



## Bulletin No.

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# Transitional Justice in Guatemala:

## Setbacks and Uncertainties

On December 29, 1996, the Government of Guatemala and the Guatemalan National Revolutionary Unity (URNG) signed the “Accord for a Firm and Lasting Peace,” ending 36 years of internal armed conflict (IAC) in Guatemala. The Peace Accords recognized the need to act “firmly against impunity,” as well as the “humanitarian duty [to] compensate and/or assist victims of human rights violations.”<sup>1</sup> Likewise, they affirmed the “right of the Guatemalan people [to] know the full truth about human rights violations and acts of violence that occurred in the context of the internal armed conflict.”<sup>2</sup>



César Octavio Noguera Argueta, Manuel Benedicto Lucas García and Manuel Antonio Callejas y Callejas with their lawyer at their First Statement Hearing. Guatemala, 25.11.2025.

### Survivors and victims fight for justice

Progress in transitional justice—whose four component parts are justice, truth, reparation, and non-repetition—has not been achieved because of the commitments made

by the State following the signing of the peace accords, but rather thanks to the tenacious struggle of families and organizations of victims from the IAC. In the 1990s, driven forward by these collectives and their lawyers, legal proceedings began to address the different crimes committed during this bloody period in Guatemala’s

history: dispossession, murders, sexual violence, kidnappings, disappearances, massacres, and genocides. However, investigative efforts faced obstacles, irregularities, and setbacks, including the exclusion of initial charges and material and intellectual authors, as well as repeated trials to remedy obstructions committed in the initial phases.

<sup>1</sup> Comprehensive Agreement on Human Rights, 29 Mar 1994.

<sup>2</sup> Accord for a Firm and Lasting Peace, 29 Dec 1996.



Notable examples of the **first legal proceedings** for war crimes include:

- Torture, extrajudicial executions, forced disappearances, and rapes committed between April 1982 and January 1983 in **Tululché, Chiché**, led by military commissioner Candido Noriega and carried out by military commandos and civil self-defense patrols (PAC). The legal proceedings against Noriega, brought by the National Coordination of Widows of Guatemala (CONAVIGUA), lasted from 1992 to 1999 and ultimately led to a sentence of 220 years in prison for six of the 156 charges originally brought against him. He served only 15 years before being pardoned for “good behavior.”<sup>3</sup>
- Jesus Tecu Osorio, one of the survivors of the **Pak’oxom massacre in Rio Negro**, began legal proceedings in 1993 against three of the approximately 50 PACs who committed this massacre. In 1999, they were sentenced to 60 years in prison (the Commission for Historical Clarification - CEH - documented a series of massacres in the Rio Negro region between 1980 and 1982, including the Pak’oxom massacre, in which some 500 people were killed in the context of the construction of the Chixoy hydroelectric dam.)<sup>4</sup>
- The murder of anthropologist **Myrna Mack**, perpetrated by state security agents in 1990. Thanks to the relentless efforts of her sister Helen Mack, the perpetrator, Army specialist Noel de Jesús Beteta Álvarez, was convicted in 1994. However, it was not until 2002

that a court convicted the director of the Department of Presidential Security of the Joint Chiefs of Staff, Juan Valencia Osorio, as the intellectual author. On the other hand, two other military personnel, Edgar Augusto Godoy Gaitán and Juan Guillermo Oliva Carrera, were acquitted. Valencia Osorio is currently a fugitive.<sup>5</sup>

Due to the lack of progress in investigations and proceedings within the Guatemalan judicial system, dozens of lawsuits were filed with the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (I/A Court H.R.). These proceedings have resulted in 15 sentences condemning the State of Guatemala for its responsibility in the incidents reported. As part of these rulings, the Court ordered the Guatemalan State to acknowledge its responsibilities, conduct the necessary investigations, prosecute those responsible for the crimes reported, and take measures to provide adequate reparations.

### The Public Prosecutor's Office accepted its role

According to Raúl Nájera,<sup>6</sup> a researcher at the Human Rights Office of the Archdiocese of Guatemala (ODHAG), the greatest progress on legal proceedings for human rights violations committed during the IAC was made during the presidency of Álvaro Colom (2009–2013), after José Amílcar Velásquez Zárte took office as Attorney General (AG) and Head of the Public Prosecutor's Office (MP), and took the first steps towards making the MP independent of political and economic interests. But the

most significant progress came in 2010 when renowned human rights defender Claudia Paz y Paz was elected AG, serving in the position between 2010 and 2014. In 2011, Paz y Paz ordered the creation of the IAC Special Cases Unit within the MP to move these cases forward and comply with the rulings of the I/A Court H.R. Both the Human Rights Law Firm (BDH)<sup>7</sup> and ODHAG agree that she did a remarkably good job and enjoyed broad support from civil society, the international community, and the International Commission against Impunity in Guatemala (CICIG). She strategically focused on training prosecutors and increased the number of members on the investigation teams.

Paz y Paz will be remembered as the AG who, in 2013, brought dictator José Efraín Ríos Montt to justice for genocide and crimes against humanity, achieving a conviction. This trial was unprecedented in any country in the world, as it was the first time that a former head of state was tried and convicted of genocide in a court in his own country. However, the sentence was overturned after 10 days. In 2018, with Ríos Montt already dead and after repeating the trial, a national court again concluded that genocide had been committed against the Maya Ixil ethnic group. The general had died a few months earlier, having spent no more than a few days in prison. Even so, for the Association for Justice and Reconciliation (AJR),<sup>8</sup> “it has been officially recognized that genocide did occur in Guatemala. [...] This ruling is a milestone in Guatemala; not only the AJR, but also several victims’ and families’ organizations have managed to bring the facts to light and put the national justice system to the test.”

3 Interview with members of CONAVIGUA, 10 Dec 2025 and del Valle Cobár, R., Asesinatos y violaciones en Tululché, *Gazeta*, 30 Mar 2029.

4 CEH, Guatemala Memoria del Silencio, Tomo VI, Caso Ilustrativo no. 10, Masacre y eliminación de la comunidad de Río Negro, Guatemala 1999.

5 Fundación Myrna Mack, Caso Myrna Mack, website accessed on 14 Dec 2025.

6 Interview with Raúl Nájera, 26 Sep 2025.

7 Interview with Santiago Choc, Human Rights Law Firm (BDH), 25 Sep 2025.

8 Interview with José Silvio Tay, Association for Justice and Reconciliation (AJR), 10.09.2025.

It also highlights that the ruling has brought about a change in the collective imagination, as “it cannot be denied that they [the army] were the ones who planned and carried out the crimes, and not the guerrillas.”

Lucrecia Molina Theissen,<sup>9</sup> who has spent decades seeking justice for the disappearance of her little brother Marco Antonio, explains that trials

allow “the masks to be removed from the perpetrators” who, while benefiting from impunity, claim to have “saved Guatemala from communism.” She also emphasizes the restorative impact of the sentences, mentioning the case of her sister Emma Guadalupe, who “recovered in an incredible way” after living for decades with feelings of guilt related to her brother’s disappearance. “The impact of the court cases even

extends to the collective level, as they allow truths shared by tens of thousands of victims to be brought to court. Finally, the expert reports and testimonies presented at the hearings contain a wealth of knowledge that contributes to an understanding of the historical factors and context in which countless gross human rights violations were committed.”



Mural in the Nimajay (Big House in Kaqchikel) of the Landscapes of Memory, a former military detachment that was used as a clandestine cemetery and that was later recovered by the National Coordinator of Widows of Guatemala (CONAVIGUA) to turn it into a place of memory and tribute to the victims of the genocide committed in the eighties. Comalapa, 30.06.2024.

9 Interview with Lucrecia Molina Theissen, Emma and Marco Antonio’s sister, 29 Sep 2025





Hearing of the Ixil Genocide case. Guatemala, 02.04.2013.

## Ixil Genocide

In 2000, the AJR filed a criminal complaint with the MP against the army high command for atrocities committed between 1978 and 1982 (during the government of Romeo Lucas García) and between 1982 and 1983 (during the government of Efraín Ríos Montt).

The Ixil region, located in the municipalities of Nebaj, Chajul, and Cotzal in the department of El Quiché, was one of the hardest hit during the IAC. The population was maliciously accused of collaborating with “communist” guerrilla groups. This excuse was used to commit a wide range of human rights violations against this population.

In 2012, after losing his immunity as a congressman, Ríos Montt was indicted on charges of genocide and crimes against humanity. In 2013, High Risk Court A held an oral and public hearing and sentenced the dictator to 80 years in prison for these two crimes committed against the Ixil people. José Mauricio Rodríguez Sánchez, who was Ríos Montt’s chief of intelligence and was accused of the same crimes, was acquitted. However, ten days after this historic ruling was handed down, the Constitutional Court (CC) overturned the sentence and ordered a retrial, drawing harsh criticism from both national and international human rights organizations, who deemed the decision legally baseless. The trial resumed in 2015, but Ríos Montt died in 2018, before another guilty verdict could be handed down for the same two crimes.

The second trial for genocide against the Ixil people, committed during the government of Romeo Lucas García, began in 2021, when Judge Miguel Ángel Gálvez sent Benedicto Lucas García (brother of the late Romeo) and Manuel Callejas y Callejas to oral and public hearings for crimes against humanity, forced disappearance, and genocide. The third defendant, César Noguera Argueta, Chief of Military Operations (G3), died in October 2020 while awaiting the court’s decision to open the trial. Before the trial began, Callejas was declared mentally incompetent. He died in July 2025 without facing trial. Benedicto Lucas García, 93, was tried between April and November 2024. After 99 hearings, his defense recused High Risk Court A for alleged bias. An appeals court accepted the recusal and decided to cancel all of the trial proceedings, ordering that the proceedings be repeated. The CC confirmed this ruling. A new court will have to be formed.

Luis Enrique Mendoza García, director of the Operations Section (S-3) of the Joint Chiefs of Staff during the de facto government of Ríos Montt (1982-1983), was not tried in the first trial in 2013 because he was a fugitive at the time. He was captured in 2019. In September 2025, another trial was set to begin against him for genocide and crimes against humanity, but the hearing was suspended twice and finally rescheduled for April 27, 2026.



Commemoration and delivery of the sentence at the Kaji Tulam House of Memory. Guatemala, 23.05.2019.

## Molina Theissen Case

On September 27, 1981, Emma Guadalupe Molina Theissen was detained by the Guatemalan army and subjected to abuse, torture, and rape at the Manuel Lisandro Barillas Military Brigade in Quetzaltenango. On October 6, she managed to escape. Hours later, a group of soldiers arrived at her family's home in Guatemala City and captured Marco Antonio, her younger brother, who was 14 years old at the time. The young man's forced disappearance is regarded as an act of revenge perpetrated by the military against the family. Marco Antonio's father, mother, and sisters searched for him at various state institutions, but their efforts were in vain; no one provided them with any information about him.

Despite the appeals they filed to locate Marco Antonio, the authorities did not take the necessary steps to address the family's requests. In 2004, the Inter-American Court of Human Rights issued a ruling ordering the Guatemalan State to investigate, prosecute, and punish those responsible for Marco Antonio's forced disappearance.

In the Guatemalan judicial system, the process began in 2016 when the accused military personnel were arrested. Before the court issued its ruling on May 22, 2018, Emma Molina Theissen stated in her closing

statement, "I want to tell the defendants that I am putting the shame back on them, that I am putting the terror back on them. I cannot get rid of the pain, and I will never be able to get rid of the disgust. I leave you with your hatred because it takes a lot of hatred to do what you did to us. We deserve justice, I deserve justice, and I want the defendants to be left with everything else..."

Four of the five high-ranking military officers charged were found guilty of crimes against humanity, forced disappearance, and aggravated rape, and sentenced to between 33 and 58 years in prison. These included Benedicto Lucas García, Army Chief of Staff; Manuel Callejas y Callejas, Director of Military Intelligence; Luis Gordillo Martínez, Commander of the Quetzaltenango Military Zone; and Hugo Zaldaña Rojas, Intelligence Officer for the Quetzaltenango Military Zone.

To this day, the judgment is still not final, and thanks to the complicity of the Appeals Court in its rulings, three of the four convicted individuals are under house arrest, despite the illegality of such rulings, which contravene national and international law.

On July 24, 2025, Manuel Callejas y Callejas died without the whereabouts of Marco Antonio, who was detained and disappeared 44 years ago, ever being determined.



## The reaction from sectors of impunity

By 2015, organizations and family members of victims and survivors had already won several court cases for crimes against humanity, involving high-ranking military officers as the defendants. Furthermore, the newly created Special Prosecutor's Office Against Impunity (FECI) of the MP – at that time under the leadership of AG Thelma Aldana (2014-18) – in collaboration with the CICIG, uncovered corruption within the judicial, political, and business sectors. Suddenly, members of the families that owned Guatemala's largest companies, politicians, and judges were under investigation for large-scale acts of corruption.

In 2018, then-President Jimmy Morales—whose son and brother were under investigation by the Feci and CICIG—appointed María Consuelo Porras Argueta as AG. She was re-elected in 2022 by Morales' successor, Alejandro Giammattei. The aforementioned sectors, once untouchable until the CICIG came along, were now being investigated and prosecuted for their corrupt acts, which led them to form a common front known as “the pact of the corrupt,” with the aim of forcing the CICIG out, a goal which they achieved in 2019. The Congress of the Republic illegally failed to renew the Supreme Court of Justice (CSJ), and in 2020 a Constitutional Court (CC) aligned with reactionary sectors was elected. In 2021, the Feci was dismantled following the removal of its head, José Francisco Sandoval, who was

pursuing investigations into corruption involving, among others, then-President Giammattei. The Foundation Against Terrorism<sup>10</sup>, whose legal complaints against justice operators and human rights defenders had previously been rejected, found support in Porras's MP and were accompanied by a violent campaign of character assassination, intimidation, criminalization, and prosecution against justice operators and former CICIG collaborators, resulting in spurious accusations. Judges sympathetic to the MP brought these people to trial and sent them to preventive detention, where they spent months, and even years, while the justice system maliciously dragged out the proceedings by suspending hearings, filing legal appeals, delaying the formation of courts, etc. As a result, more than 100 people, including prosecutors, judges, and journalists who had dedicated their professional lives to fighting corruption, were forced into exile.<sup>11</sup>

This chain of events has profoundly affected the rule of law in Guatemala and, as a result, cases for war crimes and crimes against humanity. Furthermore, between 2019 and 2023, several institutions responsible for promoting and monitoring commitments entered into under the Peace Accords, such as the Presidential Commission on Human Rights (COPREDEH), the Secretariat for Peace of the Presidency of the Republic (SEPAZ), and the National Reparations Program (PNR), were dissolved. According to the AJR, the Giammattei government's closure of these institutions buried the commitments made in the Peace Accords and halted national efforts to provide reparations to the victims of the IAC.

At the end of 2024, AG Consuelo Porras dismantled the Human Rights Prosecutor's Office and appointed Noé Rivera as its head. Rivera is a prosecutor who has led several investigations against former prosecutors and former



Ceremony before the beginning of the Genocide trial against Lucas García, Guatemala, 25.11.2019

10 The Foundation Against Terrorism was created in 2013 by retired military officers to defend military personnel accused of crimes committed during the IAC. Its director and public face is Ricardo Méndez Ruíz, son of the commander of Military Detachment No. 21 in Cobán, Alta Verapaz, and Minister of the Interior under Ríos Montt (1981-82).

11 Guatemala Leaks and CONNECTAS, “El ‘francotirador’ de los referentes de la lucha anticorrupción en Guatemala”, *El Tiempo Latino*, 13 Dec 2022 and *el Especial*, Connectas.org; No-Ficción, serie de podcast *El Experimento*, 12 episodios, 2021-2023; Equipo de investigación de Plaza Pública, *Perseguidos por el MP: una radiografía de los casos contra más de 117 acusados*, Plaza Pública, 2024; OACNUDH, *Guatemala: desafíos en la defensa de los derechos humanos 2020 – 2025*, Dec 2025.

CICIG employees and is included on the U.S. State Department's Engel List for being "a corrupt actor who undermines democratic processes in the country."<sup>12</sup> Faced with this situation, several national and international organizations denounced "openly illegal actions that contravene international standards of justice [which] translate into a pact of impunity for human rights violators and war criminals and, above all, an insult to the families of the victims."<sup>13</sup>

José Silvio Tay expresses regret that "the few prosecutors who did their job well [...] were subsequently persecuted, criminalized, and several of them had to go into exile." Between 2021 and 2025, 105 prosecutors were fired by the MP, 85 without just cause, according to a study by Argentina's

Institute for Comparative Studies in Criminal and Social Sciences (*Instituto de Estudios Comparados en Ciencias Penales y Sociales*, INECIP) and the Guatemalan organization Alliance for Reforms (*Alianza por las Reformas*).<sup>14</sup>

Commitments made under the Peace Accords also face significant setbacks in terms of the right to reparations for the harms committed. The PNR, which was created in 2003, was closed in December 2023.<sup>15</sup> Since then, there has been no reparations program, although the current government announced the creation of a National Plan for Dignity and Reparations for Victims of the IAC<sup>16</sup> that would provide continued assistance to victims. The AJR is currently coordinating with the National Platform of Victims to make progress on this issue. Although

the current administration appointed the Presidential Commission for Peace and Human Rights (COPADEH) as the institution responsible for implementing the comprehensive reparations plan, COPADEH claims it lacks the legal and financial resources to do so. AJR points out that "while there is no progress on reparations, the government is illegally using public funds to compensate victims in the form of reparations for former military personnel."<sup>17</sup> Indeed, every three years, Congress passes a law granting 36,000 quetzals in compensation to IAC military veterans for their participation in reforestation projects. In 2022, Alejandro Giammattei signed the latest of these agreements.<sup>18</sup>

## **Systematic revictimization in judicial proceedings**

The significant setbacks in transitional justice seen in recent years have had a major impact on victims and survivors. José Silvio Tay notes that the greatest effect is revictimization. Many victims have had to repeatedly testify, such as in the trials against Ríos Montt, Rodríguez Sánchez, Mendoza García, Benedicto Lucas García, and others. "Making victims relive their experiences and testify over and over again in court makes them weary, bored, and causes them to lose interest in a case, no matter how strong they are." "There are many survivor witnesses who waited to see justice done, but they died waiting." Many others can no longer attend hearings because they are too old. This is how justice delayed is justice denied: after waiting so long, the witnesses pass away. And that is what they want, for there to be no witnesses left. The longer



The National Platform of Victims, which represents dozens of victims' and survivors' organizations, on Human Rights Day denounces the setbacks in court cases for human rights violations perpetrated during the CAI. Guatemala, 10.12.2024.

<sup>12</sup> Red Nacional de Combate a la Impunidad en Guatemala, ¿Quién es Noé Rivera?, RICIG, 10 Dec 2024.

<sup>13</sup> DPLF, Ministerio Público busca garantizar impunidad en graves violaciones a los derechos humanos cometidas durante el conflicto armado interno en Guatemala, DPLF, 15 Oct 2025.

<sup>14</sup> Instituto de Estudios Comparados en Ciencias Penales y Sociales, Alianza por las Reformas, ¿Eficacia o Impunidad? El desempeño del Ministerio Público durante la gestión de Consuelo Porras 2018-2025, INECIP and APR, 2025.

<sup>15</sup> United Nations High Commissioner for Human Rights, Situation of human rights in Guatemala, OHCHR, 2024.

<sup>16</sup> Alonzo, C., Presidente ratifica su disposición a trabajar en Plan Nacional de Dignificación y Reparación, Agencia de Noticias Guatemaltecas, 25 Feb 2025

<sup>17</sup> Interview with José Silvio Tay, Op. Cit.

<sup>18</sup> Congress of the Republic, Decree 51-2022, 24 Oct 2022.



the trials are delayed, the more likely it is that defendants will die and never face justice. In the Ríos Montt case, despite having been convicted, he did not go to prison, claiming illness. In the Rodríguez Sánchez case, he was acquitted. And

in the Mendoza García case, there have been multiple, repeated delays. So, without witnesses, there are no longer any living testimonies.” Of the 270 initial witnesses involved in the Ixil Genocide case, 47 have already died.

AJR Board member Victoria de Cotzal states that “We are fighting in memory of our comrades who have already passed away, to see justice done... What the witnesses want, what they most long for, is to see justice done, because what they are saying is not a joke nor a prank, but rather what they experienced firsthand, and that is what they are going to testify about. Although the witnesses say that it is painful for them to relive what they experienced, our story must be told to young people and children so that it is not repeated. We have to testify as many times as it takes to see justice done, our witnesses say.” Ana, a survivor from Chajul and an AJR member, emphasizes, “We want them to acknowledge what they did to us, that’s why we’re fighting, putting in the effort. It may be hard on our bodies, it may hurt to walk and to go out, but we will keep struggling until the day we die.”<sup>19</sup>



According to José Silvio Tay, the different strategies used to delay proceedings prevent “prompt and timely justice. They are malicious tactics designed to prolong the proceedings. It is not that there is no evidence or that the investigations are flawed, but rather that this is a mechanism aligned with the co-optation of the justice system. This demonstrates that the legal proceedings have been co-opted and that the perpetrators of

the IAC have connections within the justice system. Of the cases handled by the AJR, only two defendants are still alive. Once they die, there will be no defendants left.”

For the victims of the IAC and their families, the delay in judicial proceedings also prolongs the pain and trauma associated with the crimes committed against them. Lucrecia Molina Theissen

explains that, for her family and her father, forced disappearance is associated with feelings of guilt and questions of “what if?”—questions that refer to many circumstances that offer no answers. Furthermore, anyone who challenged the authorities or failed in their duty of obedience faced a social climate of hostility and stigmatization; such issues are characteristic in Guatemala, a country which has been ruled through authoritarianism and fear throughout its history. With regard to what happened during the years of conflict, those in power manipulated the truth—and continue to do so—by placing the blame on the victims, asking, “What was your brother involved in?” To understand what happened, to know who is responsible, and to bring them to justice, we must deconstruct this perverse, yet convenient tactic used to protect their impunity. “In our case,” she continued, “people blamed us, as did some members of our family. Even the leader of a human rights organization said in a press interview that the family fled and left Marco Antonio alone in the house.”

### “The sentence was an empty promise”

Among the mechanisms used to obstruct criminal proceedings, the BDH agrees that there is a pattern used to stall cases: the abusive use of injunctions, among other legal actions designed to delay proceedings. Although not intended for this purpose, injunctions have become a mechanism used—and even promoted—by judicial authorities to paralyze. In the Ixil Genocide case, the BDH notes that “it must be acknowledged that there has been support and complicity on the part of the State, and that this continues to this day, allowing time to pass until the perpetrators die and the crimes go unpunished.”<sup>20</sup>

19 PBI Guatemala, ACÉRCATE Podcast 8 featuring two members of the AJR, 10 Dec 2025.

20 Interview with Santiago Choc, Op.Cit.

## Dos Erres

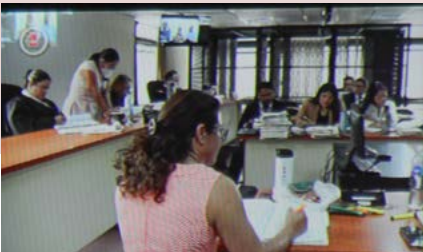
Between December 6 and 8, 1982, the Dos Erres massacre took place in the municipality of Las Cruces, department of Petén. An elite army commando unit, the Kaibiles, disguised as guerrillas, blocked the exits of the small village of Dos Erres to prevent its inhabitants from escaping. At dawn, they took the people out of their homes: the men were rounded up in the central square, while the women and children were locked in the church and school. For three days and two nights, state forces assaulted, tortured, raped, and killed more than 200 people. They threw their bodies into the village well.

From 1994 to 1995, the Association of Relatives of the Detained and Disappeared of Guatemala (FAMDEGUA) sought to carry out the first exhumation, which led to death threats against them. Given the lack of progress in the courts, they took the case to the IACHR in 1996. In 2008, they brought the case before the I/A

Court H.R. In 2009, the Court concluded that the Guatemalan State had failed in its obligation to investigate, ordering the State to take legal action with a focus on gender.

In 2011, following the investigation and corresponding court proceedings, the Guatemalan judicial system's High Risk Court A handed down its ruling in this case and sentenced three former Kaibiles, Manuel Pop, Reyes Collin Gualip, and Daniel Martínez Hernández, and Lieutenant Carlos Carias to more than 6,000 years in prison. Furthermore, in 2012, Pedro Pimentel Ríos, a former instructor at the Kaibil School, was convicted. In 2018, Santos López, a former Kaibil, was also convicted. Both received sentences similar to those of the other defendants.

However, in 2023, High Risk Court "E" acquitted three former Kaibiles Gilberto Jordán, José Mardoqueo Ortiz, and Alfonso Bulux Vicente, despite survivor testimony directly identifying the perpetrators. In addition, the Court ordered that the evidence presented at the trial be destroyed. FAMDEGUA appealed both decisions, arguing that they were revictimizing and lacked technical and legal justification. The appeal is still pending. Meanwhile, the Inter-American Court of Human Rights ordered that the evidence be preserved.



Hearing of the Dos Erres case. Guatemala, 01.08.2023.

In many cases, revictimization is also the result of the criminalization of victims' families. Along these lines, Lucrecia Molina Theissen explains that one of the defense attorneys, Karen Fischer, accused them of filing a false report and simulating a crime by stating that "we kidnapped Marco Antonio, took him out of Guatemala, changed his name, and married him to Eugenia, one of my sisters. The complaint was filed with the Metropolitan Prosecutor's Office two or three days after the May 23, 2018 ruling and is still pending due to malicious

litigation. Our legal team informed us that Fischer's strategy, apparently supported by Consuelo Porras, is to have a prosecutor appointed to investigate this accusation, who then investigates and concludes that there is nothing to be done. Fischer then challenges the prosecutor and another prosecutor is appointed, who repeats the same process—because there is effectively no case, no evidence, and what Fischer claims is completely untrue. Such recusals and new appointments have been used to keep

the case open. All of this contradicts the fact that the Guatemalan State acknowledged its responsibility for the forced disappearance of Marco Antonio and accepted the reparations measures ordered by the I/A Court H.R., which include searching for and returning his remains. In addition to the above, an appeals court—with different compositions in 2023 and 2025—granted alternative measures to the four people convicted, despite the fact that national and international legislation does not provide for alternative measures for



crimes of the magnitude of those committed against Marco Antonio (enforced disappearance) and Emma (torture, sexual violence, and crimes against humanity). Previously, on March 24, 2023, the I/A Court H.R. had ordered the State that “in order to prevent irreparable harm,” the convicted men could not be granted such benefits. But they appealed to the CC, which illegally ordered the Second Appeals Court to do so under threat of punitive measures against it. In June 2023, Callejas, Lucas, and Gordillo were effectively released. The other convicted man, Zaldaña Rojas, also requested alternative measures and finally received them in April 2025, which came as a huge affront to the family, given that he was the actual perpetrator, the man who broke into the house, held a gun to Marco Antonio’s mother’s head to use her as a shield, and kidnapped the child. Furthermore, in its ruling No. 108 of July 2004, the I/A Court H.R. ordered the Guatemalan State to “locate and deliver the remains of Marco Antonio Molina Theissen to his relatives,”<sup>21</sup> but this has not happened. Lucrecia Molina Theissen believes that “the Guatemalan system is making a mockery of these commitments.” “We received the orders issued by the Inter-American Court related to the monitoring compliance with great sadness, and the State’s reports with rage, as they never say anything new on the matter. The hope, especially my mother’s, was that once the ruling and the reparations were enforced, the justice system would begin to take action and demand that other State institutions pursue the search and recovery of Marco Antonio’s remains. These have been major blows.” Meanwhile, the Molina Theissen family

remains in exile, fearing that their return to Guatemala will be used to fuel the theory that Marco Antonio was kidnapped by the family, in order to continue criminalizing them.

### **The burden falls on civil society and the victims themselves**

Given this situation, the AJR can only hope that the political context will change and become more favorable. José Silvio Tay explains that they constantly receive questions such as “How is the case going?” or “What progress has there been?” Sometimes they are even asked directly, “Could it be you who don’t want the case to move forward, rather than the courts?” According to the AJR, they cannot allow themselves to ask for hearings be rescheduled or cases postponed, whether for internal, organizational, and budgetary reasons, as this would be inconsistent with the position they have taken in other proceedings. It would be contradictory for them to demand progress in some cases while requesting delays in others. If delays occur, it must be the courts’ responsibility, not the AJR’s.

Similarly, according to Tay, “initiatives to restore dignity and provide reparations to victims have not been carried out because of the state’s willingness, but because of pressure. For example, in the case of Río Negro [human rights violations caused by the construction of the Chixoy hydroelectric dam], progress has been made thanks to the intervention of the IACHR. It was during the Morales and Giammattei administrations that the Peace Accords were shelved, which is why there is currently no institution responsible for dignity, reparation, and

memory. There has been no institution dedicated to this cause, and the few gains that have been made have been due to our political pressure and international political intervention.”

The state has also failed to promote the preservation of historical memory. Existing initiatives come from civil society, such as the Museum of Memory in the Quetzaltenango Intercultural Park, which was promoted by a group of artists and is located in the former Manuel Lisandro Barillas barracks where Emma was held captive. Lucrecia Molina Theissen emphasizes the importance of this space, which she considers “something wonderful, poetic” through which “they transformed the meaning of a building that represented death and torture, which was part of the sinister atmosphere that existed at that time. This is what the people of Guatemala can achieve: a response from young people to atrocities that they never want to see repeated in their country.”<sup>22</sup>

Another site of memory in state hands is the Historical Archive of the National Police. This archive is unique in Latin America and is invaluable for understanding repressive practices such as political assassinations, kidnappings, torture, and forced disappearances perpetrated by Guatemalan authorities during the IAC. Several civil society organizations are warning about the risk of deterioration of the documents held in the archive’s Documentary Collection and are demanding that the site be turned into a publicly accessible site of memory. The archive, which was at risk of being dismantled during the Morales administration,<sup>23</sup> was declared a National Cultural Heritage Site in 2020.<sup>24</sup>

21 Inter-American Court of Human Rights, *Molina Theissen v. Guatemala*, 21 Aug 2014.

22 See our Bulletin 52, dedicated to sites of memory in Guatemala..

23 PBI Guatemala, *Organizations express concern for the Historical Archive of the National Police*, 30 May 2019

24 PBI Guatemala ACERCATE podcast 5, 16 Jul 2025 and ACERCATE podcast 6, 26 Aug 2025; Doyle, K., Dorfman, C., *Invisible, Silenced, and All but Abandoned: The Guatemalan Historical Archive of the National Police on its 20th Anniversary*, National Security Archive, 04 Sep 25.

## An uncertain outlook

In the first half of 2026, important elections will be held for the administration of justice: five CC judges, as well as the AG and Head of the MP. According to Raúl Nájera, both are extremely important, and the impact of these elections could last up to 15 years. Lawyer Santiago Choc of the BDH believes that “the person who takes office as AG will likely be compromised, because they will have been selected by a nominating committee made up of different sectors that are not necessarily aligned with the fight against impunity.”

The AJR is also awaiting the change of AG, but they are not very confident that the situation will change: “So far, we don’t know who will be appointed; it could be someone better or someone

worse . If someone better takes office, maybe things will change a little; if not, then no. And even if someone with good intentions takes office, they will face pressure and persecution that will prevent them from doing their job. That’s what’s happening with President Arévalo; they’re not letting him do his job.”<sup>25</sup>

For Lucrecia Molina Theissen, the current context is part of a much broader historical trajectory, marked by the construction of “a system of impunity in the country [...] to hide the crimes committed by the state since the 1950s. Power, previously exercised by the military and oligarchs linked to US interests, now also includes drug traffickers and corrupt individuals—the pact of the corrupt—who seize public office to enrich themselves. Unfortunately, we are now witnessing

the end of a fleeting moment when we believed that justice had been born in Guatemala. Meanwhile, years of state terror instilled fear in the population. Most people reject the situation, but they do not take to the streets to protest; they condemn corruption, but they do not exercise their citizenship or demand their rights, because doing so unleashes state violence. This has left a deep mark, so much so that terror still runs through the veins of society. Enormous work would have to be done in terms of memory and justice so that Guatemalans can learn about previous generations’ history of struggle and resistance in order to build legitimate, inclusive, irrefutable, and sustainable democratic processes that cannot be overturned by changes in positions of power.”

## Military Diary Case

The Military Diary case highlights the systematic practices of repression employed by the Guatemalan state during the IAC. The Military Diary case highlights the systematic practices of repression employed by the Guatemalan state during the IAC. The Military Diary is a military document that came to light in 1999, containing the names, photographs, and personal details of 183 people who were captured by armed agents and, in most cases, murdered. In 2005, when the Historical Archive of the National Police was discovered, it was possible to corroborate the veracity of the information recorded in the document.

After the Military Diary was published, organizations representing the families of missing persons whose names appear in the document filed a complaint with the Public Prosecutor’s Office. The organizations

involved are: the Mutual Support Group (GAM), the Association of Relatives of the Detained and Disappeared of Guatemala (FAMDEGUA), and the Myrna Mack Foundation. The complainants also included an institution, the Human Rights Ombudsman’s Office (PDH). In 2005, faced with a lack of progress in the case, these organizations filed a complaint with the IACHR. And in 2011, they brought the same case before the I/A Court H.R., alleging the disappearance of 26 of the people identified in the Military Diary.

In 2012, the I/A Court H.R. presented its conclusions, highlighting the lack of diligence and efficiency in the MP’s efforts to clarify the events and identify and punish those who might be responsible. The Court also highlighted the Ministry of Defense’s failure to cooperate with the MP’s investigations. The Court

25 Interview with José Silvio Tay, Op.Cit.



found the Guatemalan State responsible for the forced disappearance of the 26 individuals and ordered the State to carry out the necessary investigations to locate the disappeared, as well as to prosecute and punish those responsible for the crimes.

In 2021, Judge Miguel Ángel Gálvez indicted nine former military personnel on charges of forced disappearance, murder, attempted murder, and crimes against humanity, and sent six of them to pretrial detention. As a result, the judge was subjected to a campaign of constant surveillance and intimidation, mainly by the FCT, which also filed a complaint against him in order to strip him of his right to judicial immunity<sup>1</sup>. In 2022, Gálvez resigned and was forced into exile. Since then, several of the defendants have benefited from alternative measures ordered by Gálvez's successors in High Risk Court "B" and remain under house arrest. Marco Antonio González

Taracena, former Minister of Defense, died without ever facing trial.

During the most recent hearings in the intermediate phase of the 2025 case, the actions of the MP's prosecutor, José Crisanto Gómez Meléndez, raised concerns. Gómez Meléndez asked for the provisional closure of the proceedings and changes in the classification of the crimes, despite the fact that the charges against the defendants are supported by more than 7,000 pieces of evidence, including 100 statements and records of people executed by the State. The organizations of victims and survivors who are plaintiffs in the case requested that the Attorney General remove the prosecutors from the case. According to FAMDEGUA representative Santiago Choc, the MP's actions represent a violation of the I/A Court H.R.'s ruling<sup>2</sup>.



First Statement Hearing. Guatemala, 26.04.2022.

- 1 In July 2025, the prosecutor investigating this complaint concluded that there was insufficient evidence to prove that crimes had been committed and sought to dismiss the case. She was immediately reported by the FCT, and the MP withdrew the motion to dismiss. Osegueda, S., Presionados por la FCT, el MP ahora cambia de rumbo: aquí el informe que pedía cerrar el caso contra el exjuez Gálvez, La Hora, 24 Jul 2025.
- 2 Valdéz, A. Representantes de las víctimas piden apartar a los fiscales del caso Diario Militar, Prensa Comunitaria, 14 Oct 2025.

# Criminalization of ancestral authorities in Guatemala:

the case of Rigoberto Juárez and Ermitaño López

International law recognizes and protects the rights of indigenous peoples, including the rights to freedom of expression and effective participation in decisions related to development projects or extractive activities that might impact them, whether directly or indirectly. One of the most widely recognized of these rights is the right to prior, free, and informed consultation, as enshrined in instruments such as Convention 169 of the International Labor Organization (ILO) and the United Nations Declaration on the Rights of Indigenous Peoples. This right guarantees communities are heard and their decisions respected before any project is carried out in their territories. This framework also recognizes the legitimacy of peaceful protest as a form of active participation, especially when indigenous peoples' collective rights are violated.<sup>1</sup>

In Guatemala, these international commitments were formally established with the ratification of ILO Convention 169 in 1996 and were subsequently reinforced by the jurisprudence of the Constitutional Court (CC), which granted constitutional status to the provisions of the Convention. This jurisprudence stipulates that “all mining reconnaissance, exploration, and exploitation licenses and hydroelectric licenses granted by the Ministry of Energy and Mines without consultation are illegal and arbitrary because they violate the constitutional right to consultation.”<sup>2</sup> However, in practice, there remains a deep divide between the legal framework and the reality experienced by indigenous peoples. Back in 2013, the UN Special Rapporteur on the rights of indigenous peoples warned that the extractive model imposed on indigenous territories violates fundamental rights such as self-

determination, rights to land and natural resources, cultural rights, and the right to a healthy environment.<sup>3</sup> The Maya, Xinka, and Garifuna peoples are victims of, witnesses to, and reporters on the constant violations of international law in their territories.<sup>4</sup>

The signing of the Peace Accords in 1996 marked the formal end of the internal armed conflict and provided an impetus for Guatemala's integration into the dynamics of the neoliberal economic model. This shift brought with it a development agenda focused on expanding extractive activities—hydroelectric projects, mining, monoculture farming, and oil exploitation—especially in indigenous territories. In this context, the State has not only failed to fulfill its obligation to protect the collective rights of indigenous peoples but has also endorsed and even promoted the implementation of

these projects without prior consultation processes. Far from guaranteeing respect for indigenous rights, many institutions have acted as accomplices through dispossession, obstructing social protest, weakening community organization, and criminalizing territorial defense.<sup>5</sup> In many cases, peaceful participation in territorial defense has come at a high personal and collective cost.

The Northern Transversal Strip—which spans the departments of Huehuetenango, Quiché, Alta Verapaz, and Izabal—has become an epicenter of socio-environmental conflict due to overlapping extractive interests—including oil, palm oil, nickel mining, and hydroelectric projects—on indigenous territories. Various forms of organization and resistance have emerged in response to this situation, led by ancestral authorities and community

1 United Nations General Assembly, Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya. Extractive industries and indigenous peoples, 11 Sep 2013.

2 Grupo Internacional de Trabajo sobre Asuntos Indígenas (IWGIA), Guatemala: Corte sentencia que Convenio 169 tiene jerarquía constitucional, 24 Mar 2010.

3 United Nations General Assembly, Op. Cit.

4 In 2023, the Maya, Xinka, and Garifuna population of Guatemala represented 38.8%, according to the National Institute of Statistics in Guatemala, and 43.75% according to the International Work Group for Indigenous Affairs (IWGIA).

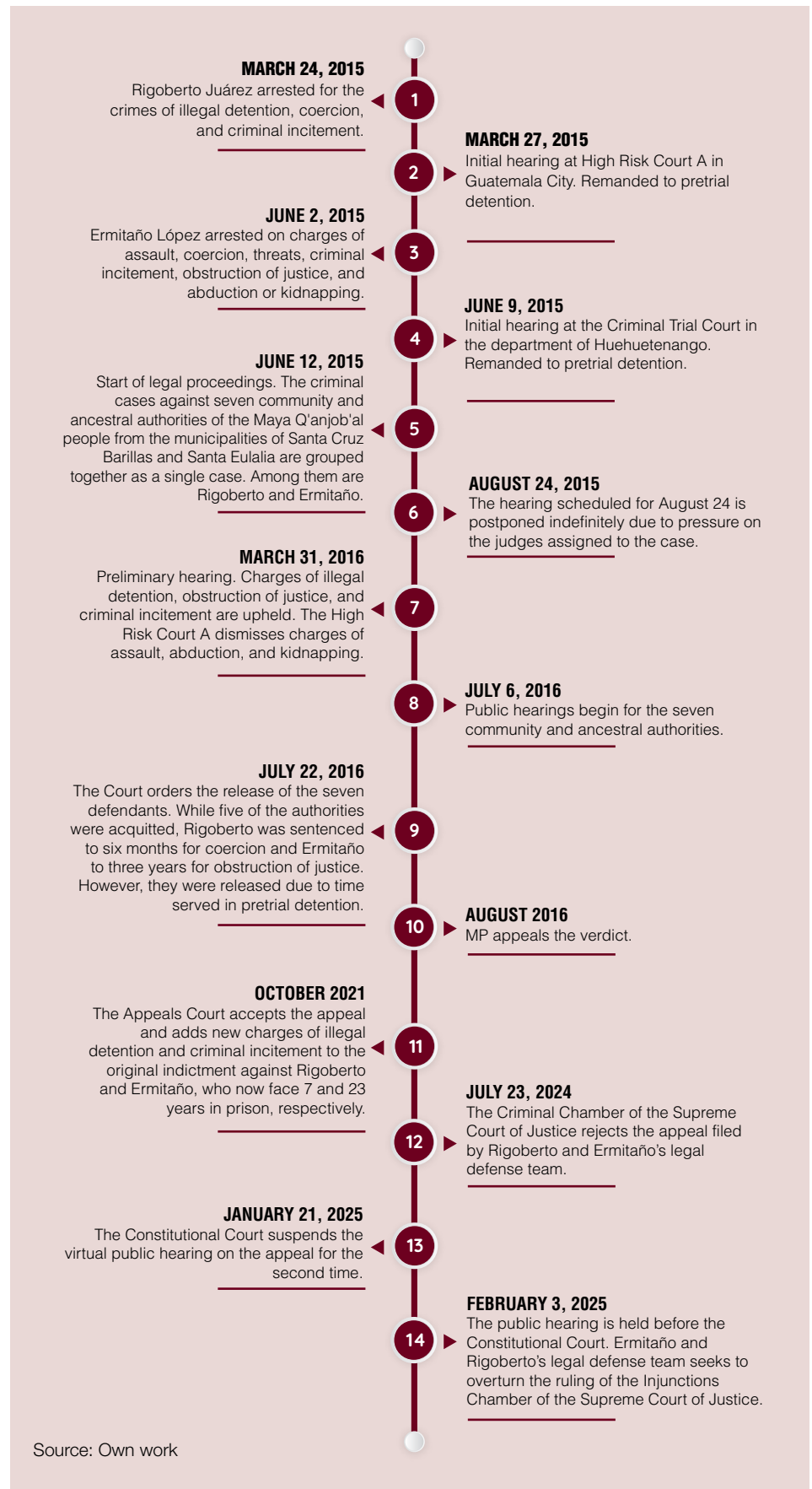
5 Iniciativa para la Reconstrucción y Recuperación de la memoria Histórica (IMH). El Camino de las Palabras de los Pueblos, Magnaterra Ediciones, Guatemala, 2013.



leaders acting on behalf of their peoples and in defense of their territory. These figures, whose legitimacy is recognized within the normative systems of indigenous peoples, are often ignored by state institutions and frequently targeted through campaigns of stigmatization, persecution, and criminalization.

One of the most emblematic cases of criminalization of territorial defense in Guatemala is that of Rigoberto Juárez and Ermitaño López, ancestral authorities and community leaders of the Maya Q'anjob'al people. Both led efforts to organize and resist the imposition of hydroelectric projects such as Canbalam I and San Luis, pushed forward by the Spanish company Hidralia Energía and its Guatemalan subsidiary Hidro Santa Cruz, without the consent of the affected communities.<sup>6</sup> Because of their role in territorial defense, Rigoberto and Ermitaño were targeted by multiple criminal complaints, culminating in their arrest in 2015, along with five other community leaders, in what is known as the case of "the Huehuetenango Seven."<sup>7</sup>

The following diagram shows the main developments in the case:



6 Rodríguez-Carmona, A. y De Luis Romero, E., Hidroeléctricas insaciables en Guatemala. Una investigación del impacto de Hidro Santa Cruz y Renace en los derechos humanos de pueblos indígenas, 24 Jun 2016.

7 Villatoro, D., La espera de los líderes comunitarios en prisión: ¿criminalización o justicia?, Plaza Pública, 11 Apr 2016.

The leaders were criminalized for their participation in community demonstrations, protests, and conflict mediation efforts, especially in the municipality of Santa Eulalia. These actions, legitimately carried out within the context of territorial defense, were misrepresented by the Public Prosecutor's Office (MP) as criminal acts in order to justify their imprisonment. Rigoberto was charged with detaining workers from the Hidro Santa Cruz company during a protest, coercion, and incitement to commit a crime, related to his role as an ancestral authority and spokesperson for the Resistance. Ermitaño was accused of illegal detention, coercion, threats, and incitement to commit crimes, among other charges. Both were imprisoned, not because they committed crimes, but because of their community leadership in defense of their territory, in the context of a systematic policy of criminalization against indigenous and community leaders opposed to the state's extractive interests.

Both remained in preventive detention for more than 16 months. In 2016, High Risk Court A decided to acquit five of the defendants and handed down convictions for minor offenses (coercion and obstruction of justice) against Rigoberto and Ermitaño, who were immediately released because they had already served their sentences. In its ruling, the Court recognized that the community and ancestral authorities had acted legitimately by mediating to prevent violence, and that the evidence presented against them was insufficient to justify prolonged detention. The ruling showed that the arrests were politically motivated and that the judicial system had been used to criminalize community organizing and territorial resistance.<sup>8</sup>

Legal support from organizations like the Human Rights Law Firm (BDH) has been

key to proving the legitimacy of Rigoberto and Ermitaño's roles, under both national and international law. According to the BDH, aside from instruments like the Guatemalan Constitution—which recognizes indigenous peoples' forms of organization—and ILO Convention 169, Supreme Court of Justice (CSJ) and CC rulings establish that ancestral authorities do not need to formally certify their existence in order for them to be recognized by the State. On this point, the BDH highlights the value of expert testimony in legal proceedings, which has helped show that indigenous authorities act on behalf of and in the interests of the community, not as individuals. In the case of Rigoberto and Ermitaño, expert reports prepared by Kiche' sociologist Gladys Tzul Tzul and lawyer Ramón Cadena were decisive in proving the legitimacy of their actions as ancestral authorities and community leaders.

Gladys Tzul Tzul's expert testimony showed that Maya ancestral authorities act as mediators under their own regulatory systems, recognized both by their communities and by the Guatemalan legal framework, under a collective mandate, and that their role in the conflict over the Hidro Santa Cruz project was to preserve social peace. She noted that their criminalization reflects a lack of knowledge of indigenous law and the state's refusal to recognize its legitimacy.<sup>9</sup> Likewise, lawyer Ramón Cadena showed that the State has used the judicial system to criminalize social protest, based on unfounded accusations and weak evidence, in order to politically neutralize ancestral community leaders like Rigoberto and Ermitaño, who were acting as legitimate authorities in accordance with indigenous law and the Guatemalan Constitution.<sup>10</sup>

However, in 2021, the Appeals Court ruled contrary to law, overturning the previous sentence and increasing the sentences imposed to 23 years of non-commutable imprisonment for Ermitaño and seven years for Rigoberto. This sentence was upheld by the CSJ in July 2024. The BDH argues that this decision violates the principle of *reformatio in peius*, which prohibits putting the defendant in a worse position than they would have been in if they had not filed an appeal. In addition, they point to serious procedural irregularities, such as the informal assessment of evidence by the Appeals Court—a power exclusive to the sentencing court—and the MP's systematic practice of classifying non-criminals acts as crimes, relying on generic or ambiguous criminal charges, such as illegal detention, trespassing, threats, or incitement to commit a crime, to justify judicial persecution.<sup>11</sup>

For the BDH, the case is a prime example of the **strategy of criminalization** directed against human rights defenders in Guatemala, especially against ancestral authorities who legitimately represent their peoples. As they point out:

*"This is a systematic policy of criminalizing authorities, leaders, and community members who defend their territory and resources. The Public Prosecutor's Office employs recurring patterns, such as mass charges, failure to individualize conduct, and forcing facts to fit existing criminal categories, even when the conduct in question involves peaceful demonstrations or legitimate community defense activities."*<sup>12</sup>

From a legal standpoint, ancestral authorities are recognized both constitutionally and internationally.

8 Bastos, S., El juicio a las autoridades comunitarias del norte de Huehuetenango: defensa del territorio y criminalización, Revista Eutopía 4(2), 01 Dec 2017.

9 Tzul, G., Peritaje socio cultural. El rol de las autoridades indígenas en la mediación y resolución de conflictos, Revista Eutopía 4(2), 01 Dec 2017.

10 Cadena, R., Peritaje sobre el fenómeno de la criminalización de la protesta social a la luz del derecho internacional de los derechos humanos, Revista Eutopía 4(2), 01 Dec .2017.

11 Interview with the BDH on 28 Apr 2025.

12 Ibid.



The Constitution of the Republic of Guatemala recognizes indigenous peoples' systems of social organization, while ILO Convention 169, ratified by the State, establishes the obligation to respect indigenous structures of representation and community governance. Furthermore, national case law has confirmed that there is no need to formally certify authorities' existence in order for them to be recognized by the State. However, in practice, the judicial system often requires documentary evidence to validate authorities' representativeness, implying an implicit denial of the legitimacy stemming from community consensus. The BDH emphasizes that the staff carried by the authorities is a clear symbol of that legitimacy, conferred by community assemblies.<sup>13</sup>

The case is currently awaiting a ruling by the CC, which must hear an appeal filed by the defense. The appeal asks for the CSJ to reopen the case due to multiple procedural violations committed by the Appeals Court. However, more than a legal analysis, this case raises fundamental questions about the nature of the Guatemalan state, especially regarding the separation of powers and the exploitation of the justice system for political and economic ends. As one of the BDH lawyers aptly puts it:

*"Criminal law seeks justice, but also social peace. Social peace cannot be achieved if community leaders, traditional authorities, or community representatives who lead territorial defense processes face majorly flawed legal proceedings."*<sup>14</sup>

Rigoberto Juárez and Ermitaño López's criminalization has had a profound impact not only on their lives, but also on the social fabric of their communities and on the ability of the indigenous peoples of Guatemala to exercise their fundamental rights. The protracted nature of these processes causes exhaustion, fear, and fragmentation in spaces for community participation, weakening communities' ability to exercise their right to self-determination. This case therefore challenges both Guatemalan society and the international community, since defending territory, water, and life cannot continue to be treated as a crime. Ancestral and community authorities, far from representing a threat to social order, are pillars of community cohesion and transmitters of ancestral knowledge. Criminalizing them not only violates individual rights but also undermines the collective rights of indigenous peoples as recognized by national and international law.

### "Update after the closing of the writing"

The Constitutional Court confirmed the sentences against indigenous authorities Rigoberto Juárez Mateo and Bernardo Ermitaño López Reyes and maintains a sentence of 8 and 24 years in prison respectively.



Rigoberto Juárez, ancestral authority and community leader of Santa Eulalia.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.



Carlos Choc covering the march of the criminalized people. Guatemala, 14.01.2023.

## News about our work:

accompaniment for Carlos Ernesto Choc, Maya Q'eqchi' journalist

In April 2025, we began accompanying Carlos Ernesto Choc, a Maya Q'eqchi' journalist who mainly works in the municipality of El Estor, Izabal. His career highlights include his participation in Green Blood and Mining Secrets, investigative journalism projects that revealed the environmental damage caused by the nickel company Solway Investment Group, which operates the largest mine in Central America. His work on these projects was published in various international news outlets, as well as in the Guatemalan media outlet Prensa Comunitaria. Carlos's work in defense of the environment and human rights has led him to face serious risks: intimidation, threats, all kinds of harassment, criminalization, and prosecution. All of this forced him into temporary exile last year. PBI's accompaniment is part of his security strategy and helps open up spaces to visibilize his struggle. "You have to reinvent yourself and create a new dynamic. That's why I approached PBI and asked for support, so that I could continue my work as a journalist and show them that I'm not alone."

Investigative journalism and speaking out about human rights abuses have always been a risky business in Guatemala. In 2017, the levels of violence against Carlos Choc reached a new dimension. At that time, the journalist was criminalized and prosecuted after documenting the death of fisherman Carlos Maaz during protests over the pollution of Lake Izabal. The community accused the Fenix mining company, operated by the Compañía Guatemalteca de Niquel (CGN) and a subsidiary of the Solway Investment Group, of being responsible for the appearance of a red slick on the lake, caused by toxic waste dumping. "Guatemala is experiencing a fourth invasion: first the Spanish, then the Germans, then the internal armed conflict, and now it's the extractive companies," Carlos explains. This situation led the fishermen to block the roads as a means of applying pressure.



During the eviction operation, Carlos Choc documented the National Civil Police's use of tear gas and firearms against the population and captured images of the lifeless body of Carlos Maaz, who was allegedly shot by security forces. With the backing of the Ministry of the Interior, which officially denied that any deaths had occurred during the operation, the Fenix mining company sued Carlos Choc and another journalist on charges of threats, illegal detention, incitement to commit a crime, unlawful demonstration, and unlawful association, thus initiating a lengthy legal process that lasted until January 2024, when Carlos and the other defendants were acquitted due to a lack of evidence.

is acquittal in the above-mentioned criminal case did not put an end to the harassment and intimidation against Carlos. In 2020, his home was burglarized and the Human Rights Prosecutor's Office provided him with certain protective measures, which, according to Carlos himself, were not very effective. Likewise, the criminalization and prosecution continued: in 2021, he was again charged with incitement to commit a crime and for allegedly physically assaulting an officer while covering protests in El Estor. Shortly after this new accusation, his home was raided by the Public Prosecutor's Office, supposedly as part of an investigation into journalists and community leaders in connection with the criminalization of Radio Comunitaria Xyaab' Tzuultaq'a (The Voice of the Mountain community radio station). Once again, "this was a case of criminalization against me because of my work as a journalist," he insists.

Although the explicit violence against him has since subsided, the strategy to destroy the journalist's social fabric and wear him down emotionally continues. Since PBI began accompanying him in April 2025, the team has documented several instances of defamation and

smear campaigns against him on social media, and he and his family live in a state of constant alert, especially with the imminent reopening of the Fenix mine, which has been suspended since 2021. "The new management's course of action is still unknown, although the prediction is that social tension will flare up again," explains Carlos, "Now the population is more united against mining, because now there is the resistance and former workers are also protesting, since the mining company did not fulfill its promise to give them jobs." In

this situation, part of Carlos Choc's work involves raising awareness of the public demands made by the ancestral authorities of El Estor. The authorities are demanding that, before the mine is reopened, there be reparations for the mine's environmental damages and the harm caused to people who have been criminalized. They also call for an environmental impact assessment and free, prior, and informed consultation with the communities.



Accompanying Carlos Choc. El Estor, 29.08.2025.



## PEACE BRIGADES INTERNATIONAL GUATEMALA PROJECT

**PBI** is an international non-governmental organization (NGO) which provides international accompaniment and observation at the request of threatened social organizations. The presence of international volunteers backed by a support network helps to deter violence.

### PBI in Guatemala

**PBI** maintained a team of volunteers in Guatemala from 1983 to 1999. During those years, it carried out accompaniment work with human rights organizations, unions, indigenous and campesino organizations, refugees and churches. In 1999, after an evaluation process, it was decided to close the project since the country had greatly advanced in the opening of space for the work of human rights organizations. Nevertheless, PBI continued attentive to the happenings in Guatemala through a follow-up committee.

From the middle of 2000, **PBI** began receiving a number of requests for international accompaniment. Due to these requests, **PBI** carried out an investigation in the field that made evident a turn in the direction and a losing of space for human rights defenders. In April of 2002, **PBI** decided to reopen the Guatemala Project in order to carry out international accompaniment and observation in coordination with other international accompaniment and observation in coordination with other international accompaniment NGOs. In April 2003, the new **PBI** office was opened in Guatemala.

### Purpose and principles

Contribute to improve the human rights situation in Guatemala and accompany social and political processes that promote the enhancement of democracy and participation in the country and the region. To attain this, **PBI** employs an international presence that supports the maintenance and opening of political and social spaces for human rights defenders, organizations and other social expressions facing repression due to their work supporting human rights.

**PBI** follows the principles of non-violence, non-partisanship and non-interference.

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**Photos:** PBI Guatemala

**Cover photo:** Banners pasted during the March of Memory to commemorate victims, heroes and martyrs of the CAI. Guatemala, 30.06.2025



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