



Monthly Information Package Guatemala

Number 267 - December 2025

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.

Malicious litigation continues against Luis Pacheco and Héctor Chaclán

At a press conference, civil society organizations condemned the continued use of malicious litigation in the criminal proceedings keeping Luis Pacheco and Héctor Chaclán in prison. The two men are accused of terrorism, criminal conspiracy, and obstruction of justice in connection with their participation in the mass demonstrations in defense of democracy in late 2024. Another indigenous leader, Esteban Toc Tzay, has also been charged with the same crimes and is currently under house arrest. This malicious use of the justice system has been condemned at both the national and international levels, and the three leaders' cases are considered examples of criminalization.

Judge Arnulfo Carrera Dávila scheduled an evidentiary hearing for December 19. However, the Public Prosecutor's Office (MP) and the Foundation Against Terrorism (FCT) "have misused criminal law to criminalize Luis Pacheco and Héctor Chaclán." "They have been kept in prison on the basis of inconsistent arguments, and proceedings have been delayed by malicious challenges."¹ Most recently, the FCT recused the judge, arguing that he is friends with Pacheco and that the two defendants have paid him to obtain a favorable ruling. Several social organizations and the defense attorneys deny and refute this unfounded accusation.

Attorney Juan Castro described the FCT's accusations as a "spurious complaint" intended to obstruct the proceedings. Castro noted that Judge Carrera Dávila had already dismissed the legal action, which must now be resolved by an Appeals Court. This could delay the proceedings by at least four more months. "We condemn this malicious litigation because they are using these spurious allegations with the sole intention of obstructing the proceedings." While the Appeals Court makes its decision, Pacheco and Chaclán will remain in preventive detention, where they have been for almost eight months.²

In light of this situation, many civil society organizations are demanding the release of Luis Pacheco and Héctor Chaclán. The two men also released a letter from prison,³ in which they stated that "demonstrations in defense of democracy and the transition of power are a constitutional right, not terrorism. No organization of indigenous authorities is a criminal conspiracy." They have had to spend important dates in prison, such as their children's birthdays, wedding anniversaries, and Christmas holidays. "Through this criminalization, they have separated us from our families and our communities."⁴

Decision in favor of the State of Guatemala in arbitration with mining company

On December 24, the State's Attorney's Office (PGN) announced the International Centre for Settlement of Investment Disputes (ICSID)'s decision in favor of the State of Guatemala in an arbitration case initiated by

¹ Various sources, [Denunciamos el litigio malicioso para mantener en prisión a Luis Pacheco y Héctor Chaclán](#), Otra Guatemala Ya Facebook page, 18 Dec 2025.

² Aguilar, D., [Denuncian litigio malicioso en caso contra Luis Pacheco y Héctor Chaclán](#), eP investiga, 18 Dec 2025.

³ Pacheco, L. y Chaclán, H., [235 días viviendo privados de libertad, por nuestros pueblos](#), Facebook, 11 Dec 2025.

⁴ Aguilar, D., [Organizaciones piden libertad para Luis Pacheco y Héctor Chaclán](#), eP investiga, 18 Dec 2025.

Daniel W. Kappes and the company Kappes, Cassiday & Associates (KCA) in 2018.⁵

KCA's Progreso VII Derivada mining project is located in the municipalities of San José del Golfo and San Pedro Ayampuc, about 25 km from Guatemala City. The US company filed a complaint against the Guatemalan State after the Supreme Court of Justice and, later, the Constitutional Court ordered the suspension of its operations. This suspension came in response to findings of violations of collective rights, including the absence of free, prior, and informed consultation, as well as the existence of sustained social conflict in the territory. In addition, the project's Environmental Impact Assessment (EIA) contained irregularities and was found to lack a construction license.

Unable to continue its operations, KCA resorted to international arbitration—a mechanism provided for in the Dominican Republic, Central America, and United States Free Trade Agreement (CAFTA-DR), signed by the Guatemalan government in 2005 despite widespread opposition from social organizations—to demand that the Guatemalan government bear the economic cost of not allowing the mine to continue operating. KCA was seeking \$499 million in damages.

After seven years of legal proceedings, “the arbitral tribunal concluded that Guatemala did not violate its international obligations to protect investment, recognizing that the suspension of the project was in response to internal judicial decisions and a real social conflict, not arbitrarily caused by the State.” The ruling establishes that a State is not obliged to compensate a company for suspending a project that has been rejected by society, that territorial defense cannot result in economic debt for the country, and that community resistance does not justify international financial sanctions.⁶

On December 28, the Peaceful Resistance of La Puya called a press conference at the peaceful encampment they have maintained in front of the mine entrance. At the press conference, they expressed their satisfaction with the ICSID ruling but also stated that they would remain on alert “until the Progreso VII Derivada project is definitively canceled.” They also expressed concern about the possible granting of new mining licenses in the region. “We are satisfied with and vindicated in our peaceful struggle, knowing that KCA lost its bet to make millions of dollars through this international arbitration process, which it began knowing that it never had any chance of obtaining consent from the communities that have always said no to this unfeasible project, a project that not even the mining company itself was able to defend in an arbitration system designed to protect the investments of transnational corporations.”⁷

State issues public apology for the forced disappearance of four members of CERJ in 1989

On December 12, President Bernardo Arévalo offered a public apology on behalf of the State of Guatemala to the families of Agapito Pérez Lucas, Nicolás Mateo, Macario Pú Chivalán, and Luis Ruiz Luis, who were detained and disappeared in 1989. They were members of the *Runujel Junam* Council of Ethnic Communities (CERJ) who opposed the forced recruitment that the army was carrying out at that time and did important work organizing and informing communities about human rights issues.⁸ CERJ was accompanied by PBI Guatemala in the 1980s and 1990s.

These four Maya Kaqchikel people were kidnapped by the army during the civilian government of Vinicio Cerezo. Their family members, together with CERJ, began a long journey to search for them, as well as to demand justice. In the face of inaction by the relevant state agencies, they brought a complaint before the Inter-American Human Rights System, and in November 2024, the Inter-American Court of Human Rights ruled against the Guatemalan state. In its ruling, the Court concluded that the men were “victims of enforced disappearance by members of the Guatemalan army” and that the State did not investigate, prosecute, or punish the alleged perpetrators. It also questioned the fact that the State never “made a diligent effort to search for and locate the victims.”⁹

⁵ For more information on this case: PBI Guatemala, [Arbitraje Internacional contra el Estado Guatemalteco: Caso Mina el Tambor](#), Boletín PBI Guatemala, July 2020.

⁶ Mazariegos, D., [Guatemala gana arbitraje tras años de resistencia pacífica en La Puya](#), Prensa Comunitaria, 26 Dec 2025.

⁷ [Statement from the Peaceful Resistance La Puya to the Guatemalan and international community in response to the decision of the international arbitration tribunal \(ICSID\) in KCA v. Guatemala](#), Facebook, Peaceful Resistance La Puya, 28 Dec 2025; Mazariegos, D., [Resistencia Pacífica La Puya manifiesta satisfacción tras fallo arbitral favorable al Estado de Guatemala](#), Prensa Comunitaria, 28 Dec 2025.

⁸ Pérez, S., [Estado guatemalteco acepta responsabilidad en desaparición de cuatro defensores de derechos humanos](#), AP, 12 Dec 2025.

⁹ Pérez, S., [La Corte Interamericana condena a Guatemala por la desaparición de cuatro defensores de DDHH en 1989](#), AP, 14 Nov 2024.

In his speech, Elvyn Díaz, head of the Presidential Commission for Peace and Human Rights (COPADEH), announced that the Executive will soon launch the National Plan for Dignity and Reparation with the aim of creating “the institutional conditions to provide effective, dignified, and comprehensive compensation, in accordance with international standards, and broader protection for victims and their families.” He also shared that COPADEH is creating a search plan, together with organizations of family members of the victims of forced disappearance. He stated that, “these measures are a step forward in ensuring the non-repetition of human rights violations, but we are aware that more structural measures are still needed, including legal reforms to establish a genetic information system to clarify what happened to the disappeared and measures to declassify, preserve, and provide access to the archives and documentary records of the security forces.”¹⁰

OHCHR report: situation of human rights defenders, journalists, and justice operators

On International Human Rights Day, the Office of the High Commissioner for Human Rights (OHCHR) in Guatemala presented the report *Guatemala: Challenges in the Defense of Human Rights 2020-2025*, which examines the situation of human rights defenders in the country. The report focuses on Indigenous defenders who defend land and territory, journalists, and justice operators who investigate, report, and prosecute acts of corruption. The quantitative and qualitative analysis carried out by the OHCHR “seeks to highlight the risk factors faced by human rights defenders, their families, communities, and organizations, as well as the impact of these factors; the structural causes that create an unsafe and adverse environment for the defense of human rights; the challenges faced by specific groups of human rights defenders; and the State’s response to this issue.” Between 2020 and May 2025, the OHCHR team documented 1,546 attacks against 940 people, identifying acts of criminalization, intimidation, threats, and defamation as the main forms of aggression.

2. ACCOMPANIMENTS¹¹

*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.*¹²

THE FIGHT AGAINST IMPUNITY

This month, as part of our efforts in the struggle against impunity, we accompanied:

- the family of **Luz Leticia** to the intermediate phase hearing where the decision was made to send defendant Juan Francisco Cifuentes Cano to trial. His defense requested that the case be dismissed due to inconsistencies in the evidence. However, the prosecutor from the Public Prosecutor's Office (MP) and the joint plaintiffs (Luz Leticia's family members) requested that the trial proceed in order to determine the defendant's role in Luz Leticia's disappearance. Although the judge did not accept several pieces of evidence, she ultimately decided to send Cifuentes Cano to trial, which will begin on May 5, 2026.
- the **Association for Justice and Reconciliation (AJR)** during a meeting with the Ixil people. Their lawyers, from the BDH, reported on the progress made in the genocide trial against former military officer Luis Enrique Mendoza García, ahead of the upcoming oral and public hearing. The trial opening has already been postponed twice and has now been rescheduled for the third time for April 2026.

¹⁰ Castillo J. Y Santizo, J., [Lanzarán política para dignificar a víctimas de la guerra](#), DCA, 15 Dec 2025

¹¹ We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.

¹² See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

- the **Human Rights Law Firm (BDH)** during two intermediate phase hearings in the Military Diary case, against Edgar Rolando Hernández Méndez, former commander of Military Zone 21, located in Alta Verapaz. At the beginning of the proceedings, the prosecutor for the MP requested that the hearing be suspended due to an injunction filed on the grounds that it was allegedly impossible to investigate the case, as a search of the military outpost had been denied. Despite opposition from the



other parties to the proceedings, the judge ruled to suspend the hearing and reschedule it in order to proceed with the intermediate phase of the case and to review the coercive measures imposed on the defendant. At the next hearing, the plaintiffs in the case sought permanent participation in the proceedings. They also joined the Human Rights Ombudsman (PDH) in opposing the MP's request to dismiss the case and provisionally close the proceedings. The plaintiffs argued that the MP is responsible for investigating and preparing the charges and that it omitted various facts and failed to mention several pieces of evidence relevant to the case. The defense agreed with the MP's request. The judge decided to suspend the hearing and reschedule it for January 7, 2026. On January 12, there will be a hearing to review alternative measures. The defendant, Edgar Rolando Hernández Méndez, is accused of contributing to the institutionalization of forced labor, violence, torture, and the creation of clandestine cemeteries in the military zone that he commanded, all of which are crimes against humanity.

THE ISSUE OF ACCESS TO LAND

This month we visited Alta Verapaz and met with human rights defenders **Lesbia Artola** and **Imelda Teyul**. Both work to support indigenous and peasant women who face eviction and criminalization, which leaves them in a precarious security situation.

DEFENSE OF THE TERRITORY

This month, as part of our focus on territorial defense:

- We accompanied the **Maya Ch'orti' Indigenous Council of Olopa** to the sentencing hearing in the criminalization case against 10 Ch'orti' territorial defenders. The accusations of alleged illegal detention against these 10 people are retaliation for their peaceful defense of the territory against the extractive operations of the Los Manantiales Quarry, which have caused serious damage to the environment and the health of the population. After hearing the final arguments from the parties to the proceedings, the presiding judge issued a summary of the ruling, concluding that the facts reported by the company owners did not meet the necessary criteria to be considered illegal detention. She also noted that the MP did not present medical evaluations attesting to injuries or assaults on the persons who were allegedly assaulted, which prevented an assessment of the alleged effects resulting from the alleged events. In her ruling, the judge reaffirmed that the Constitution guarantees the right to free assembly and public demonstration without arbitrary restrictions, dismissing the accusation that the community protest had been illegal. Consequently, she acquitted the accused and ordered that the alternative measures that they had been subjected to for six years be immediately lifted.
- We visited the encampment of the **Peaceful Resistance of the Poqomam People of Chinautla**, who are defending their territory against the pollution of the Las Vacas River and the negative impacts of sand mining companies operating without free, prior, and informed consultation. In a meeting with the women defenders present at the encampment, we were updated on the Resistance's security situation and their activities.





- We met with José Miguel, defender of the Pajales Sis community in Retalhuleu and member of the political council of the **National Network for the Defense of Food Sovereignty in Guatemala (REDSAG)**. Jose Miguel updated us about his security situation and explained that several people in the community have recently reported acts of intimidation, such as shots fired into the air and vehicles with unknown individuals driving around the community. They believe these acts are linked to complaints filed by several people against environmental pollution caused by an agro-industrial company and to their fight to defend their water. They are asking the authorities to investigate these incidents.
- We accompanied the **Indigenous Community of San Francisco Quezaltepeque** during the Procession of the Baby Jesus, organized by the Brotherhood of St. Francis of Assisi Visitador. The Brotherhood held a procession through the community of Quezaltepeque and performed ceremonial activities.

3. INTERNATIONAL OBSERVATION

PBI Guatemala is present in international public events when requested to do so by Guatemalan social organisations, in order to show international attention and interest and in order to report internationally on what we observe.



On December 10, we observed a **ceremony held by the National Platform of Victims** to protest the second suspension of the start date in the trial against former military officer Luis Enrique Mendoza García, accused of genocide and crimes against humanity against the Ixil Maya people. They expressed their condemnation of the “serious setbacks for justice in cases against retired military officers accused of forced disappearance, genocide, sexual violence, and crimes against humanity.”

After receiving an invitation from the *Runujel Junam* Council of Ethnic Communities (CERJ), we attended **the ceremony at which the Guatemalan State publicly apologized** for the 1989 forced disappearance of four members of this organization – Agapito Pérez Lucas, Nicolás Mateo, Macario Pú Chivalán, and Luis Ruiz Luis – at the hands of the army. In the 1980s and 90s, PBI Guatemala accompanied CERJ members in their struggle against forced recruitment.



4. 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, this month we met with:

- Emilien Donnay, Head of Cooperation for Cultural Projects, and Yann Lorvo, Regional Advisor for Cooperation and Cultural Action at the **French Embassy**.
- Verónica Melander, First Secretary, and Natalie Imani, Political Affairs Officer at the **Swedish Embassy**.
- Mónica Izaguirre, Political and Economic Affairs Officer and Press Officer, and Caroline Amyot Michaud, Political Advisor at the **Canadian Embassy**.

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

- Otto Pacay, First Administrator of the **Municipality of Purulhá**.
- López López, Inspector for the **National Civil Police (PNC) of San Andrés Villa Seca**.

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.

As part of a tour of Europe (Switzerland, Germany, Belgium, and France) with Carlos Ernesto Choc Chub, a Maya Q'eqchi journalist, and Gabriela Muñoz, a researcher at the Observatory of Extractive Industries, we met in Brussels with:

- Raphael Warolin, Guatemala Desk at the **European External Action Service**.
- Ana Miranda, Member of the **European Parliament** (MEP) for the group of the Greens and Vice-President of the Delegation to the Euro-Latin American Parliamentary Assembly, together with her assistant Luis Vilacha.
- Cristina Guarda, MEP for the group of the Greens and member of the Delegation to the Euro-Latin American Parliamentary Assembly, along with her assistant Sara Pettinelli; Sergi Zorrilla Cubells, assistant to MEP Diana Riba y Giner, Chair of the European Parliament's Delegation for Central America; Garance Tardieu, advisor to the same political group for Latin America.
- Santiago Mondragón, Officer in the Secretariat of the European Parliament's Subcommittee on Human Rights, responsible for Latin America.
- Elsa Belzaquen Navarro, delegate of the Permanent Representation of France, and Désirée Herman, delegate of the Permanent Representation of Sweden to the Working Party on Latin America and the Caribbean (COLAC) of the **Council of the European Union**.

Furthermore, the project's European representative:

- Held a meeting with: Kajsa Ollongren, European Union Special Representative for Human Rights; Clara Olander, her advisor; Raphael Warolin, Guatemala Desk at the European External Action Service; and Juan José García Carreno, responsible for Central America in the human rights division of the European External Action Service.
- Participated in an informal briefing with members of the 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.



Con ocasión de nuestra *VI Asamblea Nacional* y en conmemoración del *Día Internacional de los Derechos Humanos*, le recordamos al Estado la deuda histórica que mantiene con las víctimas y sobrevivientes del conflicto armado interno:

1. En materia de memoria, las principales iniciativas han provenido de las propias víctimas y sobrevivientes, con el apoyo de la sociedad civil y la cooperación internacional; mientras que el Estado sigue sin una política específica y no ha asumido con seriedad la enseñanza de la memoria histórica en las escuelas.
2. En cuanto al derecho a la verdad, el Estado ha hecho poco en la búsqueda de las personas desaparecidas; y aún no ha creado las políticas de búsqueda de desaparecidos y de acceso a los archivos públicos con información sobre los crímenes del pasado. La mayoría de exhumaciones han sido esfuerzos de los sobrevivientes y de organizaciones especializadas, mientras que el Ministerio Público se ha convertido en un obstáculo para continuar con estas acciones, particularmente en instalaciones militares.
3. En términos de justicia, aunque Guatemala es un referente por las sentencias emblemáticas por crímenes del conflicto armado, como los casos Sepur Zarco, Molina Theissen y Mujeres Achi, estos logros están en grave riesgo porque las instituciones de justicia están cooptadas por los grupos de poder, lo que ha llevado al debilitamiento de las investigaciones y ha permitido resoluciones ilegales, como en los casos

Genocidio Ixil-Lucas y CREOMPAZ. El retraso en los procesos judiciales también limita el acceso a la justicia; hoy debía iniciar el juicio contra el exmilitar Luis Enrique Mendoza García por el genocidio del Pueblo Ixil, pero se trasladó a abril del próximo año.

4. El derecho de las víctimas a la reparación integral sigue sin ser cumplido. A casi dos años de que el Gobierno actual asumió el poder, aún no se ha aprobado el Plan Nacional de Reparación y Dignificación, que permitiría retomar la atención a las comunidades indígenas que continúan enfrentando los efectos de la violencia política del Estado.
5. En cuanto a las garantías de no repetición, nos preocupa que el Estado siga sin cumplir a cabalidad los Acuerdos de Paz y que mantenga una tendencia a la remilitarización. Asimismo, no existen políticas efectivas para erradicar el racismo, ni para garantizar los derechos colectivos de los pueblos indígenas, lo que da lugar a que continúen las injusticias graves, como la criminalización de Luis Pacheco y Héctor Chaclán, ex dirigentes de los 48 Cantones de Totonicapán.
6. Las víctimas y sobrevivientes del conflicto armado interno hemos luchado por décadas para exigir nuestros derechos a la verdad, la justicia, la reparación y la no repetición de la violencia. Nos hemos organizado para presentar propuestas ante las autoridades, hemos planteado acciones legales para defender nuestros derechos, y seguiremos trabajando por la paz, la democracia y el Estado de Derecho.

Guatemala, 10 de diciembre de 2025

The team of volunteers in PBI Guatemala is currently composed of Beatriz Pérez Ruiz (Spain), Sheron Ribeiro da Silva (Brazil), Ambroise Lavigne (France), Nelly Horvath (Hungary), Ericka Stephanía López Mota (Mexico), María Moreno Hurtado (Spain).

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