



Monthly Information Package Guatemala

Number 216 - September 2021

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.

Nothing to Celebrate: Indigenous Peoples Reject bicentennial celebration

This September, the indigenous peoples of Guatemala organized protests in various regions of the country, rejecting the bicentennial of Central America's independence and demanding the resignation of President Alejandro Giammattei. Nevertheless, the government went ahead with a private act of commemoration at the National Palace and organised an aerial military display.¹

In the capital, indigenous authorities from several departments across the country arrived at the *Plaza de la Constitución* (Central Park) to express their discontent and demand the resignation of the President and head of the Public Prosecutor's Office (MP), Consuelo Porras, as well as the respect for the rights of indigenous peoples and the cessation of attacks against community leaders who defend their territories. As a symbol of their rejection of the anniversary, they raised the flag of the indigenous peoples on the main flagpole, in front of the National Palace, and carried out ancestral ceremonies.²

Similarly, on September 5, indigenous women from the Maya, Xinka and Garífuna peoples, in alliance with deputies of the Congress of the Republic and within the framework of the International Day of Indigenous Women, spoke out strongly against the commemoration of the bicentennial, "because, rather than changing the colonial relationship, independence has strengthened and perpetuated the exclusion, domination, contempt and dispossession against the peoples, especially against indigenous women."³

Charges against human rights defenders Anastasia Mejía and Petrona Siy dropped

On September 3, the Criminal Court of First Instance of Nebaj, Quiché, dismissed all charges against journalist Anastasia Mejía and indigenous authority Petrona Siy, accused by Mayor Florencio Carrascoza of having participated in a demonstration in August 2020, during which the Municipality of Joyabaj was burned down. The Court declared there was not enough evidence to charge them. Both were arrested on September 22, 2020, held for 39 days in preventive detention and had to pay bail for their release. Mejía "recalled that although Mejía and Siy have regained their freedom, there are other criminalized defenders who will still face trial for the burning of the Municipality", including Sebastiana Pablo (who spent 10 months in the Santa Teresa preventive prison in Cantel, Quetzaltenango),⁴ Micaela Solís and Manuel Pablo, who remain in under house arrest."⁵

The judge pointed out "that Petrona Siy Castro was vulnerable because of her age" and that "an accusation cannot include presumptions, but indications. Indications must have specific characteristics. The function of the Public Prosecutor's Office is to demonstrate these indications. An indication must be certain, indisputable. There is no evidence which links Mrs. Petrona to the crime," that is why the judge issued a dismissal order in her favor. "Regarding the participation of Anastasia Mejía, the judge explained that there were no elements

¹ Infobae, "[Nada que celebrar](#)": indígenas protestan en bicentenario de Guatemala, 15.09.2021.

² Salay, M., [Indígenas de Guatemala protestan contra celebración de independencia](#), HispanTV, 16.09.2021.

³ FGER, [A 200 años de exclusión no hay nada que celebrar](#). FGER, 05.09.2021

⁴ Escobar, L., [Caso Joyabaj: La criminalización del derecho a protestar e informar](#), La Cuerda, 24.09.2021

⁵ Albani, P., [Anastasia Mejía y Petrona Siy recuperan la libertad](#), Ruda, 03.09.2021

warranting an oral and public trial", that he did not see evidence of conduct that could be framed under the criminal set forth in those articles and therefore recommended the irrevocable closing of the process.⁶

One of the lawyers from the Indigenous Peoples Law Firm concluded that "this case demonstrates how a ladino mayor can weaponize racism for its maximum expression. This is one of the most visible expressions of patriarchy and machismo, because he lashed out against the women who have supervised him, because they have questioned him. He cannot even understand what they say because they speak K'iche' and he does not know the language." It is worth noting that the mayor of Joyabaj, Florencio Carrascoza Gámez, has several pending trials, is included in the Engel list of corrupt officials in Central America and has been accused of undermining democratic processes or institutions, intimidating and unjustly imprisoning political opponents.⁷

Former police officers to face trial for abuse of authority against journalist Norma Sancir

The former commissioner of the National Civil Police (PNC), Ceferino Salquil Solval, and former officers Olga Leticia Segura, Marcelina López Pérez and Mirna Marleni Agustín, were sent to trial at the request of the Public Prosecutor's Office for Crimes against Journalists, specifically the abuse of authority against community journalist Norma Sancir.⁸ Norma was arbitrarily detained while covering a peaceful demonstration held by the Ch'orti' people at the Jupilingo Bridge (Camotán, Chiquimula) in 2014, which "ended in a violent eviction by security agents." She was arrested for the crime of assault and public disorder, "without taking into account that she was on her way to document the demonstration. She remained in the detention center for men and women in the Department of Zacapa for three days, until a judge granted her freedom on September 22 of the same year."⁹

The Court of First Instance for Criminal and Narcoactivity in Chiquimula determined that the Public Prosecutor's Office had presented sufficient investigative evidence to support the accusation against the ex-commissioner and the former officers. The MP presented a series of documentary evidence and other means of investigation that supported its request to send the accused to trial.¹⁰

Another member of CODECA murdered

On September 20, Ramón López Jiménez, a community defender and treasurer of the departmental board of directors for the Committee for Campesino Development (CODECA) in Jalapa, was murdered. He was 44 years old and his death leaves three children without a father. The work carried out by the human rights defender was focused on promoting: the process of Popular and Plurinational Constitutional Assembly to generate structural changes in Guatemala; the right to land; labor and agricultural rights; nationalization of privatized goods and services; human rights (HR) and those of mother earth.¹¹

Between now and 2018, 21 people from CODECA have been assassinated. According to Jorge Santos, of the Unit for the Protection of Human Rights Defenders-Guatemala (UDEFEQUA), these crimes are directly related to the organization's activities and add to the constant attacks against human rights defenders in the country.¹²

In a joint communiqué, the Observatory for the Protection of Human Rights Defenders¹³ and UDEFEQUA urged for an end to impunity in the cases of the murdered human rights defenders, demanding effective, impartial and independent investigations into these cases, as well as the implementation of public policy for the protection of human rights defenders. They also point out that the murder of Ramón López takes place within a context of systematic repression against members of CODECA, and reiterated the call for Guatemalan authorities to take the necessary measures to guarantee the physical and psychological integrity and security of all members of CODECA and human rights defenders in the country in general. The 21 murders of CODECA

⁶ Escobar, L., Op. Cit.

⁷ *Ibidem*.

⁸ Ministerio Público, [Excomisario y exagentes de PNC enfrentarán juicio por delito cometido contra periodista](#), 23.09.2021.

⁹ Simón, F., [Policías podrían enfrentar juicio por abuso de autoridad en contra de periodista](#), Prensa Comunitaria, 22.09.2021.

¹⁰ *Ibidem*.

¹¹ Ortíz, G., [Reportan asesinato de integrante de Codeca en Jalapa; dos fiscalías investigan el hecho](#), La Hora, 21.09.2021

¹² Álvarez, L., [Con nuevo crimen de dirigente de Jalapa suman 21 asesinatos en contra de CODECA](#), Prensa Comunitaria, 21.09.2021.

¹³ Integrado por la Organización Mundial contra la Tortura (OMCT) y la Federación Internacional de DDHH (FIDH).

members are a very "representative figure of the systematic violence against those who defend land and territory in Guatemala."¹⁴

Criminal complaint by indigenous peoples against President Alejandro Giammattei

On September 8, indigenous and ancestral authorities from across Guatemala's diverse peoples filed a criminal complaint with the MP against President Alejandro Giammattei, in which they hold him responsible for: the mismanagement of the Covid-19 pandemic, discriminatory acts and inconsistencies in the purchase of Russian vaccines, among other irregularities committed during his administration. The denunciation forms part of actions taken jointly by the Xinca Parliament, the Ixil People, the 48 Cantons of Totonicapán, the People of Comalapa, the Indigenous Mayor's Office of Palín and other organizations.¹⁵ The initiative is a continuation of the demonstrations that various indigenous peoples have carried out across different parts of the country to express their discontent with the Executive and demand the resignation of the President and the Attorney General Consuelo Porras.¹⁶

The president of the 48 Cantons of Totonicapán, Martín Toc, pointed out that the MP is expected to exhaust the legal procedures to investigate Giammattei for his possible participation in illegal processes.¹⁷

2. ACCOMPANIMENTS¹⁸

*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.*¹⁹

THE FIGHT AGAINST IMPUNITY

On September 14, we accompanied **the Human Rights Law Firm (BDH)** to a hearing in the *Diario Militar* (Death Squad Dossier) case during which the MP presented the charges against two high-ranking army officers, Gustavo Adolfo Oliva Blanco and Victor Augusto Vásquez Echeverría. They are accused of crimes against humanity and forced disappearance perpetrated during the Internal Armed Conflict.

We held several face-to-face meetings with the members of the **Association of Residents of Chicoyogüito, Alta Verapaz (AVECHAV)**, to follow up on the situation of the families of those detained and prosecuted during the peaceful demonstration held on June 9. We remain very concerned about the serious humanitarian and security conditions of these families, who are still waiting for a response from the State regarding the recovery of the land that was taken from them 53 years ago.

THE ISSUE OF ACCESS TO LAND

During the month of September, we maintained permanent contact and held several face-to-face meetings with Lesbia Artola and Imelda Tuyul, coordinators of the **Community Council of the Highlands (CCDA) - Las Verapaces Region**, who continue to face serious security incidents and direct threats from actors who reject the accompaniment they provide to vulnerable communities in the face of possible evictions. An example of this situation was the detention experienced by Imelda Tuyul on September 15 in the Laguna Cristalina community, which occurred while she was carrying out her work of accompanying a judicial reconnaissance the MP was carrying out in the territory.

In addition, we visited Jorge Coc Coc and Marcelino Xol Cucul, twice. They are human rights defenders and community leaders from Choctún Basilá, who have been criminalized and imprisoned since 2018, at the Cobán penitentiary center. The next public hearing on their case is scheduled for December 6 at the Supreme Court of Justice (CSJ).

¹⁴ El Observatorio y UDEFEGUA, [Guatemala: La violencia contra el Comité de Desarrollo Campesino debe cesar](#), 28.09.2021.

¹⁵ Ortíz, G. [Representantes de pueblos indígenas denuncian a Giammattei por varios hechos](#), La Hora, 08.09.2021.

¹⁶ El Periódico. [Autoridades indígenas presentan denuncia penal en contra de Giammattei](#), El Periódico, 08.09.2021.

¹⁷ *Ibidem*.

¹⁸ We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.

¹⁹ See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

Regarding our accompaniment of the **Union of Peasant Organizations las Verapaces (UVOC)**, this month we conducted face-to-face visits to Aldea El Chico, La Primavera community. The communities updated us on the criminalization process faced by Justino Xollim, defender of land and territory. We continue to wait for the intermediate stage hearing to be held, which has been suspended twice this month. We also accompanied the defender and coordinator of the organization, Sandra Calel on September 24, during the election of members of the community council in the community of Los Naranjales (Purulhá, Baja Verapaz).

We also accompanied the organization virtually during the meetings they held with the Human Rights Ombudsman (PDH) to follow up on the case of the disappearance of Carlos Coy and the murder of Abelardo Quej and Alberto Tec, all defenders and community leaders of communities accompanied by UVOC.

DEFENSE OF THE TERRITORY

Regarding our accompaniment of the **New Day Chorti Campesino Central Coordinator (CCCND)**, this month we maintained both telephone and face-to-face contact with several members. In addition, we followed up on the legal process and the status of the cases of Agustín Ramírez and Timoteo Súchite, members of the organization who have been imprisoned since 2013. We are awaiting the date of the next hearing, where details for the release of both leaders from the penitentiary center located in the department of Puerto Barrios will be defined.

As part of our accompaniment of the **Peaceful Resistance, Cahabón**, we made two visits to the criminalized and imprisoned Maya Q'eqchi' human rights defender and leader, Bernardo Caal, at the Cobán Penitentiary Center. In addition, on September 17, we attended the press conference held by the Maya Q'eqchi' communities of Santa María Cahabón, where they questioned the ruling of the Criminal Chamber of the CSJ that confirmed the sentence of 7 years and 4 months. In response to this ruling, on the 29th, Bernardo's defense filed an injunction for the review of the case. This is the last avenue within the Guatemalan judicial system for securing his freedom.



During the second week of September we visited the community of Sactá (Alta Verapaz) to accompany the family of Hipólito Coy Pop, community leader and member of the Resistance, during a Mayan ceremony.

As part of our accompaniment with the **Peaceful Resistance, La Puya**, this month we continued to accompany them to meetings on the updates from international arbitration process between the mining company Kappes, Cassidy & Associates (KCA) and the State of Guatemala.

We closely monitored the security situation of each of the members of the **Tzk'at - Network of Ancestral Healers of Community Feminism**. On September 14 we accompanied them to the building where to a hearing in the intermediate phase in the case against the pastor and human rights defender, Delia Leal in Cobán (Alta Verapaz). At the end of September we accompanied them to a healing meeting with several women human rights defenders.

On September 2, we accompanied members of the **Chinautla Multisector** to a meeting with Congressman Aldo Davila. The objective of this meeting was to share information about some of the problems affecting the community of San Antonio Las Flores and Santa Cruz Chinautla. Specifically, they highlighted the lack of access to drinking water and the failure to carry out the mandatory consultation with indigenous peoples when extractive projects are installed in the region were discussed.

Regarding the **Communities Council of Retalhuleu (CCR)**, on September 27 we were contacted by members from San Andrés Villa Seca (Retalhuleu) to inform us of the violent reaction of the PNC's anti-riot unit against people who were peacefully demonstrating in protest against the power cuts carried out by ENERGUATE. Several people were injured and one death was reported.

As in previous months, we maintain regular telephone contact with members from the **Olopa and Quezaltepeque communities**. We are monitoring the criminalization case of Anselmo Leal Gregorio, from the San José Cubiletes Village, who is vice-president of the Board of Directors of the Quezaltepeque Communities. Anselmo's advocacy work is focused on demanding respect for the rights of the indigenous peoples of his territory, including the right to free, prior and informed consultation before the installation of megaprojects.

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:

- Rafael Chaves Beardo, Ministerial Counsel and Human Rights Officer from the **Spanish Embassy**.
- Silvia Warckmeister, Consul from the **Argentinian Embassy**.
- Thomas Wülfing, Ministerial Counsel from of the **German Embassy**.
- Vanessa Álvarez, Officer from the Democratic Spaces Unit; Mary Briz and Abigail Krzmarzick (ESCR Team) from the **Office of the United Nations High Commissioner for Human Rights (OHCHR)**.

4. ACTIVITIES OF PBI GUATEMALA OUTSIDE GUATEMALA

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

This month the EU representative met with:

- Tilly Metz, **MEP from the Green political group and Chair of the Delegation for Central America** and Lena Widjefall, her assistant.
- Ron Rosenhart, Nina Stekelenburg and Noa Goldmund of the **Lawyers for Lawyers Association of the Netherlands** within the framework of a "virtual tour" with the BDH.

5. OTHER ACTIVITIES OF PBI GUATEMALA

PBI's Guatemala Project holds two assemblies a year, in which representatives from the different branches of the project meet to evaluate our work during the previous semester and plan for the following semester. Over the last two years these were held virtually due to the COVID-19 pandemic, but this September we were finally able to hold **a face-to-face assembly in Guatemala**. This was held under the strict biosafety protocols required by the current pandemic situation in the country: it was held in an open space and therefore very well ventilated, with a safe distance maintained between participants and permanent use of masks and hydroalcoholic gel.

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.

Retroceso de la democracia en Guatemala

UDEFEGUA presenta situación sobre agresiones a personas, organizaciones y comunidades defensoras de DD. HH.

La Unidad de Protección a Defensoras y Defensores de Derechos Humanos -Guatemala (UDEFEGUA) ha registrado 551 agresiones de enero a junio de 2021. De seguir esta tendencia, este año se transformará en el periodo con más agresiones en contra de personas, organizaciones y comunidades defensoras de derechos humanos en Guatemala.

En 2020, UDEFEGUA ya advirtió sobre el alza de los ataques, con 1.055 documentados entre enero y diciembre de ese año.

“Las personas, organizaciones y comunidades defensoras de derechos humanos enfrentan una situación cada vez más riesgosa para realizar su trabajo en Guatemala, en gran parte debido a las medidas que ha tomado el mismo Estado para limitar su independencia y criminalizar a actores críticos y que actúan desde su autonomía”, señaló Jorge Santos, coordinador general de la UDEFEGUA.

De la totalidad de estas agresiones registradas se distribuyen en los siguientes porcentajes: 45% defensores, 42% defensoras y el 14% en contra de organizaciones, instituciones o comunidades defensoras de DD. HH.

“Resaltamos el aumento en agresiones a mujeres defensoras. Este año, de manera inédita han alcanzado el mismo índice de violencia que los hombres que ejercen este rol, lo que nos preocupa pues habla de un recrudecimiento de la violencia”, agregó Santos en relación con la información documentada por UDEFEGUA.

Asimismo, la organización documentó cinco asesinatos en contra de personas en el ejercicio de la defensa de sus derechos y los de las comunidades que representan. UDEFEGUA

registró también tres intentos de asesinatos durante este primer semestre.

UDEFEGUA denuncia captura institucional

El clima de captura institucional ha implicado un mayor nivel de violencia contra personas, organizaciones y comunidades defensoras de derechos humanos. Respecto a los tipos de defensa más agredidos se encuentran:

137 Operadoras y operadores de justicia

104 Defensoras (es) del derecho a la justicia

87 Periodistas y/o comunicadoras (es) sociales

49 Campesinas (os)

Este ambiente se refleja con mayor intensidad en las agresiones en contra de aquellas personas operadoras de justicia, abogadas/os, querrelantes, jueces, fiscales, que realizan su labor en defensa de la legalidad, justicia pronta y cumplida.

El otro grupo evidenciado, son personas defensoras que llevan casos a la justicia y abogan por la transparencia, es decir, quienes asisten ante la institucionalidad pública, al sistema de justicia y por su labor de búsqueda de esta garantía son violentados.

Periodistas y comunicadoras/es sociales, son el tercer grupo con mayor número de agresiones. “Denunciamos que este grupo ha sido agredido y asediado mientras realizaban su trabajo de investigar, sacar a luz la verdad y hacer que las instituciones rindieran cuentas. Son quienes garantizan nuestro derecho a informar, y alimentan un debate público, que se hace tan necesario en Guatemala hoy”, puntualizó Jorge Santos.



Guatemala retrocede aceleradamente

La organización destaca en su análisis que el permanente asedio, hostigamiento, acoso y agresiones contra quienes defienden derechos humanos abre la puerta para que se consolide un régimen autoritario en Guatemala. Esto podría traer aún más vulneraciones contra la población, que ya ve deteriorada su condición de vida producto de la pandemia.

“El Gobierno del dr. Alejandro Giammattei se ha dedicado a dismantelar aquella institucionalidad pública que era la garante de los cumplimientos de los acuerdos de paz y de los derechos humanos en el país, le está dando la muerte a la posibilidad de construir una sociedad en paz, garante de los derechos humanos, y bienestar común para todas las personas.” Expresó Jorge Santos con respecto a la situación de la democracia en Guatemala.

Un ejemplo de esto es la recientemente publicada Ley de ONGs, que incluso fue alertada por la oficina de la Alta Comisionada para los derechos humanos de Naciones Unidas (OACNUDH). La OACNUDH señaló su preocupación, puesto que esta normativa “viola las normas internacionales de derechos humanos y podría criminalizar a los defensores de los derechos humanos y a la sociedad civil en general”.

El retroceso democrático se puede identificar en los siguientes indicadores:

- a) El dismantelamiento de la institucionalidad de la paz y de los derechos humanos.
- b) La captura de instituciones fundamentales que hacen valer el estado de derecho y la legalidad en el país.
- c) Garantía de impunidad para los actores, que se dedican a imponer un régimen de violencia, de corrupción e impunidad en el país.

Las instituciones estatales están bajo el control de la elite depredadora con poder político, económico y criminal para decidir de forma conveniente la continuación del sistema actual como consecuencia el Estado guatemalteco ha propiciado un retroceso en varios ámbitos; como la expulsión de fiscales, jueces y magistradas/os independientes; la criminalización de comunidades que se oponen a proyectos extractivistas o la restricción de libertades fundamentales de movilidad bajo el pretexto de la pandemia, sin que esto tenga un correlato con una política sanitaria robusta para enfrentar la penetración de la COVID-19 en Guatemala.

Según los estándares internacionales en la materia, la existencia de sistemas de justicia fuertes son claves para la democracia. El debilitamiento actual propicia

la captura por parte de intereses privados y por ende, facilita la criminalización y desencadena una mayor indefensión de quienes defienden derechos humanos en Guatemala.

“Llamamos a la ciudadanía para que hagamos valer nuestros derechos, nos organicemos y mantengamos nuestra actitud pacífica en defensa de estos, y ampliar la articulación social y popular para detener la consolidación de este Estado Autoritario”, finalizó Jorge Santos.

Guatemala, 3 de septiembre de 2021



PBI team in Guatemala: Irene Salinas Cortés (Colombia), Alexandra de Almeida Galo (Portugal), Laura Carolina Saavedra Garzón (Colombia), Anuja Pathak (Switzerland/United Kingdom), Elisa Molinaro (Italy), Tiago Delgado (Brazil), Karen Katherine Vinasco Jiménez (Colombia).

All photos published are from PBI

PBI GUATEMALA DOES NOT NECESSARILY IDENTIFY WITH THE OPINIONS AND CONTENT OF THE REPRODUCED ARTICLES AND MEDIA RELEASES.

**GUATEMALA PROJECT
PEACE BRIGADES INTERNATIONAL**

Website: www.pbi-guatemala.org
facebook: pbiguatemala

Office of the team in Guatemala

3a Avenida "A" 3-51, Zona 1
Ciudad de Guatemala, Guatemala
Phone/ Fax: (+502) 2220 1032

E-mail: equipo@pbi-guatemala.org