



Monthly Information Package Guatemala

Number 253 - October 2024

1. THE CURRENT SITUATION

Monthly update on the situation in Guatemala as highlighted by the press, related to the main thematic areas of PBI Guatemala's work: the fight against impunity, land issues and defense of territory.

Court grants house arrest to José Rubén Zamora

After 813 days in the Mariscal Zavala military prison, journalist Jose Rubén Zamora returned home on the evening of October 19, 21 hours after judge Erick Daniel García Alvarado ordered him to be placed under house arrest. The criminal case against him for alleged money laundering, obstruction of justice and forgery of signatures remains open.¹

The hearing to review enforcement measures was marked by appeals lodged by the Special Prosecutor's Office against Impunity (FECI) and the Foundation Against Terrorism (FCT), the joint plaintiff in the case. They sought to prevent the journalist's house arrest. However, the judge ruled that "the review requested by Zamora Marroquín is granted on the grounds that his prison term has now exceeded maximum limits and because he has the appropriate legal status to be granted this type of benefit." The alternative measures do not involve bail, but he will be subject to a monitoring process. He is also prohibited from leaving the country without judicial authorization and from communicating with other people connected to the case. He is also required to report to the Public Prosecutor's Office every eight days.²

FECI launched the criminal prosecution against Zamora, which led to his July 29, 2022 arrest, just five days after the journalist criticized then-president Alejandro Giammattei. This case is emblematic of the criminalization of journalism and freedom of expression in Guatemala, characterized by torture, inhumane treatment and irregularities in the judicial process. The courts handling the case have changed his hearing dates more than six times and the Supreme Court of Justice (CSJ) postponed a hearing with the journalist until September 2025.³ Zamora has publicly spoken out about the deplorable conditions of his imprisonment and the impact this has had on his health. A group of United Nations experts verified that the journalist was being subjected to cruel and inhumane treatment, such as sleep deprivation and arbitrary searches.⁴

Throughout this ordeal, Zamora has received national and international expressions of solidarity, having even been awarded the 2024 Gabo Prize for Excellence in journalism. President Bernardo Arévalo, Vice President Karin Herrera and members of the *Semilla* and VOS parties have applauded the judge's decision. Organizations such as the Inter American Press Association, the Committee to Protect Journalists and Amnesty International have also expressed their support for Zamora. In addition, the Office of the United Nations High Commissioner for Human Rights in Guatemala indicated that it would continue to observe the case and emphasized that it is important to "guarantee due process and the rule of law."⁵

¹ Rivera, N., [Jose Rubén Zamora recuperó su libertad y deja atrás la cárcel militar Mariscal Zavala](#), Prensa Comunitaria, 19.10.2024; Prensa Comunitaria, [El periodista Jose Rubén sale de la cárcel, pero seguirá criminalizado](#), 19.10.2024.

² Pérez Marroquín, C. and Vargas, E., [Jose Rubén Zamora obtiene arresto domiciliario tras haber pasado más de 800 días en prisión](#), Prensa Libre, 18.10.2024.

³ Ibid.

⁴ Prensa Comunitaria, Op. Cit.

⁵ Ibid.

43 years after the abduction of Marco Antonio, his family continues searching for him⁶

The Molina Theissen family continues to seek justice for the forced disappearance of Marco Antonio, who was abducted during a military operation in 1981, when he was 14. This month marks the 43 anniversary of this crime and his 90-year-old mother, along with his three sisters, have launched a campaign to keep his memory alive and demand information about his fate. Although several ex-military personnel were convicted in 2018 for Marco Antonio's disappearance and for his sister Emma Guadalupe's torture, the sentence is still not definitive, and impunity remains.

The family's story reveals a pattern of systematic abuses by the State, including torture and clandestine detention. Although the Inter-American Court of Human Rights ordered that those responsible be investigated and punished, reparations measures have not been carried out. The family feels mocked by the justice system, especially after those convicted were granted alternative measures, in violation of international standards on crimes against humanity.

Marco Antonio's case is emblematic for transitional justice in Guatemala, as it not only represents this family's struggle for truth and justice, but also the acknowledgement of thousands of people disappeared during the Internal Armed Conflict. While awaiting the CSJ's ruling, the family continues to keep the memory of what happened alive, emphasizing the importance of preserving collective historical memory as a way to overcome silence and impunity.

Felipe Xo Quib, member of the Artisanal Fishermen's Union of El Estor, murdered

Last Tuesday, October 29, Felipe Xo Quib, a fisherman, leader and founder of the Artisanal Fishermen's Union of El Estor, Izabal, was murdered. It is believed that Xo Quib was murdered for his involvement in the resistance that took place in October 2021 against the company, *Compañía Guatemalteca de Níquel*. The company, a subsidiary of the Swiss/Russian company Solway Investment Group, was trying to impose the Fenix mining project in the municipality without first consulting the Q'eqchi' people living in the area. His comrades in the struggle link Xo Quib's murder to the resistance in that period, since a neighbor, who is also a member of the union, was a witness to the crime and claims that the murderer was Mauricio Tiul Pérez, a "loyal collaborator" of *Compañía Guatemalteca de Níquel*. The Artisanal Fishermen's Union says that they do not trust the actions of the National Civil Police (PNC) or the Public Prosecutor's Office (MP).⁷ They fear that there could be more threats, assaults and perhaps even more murders, since some members of the union were already criminalized and prosecuted in the past for their work in defense of the territory. Journalist Carlos Choc also faced a harsh campaign of criminalization and prosecution after investigating the Fenix nickel mine and filming images showing the police murdering a fisherman.⁸

Day of Indigenous, Black and Popular Resistance

On October 12 of this year, indigenous peoples' representatives and ancestral authorities held a march to celebrate the Day of Indigenous, Black and Popular Resistance, to highlight indigenous peoples' struggles and achievements in the Americas, with banners and speeches questioning the misnamed "discovery of America."⁹

In recent years, some countries have redefined this commemoration, applying a critical perspective to the colonization, subjugation and elimination of pre-Columbian cultures and asserting the rights of indigenous communities.¹⁰ To that effect, Mario Iztep, coordinator of the Observatory of Indigenous Peoples of Guatemala, says that people are called upon to join efforts to reclaim the country in three ways: by condemning and repudiating corruption in Guatemala; by seeking mechanisms that lead to a national vision where different communities come together; and by eradicating poverty and gross inequalities.¹¹ Indigenous authorities such as Yolanda González and Miguel Pajarito state that the October 12 mobilization is a gathering

⁶ Álvarez Nájera, L., ¿Dónde está Marco Antonio Molina Theissen?, Agencia Ocote, 18.10.2024.

⁷ Pérez, R., Asesinan a pescador Felipe Xo Quib, integrante de la Gremial de Pescadores de El Estor, Prensa Comunitaria, 29.10.2024.

⁸ PBI Estado Español, #Guatemala. Relatores Especiales de la ONU piden explicaciones a la criminalización del periodista Carlo Choc, 29.01.2024.

⁹ Diario de Centro América, Reivindican el Día de la Resistencia en Guatemala, 12.10.2024.

¹⁰ Ferrigno, V., El Día de la Resistencia Indígena, LaHora.gt, 16.10.2024.

¹¹ Rodríguez, M., ¿Día de la Hispanidad o de la Resistencia Indígena?, Hemeroteca – La Hora, 12.10.2013.

to visibilize communities' achievements in terms of land and territory, as well as to show the world that they have achieved some important goals, including being recognized as community authorities.¹²

2. ACCOMPANIMENTS¹³

PBI accompanies social organizations and individuals who have received threats for their work in the defence and promotion of human rights. In this context we are accompanying social processes in the fight against impunity, land inequality and defense of territory.¹⁴

THE FIGHT AGAINST IMPUNITY

This month, we continued accompanying the **Association for Justice and Reconciliation (AJR)** to hearings in the “Ixil Genocide” case against Manuel Benedicto Lucas García, former Chief of Staff of the Guatemalan Army and brother of former de facto president Fernando Romeo Lucas García (1978-1982). We observed 5 hearings during the oral and public hearing stage of the trial on October 3, 16, 28, 30 and 31. On the 3rd, the hearing was cancelled because it was impossible to connect with Benedicto Lucas García as a Zoom license had expired. In the next hearing, Rodolfo Robles Espinoza's expert witness report was presented, which addressed the events and responsibilities that led to acts of genocide during the 1978-1982 period. On the 28th, expert witness Rodolfo Robles Espinoza was supposed to testify from Peru on his previously submitted report; however, he did not show up and the judge accepted the plaintiffs' request to waive his testimony. On the 30th, five witnesses who were scheduled to testify were unable to do so because there was no justice of the peace available in the Nebaj court to preside over the hearing. They finally gave their testimonies on the 31st, as did three other witnesses for the former military officer's defense. The court is expected to issue a sentence in the second week of November.

We accompanied the **Human Rights Law Firm (BDH)** to the following hearings and activities:

- Hearings in the Hogar Seguro case: three hearings in a continuation of the oral and public trial on October 14, 22 and 29, in which several witnesses called by the Public Prosecutor's Office (MP) were heard.



- Hearings in the Creompaz case on October 23 and 28, to resolve an appeal filed by the defense, which seeks to deny the jurisdiction of the Court that is trying the case. On the 23rd, the hearing was suspended due to the revelation of a friendly relationship between one of the judges and one of the defense lawyers.

With respect to the **Luz Leticia case**, we have held update meetings with the family to follow up on the case and their security situation, and on October 25, we accompanied them to the continuation of the evidentiary hearing, which was suspended because the defendant, Juan Francisco Cifuentes Cano, had medical problems and was unable to attend.

¹² Pérez, R., Autoridades ancestrales reivindican la recuperación de tierras comunales, Prensa Comunitaria, 11.10.2024.

¹³ We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.

¹⁴ See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

DEFENSE OF THE TERRITORY

In the Department of Guatemala, we accompanied women present at the encampment of the **Peaceful Resistance of the Poqomam People of Chinautla**, with the goal of getting updates on their upcoming activities and their security concerns for the communities and environmental defenders. They shared information with us about their struggle to recover their communal lands and have them recognized, as well as about the different problems they face.



THE ISSUE OF ACCESS TO LAND

With respect to the **Verapaz Union of Peasant Organisations (UVOC)**, we maintained our regular meetings with the general coordinator, Carlos Morales, to follow up on and stay up to date about the security situation and the organization's work in defense of land access. Furthermore, this month we accompanied members of the Lajeb Kej community, which is affiliated with UVOC, to file a complaint with the Tukurú Public Prosecutor's Office because of the threats, intimidation and extrajudicial eviction attempts that have taken place over the past two months. Following this proceeding, and because of the plantation owner's persistence in committing these acts, we accompanied the community to a settlement conference at the Tukurú Public Prosecutor's Office. The land tenure and distribution case involving the putative landowner and the community is being discussed at departmental- and national-level dialogue roundtables, mediated by the Private Secretariat of the Presidency (SPP), with the participation of the Registry of Cadastral Information (RIC).

For the **Campesino Committee of the Highlands (CCDA) - Verapaces Region**, this month we have maintained regular communication and meetings with the organization's leadership to stay up to date on their security situation and on the evictions in the region, as well as on the land tenure situation and the registration processes of indigenous communities. We also accompanied a woman from the Chirrix Tzuul community, who was sexually assaulted during the April 2024 eviction, to a meeting with the National Institute of Forensic Sciences of Guatemala (INACIF) to evaluate her case.

3. POLITICAL ACCOMPANIMENT

Meetings and other contact with the diplomatic bodies, international organisations and Guatemalan authorities.

Meetings with national and international authorities are an important way for PBI to make known what we do and what our objectives are. Through these meetings, where necessary and in a reserved manner, we share our concerns about worrying situations that we have witnessed first-hand from the work we do in the field.

In our dialogue with the diplomatic corps and international organizations present in Guatemala, this month we met with:

- Alexandre Campello de Siquiera, Minister-Counsellor of the **Embassy of Brazil**.
- Jennifer Niedinger, Political Affairs Officer; José Pablo Rivera, Economic and Political Section Officer and José Antonio Weymann, Political Section Officer, Indigenous Authorities and Governance, of the **United States Embassy**.
- Constanza Gajardo, Head of the Chancellery and Consul of the **Embassy of Chile**.
- Ingrid María Verónica Melander, First Secretary of the **Embassy of Sweden**.
- Sara Lodi, Alexandra de Almeida, Miluska Contreras and José González, Officials of the **Office of the United Nations High Commissioner for Human Rights (OHCHR)**.

With respect to our dialogue with Guatemalan authorities, this month we met with:

- Mónica Mazariegos, Head of Political Dialogue of the **SPP**.
- Yuri Carias, **PNC officer in Tukurú**.
- Rolando Can Maquim, Mayor, and Héctor Pacay, Municipal Council Member, of the **Municipality of Tukurú**.
- Sergio Pinelo, Assistant Head of the offices of the **Presidential Commission for Peace and Human Rights (COPADEH) in Alta Verapaz**.
- Edwin Segura, Sub-Inspector of the 51st Precinct of the **PNC in Alta Verapaz**.

4. OTHER ACTIVITIES OF PBI GUATEMALA



This month we held our **semi-annual assembly** in which we analyzed the accompaniment work carried out in the last six months and planned our activities for the next six months.

This month we also presented our **documentary “The Land Belongs to Us”** which tells the story of two communities in Alta Verapaz that live under constant threat of eviction, as well as the story of a community leader who reflects upon this issue, which is so present in Guatemala and which he and his family have experienced firsthand. You can watch it here: <https://pbi-guatemala.org/en/multimedia/videos>

5. ACTIVITIES OF PBI GUATEMALA OUTSIDE GUATEMALA

Outside the country we constantly develop and strengthen the network of support for the Guatemalan PBI project, as this is one of the essential tools necessary to protect defenders of human rights. Regional Representatives, the Project Office Coordinator and other members of the committee and the Project Office and national groups of PBI, conduct public relations campaigns with many NGOs, agencies and national governments, parliamentarians and others. In this context we develop actions and public relations campaigns, and / or advocacy aimed at protecting defenders of human rights.

This month, the European Representative of the project met with:

- Ana Vicente, advisor for the Subcommittee on Human Rights and the Committee on Women's Rights and Gender Equality, and Francisco Gracia Villamayor, assistant for Latin American issues for the Podemos party, both from the **GUE political group in the European Parliament**.
- Diana Riba i Giner, Member of the European Parliament from the Green political group and President of the **Delegation for relations with the countries of Central America of the European Parliament**, Sergi Zorrilla Cubells, her assistant, and Luis Vilacha, parliamentary assistant to Member of the European Parliament Ana Miranda, Vice-president of the **Delegation for Latin America**, also from the Green political group.
- Camille Le Ho, Guatemala desk at the **European External Action Service EEAS**.
- Désirée Hermann, Head of the **Permanent Representation of Sweden to the European Union** for the Working Party on Human Rights (COHOM) and Working Party on Latin America and the Caribbean (COLAC) of the Council of the European Union.
- Carlos Morales, Head of the **Permanent Representation of Spain to the European Union** for the Working Party on Human Rights (COHOM) and Working Party on Latin America and the Caribbean (COLAC) of the Council of the European Union.

6. NON-GOVERNMENTAL ORGANISATIONS

In this section we publish statements (some abbreviated) from human rights organisations in which they express their concerns regarding recent events.



ASESINAN A DEFENSOR DE DERECHOS HUMANOS, CRIMINALIZADO POR EMPRESA DE PALMA ACEITERA, INDUSTRIA CHIQUIBUL, S.A.

Francisco Pop Ico, de 40 años de edad, originario de la Comunidad Santa Elena Salinas, del municipio de Sayaxché Petén, fue asesinado con arma de fuego en la noche del día 17 de octubre de 2024.

Francisco Pop, estaba citado para el día 18 de octubre, 11:00 horas (hoy) a una audiencia en el Juzgado de primera Instancia Penal, Narcoactividad y Delitos contra el Ambiente, con sede en San Pedro Carcha, A.V.

El día 09 de octubre/2024, la comunidad Presentó una denuncia a la Procuraduría de los Derechos Humanos, por las múltiples y continuas violaciones a los derechos humanos ocasionado por Industria Chiquibul. Día en que supuestamente se iba a presentar una delegación de la secretaria Privada de la Presidencia junto con el gerente de relaciones comunitarias de Industria Chiquibul, S.A. a una supuesta reunión de dialogo.

DESDE EL MOVIMIENTO DE COMUNIDADES EN DEFENSA DEL AGUA, QANA' CH'OCH', CONDENAMOS ESTE ASESINATO Y EXIGIMOS JUSTICIA.



The team of volunteers in PBI Guatemala is currently composed of Carlos Fernández Arrúe (Spain), Gisela Farell Reviejo (Spain), Leonie Malin Höher (Germany), Anna Morales Mateu (Spain), Ana Gabriela Ascarrunz Ponce (Bolivia), Sebastián Aguirre Orozco (Colombia), David Félix Azemar (Spain), Giulia Pochini (Italy) and Maria Alemany (Spain).

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**GUATEMALA PROJECT
PEACE BRIGADES INTERNATIONAL**

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