

*The PNR office has no capacity; it cannot go to villages because there are no cars, fuel or travel allowances. Therefore, they don't reach the people and don't know their stories. Furthermore, they are understaffed and two of the staff don't speak Ixil. This is a real problem because they cannot communicate with the people.<sup>23</sup>*

The language barrier is one that is perceived as a problem by some people and is both a practical and a moral objection. That staff-members of the program could not communicate with everyone in the communities which has practical restrictions. However, the times I have accompanied them on fieldtrips, there was always someone present who could speak Ixil to remedy this problem. The language barrier creates a distance between the applicants

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<sup>21</sup> Informal conversation Diego, member of victims committee 27 March 2012; Interview Pedro, member of victims committee, 14 April 2012.

<sup>22</sup> Interview Francisco, member of victims committee, 11 April 2012.

<sup>23</sup> Interview Francisco, member of victims committee, 11 April 2012.

and the program, while the program is already perceived as a top-down program that is difficult to enter and even more difficult to understand. The fact that two out of fifteen employees cannot communicate with people further negatively influences this perception.

One way the PNR deals with this limited capacity is through the dependence and cooperation with local NGO's and call on the semi-formal organizational structure constituting victims committees (CV). Chapter four will further explore this organizational structure and the relations between local victims organizations and their impact on the implementation of reparations in Nebaj.

#### **2.4 Corruption complaints about the PNR houses and a visit from Fonapaz**

Many people complained that the program was subject of corruption. A high official of the program who I interviewed mid March and had numerous conversations with over the course of March and April 2012, defended the program fiercely, arguing that it is impossible to corrupt the program. He claimed that the high bureaucratic quality of the program makes it impossible to cheat it, at least at the lower implementing levels. The application process is designed in a way that the procedure takes a lot of time and even more paperwork. This, however, is also the most problematic aspect of the application procedure and speaks directly to the accessibility of the program. Due to need for papers that are often not readily available like birth and death certificates, people might miss out. However, because the poverty rate is high in Guatemala, the State cannot take any chances with the application procedure because everyone wants to take advantage where possible.<sup>24</sup> I will elaborate further on this issue in chapter four.

The repeated complaints about corruption around the PNR houses were widely acknowledged by the PNR staff and the staff of Fonapaz. The houses are officially part of the Reparations Program and the applications are handled by the PNR. The executive part of building the houses is outsourced to Fonapaz, the permanent fund for peace and part of the government. Fonapaz' architects designed the houses and hired local construction companies to built them. This is financed from the fund of the PNR however, thus PNR does take part in the evaluation of the process. The staff of the PNR office in Nebaj, attributed the corruption to Fonapaz,<sup>25</sup> Fonapaz' architects and engineers attributed the corruption to the construction companies but also hinted, albeit quite subtlety, that they did not fully trust the

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<sup>24</sup> Interview Roberto, staff member PNR, 16 March 2012.

<sup>25</sup> Interview Roberto, staff member PNR, 16 March 2012.

high level Fonapaz officials.<sup>26</sup> When the Fonapaz team came to Nebaj to check the quality of the work of the construction companies, the architects and engineers were met with many questions and complaints about the construction of the houses, but mostly about the fact that many houses had never been built at all. Magdalena, a beneficiary of the PNR who had received monetary reparations and pointed out that they had had to hire trucks to transport the cement or bricks to their piece of land. Moreover, they complained that the construction workers expected them to provide food and beverages.<sup>27</sup> The team always listened to the complaints but was there to check the constructional faults of the houses, not the surrounding corruption. While the staff was interested in the corruption stories and seemed to sincerely want to change the system; Rigoberta, an employee at a local NGO, had no confidence in the system. She attended a conference about corruption and PNR houses in Guatemala City in 2011. In the municipality of Nebaj, 160 houses have never been built and many more have never been completed. These issues were addressed at this meeting but they have not been remedied.<sup>28</sup>

A couple of weeks after the visit of Fonapaz architects, the head of the local PNR office attended a meeting for victims committees at a local NGO<sup>29</sup>, to present the results of the work of Fonapaz and ask for feed-back from the members of the victims committees, who facilitated the work of Fonapaz by receiving them in their villages and guiding them by all the houses that needed checking. He directly asked them if they were positive about the construction companies or whether they wanted Fonapaz to hire different companies in the future.

## **2.5 Current status of the program**

From January until at least May 2012, no money is available to pay the beneficiaries because the new government of Otto Perez Molina is still contemplating their budgeting and the new officials have yet to settle in. During this time, the PNR offices are taking on new cases, filing paperwork, conducting interviews, preparing for inhumations and exhumations. Additionally, as mentioned above, they also facilitate the work of Fonapaz' architects and engineers' checking over 400 houses built in the region as part of the reparations program.

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<sup>26</sup> Informal conversations Gregorio, architect Fonapaz 23 March 2012; Victor, engineer Fonapaz 27 March 2012; Silvester, staff member PNR, 27 March 2012.

<sup>27</sup> Interview Magdalena and Jacinto, residents of Acul, 23 March 2012, and informal conversation Maria, member victims committee, 12 April 2012.

<sup>28</sup> Informal conversations Rigoberta at ASOCDENE, 2, 25 and 26 March, and 4 April 2012.

<sup>29</sup> Meeting for VC's from the municipalities of Nebaj, Chajul, Cotzal, at ASOMOVIDNQ, 15 April 2012.

When they visited the communities and people asked about the status of the program and the implications of the new government on the status of their applications, they give very short and exact answers. About the current status of hiatus of remuneration, the PNR as well as the Fonapaz staff responded that compensation for genocide victims is the obligation of the Guatemalan State, not the government. Thus, they should not worry about the possible stance of the current government.

The firm and confident answer of the PNR- and Fonapaz staff that the PNR is a State-program and thus independent from the government did not take with everyone. Francisco, who has a long history of involvement in peace brokering and community organization, vented to me about the current government. He had no confidence in the government, especially because Otto Perez Molina is a military man. He believes there will not be any reparations in the coming four years; ‘they won’t talk about it’.<sup>30</sup> Others feared that only pending applications would be finished because the program’s mandate finishes in 2013. A high official of the PNR assured me that the new government has said to continue the program and also to start working on the kinds of reparations that have yet to be implemented. The program is implemented in phases as he explained:

*It started with financial compensation under Berger, then the next government, that just ended continued with financial compensation and started the material reparations of housing. But he also started with dignifying victims with commemorations. With exhumations and Memorial Day. Then it became more varied and now in this new government the progress is being reviewed. [They] say we’re going to work hard because there are five measures: economic, material, psychosocial, cultural and dignity.<sup>31</sup>*

This explanation is underpinned by the reality, described at the beginning of this chapter. The delay in the implementation of the more symbolic kinds of reparations that are part of the integral approach the program was set up to have, has been subject of complaints and the cause of grievances among victims. This becomes especially apparent through the examination of the meaning the victims in Nebaj attach to the granting of economic reparations and houses, connected to the status of beneficiary as recognized victim. This will be more expansively explained in the next chapter.

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<sup>30</sup> Interview Francisco, member of victims committee, 11 April 2012.

<sup>31</sup> Interview Roberto, staff member PNR, 16 March 2012.

### **3. Reparations: local perceptions of identity and dignity**

In the event of reparations, victims rarely receive much and the spread of compensation is inevitably seen as arbitrary and controversial (Ramsbotham et.al. 2005). In chapter two we have seen that the PNR mandate is broad and extensive, aiming for the reparation of the whole of civil society and restoring the dignity of all victims of the internal armed conflict. However, it has also become clear that this aim has not been satisfied yet, and probably never will be. However, according to de Greiff (2010) this is no reason for not trying. Knowledge of local perceptions of the program and especially local perceptions of victim-identity and the relation of victimhood to the categorization of beneficiary of the program is crucial in understanding the local implications of the PNR and reparations as a form of transitional justice in general. This perception of victimhood and the categorization of beneficiaries is directly related to politics of memory and truth. Politics of memory and truth evolve around competing interest of recognition and justice. With economic reparations, micro-politics evolve around recognition, justice and individual economic interests. Furthermore, if the program aims to restore the dignity of victims, we need to look at what dignity means for the people whose dignity the program is supposed to restore. How do the people see dignity and do they actually feel that their dignity is restored? How is this related to different kinds of reparations?

This chapter aims to answer these questions by giving a voice to the local population of Nebaj. First, perceptions of the classification of beneficiaries will be explored, finding that the implementation of the program is highly bureaucratic and the category of a beneficiary is quite narrow in practice. Second, local perceptions and problems that arise from the exclusion of ex-PAC are reviewed. Third, I look at the meaning of different kinds of reparations.

#### **3.1 Perceptions of the classification of beneficiaries**

*I started in Quiché as an analyst in the legal area because it is necessary to analyze records. Because many people in Guatemala live in poverty, and if we open a door to money, everyone will come and everyone wants money. They [the people] want monetary reparations for all. But it is only for the victims, for the victims of the armed conflict. It is said that the project makes more victims because of the*

*grooming of those who were not anywhere during the conflict. It is very difficult to detect if they are really victims.*<sup>32</sup>

This statement by a high official of the PNR underpins the point Uprimny (2009) makes that it is important to stress that not all poor people were victimized. However, it was stressed time and time again by victims, as well as local leaders (NGO's and victims committees) that the only two means of reparations that are being implemented are economic and material reparations. These two kinds of reparations are limited to a relatively small group of victims, because they are all individual reparations.

One of the biggest problems in the implementation of reparations is the understanding of the programme by the beneficiaries and especially the non-beneficiaries. Many applicants indicated that they did not understand why they could or could not receive compensation. As one of my respondents bitterly counted: *They won't help me. But I'm an orphan, and I need help.*<sup>33</sup> Both her parents died during the war. However, their deaths do not qualify for her to be a beneficiary of the program. They both died slowly, of long illnesses. Helena feels however, that this is not fair. Her parents died of fear that slowly crippled them and then took their lives. She feels her parents died by fault of the State as much as someone who was shot point blank by a soldier of the State. The effects of misunderstandings about the classification of beneficiaries can be counter-productive, especially in Nebaj, where almost everybody suffered to some degree during the conflict. Often the program causes feeling of re-victimization and unfair treatment by the State, which is the opposite effect the program was designed to have. Many people whose application was denied indicated that their trust in the State apparatus was weak. They felt they needed and deserved compensation for their suffering and the suffering of their loved ones but didn't expect anything from the State. As mentioned in chapter two, many said that they didn't trust the government to come through for them. This issue is closely linked to Uprimny's (2009) question how the State should spend their resources. Helena, for example, was very positive about the material reparations in the form of houses. She did however find that the houses were unfairly distributed because some people didn't have a house but couldn't get one and others now had three, while they all suffered during the conflict.<sup>34</sup> While Helena found that almost all residents were victims of the conflict it is important to keep in mind that she, and many others, used the term victims as a very broad term to

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<sup>32</sup> Interview Roberto, staff member PNR, 16 March 2012.

<sup>33</sup> Informal interview Helena, resident of Nebaj, 27 March 2012.

<sup>34</sup> Informal interview Helena, resident of Nebaj, 27 March 2012.

define everyone that suffered during the conflict. Economic and material reparations however, are meant to rectify gross human rights violation such as forced disappearance and torture, done to a specific victim. If people do not understand this, and there is no other means for improving the situation of those who were not directly victimized but desperately need a house, the program is bound to be perceived as unfair and unjust.

### **3.2 Victim identification and exclusionary policies, the ex-PAC in Nebaj**

The perception of unfairness of the distribution of reparations can be attributed for a large part to the issue surrounding the PAC. Lieselotte Viaene (2010) describes the ‘complexities of war coming to light’ through the ex-PAC issue. In line with her observations, almost all my conversations touched this subject in some way or another and the issue was central to many discussion and testimonies. During the documenting of the collective histories in Batszuchil and Ixtupil, men gave fervent and poignant accounts of their experiences during the war and their mandatory participation in the patrols. They stressed their suffering and asked for acceptance of their victimhood. Essentially, for many people being accepted in the program, meant recognition of their victimhood and acknowledgement of their suffering. For this reason, the exclusion of ex-PAC members was also seen as a sign of unfair treatment and unacknowledged suffering. During and after the conflict, there grew a division between PAC-members and other victims. It is important to keep in mind that the way this division still affects the lives of people and the reconciliation process is highly dependent on the place and its specific history. A member of a victims committee argued that it could be said that the PNR has negative effects on reconciliation because it reinforces the victim/ex-PAC dichotomy. He told me that he felt that in his village the ex-PAC members did not trust them (the victims committee and the recipients of reparations) because they could not receive anything. He argued this was a real problem for social cohesion in the fight for their rights.

*They are victims too. They don't say anything. Part of the problem is that they were obligated to patrol, so they are victims, but the State says it wasn't obligatory and the commandants side with them. Then they all went to collect 5000 q. as we could only watch. Between the victims and the ex-PAC there are no real conflicts but they aren't friends either. Platicamos pero no luchamos juntos.<sup>35</sup>*

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<sup>35</sup> Interview Pedro, member of victims committee, 14 April 2012.

The situation that ‘they talk but do not fight together’ was different in another village. A member of the victims committee there had been forced to join the PAC and therefore could not receive reparations. However, he had been part of the fight for reparations and development for decades. He had worked closely with MINUGUA (implied is that the CEH staff was also known as MINUGUA) and now assisted ASOMOVIDINQ regularly.<sup>36</sup> This shows the complexity of war and justice and reconciliation, because it is a social phenomenon and is thus highly dependent on the particular social and historical context. The many complaints that the program excluded ex-PAC members indicate a discrepancy in the definition of beneficiary and the local perception of victimhood. Furthermore, the exclusion of ex-PAC members is seen as unfair and humiliating because it undermines their suffering and need for the reparations. As a resident of Batzsuchil pointed out during a community meeting for the documentation of their collective history:

*What happened during the internal armed conflict was that one of my sons was injured. Then, he was also humiliated because he went to the PNR to ask for reparations, but he was turned down because he had already received his pension for being PAC. But he only got 5000 q., and this was not nearly enough to buy the materials to build a new house. We need more because my whole farm was burned to the ground when the war started and I was obligated to join the patrols. If I didn't go I would be killed and the army tortured and killed my daughter but now I cannot receive reparations. The government ignores us while we live in extreme poverty.<sup>37</sup>*

This testimony speaks to the limitations of the reparations program because of its exclusion of ex-PAC. The repeated mention of humiliation does point to the merit of Uprimny's (2009) statement that reparations restore the dignity of victims of gross human rights violations. Everyone I spoke to during my time in Nebaj, heads of victims organizations as well as beneficiaries or ex-PAC members, confirmed this to be a problem. In their opinion, the program should be for the victims of the conflict, everyone who suffered has the right to reparations. Ex-PAC members have lost family members, houses and livestock, but their suffering is not recognized because they are excluded from the program, thereby humiliating them and ultimately re-victimizing them.

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<sup>36</sup> Interview Francisco, member of victims committee, 11 April 2012.

<sup>37</sup> Resident of Batzsuchil during the collective testimony obtained by ASOCDENEB 25 March 2012.

### 3.3 Different kinds of reparations: money, houses and exhumations

*The whole graveyard is covered with grain, some graves have flowers or plants on them, some have candles. There are several graves with just crosses, some with bigger crosses or houses for the dead. Rosa shows me the grave of her late husband; it is simple. The cross is broken; the top-piece is missing. The spot is littered and there are no flowers, only a green plant. I ask if she wants me to take a picture of it and she answers yes. First, she borrows a candle from another grave and cleans the spot a little. Afterward, she returns the candle, which came from the grave of Miriam's late husband. He has a little house that is painted with green and red colours. There are flowers, a cross and a candle sitting inside the little house. Beside the grave, another identical house sits over the grave of her son, who died from an illness in 2000. Maria has a hard life, everything hurts: her head, her arms and especially her heart. Her heart is aching for her husband and her child. She has no money; she has no cortes, it is very hard to get by because 'no hay minero, solo trabaja en la milpa'. (Cultivating corn is the only means of support she has).<sup>38</sup>*

Most actively implemented methods of reparations are individual money and houses. This makes the application procedure, as well as the outcome, highly individual. More inclusive, collective reparations may include provisions for education, health, housing, monuments, and memorials and imply more integrated transformative justice approach, including developmental aspects (de Greiff 2010, Minow 2000, Uprimny 2009). In chapter four, I will elaborate more on this subject, when looking at local organizational structures and especially the local office of the National Victims Movement for Integrated Development in Nebaj (ASOMOVINDINQ)<sup>39</sup>. The call for reparations is collective in the sense that everyone wants and needs them, but in fact they are utterly individual because everyone wants them for themselves, not for their neighbors. People have to apply for the program themselves and this is a very personal and individual process between the PNR staff and the possible beneficiary.

When asked what kind of reparation they preferred, the call for money and houses stood out. Whilst almost everyone noted with disappointment that the PNR failed to implement any reparations other than money and housing; they personally preferred those kinds of reparations. As one respondent explained his preference for material reparation:

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<sup>38</sup> Informal interview Miriam, member of victims committee, 12 April 2012.

<sup>39</sup> *Asociación Movimiento de Víctimas para el Desarrollo Integral Nebaj, Quiché.*

*Well, several reparations are good, but if I have to choose one, I would choose a house. I choose a house because if I die, my family still has the house, contrary to the economic reparations because money is spent. Housing and land are lasting.<sup>40</sup>*

Apart from lasting reparations in the form of housing, restoration of the dignity of victims and psychological support were given high importance. The psychologically devastating effects of war became clear during my many conversations with survivors. Besides from being physically impaired through bombings, torture or mal-nutrition, many people conveyed that they still feared the army, start to cry when they hear a helicopters and hide under the table until it has flown over. This is the most difficult issue to address, for the State, as well as for the local population. Many people did complain that there was not sufficient attention from the PNR for their personal and collective trauma.

*They encourage you to speak up, but speaking up goes wrong because of all the damages that happened during the war. They think of the tortures and the pain, but the PNR has no psychosocial help. The PNR has psychosocial support in the office but only when people come in; they do not go into the village. They do not go into the village to construct a report regarding its traumatized people, how many people are damaged and what they need. They want some medicine; they need a health center, they need attention. But there is no attention, they are just waiting.<sup>41</sup>*

Psychological problems are a big issue that has been overlooked by many. The PNR offices, as well as the Victims Movement have psychiatrists on staff, but no one has long-term psychological help. One of the reasons exhumations are welcomed and are seen as one of the best ways to foster reconciliation and healing is the attention for psychological aspects of it. The Victims Movement attends to the family of the exhumed before, during and after the actual exhumations as well as during the reburials.

*[During exhumations] they come with soft water with meals, embrace the other, tell their story: he was tall, he was very good, and killed him, he died, this time the army came from this side, the plane was coming from this other side ... and many people tell their story, there is no conflict. They begin to mourn, then there is no conflict, they agree with one another, this is why the exhumations help psychologically. If it helps, when they look and are crying, then comes the psychosocial help, begin to*

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<sup>40</sup> Interview Jacinto, resident of Acul, 23 March 2012.

<sup>41</sup> Interview Francisco, member of victims committee, 11 April 2012.

*embrace to cheer. The exhumations are hard but also supports reconciliation because people can talk.*<sup>42</sup>

Exhumations bring people closer together. Many people show up during the exhumations, with drinks and food. They embrace each other for comfort, share stories and cry together. This way, the events create social space for dialogue. Furthermore, it brings surviving genocide victims and their deceased loved ones back together, knowing where they are and being able to give them a proper burial makes healing possible. Because exhumations were mostly arranged by local NGO's, and not by the PNR, while they are supposed to be, exhumations were not perceived as part of the reparations program. As Sanford (2005) argues, exhumations restore the dignity of the victims and uncover a truth that cannot be uncovered in any other way. I found that exhumations are seen as the most important psychological reparation because it means that people are reunited with their family.<sup>43</sup> The dead can finally rest in peace with the inhumation process. The period of mourning can begin and their customary way of grieving and remembering the victims can be practiced (going to the cemetery, lighting candles and bring guisquil to the grave). Miriam visits the cemetery every week, or twice a week if she can find the time. The graves of her husband and son are clean and it is very important to her that they are resting in peace, next to each other with a little house on top of their graves. It's very hard when people do not know what happened to their loved ones, not knowing how they died, where they are. The importance of this is indicated by the story of one my informants. Pedro is the only survivor of his family. His parents were killed and all four of his brothers and sisters died of starvation and cold in the mountains. They were never found; *they might have been eaten by animals.*<sup>44</sup> He doesn't know where they are, so they cannot be exhumed. This is very hard for him, because he cannot visit them at the cemetery to dignify them, to remember them and pay them respect. When all the others go to the cemetery, he has no grave to go to. For this reason, he visits the monument built in the honour of thirty-five victims that were never found. There should have been built more monuments, because the names of many victims are not on the one there is. That way, many people feel excluded, and cannot mourn or dignify their deceased loved ones. This is a big problem because people need to dignify the victims in order to be at peace and move forward. As indicated above, other actors come into play during

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<sup>42</sup> Interview Francisco, member of victims committee, 11 April 2012.

<sup>43</sup> Interview with Pedro, member of victims committee, 14 April 2012; and Rosa, member of victims committee, 12 April 2012; and Magdalena, resident of Acul, 23 March 2012; Ambrosio, staff member of ASOMOVINDINQ, various conversations between February and April 2012,

<sup>44</sup> Interview Pedro, member of victims committee, 14 April 2012.

exhumations and also for the promotion of the PNR and other means of reparations. In the next chapter, I will explore the role these organizations play in the reparation process and their relations.

#### **4. Micro-politics of reparation: community organization and NGO's**

In chapter two and three, several objections to the mandate and implementation of the PNR came to light. The PNR focuses largely on monetary and material reparations, while other kinds of reparations have so far been neglected. Here, a social space is left in which people find themselves, scarred by their loss and excruciating experiences, distrusting and out of reach of the PNR because they do not fall into category of beneficiary or because they live too far away. Many people have fallen into this space. People are excluded from the programs economic reparations, psychological help is offered in the most minimal sense; people do not receive help with rehabilitation and do not feel like the State cares about their dignity because there are still clandestine graves to be uncovered. I would not do the residents of Nebaj justice if I did not note on the strength of the people that are in this space. It is not that those people are helpless altogether; they are inventive in ways of living and reconciliation efforts. They grieve in their own way; unite to remember their loved ones on different occasions. There is however, strong indication that there is a collective call for a more 'hands-on' approach to remembering and honoring the victims of the conflict, active acknowledgement for their suffering and prolonging hardships. While everyone has a different personal history and the PNR basically further divides victims due to exclusionary policies, many people expressed their unity in victimhood.<sup>45</sup> As noted in earlier chapters, victims organizations and committees form an important link between the applicants and the program. It is also a way the program affects the local communities, forming allegiances and influencing personal and community relations. In this chapter, I look at these local relations and the part victims' committees play in the application process. Furthermore, I look at the how the social and economical space people fall into by being excluded from the PNR is filled with other actors and how they relate to accessing reparations. In this space, several NGO's, human rights organization, mediators and individuals manoeuvre, sometimes in unity, sometimes with contrary agenda's, resulting in a patchwork of social, civil, official, and legal actors. I have spoken to many of those actors, with the focus on NGO's that work from Nebaj and are closely related to the PNR in their work.

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<sup>45</sup> Among others: Francisco 11 April 2012; Pedro 27 March and 14 April 2012; Mireille 27 March; Amando 4 April 2012; Helena 27 March 2012; Jacinto en Magdalena 23 March 2012; Gaspar 25 March 2012.

#### 4.1 Community organization: victims committees

To the question why they are part of the victims committee, Pedro explains:

*We do it to help each other. Just like during the war. We were organized because that was the only way we could survive. One person would be on look-out-duty, he would stand beside the road over there, and when he spotted the army he would warn everyone and we all would go hide. One day I would do it, the other day he would do it. We helped each other then, and we help each other now. Because it is a long and difficult fight. Gracias a Dios que ya vivo.<sup>46</sup>*

In order to bridge the gap between regional offices and the people, there is a semi-official organizational structure of community representatives called victims committees. These committees represent the applicants of their community toward the Reparations Program. In most cases, these committees represent the applicants of a certain village, as is the case in Acul, Pulay, Batszuchil, Rio Azul. Because the town of Nebaj is too large to be represented by one committee, it is divided in areas, named *cantones*. A victims committee consists of three to seven members; men and women, most of who were elected by their community in the years after peace-agreement was signed in 1996. For example, the victims committee in Acul consists of 7 people. Not all of them speak Spanish fluently, they were elected 13 years ago and have been working as victims committee ever since. They have knowledge on the applicants and beneficiaries of the program in their community. In Pulay the victims committee consists of 5 people, elected 11 years ago. The same counts for Batszuchil and Rio Azul. In Ixtupil however, people had not yet organized along these lines as of March 2012, when a local NGO came to document the collective testimony of the people that live there.

The role of the victims committee is to communicate between regional organizations (i.e. NGO's, Victims Movement and PNR) and their community. By doing this, they play a major role in the implementation of the National Reparations Programme. The victims committees map the people's needs and advise them on procedures. They bring them in contact with the PNR and inform them about general news about the status of the program. The PNR then fills out the paperwork and takes personal testimonies. People can also enter the program without convening with the victims committee of their village, but in practice, this is rarely the case. Many people cannot afford to go to Nebaj on a regular basis to keep

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<sup>46</sup> Interview with Pedro, member of victims committee, 14 April 2012.

informed about the status of the program. Furthermore, illiteracy under the rural, but also the urban population is a factor that makes implementation difficult and local leaders more powerful. While several of the members of victims committees I spoke to were illiterate, most could read and write.

Lieselotte Viaene differentiates between positive and negative leaders, who accompany the victims during their interview for PNR. Arguing that interviews at PNR can be categorized into four main categories: the community interviews, beneficiaries come to the main office without companion, beneficiaries who are accompanied by a positive leader helping them, and beneficiaries who are accompanied by a ‘negative’ fraudulent leader (PNR 2007). The prevalence of each type of interview varies significantly between peripheral regions. During my conversations with PNR staff, community leaders and applicants, it was never mentioned that leaders actually accompanied the people during their interviews at PNR. It was actually mentioned that they did not:

*We don't have to do anything, they do all the paperwork and the interviews with the people, we only have to inform them [the people] about the general news about the program.*<sup>47</sup>

In the municipality of Nebaj, stories about leaders differed greatly depending on the village. In one village, several people were suspicious about the intentions of the local victims committee accusing them of nepotism. The COCODE, a local leader for the organization of development, told me:

*The people who communicate with ASOMOVIDINQ and the PNR are all women, they only help other women and their friends, they don't help everyone equally.*<sup>48</sup>

The head of ASOMOVIDINQ told me there were special Women's Committees, as a part of a gendered approach to reparations and development under CONVIGUA. This might explain the gender bias the COCODE was referring to. However, his perception of nepotism and the unequal treatment of victims is a problem that needs to be addressed in this village. Yet another NGO, namely ASOCDENEB<sup>49</sup>, addressed this during the community meeting about which I will elaborate in the last part of this chapter.

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<sup>47</sup> Interview Pedro, member of victims committee, 14 April 2012.

<sup>48</sup> Informal interview with Gaspar, COCODE, 25 March 2012.

<sup>49</sup> Asociación de Campesina Desarrollo Nebajense – Rural Development Association Nebaj

## 4.2 ASOMOVIDINQ

*It's nine o' clock in the morning on a Sunday. Juan has just made a journey of three hours on foot, from Xolcuaya a village near Chajul, all the way to Nebaj. Half an hour later, about thirty people, men and women, are sitting in the courtyard of the Victims Movement. They sit on plastic chairs, chatting with each other when Diego, the director of the Victims Movement in Nebaj, starts to speak. He speaks about the rights of victims, indigenous rights and the need for collective action. The listeners actively participate in the meeting by shouting in agreement with Diego's calls for action.<sup>50</sup>*

During a meeting at a local NGO, the members of victims committees were asked how many people in their villages had already received and particularly how many applications were still pending and how many people still needed to start the application process, by the head of PNR Nebaj.<sup>51</sup> He asked these questions in order to plan fieldtrips to the villages where there are more than three or four people who want to apply for the program. The PNR staff does not plan fieldtrips without requests from the community. *Everyone knows the program; we don't need to promote it anymore.*<sup>52</sup> However, not everyone agrees with this statement. Local victims organizations did promote the program through lectures and arranging community meetings where they invited the staff of PNR to explain about it. This way, although promotion was not one of the activities the staff itself organized, it did occur regularly. This makes the program also heavily dependent on NGO's and the victims committees. This more or less parallel structure to the national program is complementary to the program.

The Victims Movement plays a major role in the reparations process. The movement aims to heal the psychological trauma, poor conditions and devastating effects that were left as a result of the conflict. It plays a major role in the preparatory process for the exhumations of remains of victims and offers psychosocial support and advice to victims of the conflict.<sup>53</sup> Diego, the director of the Nebaj office of the Victims Movement is the legal representative of many victims, using the victims committees for communications of general

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<sup>50</sup> Fieldnotes 15 April 2012.

<sup>51</sup> Meeting for victims committees from the municipalities of Nebaj, Chajul, Cotzal, at ASOMOVIDNQ, 15 April 2012.

<sup>52</sup> Interview Roberto, staff member PNR, 16 March 2012.

<sup>53</sup> Meeting for victims committees from the municipalities of Nebaj, Chajul, Cotzal, at ASOMOVIDNQ, 15 April 2012; Ambrosio, staff member ASOMOVIDINQ, various conversations between February and April 2012; interview Pedro, member of victims committee, 14 April 2012; interview Francisco, member of victims committee, 11 April 2012; interview Roberto, staff member PNR, 16 March 2012.

information. The organization exists fifteen years and has twelve staff members. It has a broader mandate than the PNR because it aims to achieve the aims set in the *Acuerdos de Paz*. They investigate human rights violations; they are funded by Fonapaz. They do mediation in land disputes, help people with the application procedure for the PNR and do investigations and application procedures for exhumations. Stressing the need for development, this illustrates the integral nature of reparations as restorative justice and development in practice.

As mentioned in chapter three, many people complained about the psychological and social help the program offered. During conversations about this subject, they always referred to the regional office of the Victims Movement. *There they really help us, I needed the money and the house is good, but I never saw any other kind of effort from the government to make things right.*<sup>54</sup> It kept coming up that there were ceremonies and other activities to remember victims but never were they facilitated by the PNR. They had to pay for the bus themselves and the Victims Movement arranged the activities. This way, the Victims Movement fulfills part of the reparations program, which is only focused on money and houses. Apart from meetings, ceremonies and psychosocial help, they also played a major role in the realization of exhumations as well as reburials. As an informant told me:

*ASOMOVIDINQ differentiates itself in truly helping the victims by providing psychological support during exhumations and also in the process leading up to the exhumations and afterward.*<sup>55</sup>

Apart from psychosocial support during exhumations, people need development, in the form of education. Pablo and his friend told me: *There are not enough projects to educate people, this is a big problem.*<sup>56</sup> They both participated in a training program for the promotion of agriculture, which was organized by the Victims Movement. *Diego nos apoya. Trabaja mucho para varias comunidades. He has a hard job, because there are many communities that need his help.*<sup>57</sup>

The head of the Victims Movement in Nebaj points out that the Movement is a national organization and that this is both strength and a weakness. It has more reach and power than the local NGO's, but also has to deal with more bureaucracy than the other local victims organizations.

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<sup>54</sup> Interview Magdalena, resident of Acul, 27 March 2012.

<sup>55</sup> Interview Marto, staff member of Procuraduría de Derechos Humanos, 11 April 2012.

<sup>56</sup> Interview Pedro, member of victims committee, 14 April 2012.

<sup>57</sup> Interview Pedro, member of victims committee, 14 April 2012.

### 4.3 Other victims organizations in Nebaj: ASOCDENEb and ACOPDRI

The Movimiento de Desarraigados (ACOPDRI) is a small victim's organization. They have 5 people on staff full-time. In total there are more people working there. Its mandate is roughly the same as the other victim's organizations in Nebaj; however, it is different because it aims to provide alimony to people who need it. ACOPDRI actually distributes money and alimationation packages, coming from funds of the Red Cross and development funds from Europe.<sup>58</sup> This is the reason why ASOCDENEb does not work with ACOPDRI, the reason the organization split in two in the 1990s. They argue that people need education and that they need to fight to realize the objective set in de *Acuerdos de Paz*, not hand out money.

ASOCDENEb takes a hands-on approach in going into the communities that are out of reach of the PNR as well as the Victims Movement because they are far away from Nebaj or have not jet a victims committee. It also organized meetings in the village earlier mentioned because the local COCODE felt that the Victims Movement did not help them. AOCDENEb arranged community meetings, carefully orchestrated to include all members of the community by contacting several community leaders. They began by explaining human rights and the Guatemalan Constitution. Then, they drew up the history of the community, creating space for everyone to talk about their experiences during the conflict. Then, all the deaths were listed and possible beneficiaries of the PNR identified. Furthermore, they transcribed the local history and made photos (I did) of all the incapacitated to represent their case to the Inter American Commission for Human Rights and demanding there that the Guatemalan State be summoned to address the situation. These long sessions were a moment for truth sharing as well as making. Together, people discussed when the army came to their village, what they did, how they reacted as a collective or individuals. People could finally tell their stories to a team that listened. Where needed, ASOCDENEb also helped with the creation of victims committees and registered clandestine graves to be exhumed. All victims organizations had exhumations as well as reburials scheduled for May 2012. This year ACOPDRI has 16 exhumations planned. In total, they are working with 175 families.<sup>59</sup> There are no funds for other projects at the moment. The Victims Movement has mapped and cleared 36 clandestine graves to be excavated. More than a thousand remains have already been exhumed.

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<sup>58</sup> Informal conversation Jerber, staff member ACOPDRI, 5 March 2012.

<sup>59</sup> Interview Manuel, staff member ACOPDRI, 8 March 2012 and informal conversation Jerber, staff member ACOPDRI, 5 March 2012.

While ASOCDENEB, ACOPDRI and ASOMOVIDINQ could not fill out applications for the PNR or had any influence in the application process, these local organizations do go out into the communities to explore and decide which communities still need to give collective testimonies, locate people who need help with exhumations or the PNR. Thus, they play a major role in the identification of victims and beneficiaries for the PNR, and in providing help and other methods of reparation than money and houses. While all the organizations basically have the same activities, they differ in their focus, work ethics and mandate. In the 1980's, there was only one organization in Nebaj, whereas during this investigation in 2012, there were three as mentioned above. Because they have differing work ethics, they hardly coordinate with each other. Disputes about political affiliation and spending, divided the organizations in three. Now they work independently to reach more or less the same goals. The NGO's all worked in the same general area, and though most members of victims committees had, besides the Victims Movement, heard of one of the others or even both, many people did not know they had different options to get help.

ASOCDENEB and ACOPDRI present themselves as non-political. In the way they portray the victims' movement as well as the PNR office as politically coloured, suggests that they are actually talking about corruption.<sup>60</sup> One of my informants mentioned: '*the victims movement is political, helps friends instead of victims*'.<sup>61</sup> This sentiment sometimes also extends to the victims committees. In some cases, people complain that the victims committee in their village are biased in their help and support of the victims, favouring friends and family in the giving of information and excluding people they dislike or do not perceive as being equally victimized during the war. Because of this sentiment, whether it is true or not, NGO's try to circumvent the victims committees in order to reach more people. They accomplish this by organizing meetings through COCODES and alcaldes auxiliares (local representatives of the mayor), as well as the victims committees.

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<sup>60</sup> Interview Cristian, staff member of ASOCDENEB 21 March and numerous conversations over the course of March and April 2012, and interview Manuel, staff member ACOPDRI, 8 March 2012.

<sup>61</sup> Interview Rigoberta ASOCDENEB, 2-3, 25-3, 26-3, 4-4. Informal interview Gaspar, COCODE, 25 March 2012

## **Conclusion**

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Reparations come in various forms and can have varying effects. As the theory as well as the testimonies of the residents of Nebaj shows, the main aim of reparations is supposed to be to restore the dignity of victims of gross human rights violations. Reparations come in different forms and in Guatemala; the reparations program aims to implement five different kinds of reparations. The aim of this research was to uncover micro-level processes and perceptions of reparations.

As Uprimny argues, a holistic approach of reparations integrated with development is advised, directing the focus of reparations to work toward a better future. However, reparations imply that something is repaired that happened in the past. This means that reparations have an intrinsic link to the past, recovery of truth and memory. This becomes especially apparent through the examination of the definition of a beneficiary and the perception of victimhood. In Guatemala, and especially in the Western Highlands Nebaj is a part of, everyone was affected by the internal armed conflict in some way, resulting in the perception of collective victimhood. Local perceptions of the PNR office in Nebaj are generally positive but shortcomings were identified with ease. The biggest shortcoming was that the program has only implemented monetary and material reparations and that these have not been granted to nearly enough people. The exclusion of ex-PAC from the economic and material aspects of the National Reparations Programme specifically generates a lot of grievances. Ex-PAC's feel left out, their suffering not acknowledged and thus their dignity not restored but damaged. Apart from the exclusionary policy due to a highly bureaucratic application process, the appreciation for economic reparations and especially the houses was big. The granting of such reparations generated a feeling of acknowledgment for their suffering by the State. This was seen as important to the restoration of their dignity, the improvement of their living conditions due to the money and houses was seen as an extension of this restoration of dignity.

However, many people needed this money and a house but did not qualify as a beneficiary, leaving peoples suffering unrecognized and their dire living conditions unchanged. This, together with the call for education and other forms of development, makes the idea of transformative reparations highly relevant in the case of Nabaj. It must not be forgotten however, that looking backwards is also still highly relevant and needed for the rectifying of the victims' dignity. Here, the PNR sells short because it has hardly paid any attention to the implementation of more symbolic forms of reparation. Exhumations are perceived as highly conducive to the recovery of family members of victims of gross human

rights violations because they bring the deceased and the living back together and uncovers a truth that is in itself a recognition of suffering with a repairing capacity. Furthermore, exhumations are social gatherings, places and moments for collective sharing and grieving. This underpins the merit of Sanford's argument that the exhumations created social and political space for truth and healing. Locally, this is mainly done by local victims organizations that in this sense complement the work of the PNR.

The question this study aims to answer is how different kinds of reparations for genocide victims are accessed and perceived by the population of Nebaj, Guatemala. As noted above, victims organizations and committees form an important link between the applicants and the program and are thus a gateway to economic and material reparations. These organizational structures also a way the program affects the local communities, forming allegiances and influencing personal and community relations. Because the organizations all work in the same communities but have minimal coordination, the fact that there are several organizations divides the victims in different groups. ASOCDENEb tried to unite communities in their fight for rights, reparations and development through collective testimonies and trying to use different contacts in communities to reach as much people as possible, while the Victims Movement mainly worked via the victims committees. The organizations did have the opposite effect of the PNR in the sense of creating space for people to grieve and reconcile in a collective manner. Whereas the economic and material reparations did contribute to the restorations of dignity and rectified the economic situation of many people to what it was before they were stricken by the conflict, it was perceived as exclusionary and the source of many new grievances. The victims organizations, in contrast, provided more symbolic reparations, hereby functioning as a gateway to a better life for many people.

The goal of this research was to gain knowledge of local perceptions of reparations in order to understand the place and meaning of reparations as a mechanism for dealing with the violent past. Forward-looking and backward-looking reconciliation and justice must both be acknowledged as vital in the restoration of the dignity of the victims. The testimony of the residents of Nebaj, furthermore underpins the importance of State-accountability and the relevance of recognition of suffering. But we cannot just look back in time; we need to work toward a better future. The call for educational programs and other kind of reparations than purely economic and material, illustrates the need for development and the integral nature of reparations as restorative justice and development in practice.

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## **Reparar lo irreparable**

### **Resarcimiento por violaciones a los Derechos Humanos en Nebaj, Guatemala**

En Guatemala, la firma de los Acuerdos de Paz en 1,996 puso fin a un período de 36 años de violencia y violaciones a los derechos humanos graves. Guatemala tuvo que recuperarse de violaciones a los derechos humanos que resultaron con un número estimado de 200,000 muertos, millones de desplazados internos y 150,000 refugiados que huyeron a México. La Comisión para el Esclarecimiento Histórico (CEH) concluyó que el Estado era responsable del 93% de las muertes y el 83% de las víctimas fueron Indígenas. La CEH recomendó la instalación de un Programa Nacional de Resarcimiento (PNR), que finalmente se estableció en 2003. Este programa está diseñado para compensar a las víctimas y a sus familiares por su pérdida y por el sufrimiento en la guerra interna, son cinco tipos de reparación: restitución material, resarcimiento monetario, reparación psicosocial y rehabilitación, resarcimiento cultural y dignificación de las víctimas.

Hice la investigación en Nebaj, Guatemala, para investigar los procesos del resarcimiento y percepciones. Nebaj está situado 252 km de la Ciudad Capital, en una región conocida como triangulo Ixil, que fue afectada fuertemente por la violencia genocida en los años de 1,970 y a principios años 80. Por eso, la reparación y la reconciliación son muy importantes en las vidas de la gente Ixil. El objetivo de esta investigación es conocer las percepciones locales de reparación con el fin de comprender el lugar y el significado de las reparaciones como mecanismo para lidiar con el pasado violento. La pregunta que este estudio pretende responder: es cómo los diferentes tipos de reparaciones para las víctimas del genocidio se accede y sea recibida por la población de Nebaj, Guatemala.

Las reparaciones vienen en varias formas y puede tener diferentes efectos. El objetivo principal de las reparaciones se supone que es para restaurar la dignidad de las víctimas. El objetivo de esta investigación fue descubrir a nivel micro los procesos del resarcimiento y las percepciones de las personas sobre el resarcimiento. Las percepciones locales de la oficina del PNR en Nebaj son positivas en general, pero las deficiencias también se identificaron con facilidad. El mayor inconveniente fue que el programa sólo ha aplicado el resarcimiento económico y material, sin embargo, éstos no se han otorgado a la

gente lo suficiente. La exclusión de los ex PAC del resarcimiento económico y materiales en genera sufrimiento.

Los Ex-PAC sienten que los han dejado por un lado, no se le reconoció el sufrimiento y por lo tanto no se restaura dignidad de estos pueblos que fueron dañados. Aparte de la política de exclusión, debido a un proceso de aplicación altamente burocrática, la apreciación de las reparaciones económicas y especialmente de las casas era grande. La concesión de tales reparaciones genera un sentimiento de reconocimiento por el sufrimiento provocado por el Estado. Esto fue visto como importante para el restablecimiento de la dignidad, el mejoramiento de las condiciones de vida, debido a que el dinero y las casas se veían como una extensión de esta restauración de la dignidad. Sin embargo, muchas personas necesitan este dinero y una casa pero muchas no calificaron como beneficiarios, Así, se olvidando a los pueblos que sufren y no se les reconocen sus duras condiciones de vida, no se ven mayoría de cambios positivos. Esto y juntamente con la convocatoria de la educación y otras formas de desarrollo, hace que la idea de transformar las reparaciones de daños de gran relevancia en el caso de Nebaj. No hay que olvidar, sin embargo, que mirando hacia atrás también es todavía muy relevante y necesaria para la rectificación de la dignidad de las víctimas. En este caso, el PNR se ve corta, ya que apenas ha prestado atención a la aplicación de las formas más simbólicas de reparación. Las exhumaciones son percibidas como muy propicio para la recuperación de los familiares, que son víctimas de graves violaciones a los derechos humanos. Encontrar los restos de la persona fallecida provoca que haya una sola verdad, una capacidad de reparación y reconocimiento al sufrimiento pasado.

Por otra parte, las exhumaciones son reuniones sociales, lugares y momentos para compartir colectiva y duelo. Esto refuerza el mérito del argumento de Sanford de que las exhumaciones han creado un espacio social, político de la verdad y de recuperación. A nivel local, esto se hace principalmente por las organizaciones de víctimas locales que en este sentido complementan el trabajo de la PNR.