



## 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.*

### **Terrible government response to the increase in child malnutrition cases**

So far this year (up until August 15), Guatemala's National Food and Nutritional Security System (SIINSAN) registered 20,097 cases of acute child malnutrition in children under 5 years of age. This figure represents an increase of 13.7% compared to the same period last year. Guatemala already ended 2020 with almost double the number of registered cases of malnutrition compared to previous years.<sup>1</sup> According to SIINSAN, 10 girls and 14 boys have died this year due to acute malnutrition, and 10 out of these 24 deaths were registered in Alta Verapaz.<sup>2</sup> Experts in the field have highlighted the likelihood that the pandemic has had a significant impact on the family economy and, consequently, on the increased number of cases in children.<sup>3</sup>

According to data from the Secretariat for Food and Nutritional Security (SESAN), approximately 3.5 million people were in situation of crisis or emergency during the seasonal scarcity period, between May and August 2021, which represents Phase 3 of the Integrated Food Security Phase Classification. According to the representative of the World Food Program, Laura Melo, Guatemala is experiencing a very difficult period as a result of the pandemic, the Eta and Iota storms and the seasonal scarcity period that affects the country each year.<sup>4</sup>

While these figures are alarming, they may not fully represent the extent of the crisis, due to underreporting and the impossibility of projecting how the pandemic has affected and will continue affect the most vulnerable populations. In January 2020, the Ministry of Public Health and Social Assistance (MSPAS) decided to change the method for registering cases of child malnutrition and implemented the digitalization of data. However, overwork of personnel and a lack of training led to several errors and there is no certainty if these have been corrected.<sup>5</sup>

Despite the worrisome data, MSPAS implemented a Q83.6 million budget cut to the program for the prevention of child mortality and chronic malnutrition. The cuts impacted activities such as the provision of micronutrients to children under 5 years of age and care for both acute respiratory infection and acute diarrhea.<sup>6</sup>

### **Hearing in Alaska Massacre Case Suspended**

The evidential hearing in the Alaska Massacre Case, scheduled for August 12, was suspended and rescheduled for September 3. The suspension, dictated by Judge Claudette Domínguez, was due to the

<sup>1</sup> España, M. [Los casos de desnutrición aguda siguen en aumento y sobrepasan los 20 mil niños afectados](#). Prensa Libre, 31.08.2021.

<sup>2</sup> Montepeque, F. [Salud recorta Q83 millones destinados a prevenir las muertes por desnutrición](#). El Periódico, 07.08.2021.

<sup>3</sup> España, M. Op. Cit.

<sup>4</sup> Ibídem.

<sup>5</sup> Solano, F. [El gobierno tiene datos erróneos de desnutrición \(y no planea arreglarlos\)](#). La Cuerda, 23.08.2021.

<sup>6</sup> Montepeque, F. [Salud recorta Q83 millones destinados a prevenir las muertes por desnutrición](#). El Periódico, 07.08.2021.

absence of the Public Prosecutor's Office (MP) in the High Risk Court "A".<sup>7</sup> The judge did, however, accept the participation of the 48 Cantones of Totonicapán as adhesive plaintiffs in the case.<sup>8</sup>

The defendants in this case are a colonel and seven soldiers, and the crimes they have been charged with include extrajudicial execution and attempted extrajudicial execution for acts perpetrated on October 4, 2012, in Cumbre de Alaska, at KM169 of the Inter-American Highway.<sup>9</sup> On that day, members of the 48 cantons of Totonicapán were protesting against the government of the then President Otto Pérez Molina, blocking the road. The demonstrators were attacked leaving 6 Maya K'iche' people killed and 34 injured.<sup>10</sup>

Relatives of the victims attended the hearing, demanding justice and lamenting the delays in the process.<sup>11</sup> Nearly nine years have passed since the events, due to the fact that Judge Carol Patricia Flores (initially in charge of hearing the accusation), reduced the charges to less serious crimes, which triggered a long process before the courts of appeal. Further delays were caused by appeals filed by the defense in favour of the defendants.<sup>12</sup>

### **IACHR calls on Guatemalan State to cease threats to judicial independence and prioritize the fight against corruption**

On August 6, the Inter-American Commission on Human Rights (IACHR) published a communiqué in which it expressed its concern for "actions that weaken judicial independence in Guatemala" and for the dismissal of the Special Prosecutor against Impunity (FECI), Juan Francisco Sandoval. Regarding Sandoval's dismissal, the IACHR mentions that "as reported to the IACHR, the dismissal is arbitrary and illegal, and calls into question the commitment of the State of Guatemala to the fight against corruption, due to the failure to comply with international standards on due process and the grounds established in national regulations for the dismissal of career officials."<sup>13</sup> According to the Commission, the dismissal occurs in the context of a series of actions that seek to weaken the independence of justice operators.<sup>14</sup>

The statement also expresses the IACHR's concern about the criminalization of judges with High Risk jurisdiction (all beneficiaries of precautionary measures from the Commission), as well as the refusal of Congress to swear in Judge Gloria Porras, who was elected to the Constitutional Court (CC) for a new term and has not been able to assume office.<sup>15</sup>

On August 14, in view of the pre-trial proceedings filed against the magistrates of the CC, the Commission published a new communiqué in which it urges the Guatemalan State to cease the threats to the independence of the CC magistrates. According to the Commission, the proceedings occur "within the context of a series of attacks and interference against people who work as justice officials in Guatemala, and which have worsened in recent years."<sup>16</sup> It also considers such acts as representing severe threats to the independence of the CC magistrates.

<sup>7</sup> Ramón, S.A., [Suspendida audiencia de la Masacre de Alaska, sigue el retraso en la búsqueda de la justicia](#). Prensa Comunitaria, 12.08.2021.

<sup>8</sup> Arana, L. [Masacre de Alaska: Juzgado acepta como querellantes a los 48 cantones](#). La Hora, 14 .08.2021.

<sup>9</sup> Ramón, S.A., [Audiencia de ofrecimiento de pruebas por la masacre de Alaska será el 12 de agosto](#). Prensa Comunitaria, 10.08.2021.

<sup>10</sup> Arana, L. Op. Cit.

<sup>11</sup> El Periódico, [Reprograman audiencia en caso Masacre de Alaska por ausencia del MP](#), 12 .08.2021.

<sup>12</sup> Ramón, S.A., Op. Cit., 12.08.2021.

<sup>13</sup> CIDH. [La CIDH expresa preocupación por acciones que debilitan la independencia judicial en Guatemala](#). Comunicado No. 203/21, 06.08.2021.

<sup>14</sup> Velix, C. [CIDH pide al Estado guatemalteco fortalecer la lucha contra la corrupción](#). El Periódico, 06.08.2021.

<sup>15</sup> AFP. [La CIDH expresa su preocupación por la independencia judicial en Guatemala y urge al Estado priorizar lucha contra la corrupción](#). Prensa Libre, 06.08.2021.

<sup>16</sup> CIDH. [La CIDH urge a cesar amenazas a la independencia de magistradas y magistrados de la Corte de Constitucionalidad en Guatemala](#). Comunicado No. 199/20, 14 .08.2021.

### **Victims of the Internal Armed Conflict Denounce Guatemala at the UN**

About 44 families from various communities in the departments of Quiché and Chimaltenango and members of the National Movement of Victims of the Internal Armed Conflict (IAC) Q'anil Tinamit, have filed a complaint against the State of Guatemala with the United Nations Human Rights Committee. The complaint relates to the violations committed in 10 communities across these departments during the IAC, as well as the lack of attention by the State to the victims and the non-compliance with the Peace Agreements, which has worsened since the closure of the Peace Secretariat (SEPAZ) and the consequent transfer of the National Reparations Program (PNR) to the Ministry of Social Development, carried out by the current government of Alejandro Giammattei. The families acting as plaintiffs are survivors of genocide, extrajudicial executions, forced disappearances, forced displacement and political persecution. Miguel Itzep, member of Q'anil Tinamit, highlights how the country's corresponding institutions do not know the fate of the victims' files and have requested the Human Rights Ombudsman (PDH), headed by Jordán Rodas, to engage in the rigorous supervision of these cases and publically address the president condemning the non-compliance.<sup>17</sup>

### **Indigenous organizations demand resignation of President and Attorney General**

A Plurinational Strike called by indigenous authorities from different regions in Guatemala began on July 29, with the aim of expressing their rejection and discontent with the situation in the country: "the increase in the cost of staple foods, police repression in the communities, the lack of opportunities for a dignified life", the inconsistencies in the purchase of and access to vaccines, the recent removal of Juan Francisco Sandoval as head of the FECL and the nomination of Rafael Curruchiche as his substitute. They are demanding the immediate resignation of President Alejandro Giammattei and the Attorney General, María Consuelo Porras.<sup>18</sup>

The demonstrations and blockades were joined by diverse sectors of the civil population: activists of various kinds, women's, campesino and student associations. They propose to break the cycle of corruption through "the conformation of a Popular and Plurinational Constituent Assembly, as a route to rethinking the current State model which no longer responds to the needs of the population."<sup>19</sup> The National Civil Police (PNC) and anti-riot units responded to these mobilizations through intimidation and repressive actions in different municipalities. They justified this response by alleging that the demonstrators were obstructing public roads and therefore violating the right to freedom of movement.<sup>20</sup> Human Rights Ombudsman, Jordán Rodas, has reiterated the right of "all sectors to demonstrate" and that although the economic cost of the blockades may be high, the cost of officials who have already lost legitimacy remaining in office is even higher.<sup>21</sup>

According to some organizations, collectives and indigenous and ancestral authorities, "the citizen mobilization will continue indefinitely and across different regions and communities". They also reject the activities programmed by the Executive to commemorate the 200 year anniversary of Independence, arguing that the only thing independence gave to the indigenous peoples was poverty, exclusion, malnutrition and further losses of their territories.<sup>22</sup>

<sup>17</sup> Pérez, R. [Víctimas del conflicto armado interno denuncian a Guatemala ante la ONU](#). Prensa Comunitaria, 17.08.2021.

<sup>18</sup> Álvarez, L. [Pueblos indígenas, colectivos y organizaciones mantienen acciones de protesta a nivel nacional](#). Prensa Comunitaria, 6.08.2021.

<sup>19</sup> Prensa Comunitaria, [A ritmo de notas de marimba, CODECA, comunidades y organizaciones salen a manifestar](#), 9.08.2021.

<sup>20</sup> Pérez, R. [Gobierno intimida a manifestantes con antimotines: "la revolución del 44' no se logró sentados en casa"](#). Prensa Comunitaria, 9.08.2021.

<sup>21</sup> García, O. y Cabrera, F. [Manifestaciones contra Giammattei y Porras continuarán este viernes en varios puntos del país](#). Prensa Libre, 1.08.2021.

<sup>22</sup> Prensa Latina, [Comité de Desarrollo Campesino apoya paro plurinacional en Guatemala](#), 9.08.2021.

## 2. ACCOMPANIMENTS<sup>23</sup>

*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.*<sup>24</sup>

### THE FIGHT AGAINST IMPUNITY

On August 3, we accompanied the **Human Rights Law Firm (BDH)** to a hearing in the Death Squad Dossier case, aimed at establishing the health and resolving the legal situation of one of the accused.

Regarding the **Residents Association of Patzicía Against Corruption (AVCCP)**, we remain in constant communication with Carlos Sajmoló Pichiya, who this month experience threats for his work against corruption in his municipality.

### THE ISSUE OF ACCESS TO LAND

We are in constant contact with 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 accompanied them, along with other members of the organization, during a ceremony to demand protection for human rights defenders in the face of the attacks, threats and assassinations they are suffering.



We are concerned about the security situation in the communities accompanied by the **Union of Peasant Organizations Las Verapaces (UVOC)**, especially in the community of San Marcos Chivite (Cahabon, Alta Verapaz), where a group of armed men entered and assassinated the Q'eqchi leader and defender of land and territory Alberto Tec Caal on August 22.

### DEFENSE OF THE TERRITORY

As part of our accompaniment of the **Peaceful Resistance, Cahabón**, we accompanied the Mayan Q'eqchi' defender and leader, Bernardo Caal, to a hearing in the case against him for alleged irregularities in the payment of his salary while he was a teacher on August 24. Judge Ursula Teyul provisionally suspended (for 6 months) this process, during which time the Public Prosecutor's Office must conduct its investigations. The next hearing will be in April 2022.

Regarding the **Peaceful Resistance, La Puya**, we met with several of the members of the Resistance on August 1 who shared with us developments in the International Arbitration process between the mining company Kappes, Cassidy & Associates (KCA) and the State of Guatemala.

<sup>23</sup> We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.

<sup>24</sup> See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>



We accompanied the **Community Council of Retalhuleu (CCR)** during the visit of representatives of Virginia Tech University to the area on August 4 and 5. The purpose of this visit was to collect water samples from the rivers in the Champerico region for a study on water contamination. The samples will be sent to the University's laboratories in the United States for identification and determination of the concentration of contaminants from waste generated by the sugar mills and African palm plantations. We also visited the communities of Triunfo, 15 de Octubre, 20 de Octubre and Cantón Pajales Sis to learn first-hand about the situation in the territory, their problems, as well as to demonstrate our interest in their activities.

On August 9 we accompanied the **Olopa and Quezaltepeque Communities** to a ceremony to commemorate Indigenous Peoples' Day. During this visit we met with the ancestral authorities of the communities who updated us on the situation in their territories.



### 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.*

As part of our dialogue with the diplomatic corps and international organisations present in we met this month with::

- Roberta de Beltranena, Program Officer from the **Swiss Embassy**.
- Vanessa Álvarez, Officer of the Observation Unit of the Office of the **United Nations High Commissioner for Human Rights (OHCHR)**.

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

- Anibal Caal, Agent from the **PNC departmental police station in Alta Verapaz**.
- María Calderón, Head of the Department of Citizen Security and Gerbert Rodrigo Carranza Guzmán, Administrative Chief of the **Chiquimula Governors office**.
- Hilder Pérez, sub-commander of the **PNC police station in Chiquimula**.
- Mynar Boteo, Official Commissioner of the **PNC in Quezaltepeque, Chiquimula**.
- Emilio Fenel Rodríguez, Head of the **PDH Auxiliary Office in Chiquimula**.
- Luis Fernando de León, Head of the Department of Dissemination and Promotion of Human Rights and Public Policy at the **Presidential Commission for Peace and Human Rights (COPADEH)**.

## 4. OTHER ACTIVITIES OF PBI GUATEMALA

We accompanied the **journalist and human rights defender, Norma Sancir**, to the intermediate phase hearing against three PNC agents and one former PNC commissioner, accused of the crime of abuse of authority in the case of the illegal detention of Norma perpetrated on September 18, 2014 while she was covering a peaceful demonstration of 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 eighth time.

This month we published our biannual Bulletin No. 45, in which we examine different aspects of the closure of the Peace Institutions and the implications for the defense of human rights. We invite you to read it on our website: [https://pbi-guatemala.org/sites/pbi-guatemala.org/files/B45\\_Eng.pdf](https://pbi-guatemala.org/sites/pbi-guatemala.org/files/B45_Eng.pdf)



## 5. CAPACITY BUILDING

In August, we held two **workshops on the theme of advocacy as a comprehensive protection tool** for defenders of land and territory in Honduras, Nicaragua and Guatemala, for those accompanied by PBI projects in these three countries. The two working sessions were facilitated by Juliana Turqui and were held within the framework of the Planet Protectors Project, funded by the Dutch Embassy in Costa Rica.

On August 12, 2021, **the 5th session of a series of six Meetings of Women Defenders at Risk** took place. These meetings are facilitated by TZK'AT Network of Ancestral Healers of Community Feminism from Iximulew and organized by PBI Guatemala. In this fifth meeting, we explored the multiple challenges faced by women defenders of land and territories within the context of the Covid-19 Pandemic.

## 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.*



### COMUNICADO DE PRENSA

La Unión Verapacense de Organizaciones Campesinas –UVOC–, denuncia a la comunidad nacional e internacional que una vez más perpetrar otro ataque contra los líderes campesinos e indígenas de las comunidades en resistencia y en defensa de la tierra y territorio en la región de las Verapaces.

Hoy domingo 22 de agosto de 2021, en la madrugada grupo armado ingresaron a la comunidad San Marcos Chivite del Municipio de Cahabon, departamento de Alta Verapaz, donde asesinaron al Líder Indígena Q'eqchi Alberto Tec Caal, de 51 años y defensor de la tierra territorio.

Estos grupos armados organizados y respaldados por terratenientes, empresas nacionales y multinacionales que operan en la región de las Verapaces, han venido actuando con total libertad e impunidad sin que se les investigue y persiga por parte de las instituciones de seguridad y justicia.

Esta situación de crimen se suma a los múltiples asesinatos, desapariciones forzadas y criminalización que se está afrontando en la región contra comunidades indígenas en resistencia, por parte de grupos fuertemente armados y sin que las fuerzas de seguridad hagan algo al respecto.

### POR LO TANTO DEMANDAMOS LO SIGUIENTE:

1. Que el Ministerio Público y el sistema justicia proceda de inmediato con la investigación y esclarecimiento del asesinato cobarde del líder indígena Alberto Tec Caal en la madrugada de este domingo 22 de agosto de 2021, así poder dar con los responsables materiales e intelectuales de este ataque.
2. Al gobierno demandamos atención a la situación del campo, principalmente de la conflictividad agraria, social y ambiental, que ha estado fuera de las prioridades de este gobierno corrupto.

**!!No a la impunidad!!**  
**!!No a la corrupción!!**  
**!!No a la criminalización!!**  
**!!No a las desapariciones y asesinatos de líderes!!**

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*All photos published are from PBI*

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**GUATEMALA PROJECT  
PEACE BRIGADES INTERNATIONAL**

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