



Monthly Information Package Guatemala

Number 254 - November 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.

Defense lawyers halt Ixil Genocide trial

The trial against former Army Chief of Staff, Manuel Benedicto Lucas García, charged with crimes against humanity, forced disappearance and genocide, entered its final phase this month, following eight months in which almost 100 hearings were held. The Office of the Special Prosecutor for Human Rights and the joint plaintiff, the Association for Justice and Reconciliation (AJR), outlined the events that occurred between August 1981 and March 1982 and proved that the crimes were committed based on expert reports and testimonies. They asked for a 2,860-year prison sentence for the defendant.

On the third day of the defense's closing arguments, the Institute of Public Criminal Defense (IDPP), which represents the defendant, informed the judge that they had been notified of an injunction granted to Lucas García, recusing the judges. The same day, the hearing was suspended because associate judge Lilian Patricia Ajcam was indisposed. To date, the closing arguments have not resumed.¹

On November 26, the First Court of Appeals held a hearing to listen to the parties and resolve the injunction. Presiding judge Miriam Regina Brolo and associate judges Marco Tulio Pérez Lemus and Jorge Emilio Quezada Morales concluded "that the Court showed partiality and bias in favor of the Public Prosecutor's Office (MP) and the plaintiffs" and that another court should therefore be assigned to hear the case. According to the plaintiffs' attorney, Jovita Tzul, the military official's defense did not offer any evidence to prove the High Risk Court judges' partiality. Furthermore, Nery Rodenas, director of the Human Rights Office of the Archbishop of Guatemala (ODHAG), which provides legal support to the AJR, stated that the judges' decision is a "slap in the face" from the justice system to the victims who "have had to wait more than 40 years for a sentence." The legal team for the plaintiff, AJR, is currently considering further legal steps.²

At the same time as all of these events, Attorney General Consuelo Porrás dismissed or transferred 14 prosecutors from the Office of the Special Prosecutor for Human Rights who were in charge of this and other cases involving human rights violations committed during the Internal Armed Conflict (IAC). Among them was prosecutor Erick de León, who was the head of this unit.³

The AJR and ODHAG have both expressed their concern in various communiqués, as they believe that all of these actions serve to hinder the continuation and conclusion of the Genocide case.

New blow to transitional justice: Appeals Chamber annuls CREOMPAZ case

Last Tuesday, November 5, it was announced that the Second Court of Appeals had annulled the CREOMPAZ case proceedings, meaning that all of the rulings issued thus far are rendered void, including the arrest warrants and precautionary measures against the accused military officials. This means that the entire legal process reverts back to when it began, in other words, to the year 2016. The former Military Zone No. 21, which is located in Cobán, Alta Verapaz, is now the site of the Regional Peacekeeping Operations Training

¹ Pérez, R., [Sobrevivientes del genocidio denuncian el intento de detener el juicio por genocidio](#), Prensa Comunitaria, 14.11.2024.

² Pérez, R., [Sala Primera de Mayor Riesgo anula el juicio por genocidio contra Benedicto Lucas García](#), Prensa Comunitaria, 14.11.2024.

³ Lacán, R. y Najarro, F., [El MP remueve a 14 fiscales a cargo del caso genocidio Ixil](#), Prensa Libre, 15.11.2024.

Command (CREOMPAZ), from which the case gets its name. It was the largest torture center and the largest clandestine cemetery in Latin America. The remains of more than 500 people, including children, were found there. In 2016, the MP declared the legal case one of the largest cases of forced disappearance in Latin America.⁴

In 2012, as a result of a request from the Association of Relatives of the Detained and Disappeared of Guatemala (FAMDEGUA), an investigation began into the crimes committed at this military base and the trial of 14 ex-military officials began in 2016. They were accused of “taking part in executions, having control over interrogations, torture and sexual assaults, causing pain to obtain information, conducting military operations to capture and transfer corpses, commanding military operations where sexual assaults were committed against two girls aged 11 and 12, participating in the design of the counterinsurgency strategy, giving orders and leading others to carry out these acts.”⁵

The judges who annulled the case were elected last October. The international organization Impunity Watch and FAMDEGUA have condemned these actions as a setback for transitional justice and have expressed their concern about the recent election of the courts.⁶ In response to the case's annulment, the victims' lawyers have filed an appeal before the Constitutional Court (CC), denouncing the violation of Inter-American Court of Human Rights (I/A Court H.R.) rulings that prohibit the punishment of victims and survivors in order to foster impunity or to comply with mere formalities in cases like CREOMPAZ.⁷

432 women murdered in 2024⁸

At least one woman dies a violent death every day in Guatemala and there are 155 alerts out for gender-based violence. Ana Leticia Aguilar Theissen, secretary of the Presidential Secretariat for Women (SEPREM), reported these figures on November 25, the International Day for the Elimination of Violence against Women. So far this year, 432 women have died violent deaths in the country: at least 131 were femicides and 12 transfemicides. Forty-three percent of the women murdered were between 16 and 35 years old. Furthermore, in 2024, there were 44,278 reports of violence against women, 5,681 of sexual violence and 2,740 of sexual assault. In general, the majority of criminal complaints in Guatemala go unpunished because perpetrators are not sentenced.

On November 25, during the dozens of marches held in different departments of the country, collectives such as the November 25 Coordinating Committee denounced these deaths and the various forms of gender-based violence committed against women. Departments in the south and southeast of the country have the highest rates of femicides per 100,000 women, especially in Jutiapa, Chiquimula and Escuintla.

Although the most serious form of gender-based violence is femicide, it is not the only one: in 2024, 38,488 girls and adolescents between the ages of 10 and 19 gave birth and, among these, 1,297 were girls between the ages of 10 and 14 who were victims of rape, often committed by close family members.

As several indigenous women's collectives reported, it is also extremely important to visibilize the persecution and criminalization that women land and territory defenders suffer, given that they are constantly subjected to many forms of violence, despite their fundamental role in caring for Mother Earth, water, seeds and rivers. This includes the constant threat of eviction, which, when carried out, leads them to lose everything they own, leaving them and their families totally abandoned, without any alternative housing or means of survival, unprotected and in extreme poverty.

⁴ Huix, C., [Cierran el caso CREOMPAZ ¿Quiénes son los militares liberados?](#), No-Ficción, 6.11.2024.

⁵ Ibid and Álvarez Nájera, L., [Creompaz: El centro de torturas que no le da paz a sus víctimas](#), Agencia Ocote, 8.11.2024.

⁶ Ibid.

⁷ Ramón, S.A., [Apelan ante la CC por resolución de Sala que anula el caso Creompaz](#), Prensa Libre, 6.11.2024.

⁸ Pérez, R., [No más femicidios! Mujeres piden acciones para prevenir la violencia en su contra](#), Prensa Comunitaria, 25.11.2024 y López, J., [#25N en Guatemala: "Ni la tierra ni las mujeres somos territorio de conquista"](#). Ruda, 28.11.2024.

I/A Court H.R. holds Guatemalan State responsible for four forced disappearances⁹

On November 14, the I/A Court H.R published the reparation measures for the families of Agapito Pérez Lucas, Nicolás Mateo, Macario Pú Chivalán and Luis Ruíz Luis, who were disappeared between April 1 and 7, 1989, while they were working harvesting coffee on a farm in Patulul, located in Suchitepéquez. The Court ruled that the four men were disappeared by state agents because they were human rights defenders, since they were not only farmers, but also members of the “Rujunel Junam” Council of Ethnic Communities (CERJ), a human rights organization that fought against civilian participation in the Civil Self-Defense Patrols (PAC).

According to the ruling, the State of Guatemala violated many of these four human rights defenders' rights, including the right to legal status, to life, to personal integrity, to due process, to judicial protection, to know the truth, and to the protection of the family and children.

Among the reparation measures, the Court requires the Guatemalan State to search for the disappeared, as a debt it owes to the civilian population. Furthermore, the Court calls for the creation and implementation of measures to declassify, protect and preserve existing military archives and to grant the families of the disappeared access to these archives.

CERJ's legal representative, Amílcar Méndez, declared that “This judgment came about in the light of justice and truth. It sends a strong message to the military elite who are responsible for everything that happened, both in this case and during the internal armed conflict. It challenges the Guatemalan State, and in particular President Bernardo Arévalo, to address indigenous peoples' most pressing needs through public policies.”

Amilcar Méndez and CERJ were accompanied by PBI in the '80s and '90s.

2. ACCOMPANIMENTS¹⁰

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.¹¹

THE FIGHT AGAINST IMPUNITY

This month, we continued to accompany the **Association for Justice and Reconciliation (AJR)** in hearings for the “Ixil Genocide” case against Manuel Benedicto Lucas García, former Chief of Staff of the Guatemalan Army, who is accused of crimes against humanity, forced disappearance and genocide. We observed seven hearings during the oral and public hearing phase on November 4, 5, 6, 7, 8, 11 and 13. On November 4, two archeologist and forensic anthropologist expert witnesses testified by Zoom. On November 5 and 6, they played the testimony of protected witness “A”, who served in the military in the Ixil region in 1981 and 1982 and witnessed the violence against the Ixil people. On the 7th and 8th, the Human Rights Prosecutor and the AJR's attorney presented their closing arguments, outlining the facts for which the former military official stands accused. On the 11th and 13th, the defense presented its closing arguments. At noon on November 13, before the defense had finished presenting its final arguments, it was announced that a recusal had been granted. Nonetheless, the defense was meant to continue offering its closing arguments. Ultimately, the hearing was suspended because one of the associate judges had a health issue.

⁹ Méndez Villaseñor, C., [Corte Interamericana de Derechos Humanos prepara sentencia por la desaparición de cuatro guatemaltecos en 1989](#), Prensa Comunitaria, 14.11.2024.

¹⁰ We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.

¹¹ See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

On November 14, we attended a press conference organized by the AJR and the ODHAG, where the organizations reported that Benedicto Lucas García's defense team is using different tactics to try to halt the trial, including transferring the prosecutors who have worked on the case.

Finally, on November 28, we attended the hearing held on the grounds for the defense's challenge. There, the Court of Appeals accepted their motion for recusal, declaring the Court biased and appointing High Risk Court B to continue forward with the trial.



We accompanied the **Human Rights Law Firm (BDH)** to two hearings in the Hogar Seguro case. On the 5th, we went to a hearing in a continuation of the oral and public trial at which two high-ranking police officers testified for the Public Prosecutor's Office. On the 7th, two relatives of two girls who were victims of the fire testified.



As part of our accompaniment of the **Association of Relatives of the Detained and Disappeared of Guatemala (FAMDEGUA)**, As part of our accompaniment of the Association of Relatives of the Detained and Disappeared of Guatemala (FAMDEGUA), we observed the virtual public Constitutional Court hearing, which was broadcasted on the Court's YouTube

channel. The hearing was on the appeal filed by plaintiffs Jennifer Harbury y FAMDEGUA regarding a July 16 injunction which stayed the presentation of testimony gathered prior to the trial in the case of the forced disappearance of Efraín Bamacá, Harbury's husband. The injunction was granted, rendering null and void all of the investigations, administrative proceedings, and incorporation of pre-trial proceedings that took place after March 8, 1999.

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. We also accompanied them to the indictment on November 25, which was suspended by the judge and rescheduled four months later. This was the fifth time that the hearing was suspended.

DEFENSE OF THE TERRITORY

In the Department of Guatemala, this month we accompanied the **Peaceful Resistance of the Poqomam People of Chinautla**. They took us on a tour of the riverbanks so that we could see the level of pollution up close. They also showed us and explained to us the damage caused by the sand companies and the landfill in zone 3 of the capital.



With respect to the **Maya Ch'orti' Indigenous Council of Olopa**, Chiquimula, we held several meetings this month with council members to follow up on their security situation and their work in defense of land and territory and against the negative impacts that mining is causing in the region.

THE ISSUE OF ACCESS TO LAND

With respect to the **Verapaz Union of Peasant Organisations (UVOC)**, we maintained our regular meetings with 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 and is under threat of eviction, during an inter-institutional visit to the community that included community representatives, the plantation owner and his security guard, the Ministry of the Interior, the Registry of Cadastral Information (RIC), the Private Secretariat of the Presidency (SPP) and Tukurú municipal government representatives.

On November 21, 22 and 23, we also accompanied the organization during its first youth camp for territorial protection, at which representatives from different communities in Alta Verapaz participated. There, they discussed how to reduce stigmatization against land defenders and reflected on how the defense of land rights helps to mitigate and fight climate change.

With respect to the **Campesino Committee of the Highlands (CCDA) - Verapaces Region**, this month we maintained regular communication and meetings with the organization's leadership to stay up to date on their security situation and on the issue of evictions in the region, as well as the land tenure situation and the registration processes of indigenous communities.

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:

- Juan Manuel Olea Contreras, Linda Jazmín Amezcua Orellana, Mónica Velar Méndez, Nora Galán and Linda Marina Dolores Munive of the **Embassy of Mexico**.
- Alexandra de Almeida Galo, Jose González and Miluzka Contreras Urbano of the **Office of the United Nations High Commissioner for Human Rights (OHCHR)**.
- Roberta de Beltranena of the **Embassy of Switzerland**.

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

- Eulalia Nallely, Simon López and Gabriela Marroquín of the **Women's Rights Office of the Human Rights Ombudsman's Office (PDH)**.
- Julio Wilson García Tiu and Catarina Verónica Canil Grave of the **Indigenous Peoples' Rights Office of the PDH**.
- Amílcar Galeano, police chief of the **National Civil Police (PNC) station in Quezaltepeque**.
- Liliana Sandoval of the **Municipality of Quezaltepeque**.

4. OTHER ACTIVITIES OF PBI GUATEMALA



This month, in our **ACÉRCATE podcast** we spoke with Luz Emilia Ularío Zavala, former authority of Santa Lucía Utatlán, Sololá, who shared her reflections on last year's 106-day uprising and peaceful resistance led by indigenous authorities in defense of the popular will.

You can listen to it at the following link: <https://pbi-guatemala.org/es/multimedia/acercate>

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, as part of a European tour with accompanied human rights defenders, the European representative of the project met with:

- Michel Forst, **Special Rapporteur for environmental defenders under the Aarhus Convention.**
- Olivier Gallice, Central America desk of the **French Ministry of Foreign Affairs.**
- Mariya Stoyanova, official in the office of the **UN Special Rapporteur on the right to adequate housing**, Mr. Balakrishnan Rajagopal.
- Ramón Muñoz, Diplomatic Counsellor and Carolina Solano, Diplomatic Counsellor of the **Permanent Mission of Colombia to the UN in Geneva**, Paula Villa del Cid of the **Land Restitution Unit of Colombia.**
- Branka Bell, Counsellor, **Permanent Mission of the United States to the UN in Geneva.**
- Pierre Minard, Political Officer of the **Delegation of the European Union to the UN in Geneva**, as well as members of the **Permanent Missions of the Netherlands, Ireland, Austria, Belgium, France and Bulgaria to the UN in Geneva.**
- Jennifer Echeverria, Political Officer of the **Delegation of the European Union in Guatemala.**
- David Dávila, Director of Monitoring and Promotion of Human Rights of the **Commission for Peace and Human Rights (COPADEH)**, as well as with Sara Reyes Guzmán, **First Secretary of the Embassy of Guatemala to the UN in Geneva.**
- Dylan Maguire and Angélica Notari, officials in the office of the **UN Rapporteur on Human Rights Defenders**, Ms. Mary Lawlor.
- Frédéric Chenais, Rahel Ineichen and Mélina Zingg from the **Swiss Ministry of Foreign Affairs**, Olivier Bovet, Amina Neves and Martina Bietenhader from the **Swiss Ministry of Economic Affairs** and Roberta Beltranena from the **Embassy of Switzerland in Guatemala.**

We also participated in the **13th United Nations Forum on Business and Human Rights**, held in Geneva from November 25 to 27.

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.



ASOCIACIÓN PARA LA JUSTICIA Y RECONCILIACIÓN

NOTA DE PRENSA

La Asociación para la Justicia y la Reconciliación –AJR- y la Oficina de Derechos Humanos del Arzobispado de Guatemala –ODHAG-, a la opinión pública nacional e internacional manifiesta:



ODHAG
OFICINA DE DERECHOS HUMANOS DEL ARZOBISPADO DE GUATEMALA

Nuestro repudio e indignación ante la ilegal, injusta y bochornosa resolución emitida hoy por los magistrados de la Sala Primera de Apelaciones de Mayor Riesgo, que aceptó la espuria y falsa recusación presentada por la Defensa Pública Penal al servicio del general retirado Manuel Benedicto Lucas García, en el juicio por Genocidio, Delitos contra Deberes de Humanidad y Desaparición Forzada.

Los magistrados Marco Tulio Pérez Lemus, Jorge Emilio Morales Quezada, presididos por la magistrada Miriam Regina Brolo Salazar, con su resolución ordenan que el Tribunal Primero de Sentencia Penal por procesos de Mayor Riesgo grupo A, detenga la fase final del juicio y con ello evitaron la sentencia que estaba por emitirse después de 99 audiencias donde quedó plenamente probada la comisión de GENOCIDIO Y LA RESPONSABILIDAD DIRECTA DEL ACUSADO en más de 19 graves masacres en contra de niñas, niños, mujeres embarazadas, ancianas y ancianos, además de cientos de otros hechos como Desaparición Forzada, Tortura y Violencia Sexual, causando más de 1800 víctimas.

Los magistrados de la Sala Primera de Apelaciones, con comprobados vínculos con actores corruptos y de impunidad que ya señalamos en notas anteriores, han emitido una resolución sin fundamento legal para beneficiar directamente al acusado Lucas García y garantizarle impunidad, a quien vencimos en juicio, atentan gravemente en contra del proceso penal, de más de 120 testigos y testigas de avanzada edad y en contra de todo el acervo probatorio que demostró el genocidio y la culpabilidad del general Manuel Benedicto Lucas García de cometer genocidio en contra del pueblo maya Ixil.

HEMOS VENCIDO EN JUICIO A UNO DE LOS GENERALES MAS SANGUINARIOS QUE LA HISTORIA LATINOAMERICANA RECIENTE HAYA CONOCIDO, Y EL MIEDO A LA SENTENCIA CONDENATORIA LOS HIZO PEDIR LOS FAVORES DE ACTORES CORRUPTOS Y DE IMPUNIDAD.

NO NOS DETENDREMOS HASTA LOGRAR JUSTICIA, O CONVERTIREMOS ESTE PAÍS EN CARCEL, DONDE LA MEMORIA DEL PUEBLO LO CONDENE A DONDE SEA QUE VAYA.

28 de noviembre de 2024.

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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