



Monthly Information Package Guatemala

Number 219 - December 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.

IARCH condemns Guatemala for the Los Josefinos Massacre

On December 21, 2021 the Inter-American Court of Human Rights (IACHR) condemned the State of Guatemala for the massacre at the Los Josefinos village. The massacre was carried out in 1982 during the dictatorship of General Efraín Ríos Montt as part of the Internal Armed Conflict (IAC).¹

The village of Los Josefinos, located in the municipality of La Libertad, department of Petén, was surrounded and attacked by the Guatemalan Army on April 29, 1982. By noon the village had been razed to the ground: children, the elderly, women and men were all massacred. After murdering entire families, the military burned the houses and buried their bodies in a mass grave the next day. At least 38 people died during the massacre. Of those who managed to survive, some fled to the nearby mountains and others sought refuge outside the country.²

The Inter-American Court found the State responsible for the forced disappearance of 14 people and the forced displacement of seven people and their families. It also found that there had been "violation of the right to childhood of six children" and "violation of the rights to judicial guarantees, to judicial protection and the right to the truth to the detriment of 1,439 people, as a result of the massacre perpetrated." Within the reparations the court included an order "to remove all obstacles, de facto and de jure, contributing to the maintenance of impunity in this case" as no one has been charged in the 39 years since the massacre.³ The case is currently under investigation by the Special Cases Unit of the IAC from the Human Rights Prosecutor's Office of the Public Prosecutor's Office (MP) in Guatemala.

112 victims of the Internal Armed Conflict are laid to rest in Sepur Zarco

The Forensic Anthropology Foundation of Guatemala (FAFG) handed over the remains of 112 victims of the IAC to their families. This followed the completion of the forensic scientific analysis which began with the exhumation carried out on December 12, 2011, in the former military detachment Las Tinajas, located in Sepur Zarco, in the Sierra de las Minas, between the departments of Izabal and Alta Verapaz.

The coordinator of the organization Women Transforming the World (Mujeres Transformando el Mundo - MTM), Paula Barrios, explained how burying the remains is part of the path to justice which began 9 years ago. It also formed part of the transformative reparations granted to the "Grandmothers of the Sepur Zarco case", 15 Maya Q'eqchi women survivors of sexual slavery perpetrated by the military during the IAC. The "Grandmothers" pursued a case through the Guatemalan courts for justice⁴ between 2011 and 2016 culminating in a "historic ruling which set a precedent as the first case of sexual violence perpetrated during the internal conflict to be tried as a war crime in Guatemala and the first case of domestic and sexual slavery to be tried in history as a crime against humanity in a national court."⁵ Some the recovered skeletons were

¹ Ospina, A.M., [Guatemala: Víctimas de la masacre de Los Josefinos celebran la condena de la Corte-IDH al Estado](#), rfi, 23.12.2021.

² Calles, J., [El Estado Guatemalteco es hallado culpable por masacre en Aldea Los Josefinos en 1982 bajo el régimen de Ríos Montt](#), Prensa Comunitaria, 22.12.2021.

³ AFP, [Condenan a Guatemala por masacre de aldea Los Josefinos en 1982 durante dictadura de Ríos Montt](#), Prensa Libre 21.12.2021.

⁴ EFE, [Masivo entierro en Guatemala de víctimas de la guerra en pueblo indígena](#), Diario Libre, 10.12.2021.

⁵ MTM, [A un Año de la Histórica Sentencia condenatoria caso Sepur Zarco](#), 21.02.2017.

used as "evidence" in this case. ⁶

During the burial, relatives of the victims shared their testimonies and condemned the brutality the State of Guatemala exercised against them during the 80's, which continues through the present, though manifesting in different ways: "today we are in peace time, but this is not really the case. At present we are still being persecuted, the companies are generating more conflicts in our territories, the continued evictions are very painful."⁷

"Dictatorship disguised as democracy:" The situation of Guatemala Human Rights Defenders in Guatemala during 2021

The Unit for the Protection of Human Rights Defenders of Guatemala (UDEFEQUA) presented its data on the situation of Guatemalan human rights defenders, organizations and communities throughout 2021 on December 14. ⁸ They registered 1,055 aggressions between January and November, including 11 murders and 3 attempted murders. In his presentation, Jorge Santos, director of the organization, called Guatemala a "dictatorship disguised as democracy." He highlighted some of the more virulent patterns are occurring outside the capital and are directed against those who defend land, water and the environment. These include the criminalization and inappropriate use of criminal law against human rights defenders, which he described as especially worrisome. A total of 406 acts of criminalization were recorded. Santos considers criminalization to be the backbone of the strategy of repression and violence deployed against human rights defenders. He also made reference to the aggressions against those who practice journalism in the communities, attacks which principally come from the powerful local figures. Another serious issue which merits attention is the recurrent harassment suffered by those working in the judicial system: judges, prosecutors, prosecutor assistants. ⁹

Faced with this situation, Santos called on Guatemalan civil society, already involved in defending human rights, to continue strengthening and expanding social, popular and citizen coordination efforts, as a way of containing the violence. He also called on the international community "to continue accompanying the daily efforts of Guatemalan organizations to recover the democratic path and the peace agenda."¹⁰

A few days before the presentation of this report, on December 7, the Alliance for Reforms, Citizen Action and Impunity Watch delivered a letter to the Washington office of the Organization of American States (OAS), where the President, Alejandro Giammattei, was participating in a routine session of the Permanent Council. The letter expressed concern about the failure of the State of Guatemala in complying with the recommendations made by an OAS mission carried out in January 2021. These recommendations were formulated with the objective of building confidence and strengthening the country's institutions following the days of protests and repression of November 2020. ¹¹

El Estor: Open letter to Swiss company Solway, findings of verification mission and rejection of "illegitimate" consultation

The Guatemalan government responded to the peaceful protests held by the people of El Estor against the Swiss owned Fénix nickel mine (Solway company) last October was to decree a state of siege, followed by a state of prevention. Various social organizations have declared the situation in the municipality to be very worrying, representing a threat to the majority of the Q'eqchi' population. In response to this context, more than 20 Swiss civil society organizations addressed an open letter to Solway calling on the company to assume their responsibilities within this conflict, put a halt to the violence and comply with international environmental and human rights standards.¹²

⁶ DW, [Guatemala realiza masivo entierro de víctimas de la guerra civil](#), 11.12.2021.

⁷ Oxom, E., [Inhuman a 112 víctimas del Conflicto Armado Interno en Sepur Zarco](#). Prensa Comunitaria 13.12.2021.

⁸ UDEFEGUA, [Dictadura disfrazada de democracia](#), YouTube, 14.12.2021.

⁹ Ovalle, L., [La criminalización, un patrón de agresión que resalta contra personas defensoras de DDHH en Guatemala](#), Prensa Comunitaria 14.12.2021.

¹⁰ *Ibidem*.

¹¹ Boche, E., [Organizaciones denuncian ante la OEA grave situación del país](#), El Periódico 08.12.2021.

¹² Konzern Verantwortungs Initiative, [Carta abierta a Solway: organizaciones Suizas exigen a la empresa detenga el conflicto en El Estor](#), Prensa Comunitaria, 11.12.2021.

Furthermore, the Social and Popular Assembly (ASP) has presented the findings of a verification mission established to verify compliance with human rights during the state of siege. It highlights the atmosphere of fear and criminalization present in the region. The communities "expressed particular fear towards the police officers present in the territory." According to Josué Chavajay of the ASP, "excessive surveillance by military vehicles and police harassment in the communities" was observed. This fear "was more evident in women and children. He mentioned how the women felt harassed by the officers." As for the male population, the greatest fear was being detained by the police. "A community leader, interviewed by ASP, confessed that many people in the community chose to stop working in order to protect their loved ones: "we prefer not to go to work in case the police come to evict the community, or rape the women, as happened before in Lote 8." Chavajay added that during the State of Siege, the Police, together with the Public Prosecutor's Office (MP), carried out operations which, from his observation, demonstrated racist and illegal attitudes. "The police patrols were more frequent in the communities than in the municipal capital, in addition to the fact that most of the police blockades were located at the entrances of the communities." Another worrying incident was the illegal detention of defender Eduardo Bin Poou using an expired arrest warrant (issued in 2018 and resolved in May 2019), for which he was released the following day. "The ASP report asserts that there were excessive number of arrest warrants issued, including raids on the homes of community leaders and ancestral authorities."¹³

The community consultation process carried out by the Ministry of Energy and Mines (MEM) in relation to the mining project, came to a close during the second week of December. 94 representatives of the Q'eqchi' people were excluded from this process and which ended while the government state of exception remained in force. "For that reason and for considering the process to be illegitimate, social organizations and lawyers have indicated that the communities will not recognize the consultation carried out by the MEM." "According to Robin Macloni, of the Q'eqchi' Ombudsman's Office in El Estor, the will of the mining company was imposed rather than the rights of the indigenous communities which have been violated since 2005, when the mining company began operations without consultation." For this reason Macloni considers the process to be flawed. "The lawyer Juan Castro, of the Indigenous Peoples Law Firm, pointed out that the way in which the pre-consultation and consultation process was carried out is illegitimate. The dialogue was carried out between institutions and pseudo-representatives of indigenous communities who do not reflect the feelings of the Q'eqchi' communities. It was not an open dialogue nor held in good faith because it was carried out within the framework of the suspension of human rights and constitutional guarantees"¹⁴

New tragedy within the context of the ongoing migration crisis

At least 56 migrants died and more than 60 were injured following an accident where they were crammed into a truck's cargo box. The incident took place in the southern Mexican state of Chiapas. The victims included women, men, children and adolescents. Several of the people who died were Guatemalan citizens.¹⁵ This unfortunate tragedy highlights the terrible conditions in which migrants are forced to travel, as well as the failure of migration policies in the region. This situation is not exclusive to Mesoamerica; the difficulties in the transit of migrants around the world is permanently causing a multitude of deaths and disappearances.¹⁶

¹³ Vásquez, J., [Un ambiente de temor y criminalización prevaleció durante el Estado de Sitio en El Estor](#), La Hora 06.12.2021.

¹⁴ Pérez, R., [El Estor: concluye "consulta" sobre proyecto Fénix; comunidades Q'eqchi' la invalidan](#), Prensa Comunitaria 14.12.2021.

¹⁵ Roman, J., [Accidente en Chiapas: migrantes guatemaltecos fallecidos, heridos e identificados en México](#), Prensa Libre 16.12.2021.

¹⁶ Villafuerte Solís, D., [El fatídico 9 de diciembre de 2021: una tragedia más en los avatares de la migración](#), Prensa Comunitaria 16.12.2021.

2. ACCOMPANIMENTS¹⁷

*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.*¹⁸

THE ISSUE OF ACCESS TO LAND

As part of our accompaniment of the **Community Council of the Highlands (CCDA) - Las Verapaces Region**, we visited Jorge Coc Coc and Marcelino Xol Cucul in Cobán prison. They are human rights defenders and community leaders from Choctún Basilá, who have been criminalized and imprisoned since 2018, We also maintained regular contact with Lesbia Artola and Imelda Tuyul, coordinators of the organization.

DEFENSE OF THE TERRITORY

Regarding the **Community Council of Retalhuleu (CCR)**, this month we accompanied the four members of the board of directors who are experiencing criminalization (Anabella España Reyes, Abelino Salvador Mejía, Flavio Vicente and Virgilio García Carrillo) as they signed the book of registration the Peace Court of Champerico. This act is part of the substitute measures that have been imposed on them. The next hearing in this case will take place on March 14, 2022. In addition, we met with the Primera Calle Sur community, who are part of the Council. In this meeting they shared the main problems that are affecting them with us.



As part of our accompaniment of the **'New Day' Ch'orti' Campesino Central Coordinator (CCCND)** we met with the indigenous authorities of Lelá Chanco, Lela Obraje and Matasano who updated us on the activities of the organization and the problems they are facing in the territory. We also visited Agustín Ramírez and Timoteo Súchite, members of the CCCND who have been imprisoned since 2013.

Regarding our accompaniment of the **Peaceful Resistance of Cahabón**, on December 6 we visited Bernardo Caal Xol, a Maya Q'eqchi' human rights defender and leader who has been criminalized and is imprisoned in the Cobán Penitentiary Center. We also maintained regular telephone contact with members of the organization from various communities.

Regarding **the Communities of Olopa and Quezaltepeque**, we accompanied 3 of the 5 criminalized indigenous authorities of Olopa to the signing of the registration book at the Peace Court in Olopa this month.

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 organizations present in Guatemala, this month we met with:

- Nick Whittingham and Alejandro Gallardo, Ambassador and Human Rights officer at the **British Embassy**.

¹⁷ We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.

¹⁸ See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

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

- Yesenia Sandoval, Auxiliary Officer at the departmental **PDH office in Chiquimula**.
- Edwin Ávalos and Sigríd Argota, Officer from the National Civil Police (**PNC**) at **Jocotan, Chiquimula**.
- Ismael Hernández, **PNC Officer in Olopa, Chiquimula**.
- Belmer Quiñones, **Municipal Secretary of the Mayor's Office of Jocotan, Chiquimula**.
- Sucely Ramos, **Assistant to the Mayor of Olopa, Chiquimula**.
- Noe Guerra and Juan de Dios Pineda, Mayor and Communications Coordinator of the **Mayor's Office of Camotán, Chiquimula**.

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.

The European Representative held meetings with:

- Peter van de Velde, Deputy Director of the **European External Action Service (EEAS)** department for Central America, Mexico and the Caribbean, Karolien Kras, temporary desk in Guatemala, Raphael Warolin, Human Rights Unit, all from the EEAS.
- Jennifer Echeverría, Political Officer of the Delegation of the European Union in Guatemala, Rita Grajeda, Political Officer, Noora Hayrinen, Political Advisor and Consular Coordinator and Pilar Vallersundi, Head of Justice and Security, all also from the **Delegation of the European Union in Guatemala**.

In addition to these meetings, the project's European Representative participated in a **round table of experts** organized by Hannah Neumann MEP, Vice President of the Subcommittee on Human Rights of the European Parliament, **on the implementation of the European Union guidelines for human rights defenders**.

5. OTHER ACTIVITIES OF PBI GUATEMALA

In early December we held a **meeting of women human rights defenders**, facilitated by TZ'KAT Network of Ancestral Healers from Community Feminism. Some 20 women human rights defenders and defenders of the territory exchanged experiences about the challenges of their struggles and how to heal the impacts these have on their bodies.

On December 15 we published a **short documentary** about the struggle for territory and the death threats and criminalization suffered by Don Lorenzo and Don Pedro, from the Santa Elena Samanzana II community in Cobán, Alta Verapaz. The community is a member of the Comité Campesino del Altiplano (CCDA) and is accompanied by PBI Guatemala. You can watch the video at the following link: <https://cutt.ly/QUMvdWy>.



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.

PLATAFORMA NACIONAL DE ORGANIZACIONES DE VÍCTIMAS DEL CONFLICTO
ARMADO INTERNO

COMUNICADO

25 AÑOS DE PAZ SIN CAMBIOS

Guatemala, 29 de diciembre de 2021. En el marco del 25 aniversario de la firma de la paz, las víctimas y sobrevivientes del conflicto armado interno queremos denunciar la forma descarada en que el presidente Alejandro Giammattei sepultó la agenda de la paz para imponer una agenda de explotación, corrupción e impunidad en el país. En el 2020 Giammattei dismanteló las instituciones encargadas de velar por el cumplimiento a los Acuerdos de Paz, y en su lugar creo la COPADEH, una institución de fachada para engañar a la comunidad internacional porque no tiene presupuesto ni personal capacitado para cumplir con la agenda de la paz.

La firma de la paz en 1996, abrió la posibilidad de realizar cambios estructurales en el país, sin embargo, después de 25 años esas esperanzas de cambio se han convertido en decepción porque las cosas siguen igual. Los empresarios depredadores se siguen enriqueciendo pagando salarios miserables mientras las comunidades indígenas viven en extrema pobreza. Cada día se profundiza más la desigualdad, la discriminación y la corrupción, sin que veamos ninguna posibilidad de cambio porque el pacto de corruptos, liderado por Alejandro Giammattei, ha tomado el control de todas las instituciones del Estado, incluyendo las instituciones de la justicia.

Las víctimas y sobrevivientes del conflicto armado interno, rechazamos categóricamente la invasión de empresas de minería y explotación de recursos naturales en los territorios indígenas y la remilitarización de nuestras comunidades. En los Acuerdos de Paz, el Estado se comprometió a respetar los derechos de los pueblos indígenas y sus territorios, sin embargo, se siguen pisoteando nuestros derechos y el gobierno utiliza al ejército para defender los intereses del CACIF y los empresarios depredadores.

Por lo anterior, EXIGIMOS:

1. Que se retome la agenda de los Acuerdos de Paz y se respeten los derechos de los pueblos indígenas y las víctimas y sobrevivientes del conflicto armado interno.
2. Que se deje de utilizar al ejército para defender los intereses de los empresarios y se retiren los militares de los territorios de los pueblos indígenas.
3. Que cese la criminalización contra líderes comunitarios y defensores de derechos humanos.
4. Que todos los sectores sociales nos unamos para defender la democracia y terminar con los abusos del pacto de corruptos.

¡Basta ya de tanta impunidad!



de Organizaciones de Víctimas del
Conflicto Armado Interno

PBI team in Guatemala: Alexandra de Almeida Galo (Portugal), Laura Carolina Saavedra Garzón (Colombia), Anuja Pathak (Switzerland/United Kingdom), Tiago Delgado (Brazil), Karen Katherine Vinasco Jiménez (Colombia), Marianne van de Vorle (Netherlands), Siglinde Luthner (Germany).

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**GUATEMALA PROJECT
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