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.

Mourning over recent murders during LGBTIQ+ Pride Month

During the first half of this year, 13 people from the LGBTIQ+ community have been murdered in Guatemala. In June, internationally recognized as the Pride month for the LGBTIQ+ community, two trans women were murdered within the space of a week. According to Henry España, head of the sexual diversity office of the Human Rights Ombudsman (PDH), the State is the principal accomplice to this violence as it has failed to enact policies for the benefit of this population.¹

Andrea Mutz González, 28 years old and legal representative of the organization "OTRANS Queens of the Night", was murdered on June 11 following an armed attack in Zone 2 of Guatemala City.² Cecy Caricia Ixpata, also a member of OTRANS, died two days earlier in Salamá Hospital in the department of Baja Verapaz, due to injuries sustained during an attack by two unidentified individuals. Organizations such as Human Rights Watch³ and the Central American Umbrella Group of Sexual and Reproductive Rights Organizations⁴ have condemned these murders and demanded an investigation into the incidents and the promotion of protection and security actions for the LGBTIQ+ population.

Diario Militar Case: demands for truth and justice heard in court

The first hearing against six former officers linked to the so-called "Diario Militar" or "Death Squad Dossier", a document which provides inescapable proof of terrible acts of violence perpetrated during the Guatemalan Internal Armed Conflict (IAC), was held on June 2. The accused in this case are are: José Daniel Monterroso Villagrán, Edgar Virgínio de León, Enrique Cifuentes de la Cruz, Rone René Lara, Jacobo Esdras Salán Sánchez and Edgar Cortado Samayoa, all of whom were members of the Army and Military Intelligence between 1983 and 1985, under the de facto government of Oscar Humberto Mejía Víctores. The crimes committed against more than 183 people registered in the "Dossier", labelled at that time as internal enemies, occurred during this period.⁵

The Dossier was discovered in 1999 and was presented by the analyst Kate Doyle, of the National Security Archive (NSA) in Washington, the same week as the report from the Historical Clarification Commission (CEH) "Guatemala Memory of Silence" was presented.⁶ This case began following the arrest of 11 ex-military personnel last May. Evidence was found of how the State security forces kidnapped, transproted to clandestine detention centers, tortured, sexually assaulted and executed more than 183 people using the strategies outlined in security manuals during the counterinsurgency.⁷ The Association of Relatives of the Detained-Disappeared of Guatemala (FAMDEGUA), the Mutual Support Group (GAM), as well as several relatives of people registered in the "Diario" are among the plaintiffs in the case.

² España, M., Asesinan a defensora de DD. HH. y representante de OTRANS en zona 2, La Hora, 12.06.2021.
³ Noticias, Guatemala: Asesinan a tres personas LGBT en una semana, Human Rights Watch, 22.06.2021.
⁴ Vásquez, J., Sombrilla Centroamericana por asesinatos de mujeres trans: las cosas deben cambiar, La Hora, 15.06.2021.
⁵ Arana, L., MP relata testimonio del uso de "La Panel Blanca", en el caso Diario Militar, La Hora, 02.06.2021.
⁶ Doyle, K., National Security Archive Electronic Briefing Book No. 378, 03.05.2012.
⁷ García, J., Diario Militar: relatos de tortura y recuerdos de una panel manchada de sangre, La Cuerda, 10.06.2021.
According to the investigations presented by the Public Prosecutor’s (MP) Human Rights Office, the six retired military commanders are alleged to be the material and intellectual authors grave human rights violations. The MP and the plaintiffs, therefore, requested their indictment for crimes against humanity, murder, attempted murder and forced disappearance. This petition was accepted by Judge Miguel Ángel Gálvez, lead judge of the High Risk Court B, who resolved to pursue criminal proceedings against the accused. The hearings in the case will continue in the intermediate stage from October. During one of the hearings, Edgar Pérez, the lawyer representing FAMDEGUA, reminded the court of the need to address the right of the surviving victims and their families to truth and clarification: “[after] one of the most atrocious conflicts in Latin America, when peace was signed, the Global Agreement on Human Rights was signed, [in which] Guatemala commits […] to clarify the forced disappearance, this agony that families continue to live today.”

A few days later, the case against Marco Antonio González Taracena, began. Taracena is a former Minister of Defense and head of the Presidential General Staff between 1983 and 1985, who was also indicted for his alleged responsibility for acts of forced disappearance committed against 126 people, which occurred at the Military Medical Center in Zone 16 in the capital city. Since the beginning of this process, concerns for the safety of the judge, prosecutors, investigators and plaintiffs in the case has been increasing. Judge Miguel Ángel Gálvez publicly denounced incidents of surveillance, where he was followed by unlicensed vehicles. Similarly, the Human Rights Prosecutor’s Office denounced before Judge Gálvez that after “the indictment against the six retired ex-military officers was issued, José Daniel Monterroso Villagrán addressed the prosecutors and plaintiffs saying "prepare yourselves", in a threatening tone.” Furthermore, the restrictions on journalists in gaining entry to the hearings at the Military Hospital are very worrying, since, according to lawyers and plaintiffs, they represent a limitation to the right of freedom of information.

**Strong rejection from victims of the IAC to the proposed amnesty law**

At the beginning of the month, representatives from the ‘Valor’ Congressional group presented a proposal for the Peace Consolidation and Reconciliation Law, which seeks to extinguish the responsibility of all persons who participated, directly or indirectly, in the IAC. Legislative initiative 5920 provides for the extinction of all criminal offenses committed during the IAC, from November 20, 1960 to December 26, 1996. At the same time, it proposes the annulment of any sentence, resolution or decision from the justice system and requests that any affected person be released or any precautionary, precautionary, penal or procedural measure that may have been established be withdrawn.

The members of congress who have developed this proposal argue that the amnesty agreed upon after the signing of the Peace Accords in 1996 is not currently being applied in a fair manner. At the same time, they affirm that acts of forced disappearance and torture such as those included in cases like the Diario Militar, Creompaz or Dos Erres should not be criminally prosecuted in the present day, as these were not established as crimes in national legislation until 1995 and 1996, respectively. According to their statements, the criminal prosecution for genocide would not apply either, since they claim that the extermination of an ethnic group was not among the causes that motivated the military uprising that gave rise to the armed confrontation.

For its part, the National Platform of Victims' Organizations of the IAC, together with civil society and human rights organizations, condemned the proposal. On June 22, one day after the commemoration of the National Day against Enforced Disappearance, they expressed their disagreement to Congress. In a communiqué

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12 Arana, L., *MP imputa delitos a implicados en el caso Diario Militar; audiencia se realiza en hospital*, La Hora, 22.06.2021.
Food insecurity continues to increase in Alta Verapaz

Data from the National Information System for Food and Nutritional Security of Guatemala (SIINSAN) shows that 75% of deaths of children under 5 years of age due to acute malnutrition for 2021, were concentrated in the department of Alta Verapaz (AV). Thus, Alta Verapaz has become the epicenter of poverty, food insecurity and scarcity of health services, with 137 deaths of children in recent years.

According to the results of the most recent National Survey of Living Conditions in 2014, 8 out of 10 inhabitants in the department live in poverty, half of these people live in extreme poverty. According to this data, the outlook for the future is not favorable. Furthermore the Integrated Food Security Phase Classification (IPC) indicates that the condition of these households will not improve in the coming months. In fact, the projection is the rates of malnutrition will remain this way until January 2022, which seems to indicate there will be further increases in the number of children who will experience food insecurity and acute malnutrition.

Anastasia Mejía, a criminalised journalist, receives Internation Press Committee Prize

Journalist Anastasia Mejía has been facing criminalization since September of last year. She was arrested on criminal charges of sedition and arson in connection with her coverage of a demonstration against the mayor of Joyabaj, Quiché, the previous month. She was remanded in custody for five weeks before being released under house arrest.

Mejía is co-founder and director of Xolabaj Radio and Xolabaj TV in the town of Joyabaj. Both media outlets practice community journalism, which aims to provide a platform for women, particularly indigenous women, to exercise their right to free expression and raise awareness about issues which affect their lives. This recognition came at a time when more than 200 journalists signed and published an open letter expressing their concern about the recent increase in attacks and threats against journalists and independent media in Guatemala. The signatories noted that both state and private actors continue to "harass, slander, threaten and defame" journalists and media outlets that report and investigate cases of corruption and serious human rights violations.

The criminalization of human rights defenders is a pattern throughout the region

According to the human rights defender, criminal law specialist, former Attorney General and former head of the Public Prosecutor’s Office of Guatemala, Claudia Paz y Paz, "Central America is currently facing enormous threats to judicial independence. The co-optation of the justice system is one of the main strategies used by powerful groups to break democratic systems and the rule of law, as well as to ensure impunity for corruption and human rights violations. It is a trend that strengthens authoritarianism and which will be difficult to reverse."

In addition, she identified a series of regional dynamics that show the drift towards the co-optation of the justice system and limitations on the activity of justice officials in El Salvador, Honduras, Guatemala and Nicaragua. Paz y Paz states that some "of the most serious effects of the co-optation of the judiciary include impunity for abuses of power, serious human rights violations, cases of massive corruption, and the criminalization of those who fight against these abuses." At the same time, she points to corruption and the

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25 Simón, F., *“La captura de la justicia en Centroamérica es una de las estrategias de los grupos de poder para debilitar la democracia*”, Prensa Comunitaria, 10.06.2021.
high levels of impunity\textsuperscript{26} in these countries as one of the structural causes of migration, as corruption "denies access to health, education and security to thousands of people; [and] snatches away the hopes of dignified futures for Central Americans".

Therefore, she called on the international community to "take action and support efforts to defend justice and democracy in the region" "[protecting] public officials with critical and independent positions [...] as well as the independent press and human rights defenders."

\section*{2. ACCOMPANIMENTS\textsuperscript{27}}

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.\textsuperscript{28}

\subsection*{THE FIGHT AGAINST IMPUNITY}

This month we accompanied the Human Rights Law Firm (BDH) to the first two hearings in the case of the Dos Erres massacre. Judge Claudette Dominguez sent Jose Mardoqueo Ortiz to trial for the crimes of murder and crimes against humanity. We also accompanied them to the first declaration hearings in the Diario Militar case, where the accused have been charged with crimes against humanity, forced disappearance, murder and attempted murder.

Regarding the Association of Neighbors of Chicoyogüito, Alta Verapaz (AVECHAV), we accompanied them to the initial declarations hearing for the 21 people from Chicoyogüito who were detained during a demonstration where they demanded that the State of Guatemala return their ancestral lands which were confiscated by the army 53 years ago.

This month we began accompanying the Nunca Pares (Never Cease) collective, which is demanding justice for the rape of several students in January 2020. According to the collective, these rapes were committed by members of the "Honorable Committee for the Friday of Sorrows Strike", a kind of fraternity from the University of San Carlos, Guatemala (USAC), during an initiation rite on University grounds. We accompanied the survivors and their families to the Women's Prosecutor Office of the MP where they requested information on the latest proceedings carried out by the MP.

\subsection*{THE ISSUE OF ACCESS TO LAND}

We remain concerned about the situation of Lesbia Artola and Imelda Tuyul, coordinators of the Community Council of the Highlands (CCDA) - Las Verapaces Region who continue to experience serious security incidents. This month we also visited the defenders and community leaders of Choctún Basílal, Jorge Coc Coc and Marcelino Xol Cucul, who have been deprived of their freedom and are currently detained at the Cobán Penitentiary Center.

As part of our accompaniment of the Union of Peasant Organizations (UVOC), we were present at a workshop for 40 women human rights defenders from the communities the organization accompanies. The participants identified the main problems in their communities and developed plans to address them. In addition, each community elected its own representative to form a Council that will visit the communities to follow up on the initiatives arising from the workshop. We also accompanied members of UVOC to file a complaint with the Tucurú Public Prosecutor's Office for gunshots fired in their community.

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{26} Vásquez, J., De 15 países, Guatemala se ubicó en el puesto 13 en capacidad para combatir la corrupción, La Hora, 14.06.2021.
\item \textsuperscript{27} We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.
\item \textsuperscript{28} See our website for general information on organizations and individuals we accompany: https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi
\end{itemize}
\end{footnotesize}
DEFENSE OF THE TERRITORY

Regarding our accompaniment of the New Day Chorti Campesino Central Coordinator (CCCND), we continue to be concerned about the delicate situation faced by community leaders. This month we maintained daily contact with them and provided telephone accompaniment in their meetings with municipal and national authorities. We also continue to monitor the situation of Agustín Ramírez and Timoteo Súchite, members of CCCND who have been imprisoned since 2013.

This month we accompanied the Peaceful Resistance, Cahabón in a march to demand the release of criminalized human rights defenders, including Bernardo Caal Xol. More than 1,000 people from different organizations and communities attended. On June 21 we attended the public hearing before the Criminal Chamber of the Supreme Court of Justice (CSJ) for the cassation appeal presented by Bernardo’s defense, arguing failures and inconsistencies in the sentences issued. The court has 15 days to emit its ruling.

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.

At the national, departmental, and municipal levels, we met with the following institutions and authorities:

- Humberto Calez, Procedural Officer of the PDH office in Alta Verapaz.
- José Hernández, agent from the local National Civil Police (PNC) of Cobán in Alta Verapaz.
- Anibal Caal, Agent from the PNC police station in Alta Verapaz.
- Edgar Romeo Euler Pacay, Head of the Presidential Commission for Peace and Human Rights (CO-PADEH) in Alta Verapaz.
- María Rubidio Ascencio, Governor of Baja Verapaz.
- Fracisco Chon, Municipal Secretary, Edgar Chon, Coordinator of Municipal Management Unit and Benjamín Pérez, from the Supervised Professional Study of the Mayor’s Office of Purulha.
- Mark Christopher Gardiner Bennett, Departmental Assistant of the PDH Baja Verapaz.
- Julio Raxcaca, Agent from the PNC office in Baja Verapaz.
- Patricia Ixpatac and Minor Prox Agents from the local PNC office in Purulha.
- Commissioner Osvaldo Xoc and Agent Wiliam Xol of the local PNC office in Tucuru.

4. 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.

We observed a ceremony conducted by Rosalina Tuyuc, from the Coordinator of Widows of Guatemala (CONAVIGUA) and the Forensic Anthropology Foundation of Guatemala (FAFG) as part of the third Anniversary of the Landscapes of Memory Memorial, in remembrance and dignification of the victims of the IAC. The ceremony took place at the site where the military base in San Juan Comalalapa was located.
5. OTHER ACTIVITIES OF PBI GUATEMALA

We accompanied journalist and human rights defender Norma Sancir to the intermediate phase hearing against three agents and one former commissioner of the PNC. They are accused of abuse of authority regarding the illegal detention of Norma on September 18, 2014 while she was covering a peaceful protest by the Ch'orti' people in Camotán, Chiquimula. The Court of First Criminal Instance, Narcoactivity and Crimes against the Environment in Chiquimula, suspended the hearing for the seventh time.

On June 9, we broadcast the ninth edition of our program ACÉRCATE, in which we spoke with Wendy López, director of the Indigenous Peoples’ Law Firm (BPI), about the criminalization processes suffered by Marcelino Xol Cucul and Jorge Coc Coc, land defenders and members of the CCDA - Las Verapaces Region (you can watch this here).

6. ACTIVITIES OF PBI GUATEMALA OUTSIDE GUATEMALA

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

This month the European Project Representative met with Tomás Reyes Ortego from the Guatemala Desk at the European External Action Service (EEAS), and Raphael Warolin from the EEAS Human Rights Unit.

7. CAPACITY BUILDING

This month we organized the following virtual activities aimed at strengthening the protection and security capacities of human rights defenders:

- The final session of a total of three advocacy workshops facilitated by Juliana Edith Turqui took place on June 3. During this session participants discussed practical strategies for advocacy at the local, regional and international levels. These sessions were given a very positive evaluation by the participants, who said they have provided them with new tools to continue advocating their cases and demanding the effective implementation of measures and mechanisms for the protection of human rights before the authorities and competent bodies.

- The third session of a series of six meetings with women human rights defenders at risk took place on June 11. These meetings are facilitated by TZK’AT Network of Ancestral Healer of Community Feminism from Iximulew-Guatemala. Each session will address an element related to the integral protection approach with a gender and diversity perspective. On this occasion, there was an in-depth discussion on legal and political protection as an essential element in healing processes for women human rights defenders.
8. NON-GOVERNMENTAL ORGANISATIONS

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

COMUNICADO

LA INICIATIVA DE LEY DE AMNISTÍA ES INCONSTITUCIONAL

En el marco del Día Nacional contra la Desaparición Forzada, las víctimas y sobrevivientes del Conflicto Armado Interno y las organizaciones sociales denunciamos públicamente que la iniciativa de ley 5920, denominada Ley de Consolidación de la Paz y Reconciliación, es ilegal. Este es un nuevo intento de Zury Ríos y su partido político VALOR de buscar impunidad para los militares responsables de los crímenes atroces cometidos en contra de las comunidades indígenas, líderes políticos y sociales, religiosos, estudiantes, académicos, mujeres y niños durante el conflicto armado interno.

La iniciativa de ley 5920 viola el derecho nacional e internacional, se basa en mentiras y tergiversa el contenido de la Ley de Reconciliación Nacional y los tratados internacionales de derechos humanos. Las amnistías generales están prohibidas para los responsables de crímenes atroces como el genocidio, la desaparición forzada, la tortura, la violencia sexual y los crímenes de lesa humanidad. Las amnistías no prevalecen sobre los derechos de las víctimas y sus familias a la verdad y la justicia.

La Corte de Constitucionalidad ha sido clara en la prohibición internacional de decretar amnistías totales, por eso el 9 de febrero de 2021 le ordenó al Congreso archivar la iniciativa 5377 de reformas a la Ley de Reconciliación Nacional, que también buscaba la amnistía para los militares condenados y procesados por crímenes de lesa humanidad. Los diputados del partido VALOR que presentaron el nuevo proyecto de ley están cometiendo el delito de desobediencia a las resoluciones de la CC y la Corte Interamericana de Derechos Humanos, y también están incurriendo en los delitos de abuso de autoridad y violación a la Constitución.

La iniciativa de ley es una reacción arbitraria de los grupos pro militares luego de la captura de doce exmilitares y policías acusados de la desaparición forzada, tortura y asesinato de 183 personas que aparecen en el Diario Militar. Además, han tratado de intimidar a las familias de las víctimas, los fiscales y al juez Miguel Ángel Gálvez por medio de persecuciones en vehículos sin placas y mensajes cobardes en las redes sociales, tratando de reactivar el terror de los años ochenta. Con esto no solo buscan impunidad sino también quieren terminar de destruir el Estado de Derecho, la democracia y la paz.

Por lo anterior, exigimos:

1. Que el Congreso proceda a archivar la iniciativa 5920, Ley de Consolidación de la Paz y Reconciliación, porque es inconstitucional, ilegal y violatoria del derecho internacional.
2. Que la fiscal general solicite el antejuicio contra los diputados que presentaron la iniciativa de ley, y que inicie una investigación en contra de las personas que están detrás de las amenazas y el seguimiento a las familias, los fiscales y el juez Miguel Ángel Gálvez.
3. Que las organizaciones sociales y la población en general expresen su rechazo a la amnistía, y respalden a las familias de las víctimas del caso Diario Militar, en su lucha para encontrar a sus seres queridos y alcanzar justicia.
4. Que la comunidad internacional se pronuncie en contra de la amnistía, y que manifieste su solidaridad hacia las comunidades y las familias que sufren las graves violaciones a nuestros derechos humanos y que seguimos esperando justicia.
Guatemala, 22 de junio de 2021

PLATAFORMA NACIONAL DE ORGANIZACIONES DE VÍCTIMAS DEL CONFLICTO ARMADO INTERNO: Movimiento Nacional de Víctimas “Q’íníl Tinamít” / Asociación Q’íníl Maya K'iche’ de Víctimas Cimatlantenango (ASOCAINIL) / Asociación de Familiares de Detenidos-Desaparecidos de Guatemala (FAMDEGUA) / Familiares de Víctimas del Diario Militar (FVDM) / Coordinadora Nacional de Viudas de Guatemala (CONAVIGUA) / Asociación Memoria. Dignidad y Esperanza (AMDE) / Asociación para la Justicia y Reconciliación (Ajr) / Consejo Nacional de Víctimas del Conflicto Armado Interno (CONAVIC) / Asociación Buñete Jurídico Popular (ABJP) / Coordinadora de Acción Social del Desarrollo Rural Area del Potóchic del CAI (CASSDRAI) / Asociación de Movimiento de Víctimas para el Desarrollo Integral del Norte del Quiché (ASOMOVIDINQ) / Asociación Oxlaju Q’anil / Asociación Oxlaju Ajpop / Asociación para el Desarrollo Integral de las Víctimas “Rudy Monterrosa” / Comunidades de Población en Resistencia (CPR-Sierra) / Consejo Nacional de las Comunidades para el Desarrollo Integral de Guatemala (CONCOCIG) / Consejo Regional de Víctimas, Vertiente Norte de Huehuetenango / Coordinadora de Desplazados de las Colonias Marginales de la Ciudad de Guatemala / Coordinadora de Sobrevivientes del Conflicto Armado Interno de Alta Verapaz (CODAI) / Coordinadora de Víctimas de la Región Oriental / Coordinadora de Víctimas del Municipio de Ixcán (CORMIVI) / Coordinadora para la Justicia y Dignificación de las Víctimas de Alta Verapaz (CODEVI) / Movimiento Regional de Víctimas del Conflicto Armado Interno, Región Maya Q’eqchi’-Poqomchi’, Alta Verapaz / Red Nacional de Víctimas del Conflicto Armado Interno / Sobrevivientes del Caso de Violencia Sexual contra Mujeres Achi / Unión Nacional de Comunidades por los Derechos Humanos e Integrales (UNACODHI) / ORGANIZACIONES SOCIALES: Coordinación Genocidio Nunca Más / Centro para la Acción Legal en Derechos Humanos (CALDH), Human Rights Defenders Project HRDP e Impunity Watch

PBI team in Guatemala: Andrea Andrea Rey López (Spain), 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).

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