



Monthly Information Package Guatemala

Number 223 - April 2022

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.

European Parliament Resolution: concern over the deterioration of the rule of law and condemnation of the criminalization and harassment of human rights defenders and journalists.

The European Parliament (EP) issued a resolution on Guatemala on April 7, in which it criticizes the judicial actions initiated by Guatemala's Supreme Court of Justice (CSJ) and the Attorney General against judges, lawyers and independent prosecutors who investigate or prosecute criminal structures linked to high-ranking government officials and business owners. The resolution also denounces the criminalization, detention and discrediting of the media, threats and harassment against justice operators involved in the prosecution of corruption cases and the fight against impunity, as well as against human rights defenders and journalists.¹

The resolution calls on Guatemalan authorities to put an end to these actions, defend the rule of law and guarantee full respect for and independence of all the branches of government, as these are crucial elements in the fight against impunity and corruption. It also calls for an investigation into threats, harassment and defamation campaigns against justice operators and civil society, as well as for measures to be taken to guarantee the safety and integrity of all justice operators and activists, including those in detention.

The European Parliament has emphasized that the selection and appointment of judges should be transparent and merit-based and has called for the repeal of the NGO law that came into force in February. The law jeopardizes the protection of human rights defenders and reinforces impunity.

The Guatemalan government flatly rejected the content of this resolution and regretted not having been able to share its "version of Guatemala," affirming that "there is democracy and the rule of law" in the country.²

Intermediate stage ends and oral and public trial begins in the Diario Militar case

The intermediate stage hearings were held against ex-military and police officers - José Daniel Monterroso Villagrán, Enrique Cifuentes de la Cruz, Rone René Lara, Jacobo Esdras Salán Sánchez, Edgar Corado Samayoa, Maco Antonio Gonzáles Taracena, Juan Francisco Cifuentes Cano, Víctor Augusto Vásquez Echeverría and Gustavo Adolfo Oliva Blanco - throughout April. These men have been accused of forced disappearance and crimes against humanity, attempted murder and acts of violence against women, including sexual violence. Two further defendants are waiting to go through this procedural stage.

Ruda, a local independent news source, highlighted how this struggle for memory has been led by women, who have been fighting for decades to know what happened to their loved ones. Lawyer Jovita Tzul, who represents two of the plaintiffs in the case, explains the long road traveled to reach the current stage of this process, which has been in court for more than 20 years: the first proceedings were carried out in 2000 and the first victims became organized and began requesting investigations. In May of last year, after a long investigation, arrest warrants were issued for the current defendants and others who remain fugitive. During the first declaration hearings "the individuals who had been heard and indicted. Then the Public Prosecutor's Office (MP) began investigations into the case." "After resolving appeals from the defendants, Judge Miguel Ángel Gálvez initiated the intermediate stage hearings." The violence that was exercised against women stands out from this stage of the process, due to the extreme cruelty of the crimes and the

¹ Nota de prensa del Parlamento Europeo, [Guatemala: deterioro del Estado de derecho y acoso a activistas y periodistas](#), 07.04.2022.

² Comunicado, [Gobierno de Guatemala rechaza resolución del Parlamento Europeo sobre Estado de Derecho y Derechos Humanos en Guatemala](#), 08.04.2022.

testimonies about them. Tzul highlighted differentiated patterns of violence used against their bodies. "Using a presentation, she explained how the investigations carried out by the MP and statements given by women survivors provided indications of sexual violence, chaining, forced domestic work and torture." The lawyer was clear and unequivocal with respect to the fact that these incidents "were executed directly against the bodies and the lives of the women, they were not random acts but part of a strategy of subjugation which focused on the lives and the bodies of the women."³

The High Risk Court B, presided by Judge Galvez, decided to send the 9 ex-military and ex-policemen to oral and public trial on May 6, following 21 hearings.

Dos Erres Case: another kaibil indicted⁴

The High Risk Court "A", decided to indict Alfonso Bulux Vicente, former member of a military patrol of the elite Kaibil corps, for crimes against humanity and murder. According to the investigation by the MP, he participated in the massacre of some 200 people in the Dos Erres village, of the La Libertad municipality, Petén, between December 6 and 8, 1982. The judge ordered preventive detention against Bulux, who was arrested on September 17, 2021 in Melchor de Mencos, Petén. His original arrest warrant dated back to April 19, 2000. Six ex-kaibiles have already been convicted in this case, while two others remain in custody, awaiting trial.

IDB withdraws financing from two hydroelectric projects in northern Huehuetenango⁵

Two hydroelectric projects belonging to the Energía y Renovación S.A. company were installed in the micro-region of Y'ichk'isis, located in San Mateo Ixtatán, Huehuetenango in 2011. These projects were financed with US\$13 million from the Inter-American Development Bank (IDB). The local community objected to their construction which led to the escalation of conflict in the region, including the lamentable death of the human rights defender Sebastián Alonzo Juan, 72. This tragedy occurred during a demonstration in January 2017 and those responsible were agents from the company's private security.

The affected communities approached the IDB in 2018 to ask its Independent Consultation and Investigation Mechanism (MICI) to investigate these projects, accusing them of violating their rights as indigenous peoples. The communities in resistance, who belong to the Chuj, Q'anjob'al, Akateko and Mam peoples, argued that these projects do not recognize the indigenous peoples affected in the region because there was no assessment of the impact for the population nor the cultural and environmental impact. The MICI conducted an investigation and confirmed the validity of these allegations, concluding that the IDB failed to comply with its operational and safeguard policies within the framework of project financing, and recommended that the IDB withdraw its investment.

The IDB made this conclusion public on March 29. Rigoberto Juárez, an indigenous authority of the Plurinational Government, expressed the hope that the IDB's withdrawal would be executed "in a responsible manner, ensuring they take responsibility for the damages they caused and in correcting the mistakes they made".

Report on the torture of indigenous peoples in Latin America

A report published by the World Organization Against Torture (OMCT), the Fray Bartolomé de Las Casas Human Rights Center (Frayba) and seven organizations who make up the Working Group on Indigenous Peoples and Torture, has stated that every day indigenous peoples across Latin America are subjected to different forms of torture and other cruel, inhuman and degrading treatment.

The report, entitled "...SO IT IS TORTURE!": Analysis of violence constituting torture and ill-treatment of indigenous peoples in Latin America, is the first of its kind to be carried out in the region. With examples from various countries including Argentina, Bolivia, Chile, Colombia, Guatemala, Mexico and Nicaragua, the report

³ Alfaro, A., *Después de 39 años, se acerca el juicio por el Diario Militar*, Ruda, 26.04.2022.

⁴ Pérez, R., *Dos Erres: casi 40 años después, exkaibil Alfonso Bulux es ligado a proceso*, Prensa Comunitaria, 12.04.2022.

⁵ Calles, J., *San Mateo Ixtatán: la historia de una comunidad indígena que derrotó a un gigante empresarial*, Prensa Comunitaria, 14.04.2022

demonstrates patterns of repression across the entire region: the criminalization or deprivation of liberty of indigenous leaders; massacres and murders; militarization and dispossession of their lands; forced displacement and the need to address these human rights violations from a collective perspective which emphasizes the impact on indigenous peoples, making the damage and suffering they cause, which often constitutes torture, visible.

"Racism remains deeply rooted in the judicial, political, and social systems of Latin American countries and has resulted in a permanent practice of torture against indigenous peoples," said Teresa Fernández Paredes, human rights advisor at the OMCT. "It is urgent that the countries of the region apply the international and the national frameworks for the prevention and eradication of torture and other ill-treatment from a collective, differentiated and cultural perspective, which protects and prevents violence against indigenous peoples."

"Although the rights of indigenous peoples have been recognized in almost all Latin American Constitutions, a common regional denominator continues to be the fact that this recognition doesn't translate into practice. Indigenous individuals and communities see their personal and collective integrity violated routinely and with total impunity, especially in the five patterns identified in the report: 1) in the context of evictions, 2) in the context of peaceful social protest, 3) through criminalization and threats, 4) during deprivation of liberty, and 5) with sexual and gender-based violence".

The report presents a section with testimonies of indigenous people about their vision and their experiences of torture. For example, some of the participants interviewed stated, in relation to the criminalization of leaders and the conditions of detention in the seven countries: "For us as human beings, and to the extent that they are gradually martyring us, this is torture. As they see that we do not give up and let ourselves be defeated, they order arrest warrants to be issued again and again, against leaders who raise their voices to denounce any outrage against collective rights such as the defense of the territory... because it is torture."⁶

Among the organizations accompanied by PBI in the department of Alta Verapaz alone, more than 1,000 arrest warrants have been issued against community leaders; in some communities there are more than 40 arrest warrants; these people, in order to avoid the risk of arrest, do not leave their communities, which prevents them from accessing health and education centers and local markets to sell their products, all of which contributes to their impoverishment and further precarity in their lives and that of their families.

CODECA calls for a Plurinational Strike

The Committee for Peasant Development (CODECA) called for a "Plurinational Strike" on April 25 and 26 to express their rejection of the high cost of the staple foods and fuel, against corruption, the criminalization of indigenous peasant leaders and human rights defenders and against the reelection of the Attorney General and head of the MP. They also demanded a Popular and Plurinational Constituent Assembly. In the absence of dialogue with the government, the demonstrators blocked 25 points along national highways over the course of the two days.

The economic sector reacted with communiqués rejecting the demonstrations, alleging economic losses and made use of legal instruments for the executive power to prevent the demonstrations and criminalize the demonstrators. In social networks and other media, aggressions against the demonstrators were reported.⁷

⁶ OMCT, [América latina: nuevo informe revela actos de tortura sistemáticos contra los pueblos indígenas](#), 28.03.2022.

⁷ Álvarez, A., [Jornada de manifestaciones entre amparos e instituciones en contra](#), La Hora, 25.04.2022; Guarchaj, M., [CODECA demandan una vida digna y un estado Plurinacional](#), FGER, 26.04.2022.

2. ACCOMPANIMENTS⁸

*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.*⁹

THE FIGHT AGAINST IMPUNITY

This month we accompanied the **Human Rights Law Firm (BDH)** to a hearing in the Hogar Seguro case. This was held at the request of one of the defendants with the objective of reviewing the coercive measures and requesting alternative measures. These requests were denied by the judge. The next hearings are scheduled for May 13 and July 27.

Regarding our accompaniment of the Residents' **Association of Chicoyogüito, Alta Verapaz (AVECHAV)**, we met with the president of the organization who updated us on the association's different areas of work, as well as on their security incidents. We also maintained regular telephone contact with the rest of its members. Regarding the case of the 21 members of the organization who are being criminalized and prosecuted for peacefully demanding their rights, the judge of the Criminal Court of First Instance in Cobán would not accept the evidence in the evidential hearing on April 21, so the criminal proceedings against them continue.¹⁰

THE ISSUE OF ACCESS TO LAND



As part of our accompaniment of the **Community Council of the Highlands (CCDA) - Las Verapaces**, we visited their offices and met with their coordinators, Lesbia Artola and Imelda Teyul. They are very concerned about a number of violent attempts to evict several communities that occurred this month. Together with Lesbia, we visited the four human rights defenders and members of the organization who are being criminalized and imprisoned in the Cobán penitentiary center. When we were not physically present in the region, we maintained frequent telephone contact with the coordinators during the implementation of their activities.

With respect to the **Union of Campesino Organisations for the Verapaces (UVOC)**, we met with their coordinator, Carlos Morales, to follow up on the situation in Alta and Baja Verapaz and, specifically, the violent attempts at eviction perpetrated during this month. We also observed two virtual roundtables where UVOC participated alongside, the National Human Rights Ombudsman's Office (PDH) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), to discuss the issue of the eviction attempts. We also visited David Alejandro Maxena, a criminalized and imprisoned human rights defender and member of the organization, in the Cobán prison. In addition, we accompanied David to a hearing to request alternative measures in his case, but these were denied.



⁸ We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.

⁹ See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

¹⁰ Comunicado, *Jueza no acepta pruebas de descargo de los 21 compañeros de la comunidad de Chicoyogüito criminalizados por defender su territorio*, Comunidad de Chicoyogüito, 22.04.2022.

DEFENSE OF THE TERRITORY



This month we celebrated the fantastic news of the release of Timoteo Suchite and Agustín Ramírez, members of the '**New Day' Ch'orti' Campesino Central Coordinator (CCCND)**, after 8 years in prison. We accompanied them in their return to their communities.

We continue to follow the situation of Bernardo Caal Xol of the **Peaceful Resistance, Cahabón**. Although he was released from prison last month, another process of criminalization and prosecution, known as the "teacher case", has continued against him. We accompanied him to the intermediate hearing on April 11, during which the judge decided to bring the case to trial despite the fact that the Public Prosecutor's Office (MP) did not present new evidence. In addition, since Bernardo's release, several communities in the municipality of Ca-

habón have reported that the municipal mayor has threatened them with refusing to carry out infrastructure projects to which he had already committed. The communities have interpreted this as a form of retaliation against them for their defense of their territory and for supporting Bernardo and his sister María.

On April 25, we accompanied Anabella España Reyes, Abelino Salvador Mejía, Flavio Vicente and Virgilio García Carrillo, criminalized human rights defenders from the **Community Council of Retalhuleu (CCR)**, to an intermediate hearing in their case. The plaintiff did not show up to court and there was almost no new evidence. For this reason, the judge removed the coercive measures, restored their right to freedom of movement and ordered the provisional closure of the accusation, but called another hearing for June 22.



3. 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.

On April 19, we observed a **ceremony to remember the university heroes and martyrs with a carnation**, organized by the Historical Memory Center of the University of San Carlos (USAC). Relatives of those who were disappeared and killed during the Internal Armed Conflict spoke publicly about their loved ones.

4. 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:



- Roberta de Beltranena, Program Officer, **Swiss Embassy, Guatemala City.**
- Alan Mayo, Officer from the Democratic Spaces Unit of the **OHCHR** (virtual meeting).

At departmental level we met with the following authorities and institutions:

- Fernando Rodriguez Klarck, **Governor of Alta Verapaz.**
- Service Officer of the National Civil Police (**PNC**) **Department of Alta Verapaz.**

5. OTHER ACTIVITIES OF PBI GUATEMALA

This month we broadcast a **new installment of our program ACÉRCATE**. We spoke with legal researcher Lourdes Gómez Willis, about the impacts of oil palm plantations in the communities of Northeastern Guatemala. You can access it through our website: <https://pbi-guatemala.org/es/multimedia/acercate>



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.

The Project's European Representative met with Margaret Pollmeier, of the Guatemala desk from the **German Ministry of Foreign Affairs**.

7. NON-GOVERNMENTAL ORGANISATIONS

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



PRONUNCIAMIENTO - EL OBSERVATORIO / CALDH / CCPR / UDEFEGUA

GUATEMALA: Un país que resiste, un Estado que tortura

Ginebra-París-Guatemala, 5 de abril de 2022 – El desmantelamiento del Estado de Derecho en Guatemala y la cooptación de los poderes del Estado con una agenda política y económica corrupta en contra de los derechos humanos se recrudece y está teniendo efectos devastadores en las personas defensoras de derechos humanos, observan con preocupación la UDEFEGUA, CALDH, CCPR y el Observatorio (OMCT-FIDH), tras su visita al país.

Guatemala vive un contexto alarmante de captura y control de la institucionalidad pública por las élites económicas y políticas, hecho que ha incrementado la violencia y represión para la ciudadanía urbana y rural. Se han cerrado los espacios para la participación de la sociedad civil que no considera legítimo el proceso de elección de la Fiscalía General del Ministerio Público y que observa con preocupación nombramiento del próximo Procurador o Procuradora de Derechos Humanos ante la salida de **Jordán Rodas Andrade**, que hasta el momento se mantiene como la última instancia de protección de derechos.

Tres aspectos preocupan particularmente a la Misión Internacional realizada por el CCPR y el Observatorio entre el 28 de marzo y el 4 de abril en el país: i) la persecución y criminalización de personas operadoras de justicia anti corrupción, ii) la represión y criminalización racista contra líderes, lideresas y comunidades indígenas en defensa del territorio y los recursos naturales y iii) una serie de acciones legislativas, políticas y judiciales que han ido cerrando el espacio cívico y consolidando un régimen autoritario.

Las diferentes formas de hostigamiento contra quienes actúan dentro de un marco de derechos ya habían sido identificadas en el informe "Una deuda sin saldar" publicado por el Observatorio y la UDEFEGUA en enero de 2021. La inexistencia de un sistema judicial garante del debido proceso y el derecho a la defensa ha generado: i) la instrumentalización del derecho penal para construir casos sin base legal ni pruebas, frente a los cuáles es imposible defenderse conforme a derecho, que además se ven agravados por la captura y control de las altas cortes ii) la obstaculización y mora en procesos penales con el objetivo de castigar y humillar a las personas perseguidas, que en el caso de personas indígenas monolingües se agrava por la carga de

discriminación y, iii) dificultades de la defensa técnica penal de personas defensoras de derechos humanos para hacer positivo el derecho de defensa garantizada en la legislación nacional y estándares internacionales.

Este contexto ha forzado el continuado exilio de operadores judiciales y personas defensoras, así como un aumento generalizado de la migración. Al menos 23 miembros de la judicatura y la fiscalía, reconocidos por su labor independiente, se han visto forzados a salir del país desde abril de 2021, y por lo menos 10 Fiscales están siendo actualmente perseguidos penalmente.

Tal y como lo evidenció la Misión Internacional "es remarcable el ensañamiento particular hacia las mujeres. Hemos identificado un profundo carácter misógino y discriminatorio en los hostigamientos a las defensoras que lideran la lucha contra la impunidad y los derechos. Es el caso de los ataques en contra de la jueza **Érika Aifán**, la exmandataria de la CICIG, **Leyli Santizo** y las exfiscales de la FECL, **Siomara Sosa**, **Paola Escobar**, **Aliss Morán** y **Virginia Laparra**".

La Fiscal **Virginia Laparra** se encuentra privada de libertad por un caso construido sin base legal y en preocupantes condiciones de detención, especialmente en lo relativo a la iluminación, la ventilación, la climatización, el saneamiento y el acceso al aire libre y el ejercicio físico, infringiendo los estándares internacionales en el tratamiento de personas privadas de libertad, como, por ejemplo, las Reglas 12 a 23 de las Reglas Mínimas de las Naciones Unidas para el Tratamiento de los Reclusos (Reglas de Mandela), así como las Reglas de las Naciones Unidas para el tratamiento de las reclusas y medidas no privativas de la libertad para las mujeres (Reglas de Bangkok), y constitutivas de malos tratos.

En el interior del país, líderes indígenas y personas campesinas han sido criminalizadas por defender el agua, el territorio y los recursos naturales. La Misión observa con preocupación que el Ministerio Público es utilizado por empresas privadas para eliminar la legítima protección de los recursos que ejercen las comunidades. Es el caso de **Marcelino Xol Cucul** y **Jorge Coc Coc**, líderes campesinos del Comité Campesino del Atiplano CCDA de las Verapaces condenados a 35 años de cárcel por un delito que no cometieron. Su Comité sigue enfrentando ataques constan-

tes: 1,000 órdenes de captura contra personas campesinas integrantes de la CCDA han sido emitidas en más de 42 de las 150 comunidades Q'eqchi' que acompañan. En comunidades como Río Cristalino, conformada por 50 familias indígenas, se han girado 59 órdenes de captura; en otras como Nueva Libertad, conformada por 32 familias, se han girado 78 órdenes de captura. El 30 de marzo de 2022, 21 miembros de la comunidad de Chicoyogüito detenidos por manifestarse de manera pacífica exigiendo restitución de sus tierras que les fueron arrebatadas ilegalmente en el marco del conflicto armado interno, fueron enviados a juicio y se enfrentarán a un proceso penal que puede derivar en importantes penas de cárcel.

Frente a este contexto, Guatemala sigue sin dar cumplimiento a sus obligaciones internacionales: han pasado 2.776 días desde la sentencia de la Corte Interamericana de Derechos Humanos de agosto de 2014, que ordenó al Estado de Guatemala impulsar de forma participativa una Política de Protección a Defensores y Defensoras de Derechos Humanos, y que aún no se ha cumplido.

UDEFEGUA ha insistido que "estamos viviendo un retroceso que nos recuerda a la situación previa al conflicto armado interno. Si no cambia pronto esta tendencia podemos decir sin temor a equivocarnos que Guatemala se ha convertido en un estado totalitario donde todo aquel que cree en la democracia y los derechos humanos pasará a ser objetivo del Estado".

En el mismo sentido se han pronunciado los Comités de la ONU. El Comité de Derechos Humanos recaló, en sus recientes observaciones de marzo de 2022, su profunda preocupación por la situación que enfrentan en el país las personas defensoras de derechos humanos, los operadores judiciales y los pueblos indígenas. El Comité contra la Tortura en su último informe de diciembre de 2018 ya pedía medidas concretas para erradicar la corrupción en el sistema judicial, penitenciario y policial, que favorecían la comisión de actos de tortura.

La ciudadanía guatemalteca se declara pues en resistencia ante un Estado que tortura, criminaliza y atenta contra la vida. Es un asunto de todas las personas hacer valer el respeto a los derechos humanos y la dignidad de todas, todos y todes.

CAMPO PAGADO

PBI team in Guatemala: Karen Katherine Vinasco Jiménez (Colombia), Marianne van de Vorle (Netherlands), Lina Alejandra Manriquez (Colombia), Marisol Robles Ruelas (Mexico), Madison Taggart (United States of America), Claudia Vecchia (Italia).

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**GUATEMALA PROJECT
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